

# CITY OF BEAVERTON



# COUNCIL AGENDA

## TELEVISED

## FINAL AGENDA

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

REGULAR MEETING  
OCTOBER 11, 2004  
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

04204 Beaverton Creek Restoration Progress Update

CITIZEN COMMUNICATIONS:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of Special Meeting of September 27, 2004 and Regular Meeting of October 4, 2004

04205 Liquor License: New Outlet - Hot Plate Asian Cuisine; Atlas International Food Market

WORK SESSION

04206 Work Session for Discussion of Proposed Beaverton Civil Rights Ordinance

ORDINANCES:

First Reading:

04207 An Ordinance Annexing Property Located at 15865 SW Division Street to the City of Beaverton: Expedited Annexation 2004-0011 (Ordinance No. 4323)

## 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) (e) to deliberate with persons designated by the governing body to negotiate real property transactions 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. 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:** Beaverton Creek Restoration Progress  
Update

**FOR AGENDA OF:** 10-11-04 **BILL NO:** 04204

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Operations 

**DATE SUBMITTED:** 10-06-04

**CLEARANCES:** City Attorney 

**PROCEEDING:** Presentation

**EXHIBITS:**

**BUDGET IMPACT**

<b>EXPENDITURE</b>	<b>AMOUNT</b>	<b>APPROPRIATION</b>
REQUIRED None	BUDGETED None	REQUIRED None

**HISTORICAL PERSPECTIVE:**

Operations staff originally presented a plan to Council at the June 21, 2004 meeting to complete a series of maintenance actions in the Beaverton Creek corridor from S.W. Broadway to the detention area near S.W. Crescent and S.W. Hall Blvd. During the past three months, staff has secured authorization from regulatory agencies to perform these maintenance activities and has received permission from affected property owners to access areas of the creek on private property. Work on these areas of Beaverton Creek commenced on September 13, 2004.

**INFORMATION FOR CONSIDERATION:**

This section of Beaverton Creek has been identified by Clean Water Services for non-native vegetation removal, restoration of stream channels, re-planting of trees and native plant species and nutria control. After a series of discussions with Clean Water Services Staff, a plan to remove some artificially created stream flow barriers and to re-establish the channel of Beaverton Creek at the detention site near S.W. Crescent was developed. City staff contacted adjacent property owners for permission to access the creek from their properties and to gain assistance with vegetation removal. Biodegradable barriers have been installed to promote creek channel enhancement and to create planting sites for replacement trees and native vegetation. Some planting work is now underway with more to follow in Spring 2005. Nearly 10,000 plant and tree starts will be installed in this area, most of which will be provided by Clean Water Services. City staff, volunteers, high school students and property owners will be involved in the planting and the continuing care of the new plants materials.

**RECOMMENDED ACTION:**

Listen to the presentation.

## DRAFT

### BEAVERTON CITY COUNCIL SPECIAL MEETING AND BUSINESS ROUNDTABLE SEPTEMBER 27, 2004

#### CALL TO ORDER:

The Special Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the First Floor Conference Room of the Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, September 27, 2004, at 6:35 p.m.

#### INTRODUCTIONS:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. (Coun. Bode left the meeting early due to illness.) Also present were Chief of Staff Linda Adlard, Economic Development Manager Janet Young and City Recorder Sue Nelson.

Others in attendance from outside agencies were: LaVonne Reimer, BCSI Consultant; Rich Bader, Easy Street, SAO; Stuart Cohen, OSDL (Open Source Development Lab); Wayne Embree, Cascadia Partners; Larry Wade, SAO; Pat Scruggs, OECDD; Cheryl Vandemore, Consultant for OSDL.

#### BUSINESS INCUBATOR

Mayor Drake welcomed everyone to the Business Roundtable.

Economic Development Manager Janet Young updated Council on the Beaverton Center for Software Innovation (BCSI), the business incubator being developed in Beaverton. She said a short-term lease for temporary space was signed for the Cornell Oaks Corporate Park, at 158<sup>th</sup> Avenue and Cornell Road. She explained they were not able to find adequate space in downtown Beaverton so the location was moved to Cornell Oaks. She said minor work was needed on the facility and the companies would be able to move in after January 1, 2005.

Young spoke on the need to develop partnerships in this area to ensure the success of the BCSI. She explained there were many top level partners in this area who were valuable resources for BCSI and they were eager to help, including the Open Source Development Lab (OSDL).

Stuart Cohen, OSDL (Open Source Development Lab), explained the purpose of OSDL was to promote the world-wide use of Linux. He reviewed in detail what Linux was, how OSDL developed and the type of work done at OSDL.

LaVonne Reimer, BCSI Consultant, thanked the Council for making the investment in the incubator and stated economic development for this region was extremely important. She explained what was needed to get the incubator off the ground was corporate

partnerships and sponsorships, new businesses with access to "thought leadership" to work on new ways to design software and build business, and linkage to the investment community. She reviewed the business plan goals which Council previously approved for this project and the entrepreneurial work she was doing to assist staff in developing partnerships and resources for the BCSI.

Rich Bader, Easy Street and Software Association of Oregon (SAO) Board, explained what the SAO was doing to encourage the development of software businesses in the Portland metropolitan region. He said SAO was focusing its efforts on helping make the BCSI successful and it was in full support of the incubator. He explained Easy Street was a computer data and service center that supported all major computer systems including the Linux System.

Coun. Bode left the meeting due to illness.

Pat Scruggs, Oregon Economic & Community Development Division (OECDD), explained why she thought the incubator was going to be successful and added there was a lot of local, state and international interest in the incubator. She stated OECDD valued and supported this project.

Young explained staff was moving forward on this project and would be looking seriously at the opportunities available from these resources.

Mayor Drake thanked everyone for the presentations.

Mayor Drake declared a brief recess at 8:00 p.m.

Mayor Drake reconvened the meeting at 8:10 p.m.

Chief of Staff Linda Adlard explained Council had asked her to do a brief work session regarding the Library Budget. She said the City had projected a \$1.5 million deficit at the end of Fiscal Year 2006-07. She said given that the Washington County levy had not passed at that time as it was still up for election, the Council had approved a preliminary budget for this fiscal year and asked that staff return with a proposal to Council, depending on whether or not the County levy passed. She explained the levy failed and there had been much staff analysis internally, with the help of a private consultant on scheduling and staffing recommendations. She said staff wanted to discuss that with the Council. She said it was staff's recommendation to discuss this in executive session given that it involved employees' positions and funding. She asked Council to move into executive session.

#### EXECUTIVE SESSION:

Following the Business Roundtable, the City Council adjourned to an Executive Session in the Forrest C. Soth City Council Chamber, on the first floor of Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, Oregon.

Mayor Drake explained Coun. Bode left the meeting earlier due to illness and was not present to participate in this session.

Coun. Soth MOVED, SECONDED by Coun. Doyle, that Council move into executive session in accordance with ORS 192.660(1)(d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Couns. Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

The executive session convened at 8:10 p.m.

The executive session adjourned at 10:10 p.m.

The special meeting reconvened at 10:12 p.m.

Coun. Doyle MOVED, SECONDED by Coun. Soth that, given the information presented by staff in the executive session regarding the Library Budget, the Council instruct staff to carry out the modifications as presented and discussed. Couns. Doyle and Soth voted AYE, Couns. Stanton and Ruby voted NAY.

Mayor Drake noted for the record there was a tie and he was voting to break the tie. Mayor Drake voted AYE. MOTION CARRIED. (3:2).

#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 10:15 p.m.

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

#### APPROVAL:

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

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

## DRAFT

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
OCTOBER 4, 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, October 4, 2004, at 6:36 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Dennis Doyle, Fred Ruby, Forrest Soth and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop and Deputy City Recorder Catherine Jansen.

### PROCLAMATIONS:

Mayor Drake proclaimed: October, 2004 as Breast Cancer Awareness Month; the week of October 3-9, 2004 as SMART Reading Program Week; October, 2004 as National Arts and Humanities Month; and October 7, 2004 as National Day of the Republic of China on Taiwan.

Mayor Drake read the proclamation for the SMART Reading Program Week and presented it to Leslie Eisele, Community Development VISTA for the SMART Program and Kim Turner, Program Manager for SMART in Washington County.

Ms. Turner thanked the Council for the support of the SMART Program in Beaverton. She said nine schools participated in the Program.

Mayor Drake stated he had been a SMART reader for a number of years in two schools and it was an excellent program.

Coun. Soth said he had observed that if you could teach a child to read with comprehension by the third grade, they were successful for the rest of their lives.

Coun. Stanton said that by teaching a person to read, you made it possible for them to learn on their own how to do many more things throughout their life.

Coun. Doyle said his daughter was a student in the SMART program; after she graduated from college and started her first job she volunteered as a reader for a similar program. He said the program was part of the today's culture and successful, and he encouraged them to keep up the good work.

CITIZEN COMMUNICATIONS:

Susan Cook, Beaverton, said she was told at the BCCI (Beaverton Committee for Citizen Involvement) meeting last Tuesday, that the Council agenda for this meeting contained an item concerning the Code Review, which covered the Planning Commission's recent action.

Mayor Drake said he thought the item would be considered in about two weeks. He said he would have staff contact her with the date it would be heard.

Cook added she was told at the BCCI meeting that the Code Review had already gone through the Planning Commission. She said she participated in the Citizen Code Review Advisory Committee (CCRAC) and she was interested in the issue dealing with grading and ensuring that existing homes and residents were safe. She said she did not know what was approved by the Planning Commission. She said her biggest concern was she asked to be informed when this was considered by the Planning Commission and she did not receive notification. She said she wished the City would contact citizens when they ask for notification even if by an e-mail.

Mayor said he would talk with staff and have someone call her. He said he thought the Committee was informed. He noted this had been a two-year process for the CCRAC and the members were to be commended for their perseverance. He added this had been a difficult issue on which to find common ground.

Coun. Soth asked Cook if she was concerned about ensuring that the grading slope was sufficient to eliminate adverse effects on anyone living below the slope.

Cook replied that was her concern.

Henry Kane, Beaverton, referred to Jerry Boone's recent column regarding photo radar in The Oregonian, "*Drivers Must Prove Innocence in Beaverton.*" He said he read the ORS statutes regarding photo radar. He said the statutes referred to a Certificate of Innocence but were silent regarding whether it was required that a motorist provide additional information if they were not the person driving the car when cited. He said the City could not exceed the power given by the statutes; he suggested the Council confer with the City Attorney regarding this to avoid future embarrassment for the City.

Mayor Drake explained this case was currently pending so the City could not comment. He stated the article was not complete and information was omitted which should have been included. He said people were not required to fill out information they did not know; the City did not require a citizen to go beyond stating the picture (photo) was not him.

Kane said he understood that, but the City's Certificate of Innocence form said "you are required" without any qualification. He repeated his concern.

COUNCIL ITEMS:

Coun. Soth noted the League of Oregon Cities Conference was November 4 and 5, 2004, in Portland. He reminded Councilors who were going, to submit their registration. He said there were many interesting seminars and workshops this year.

Coun. Stanton explained the Metropolitan Area Communications Commission (MACC), established a subcommittee of the Budget Committee to review the financial support that jurisdictions contributed to Tualatin Valley Television (TNTV) for PEG (Public Education and Government) access, and to review the performance requirements of TNTV's Access and Management Services Contract. She said MACC established a process, with a timeline, to review what TNTV services cities were getting with the 17% franchise fees that go to TNTV. She said an open house/public hearing would probably be held in December, 2004 or January, 2005.

#### STAFF ITEMS:

Finance Director Patrick O'Claire said today staff performed the pre-closing of the bond sale which would be conducted tomorrow. He said he had copies of the official bond statement if any Councilors wanted a copy. He explained this bond issue was refunding two prior bond issues from 1994 and 1997. He said this was similar to taking advantage of lower interest rates to refinance a house. He said the bonds could not be called when the new bond issue was funded; it would be placed in an escrow account to be paid at a later date when the bonds for 1994 and 1997 were called and paid off. He said in this bond issue the City was saving \$564,000 in present value interest savings. He said this meant \$50,000 a year less in debt service to the water system over the next 13 years.

Coun. Soth said the savings happened over the years as result of the lower interest rates.

O'Claire agreed that was correct, stating over the next fiscal year the City would spend \$50,000 less in debt service for the outstanding bonds.

#### CONSENT AGENDA:

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

Minutes of Regular Meeting of September 20, 2004

04200 Establish Monthly Water Meter Demand Charge for an 8 Inch Water Meter (Resolution No. 3781)

04201 Liquor License: New Outlet - Simple Pleasures; Change of Ownership - Juan Colorado Mexican Restaurant

Contract Review Board:

04202 Design Contract Award – Blakeney Storm and Sanitary Improvements Project No. 8049

Couns. Doyle and Stanton noted they had minor corrections to the minutes which they gave to the Deputy City Recorder.

Coun. Stanton thanked Engineering Director Tom Ramisch and Project Engineer Joel Howie for keeping traffic moving very well in all directions at the Brockman/Greenway intersection. She said the configuration of the intersection was very nice and made driving in that area much better for everyone.

Coun. Bode said she observed many cars were displayed for sale at the Brockman/Greenway intersection on weekends.

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

#### PUBLIC HEARINGS:

#### 04203 Public Hearing on the Proposed Use of the 2004 Local Law Enforcement Block Grant (LLEBG) Funds

Police Chief Dave Bishop reviewed the staff report. He said the grant funds would allow the purchase of 12 additional tasers (presently the department has seven) and would provide coverage for all shifts. He said 68 police officers were certified to use the tasers. He said in the past year they used the tasers 13 times, and in two of those instances it saved lives. He said they felt having and using the tasers was positive and proactive.

Coun. Stanton asked if information on how many tasers were being purchased would come in a future agenda bill when funding allocation was considered.

Bishop replied it would.

Coun. Doyle congratulated Chief Bishop for the officers who just received the heroism awards. He said that was fantastic.

Bishop said he thanked the Oregon Peace Officers Association for the Mayor and Council when the awards were received. He said it was a very rewarding opportunity to receive the Medal of Valor and the officers were very deserving. He said he was very impressed and proud of the officers.

Mayor Drake said the use of tasers was an additional tool that was more humane than injuring someone or using deadly force. He explained using the tasers was a last resort; it helped keep officers and those being subdued safe. He said he was extremely disappointed in Congress for not renewing the assault weapons ban, knowing that a Kevlar vest was often the only thing standing between life and death for police officers. He said the use of tasers was important to keep incidents from getting out of control.

Mayor Drake opened public hearing and asked for testimony.

No one was present to testify.

Mayor Drake closed the public hearing.

Coun. Soth MOVED, SECONDED by Coun. Doyle, that Council direct staff to bring forward an agenda bill with a specific purpose grant adjustment resolution authorizing the expenditure appropriations.

Coun. Stanton said she would support the motion and she was pleased that staff was actively seeking the Federal funds that were available for these materials and programs. She commended Management Analyst Michelle Harrold for securing those grants on behalf of the City.

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

#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:13 p.m.

\_\_\_\_\_  
Catherine Jansen, Deputy City Recorder

#### APPROVAL:

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

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

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** LIQUOR LICENSE

**FOR AGENDA OF:** 10/11/04 **BILL NO:** 04205

**NEW OUTLET**

Hot Plate Asian Cuisine  
14795 SW Murray Scholls Dr #112  
Beaverton, OR 97007

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:** Police 

Atlas International Food Market  
11421 SW Scholls Ferry Rd  
Beaverton, OR 97008

**DATE SUBMITTED:** 09/28/04

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

**BUDGET IMPACT**

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

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

**INFORMATION FOR CONSIDERATION:**

Hot Plate Restaurant, Inc., is opening a new establishment and has made application for a Limited On-Premises Sales License under the trade name of Hot Plate Asian Cuisine. The establishment will serve Asian food. It will operate seven days a week, and serve lunch from 11:30 a.m. to 3:00 p.m., and dinner from 3:00 p.m. to 10:00 p.m. No entertainment will be offered. A Limited On-Premises Sales license allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

S. Zar and Co, Inc., is opening a new establishment and has made application for an Off-Premises Sales License under the trade name of Atlas International Food Market. The establishment is a grocery store and operates Monday through Friday from 8:00 a.m. to 9:00 p.m, and Saturday and Sunday from 9:00 a.m. to 7:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of additional beverages in sealed containers to go.

**RECOMMENDED ACTION:**

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

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Work Session For Discussion Of Proposed  
Beaverton Civil Rights Ordinance

**FOR AGENDA OF:** 10/11/04 **BILL NO:** 04206

**Mayor's Approval:** Rob Drake

**DEPARTMENT OF ORIGIN:** Human Resources

**DATE SUBMITTED:** 10/05/04

**CLEARANCES:** City Attorney AAJ

**PROCEEDING:** Work Session

**EXHIBITS:** Draft Beaverton Civil Rights  
Ordinance

**BUDGET IMPACT**

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

At Mayor Rob Drake's request, the City Council formed the Human Rights Advisory Commission (HRAC) in April 1993 by enactment of Ordinance No. 3841. Included in the Commission's duties are the following: make recommendations concerning solutions to specific problems of prejudice or discrimination; and recommend to the City Council action, policies, and legislation to be considered by state and local governments.

**INFORMATION FOR CONSIDERATION:**

Oregon statutory law explicitly prohibits discrimination in employment, housing, and public accommodations based on many factors, including race, religion, color, sex, marital status, national origin, age and disability. Additionally, since 1998, Oregon case law has prohibited state and local governments from discriminating on the basis of sexual orientation.

Many Oregon cities and counties have passed ordinances explicitly adding protection from discrimination based on sexual orientation and/or gender identity. Among the cities and counties that have passed ordinances prohibiting discrimination based on sexual orientation and/or gender identity are Benton County, Multnomah County, and the cities of Portland, Salem, Lake Oswego, and Bend.

In October 2003, the HRAC approached the Mayor and asked about passing a Civil Rights Ordinance to protect citizens from discrimination on the basis of sexual orientation and gender discrimination. The Mayor asked that the Commission work with the City Attorney's Office to produce a draft ordinance. The ordinance prepared by the City Attorney's Office and approved by the HRAC is attached. The draft ordinance is modeled from the ordinances passed by the jurisdictions listed above.

**RECOMMENDED ACTION:**

Listen to the HRAC presentation, consider and discuss draft of Civil Rights Ordinance, and direct staff to schedule a first reading of the ordinance.

## CIVIL RIGHTS

**5.16.005 Short Title.** BC 5.16.005-.215 shall be known and may be cited as the "Civil Rights Ordinance" and may also be referred to herein as "this ordinance."

**5.16.010 Policy.** It is the policy of the City of Beaverton to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation and gender identity. Such discrimination threatens not only the rights and privileges of Beaverton citizens, but menaces the institutions and foundation of our community. Furthermore, the Mayor and City Council find that discrimination on the basis of sexual orientation and gender identity exists in the City of Beaverton and that state law does not clearly prohibit such discrimination. It is the intent of the Mayor and Council, in the exercise of their powers for the protection of the public health, safety, and general welfare and for the maintenance of peace and good government, that every individual shall have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing, and public accommodation be removed.

**5.16.015 Definitions.** As used in this chapter, except where the context otherwise requires:

**Gender Identity** - A person's actual or perceived sex, including a person's identity, appearance, expression, or behavior with respect to actual or perceived sex, whether or not that identity, appearance, expression or behavior is different from that traditionally associated with the person's sex at birth.

**Sexual Orientation** - Actual or perceived heterosexuality, homosexuality, or bisexuality.

Any term used but not defined in Chapter 5.16 shall be interpreted consistently with definitions provided in Oregon Revised Statutes, Chapter 659A (2001).

**5.16.020 Unlawful Employment Practices.** It shall be an unlawful employment practice for any employer to discriminate on the basis of an individual's race, religion, color, sex, marital status, familial status, national origin, age (if the individual is 18 years of age or older), mental or physical disability, sexual orientation or gender identity by committing against any such individual any of the acts made unlawful under ORS 659A.030, 659A.100 to 659A.139, 659A.142, and

**5.16.025 Unlawful Real Property Transactions Practices.** It shall be an unlawful real property transaction practice for any person to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income

by committing against any such individual any of the acts made unlawful under ORS 659A.145 or 659A.421.

**5.16.030 Unlawful Public Accommodation Practices.** It shall be an unlawful public accommodation practice for a person to discriminate on the basis of an individual's race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity or source of income, by committing against any such individual any of the acts made unlawful under ORS 659A.142 or ORS 659A.400 to 659A.409.

**5.15.040 Exceptions.**

A. The prohibitions in this Section against discriminating on the basis of sexual orientation and gender identity do not apply to:

1. The leasing or renting of space within a church, temple, synagogue, religious school, or other facility used primarily for religious purposes.

2. The leasing or renting of a room or rooms within an individual living unit which is owned by the lessor as his or her primary residence.

B. The prohibitions in this Section against discriminating on the basis of source of income do not prohibit:

1. Inquiry into and verification of a source or amount of income.

2. Inquiry into, evaluation of, and decisions based on the amount, stability, security, or creditworthiness of any source of income.

3. Screening prospective purchasers and tenants on basis not specifically prohibited by this chapter or by state or federal law.

4. Refusal to contract with a governmental agency under 42 U.S.C. §1437f(a) "Section 8."

C. The prohibitions in Section 5.16.025 against discriminating on the basis of age do not apply to housing for older persons, as defined in ORS 659A.421(7)(b) and (c).

D. The prohibitions in Section 5.16.030 against discriminating on the basis of age or familial status do not apply to the use of special rates or services or to the promotion of business through the issuance of special rates for families with children, or persons 55 years of age or older.

E. The prohibitions in this Section against discriminating on the basis of gender identity do not prohibit:

1. Health or athletic clubs or other entities that operate gender-specific facilities involving public nudity such as showers and locker rooms, from requiring an individual to document their gender or transitional status. Such documentation can include but is not limited to a court order, letter from a physician, birth certificate, passport, or driver's license.

2. Otherwise valid employer dress codes or policies, so long as the employer provides, on a case-by-case basis, for reasonable accommodation based on the health and safety needs of persons protected on the basis of gender identity.

3. These exceptions do not excuse a failure to provide reasonable and appropriate accommodations permitting all persons access to restrooms consistent with their expressed gender.

**5.16.50 Administration and Enforcement.**

A. Enforcement of all or any part of this Chapter shall be governed by the procedures established in ORS Chapter 659. Rules adopted by the Mayor pursuant to Section 23.01.090 of this Chapter may also be used to implement enforcement and administration of this Chapter.

B. Any person claiming to be aggrieved by an unlawful employment practice under this Chapter may file a complaint with the Commissioner of the Bureau of Labor and Industries under procedures established in ORS 659.040, and any person claiming to be aggrieved by an unlawful practice under this Chapter relating to selling, renting or leasing real estate or discrimination in public accommodations, may file a complaint with the Commissioner under procedures established in ORS 659.045.

C. The Commissioner may then proceed and shall have the same enforcement powers under this Chapter, and if the complaint is found to be justified the complainant shall be entitled to the same remedies, under ORS 659.050 to 659.085 as in the case of any other complaint filed under ORS 659.040 or 659.045.

D. Any order issued by the Commissioner of the Bureau of Labor and Industries under this Chapter shall be viewed as one issued by a hearings officer employed by the City within the meaning of ORS 46.045(3) and shall be fully enforceable by the City.

E. Any person claiming to be aggrieved by an unlawful discriminatory act under the provisions of this code shall have a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate. Election of remedies and other procedural issues relating to the interplay between administrative proceedings and private rights of action shall be handled as provided for in ORS 659.095 and 659.121. The court may grant such relief as it deems appropriate, including, but not limited to, such relief as is provided in ORS 659.121.

**5.16.60 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.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Annexing Property Located at 15865 SW Division Street to the City of Beaverton: Expedited Annexation 2004-0011

**FOR AGENDA OF:** 10/11/04 **BILL NO:** 04207

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

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

**DATE SUBMITTED:** 09/21/04

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

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Legal Description  
Exhibit C - Staff Report Dated 09/09/04

**BUDGET IMPACT**

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

This request is to annex one tax parcel located at 15865 SW Division Street. Since the petition was submitted the property has been partitioned into two parcels. The property is approximately 0.3 acres and currently has two single family houses stored on it. No one resides on the property. The property owner has consented to the annexation. His consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

**INFORMATION FOR CONSIDERATION:**

This ordinance and the attached staff report address the criteria for annexation in Metro Code Section 3.09.

Beaverton Code Section 9.06.035A provides the City Council the option of adding this property to an appropriate Neighborhood Association Committee (NAC) at the time of annexation. This property is currently in the West Beaverton Neighborhood Association Committee (NAC) boundaries.

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective 30 days after the Council approval and the Mayor's signature on this ordinance.

**RECOMMENDED ACTION:**

First Reading

**ORDINANCE NO. 4323**

**AN ORDINANCE ANNEXING PROPERTY LOCATED AT 15865 SW DIVISION STREET TO THE CITY OF BEAVERTON: EXPEDITED ANNEXATION 2004-0011**

**WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owners of the property and a majority of the electors have consented to annexation; and

**WHEREAS,** This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and

**WHEREAS,** City policy as adopted in Resolution No. 2660, Sections 2 and 4, is to extend City services to properties through annexation; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor.

**Section 2.** The Council accepts the staff report, dated September 9, 2004, attached hereto as Exhibit C, and finds that:

- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
- b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City upon this annexation.

**Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:

- a. The part of the property that lies within the Washington County Urban Road Maintenance District will be withdrawn from the district; and
- b. The part of the property that lies within the Washington County Street Lighting District #1 will be withdrawn from the district; and
- c. The part of the property that lies within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
- d. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall be annexed to or remain within that district; and
- e. The territory will remain within boundaries of the Tualatin Valley Water District.

**Section 4.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

**Section 5.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five days of the effective date.

**Section 6.** The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First reading this \_\_\_ day of \_\_\_\_\_, 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

# ANNEXATION MAP

ORDINANCE NO. 4323

Exhibit "A"



City of Beaverton

15865 SW DIVISION STREET EXPEDITED ANNEXATION

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

09/14/04

Map #

1s117ca11400  
1s117ca11500



Application #

ANX 2004-0011

**LEGAL DESCRIPTION  
ANX 2004-0011  
15865 SW DIVISION STREET EXPEDITED ANNEXATION**

A parcel of land (consisting entirely of tax lot 1S 1 17CA 300) situated in the Southwest 1/4 of Section 17, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

All of PARCEL 2, PARTITION PLAT NO. 1992-038, a plat of record, Washington County, Oregon.

**CITY of BEAVERTON****Exhibit "C"**

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

**STAFF REPORT****TO:** City Council **REPORT DATE:** September 9, 2004**AGENDA****DATE:** October 11, 2004**FROM:** Community Development Department  
Alan Whitworth, Senior Planner**SUBJECT:** 15865 SW Division Street Expedited Annexation (ANX 2004-0011)**ACTIONS:** Annexation to the City of Beaverton of two parcels located at 15865 SW Division Street that were recently partitioned. The property is shown on the attached map, was identified as tax lot 1S117CA 10300 but is now identified as 1S117CA 11400 and 1S117CA 11500, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petition attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.**NAC:** This property is already in the West Beaverton Neighborhood Association Committee (NAC) boundaries.**AREA:** Approximately 0.3 acres**TAXABLE BM 50 ASSESSED VALUE:** \$ 64,500**ASSESSOR'S REAL MARKET VALUE:** \$ 64,500**NUMBER OF LOTS:** 1**EXISTING COUNTY ZONE:** R-9 (Residential - 9 units per acre)**SUMMARY AND RECOMMENDATION**

This is a request to annex two parcels to the City of Beaverton located at 15865 SW Division Street. The property is shown on the attached map, was identified as tax lot 1S117CA 10300 but is now identified as tax lots 1S117CA 11400 and 1S117CA 11500, and more particularly described by the attached legal description.

**Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty days after the Mayor's signature.**

# ANNEXATION MAP



City of Beaverton

15865 SW DIVISION STREET EXPEDITED ANNEXATION  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 Planning Services Division

09/14/04

N

Map #

1s117ca11400  
 1s117ca11500



Application #

ANX 2004-0011

## BACKGROUND

The request is to annex one tax parcel located at 15865 SW Division Street. The parcel is approximately 0.3 acres and currently has two single family houses stored on it. No one resides on the property. The property owner has consented to the annexation. His consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

The property is currently in the West Beaverton Neighborhood Association Committee (NAC) boundaries.

## EXISTING CONDITIONS

### SERVICE PROVISION:

The following analysis details the various services available to the property to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property are:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, Tualatin Valley Water District and Clean Water Services.
- The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. (No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.)
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.

This action is consistent with those agreements.

**POLICE:** The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District. Sheriff's protection will be withdrawn and the City will provide police service upon annexation. In practice whichever agency is able to respond first, to an emergency, does so.

**FIRE:** Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.

**SEWER:** There currently is an 8-inch City maintained sanitary sewer pipe in Division Street available to serve this property. Upon annexation the City will be responsible for billing.

**WATER:** Tualatin Valley Water District (TVWD) provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. However, the City entered into an intergovernmental agreement with TVWD in 2002 that we would not withdraw property from the District when we annex it. TVWD will continue to provide service, maintenance and perform billing.

**STORM WATER DRAINAGE:** The site is 0.3 acres and is in the process of being developed with two single family residence. Storm drainage should be reviewed in the development review process by Washington County. Upon annexation billing responsibility will transfer to the City.

**STREETS and ROADS:** Access to this property is from SW Division Street which is classified as a Collector. The City has not assumed maintenance from the County.

**PARKS and SCHOOLS:** The proposed annexation is within both the Beaverton School District and the Tualatin Hills Parks and Recreation District. This proposed annexation will not affect either district boundary. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

**PLANNING, ZONING and BUILDING:** Washington County currently provides long-range planning, development review and building inspection for the property. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations will be applied to this parcel in a separate action within six months of annexation.

## **PUBLIC INVOLVEMENT**

Consistent with Metro Code Section 3.09.045, the City will send notice of the proposed annexation on or before September 21, 2004 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City will send notice to the following parties:

- Terry Emmert, the property owner;
- Judy Heft the listed contact person; and
- The West Beaverton Neighborhood Association Committee and the Reedville/Cooper Mountain/Aloha Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

Notices of the proposed annexation will also be posted in the Beaverton Post Office, City Library and City Hall. Notice and a copy of this staff report will be posted on the City's web page.

## **CRITERIA FOR APPROVAL**

### **REGIONAL ANNEXATION CRITERIA:**

In December 1998 the Metro Council adopted Metro Code Section 3.09 (Local Government Boundary Changes). Metro Code Section 3.09.050 includes the following minimum criteria for annexation decisions:

**3.09.050 (d)** An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

- (1) Consistency with directly applicable provisions in an urban services provider agreement or annexation plan adopted pursuant to ORS 195.065;

*Findings: This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers.*

- (2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

*Findings: This proposed annexation is consistent with the agreement between the City of Beaverton and Clean Water Services. The acknowledged Washington County - Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process.*

- (3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;

*Findings: City of Beaverton Comprehensive Plan Policy 5.3.1.d states: "The City shall seek to eventually incorporate its entire Urban Services Area." The subject property is within Beaverton's Assumed Urban Services Area and annexing it furthers this policy. There are no other specific directly applicable standards or criteria for boundary changes in Beaverton's Comprehensive Plan or Public Facilities Plan and, therefore, this criterion is met.*

(4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

**Findings:** *The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to annexation decisions of this type.*

(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

**Findings:** *The Existing Conditions section of this staff report contains information addressing this criterion in detail. The proposed annexation will not interfere with the provision of public facilities and services. The provision of public facilities and services is prescribed by urban services provider agreements and the City's capital budget.*

(6) The territory lies within the Urban Growth Boundary; and

**Findings:** *The property lies within the Urban Growth Boundary.*

(7) Consistency with other applicable criteria for the boundary change in question under state and local law.

**Findings:** *OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals...". Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003. There are no other criteria applicable to this boundary change in State Law or local ordinances. Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.*

**3.09.050 (g)** Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

**Findings:** *This criterion is not applicable to this application because the territory in question has been inside of the Portland Metro Urban Growth Boundary since the boundary was created.*

Exhibits:       Annexation Petition  
                  Legal Description

## **Annexation Petition**



CITY OF BEAVERTON  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 PLANNING SERVICES  
 4755 S.W. GRIFFITH DRIVE  
 P.O. BOX 4755  
 BEAVERTON, OR 97076-4755  
 PHONE: (503) 350-4039

# PETITION FOR A CONSENT ANNEXATION

## PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME: <u>15865 SW Division Street Expedited Annexation</u>
	FILE NUMBERS: <u>ANX 2004-0011; CPA 2004-0010 + ZMA 2004-0010</u>

**MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.**

**PROPERTY INFORMATION**

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
151 19CA10300	15865 SW Division ST.	1	0	0

**CONTACT PERSON**  USE MAILING ADDRESS FOR NOTIFICATION OR CALL

<u>Judy HEFT</u>	<u>Judy HEFT REAL ESTATE CO.</u>	<u>503-652-5244</u>
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
<u>10300 SE WAVERLY CT. #301, MILWAUKIE, OR 97222</u>		
ADDRESS		

**SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)**

<u>TERRY W. EMMERT</u>	<u>[Signature]</u>	<u>6-10-04</u>	<input checked="" type="checkbox"/> OWNER
PRINT OR TYPE NAME	SIGNATURE	DATE	<input type="checkbox"/> ELECTOR
<u>11811 SE Highway 212</u>			
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			
<u>CLACKAMAS, OREGON 97015</u>			

**LEGAL DESCRIPTION**  
**ANX 2004-0011**  
**15865 SW DIVISION STREET EXPEDITED ANNEXATION**

A parcel of land (consisting entirely of tax lot 1S 1 17CA 300) situated in the Southwest 1/4 of Section 17, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

All of PARCEL 2, PARTITION PLAT NO. 1992-038, a plat of record, Washington County, Oregon.