



FINAL AGENDA

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

REGULAR MEETING
JANUARY 24, 2005
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

- 05014 Regional Water Supply Plan (RWSP) Update; and Approval of Amendment to the 1996 Regional Water Providers Consortium Agreement

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of January 10, 2005.

- 05015 A Resolution Designating Several Areas in the Southern Part of the City, that are Surrounded by the Corporate Boundaries of the City, to be Annexed to the City of Beaverton (Resolution No. 3802)

WORK SESSION:

- 05016 Work Session for TA 2004-0008 (Floodplain Text Amendment)

ORDINANCES:

First and Second Reading and Adoption:

- 05017 Declaring that an Emergency Ordinance be Adopted for TA 2004-0008 (Floodplain Text Amendment) (Ordinance No. 4337)

EXECUTIVE SESSION:

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

ADJOURNMENT

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Regional Water Supply Plan (RWSP) Update; and Approval of Amendment to the 1996 Regional Water Providers Consortium Agreement

FOR AGENDA OF: 1/24/05 **BILL NO:** 05014

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: Engineering *DeWitt/Smith*

DATE SUBMITTED: 12/28/04

CLEARANCES: City Attorney *[Signature]*

PROCEEDING: Presentation

EXHIBITS: 1. Agenda Bill No. 04252 w/o Exhibits

BUDGET IMPACT

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

On December 13, 2004, Council approved the staff recommended actions in Agenda Bill No. 04252, consisting of 1) Council review and approval of the draft Regional Water Supply Plan Update with errata changes; and 2) Council review and, with the City Attorney's approval as to form, authorization of the Mayor to sign the proposed amendment to the 1996 Regional Water Providers Consortium IGA. Exhibits to the agenda bill were extensive, numbering 358 pages, and are therefore not attached.

INFORMATION FOR CONSIDERATION:

As time was limited at the December 13 Council meeting in honor of a reception for Councilor Forrest Soth, and as the agenda bill contained an extensive and complex volume of exhibits, Council suggested a subsequent Council presentation to publicly present the details of the December 13 agenda bill and more thoroughly present details of the exhibits to the Council. The Mayor agreed and asked staff to schedule a presentation for the January 10, 2005, regular meeting. Although it was recognized that time would be limited at the December 13, 2004 Council meeting, staff thought it important for the agenda bill to be considered by Council at that time since it was expected to be Councilor Soth's last meeting and he was the City's representative to the Regional Water Consortium.

RECOMMENDED ACTION:

Council hear the presentation.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Review and Approval of Regional Water Supply Plan (RWSP) Update; and Approval of Amendment to the 1996 Regional Water Providers Consortium Agreement

FOR AGENDA OF: 12-13-04 **BILL NO:** 04252

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Engineering *[Signature]*

DATE SUBMITTED: 11-30-04

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

PROCEEDING: Consent

- EXHIBITS:**
1. Errata Changes to the RWSP Update
 2. Final Draft RWSP Update
 3. Amendments to 1996 Agreement
 4. Agenda Bill No. 96-260
 5. Agenda Bill No. 95-322

BUDGET IMPACT

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

Beaverton has played an active role in the regional water supply coordinating and planning process since 1990, which began first with the Regional (water) Providers Advisory Group (RPAG). The RPAG directed the "Phase 1" water system demand and water system source options studies.

Regional Water Supply Plan (RWSP)

In February 1993 the Council authorized the Mayor to sign an intergovernmental agreement along with 26 other water providers in the Portland metropolitan area to fund the Regional Water Supply Plan effort, a \$2.2 million consultant study to assess the region's future water demand and recommend a plan to provide for the region's water supply to the year 2050.

In October 1996 participants in the water supply planning effort issued the final Regional Water Supply Plan (RWSP). At the time, the process received national recognition as a model for integrated water resource planning and an example of many regional water purveyors working cooperatively together, while at the same time informing and involving the public. The City held both an open house and public hearing on November 20, 1995, (see attached Agenda Bill No. 95-322) to solicit suggestions and comments regarding the supply plan.

The Consortium today is made up of 23 water providers of the Portland metropolitan area and Metro, which initially signed the 1993 intergovernmental agreement to jointly fund and manage the development of a Regional Water Supply Plan (RWSP). By early 1997, the water providers had endorsed the plan and agreed to join the newly formed Regional Water Providers Consortium (Consortium). The purpose of the 1996 RWSP as endorsed by the Consortium was to "...Provide a

comprehensive, integrated framework of technical information, resource strategies and implementing actions to meet the water supply needs of the Portland metropolitan area to the year 2050." The RWSP was based on over a dozen background documents and contained several chapters on policy objectives, water demands, existing and future source options, conservation program evaluations, and transmission, and formulated a set of resource strategies to meet future water needs. Both the 1996 RWSP and Consortium IGA states that the RWSP should be reviewed and updated as needed on a five-year interval.

The Consortium Board approved a two-year program and special dues to update the RWSP starting in July 2001, with work to begin in January 2002. The development of the RWSP Update has taken three years to accomplish. The RWSP Update presents a different perspective on regional planning, which presents the changed requirements for each member to consider integrated water resources planning principles in Water Master Plans and Water Management and Conservation Plans as required by the Oregon Department of Human Services and Water Resources Department, respectively.

The RWSP Update presents a revised set of Policy Objectives for water providers to consider in local decision making, a set of conservation programs for regional and local implementation, and a list of potential supply options that presumably will be evaluated more fully in local plans. The RWSP Update also recognizes the expanded role of the Consortium in areas of emergency planning, regional conservation program implementation, and continuing to manage and utilize planning decision support tools as directed by the Consortium Board.

In the original RWSP, a diverse set of policy objectives were developed to provide a basis for evaluating resource options. These policy objectives captured the range of municipal water service issues that citizens, stakeholder and decision makers valued most. For the RWSP Update it was important to validate the policy objectives to ensure they were still relevant and to consider whether others should be added.

In September 2002 the Board and public (via a survey) weighed-in on the subject. The Board confirmed that the policy objectives were still relevant and important. However, some changes needed to be made to acknowledge new source vulnerabilities and the potential for terrorism. Changes in local, state and federal regulations also needed to be acknowledged. Additionally, the Board felt that some policy objectives could be combined. They concurred that all of the policy objectives were of equal value and should not be prioritized. In the survey of the public, the Consortium asked the public to choose the most important policy objectives in meeting future water supply needs. The top five answers were: efficient use of water, water quality, economic cost and equity, catastrophic events, and environmental impacts. Those priority objectives have been acknowledged and incorporated in the policy objectives of the Regional Supply Plan.

In Table 6-1 on pages 6-5 and 6-6 of the attached final review draft RWSP can be found the Regional Water Providers policy objectives, which will be used to guide and inform decision making by the region's water providers. The original RWSP contains implementation actions and evaluation criteria that are still relevant to the policy objectives in the RWSP Update document.

Chapter 4 of the attached RWSP Update includes a description of water supply source options re-examined from the 1996 RWSP to reflect noted changes in regulations, resource availability, political change, or other factors deemed relevant under present knowledge. In the RWSP Update, available water source options for the region have been modified to reflect the changes that have occurred in regulation, availability, public perception, and other factors. Source options considered as viable, and then evaluated and compared in the RWSP Update are as follows: Bull Run Watershed, Clackamas River Diversions, Columbia River, Trask/Tualatin Rivers, Regional Aquifer Storage and Recovery (ASR), Willamette River, Columbia South Shore Wellfield, and local sources.

Specific to Beaverton, the RWSP Update lists Beaverton (with the earliest operating ASR well in 1997) and Tigard (initiated in 2001) as leading the development of Aquifer Storage and Recovery (ASR) among Consortium agencies with an expected total future resource of 40 million gallons per day in regional ASR capacity. The Scoggins Reservoir/Hagg Lake Expansion is prominently listed as a new source option in the RWSP Update. Beaverton is a participating party in the Tualatin Water Supply Project, which includes a number of major components to increase supply of water to water providers in Washington County and Clean Water Services. The components connected with the Scoggins Reservoir/Hagg Lake Expansion include: the Fern Hill Reservoir No. 2; Raw Water Pipeline; Sain Creek Tunnel; and a new component, Tualatin River pump-back option in lieu of or in conjunction with Sain Creek Tunnel. The Tualatin River pump-back option, though not discussed in the RWSP Update because it has just come to light, is a concept where water is drawn from the Tualatin River each year in the winter and spring and pumped through the proposed Raw Water Pipeline into Hagg Lake as storage for later use during periods of high water demand in the summertime.

Amendment to the 1996 Consortium IGA

On September 9, 1996, the Beaverton City Council reviewed the original Regional Water Providers Consortium intergovernmental agreement (IGA) and voted to authorize the Mayor to sign the regional IGA which began the City's participation in the Consortium. Since then, Mayor Drake and Councilor Soth have served on the Consortium Board as the City's representatives.

With changes in the RWSP nearing completion in late 2003, the Board with assistance from the Consortium Executive Committee, Technical Subcommittee, and Technical Committee adopted a new 5-year Strategic Plan. The revised Strategic Plan and RWSP, and discussions at the water providers' staff-level Technical Subcommittee, made clear the need to revise the 1996 Consortium IGA. The most obvious justification to amend the IGA is a recommendation to change the Consortium dues schedule.

For the life of the IGA, annual dues for each water provider agency have been calculated based on 1) retail customer accounts proportional to total Consortium participants accounts; 2) annual average daily water demand of the entity proportional to total Consortium annual average daily demand; and, 3) individual entity projected incremental growth measured in average daily summer peak season use in proportion to the sum of incremental growth of all participants as determined in the 1996 regional water demand forecast. After much discussion at staff level committees, a recommendation has been made, as set out in the amendment to revise the dues structure to be more simply calculated by a combination of only items 1) and 2) above and eliminating item 3). By doing so, participants with potential growth will more equitably pay dues based on their actual annual growth in customer accounts and water demand rather than forecasted potential growth. As a result of the revised dues structure, it is estimated that Beaverton's dues will increase in FY 2005/06 by approximately \$4,400 over what is currently paid and by approximately \$8,500 more than this year's dues in FY 2006/07. This reflects a 50% phase-in of the Consortium's amended formula in FY 2005/06 and a 100% phase-in for FY 2006/07. Adequate funds have been budgeted for Beaverton's dues this fiscal year, which will be calculated using the Consortium's existing formula.

The amendment also includes other changes summarized below:

- The Consortium's general purpose section has been modified to soften the original language from "To provide voluntary coordination of individual and collective actions of Participants implementing the Plan" to "To provide a collaborative clearinghouse function for water supply planning and development that foster regional coordination."
- The Consortium's role has been changed to reestablish the Consortium as a clearinghouse and facilitator for local water supply planning and provide support for individual water supply planning and decision making. Final decisions of selection of water supply sources and interconnections between participants will be further delegated to local agencies and the role

of the Consortium will be more to coordinate and collaborate to avoid duplication of effort by the participants.

- Elimination of ex-officio members from Multnomah, Clackamas, and Washington counties.
- Consortium review of the RWSP has been extended from 5 years to 5-10 years, as needed.
- Consortium quorum requirements have been changed from two thirds of total members, to action being taken by simple majority of members attending a Board meeting.

INFORMATION FOR CONSIDERATION:

The Consortium Board met on December 1, 2004, and approved the RWSP Update, as well as the revisions submitted up to the time of the Board meeting, for endorsement by the individual provider members. Staff recommends that Council review the RWSP Update and proposed amendment to the 1996 Regional Water Providers Consortium IGA and take affirmative action to approve the two documents and authorize the Mayor to sign the IGA amendment.

RECOMMENDED ACTION:

1. Council, review and approve the draft Regional Water Supply Plan Update with errata changes.
2. Council, review and, with the City Attorney's approval as to form, authorize the Mayor to sign the proposed amendment to the 1996 Regional Water Providers Consortium IGA.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JANUARY 10, 2005

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, January 10, 2005, at 6:35 p.m.

ROLL CALL:

City Councilor Cathy Stanton (Council Position No. 3) was sworn in by City Recorder Sue Nelson.

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Dennis Doyle, Fred Ruby and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resource Services Manager Nancy Bates, Deputy Police Chief Chris Gibson, Assistant Finance Director Shirley Baron-Kelly, Information System Manager David Hughes and City Recorder Sue Nelson.

PRESENTATIONS:

05007 Diversity Award Presentation:

Human Rights Advisory Commission Vice Chair Heminder Sinjh presented the 2004 Diversity Awards. He said this award was established to recognize outstanding achievers, within the Beaverton Urban Services Boundary, who demonstrated sustained commitment to cultural diversity, and basic civil and human rights in this community. He said this award was given to individuals, community groups, non-profit organizations, and business establishments. The 2004 Diversity Award winners were:

Individual Achievement Award: Al Contreras for his dedication to creating better understanding between different faiths and cultures in Beaverton. He was instrumental in creating a dialogue between Christian and Muslim faith groups, and brought speakers of different cultures to area schools and churches. He also provided Spanish language classes to adults in Beaverton.

Community Group and Non-Profit Organization Award: Baha'i Youth Workshop, a youth group who reached out to schools and churches to promote the message of equality, elimination of racism and unity, through dance and performance art.

Business and Industry Award: IBM Corporation Beaverton Women in Technology Group that sponsored and hosted a week-long camp for middle school girls to promote science and technology careers for females; while mentoring the participants throughout the school year.

Mayor Drake presented the awards to the recipients and thanked them for their work and contributions to the community and citizens.

Al Contreas thanked the City for the award; he commended Mayor Drake and the City Council for their hard work to establish a City culture of equality and acceptance of all citizens. He said this set the example for all the citizens of Beaverton.

Riaz Parsianni, Baha'i Youth Workshop representative, reviewed the work of the Baha'i Youth Workshop members. He thanked the City for strongly promoting the acceptance of different cultures.

Tayna Fulmer and Cheri Terbenche, IBM Corporation Beaverton Women in Technology Group accepted the Business and Technology Award. Ms. Fulmer explained the mission of the Women in Technology Group was to reach out to girls to ensure they pursued their interests in math and science, and to promote future careers in these fields. She said 26 girls participated in the technology camp and 40 volunteers mentored the girls throughout the school year. She said it was a huge venture and they planned to do it again next year. Ms. Terbenche thanked the City and the Human Rights Advisory Commission for the award. She said they could not have done this without the community's involvement and they planned to continue in 2005.

Sinhj congratulated all the award recipients.

Coun. Bode congratulated all the recipients and the Human Rights Advisory Commission. She said this marked another milestone in the City's efforts to promote livability for all citizens and greater involvement in the community.

VISITOR COMMENT PERIOD:

There were none.

COUNCIL ITEMS:

Coun. Bode said the Beaverton Arts Commission Gala and Art Showcase was scheduled for February 5, 2005; the exhibit and art sale will be from February 6 - 20, 2005, at the City Library.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of Regular Meeting of January 3, 2005

05008 Liquor License Application: New Outlet - Eatza Pizza; Greater Privilege -Hilton Garden Inn

05009 A Resolution Declaring the 2004 Fire Prevention Code of the Tualatin Valley Fire and Rescue District Effective Within the City of Beaverton and Repealing City of Beaverton Resolution 3512 (Resolution No. 3800)

Contract Review Board:

05010 Waiver of Sealed Bidding – Purchase Six Vehicles From the State of Oregon Price Agreement

05011 Consultant Contract Award – 2004/2005 Engineering Services for Water Works Utility Infrastructure Improvements

Coun. Stanton said she would abstain from voting on the January 3, 2005 Minutes as she was not at that meeting.

Question called on the motion. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0) Coun. Stanton abstained from voting on the Council Minutes for January 3, 2005, for she did not attend that meeting.

OTHER BUSINESS:

Request for Fee Waiver from Willamette West Habitat for Humanity

Mayor Drake said he submitted to the Council a fee waiver request from Willamette West Habitat for Humanity. He said this request was for the last of the five homes being built on land donated by the City (SW Hall and Metz Road).

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that Council approve the fee waiver request from Willamette West Habitat for Humanity in an amount not to exceed \$2,000.00 as outlined in the January 4, 2005 memo to Mayor Rob Drake from Community Development Director Joe Grillo.

Coun. Bode stated for the record this was a concrete step the City was taking to support livability and housing, and to ease transportation by putting housing closer into the City. She said the City was responding to the needs of the citizens and she wholeheartedly supported this action.

Coun. Stanton said she remembered when the project began and all the hard work and volunteer hours Coun. Arnold contributed to Habitat. She said she was glad that the City had an opportunity to help in a tangible way.

Coun. Doyle said he supported the motion. He said anyone over the age of 18, who had time on a Saturday, could work on the project by checking in with Habitat for Humanity. He said two of the houses were near completion.

Coun. Arnold stated this was a rewarding project for the entire community. She said she learned how to install siding while working on the project.

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

WORK SESSION:

05012 Proposed Procurement of a Human Resources and Payroll Software System

Finance Director Patrick O'Claire introduced Human Resource Services Manager Nancy Bates, Assistant Finance Director Shirley Baron-Kelly, and Information Systems Manager David Hughes.

O'Claire said there was a companion agenda bill for this item, under Action Items, that authorized the Mayor to proceed with final negotiations with the vendor to purchase the Human Resources (HR) and Payroll System. He said the current system had been in place since 1980 and it had a number of limitations; including the inability of the Payroll and HR Systems to work together requiring double data entry. He said the new system enhanced HR and payroll processing that would allow the City to be more efficient and provide for future growth needs.

O'Claire reviewed the Request for Proposal (RFP) process and the enhancements requested in the RFP in detail (in the record). He discussed the vendor evaluation and selection process. He said High Line Corporation was ranked the highest in all evaluations; the cost for High Line was higher but it would best meet the City's requirements. He said High Line was ranked the best for: (1) Web recruitment interface, (2) employee self-service module, (3) employee leave request tracking system. He said High Line also ranked the highest for system layout and functionality; it was the most professional and well prepared of all the three final vendors. He said High Line received high marks from the Gartner Group; an internationally recognized research firm for information technology issues. He said Gartner's goal was to support products and software that were industry leaders, in order to promote further development of technology and software. He said the Gartner Group evaluated ten Human Resource system vendors and High Line rated the highest in functionality, and tied for highest ranking in investment weights that measured the costs associated with purchasing, implementing and integrating a system.

O'Claire said the final step in the selection process were the reference checks for High Line. He said staff contacted eight of High Line's references (seven cities and one private business) and the client's consensus was that High Line was extremely professional; it had a very strong product and its customer support was excellent. He said based on this entire process, staff recommended the High Line Software System as the replacement payroll/HR system for the City.

Coun. Doyle asked if this was an Oracle database product.

Information Systems Manager David Hughes explained it was an Oracle database; but High Line had committed to assisting the City to integrate to a SQL database in three years.

Coun. Doyle noted in the companion agenda bill staff was recommending that an additional \$30,000 be appropriated in addition to the contract cost. He asked if that was in anticipation of implementation costs.

O'Claire replied it was not for additional software; it would be for additional implementation assistance. He said the \$30,000 would be used if additional help was needed other than what was dedicated in the contract. He said the system was extremely flexible and there might be other processes that could be automated into the new system.

Coun. Doyle asked how many modules were being purchased and if there were any that would not be purchased.

O'Claire said there were 13 modules being purchased; the forecasting modules would not be purchased because they were used for manufacturing companies.

Coun. Doyle referred to the on-going yearly maintenance of \$100,000. He asked if that figure was correct and if it was the norm for a large system. He asked what the City would receive for the \$100,000.

O'Claire said the continuing maintenance cost was \$106,916 for four years; averaging to approximately \$26,000 per year.

Coun. Doyle thanked him for the clarification.

O'Claire said software maintenance usually runs about 18% to 20%.

Coun. Doyle referred to High Line's philosophy statement on page 105 (Agenda Bill 05013) that *"the system should do most of the work according to each client's rules without custom programming"* and asked if staff had tested the veracity of that statement.

O'Claire replied that they had; as staff followed the script the vendor showed the program had flexibility to do multiple tasks. He said the vendor would provide on-line support or telephone support on a seven day a week, twenty-four hours a day basis.

Coun. Doyle asked if staff had any questions about the system that still needed to be resolved.

O'Claire did not indicate that there were; he said the next step would be to finalize the contract documents. He said kickoff planning was scheduled on site for the entire week of February 14th; that planning would set the stage for the implementation process.

Coun. Doyle asked if City staffing was sufficient for this project.

O'Claire said the City was under no deadline obligation to rush; the City had the necessary time to devote to the project to ensure the parallel process between the two systems worked and staffing was adequate to meet the implementation demands.

Coun. Doyle asked when the City expected to go live with this system.

O'Claire said this was a two phase project; the first phase was to get the core systems for payroll and HR operating; the second phase was the ancillary modules and Web self-service products. He said staff knew they did not want to be conducting parallel testing this time next year because of year-end payroll and W-2 forms. He said the parallel testing would be done either before or after the end of the year. He said the first phase should be completed in a year to a year-and-a-half.

Coun. Doyle said he was happy staff found a firm that could deliver on all the products needed.

Mayor Drake thanked Coun. Doyle for his questions and noted this was Coun. Doyle's area of expertise. He said when the City did the conversion for the utility system the staff finished the project ahead of schedule and under budget. He said he had a great deal of confidence in the staff's ability to achieve the same results on this project.

Coun. Bode asked if there was a guarantee that the City's hardware could sustain such a large software program. She asked if High Line had guaranteed that it had evaluated the City's hardware system and it could handle the program efficiently.

O'Claire replied that as part of the process the vendor had given the City specifications and the City was also purchasing an additional server for this system. He said Information Systems Manager David Hughes was working with High Line to work out the specifications for the server and what would be required to operate the software. He said High Line had specified what equipment needed to be purchased. He said the new server was funded in this year's Information Systems budget and was not part of this request.

Hughes replied that the system was "solid."

Coun. Stanton asked if O'Claire had said the enhancements to the payroll and human resources system were mostly off the shelf.

O'Claire replied most of the vendor software packages presented were off the shelf; as was High Line's.

Coun. Stanton said she was looking for a guarantee that the City was not becoming a Beta site.

O'Claire said High Line's base software system had all the capabilities the City was looking for; the system would be tailored to the City's work flow and forms.

Coun. Arnold asked if the tailoring modifications were part of the package or would the City have to modify the High Line package.

O'Claire replied it would be a combination of both; there would be some changes to the software work flow such as integrating the City's forms into the system.

Coun. Arnold asked how easy would it be to re-implement the City's system modifications when the program was updated.

O'Claire said all the modifications would reside on the City's side of the software and any software updates would be fully integrated into the City's system.

Coun. Arnold asked what were the differences between the High Line process and the City process.

O'Claire replied that 100% of what the City did today was in the High Line system; the difference was in how the work was done. He said the City had a paper-based system and the new system implements an electronic process. He said these were improvements and efficiencies for payroll and HR staff.

Mayor Drake said the City was the first in the country to go to a totally paperless court system and the efficiencies gained there were outstanding. He said this type of technology was being applied here and it would slow the need for additional staff as the City grew.

Coun. Stanton asked in the transition period how the system would work regarding plugging in vacation times; would it be a place-holder or would it actually take money from someone's vacation bank.

O'Claire said when an employee submitted a leave request and it was approved by the manager when it was time for the employee to process his time card the system would load the vacation days on the timecard and then it would be sent to the supervisor for approval. He confirmed the hours documented could be over-ridden if changes occurred and it would be the responsibility of the employee to validate the time.

Mayor Drake thanked staff for the information.

ACTION ITEM:

Contract Review Board:

- 05013 Contract Award – Authorize the Mayor to Negotiate and Finalize a Purchase Contract for a Human Resources and Payroll Software System Including Installation, Conversion, Training; and Transfer Resolution (Resolution No. 3801)

Coun. Bode MOVED, SECONDED by Coun. Doyle that Council acting as the Contract Review Board Authorize the Mayor to Negotiate and Finalize a Purchase Contract for a Human Resources and Payroll Software System Including Installation, Conversion and Training in the amount of \$251,000, in a form approved by the City Attorney, and approve extra fees in an amount not to exceed \$30,000, and approve the attached Transfer Resolution that provides the necessary appropriation.

Coun. Stanton said she supported the motion and she was pleased staff found a vendor that provided all the services needed by the City.

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

ORDINANCES:

Second Reading:

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

05006 An Ordinance Vacating a Portion of Unimproved Right-of-Way of NW 170th Avenue; SV2004-0001 (Ordinance No. 4336)

Coun. Ruby MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in Agenda Bill 05006, now pass. Roll call vote. Couns. Arnold, Bode, Doyle and Ruby voting AYE, Coun. Stanton abstaining, the MOTION CARRIED unanimously. (4:0:1)
Coun. Stanton explained she abstained as she was not present at the meeting when this item was discussed.

RECESS:

Mayor Drake called for a brief recess at 7:40 p.m.

RECONVENE:

Mayor Drake reconvened the meeting at 7:50 p.m.

EXECUTIVE SESSION:

Coun. Doyle MOVED, SECONDED by Coun. Ruby, 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. Arnold, Bode, Stanton, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

The executive session convened at 7:50 p.m.

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

The regular meeting reconvened at 8:10 p.m.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 8:10 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2005.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Resolution Designating Several Areas in the Southern Part of the City, that are Surrounded By the Corporate Boundaries of the City, to Be Annexed to the City of Beaverton

FOR AGENDA OF: 1/24/05 **BILL NO:** 05015

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 1/19/05

CLEARANCES: City Attorney *[Signature]*

Planning Services *[Signature]*

PROCEEDING: Consent Agenda

EXHIBITS: Resolution
Exhibit A - Map
Exhibit B - Map
Exhibit C - Map

BUDGET IMPACT

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

The City Council and Mayor recently approved the "City of Beaverton Urban Service Area and Corporate Limits Annexation Policies" by adoption of Resolution No. 3785. This document directs staff to take a more assertive approach to annexing territory into the City. Oregon Revised Statutes section 222.750 authorizes cities to annex areas "When territory not within a city is surrounded by the corporate boundaries of the city or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water...". The owners of property or residents within the territory proposed for annexation need not consent. These are generally referred to as island annexations.

INFORMATION FOR CONSIDERATION:

To implement this more assertive annexation policy, the Mayor and staff are recommending annexation of the territory indicated on the attached maps. These areas contain a mix of developed and developable properties that are surrounded by the City. Annexation of these areas is consistent with your Council's objectives for island annexations as stated in Resolution No. 3785. City Police are currently patrolling the major streets in the areas, which are in the City, and it would be more efficient if the areas along those streets are in the City.

ORS 222.111(2) indicates that a proposal for annexation of territory may be initiated by a city on the motion of its legislative body. Staff interprets that provision to require Council adoption of a resolution directing initiation of each proposed island annexation.

RECOMMENDED ACTION:

Approve by consent the attached resolution with maps identifying the proposed annexation areas.

RESOLUTION NO. 3802

A RESOLUTION DIRECTING CITY INITIATION OF ANNEXATION OF TERRITORY

WHEREAS, the City of Beaverton has adopted Urban Service Area and Corporate Limits Annexation Policies; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; and

WHEREAS, the City of Beaverton and Washington County have entered into an intergovernmental agreement defining an Interim Urban Services Plan and Map specifying the City's future annexation area over the next ten years; and

WHEREAS, the City is now identifying particular areas to implement the adopted Annexation Policies; therefore,

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

Council directs the Mayor to pursue the annexation of territory identified on the maps attached hereto as Exhibits A, B, and C to this resolution.

Adopted by the Council this ____ day of _____, 2005.

Approved by the Mayor this ____ day of _____, 2005.

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

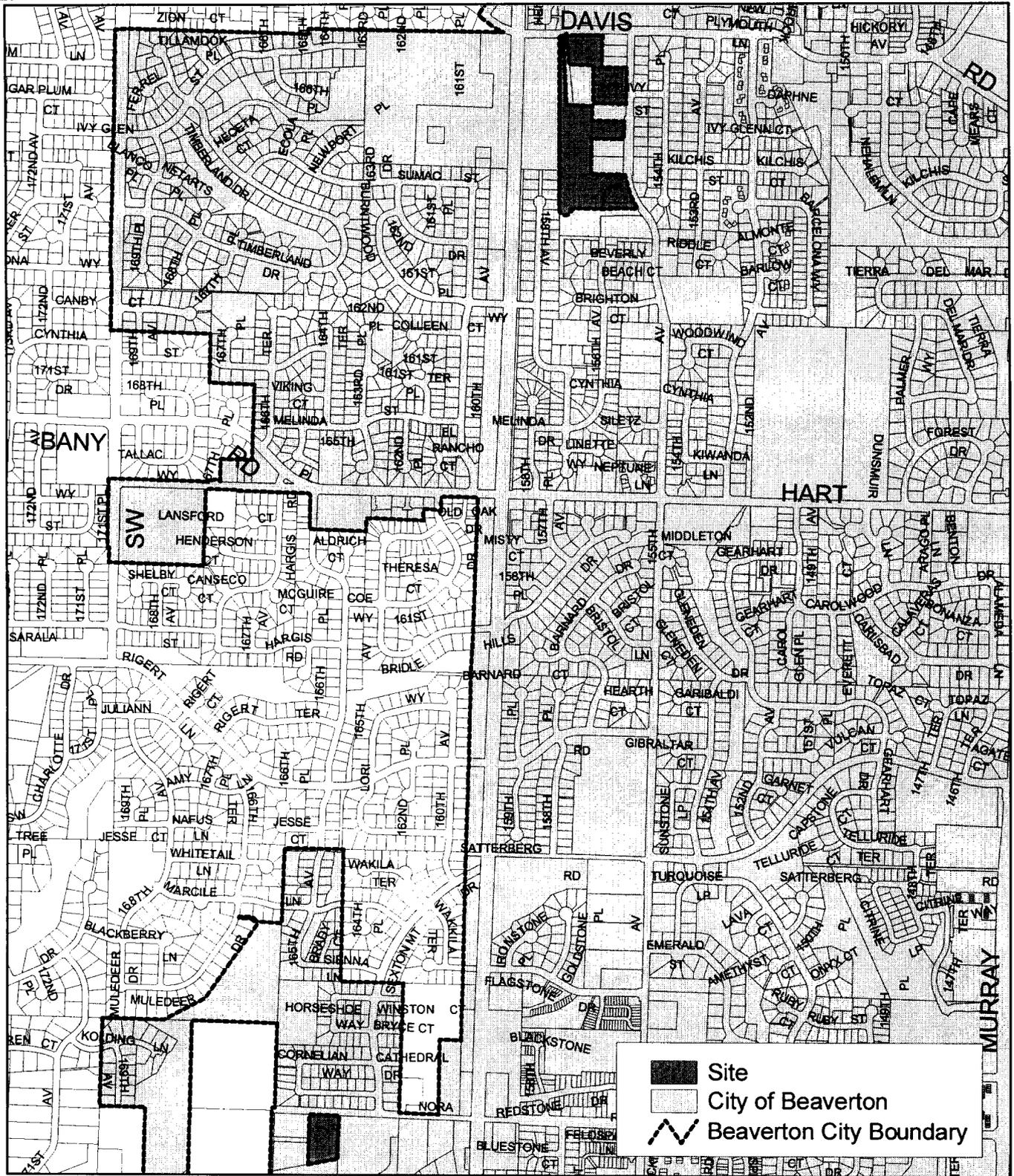
Resolution No. 3802

Agenda Bill No. 05015

VICINITY MAP

Resolution
No. 3802

EXHIBIT "A"



South Beaverton Island Annexations
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

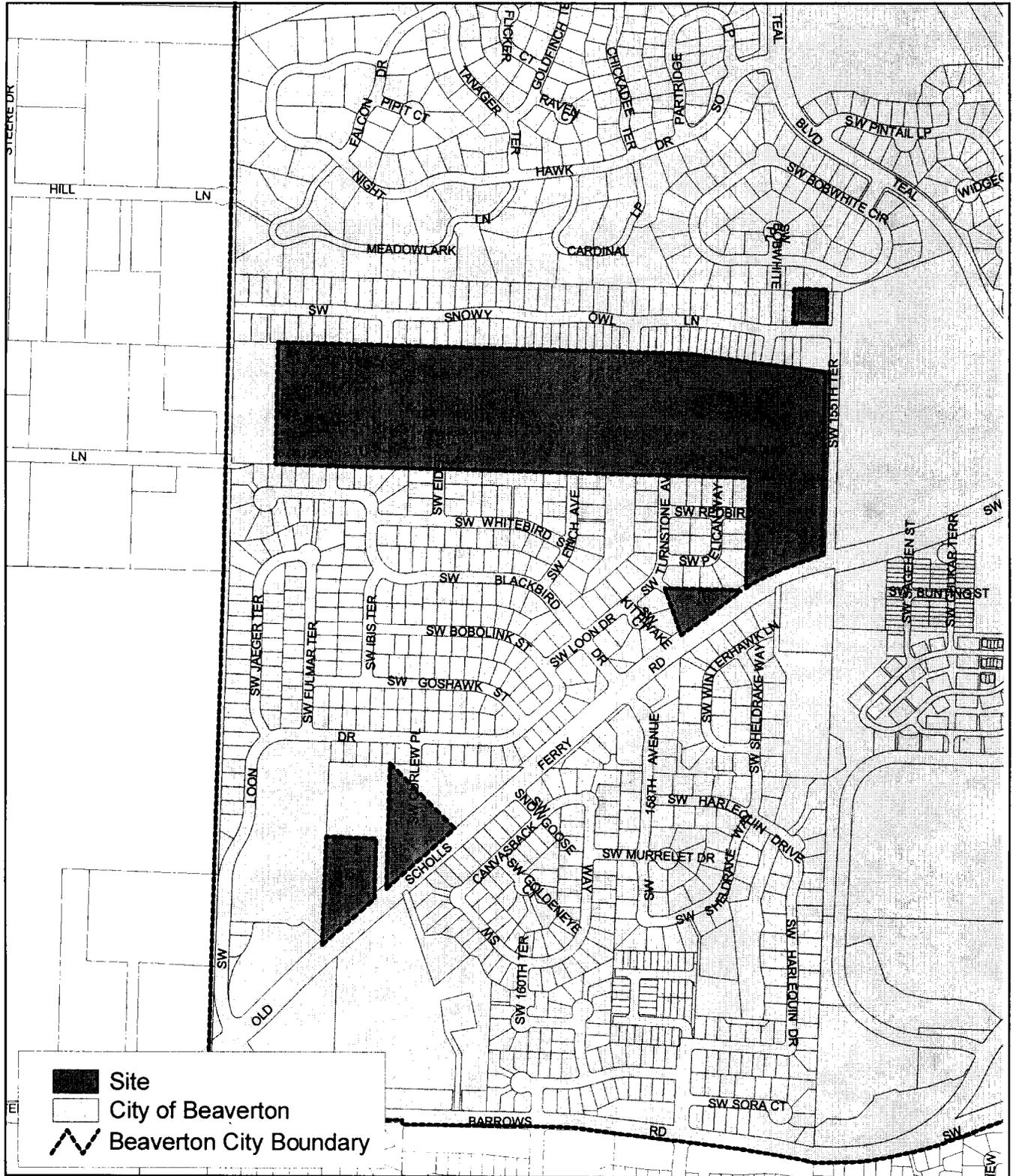
01/18/04
Map #
1S120BA &
1S129BC
Application #
ANX 2005-0001



VICINITY MAP

Resolution No. 3802

EXHIBIT "B"



CITY OF BEAVERTON

South Beaverton Island Annexations
 COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

01/18/04

Map #
 Various

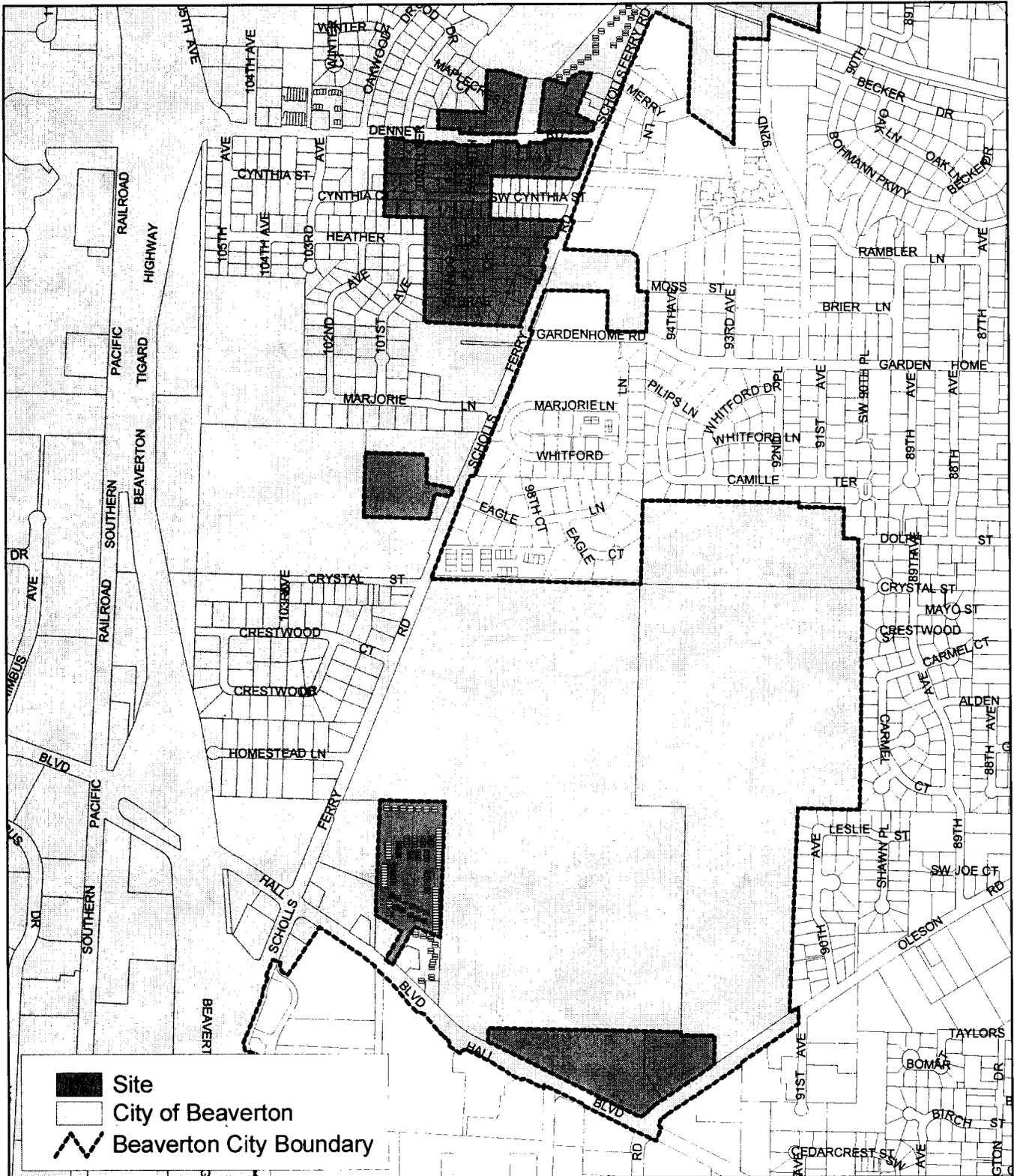


ANX 2005-0001

VICINITY MAP

Resolution No. 3802

EXHIBIT "C"



-  Site
-  City of Beaverton
-  Beaverton City Boundary



CITY OF BEAVERTON

South Beaverton Island Annexations
 COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

01/18/04
 Map #
 Various



ANX 2005-0001

AGENDA BILL

B averton City Council
Beaverton, Oregon

SUBJECT: Work Session for TA 2004-0008 (Floodplain
Text Amendment)

FOR AGENDA OF: 01-24-05 **BILL NO:** 05016

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 1-13-05

CLEARANCES: Dev. Serv. 

PROCEEDING: Work Session

EXHIBITS: None

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

Refer to Agenda Bill packet for TA 2004-0008 (Floodplain Text Amendment) prepared for the January 24, 2005 City Council Agenda.

INFORMATION FOR CONSIDERATION:

Staff will give a brief summary and description of the proposed Floodplain Text Amendment.

RECOMMENDATION

Staff recommend that the City Council conduct a work session with staff to answer any questions the Council may have on the recommended Development Code text amendment.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Declaring that an Emergency Ordinance be Adopted for TA2004-0008 (Floodplain Text Amendment)

FOR AGENDA OF: 01-24-05 **BILL NO:** 05017

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 1-13-05

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

PROCEEDING: First Reading
Second Reading

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1770
 3. Draft PC Minutes Dated 01-05-05
 4. Staff Report Dated 12-29-04

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Federal Emergency Management Agency (hereinafter "FEMA") studies floodplains and floodways of all waters in the United States and regularly updates the nation's Flood Insurance Program maps. The Fanno Creek floodplain was studied and mapped as early as the 1970's and the maps were adopted by FEMA in 1984 and updated in 1987. FEMA has concluded its most recent study of the Fanno Creek floodplain and has adjusted the nationwide map as it pertains to Fanno Creek. The FEMA updates what is known as the Base Flood Elevation, (hereinafter "BFE") which is the level to which water is estimated to rise during a flood event. An accurate, updated BFE is an important part of Beaverton's Development Code because the BFE affects how buildings within the floodplain should be safely designed and constructed.

On January 5, 2005, the Planning Commission held a public hearing to consider TA2004-0008 (Floodplain Text Amendment), which as proposed will adopt by reference the new FEMA study. The Commission voted 6-0-1 (Bliss absent) to recommend approval of the proposed Text Amendment, as memorialized in Land Use Order No. 1770.

INFORMATION FOR CONSIDERATION:

Federal law requires Beaverton to update its floodplain regulations to United States standards or risk losing the protection of the National Flood Insurance Program. Accordingly, this proposed text amendment keeps Beaverton in compliance with and protected by Federal statutes and regulations through its adoption and becoming effective prior to February 18, 2005.

RECOMMENDED ACTION:

- First reading
- Second reading
- Adoption

ORDINANCE NO. 4337

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, SECTION:
60.10, FLOODPLAIN REGULATIONS;
TA 2004-0008 (FLOODPLAIN TEXT AMENDMENT) AND
DECLARING AN EMERGENCY.

WHEREAS, the purpose of the Floodplain Text Amendment is to amend Section 60.10 of the Beaverton Development Code currently effective through Ordinance 4302 (June 2004) to adopt by reference the most recent study of the Federal Emergency Management Agency (FEMA) Fanno Creek floodplain which updates the Base Flood Elevation (BFE).

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on December 29, 2004 published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on January 5, 2005; and,

WHEREAS, on January 5, 2005, the Planning Commission conducted a public hearing for TA 2004-0008 (Floodplain Text Amendment) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1770; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2004-0008 (Floodplain Text Amendment) following the issuance of the Planning Commission Land Use Order No. 1770; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1770 dated January 6, 2005 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4302, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Emergency Clause. The Council finds that immediate adoption of this Ordinance is necessary to implement the new Federal Emergency Management Agency (FEMA) study to maintain protection of the National Flood Insurance Program, which is

anticipated to take effect on February 18, 2005. The Council therefore declares an emergency to exist, and this Ordinance shall take effect immediately on its passage.

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

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 – Floodplain Regulations, Section 60.10, will be amended to read as follows:

60.10. FLOODPLAIN REGULATIONS

60.10.10. Floodplain Designation.

1. Consistent with ~~Unified Sewerage Agency Clean Water Services~~ Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the ~~Federal Insurance Administration Department of Homeland Security's Federal Emergency Management Agency~~ in a scientific and engineering report entitled "The Flood Insurance Study for the City of Beaverton," dated ~~March 28, 1984~~ ~~February 18, 2005~~, as revised ~~February 4, 1987~~, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. ~~[ORD 4155; April 2001]~~ Additionally, the Letter of Map Revision (LOMR), dated ~~May 25, 2000~~, ~~In addition, the Letter of Final Determination, dated August 18, 2004~~, with accompanying Flood Insurance Rate Maps, flood profiles, and related data for Beaverton and Washington County, ~~effective February 18, 2005~~, revises portions of the 1984 and 1987 studies and maps, and ~~previous studies and along with previous versions of the same incorporated into that document~~ is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. (ORD 3563) [ORD 4130; November 2000] When base flood elevation data has not been provided in accordance with this section, the City ~~may~~ ~~shall~~ obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. (ORD 3563)
2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the City Engineer may request the concerned person provide a detailed hydraulic data report prepared by a registered engineer with background in the area of hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. After review of the available

EXHIBIT A

page 2 of 2

data the floodplain elevation shall be established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. (ORD 3563) [ORD 4155; April 2001]

**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST)	ORDER NO. 1770
)	
TO AMEND BEAVERTON)	TA 2004-0008
)	
DEVELOPMENT CODE (SECTION 60.10)	RECOMMENDING
)	
FLOODPLAIN REGULATIONS).)	TO CITY COUNCIL
)	
CITY OF BEAVERTON, APPLICANT.)	APPROVAL OF
)	
)	TEXT AMENDMENTS

The matter of TA 2004-0008 (Beaverton Development Code Section 60.10) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4302, Section 4 0.85.15.1.C.1-7 (Text Amendment) and Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on January 5, 2005, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA 2004-0008 proposes to amend Development Code Section 60.10. The amendment will adopt by reference the most recent study of the Federal Emergency Management Agency (FEMA) Fanno Creek floodplain which

updates the Base Flood Elevation (BFE). The BFE affects how buildings within the floodplain should be safely designed and constructed.

The Planning Commission adopts by reference the January 5, 2005, report as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request and findings thereon; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of TA 2004-0008 (Section 60.10 Floodplains Regulations) to the Beaverton City Council. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied.

CARRIED by the following vote:

AYES: Pogue, Barnard, DeHarpport, Maks, Winter, and Johansen.
NAYS: None
ABSTAIN: None.
ABSENT: Bliss.

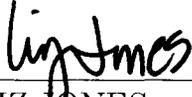
Dated this 6th day of January, 2005.

Appeals of a Type 4 decision are to be conducted in conformance to Section 50.75 of the Beaverton Development Code. To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1770 an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on Tuesday, January 18, 2005.

PLANNING COMMISSION
FOR BEAVERTON, OREGON:

ATTEST:

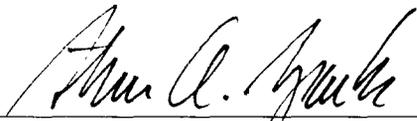
APPROVED:



LIZ JONES
Associate Planner



ERIC JOHANSEN
Chairman



STEVEN SPARKS, AICP
Development Services Manager

1 **NEW BUSINESS:**

2
3 **PUBLIC HEARINGS:**

4
5 A. **FLOODPLAIN TEXT AMENDMENT**

6 **1. TA2004-0008 – TEXT AMENDMENT**

7 This proposal updates Beaverton Development Code regulations
8 that affect property within the City that is also within the
9 floodplain of Fanno Creek.

10
11 Chairman Johansen opened the Public Hearing and read the format
12 for Public Hearings. There were no disqualifications of the Planning
13 Commission members. No one in the audience challenged the right of
14 any Commissioner to hear any of the agenda items, to participate in
15 the hearing or requested that the hearing be postponed to a later date.
16 He asked if there were any ex parte contact, conflict of interest or
17 disqualifications in any of the hearings on the agenda. There was no
18 response.

19
20 Chairman Johansen provided a brief description of the hearing
21 process.

22
23 Associate Planner Liz Jones presented the Staff Report and described
24 the proposal, observing that this would involve modification to
25 Development Code Section 60.10 pertaining to the floodplain
26 regulations. She pointed out that the purpose of this modification is to
27 adopt by reference the most current Federal Emergency Management
28 Act (FEMA) study and maps for the Fanno Creek Floodplain, adding
29 that this required a Measure 56 notice which had been mailed out to
30 the owners of all of the properties potentially affected by this proposal.
31 Observing that the notices had generated approximately ten telephone
32 calls from affected property owners, she noted that the majority of
33 these calls involved clarification with regard to the effect on the
34 property. Concluding, she recommended that the Planning
35 Commission recommend approval of the text amendments to the City
36 Council, and offered to respond to questions.

37
38 Referring to pages 3 and 8 of the Staff Report, Commissioner
39 DeHarpport requested clarification that the effective date of the flood
40 insurance study is February 18, 2005.

41
42 Ms. Jones confirmed that February 18, 2005 is the effective date of the
43 study.
44

PUBLIC TESTIMONY:

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

Site Development Project Engineer Jim Duggan referred to illustrations on the wall and explained that the map on the left illustrates an existing floodplain map that has been effective since 1987 while the map on the right is an example of the new floodplain map for the same area, observing that the updated version is more user-friendly and precise.

The public portion of the Public Hearing was closed.

Commissioners Maks, DeHarpport, Pogue, Barnard, and Winter and Chairman Johansen expressed their support and approval of the proposal.

Commissioner Pogue **MOVED** and Commissioner Barnard **SECONDED** a motion to **APPROVE** TA 2004-0008 – Floodplain Text Amendment, based upon the testimony, reports and exhibits, and new evidence presented during the Public Hearings on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated December 29, 2004, and providing for a recommendation for approval to the City Council.

Motion **CARRIED** by the following vote:

- AYES:** Pogue, Barnard, DeHarpport, Maks, Winter, and Johanssen.
- NAYS:** None.
- ABSTAIN:** None.
- ABSENT:** Bliss.

B. GARDEN GROVE 15-LOT PUD

- 1. LD2004-0030 – LAND DIVISION**
- 2. CU2004-0021 – CONDITIONAL USE**
- 3. FS2004-0017 – FLEXIBLE SETBACK**
- 4. TP2004-0018 – TREE PLAN**

The applicant requests Conditional Use approval for a Final Planned Unit Development (PUD) and associated Land Division for a Preliminary Subdivision to create a 15 single family residential development. In association with the proposed PUD and subdivision, the applicant requests approval of a Tree Plan Two application to remove Community Trees on the site, and a Flexible



CITY of BEAVERTON

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: Wednesday, December 29, 2004

STAFF: Liz Jones, Associate Planner *lj cc*

SUBJECT: TA 2004-0008 (Floodplain Text Amendment)

REQUEST: Amendment to Section 60.10 (Floodplain Regulations) to adopt by reference the most recent study of the Federal Emergency Management Agency (FEMA) Fanno Creek floodplain which updates the Base Flood Elevation (BFE). The BFE affects how buildings within the floodplain should be safely designed and constructed.

APPLICANT: City of Beaverton - Development Services Division

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4302)

APPLICABLE CRITERIA: Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, January 5, 2005

RECOMMENDATION: Staff recommend APPROVAL of text amendment application TA 2004-0008 (Floodplain Text Amendment)

I. Proposed Legislative Text Amendment

The proposed text amendment updates Beaverton Development Code regulations that affect property within the City that is also within the floodplain of Fanno Creek. The updates are required under Federal law as explained below.

An agency of the United States Government known as the Federal Emergency Management Agency (hereinafter "FEMA") is responsible for studying floodplains and floodways of all waters in the United States. Upon the results of their studies, FEMA composes and regularly updates the nation's Flood Insurance Program maps.

The nation's floodplains can change due to a wide variety of natural and man-made factors. Therefore FEMA must routinely study and update these regions to keep federal regulations consistent with conditions on the ground.

The Fanno Creek floodplain was studied and mapped as early as the 1970's. These maps were subsequently adopted by FEMA in 1984 and updated in 1987 for Fanno Creek. The present proposal builds upon this previous history of flood studies.

FEMA has recently concluded its most recent study of the Fanno Creek floodplain and has adjusted the nationwide map as it pertains to Fanno Creek. The FEMA study updates what is known as the Base Flood Elevation, (hereinafter "BFE") which is the level to which water is estimated to rise during a flood event. An accurate, updated Base Flood Elevation (BFE) is an important part of the Development Code because the BFE affects how buildings within the floodplain should be safely designed and constructed.

Federal law requires Beaverton to update its floodplain regulations to United States standards or risk losing the protection of the National Flood Insurance Program. Accordingly, this proposal keeps Beaverton in compliance with—and protected by—Federal statutes and regulations.

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 – Floodplain Regulations, Section 60.10, will be amended to read as follows:

60.10. FLOODPLAIN REGULATIONS

60.10.10. Floodplain Designation.

1. Consistent with ~~Unified Sewerage Agency~~ **Clean Water Services** Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the

~~Federal Insurance Administration~~ Department of Homeland Security's ~~Federal Emergency Management Agency~~ in a scientific and engineering report entitled "The Flood Insurance Study for the City of Beaverton," dated ~~March 28, 1984~~ ~~February 18, 2005~~, as revised ~~February 4, 1987~~, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. ~~[ORD 4155; April 2001]~~ Additionally, the Letter of Map Revision (LOMR), dated May 25, 2000, ~~In addition, the Letter of Final Determination, dated August 18, 2004~~ with accompanying Flood Insurance Rate Maps, flood profiles, and related data for Beaverton and Washington County, ~~effective February 18, 2005~~, revises portions of the ~~1984 and 1987 studies and maps, and previous studies and~~ ~~along with previous versions of the same incorporated into that document~~ is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. (ORD 3563) [ORD 4130; November 2000] When base flood elevation data has not been provided in accordance with this section, the City ~~may~~ ~~shall~~ obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. (ORD 3563)

2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the City Engineer may request the concerned person provide a detailed hydraulic data report prepared by a registered engineer with background in the area of hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. After review of the available data the floodplain elevation shall be established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. (ORD 3563) [ORD 4155; April 2001]

The proposed amendments to the Development Code text as shown above are attached in Exhibit 1.1.

II. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2004-0008 (Floodplain Text Amendment):

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

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2004-0008 (Floodplain Text Amendment) proposes to amend Section 60.10 of the Beaverton Development Code currently effective through Ordinance 4302 (June 2004). Therefore, staff find that approval criterion one has been met.

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

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

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

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy
- Title 3: Water Quality and Flood Management Conservation
- Title 4: Retail in Employment and Industrial Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Regional Accessibility
- Title 7: Affordable Housing
- Title 8: Compliance Procedures and
- Title 9: Performance Measures

TA 2004-0008 proposes to amend Development Code Section 60.10 to adopt by reference the most recent study of the Federal Emergency Management Agency (FEMA) Fanno Creek floodplain which updates the Base Flood Elevation (BFE). The BFE affects how buildings within the floodplain should be safely designed and constructed.

The City is required by Federal Law to update its floodplain regulations to Federal standards or risk losing protection in the National Flood Insurance Program. Metro's Title 3 applies to development in Flood Management Areas, which are identified on the Metro Water Quality and Flood Management map. The City of Beaverton is in compliance with Metro's Title 3 through our adoption of Clean Water Services (CWS) regulations for development within floodplains and management areas. The subject text amendment is to update the actual floodplain maps which could result in changes to Metro's Water Quality and Flood Management map by either adding or removing land within the floodplain. Therefore, the proposed text amendment is to comply with Federal standards and will result in a map which is current and still in compliance with Metro's Title 3. Therefore, staff finds that approval criterion 4 has been met.

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

The proposed text amendment will not change the intent of the existing Development Code regulations, such that goals and policies of the Comprehensive Plan will be impacted. Rather, the adoption of the updated FEMA maps will provide consistency between Comprehensive Plan goals and policies, specifically, the Environmental Quality and Safety Element and Development Code standards.

Chapter 8 – Environmental Quality and Safety Element

8.7.1 Goal: Maintain the functions and values of floodplains, to allow for the storage and conveyance of stream flows and to minimize the loss of life and property.

The proposed text amendment is to adopt the most recent FEMA study of the Fanno Creek floodplain which adjusted the nationwide map as it pertains to Fanno Creek. The study updates the Base Flood Elevation (BFE), which is the level to which water is estimated to rise during a flood event. The BFE affects how buildings within the floodplain should be safely designed and constructed. Through the adoption of the updated FEMA maps, the proposed text amendment will provide consistency between the Comprehensive Plan and the Development Code. Therefore, staff finds that approval criterion 4 has been met.

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

The proposed amendments do not create impacts or conflicts with other provisions within the Development Code. This text amendment proposes substantially similar language for floodplain regulations and will update the existing language to make it current with Federal standards. Staff find that proposed amendments are consistent with the other provisions of the Development Code. Staff find, therefore, approval criterion five has been met.

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

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed text amendment and are addressed in the findings of fact for approval criterion four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by or would conflict with the proposed text amendments. Therefore, staff find that approval criterion six has been met.

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

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

III. Conformance with Statewide Planning Goals

Because the proposal is for a text amendment to the Development Code, a demonstration of compliance with the Statewide Planning Goals is not required. ORS 197.225 requires that Statewide Planning Goals only be addressed for Comprehensive Plan Amendments. Nevertheless, the Statewide Planning Goals are useful to support the City's position on the proposed amendments. The proposed text amendment's conformance to relevant Statewide Planning Goals is briefly discussed below:

GOAL ONE - CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendments to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One.

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 has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4187) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4302). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

IV. Conclusion and Staff Recommendation

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommend the Planning Commission **APPROVE** TA 2004-0008 (Floodplain Text Amendment) at the January 5, 2004 regular Commission hearing.

V. Exhibits

Exhibit 1.1 Proposed Text Amendment

Exhibit 1.2 FEMA Floodplain Map illustrating taxlots that intersect either the old or new FEMA 100 year floodplain that are in Beaverton

Section 1: The Development Code, Ordinance No. 2050, Ordinance 4302, Chapter 60 - Floodplain Regulations, Section 60.10, will be amended to read as follows:

60.10. FLOODPLAIN REGULATIONS

60.10.10. Floodplain Designation.

1. Consistent with ~~Unified Sewerage Agency~~ **Clean Water Services** Design and Construction Standards, the floodplain is the flood management area and shall include those areas identified by the ~~Federal Insurance Administration~~ **Department of Homeland Security's Federal Emergency Management Agency** in a scientific and engineering report entitled "The Flood Insurance Study for the City of Beaverton," dated ~~March 28, 1984~~ **February 18, 2005**, as revised ~~February 4, 1987~~, with accompanying Flood Insurance Rate Maps (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. ~~{ORD 4155; April 2001}~~ Additionally, the ~~Letter of Map Revision (LOMR), dated May 25, 2000,~~ **In addition, the Letter of Final Determination, dated August 18, 2004,** with accompanying Flood Insurance **Rate** Maps, flood profiles, and related data for Beaverton and Washington County, **effective February 18, 2005**, revises portions of the 1984 and 1987 studies and maps, and ~~previous studies and along with previous versions of the same incorporated into that document-~~ is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and revisions are on file with the City Engineer and the City Recorder. (ORD 3563) [ORD 4130; November 2000] When base flood elevation data has not been provided in accordance with this section, the City ~~may~~ **shall** obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer City of Beaverton Code Section 9.05.060, subsections A and D, relating to site development. (ORD 3563)
2. When interpretation is requested by a property owner, or designee concerning the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the City Engineer may request the concerned person provide a detailed hydraulic data report prepared by a registered engineer with background in the area of hydraulics. This report shall include, but is not limited to, water profiles and discharge rates for the channel and the hydrology for the tributary areas. After review of the available

data the floodplain elevation shall be established by the City Engineer. A person dissatisfied with the City Engineer's decision may appeal that decision in the same manner as provided in Beaverton Code Section 9.05.091. (ORD 3563) [ORD 4155; April 2001]

FEMA Floodplain

and Taxlots that intersect either the Old or New FEMA 100 Year Floodplain that are in Beaverton and are associated with Fanno Creek

Effective as of February 18, 2005

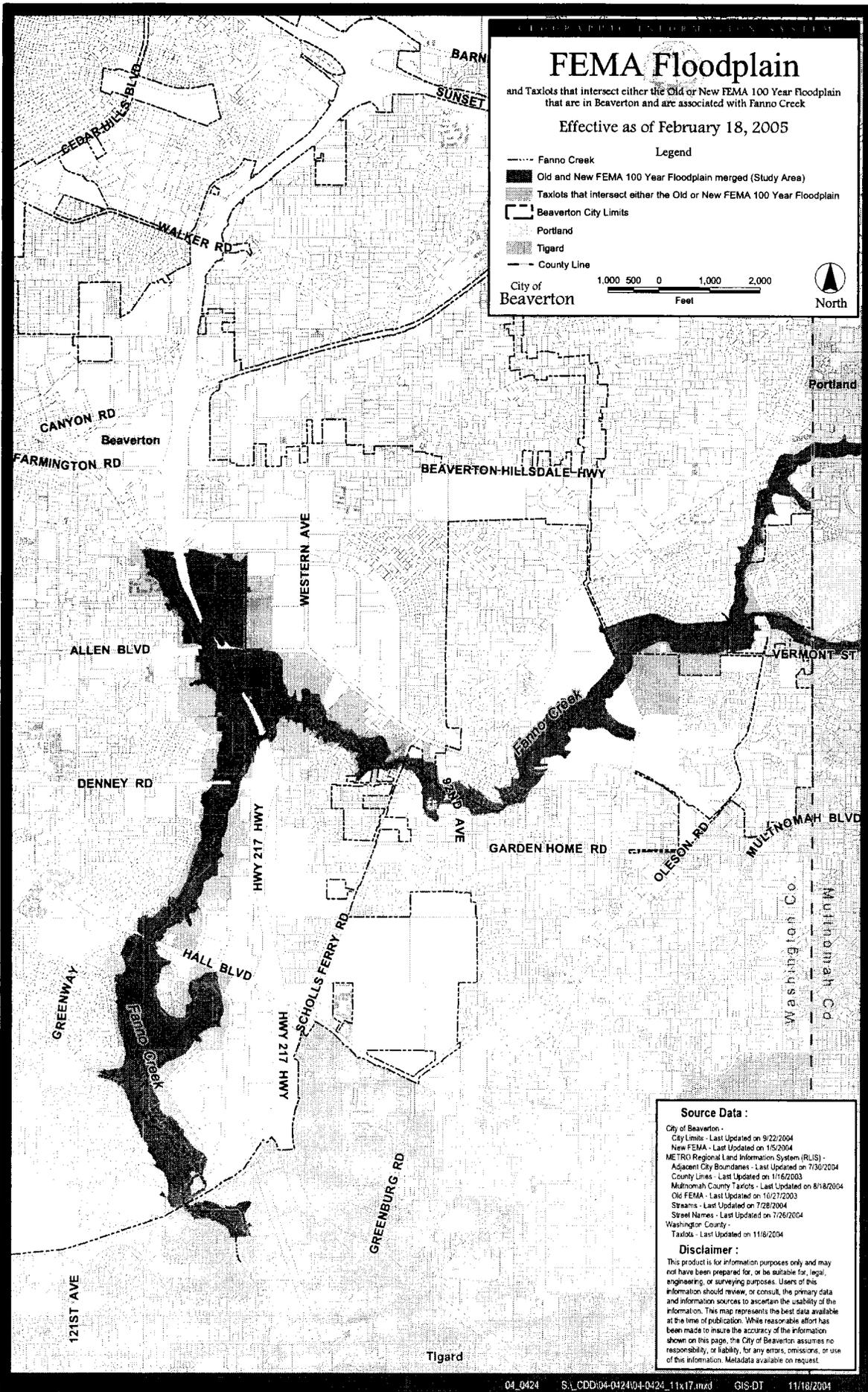
Legend

- Fanno Creek
- Old and New FEMA 100 Year Floodplain merged (Study Area)
- ▨ Taxlots that intersect either the Old or New FEMA 100 Year Floodplain
- Beaverton City Limits
- Portland
- Tigard
- County Line

City of Beaverton

1,000 500 0 1,000 2,000
Feet

North



Source Data :

- City of Beaverton -
- City Limits - Last Updated on 9/22/2004
- New FEMA - Last Updated on 1/5/2004
- Old FEMA - Last Updated on 10/27/2003
- Metro Regional Land Information System (RLIS) -
- Adjacent City Boundaries - Last Updated on 7/30/2004
- County Lines - Last Updated on 11/6/2003
- Multnomah County Taxlots - Last Updated on 8/18/2004
- Streams - Last Updated on 7/28/2004
- Street Names - Last Updated on 7/28/2004
- Washington County -
- Taxlots - Last Updated on 11/6/2004

Disclaimer :

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