



FINAL AGENDA

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

REGULAR MEETING
JANUARY 3, 2005
6:30 p.m.

CALL TO ORDER:

ROLL CALL:

Swearing in of Mayor Rob Drake, Chief of Staff Linda Adlard and City Councilor Catherine Arnold (Council Position No. 4)

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of December 20, 2004

- 05001 Liquor Licenses – Change of Ownership Papa's Pizza Parlor #8
- 05002 Boards and Commissions Appointments (Cherise Arthur to Beaverton Arts Commission)
- 05003 Traffic Commission Issue TC 568
- 05004 Authorize the Mayor to Sign an Intergovernmental Agreement with Washington County Oregon, to Participate in the Department of Homeland Security's Urban Area Security Initiative Grant Awarded to the City of Portland and Establish the Necessary Appropriations Through a Specific Purpose Grant Budget Adjustment Resolution (Resolution No. 3799)

PUBLIC HEARINGS:

- 05005 SV 2004-0001 NW 170th Avenue Right-of-Way Vacation (Lindquist 28-Lot PUD)

ORDINANCES:

First Reading:

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

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.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
DECEMBER 20, 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, December 20, 2004, at 6:45 p.m.

ROLL CALL:

Present were Mayor Drake, Counc. 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, Human Resource Services Manager Nancy Bates and City Recorder Sue Nelson.

Mayor Drake explained that the Council would move into executive session before the regular meeting. He said the public testimony period regarding the second reading of the ordinance for Annexation 2004-0013 (Barnes Road and Cedar Hills Boulevard) ended Friday, December 17, 2004, at 5:00 p.m. He said new testimony would not be taken related to this matter.

EXECUTIVE SESSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle, that Council move into 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. Counc. Bode, Doyle, Ruby, Soth and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

The executive session convened at 6:50 p.m.

The executive session adjourned at 7:05 p.m.

The regular meeting reconvened at 7:05 p.m.

CITIZEN COMMUNICATIONS:

There were none.

COUNCIL ITEMS:

Coun. Soth said this was his last official meeting on the City Council. He thanked the Council and staff for the courtesies extended to him over the last 24 years. He stated the Council and staff had worked well together over the years. He thanked the citizens of Beaverton for their confidence in him as a City Councilor.

Mayor Drake thanked Coun. Soth for his leadership.

Coun. Stanton said she had conversations regarding the regional water service with staff. She said she would not be at the meeting of January 3, 2005 for the swearing in of the councilors; she would be attending the January 10, 2005 meeting and would be sworn in at that time.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of the Regular Meeting of December 13, 2004

Contract Review Board:

04258 Waiver of Sealed Bidding – Purchase Herman Miller Systems Furniture from the State of Oregon Contract #3135.

Question called on the motion. Couns. Bode, Doyle, Ruby, Soth 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. He read the revisions made to the ordinance in their entirety, as follows:

Section 2: The following wording was added to the first sentence "...the supplemental staff report dated December 13, 2004 and the memorandum from the City Attorney dated December 20, 2004..." Rappleyea explained these were additional findings which would be adopted as part of the ordinance.

04246 An Ordinance Annexing Several Parcels Located in the Vicinity of Barnes Road and Cedar Hills Blvd. to the City of Beaverton: Annexation 2004-0013 (Ordinance No. 4334) (Carried over from the meeting of 12/13/04 with revisions and additional findings)

Coun. Soth **MOVED, SECONDED** by Coun. Doyle, that the ordinance embodied in Agenda Bill 04246, as amended, now pass. Roll call vote. Couns. Bode, Doyle, Ruby, Soth and Stanton voting **AYE**, the **MOTION CARRIED** unanimously. (5:0)

INTERIM URBAN SERVICES AGREEMENT WITH WASHINGTON COUNTY

Mayor Drake asked the City Attorney to brief the Council on this issue.

Rappleyea explained staff had been working on negotiations for the Peterkort Annexation which had not come to fruition. He said they also worked with Washington County on delineating the Urban Service Boundary (USB). He said the Mayor and staff worked with the County to develop an interim agreement to establish the USB lines and the full USB agreement would come in the future. He said this interim agreement provided Washington County assurances on the boundary location and where the City's annexations would stop. He reviewed the agreement and the boundary maps in the agreement. He explained Map A contained two maps; the north and south that indicated where the interim boundary was located. He said the County would not object to the City's annexation and provision of service for the areas inside the boundaries on Map A. He said the City would have to get permission before servicing the areas outside of the Map A boundary. He repeated this was an interim step before the final agreement was established on the USB. He said the third map indicated the predicted boundaries of the USB. He said the County indicated it was willing to work with the City if there was a parcel that needed to be developed outside of the Map A area. He said for the ORS 451 Service Districts, the interim agreement had a provision to even-out the service levels.

Mayor Drake explained the boundaries on Map A were roughly 170th Avenue on the west side, Cornell Road on the north, Tigard on the south and Washington County line on the east. He said Area B included everything outside of that boundary up to the County line on the north and roughly the School District boundary line on the west.

Rappleyea explained Washington County had agreed to withdraw its objection to Annexation 2004-0013 if the City approved this agreement. He said this agreement would be presented to the Washington County Board of Commissioners tomorrow night.

Coun. Soth asked about the County 2000 Plan's interface with the agreement.

Rappleyea explained the County 2000 Plan was in progress. He said if the City wanted to annex areas north of Barnes or Cornell Roads, the City would have to get the County's consent. He explained Map A was the interim boundary.

Coun. Stanton asked when the final agreement between City and County was finalized would there be a provision that the final agreement superseded the interim agreement.

Rappleyea replied that was the intent and it would be clear in the final agreement.

Coun. Stanton asked about the roles and responsibilities in Provision F and quoted from that section "Nothing herein precludes City from providing such services except that City shall not condition such provision of such services on annexation to City." She said she wanted to be sure the City would not stop its current practices in terms of providing water.

Rappleyea said for areas inside Map A, the City would continue to follow its current process regarding providing water, as was consistent with the City's agreement with Clean Water Services. He said outside of Map A, the City would have to get the County's consent. He clarified Provision F pertained to provision of sewer services.

Mayor Drake explained the reasoning behind this was that as originally drafted, the City would have been compelled to provide extra-territorial service extension without compelling annexation. He said the City had consistently had a policy that if someone wanted City services they should be annexed.

Coun. Stanton asked regarding Provision H, if the County was creating phantom service districts to provide water, storm drainage and other services.

Mayor Drake explained on the issue of service disparity between urban incorporated and unincorporated services, there was agreement that cities were double taxed. He said ORS 451 Service Districts allowed a conglomerate of services to be presented in a package to the citizens in the County-formed district. He said the idea was this would be a phase-in process, so eventually the urban areas would come into the cities. He said these districts had a sunset of ten years and then the County and cities would decide the future service levels. He said this was not critical of County services; it was understood the cities provided a different level of service. He said this acknowledged the County's contingency funds were decreasing and there were issues with passing levies, so service levels may drop in some unincorporated areas. He said to be consistent with the County 2000 Plan, the County would offer a package of services to residents in those areas to decide if they want the higher or lower level of services.

Coun. Stanton read a section from Provision I in the agreement "This includes, but is not limited to, provisions addressing water service, potential transfer of employees and equipment...". She said this looked like a commitment and she was not sure what they were considering.

Mayor Drake said in Oregon law, there was a provision that when a city annexed unincorporated areas, if the city picked up an area that was sufficient to impact county services, the city was legally required to pick up those employees. He said the County wanted the provision to be better defined than just what was required by ORS and the City agreed. He said this could include regular employees.

Coun. Soth said that procedure was used in the past when the Aloha Water District was split. He asked if that would also include the County's street lighting district.

Rappleyea said they had not raised the question of street lighting districts. He said he thought the County would be flexible.

Coun. Doyle asked when results might be seen regarding Provision G (double taxation); or when the level of significance might be seen regarding this problem.

Rappleyea replied that resolving that issue was the most difficult part of this agreement. He said it would be a policy decision from the City and County.

Mayor Drake said some of this was addressed when the County adopted its 2000 Plan in 1986. He said Portland State did a thorough analysis of costs and government structure. He said the County had begun the process for reviewing the 2000 Plan and costs would be analyzed. He said this was what lead cities to express concern to the County that some of their residents were being double taxed to some extent. He said he felt it was a fair question and the cities had the right to raise the issue.

Coun. Soth MOVED, SECONDED by Coun. Stanton, that the Council authorize the Mayor to enter into the Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan. 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 7:30 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2005.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: LIQUOR LICENSES

FOR AGENDA OF: 01/03/05 **BILL NO:** 05001

CHANGE OF OWNERSHIP

Papa's Pizza Parlor #8
15700 NW Blueridge Drive
Beaverton, OR 97006

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 12/21/04

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

A background investigation has been completed and the Chief of Police finds that the applicant meets 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 request.

INFORMATION FOR CONSIDERATION:

Papa's Pizza Parlor #8, formerly licensed by the OLCC to Pine Valley Development Corp., is undergoing a change of ownership. The Papa's Group, Inc., has made application for a Limited On-premises Sales license under the name of Papa's Pizza Parlor #8. The establishment will serve pizza and will operate seven days a week from 11:00 a.m. to 1:00 a.m. Entertainment will be recorded music and coin-operated games. 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.

RECOMMENDED ACTION:

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Boards and Commissions Appointments
(Cherise Arthur to Beaverton
Arts Commission)

FOR AGENDA OF: 01-03-05 **BILL NO:** 05002

Mayor's Approval:



DEPARTMENT OF ORIGIN: Mayor's
Office/Neighborhood Program

DATE SUBMITTED: 12-22-04

CLEARANCES:

PROCEEDING: CONSENT AGENDA

EXHIBITS: Application for new appointment

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

Dan McCue, a new appointee to the Beaverton Arts Commission, is not able to complete his term. Therefore, Mayor Rob Drake is recommending that Cherise Arthur, newly appointed as an alternate member, be reappointed as a permanent member with a term to expire on December 31, 2007. Mayor Rob Drake also recommends that Michelle Sterkowicz be appointed as an alternate member to the Arts Commission for a term to expire on December 31, 2005.

RECOMMENDED ACTION:

Confirm recommended appointments to the Beaverton Arts Commission.

8/17/04
emailed RJT

Sterkowicz application from Nov 03

From: Mailbox Citymail
Sent: Thursday, November 13, 2003 9:11 AM
To: Megan Callahan
Cc: Jayne Scott
Subject: FW: Boards and Commissions Application

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

From: bcaplication@ci.beaverton.or.us [mailto:bcaplication@ci.beaverton.or.us]
Sent: Wednesday, November 12, 2003 11:44 PM
To: Mailbox Citymail
Subject: Boards and Commissions Application

Boards and Commissions Application

Board/Commission Applying for:
First Choice: Beaverton Arts Commission
Second Choice: Beaverton Arts Commission

Name: Michelle Sterkowicz
Employer:
Position:

Address:
City: Portland
Zip Code: 97209

Home Phone:
Business Phone:
Email Address:

How did you hear of the opening? Jayne Scott informed me of the opening. I have developed my relationship with her through Westside P.A.L. and the Beaverton Art Educators Committee.

Are you a City resident? no

May we keep your name on a list if not appointed at this time? yes

Briefly describe your background and experience: I have worked with children in the arts for over 6 years, including 5 years experience as a preschool teacher and art program coordinator for the Sequent/IBM Children's Learning Center in Beaverton. I currently work with a variety of programs in the Beaverton area as an independent art educator, including art classes at Conestoga Parks and Aquatic Center, Bright Horizons Children's Learning Center, and Evergreen Academy. These classes are taught by me under my business name Little Hands Creative Minds. In January 2003, I began working with the Westside Police Activities League, and was given the opportunity to build an art program in their youth center. I have done so by creating an inviting environment for the children to come in to, as well as providing a large variety of mediums for the children to work with. The children regularly work with pencils, paint, clay, and wire, but also work on other special projects, such as making paper, building, and creating mosaics.

List any special training, skills or experience you may have that are pertinent to the Board/Commission to which you are applying: I enjoy being able to work with a variety of children of various ages and backgrounds. I work with infants and parents at Conestoga and in baby playgroups; I work in private preschool programs where the art supplies are in abundance; and I work with a non-profit - where supplies are sometimes scarce and children are given little opportunity or

Sterkowicz application from Nov 03

encouragement from home to express themselves through art. This diversity has taught me a lot. All children need art and I love being able to provide it to them all. Some of the greatest and most important experiences I have had this past year have been those with PAL. This past spring we participated in a National PAL art contest and two of our members were chosen to be featured in the National PAL 2004 calendar. We also worked on a variety of other projects (including many paintings and a specially designed tile-framed mirror) for our 4th Annual Auction that took place in October. In past years I have also worked with children on collaborative projects. These experiences have taught me a lot in working with not only the children and the process, but the community and local businesses. I worked with a few key businesses that have helped us out a lot and I feel it has been important to keep these relationships for future projects and programs.

Discuss your motivation for serving on this Board/Commission: Being more involved in the Beaverton arts community is important to me, especially considering so much of my work is in the Beaverton area. I feel it is increasingly important as well to be aware of the arts education in the schools and supporting them with additional programs where needed. I also would like to see the Westside PAL art program become more involved in the community. Being the art coordinator at PAL, I see an increased need for a stronger partnership with the city and arts commission.

State your goals for the City: My goal for the city of Beaverton is to cooperatively encourage more art and art awareness with children of all ages throughout the community. I am anxious to become more involved with other board members who share similar views as well. I want to continue to make a difference with children through the art programs we offer. Families in the community are also a huge importance to me - I have always enjoyed informing and working with parents whose children are in my programs.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issue TC 568

FOR AGENDA OF: 1-3-05 **BILL NO:** 05003

Mayor's Approval: *Linda G. Godland*

DEPARTMENT OF ORIGIN: Engineering *TJM*

DATE SUBMITTED: 12-21-04

CLEARANCES: Transportation *TJM*
City Attorney *AR*

PROCEEDING: Consent

- EXHIBITS:**
1. City Traffic Engineer's report on Issue TC 568
 2. Final Written Order on TC 568
 3. Draft minutes of the meeting of December 2, 2004 (excerpt)

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On December 2, 2004, the Traffic Commission considered the following issue:

- TC 568, Traffic Calming Project Rankings for 2005

The staff report for Issue TC 568 is attached as Exhibit 1.

Each year the Traffic Commission holds a hearing to determine the rankings of the eligible traffic calming projects. This year, only one eligible project completed the required petition process.

INFORMATION FOR CONSIDERATION:

A public hearing was held on Issue TC 568. No one asked to speak and no written comments were received. Following the public hearing, the Commission adopted the staff recommendation.

RECOMMENDED ACTION:

Approve the Traffic Commission recommendation on Issue TC 568.

CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 568
(Traffic Calming Project Rankings for 2005)

November 10, 2004

Background Information

Each year, additional projects are considered for funding under the traffic calming program. The process is described in Steps 3 through 6 of the Traffic Calming Procedures. The City Traffic Engineer has determined that one potential new project meets the eligibility criteria described in step 3 of the procedures. Projects from previous years were all funded and none remained on the ranking list.

A project request petition form was provided as described in step 4 of the procedures. Staff have reviewed the returned petition and confirmed that it meets step 4 requirement for 51% neighborhood support. The project has been scored and ranked in accordance with Step 5 of the Traffic Calming Procedures.

Step 6 of the procedures is the public hearing to consider the project funding priority list and any appeals of the City Traffic Engineer's determination of eligibility. Under the procedures, the Commission shall consider the project ranking criteria and any other factor that the Traffic Commission determines to be relevant.

Staff will not be recommending any funding for this project because the adjoining properties are located outside the city limits. Because the properties are in the unincorporated area, they do not contribute to the Traffic Enhancement Fund which funds the traffic calming program. Laurelwood is in the City and is maintained by the City, but the adjoining properties are still outside the City. The lead petitioner for the Laurelwood project is aware of the funding recommendation and is discussing the potential for funding by the residents.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- #3 (comply with officially approved policies of the City Council, specifically the Neighborhood Traffic Calming Program procedures).

Conclusions:

1. The project shown in Table 1 meets the eligibility criteria of the Neighborhood Traffic Calming Program procedures.
2. The project shown in Table 1 has been ranked in accordance with the Project Ranking Criteria and Scoring Process of the Neighborhood Traffic Calming Program Procedures.
3. Therefore, Criterion #3 is satisfied.

Recommendation:

1. Approve the project ranking shown in Table 1 as the Neighborhood Traffic Calming project ranking for 2005.

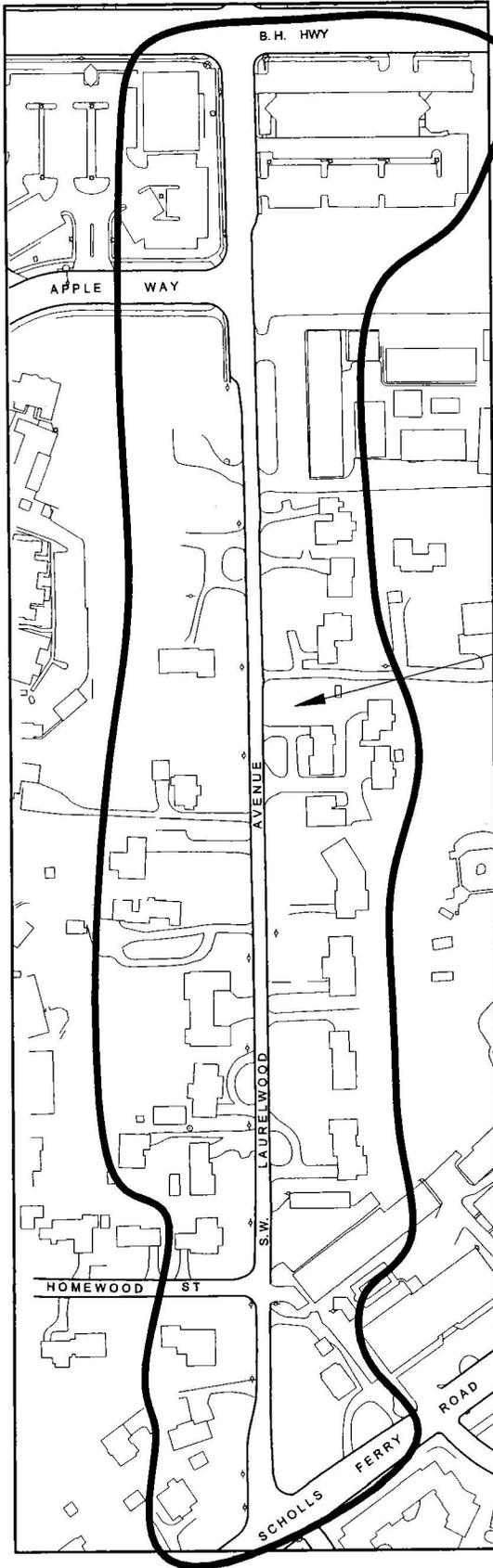
Table 1

TRAFFIC CALMING RANKING LIST FOR 2005 - 2006

| LOCATION | FUNCTIONAL CLASS * | BASE SPEED (MAX. 40 POINTS) | PERCENT OVER SPEED LIMIT (MAX. 30 POINTS) | TRAFFIC VOLUME (MAX. 30 POINTS) | COLLISIONS (NO POINT LIMIT) | SIDEWALKS (MAX. 5 POINTS) | SCHOOL PROXIMITY (MAX. 5 POINTS) | MAJOR PEDESTRIAN CROSSING (MAX 5 POINTS) | TOTAL SCORE | RANK |
|---|--------------------|--------------------------------|---|------------------------------------|--------------------------------|------------------------------|-------------------------------------|--|-------------|------|
| Laurelwood Ave. between Beaverton Hillsdale Highway & Scholls Ferry Rd. | N | 40 | 18 | 30 | 0 | 5 | 0 | 0 | 93 | 1 |

FUNCTIONAL CLASS

- * A = Arterial
- * C = Collector
- * N = Neighborhood Street



TC 568



1" = 250'

Neighborhood
Project Area

Y:\Traffic\Drawings\2004\04-10 Laurelwood at Scholls Ferry - BH Hwy Speed.dwg



City Of Beaverton

Traffic Calming on SW Laurelwood Ave
Between Scholls Ferry Rd & BH Hwy

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: JR Date: 11/10/04

Reviewed By: _____ Date: _____

Approved By: _____ Date: 3

TC 568

Randy Wooley

From: Renfro, Jerry L. [Jerry.Renfro@tvfr.com]
Sent: Friday, November 19, 2004 11:40 AM
To: Randy Wooley
Subject: Issue NO.TC 568 Traffic Calming for SW Laurelwood Ave

Randy, I have reviewed the information regarding the Approval of Traffic calming for S.W. Laurelwood Ave between SW Beaverton Hillsdale Hwy and S.W. Scholls Ferry Road based upon the City of Beaverton's Neighborhood Calming Policy. I also noted there is a funding issue, that the neighborhood may attempt to resolve on their own.

For the record and per your request, I would like to comment on this particular project.

This section of S.W Laurelwood Ave. is a; Primary Emergency Route, As designated by Tualatin Valley Fire and Rescue In it's

Neighborhood Traffic Calming Policy. Therefore, the District would not be able to "Support" the installation of most of the typically used traffic calming measures that may be considered in this particular case. Per page 3 of our policy, The Districts' support would be limited to; Street trees, Painted lines, Curb extensions, on street parking, Medians, and pavement textures. Any measures beyond this list would fall into the; Not supported or possibly Special Consideration areas of the policy. We would like to work with the city and the concerned neighbors of the S.W. Laurelwood Ave area to resolve this Issue. There may be some common ground, for the neighbors the city and the District to consider. The Measures that the Fire district would tend to support in this circumstance appear to be the less expensive to install. If you or the neighborhood representatives have questions regarding these comments, Please call me at my office 503-612-7007

Sincerely,

Jerry Renfro DFM

Transportation Systems Manager

Tualatin Valley Fire and Rescue

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: November 19, 2004
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 568

TC 568. I concur with recommendation of ranking as described in Table 1 as described in City Traffic Engineer's report date November 10, 2004.

CITY OF BEAVERTON
FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION
REGARDING ISSUE NUMBER TC 568
(Traffic Calming Project Rankings for 2005)

1. A hearing on the issue was held by the Traffic Commission on December 2, 2004.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - #3 (comply with officially approved policies of the City Council, specifically the Neighborhood Traffic Calming Program procedures)
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The project shown in attached Table 1 has satisfied the requirements of Steps 1 through 5 of the Neighborhood Traffic Calming Program procedures. The project has satisfied the Eligibility Criteria and has submitted the project request petition required by Step 4. In accordance with the Project Ranking Criteria and Scoring Process, the project has been scored and ranked as shown in Table 1.
 - No other projects have satisfied the eligibility and petition requirements for the current year's program.
4. Following the public hearing, the Traffic Commission voted (6 aye, 0 nay) to recommend the following action:

Approve the project ranking shown in attached Table 1 as the Neighborhood Traffic Calming project ranking for 2005.

5. The Traffic Commission decision was based on the following findings:
 - The project shown in Table 1 meets the eligibility criteria of the Neighborhood Traffic Calming Program procedures.
 - The project shown in Table 1 has been ranked in accordance with the Project Ranking Criteria and Scoring Process of the Neighborhood Traffic Calming Program Procedures.
 - No other projects have satisfied the eligibility and petition requirements for the current year's program.
 - Therefore, Criterion #3 is satisfied.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 2 DAY OF DECEMBER 2004



Traffic Commission Chair

Draft

City of Beaverton

TRAFFIC COMMISSION

Minutes of the December 2, 2004, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:00 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall.

ROLL CALL

Traffic Commissioners Scott Knees, Holly Isaak, Louise Clark, Kim Overhage, Tom Clodfelter, and Ramona Crocker constituted a quorum. Commissioner Carl Teitelbaum was excused.

City staff included City Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, Traffic Sergeant Jim Monger, and Recording Secretary Debra Callender.

— EXCERPT START —

PUBLIC HEARING

ISSUE TC 568: TRAFFIC CALMING PROJECT RANKINGS FOR 2005

Chairman Knees opened the public hearing on Issue TC 568.

Staff Report

The Commission reviewed the printed staff report before the meeting. They agreed to dispense with a verbal staff report.

Public Testimony

The Commission received written testimony related to this hearing from Traffic Sgt. Jim Monger and Fire Marshal Jerry Renfro of Tualatin Valley Fire and Rescue (TVF&R).

No one came forward to testify.

Staff Comments

Mr. Wooley had no comments.

Chairman Knees closed the public hearing on Issues TC 568.

Commission Deliberation

Chairman Knees reviewed that the purpose of the hearing is to approve the ranking list. There is only one item on that list. As far as he can see, the area of discussion is limited.

Commissioner Clark asked staff to confirm that this approval is not connected to funding.

Mr. Wooley confirmed that the City's Traffic Calming Procedures require an annual public hearing to rank qualifying traffic calming projects received by September 30. No funding promise is connected to the ranking.

Chairman Knees called for a motion.

Commissioner Clark **MOVED** and Commissioner Overhage **SECONDED** a **MOTION** to approve Issue TC 568, Traffic Calming Project Rankings for 2005, as submitted by staff, and the final written order.

On discussion, Commissioner Isaak commented that such a short ranking list must mean there are no more serious traffic problems in Beaverton neighborhoods.

Commissioner Clark noted that the list reflects only the applicants that met the criteria. Other streets might still meet the opening criteria, had they applied to the program.

Commissioner Isaak asked staff how many neighborhoods applied to the City's traffic calming program this year.

Mr. Wooley did not have that data at hand. Mr. Khasho estimated three to four neighborhoods were tested for speed and traffic volume. Some neighborhoods still have petitions circulating that might eventually be delivered to the City. Staff still mails out program information to interested residents every few weeks.

Commissioner Crocker said she understood the report to say that the City can have jurisdiction over a roadway, while the properties on both sides of the roadway remain outside the City's jurisdiction. In this case, the properties on Laurelwood Avenue are in unincorporated Washington County.

Mr. Wooley confirmed that this is the case on this short section of Laurelwood Avenue. It is an unusual case.

Chairman Knees asked where they could find an up-to-date map showing Beaverton's ever-changing boundaries. Mr. Wooley recommended the maps on the Community Development pages of the City Web site.

There was no further discussion. The **MOTION CARRIED** unanimously, 6:0.

— EXCERPT END —

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorize the Mayor to Sign an Intergovernmental Agreement With Washington County Oregon, to participate in the Department of Homeland Security's Urban Area Security Initiative Grant awarded to the City of Portland and Establish the Necessary Appropriations Through a Specific Purpose Grant Budget Adjustment Resolution

FOR AGENDA OF: 1/3/05 **BILL NO:** 05004

Mayor's Approval: *Linda G. Collins*
Mayor
DEPARTMENT OF ORIGIN: Emergency Management *MM*

DATE SUBMITTED: 12/22/04

CLEARANCES: Finance *AD*
Police *BJ*
City Attorney *MS*
Mayor's Off. *LA*

PROCEEDING: Consent Agenda

- EXHIBITS:**
1. Specific Purpose Grant Budget Adjustment Resolution
 2. IGA with County
 3. IGA between Portland and County
 4. FY03 UASI Grant Agreement
 5. FY04 UASI Grant Agreement
 6. Summary of amount awarded to Beaverton

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Beaverton Police Department is a participant in two grants awarded to the Portland metropolitan area by the Department of Homeland Security under the Urban Area Security Initiative (UASI). The Portland, Oregon Urban Area (the City of Portland and Clackamas, Clark, Columbia, Multnomah, and Washington counties) received two grants (FY-03 and FY-04) for a total amount of \$14.8 million. The City of Portland is the subgrantee from the State and is requiring that IGAs be signed by local agencies to protect itself and ensure that every recipient of materials or services under these grants complies with the grant requirements and follows the adopted procurement process. To minimize the number of agreements they must sign, the City of Portland is only entering into agreements with the urban area counties and with a consortium of urban area 911 agencies (WCCCA, CCOM, BOEC, LOCOM, etc.). Washington County is entering into secondary agreements with the City of Beaverton and other jurisdictions (sub-recipients) in the county that will benefit from the grants. These agreements are intended to ensure compliance with the grant requirements and the procurement and reporting processes.

INFORMATION FOR CONSIDERATION:

The grants were provided to the State, who, in turn, sub-granted to (i.e., contracted with) the city of Portland. The contract between the State and Portland is nearly identical in content to the FY-03 and

FY-04 contracts the City of Beaverton signed with the state for its State Homeland Security and/or Law Enforcement Terrorism Prevention Program grants.

An Urban Area Working Group was formed to prepare an Urban Area Strategy for preparing for, responding to and recovering from weapons of mass destruction events and to prepare budgets for use of the grant funds. The working group includes the emergency managers from the six jurisdictions noted in paragraph 1 plus representatives from fire, law enforcement communications, emergency medical services, health, and the Port of Portland. The Urban Area Strategy was prepared and has been blessed by the Department of Homeland Security. The budgets for both grants have also been submitted to and approved by the Department of Homeland Security.

In its capacity as the sub-grantee from the state, the City of Portland will be procuring most of the equipment, supplies, and services contained in the grant and having those items delivered/provided to the identified grant recipients. In the case of training, the local entities will incur the costs for training courses and the police staff time, and then pursue reimbursement for these costs through the City of Portland.

There are no match requirements for these grants and all of the equipment and supplies purchased under the grants will belong to the agencies for whom they are ordered once the paperwork is done.

RECOMMENDED ACTION:

Council authorize the Mayor to sign the IGA with Washington County and approve the Specific Purpose Grant Budget Adjustment Resolution establishing a budget for the grant within the Homeland Security Grant Program.

RESOLUTION NO. 3799

A RESOLUTION APPROVING THE ACCEPTANCE OF A SPECIFIC PURPOSE GRANT AND THE ASSOCIATED APPROPRIATIONS IN THE GENERAL FUND OF THE CITY DURING THE FY 2004-05 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND

WHEREAS, the City Council reviews and approves the annual budget; and,

WHEREAS, during the year the Council may authorize the acceptance of specific purpose grant funds and the associated appropriations through a specific purpose grant budget adjustment resolution; and,

WHEREAS, a Specific Purpose Grant entitled "Urban Area Security Initiative" was awarded for the Fiscal Years 2003 and 2004 in the total amount of \$151,244 and the Council desires to appropriate the grant award in the General Fund; now therefore,

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

Section 1. The Finance Director is hereby authorized and instructed to adjust the General Fund's budgets to reflect the award of the specific purpose grant revenue and the associated appropriations under the Homeland Security Program within the Mayor's Department:

General Fund

Revenues:

| | | |
|------------------|-----------------|-----------|
| Grants – Federal | 001-03-0000-327 | \$151,244 |
|------------------|-----------------|-----------|

Expenditures:

| | | |
|------------------------------|-----------------|-----------|
| Lieutenant | 001-60-0636-055 | \$ 5,340 |
| Police Sergeant | 001-60-0636-071 | \$ 10,690 |
| Police Officer | 001-60-0636-103 | \$ 37,414 |
| Fringe Benefits | 001-60-0636-299 | \$24,050 |
| Special Police Grant Expense | 001-60-0636-464 | \$ 1,250 |
| Communications Equipment | 001-60-0636-631 | \$ 72,500 |

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

INTERGOVERNMENTAL AGREEMENT**Between****WASHINGTON COUNTY, OREGON
and
THE CITY OF BEAVERTON, OREGON**

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

Recitals

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, the Parties agree as follows:

1. The County agrees:

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

2. The Agency agrees:

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

b) To comply with the purchasing and reimbursement processes required by the grants, this Agreement, and the city of Portland;

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

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

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

Washington County

Tom Brian Date 12-14-04

APPROVED AS TO FORM

Elan M Dickens Date 12/6/04
 Attorney

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

City of Beaverton

Date _____

APPROVED AS TO FORM

Date _____

Attorney

INTERGOVERNMENTAL AGREEMENT**Between****WASHINGTON COUNTY, OREGON
and
THE CITY OF PORTLAND, OREGON**

THIS IS an intergovernmental (IGA) between the City of Portland, (City,) and Washington County, (Recipient,) entered into pursuant to the authority granted in ORS Chapter 190 for the procurement and distribution of equipment, supplies and professional services by the City (or for the reimbursement of funds for the purchase or utilization of chemical, biological, radiological, nuclear and explosive events training if such reimbursement funds are supplied by the State to the City) to address certain catastrophic events.

Recitals

WHEREAS, the United States Department of Homeland Security, Office for Domestic Preparedness, awarded Urban Area Security Initiative (UASI) Grant # 03-071 to the City of Portland, Office of Emergency Management (POEM), as Grantee, for the Fiscal Year 2003 in the amount of \$6,764,956 (Grant) attached to this Agreement and incorporated herein as Exhibit A; and

WHEREAS, the United States Department of Homeland Security, Office for Domestic Preparedness, Awarded Urban Area Security Initiative (UASI) Grant #04-71 to the City of Portland, Office of Emergency Management (POEM), as Grantee, for the Fiscal Year 2004 in the amount of \$8,112,992 (Grant) attached to this Agreement and incorporated herein as Exhibit B; and

WHEREAS, UASI Grant # 03-071 and UASI Grant # 04-71 monies are intended to increase the capability of critical urban areas to prevent and respond to chemical, biological, radiological, nuclear and explosive events (CBRNE); and

WHEREAS, under these UASI grants, the City of Portland, as Grants Administrator, is required to coordinate the purchase and distribution of specialized equipment, supplies and services to enhance the ability to prevent, deter, respond to and recover from CBRNE events, and to in some instances, provide for the reimbursement of funds, for the same purpose, to the Portland, Oregon Urban Area, which includes jurisdictions in Multnomah, Clackamas, Columbia and Washington counties in Oregon and Clark County in Washington (Recipients.); and

WHEREAS, after extensive, coordinated discussions between state and local officials, a list of specialized equipment, supplies and professional services to be purchased has been

developed which is consistent with the Department of Homeland Security UASI goals and objectives; and

WHEREAS, some Recipients may purchase or utilize specialized training programs to train staff to respond to CBRNE; and

WHEREAS, some Recipients are, in turn, providing equipment, supplies and services received under this Grant from Portland, to other local entities; and

WHEREAS, reports regarding the use of the USAI Grant are required; and

WHEREAS, the Recipient is obligated, on behalf of itself and any other entity with whom it enters an agreement regarding these grant funds or equipment, supplies and services purchased therewith, to comply with all terms of the Grant including, but not limited to, obligations regarding reporting, access to records, and supplanting of funds.

NOW, THEREFORE, the Parties agree as follows:

1. The City agrees as follows:

That it shall purchase and distribute the equipment, supplies and services which have been approved by the State of Oregon Office of Emergency Management or as appropriate, the City may delegate the authority to purchase or utilize specialized training programs, to train Recipient's staff to respond to CBRNE events, directly to the Recipient in which case the City shall reimburse the Recipient upon presentation of an appropriate invoice and receipt of payment for said invoice from the State. Arrangement for any delivery shall be made between the parties.

2. The Recipient agrees:

- a) To timely comply with all reporting obligations required by the Grant's terms and the City;
- b) To appropriately use and conserve the equipment, supplies and services provided for CBRNE training and response;
- c) That any equipment or services provided by the City to the Recipient are as described in the grant documents which Recipient has seen. Any Recipient desiring to receive equipment or services from the City, differing in any regard from the lists attached to the grant documents, shall make that request, in writing, of the City and the City shall pass such request on to the State and make a purchase of the requested item if it is approved for reimbursement, in writing, by the State. In no event shall the Recipient make requests for equipment or services directly to the State.

- d) That any public statement by the Recipient referring to the receipt of the equipment, supplies or services shall state that the funds for the purchase came from the U.S. Department of Homeland Security, Office for Domestic Preparedness, Urban Area Security Initiative Grant Program and the percent or dollar amount of federal funds used in the purchase.
- e) To maintain and retain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and the standards of the Office of Comptroller set forth in the May 2002 Office of Justice Program (OJP) Financial Guide, including without limitation in accordance with the Office of Management and Budget (OMB) Circulars 87, A-102, A-122, A-128, A-133. All of these documents are to be retained for a minimum of six years after the contract has been awarded and available for review, upon request, to federal, state and City employees or their agents or officers. Review may occur at any time, even after six years, if the records are still available.
- f) To obtain copies of all federal regulations with which it must comply.
- g) Not to supplant its local funds with federal and to, instead, use the federal funds to increase the amount of funds that, in the absence of federal aid, would be made available to the Recipient to fund programs within the Urban Area Security Initiative Program Grant guidelines.
- h) To provide the City with Progress Reports, Financial Reimbursement Reports and Audit Reports when required by the City and in the form required by the City.
- i) To comply with all the obligations, and be bound by any limitations, applicable to the City, as Grantee, under the UASI Grant Award Conditions and Certifications document for Grant No. 03-071 and Grant No. 04- 71 and in addition, the City shall be listed as a party to be held harmless and, subject to the limits of the Oregon Tort Claims Act and the Oregon Constitution, indemnified by each Recipient and sub-Recipient and any contractor or subcontractor thereof, for any injury to person or property arising out of the equipment or services provided for under this Agreement, and as a party to whom a listed duty is due. **By signing this Agreement the Recipient states that it has read the Award Conditions and Certifications and is authorized to be and is in agreement therewith.**
- j) If seeking reimbursement for approved direct purchases of specialized training services, including the costs of overtime, backfill and course attendance, to enable the Recipient's staff to respond to CBRNE events,

the Recipient will provide the City with proof of purchase and amount of each item purchased through the use of receipts, purchase orders or other acceptable documentation, will only use the funds for the items approved for purchase and, subject to the limits of the Oregon Tort Claims Act and the Oregon Constitution, will indemnify the City, state and federal governments as if the services were supplied by the City. Recipients receiving reimbursement for direct purchases shall, in all other regards, be bound as any other Recipient, to the terms of this Agreement. For all single items of equipment valued over \$5,000, Recipient shall track the items as fixed assets, providing a list to the City and maintaining said list to include date of purchase, description of items including applicable serial numbers, and location of items.

- k) That Recipient, and not the City, must, in the first instance, provide the funds for any training and that there is a risk, to be borne by the Recipient alone, that the state may, upon receipt of the Recipient's invoice, not authorize reimbursement for the cost of any particular training program purchased directly or utilized by the Recipient. In that event, the cost of the training shall be the obligation of the Recipient only and shall not be a cost to the City.
- l) To maintain and store all equipment and supplies, provided or purchased, in the manner that will most prolong the life the same and to keep it in good working order at all times.

- 3. **Effective Date and Duration.** This Agreement shall be effective from the date all parties have signed and shall continue in effect until all mutual covenants expressed herein have been fully satisfied or until the Agreement is terminated due to the failure of one of the Parties hereto to perform.
- 4. **Amendment:** This Agreement may only be amended by written agreement of the parties approved by the Portland City Attorneys Office.
- 5. **Termination:** The City may terminate this Agreement in the event that the Recipient fails to comply with its obligations under this Agreement. If such termination is effected by the City, Recipient will be liable to the City for the full cost, to the City, of any equipment or services provided by the City to Recipient, and of any penalty imposed by the state or federal government. The City will notify the Recipient, in writing, of its intention to terminate this Agreement and the reasons therefore. Recipient shall have fourteen days, or such other time as the parties may agree, from the date of the notice, in which to correct its compliance failure after which time termination will take effect.

- 6. **Governing Law.** All disputes between the parties shall be resolved under the laws of the State of Oregon and in the courts of Multnomah County unless otherwise agreed, in writing, by the Parties.
- 7. **Entire Agreement.** The Parties agree and acknowledge that this Agreement is a complete, integrated agreement that supersedes any prior understandings of any kind and that it is the entire agreement between them.
- 8. **Successors in Interest:** The terms of this Agreement shall be binding upon the successors and assigns of each Party hereto.

City of Portland

Mayor Vera Katz

Date _____

Gary Blackmer, Auditor

Date _____

Miguel Ascarrunz, Director, Portland
Office of Emergency Management (POEM)

Date _____

APPROVED AS TO FORM

City Attorney

Date _____

Washington County

APPROVED AS TO FORM

Date _____

Date _____

OREGON DEPARTMENT OF STATE POLICE
CRIMINAL JUSTICE SERVICES DIVISION
URBAN AREAS SECURITY INITIATIVE GRANT PROGRAM

GRANT AWARD CONDITIONS AND CERTIFICATIONS

| | | | |
|-------------------|---|----------------|-----------------------|
| PROGRAM NAME: | FY 2003 Urban Areas Security Initiative Grant | GRANT NO: | #03-071 |
| GRANTEE: | City of Portland-Portland Office of Emergency Management (POEM) | FY 2003 AWARD: | \$6,764,956 |
| ADDRESS: | 1001 SW 5 th Avenue Suite 650 Portland, Oregon 97204 | AWARD PERIOD: | 07/1/03 thru 06/30/05 |
| PROGRAM DIRECTOR: | Elise A. Marshall | TELEPHONE: | (503) 793-0845 |
| | | FAX: | (503) 823-3588 |
| PROGRAM CONTACT: | Elise A. Marshall | TELEPHONE: | Same |
| | | FAX: | |
| FISCAL CONTACT: | Nancy McKinnon | TELEPHONE: | (503)823-6862 |

BUDGET

INCOME

Federal Grant Funds \$6,764,956

TOTAL INCOME: \$6,764,956

EXPENSES

Equipment \$5,692,094
Training \$774,014
Planning \$148,848
Administration \$150,000

TOTAL EXPENSES: \$6,764,956

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

TERMS AND CONDITIONS

I. CONDITIONS OF AWARD

- A. The Grantee agrees to operate the program as described in the application and to expend funds in accordance with the approved budget unless the Grantee receives prior written approval by CJSD to modify the program or budget. CJSD may withhold funds for any expenditure not within the approved budget or in excess of amounts approved by CJSD. Failure of the Grantee to operate the program in accordance with the written agreed upon objectives contained in the grant application and budget will be grounds for immediate suspension and/or termination of the grant agreement.
- B. The Grantee agrees that all public statements referring to the program must state that funds for this program come from the U.S. Department of Homeland Security, Office for Domestic Preparedness, State Homeland Security Grant Program, and must state the percent or dollar amount of federal funds used in the program.
- C. Maintenance, Retention and Access to Records; Audits.
1. Maintenance and Retention of Records. The Grantee agrees to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and the standards of the Office of the Comptroller set forth in the May 2002 Office of Justice Programs (OJP) Financial Guide, including without limitation in accordance with Office of Management and Budget (OMB) Circulars A-87, A-102, A-122, A-128, A-133. All financial records, supporting documents, statistical records and all other records pertinent to this grant or agreements under this grant shall be retained by the Grantee for a minimum of five years for purposes of State of Oregon or Federal examination and audit. It is the responsibility of the Grantee to obtain a copy of the OJP Financial Guide from the Office of the Comptroller and apprise itself of all rules and regulations set forth.
 2. Access to Records. CJSD, Oregon Secretary of State, the Office of the Comptroller, the General Accounting Office (GAO) or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of Grantee and any contractors or subcontractors of Grantee, which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. The right of access is not limited to the required retention period but shall last as long as the records are retained.
 3. Audits. If Grantee *expends* \$500,000 or more in Federal funds (from all sources) in its fiscal year, Grantee shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133. Copies of all audits must be submitted to CJSD within 30 days of completion. If Grantee expends less than \$500,000 in its fiscal year in Federal funds, Grantee is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in Section I.D.1 herein.
 4. Audit Costs. Audit costs for audits not required in accordance with OMB Circular A-133 are unallowable. If Grantee did not expend \$500,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant.
- D. Funding.
1. Matching Funds. **This Grant does not require matching funds.**
 2. Supplanting. The Grantee certifies that federal funds will not be used to supplant state or local funds, but will be used to increase the amount of funds that, in the absence of federal aid, would be made available to the Grantee to fund programs within the State Domestic Preparedness Equipment Program Grant guidelines.

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

1. **Progress Reports.** The Grantee agrees to submit a semi-annual report on its progress in meeting each of its agreed upon goals and objectives. Reports must be received no later than **January 31, 2004; July 31, 2004; January 31, 2005; and July 31, 2005.** Any progress report that is outstanding for more than one month past the due date may cause the suspension and/or termination of the grant. Grantee must receive prior written approval from CJSD to extend a progress report requirement past its due date.
2. **Financial Reimbursement Reports.**
 - a. In order to receive reimbursement, the Grantee agrees to submit the original signed Request for Reimbursement (RFR) which includes **supporting documentation for all grant and match expenditures.** RFRs must be received no later than **January 31, 2004; July 31, 2004; January 31, 2005; and July 31, 2005.** Reimbursements for expenses will be withheld if progress reports are not submitted by the specified dates or are incomplete. **Any RFR that is outstanding for more than one month past the due date may cause the suspension and/or termination of the grant.** Grantee must receive prior written approval from CJSD to extend an RFR requirement past its due date.
 - b. Reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the times, dates, and places of travel, and the actual expenses or authorized rates incurred.
 - c. When requesting reimbursement for equipment costing over \$5,000, the Grantee agrees to provide a description of the equipment, purchase price, date of purchase, and identifying numbers if any.
 - d. Reimbursements will only be made for actual expenses incurred during the grant period. The Grantee agrees that no grant funds may be used for expenses incurred before **July 1, 2003** or after **June 30, 2005.**
 - e. Grantee shall be accountable for and shall repay any overpayment, audit disallowances or any other breach of grant that results in a debt owed to the Federal Government. CJSD shall apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards and OMB Circular A-129.
3. **Audit Reports.** Grantee shall provide CJSD copies of all audit reports pertaining to this Grant Agreement obtained by Grantee, whether or not the audit is required by OMB Circular A-133.

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

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

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

G. **Copyright and Patents.**

1. **Copyright.** If this agreement or any program funded by this agreement results in a copyright, the CJSD and the Office for Domestic Preparedness reserve a royalty-free, nonexclusive and irrevocable license to

reproduce, publish or otherwise use, and to authorize others to use, for government purposes, the work or the copyright to any work developed under this agreement and any rights of copyright to which Grantee, or its contractor or subcontractor, purchases ownership with grant support.

2. **Patent.** If this agreement or any program funded by this agreement results in the production of patentable items, patent rights, processes, or inventions, the Grantee or any of its contractors or subcontractors shall immediately notify CJSD. The CJSD will provide the Grantee with further instruction on whether protection on the item will be sought and how the rights in the item will be allocated and administered in order to protect the public interest, in accordance with federal guidelines.
- H. **No Implied Waiver, Cumulative Remedies.** The failure of Grantor to exercise, and any delay in exercising any right, power, or privilege under this Agreement shall not operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege under this Agreement preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.
- I. **Governing Law, Venue; Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit, or proceeding (collectively, "Claim") between Grantor (and/or any other agency or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court for the State of Oregon; provided, however, if the Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. **Grantee, By Execution Of This Agreement, Hereby Consents To The In Personam Jurisdiction Of Said Courts.**
- J. **Notices.** Except as otherwise expressly provided in this Section, any communications between the parties hereto or notice to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same by registered or certified mail, postage prepaid to Grantee or Grantor at the address or number set forth on page 1 of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this section. Any communication or notice so addressed and sent by registered or certified mail shall be deemed delivered upon receipt or refusal of receipt. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. The parties also may communicate by telephone, regular mail or other means, but such communications shall not be deemed Notices under this Section unless receipt by the other party is expressly acknowledged in writing by the receiving party.
- K. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of Grantor, Grantee, and their respective successors and assigns, except that Grantee may not assign or transfer its rights or obligations hereunder or any interest herein without the prior consent in writing of Grantor.
- L. **Survival.** All provisions of this Agreement set forth in the following sections shall survive termination of this Agreement: Section I.C (Maintenance, Retention and Access to Records; Audits); Section I.E (Reports); and Section I.F (indemnification).
- M. **Severability.** If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.
- N. **Relationship of Parties.** The parties agree and acknowledge that their relationship is that of independent contracting parties and neither party hereto shall be deemed an agent, partner, joint venturer or related entity of the other by reason of this Agreement.

II. Grantee Compliance and Certifications

- A. **Debarment, Suspension, Ineligibility and Voluntary Exclusion.** The Grantee certifies by accepting grant funds that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, nor voluntarily excluded from participation in this transaction by any Federal department or agency. (This certification is required by regulations published May 26, 1988, implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 69 and 28 CFR Part 67.)

B. Compliance with Applicable Law. The Grantee agrees to comply with all applicable laws, regulations, and guidelines of the State of Oregon, the Federal Government and CJSJ in the performance of this agreement, as set forth in the most recent version of the *Grant Management Handbook* published by CJSJ and including but not limited to:

1. The provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Non-Discrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures, and Federal laws or regulations applicable to Federal assistance programs.
2. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646).
3. Section 102(a) of the Flood Disaster Protection Act of 1973, P.L. 93-234, 87 Stat.97, approved December 31, 1976.
4. Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.)
5. National Environmental Policy Act of 1969, 42 USC 4321 et seq.
6. Flood Disaster Protection Act of 1973, 42 USC 4001 et seq.
7. Clean Air Act, 42 USC 7401 et seq.
8. Clean Water Act, 33 USC 1368 et seq.
9. Federal Water Pollution Control Act of 1948, as amended, 33 USC 1251 et seq.
10. Safe Drinking Water Act of 1974, 42 USC 300f et seq.
11. Endangered Species Act of 1973, 16 USC 1531 et seq.
12. Wild and Scenic Rivers Act of 1968, as amended, 16 USC 1271 et seq.
13. Historical and Archaeological Data Preservation Act of 1960, as amended, 16 USC 469 et seq.
14. Coastal Zone Management Act of 1972, 16 USC 1451 et seq.
15. Coastal Barrier Resources Act of 1982, 16 USC 3501 et seq.
16. Indian Self-Determination Act, 25 USC 450f.
17. Hatch Political Activity Act of 1940, as amended, 5 USC 1501 et seq.
18. Animal Welfare Act of 1970, 7 USC 2131 et seq.
19. Demonstration Cities and Metropolitan Development Act of 1966, 42 USC 3301 et seq.
20. Federal Fair Labor Standards Act of 1938 (as appropriate), as amended, 29 USC 201 et seq.

C. Certification of Non-discrimination.

1. The Grantee, and all its contractors and subcontractors, certifies that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded under this agreement on the basis of race, color, age, religion, national origin, handicap, or gender. The Grantee, and all its contractors and subcontractors, assures compliance with the following laws:
 - a. Non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;
 - b. Title IV of the Civil Rights Act of 1964, as amended;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended;
 - d. Title II of the Americans with Disabilities Act (ADA) of 1990,

- e. Title IX of the Education Amendments of 1972;
 - f. The Age Discrimination Act of 1975;
 - g. The Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G;
 - h. The Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
2. In the event that a Federal or State court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, age, religion, national origin, handicap or gender against the Grantee or any of its contractors or subcontractors, the Grantee or any of its contractors or subcontractors will forward a copy of the finding to the Criminal Justice Services Division (CJSD). CJSD will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
- D. Civil Rights Compliance. All recipients of federal grant funds are required, and Grantee agrees, to comply with nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq. (prohibiting discrimination in programs or activities on the basis of race, color, and national origin); Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c)(1) (prohibiting discrimination in employment practices or in programs and activities on the basis of race, color, religion, national origin, and gender); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq. (prohibiting discrimination in employment practices or in programs and activities on the basis of disability); Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 (prohibiting discrimination in services, programs, and activities on the basis of disability); The Age Discrimination Act of 1975, 42 U.S.C. § 6101-07 (prohibiting discrimination in programs and activities on the basis of age); and Title IX of the Education Amendments of 1972, 20 U.S.C § 1681 et seq. (prohibiting discrimination in educational programs or activities on the basis of gender).
- E. Equal Employment Opportunity Program. If the Grantee, or any of its contractors or subcontractors, has 50 or more employees, is receiving more than \$25,000 pursuant to this agreement, and has a service population with a minority representation of three percent or more, the Grantee, or any of its contractors or subcontractors, agrees to formulate, implement and maintain an equal employment opportunity program relating to employment practices affecting minority persons and women. If the Grantee, or any of its contractors or subcontractors, has 50 or more employees, is receiving more than \$25,000 pursuant to this agreement, and has a service population with a minority representation of less than three percent, the Grantee or any of its contractors or subcontractors, agrees to formulate, implement and maintain an equal employment opportunity program relating to its practices affecting women. The Grantee, and any of its contractors and subcontractors, certifies that an equal employment opportunity program as required by this section will be in effect on or before the effective date of this agreement. Any Grantee, and any of its contractors or subcontractors, receiving more than \$500,000, either through this agreement or in aggregate grant funds in any fiscal year, shall in addition submit a copy of its equal employment opportunity plan at the same time as the application submission, with the understanding that the application for funds may not be awarded prior to approval of the Grantee's, or any of its contractors or subcontractors, equal employment opportunity program by the Office for Civil Rights, Office of Justice Programs.

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

- F. National Environmental Policy Act (NEPA); Special Condition for U.S. Department of Justice Grant Programs.
1. Prior to obligating grant funds, Grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. Grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the Grantee, a contractor, subcontractor or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:
 - a. new construction;

- b. minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain;
 - c. a renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
 - d. implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
2. Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the Grantee's or its contractors' or subcontractors' existing programs or activities that will be funded by these grant funds, the Grantee, upon specific request from the Office for Domestic Preparedness, agrees to cooperate with the Office for Domestic Preparedness in any preparation by the Office for Domestic Preparedness of a national or program environmental assessment of that funded program or activity.
- G. Certification Regarding Drug Free Workplace Requirements. Grantee certifies that it will provide a drug-free workplace by:
- 1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - 2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The Grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - 3. Requiring that each employee engaged in the performance of the grant be given a copy of the employer's statement required by paragraph (a).
 - 4. Notifying the employee that, as a condition of employment under the award, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
 - 5. Notifying the Grantee within ten days after receiving notice from an employee or otherwise receiving actual notice of such conviction.
 - 6. Taking one of the following actions, within 30 days of receiving notice, with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by federal, state, or local health, law enforcement, or other appropriate agency.
 - 7. Making a good faith effort to continue to maintain a drug-free workplace.

III. Suspension or Termination of Funding

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

- A. Failure to comply substantially with the requirements or statutory objectives of the State Homeland Security Grant Program guidelines issued thereunder, or other provisions of federal law.

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

IV. Grantee Representations and Warranties

Grantee represents and warrants to Grantor as follows:

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

Carmen Merlo, Director
 Criminal Justice Services Division
 Oregon State Police
 4th Floor
 255 Capitol Street NE
 Salem, OR 97310

Date

Signature of Authorized Grantee Official

Date

Name/Title

OREGON DEPARTMENT OF STATE POLICE
CRIMINAL JUSTICE SERVICES DIVISION
URBAN AREAS SECURITY INITIATIVE GRANT PROGRAM

GRANT AWARD CONDITIONS AND CERTIFICATIONS

| | | | |
|-------------------|--|----------------|------------------------|
| PROGRAM NAME: | FY 2004 Urban Areas Security Initiative Grant | GRANT NO: | # 04-071 |
| GRANTEE: | City of Portland-Portland Office of Emergency Management (POEM) | FY 2004 AWARD: | \$ 8,112,992 |
| ADDRESS: | 1001 SW 5 th Avenue Suite 650 Portland, Oregon 97204 | AWARD PERIOD: | 12/01/03 thru 11/30/05 |
| PROGRAM DIRECTOR: | Miguel Ascarrunz | TELEPHONE: | (503) 823-2691 |
| | | FAX: | (503) 823-3588 |
| PROGRAM CONTACT: | Elise A. Marshall | TELEPHONE: | (503) 823-2686 |
| | | FAX: | (503) 823-3588 |
| FISCAL CONTACT: | Nancy McKinnon | TELEPHONE: | (503)823-6862 |

BUDGET

INCOME

Federal Grant Funds \$8,112,992

TOTAL INCOME: \$8,112,992

EXPENSES

Equipment \$7,091,782
Training \$527,820
Planning \$250,000
Administration \$243,390

TOTAL EXPENSES: \$8,112,992

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

TERMS AND CONDITIONS

I. CONDITIONS OF AWARD

- A. The Grantee agrees to operate the program as described in the application and to expend funds in accordance with the approved budget unless the Grantee receives prior written approval by CJSD to modify the program or budget. CJSD may withhold funds for any expenditure not within the approved budget or in excess of amounts approved by CJSD. Failure of the Grantee to operate the program in accordance with the written agreed upon objectives contained in the grant application and budget will be grounds for immediate suspension and/or termination of the grant agreement.
- B. The Grantee agrees that all public statements referring to the program must state that funds for this program come from the U.S. Department of Homeland Security, Office for Domestic Preparedness, Urban Areas Security Initiative Grant Program, and must state the percent or dollar amount of federal funds used in the program.
- C. Maintenance, Retention and Access to Records; Audits.
1. Maintenance and Retention of Records. The Grantee agrees to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and the standards of the Office of the Comptroller set forth in the May 2002 Office of Justice Programs (OJP) Financial Guide, including without limitation in accordance with Office of Management and Budget (OMB) Circulars A-87, A-102, A-122, A-128, A-133. All financial records, supporting documents, statistical records and all other records pertinent to this grant or agreements under this grant shall be retained by the Grantee for a minimum of five years for purposes of State of Oregon or Federal examination and audit. It is the responsibility of the Grantee to obtain a copy of the OJP Financial Guide from the Office of the Comptroller and apprise itself of all rules and regulations set forth.
 2. Access to Records. CJSD, Oregon Secretary of State, the Office of the Comptroller, the General Accounting Office (GAO) or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of Grantee and any contractors or subcontractors of Grantee, which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. The right of access is not limited to the required retention period but shall last as long as the records are retained.
 3. Audits. If Grantee *expends* \$500,000 or more in Federal funds (from all sources) in its fiscal year, Grantee shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133. Copies of all audits must be submitted to CJSD within 30 days of completion. If Grantee expends less than \$500,000 in its fiscal year in Federal funds, Grantee is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in Section I.D.1 herein.
 4. Audit Costs. Audit costs for audits not required in accordance with OMB Circular A-133 are unallowable. If Grantee did not expend \$500,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant.
- D. Funding.
1. Matching Funds. **This Grant does not require matching funds.**
 2. Supplanting. The Grantee certifies that federal funds will not be used to supplant state or local funds, but will be used to increase the amount of funds that, in the absence of federal aid, would be made available to the Grantee to fund programs consistent with Urban Areas Security Initiative Grant guidelines.

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

1. **1. Progress Reports / Initial and Biannual Strategy Implementation Plan.** The Grantee agrees to submit a semi-annual report on its progress in meeting each of its agreed upon goals and objectives. As part of the Initial and Biannual Strategy Implementation Plan, grantees will be required to tie all funds received to specific, actionable projects and must link each one to the goals and objectives identified in the State and, where appropriate, Urban Areas Homeland Security Strategy. The Initial Strategy Implementation Plan (ISIP) is due **June 30, 2004**. Biannual Strategy Implementation Plans must be received no later than **January 15, 2005; July 15, 2005; and December 31, 2005**.

Examples of information to be captured in the Initial and Biannual Strategy Implementation Plan include:

- Title and description of projects to be accomplished during the grant period with funds provided.
- Total dollar amount received from each funding source.
- UAHSS goals and/or objectives supported by each project.
- Intended expenditure of funds for each project by solution area (planning, organization, equipment, training, and exercise) and program.
- Intended expenditure of funds for each project by discipline and program.

Any progress report / Biannual Strategy Implementation Plan that is outstanding for more than one month past the due date may cause the suspension and/or termination of the grant.

Grantee must receive prior written approval from CJSD to extend a progress report requirement past its due date.

2. **Financial Reimbursement Reports.**

- a. In order to receive reimbursement, the Grantee agrees to submit a signed Request for Reimbursement (RFR) which includes **supporting documentation for all grant expenditures**. RFRs may be submitted quarterly but no less frequently than semi-annually during the term of the grant agreement. At a minimum, RFRs must be received no later than **January 15, 2005; July 15, 2005; and December 31, 2005**.

Reimbursements for expenses will be withheld if progress reports are not submitted by the specified dates or are incomplete. **Any RFR that is outstanding for more than one month past the due date may cause the suspension and/or termination of the grant.** Grantee must receive prior written approval from CJSD to extend an RFR requirement past its due date.

- b. Reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the times, dates, and places of travel, and the actual expenses or authorized rates incurred.
- c. Reimbursements will only be made for actual expenses incurred during the grant period. The Grantee agrees that no grant funds may be used for expenses incurred before **December 1, 2003 or after November 30, 2005**.
- d. Grantee shall be accountable for and shall repay any overpayment, audit disallowances or any other breach of grant that results in a debt owed to the Federal Government. CJSD shall apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards and OMB Circular A-129.

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

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

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

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

G. Copyright and Patents.

1. Copyright. If this agreement or any program funded by this agreement results in a copyright, the CJSD and the Office for Domestic Preparedness reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for government purposes, the work or the copyright to any work developed under this agreement and any rights of copyright to which Grantee, or its contractor or subcontractor, purchases ownership with grant support.
2. Patent. If this agreement or any program funded by this agreement results in the production of patentable items, patent rights, processes, or inventions, the Grantee or any of its contractors or subcontractors shall immediately notify CJSD. The CJSD will provide the Grantee with further instruction on whether protection on the item will be sought and how the rights in the item will be allocated and administered in order to protect the public interest, in accordance with federal guidelines.

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

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

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

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

L. Survival. All provisions of this Agreement set forth in the following sections shall survive termination of this Agreement: Section I.C (Maintenance, Retention and Access to Records; Audits); Section I.E (Reports); and Section I.F (indemnification).

M. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and

the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.

- N. Relationship of Parties. The parties agree and acknowledge that their relationship is that of independent contracting parties and neither party hereto shall be deemed an agent, partner, joint venturer or related entity of the other by reason of this Agreement.

II. Grantee Compliance and Certifications

- A. Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Grantee certifies by accepting grant funds that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, nor voluntarily excluded from participation in this transaction by any Federal department or agency. (This certification is required by regulations published May 26, 1988, implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 69 and 28 CFR Part 67.)
- B. Compliance with Applicable Law. The Grantee agrees to comply with all applicable laws, regulations, and guidelines of the State of Oregon, the Federal Government and CJSD in the performance of this agreement including but not limited to:
1. The provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Non-Discrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures, and Federal laws or regulations applicable to Federal assistance programs.
 2. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646).
 3. Section 102(a) of the Flood Disaster Protection Act of 1973, P.L. 93-234, 87 Stat.97, approved December 31, 1976.
 4. Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.)
 5. National Environmental Policy Act of 1969, 42 USC 4321 et seq.
 6. Flood Disaster Protection Act of 1973, 42 USC 4001 et seq.
 7. Clean Air Act, 42 USC 7401 et seq.
 8. Clean Water Act, 33 USC 1368 et seq.
 9. Federal Water Pollution Control Act of 1948, as amended, 33 USC 1251 et seq.
 10. Safe Drinking Water Act of 1974, 42 USC 300f et seq.
 11. Endangered Species Act of 1973, 16 USC 1531 et seq.
 12. Wild and Scenic Rivers Act of 1968, as amended, 16 USC 1271 et seq.
 13. Historical and Archaeological Data Preservation Act of 1960, as amended, 16 USC 469 et seq.
 14. Coastal Zone Management Act of 1972, 16 USC 1451 et seq.
 15. Coastal Barrier Resources Act of 1982, 16 USC 3501 et seq.
 16. Indian Self-Determination Act, 25 USC 450f.
 17. Hatch Political Activity Act of 1940, as amended, 5 USC 1501 et seq.
 18. Animal Welfare Act of 1970, 7 USC 2131 et seq.
 19. Demonstration Cities and Metropolitan Development Act of 1966, 42 USC 3301 et seq.
 20. Federal Fair Labor Standards Act of 1938 (as appropriate), as amended, 29 USC 201 et seq.
- C. Certification of Non-discrimination.

1. The Grantee, and all its contractors and subcontractors, certifies that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded under this agreement on the basis of race, color, age, religion, national origin, handicap, or gender. The Grantee, and all its contractors and subcontractors, assures compliance with the following laws:
 - a. Non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;
 - b. Title IV of the Civil Rights Act of 1964, as amended;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended;
 - d. Title II of the Americans with Disabilities Act (ADA) of 1990,
 - e. Title IX of the Education Amendments of 1972;
 - f. The Age Discrimination Act of 1975;
 - g. The Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G;
 - h. The Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
 2. In the event that a Federal or State court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, age, religion, national origin, handicap or gender against the Grantee or any of its contractors or subcontractors, the Grantee or any of its contractors or subcontractors will forward a copy of the finding to the Criminal Justice Services Division (CJSD). CJSD will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
- D. Civil Rights Compliance. All recipients of federal grant funds are required, and Grantee agrees, to comply with nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq. (prohibiting discrimination in programs or activities on the basis of race, color, and national origin); Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c)(1) (prohibiting discrimination in employment practices or in programs and activities on the basis of race, color, religion, national origin, and gender); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq. (prohibiting discrimination in employment practices or in programs and activities on the basis of disability); Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 (prohibiting discrimination in services, programs, and activities on the basis of disability); The Age Discrimination Act of 1975, 42 U.S.C. § 6101-07 (prohibiting discrimination in programs and activities on the basis of age); and Title IX of the Education Amendments of 1972, 20 U.S.C § 1681 et seq. (prohibiting discrimination in educational programs or activities on the basis of gender).
- E. Equal Employment Opportunity Program. If the Grantee, or any of its contractors or subcontractors, has 50 or more employees, is receiving more than \$25,000 pursuant to this agreement, and has a service population with a minority representation of three percent or more, the Grantee, or any of its contractors or subcontractors, agrees to formulate, implement and maintain an equal employment opportunity program relating to employment practices affecting minority persons and women. If the Grantee, or any of its contractors or subcontractors, has 50 or more employees, is receiving more than \$25,000 pursuant to this agreement, and has a service population with a minority representation of less than three percent, the Grantee or any of its contractors or subcontractors, agrees to formulate, implement and maintain an equal employment opportunity program relating to its practices affecting women. The Grantee, and any of its contractors and subcontractors, certifies that an equal employment opportunity program as required by this section will be in effect on or before the effective date of this agreement. Any Grantee, and any of its contractors or subcontractors, receiving more than \$500,000, either through this agreement or in aggregate grant funds in any fiscal year, shall in addition submit a copy of its equal employment opportunity plan at the same time as the application submission, with the understanding that the application for funds may not be awarded prior to approval of the Grantee's, or any of its contractors or subcontractors, equal employment opportunity program by the Office for Civil Rights, Office of Justice Programs.

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

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

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

G. Certification Regarding Drug Free Workplace Requirements. Grantee certifies that it will provide a drug-free workplace by:

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

- b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by federal, state, or local health, law enforcement, or other appropriate agency.
7. Making a good faith effort to continue to maintain a drug-free workplace.

III. Suspension or Termination of Funding

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

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

IV. Grantee Representations and Warranties

Grantee represents and warrants to Grantor as follows:

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

Carmen Merlo, Director
Criminal Justice Services Division
255 Capitol Street NE, 4th floor
Salem, OR 97310

Date

Signature of Authorized Grantee Official

Date

Name/Title

Summary: FY03 UASI Award Amounts for City of Beaverton Police Department

| | | | | | | | |
|------------------|-----|----------|--------------------------------------|------|------|--------|--|
| UA03-0001 | BPD | Training | Police TNT Technician level Training | 5.00 | 1092 | 5,460 | Listed as a Priority WMD Technician Level Training(Includes Physical exam) |
| UA03-0002 | BPD | Training | Police lab response Training | 7 | 592 | 4,144 | Listed as a Priority for WMD technician level Training |
| UA03-0003 | BPD | Training | MRT training | 25 | 296 | 7,400 | Listed as a priority |
| UA03-0004 | BPD | Training | Awareness Level Training | 120 | 148 | 17,760 | Listed as a Priority for 1st responders(Patrol Officers) |
| | | | Subtotal | | | 34,764 | |

Summary: FY04 UASI Award Amounts for City of Beaverton Police Department

| | | | | | | | |
|--------------------|-----|--|---|--------|----|---------|--|
| UA04 - 0203 | BPD | Interoperable Communications Equipment | Type 2 800 MHz | 2,500 | 25 | 62,500 | For MRT personnel |
| UA04 - 0204 | BPD | Interoperable Communications Equipment | Repeater | 10,000 | 1 | 10,000 | For MRT team/support vehicle |
| UA04 - 0205 | BPD | Training | MRT Backfill / OT / Regular Time During Regional Rilea Training | 43,980 | 1 | 43,980 | MRT/RRT Training for regional response |
| | | | Subtotal | | | 116,480 | |

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: SV2004-0001 NW 170th Avenue Right-of-Way Vacation (Lindquist 28-Lot PUD)

FOR AGENDA OF: 01-03-2005 **BILL NO:** 05005

Mayor's Approval:



DEPARTMENT OF ORIGIN: CDD



DATE SUBMITTED:

12-13-2004

CLEARANCES:

City Attorney
Dev Services
Engineering



PROCEEDING: Public Hearing

EXHIBITS:

- Vicinity Map
- Map of Affected Area and Property
- Owner's Consent
- Letters Received
- Staff Report
- Applicant's Supporting Material
- Legal Description and Map Exhibit

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The applicant, Stuart Lindquist, Lindquist Development, requests a Street Vacation of a portion of unimproved right-of-way of NW 170th Avenue. If approved, the vacated area of NW 170th Avenue will be conveyed to the adjacent property owner to the east and west of the right-of-way. The proposed street vacation is located along NW 170th Avenue south from NW Walker Road to the southerly property line of Assessor Map 1N1 31DC Tax Lot 3300 and 3200.

INFORMATION FOR CONSIDERATION:

Per ORS 271.120: At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

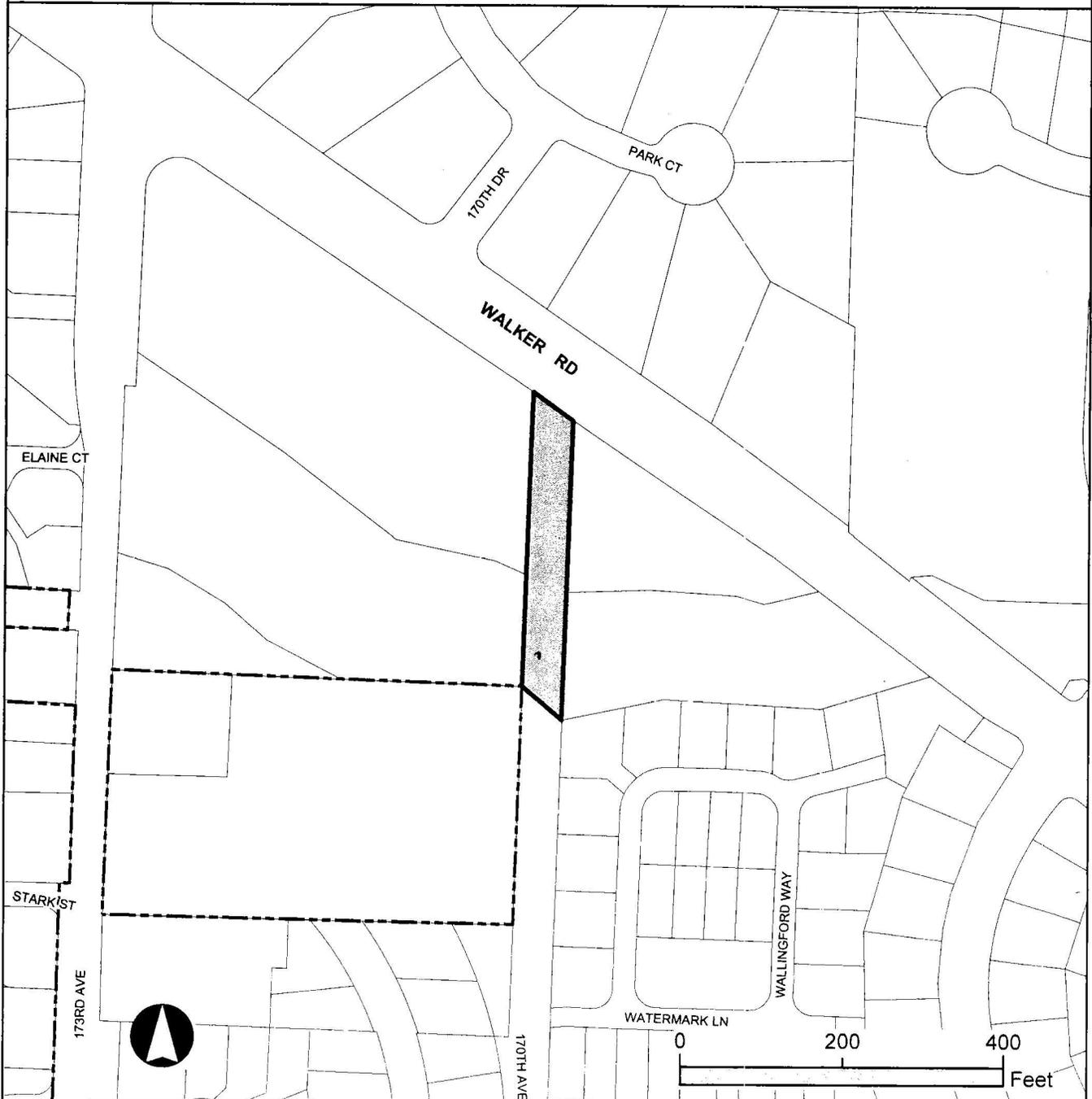
If the Council finds that the application meets the standards for Street Vacation, the Council should approve the request. If the Council finds that the application does not meet the standards, then the Council should deny the application, or upon the applicant's request the street vacation may be continued to allow for the submittal of additional information.

RECOMMENDED ACTION:

Staff recommend that Council conduct a public hearing and at the conclusion of same find that the public interest requires vacation of NW 170th Avenue south from NW Walker Road to the southerly property line of Assessor Map 1N1 31DC Tax Lot 3300 directly east to tax lot 3200 of Assessor Map 1N1 31DC.

Exhibit Name: Vicinity Map

Exhibit Number: 1



**Project:
LINDQUIST 28 - LOT PUD**

Date:
12/13/04

N

Map Number:

*Department: Community Development
Division: Development Services*

Application #: SV2004-0001

TABLE OF CONTENTS and EXHIBITS LIST

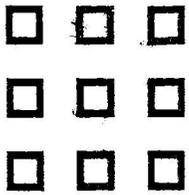
STREET VACATION OF NW 170TH AVENUE – LINDQUIST 28-LOT PUD TO CITY COUNCIL

SV2004-0001

Council Packet
Page Number

Exhibits listed in reverse chronological order

| | |
|---------------|---|
| 1 | Exhibit 1 Vicinity (detail) Map |
| 2 | Table of Contents |
| 3-24 | Exhibit 2.1 Map of Affected Area and Property Owner's Consent |
| 25 | Exhibit 3.2 Letter received from Kathy Gural, November 10, 2004. |
| 26 | Exhibit 3.1 Letter received from Lynn Nakvasil, November 8, 2004 |
| 27-29 | Exhibit 4 Street Vacation Staff Report |
| 30-34 | Attachment A Staff Report – Analysis and Findings for Street Vacation Approval. |
| 35-61 | Attachment B Staff Report – Facilities Review Committee Technical Review and Recommendations |
| 62 | Attachment C Staff Report – Conditions of Approval |
| 63-115 | Exhibit 2.2 Applicant's Supporting Application Materials September 3, 2004 |
| 116 | Exhibit A Legal Description |
| 117 | Exhibit B Map Exhibit |



NOGLE

ONUFR

ASSOCIATES

ARCHITECTS

RECEIVED
NOV 23 2004
City of Beaverton
Development Services

Telephone:
(619) 297-8066
FAX:
(619) 297-8055

September 2, 2004

**STREET VACATION APPLICATION
CONSENTING PROPERTY OWNERS**

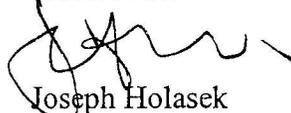
AREA TABULATIONS

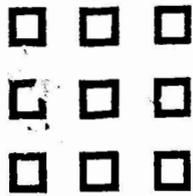
Please refer to the enclosed area tabulations for the Street Vacation Application (enclosed).

| | | |
|---------------------------------------|-------------------------|---------------------|
| Total Affected Land Area | 525,552 sq ft | (12.1 acres) |
| Street ROW Deduction | 133,443 sq ft | (3.1 acres) |
| Net Affected Land Area | 392,109 sq ft | (9.0 acres) |
| 2/3 Net Affected Land Area | 261,537 sq ft | (6.0 acres) |
| Area of Consenting Land Owners | 295,888 sq ft | (6.8 acres) |
| Percentage Consenting | 75.5% > 66.7% | |
| | Therefore OKAY | |

Should you have any questions, or need any additional information, please call me, at 619-297-8066.

Thank you,
NOAA Inc.


Joseph Holasek
Senior Associate



example

*mailed
6/18/04*

NOGLE

ONUFR

ASSOCIATES

ARCHITECTS

Telephone:

(619) 297-8066

FAX:

(619) 297-8055

June 1, 2004

To Whom It May Concern:

This letter has been sent to you, in accordance with the City of Beaverton's process for review of a Street Vacation request, for your response.

Nogle Onufer Associates Architects, Inc. (NOAA) is the architect for Lindquist Development, which is proposing to develop 28 single-family residences, as shown on the enclosed Site Plan. As part of the proposed development, a portion of NW 170th Avenue, which has never been constructed, is to be vacated. This letter is to obtain your consent for the proposed vacation.

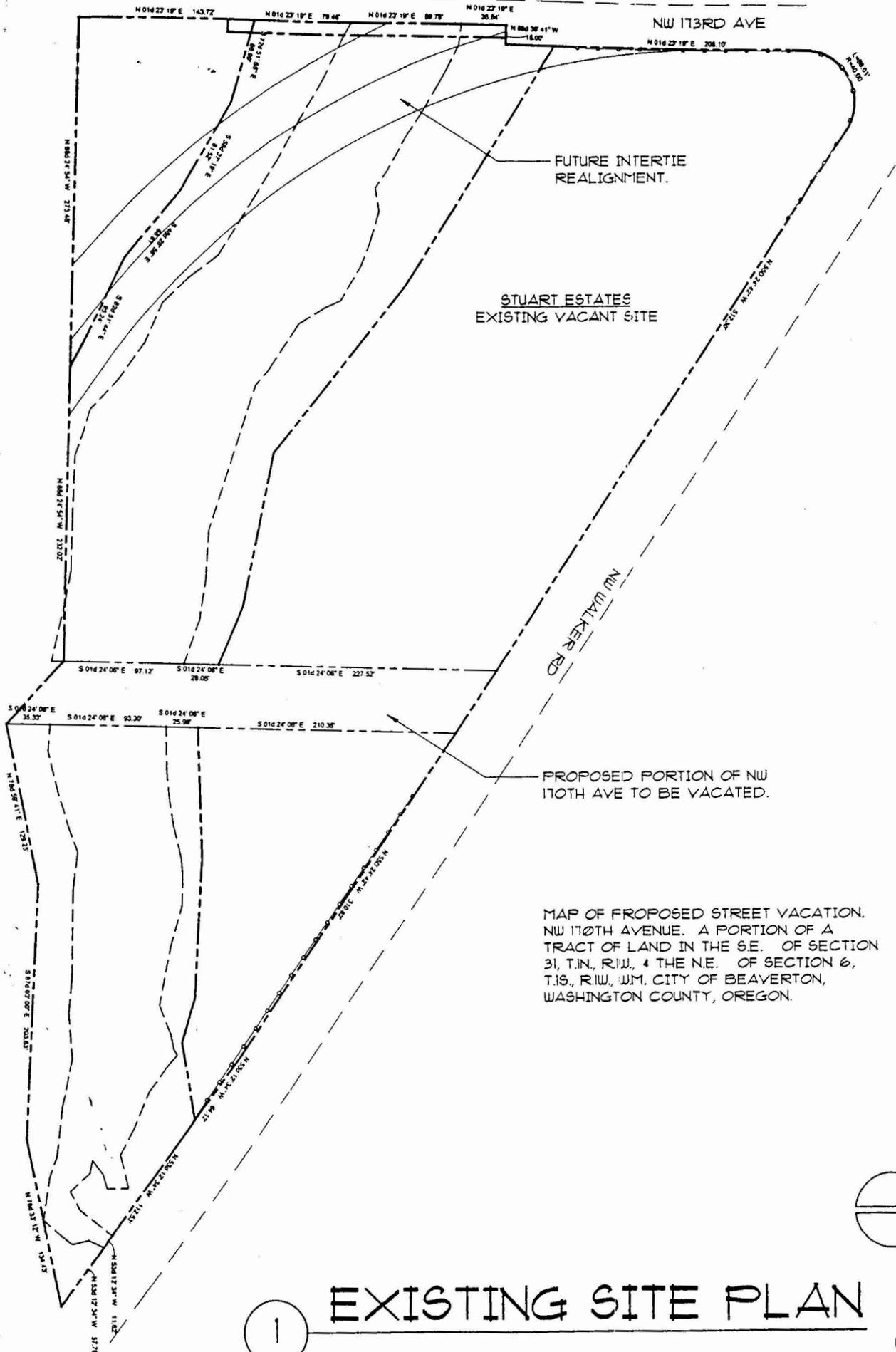
The portion of the un-built street to be vacated runs from NW Walker Road, south to an unimproved portion of NW 170th Avenue, and is entirely within the owner's property. Please see the enclosed plans that show the portion of street to be vacated, and the proposed development.

Please review the enclosed request, and sign and return the enclosed form to Nogle Onufer Associates Architects, Inc., in the enclosed self-addressed stamped envelope. If you have any questions, please contact me, at 619-297-8066.

Your prompt assistance will be greatly appreciated.

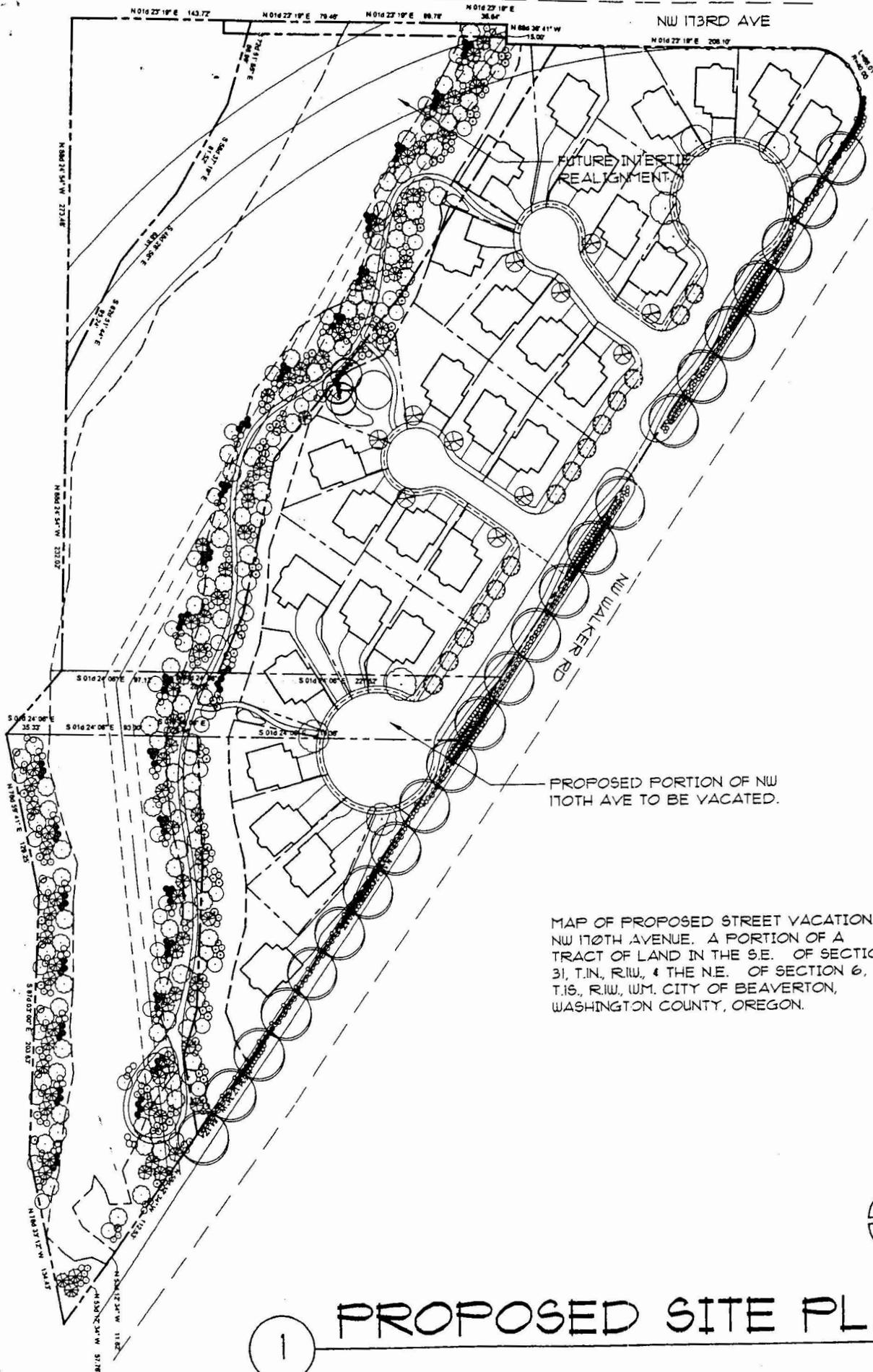
Thank you,
NOAA, Inc.

Joseph Holasek
Senior Associate



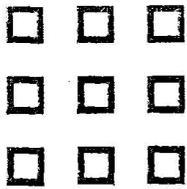
MAP OF FROPOSED STREET VACATION.
 NW 170TH AVENUE. A PORTION OF A
 TRACT OF LAND IN THE SE. OF SECTION
 31, T.1N., R.1W., 4 THE NE. OF SECTION 6,
 T.1S., R.1W., WM. CITY OF BEAVERTON,
 WASHINGTON COUNTY, OREGON.

① EXISTING SITE PLAN



1

PROPOSED SITE PLAN



NOGLE

ONUFER

ASSOCIATES

ARCHITECTS

Telephone:
(619) 297-8066
FAX:
(619) 297-8055

CONSENTING PROPERTY OWNERS

- 1N131DC00300 WILLIAM B MCELFIH
16965 NW PARK CT.
BEAVERTON, OR 97006
- 1N131DC00500 MAUREEN & VYNN BERG
16900 NW PARK CT.
BEAVERTON, OR 97006
- 1N131DC00600 CAROLYN BRAUNER FONG
16930 NW PARK CT.
BEAVERTON, OR 97006
- 1N131DC00700 MICHAEL F STAPLETON
16960 NW PARK CT.
BEAVERTON, OR 97006
- 1N131DC00800 ROY R WATTS
16990 NW PARK CT.
BEAVERTON, OR 97006
- 1N131DC01400 JAMES R & BETTY A ESSAM
90 NW 173RD AVE.
BEAVERTON, OR 97006
- 1N131DC01600 JOHN DAVID & CYNTHIA ANN TONGES
16895 SW WALKER RD.
BEAVERTON, OR 97006
- 1N131DC02900 LINDQUIST DEVELOPMENT, CO. INC.
PO BOX 42135
PORTLAND, OR 97242
- 1N131DC03000 LINDQUIST DEVELOPMENT, CO. INC.
PO BOX 42135
PORTLAND, OR 97242

- 1N131DC03200 LINDQUIST DEVELOPMENT, CO. INC.
PO BOX 42135
PORTLAND, OR 97242
- 1N131DC03300 LINDQUIST DEVELOPMENT, CO. INC.
PO BOX 42135
PORTLAND, OR 97242
- 1S106AA09200 KATHLEEN M FLYNN
16958 SW WATERMARK LN
BEAVERTON, OR 97006
- 1S106AA09700 JAMES & CYNTHIA MCCOY
61 SW WALLINGFORD WAY
BEAVERTON, OR 97006
- 1S106AA10000 MATTHEW R & DAWN M GORSKI
51 SW WALLINGFORD WAY
BEAVERTON, OR 97006
- 1S106AA10200 ELIZABETH J WELLS
43 SW WALLINGFORD WAY
BEAVERTON, OR 97006

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

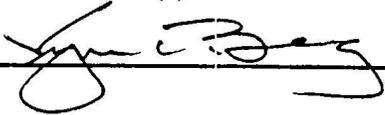
| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|--|------------------------------|--------------------|
| 1N131DC00300 | WILLIAM B MCELFISH 16965 NW PARK CT. BEAVERTON, OR 97006 | <i>Elizabeth J. Mcelfish</i> | <i>Aug 5, 2004</i> |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**

(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|--|-------------|
| 1N131DC00500 | MAUREEN & VYNN BERG 16900 NW PARK CT. BEAVERTON, OR 97006 |  | 6-30-04 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|--|-------------------------------------|-------------|
| 1N131DC00600 | CAROLYN BRAUNER FONG 16930 NW PARK CT. BEAVERTON, OR 97006 | <i>Carolyn Brauner Fong</i> | 6/27/04 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**

(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|---|----------------------------------|
| 1N131DC00700 | MICHAEL F STAPLETON 16960 NW PARK CT. BEAVERTON, OR 97006 | <i>Michael F Stapleton</i> <i>Muriel Stapleton</i> | <i>6/20/04</i> <i>6/29/04</i> |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

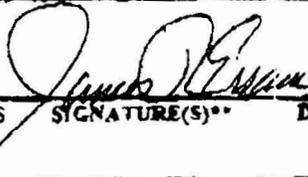
Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|--|--|-------------|
| 1N131DC00800 | ROY R WATTS 16990 NW PARK CT. BEAVERTON, OR 97006 |  | 6/22/04 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. **** If property is jointly owned by husband and wife, then only one signature is required. ****

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|--|-------------|
| IN131DC01400 | James R & Betty A Essam 90 NW 173 rd Ave. Beaverton, OR 97006 |  | 9-2-04 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|--|--------------------------|----------------|
| 1N131DC01600 | JOHN DAVID & CYNTHIA ANN TONGES 16895 SW WALKER RD. BEAVERTON, OR 97006 | <i>John David Tonges</i> | <i>6/24/04</i> |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**

(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|--|-------------|
| 1N131DC02900 | LINDQUIST DEVELOPMENT CO, INC. PO BOX 42135 PORTLAND, OR 97242 | <i>Lindquist Development Co. by St. Lindquist Rep-</i> | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. **** If property is jointly owned by husband and wife, then only one signature is required. ****

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|--|-------------|
| 1N131DC03000 | LINDQUIST DEVELOPMENT CO, INC. PO BOX 42135 PORTLAND, OR 97242 | <i>Lindquist Development Co. by St. Lindquist Rep.</i> | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|---|-------------|
| 1N131DC03200 | LINDQUIST DEVELOPMENT CO, INC. PO BOX 42135 PORTLAND, OR 97242 | <i>Lindquist Development Co by St Lindquist Re-</i> | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**

(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|----------------|-------------|
| 1N131DC03300 | LINDQUIST DEVELOPMENT CO, INC. PO BOX 42135 PORTLAND, OR 97242 | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

- Lindquist Dev Co. Title by Ed Lindquist Pres -

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|--|-----------------------|-------------|
| 1S106AA09200 | KATHLEEN M FLYNN 16958 SW WATERMARK LN BEAVERTON, OR 97006 | <i>Kathleen Flynn</i> | 6-23-04 |

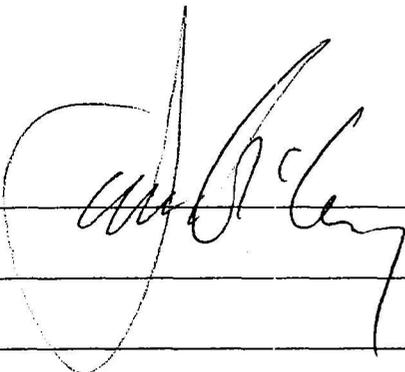
If I interpret this correctly, the continuation of 170th will no longer occur. I agree with this - particularly with the school nearby. I would hope the development would have a neighborhood association with maintained front yards & common areas. One of the reasons I live in the village @ watermark is because lawn maintenance was such an issue where I previously lived. I would also like to see some kind of park or common area for your development. With the number of units proposed, our little green space might be overwhelmed with use.

Thank you for informing me.

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

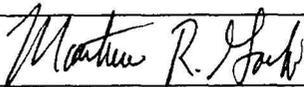
Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|---|--------------|
| 1S106AA09700 | JAMES & CYNTHIA MCCOY 61 SW WALLINGFORD WAY BEAVERTON, OR 97006 |  | July 6, 2004 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|---|-------------|
| 1S106AA10000 | MATTHEW R & DAWN M GORSKI 51 SW WALLINGFORD WAY BEAVERTON, OR 97006 |  | 6/21/04 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

**CONSENTING PROPERTY OWNERS WITHIN AFFECTED AREA OF
VACATION PETITION PER CRS, CHAPTER 271**
(Includes abutting property owners)

We, the undersigned, hereby consent to the request to vacate property as presented on Exhibit A, attached hereto.

Note: Sign only if you are the legally recorder property owner. Sign if you are the contract purchaser, but note that with your name. Your signature below represents your approval of the proposed vacation. ** If property is jointly owned by husband and wife, then only one signature is required. **

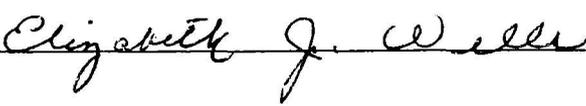
| REF. PARCEL NO. | NAME & ADDRESS OF PROPERTY OWNERS | SIGNATURE(S)** | DATE SIGNED |
|-----------------|---|---|-------------|
| 1S106AA10200 | ELIZABETH P WELLS 43 SW WALLINGFORD WAY BEAVERTON, OR 97006 |  | 7/23/04 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

EXHIBIT 3.2

November 8, 2004

Development Services Division
2nd Floor
Beaverton City Hall
4755 SW Griffith Drive
Beaverton, Oregon 97076

RECEIVED
10 KM
NOV 08 2004

COMMUNITY DEVELOPMENT

Re: Case File No.: CU2004-0007 / LD2004-0015 / SV2004-0001
Project Name: Lindquist 28-Lot Planned Unit Development

To Whom It May Concern:

I have several issues with Case File No. CU2004-0007 / LD2004-0015 / SV2004-0001, Project Name Lindquist 28-Lot Planned Unit Development.

- I thought at least part of the land in question is designated as a wetlands area. There must be a reason for designating this area as such. What happens to houses built on wetlands over time?
- The application requests flexibility in the dimensional standards of the R-7 zoning district to accommodate the proposal, including changes such as the reduction of the minimum lot size and the reduction to the setback requirements. What is the point of having standards if they can just be changed? Shouldn't the applicant be trying to work within the standards instead of manipulating the standards to accommodate the applicant?
- With a reduction in the minimum lot size, what does that do to the value of the homes in the surrounding area? Why must lot sizes and setback requirements be changed for the applicant? Why does the applicant not just build fewer houses that meet the standards already in place that more than likely will not negatively impact the value of the homes in the surrounding area?

I am not entirely opposed to the building of houses in the proposed area. I am, however, opposed to the prospect of a decrease in my home's value, the long term effect of houses built on wetlands and what impact that will also have on my home's value, and forcing approved and set standards to be changed only to accommodate an applicant. It seems it is the applicant that should be the one doing the accommodating.

Thank you,



Kathy Gural
16964 SW Watermark Lane
Beaverton, Oregon 97006
(503) 533-8121

EXHIBIT 3.1

To: Tyler Ryerson
City of Beaverton
PO Box 4755
Beaverton, Oregon 97076-4755

RECEIVED

NOV 08 2004

COMMUNITY DEVELOP DEPT

From: Lynn Nakvasil
1465 NW Tremaine Court
Beaverton, OR 97006
(503) 531-8882

November 6, 2004

Dear Mr. Ryerson:

The following are my concerns regarding the Five Oaks Lindquest 28-Lot Planned Unit Development to be constructed on the southeast corner of Walker Road and SW 173rd.

My family lives in the adjacent Autumn Ridge/Fieldstone subdivision. In recent years, the Beaverton City Council continues to allow the importance of parks to be downgraded. For example, longtime neighbors told me that the area on Walker near 185th was slated to be a park; instead, it was rezoned and after we moved here it became a Chevron and Jiffy Lube. Now, I am not seeing mention of an actual park in this proposal, either.

Why is this strategy a problem? There are not enough real parks for children with full climbing structures, etc. in the vicinity. People with young children drive a ways to use parks. For example, when we first moved here, I took a THPRD class with my toddler son where we explored parks with full playgrounds. And guess what? There were NONE anywhere near our home on the list. No surprise, really. Autumn Ridge, for example, doesn't even have a climbing structure, and only two swings. The same is true of other attempts in nearby neighborhoods.

The same is true for my grade school children. My husband coaches soccer and we are well aware how difficult the leagues have in getting everyone a place to practice and play games. Little League officials had an even harder time finding enough fields. When my son played Little League, at times the officials ended up putting three teams on two fields, advising the odd team out to just play catch (and try not to get pegged by the teams on either side of them).

Yes, we have Power Lines Park, but many subdivisions and small pockets of houses (in-fill) have been developed since that neighborhood went in. We need more, as we have not kept up with the population growth. Likely, the owner of this property is going to argue this site is not large enough. Well, this location of nearly eight acres is one of only two large properties left in our neighborhood (the other being 185th and Walker).

I see that there is 30 percent of the development is currently allotted to "Open Space." I would like that space become a playground and a sports field. If that land needs to be "wetlands" then additional land needs to be purchased from the owner for a park. This property's close proximity to a main road makes it an excellent choice for this use! It also could be a buffer and additional value to the future home owners nearby.

Elsewhere in my neighborhood area Council packet, I see that Washington County is collecting Systems Development Charges to pay for new parks. Well, let's use that money while the land is still there! Put this development on hold if need be until this can be worked out. Please do not hurry through this through without taking my suggestion seriously. I doubt anyone will be putting a park there once the houses are built.

Thank you for your time,

Lynn Nakvasil





CITY of BEAVERTON

EXHIBIT

4

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

STAFF REPORT

HEARING DATE: Monday, January 3, 2005

TO: City Council

FROM: Tyler Ryerson, Associate Planner 

PROPOSAL: **Street Vacation of NW 170th Avenue - Lindquist 28-Lot PUD**

LOCATION: Between NW Walker Rd and the southerly property lines of Assessor Map 1N1-31DC, Tax Lots 3200, and 3300

SUMMARY: The applicant requests approval of a Street Vacation of the unimproved section of NW 170th Avenue from south of NW Walker Road to the southerly property line of Assessor Map 1N1-31DC, Tax Lots 3200 and 3300. In association with the proposed street vacation, the applicant has received Planning Commission approval of a Conditional Use for a Final Planned Unit Development (PUD) and an associated Land Division for a Preliminary Subdivision to create a 28 single family residential development.

APPLICANT'S REPRESENTATIVE: Joseph Holasek
Nogle, Onufer Associates Architects, Inc.
2398 San Diego Avenue
San Diego, CA 92110

APPLICANT: Stuart Lindquist
Lindquist Development
PO Box 42135
Portland, Oregon 97242

RECOMMENDATIONS: **SV2004-0001 (Street Vacation of NW 170th Avenue - Lindquist 28-Lot PUD): Approval** subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

| Application | Submittal Date | Deemed Complete |
|-------------|----------------|-------------------|
| SV2004-0001 | March 8, 2004 | September 3, 2004 |

Existing Conditions Table

| | | |
|----------------------------|--|---|
| Zoning | Urban Standard Density R7 | |
| Current Development | The site is triangular in shape located south of NW Walker Road and east of NW 173 rd Avenue with the tributary of Willow Creek along the southern edge. The site slopes from the north to the south. A Significant Natural DSL Wetland is identified on the site. | |
| Site Size | Approximately 8.1 acres | |
| NAC | Five Oaks, near Triple Creek | |
| Comprehensive Plan | <p><u>Land Use:</u> Standard Density (NR-SD)</p> <p><u>Street Functional Classification Plan:</u> NW Walker Road and NW 170th-173rd Avenue Intertie are designated as "Arterials".</p> <p><u>Street Improvement Master Plan:</u> The Transportation System Plan Street Improvement Master Plan identifies street improvements to NW Walker Road to five (5) lanes and three (3) lanes to the NW 170th-173rd Avenue Intertie.</p> <p><u>Bicycle Master Plan:</u> NW Walker Road is identified as a street where bike lanes are built and is identified on the RTP Bicycle System Designation as a Community Connector. The NW 170th-173rd Avenue Intertie is identified as a street where bike lanes are proposed.</p> <p><u>Pedestrian Master Plan:</u> Proposed and existing sidewalks are shown on the frontages of NW Walker Road. The NW 170th-173rd Avenue Intertie is shown as proposed sidewalks.</p> | |
| Surrounding Uses | <p><u>Zoning:</u></p> <p>North: R7 City of Beaverton South: R6 Washington County East: R7 City of Beaverton West: R7 & R5 City of Beaverton</p> | <p><u>Uses:</u></p> <p>North: Walker Road & Single Family Residential South: Single Family Residential East: Single Family Residential West: Single Family Residential</p> |

Processing Requirements

Street Vacations are a Type 3 procedure, in accordance with Section 50.45 of the Development Code, with the decision making authority the City Council. Specific additional noticing requirements for Street Vacations include newspaper noticing of two (2) consecutive weeks prior to the public hearing. The notice was published on October 21 and 28, 2004. A copy of the notice was available at City Hall and the City Library. The site was posted on September 14, 2004, which was greater than 15 days prior to the hearing of January 3, 2005, as required by the Code.

**STAFF REPORT
TABLE OF CONTENTS**

| | <u>PAGE</u> <u>No.</u> |
|--|---------------------------|
| <u>Attachment A:</u> SV2004-0001 - Analysis and Findings for Street Vacation Approval. | FR1-12 |
| <u>Attachment B:</u> Facilities Review Committee Technical Review and Recommendation Report including Code Conformance Analysis for Lindquist development applications: Land Division, Planned Unit Development, and Street Vacation. | SV1-5 |
| <u>Attachment C:</u> Conditions of Approval for SV2004-0001. | COA1 |

Conditions of Approval:

In accordance with Development Code Section 10.65.8 and 50.95, modifications to a final decision, including approved conditions of approval, may be subject to a Modification of Conditions land use application requiring a public hearing with the original decision-making body.

**ANALYSIS AND FINDINGS FOR
STREET VACATION APPROVAL**

**SV2004-0001 (NW 170th Avenue Street Vacation –
Lindquist 28-Lot PUD)**

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

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

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

The application proposal is to vacate the existing City of Beaverton street right-of-way of 170th Avenue between NW Walker Road and the southerly property lines of Assessor Map 1N1 31DC Tax Lots 3200 and 3300.

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

Staff find that the proposal to vacate a portion of the unimproved street of NW Walker Road meets the threshold for a Street Vacation, meeting the criterion for approval.

Therefore, staff find that the criterion is met.

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

On March 8, 2004, the City of Beaverton received the appropriate fee of \$857.00 for a Type 3 Street Vacation (SV) application. The proposed SV application is in conjunction with a Conditional Use Final Planned Unit Development and Preliminary Land Division application. The SV application requires a public hearing with the City Council, pursuant to Section 50.45 of the Development Code. Staff find the payment of the application fee meets the criterion for approval.

Therefore, staff find that the criterion is met.

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

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners. (1) *Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefore setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.*

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

State law requires a street vacation submittal to include a petition containing the names of consenting property owners of land within a minimum of two-thirds of the affected land area surrounding the area of the proposed vacation. The affected area for this request is that area, which extends 200 feet to the easterly and westerly direction and 400 feet to the southerly and northerly direction of the NW 170th Avenue right-of-way, proposed to be vacated. State law also requires special newspaper public notice. Staff find that the all provisions of state law have been met.

Therefore, staff find that the criterion is met.

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

The City of Beaverton's Comprehensive Plan Chapter 6 *Transportation Element* depicts a general alignment of the 170th – 173rd intertie that would create 170th Avenue as a north/south arterial from Baseline Road north to the south side of the Lindquist property, connecting to the existing 173rd right-of-way south of the 173rd Avenue / Walker Road intersection. Staff find that an approval of the street vacation request would not adversely impact street connectivity as the future 170th Avenue north/south connection between Baseline and Walker Roads does not incorporate this portion of unimproved right-of-way of 170th Avenue. A multi-use shared path has been approved by the Planning Commission in association with the Lindquist 28-Lot Planned Unit Development application, which would provide a ten (10) foot wide multi-modal path between the Lindquist property on the north side of the wetland to the south side of the wetland. Therefore, staff find future north/south connectivity will be achieved as represented by the Figures 6.1 through 6.6 of the Comprehensive Plan's *Transportation Element*. All adopted plans represent a 170th Avenue alignment which does not include the right-of-way proposed to be vacated.

Therefore, staff find that the criterion is met.

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

Staff have provided the opportunity for City Police and Tualatin Valley Fire and Rescue to comment on the proposed street vacation, but neither agency has provided responses that would indicate an adverse impact would occur for emergency service in the area if the street vacation was approved. Staff find that the vacation does not include existing improved street right-of-way. Therefore the current right-of-way is not being utilized to provide emergency services to the nearby area.

Therefore, staff find that the criterion is met.

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

Through the Facilities Review Committee review and associated report and conditions of approval, the Committee has recommended two (2) conditions of approval which will ensure that the applicant provide to the City a letter from all utilities authorized to work within City right-of-way. The letters are

to document the existing facilities or planned facilities for this street right-of-way and any requests from the utilities in regard to the street vacation. The City's records do not indicate that any utilities exist within the area of the street vacation request.

Therefore, staff find that the criterion is met.

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

The applicant has three (3) concurrent applications submitted for review, including this Street Vacation application to vacate a portion of the 170th Avenue right-of-way. The applicant also submitted a Preliminary Subdivision - Land Division (LD) and a Conditional Use - Final Planned Unit Development (PUD) applications. The LD and PUD applications were reviewed concurrently at a Planning Commission hearing on December 1, 2004. Both applications were approved by the Commission. The City Council will make a decision on the Street Vacation at a public hearing. Approval and vacation of 170th Avenue within the confines of the developable site, is required to validate the LD and PUD approvals by the Planning Commission.

Therefore, staff find that the criterion is met.

SUMMARY OF FINDINGS: For the reasons identified above, staff find that the applicant's Street Vacation satisfies the approval criteria for approval pursuant to Section 40.75.15.1.C of the Development Code and is also subject to Facilities Review Section 40.03.1 through 11 and its conditions of approval.

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

STREET VACATION CONCLUSION

Based on the facts and findings presented, staff conclude the proposal, **SV2004-0001 (NW 170th Avenue Street Vacation – Lindquist 28-Lot PUD)** meets the criteria for approval.

RECOMMENDATION

Based on the facts and findings presented, staff can recommend approval of **SV2004-0001 (NW 170th Avenue Street Vacation – Lindquist 28-Lot PUD)**, subject to the conditions of approval found in Attachment F of this report.

FACILITIES REVIEW COMMITTEE TECHNICAL REVIEW AND RECOMMENDATIONS

LINDQUIST 28-LOT PLANNED UNIT DEVELOPMENT CU2004-0007 / LD2004-0015 / SV2004-0001

Section 40.03 Facilities Review Committee:

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

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

The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the five (5) submitted applications as identified below:

- All eleven (11) criteria are applicable to the submitted Land Division application, LD2004-0015.
- The Conditional Use – Final Planned Unit Development, CU2004-0007, only is applicable to criteria #1 through #4, and #11.
- The Street Vacation, SV2004-0001 only is applicable to criteria #1, #2, #4 and #11.

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

Chapter 90 of the Development Code defines "critical facilities" to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The applicant's narrative addresses this criterion in each of the proposed applications.

The Committee's findings for critical facilities for the Lindquist planned unit development, with associated land division, and street vacation applications will address each identified facility with the understanding that the overall project is proposed to be constructed in a single phase. The applicant will be providing improvements to adequately serve the entirety of the development. The Committee has reviewed the proposed facilities and find that in order to ensure public

infrastructure is completed and available consistent with the proposal conditions of approval have been recommended to be adopted.

Water Service will be provided to the site by Tualatin Valley Water District (TVWD), design details will be finalized during the site development permit review. The Committee find that the site will be served through a TVWD water line located within the NW Walker Road right-of-way. A six (6) inch line will extend south into the development.

The applicant states that sanitary sewer is available to connect to at the southern side of the development. The Committee find that based upon the submitted utility plan, an existing sanitary sewer line is located within a 20 foot easement at the base of the creek. Site sanitary sewer will be connected to the existing facility via 8-inch lines, design details will be finalized during the site development permit review.

Proposed stormwater drainage and conveyance has been identified and described in the applicant's narrative and plans. The applicant's proposal includes the installation of Stormwater Management Inc. catch basins with filter cartridges, connecting to conveyance swales prior to release into the creek. The applicant has submitted a preliminary stormwater report stating that the system will be designed to meet the City of Beaverton's and Clean Water Services standards. The Committee has found the report and associated utility plans are adequate in addressing the site's on-site surfacewater management (drainage patterns, treatment and quantity control). In order to ensure that the stormfilter maintenance requirements will be met prior to the City taking the maintenance responsibility, the Committee recommends conditions of approval establishing expectations for storm system maintenance.

A traffic analysis was not required. The trip generation of the proposed 28 single-family units is not great enough to meet the threshold requirement (Development Code Sec 60.55.10.7 Traffic Analysis). The surrounding street system will, with the recommended street improvements that are conditions of approval, adequately accommodate the traffic from this proposed development. The development is conditioned to dedicate 2-foot of additional street right of way on the east side of SW 173rd Avenue to Beaverton 3-Lane Arterial Street Standards and construct half street lane widening improvements, including a 6 foot wide sidewalk on the south side of NW Walker Road to Washington County standards. The Committee find that the development meets the requirements of Development Code Sec 60.55.15 & 60.55.30, as conditioned. Therefore, staff find the proposal meets the criterion for approval.

Fire protection will be provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). TVF&R has reviewed the plan proposal. Prior to the issuance of the site development permit TVF&R will need to sign the site development permit assuring the Department is satisfied with specific site development design.

The Committee find that prior to the approval of the street vacation, the applicant will need to provide a letter from each utility authorized to work in City right-of-way of SW 170th Avenue. These letters must document the existing facilities or planned facilities for this street right-of-way and any requests from the utilities.

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

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

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

The site will be served by the Tualatin Hills Park and Recreation (THPRD). THPRD has been provided an opportunity to comment on the application, however, the Committee has not received formal comments from the District in relation to the proposal. The Committee find that the THPRD Master Plan does not include existing or future improvements within the limits of the site. Bicycle and pedestrian connections are identified on the City’s Comprehensive Plan as generally following the 170th / 173rd intertie alignment. The applicant proposes to construct a soft path along the northern edge of the creek and a shared use pathway crossing the stream within the existing SW 170th Avenue right-of-way. The shared-use pathway and associated bridge will need to meet City of Beaverton’s requirements for shared use path standards.

The City of Beaverton Police will serve the development site. The Police Department has received a copy of the submittal but had no comments or recommendations to the Facilities Review Committee.

The Beaverton School District has provided comments addressing the anticipated impacts of the subject project on the District that are attached to the end of this report. To summarize their comments, the District has indicated that the proposal will result in a “negative impact” to schools in the area. While the development may result in a negative impact to the school system, Senate Bill 908 does not allow a jurisdiction to deny a development application solely on the basis of insufficient school capacity. The District also states from a safety and transportation standpoint they recommend sidewalks to be constructed within the subdivision and linkages to school bus stops, likely to “be on Walker Road, which may impede the flow of traffic.”

The site is served by Tri-Met bus service. Tri-Met has not provided comments addressing transit needs and potential future transit stops within the vicinity of the development.

The Committee find that prior to the approval of the street vacation, the applicant will need to provide a letter from each utility authorized to work in City right-of-way of SW 170th Avenue. These letters must document the existing facilities or planned facilities for this street right-of-way and any requests from the utilities.

The Committee have reviewed the proposal for adequate essential facilities and have found that the essential street facilities to serve the site are conditions of approval.

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

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

Staff cite the Code Conformance Analysis chart at the end of the Facilities Review Committee report, which evaluates the project as it relates the applicable Code requirements of Chapter 20 for the Urban Standard Residential R-7 zone, as applicable to the above mentioned criterion.

Therefore, the Committee find the proposal meets the criterion for approval.

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

Staff cite the Code Conformance Analysis chart at the end of this report, which evaluates the project as it relates to applicable Code requirements of Chapter 60 for the Urban Standard Residential R-7 zone, as applicable to the above mentioned criterion. Below are additional Chapter 60 Sections which are not included in the Code Conformance Analysis.

Transportation staff reviewed the proposal as it relates to Transportation Facilities, Development Code Section 60.55. Street right of way dedication of 2-foot on the east side of SW 173rd Avenue and the half street lane widening improvements on the

south side of NW Walker Road are conditions of approval (Development Code Sec 60.55.10). Therefore, the proposal will be consistent with Chapter 60.

Dedication of full width street right-of-way through the southwestern corner of the site for the Washington County Arterial Street Improvement Project known as the SW 170th/173rd Avenue Intertie Connection is also conditioned. The description of the dedication alignment is to be based on the Washington County project centerline description. The project is being constructed by Washington County to Beaverton Arterial Street Standards, 74 feet of total street right of way (Development Code Section 60.55.45).

To satisfy block spacing and shared use accessway requirements (Development Code Section 60.55, the applicant has depicted on the submittal a pathway within the existing SW 170th Avenue right-of-way (proposed to be vacated SV2004-0001). The Committee have recommended a condition of approval that this shared use accessway should be constructed at a minimum 10 foot wide paving within a 15 foot public easement. The inside dimension of the bridge will need to be a minimum width of 10 feet.

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

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

The applicant states that the development will meet the criteria for approval as the PUD application details the construction of new streets, which will provide means to provide the means for access maintenance, etc., to the serve the development.

The Committee find that the development will have to establish a Homeowner's Association to ensure the continued periodic maintenance and necessary normal replacement of the private streets, common areas, including the pathways and wall. The applicant is required to submit CC&R's at the time of the final plat, which will be reviewed by the City Attorney for adequacy in relation to the established conditions of approval of this project. Therefore, the Committee find that the proposed layout and site do not include any element where the owner's could not accomplish the necessary private maintenance. In addition the design of the site does not prevent maintenance of public facilities by the City.

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

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

The applicant states that vehicular and pedestrian circulation patterns within the site have been designed to be both safe and efficient.

The Committee cite the findings for criteria #'s 1 and 4 in which the Committee has reviewed the proposal and have recommended conditions of approval that will ensure the site shall have adequate internal vehicular circulation, in conformance with Development Code Section 60.55.15, and adequate internal pedestrian circulation, in conformance with Development Code Section 60.55.65 and 60.55.70. A soft-path is proposed along the northern boundary of the creek and a shared use access pathway is proposed within the existing SW 170th Avenue right-of-way. The shared use path will need to meet the City's design standards which have been recommended as a condition of approval.

With conditions of approval, the site shall have adequate internal vehicular circulation, in conformance with Development Code Sec 60.55.15, and adequate internal pedestrian circulation, in conformance with Development Code Sec 60.55.65 and 60.55.70.

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

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

The Committee have reviewed the proposal and have recommended conditions of approval to connect to the surrounding vehicular circulation system, in conformance with Development Code Sec 60.55.15, and to the pedestrian circulation system, in conformance with Development Code Sec 60.55.65 and 60.55.70. The development is conditioned to construct a 10 foot wide Shared Use Path within a 15 foot easement from the site's eastern most cul-de-sac south across the wetlands area, with a wetlands crossing, to the southern property line. The pathway will have a future connection to the south in conjunction with the development of the 170th / 173rd intertie project.

In addition, the applicant has been working with City and County staff to appropriately design and locate the vehicular access point on SW Walker Road. Through this coordination and intersection design proposed, the Committee find the

vehicular access to the surrounding circulation system will meet the criterion for approval. The applicant will need to provide evidence that the project has received Washington County approval for the access location and work to be conducted within the right-of-way of Walker Road prior to the issuance of the site development permit. **Therefore, by meeting the conditions of approval, the Committee find that the criterion for approval will be met.**

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

Public facilities serving the site will be designed in accordance with adopted City codes and standards that provide adequate fire protection through adequate fire flow, emergency vehicle access and lot design. The proposal will need to show compliance with the City's Building Code Standards prior to issuance of site development and building permits, which includes compliance with TVF&R standards. Conditions identified at the end of the report are to ensure that the lots are developed to meet City Standards.

The Committee find that through the review in the staff report, and the site development and building permit stages, the site will meet the criterion for approval.

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

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

The applicant proposes minor grading through the site. The majority of the proposed grading is within the conveyance swales between the dwelling units and the creek. Grading of the site includes coring of the private streets and building pads. The existing grade is relatively flat and will not be modified significantly. A single retaining wall is proposed near Walker Road and the creek crossing. The Committee agrees with the applicant that no adverse impacts to the surrounding neighboring properties will occur with the proposed grading. As required, a site development permit will review the proposed grading in relation to the associated public infrastructure improvements, including the shared use pathway and conveyance swales.

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

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

The applicant will be required to meet all applicable accessibility standards of the Uniform Building Code, the Uniform Fire Code and other standards as required by the American Disabilities Act (ADA). Conformance with the technical design standards for Code accessibility requirements are to be shown on the approved construction plans associated with Site Development and Building Permit approvals. The Committee find that through the site development and building permitting reviews, accessibility is thoroughly evaluated. Therefore, the Committee find that by meeting the conditions of approval, the site will be in conformance with ADA requirements, and would thereby be in conformance with Development Code Section 60.55.65 and the criterion will be met.

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

11. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

The applicant submitted the applications on March 8, 2004 and was deemed complete on September 3, 2004. In the review of the materials during the application review, the Committee find that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, the Committee find the proposal meets the criterion for approval.

CU2004-0007 Conditional Use Application

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal and adopting the conditions of approval.

LD2004-0015 Land Division Application

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal and adopting the conditions of approval.

SV2004-0001 Street Vacation Application

The Facilities Review Committee finds that the proposal complies with all the technical criteria. The Committee recommends that the decision-making authority in APPROVING the proposal and adopting the conditions of approval.

**Code Conformance Analysis
Chapter 20 Use and Site Development Requirements
R7 (Urban Standard Density) Zoning District**

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|--|--|--|-------------|
| Development Code Section 20.05.15 | | | |
| Permitted Use | Detached dwelling use is permitted in the R7 District. | Detached Single Family | Yes |
| Conditional Use | Planned Unit Developments | Planned Unit Development | |
| Development Code Section 20.05.50 | | | |
| Minimum Lot Area | 7,000 sq. ft. | Average lot area is approximately 4,300 sq. ft. | Yes |
| Minimum Lot Dimensions Width corner Width interior Depth corner Depth interior | 75 70 90 100 | Not Applicable | Yes |
| Yard Setbacks Front-Dwelling Front-Garage Side-Dwelling Side-Opposite Side-Garage Rear-Dwelling Rear-Garage | If a PUD is proposed, required setbacks shall apply to the parent parcel where PUD is located. 20 feet 20 feet 5 feet 5 feet 20 feet 25 feet 5 feet | A PUD is part of this application. Project meets Section 60.35.10.1, which allows the modification of base zoning standards, including lot area, dimensional standards, and lot setbacks. Parent parcel setbacks will be met. | Yes |
| Maximum Building Height | 35 feet (without an adjustment or variance) | 24 to 29 feet to top of roof. | Yes |

Chapter 60 – Special Requirements

| CODE STANDARD | CODE REQUIREMENT | PROJECT PROPOSAL | MEETS CODE? |
|--|--|--|-------------|
| Development Code Section 60.15.10 | | | |
| Easements | -Provide a 6-foot PUE along front lot lines. -Provide a 3-foot utility and drainage easement along all side and rear lot lines. | 6-foot PUE. 3-foot utility and drainage easement. | Yes |
| Easement granted to City | 15-foot PUE | 15-foot easement will be provided for all public utilities. | Yes |
| Dedications | As applicable to City or appropriate jurisdiction for maintenance. | SW 173rd frontage and dedication of the SW 173rd and SW 170th intertie on subject parcels. Centerline description to be provided by Washington County. Dedication will occur prior to the recording of the plat. | Yes |
| Homeowner Assoc. | Copy of draft CC&R's shall be submitted with final plat. | Will submit draft CC&R's with final plat. | Yes |
| Development Code Section 60.15.15 | | | |
| Requirements Prior to Commencement of Work | Developer shall file plans, enter into City contract, and provide required security. | Developer will provide plans, cost estimate and security. | Yes |

| | | | |
|--|---|---|-----|
| Development Code Section 20.05.55 | | | |
| Design Features | Detached dwellings shall utilize at least 2 design features. | Design features shall be utilized at the time of building design. | Yes |
| Landscaping | Required for front yard areas. Required open space and recreation areas. | Lots will be landscaped when built. Street trees will be planted along street frontages. Open space and common areas will be maintained by an HOA. | Yes |
| Improvement Procedures | Shall comply with the Code and in proper sequence. | Developer will provide plans for review, obtain site development permit, and construct all | Yes |

| | | | |
|--|---|---|-----|
| | | improvements to the City's satisfaction. | |
| Improvements Required | Development related impacts shall be installed at developer's expense. | Developer will install all reasonably related and roughly proportional impacts of the development. | Yes |
| Maintenance Security | Developer shall enter into a contract with City. | Developer will provide a maintenance agreement of improvements. | Yes |
| Development Code Section 60.35.10 | | | |
| Dimensional Standards | -May be modified through approval of a PUD; except for required setbacks of parent parcel. -Intersection standards shall be satisfied. | -Parent parcel setbacks will be achieved. -Site intersection have been reviewed by Washington County's access permit review process. Site distance will need to be met at site development permit. | Yes |
| Allowed Uses | -Uses in a PUD shall comply with the permitted and conditional use requirements of the base zoning district. -Detached and attached dwellings shall be allowed, provided density requirements are met. | -As allowed in an R7 zone, detached single family residences are proposed. -Detached single family is proposed, meets density. | Yes |
| Development Code Section 60.35.15 | | | |
| Common Open Space | -At least 20% of site (excluding setbacks and buffers) when up to and including 10 acres in size. -Shall be maintained and conveyed. | -Project is apx. 7.75 acres, and is providing apx. 51% open space, excluding setbacks and buffers. -Maintained by Homeowners Association. | Yes |
| Development Code Section 60.45.10 | | | |
| Solar Access Requirement | -At least 80% of the lots in a development shall comply with one or more of the following: Basic Requirements, Protected Solar Line Option, and Performance Option. Lots that comply / Total Lots = 80% or more -If applicable, adjustments of this Design Standard may be granted by the Director. | -Applicant requests an exemption of the solar access requirement, due to the site limitations of street locations and natural resource on the southern edge of the development. The exemption request has | Yes |

| | | | |
|--|--|---|-----|
| | | been granted. | |
| Development Code Section 60.60.10 | | | |
| Trees & Vegetation | Actions regarding trees and vegetation worthy of special regulation. | Development does not include tree removal which will require a tree plan application. | Yes |
| Development Code Section 60.60.15 | | | |
| Pruning, Removal, and Preservation Standards | <p>-Cannot remove or prune tree's canopy or disturb root zone of protected trees. All pruning shall be done in accordance with the City's Tree Planting and Maintenance Policy.</p> <p>-All removal and planting, including replacement or mitigation planting, of protected trees shall be done accordingly.</p> <p>-Must meet mitigation requirements as appropriate.</p> <p>-Comply with requirements to protect the root zone.</p> | <p>-No significant trees or groves, historic trees, trees within a SNRA, landscape trees or street trees on site that are proposed to be pruned.</p> <p>- Development does not include tree removal which will require a tree plan application.</p> | Yes |
| Development Code Section 60.60.20 | | | |
| Tree Protection Standards | Significant Tree and Grove and Landscape Tree shall be protected during development. | Project site does not include Significant, Grove or Landscape Trees. | Yes |
| Development Code Section 60.60.25 | | | |
| Mitigation Standards | These standards apply for the removal of Significant Tree or Grove; and the replacement of Landscape or Street Tree. | Project site does not have Significant Trees or Groves. | Yes |



CITY OF BEAVERTON
Community Development Department
Development Services Division
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR 97076
Tel: (503) 526-2420
Fax: (503) 526-3720
www.ci.beaverton.or.us

13033914484

TC: 5036127003

PAGE: 01/04

TO: TYLER RYERSON FR: JAN AT B&I

TYPE 3 NOTICE OF PENDING DEVELOPMENT APPLICATION

Date of Notice: September 10, 2004

Case File No./Project Name: CU2004-0007 / LD2004-0015 / SV2004-0001
Lindquist 28-Lot Planned Unit Development

Public Hearing Dates: Planning Commission (CU and LD) October 27, 2004
City Council (SV) November 15, 2004

Location and Time of Planning Commission and City Council Hearings:
City Council Chambers, First Floor, Beaverton City Hall, 4755 SW Griffith Drive
beginning at 6:30 p.m.

Summary of Application: The applicant requests Conditional Use approval for a Final Planned Unit Development (PUD) and associated Land Division for a Preliminary Subdivision to create a 28 single family residential development. In association with the proposed PUD and subdivision, the applicant requests approval of a Street Vacation of SW 170th Avenue from south of SW Walker Road to the southerly property line of project proposal. The PUD request is to provide flexibility to the dimensional standards of the R-7 zoning district to accommodate the proposal, including but not limited to the reduction to minimum lot size, reduction to the setback requirements, and the construction of a private streets serving the lots, while providing for approximately 30% open space. The Preliminary Subdivision application is a request to create 28 single family lots, open space tracts, and private streets. The proposal includes a request to impact a wetland, which is a Significant Natural Resource Area. The subject site is approximately 7.75 acres in size and is located at the southeast corner of SW Walker Road and SW 173rd Avenue.

Decision-Making Authorities: Planning Commission (CU and LD) and City Council (SV)

Due Date for Written Comments to be Addressed in the Staff Report:
October 6, 2004

Please reference the Case File Number and Project Name in your written comments. Mailed written comments should be sent to the attention of the Development Services Division, PO Box 4755, Beaverton, OR 97076. Written comments submitted in person should be delivered to the Development Services Division, 2nd Floor, Beaverton City Hall, 4755 SW Griffith Drive. If you decide to submit written comments or exhibits before the public hearing, Section 50.58 of the Beaverton Development Code requires that the written comments or exhibits be received at the City no later than 4:30 p.m. on the day of the scheduled hearing. You may also submit written comments or exhibits at the public hearing. In all cases, all submittals prior to or at the hearing that are more than two (2)



Jan Youngquist
Facilities Planning Manager
jan_youngquist@beaverton.k12.or.us
16550 SW Merlo Road • Beaverton, OR 97006
503.591.4319 • Fax 503.591.4484

Service Provider Statement

Date: September 24, 2004

Proposed Residential Development: Lindquist PUD CU2004-0007, LD2004-0015, SV2004-0001 (1N131DC Lots 2900, 3000, 3200 & 3300)

Proposed Number of Dwellings:

| | |
|-----------------|-------------------|
| Single-family | <u>28</u> |
| Attached | <u> </u> |
| Multiple-family | <u> </u> |

Projected Number of Students:

| | |
|---------------------|-----------|
| Elementary Level | <u>8</u> |
| Middle School Level | <u>3</u> |
| High School Level | <u>3</u> |
| TOTAL | <u>14</u> |

The District has evaluated your proposal for residential development and has projected that the proposed development will produce the following student impact on Beaverton School District:

Student Impact:

| | |
|---------------------|------------------------|
| Elementary Level | <u>Negative impact</u> |
| Middle School Level | <u>Negative impact</u> |
| High School Level | <u>Negative impact</u> |

This analysis is based on the District's data on the capacity, current enrollment, projected student impact of approved yet unbuilt dwellings, and the impact of this request for service with regard to the schools within whose boundaries this proposal is located. Please be aware that this analysis is based on current school boundaries; these boundaries are subject to change.

Due to rapid residential growth, the District has ongoing concerns regarding the cumulative impact of residential development on school capacities. The District will continue to monitor population and enrollment forecasts, as well as track all proposed and approved residential developments in order to anticipate significant impact on schools.

Please refer to the attached data showing the District's total capacity less the current enrollment, student impact of the currently approved residential dwellings, and the resulting status of capacity. Also, please refer to the definitions of the variables used in this calculation.

ASSESSMENT OF DATA

| | Elementary | Middle School | High School |
|--|------------|---------------|---------------|
| Total 2003 Available Capacity | 17,612 | 8,219 | 9,452 |
| Less Sept. 30, 2003 actual enrollment | 15,915 | 8,171 | 10,449 |
| Less future student impact of approved dwellings | 1,198 | 500 | 506 |
| Remaining Capacity or Capacity Deficit | 499 | -452 | -1,503 |

VARIABLES DEFINED AND USED IN THIS CALCULATION:

Capacity

District capacity is determined by using Board approved "Objective Criteria for Determining School Capacity". The capacity criteria are included in the School Facility Plan, which was approved by the School Board in June 2002. The School Facility Plan, which was required for O.R.S. 195.110 compliance, is on file at District offices.

The District's capacity stated below includes current permanent capacity, the increased capacity as provided by the November 2000 bond, and portable classrooms currently owned by the District. Capacity dedicated to self-contained special education programs has been deducted.

| | Elementary Level | Middle School Level | Comprehensive High Schools | District Total |
|-----------------------|------------------|---------------------|----------------------------|----------------|
| Total Capacity | 17,612 | 8,219* | *9,452 | *35,283 |

*Does not include capacity at options schools. Enrollment in those programs is based on student and parent election to participate.

Enrollment

| | Elementary Level | Middle School Level | Comprehensive High Schools | Options Schools | Special Education | District Total |
|---------------------------------|------------------|---------------------|----------------------------|-----------------|-------------------|----------------|
| Enrollment Sep. 30, 2003 | 15,915 | 7,941 | 9,718 | 961 | 502 | 35,037 |

**Net Approved (Unoccupied) Residential Dwellings/Projected Students
(As of September 2003)**

The following is the number of residential dwellings within Beaverton School District that have been approved by the city/county jurisdictions serving the District that were unbuilt or never occupied as of September 2003.

| | |
|------------------------------------|--------------|
| Single-family dwellings approved | 2,360 |
| Attached dwellings approved | 2,935 |
| Multiple-family dwellings approved | 1,359 |
| TOTAL APPROVED DWELLINGS | 6,654 |

Based on factors currently used by the District, the following number of students would be projected from the number of approved dwellings listed above.

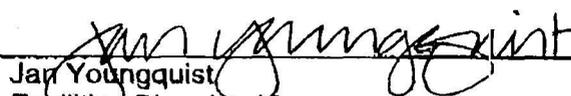
| | |
|----------------------------------|--------------|
| Projected Elementary Students | 1,198 |
| Projected Middle School Students | 500 |
| Projected High School Students | 506 |
| TOTAL STUDENTS PROJECTED | 2,204 |

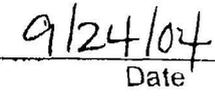
Student Safety Impacts

The District is concerned with the safety of its students as they travel to and from school, whether as pedestrians or by vehicular transportation. The District has evaluated the development application from a safety and transportation standpoint and has the following comments:

- The District recommends that the developer provide sidewalks within the subdivision and linkages that will provide safe student pedestrian access to school bus stops.
- Please note that due to the constrictions of the proposed site layout, the school bus stop will be located on Walker Road, which may impede the flow of traffic.

Service Statement valid for 90 days


Jan Youngquist
Facilities Planning Manager


Date

"One Goal, One Focus"

District Goal for 2004-2009: Increase academic achievement District-wide with a special emphasis on literacy and mathematics gains for each student. The intent is to give every student the skills to succeed in challenging courses, meet academic standards, graduate from high school and be fully prepared for a range of post-secondary education and vocational options.



WASHINGTON COUNTY, OREGON

Department of Land Use and Transportation, Land Development Services
155 North First Avenue, Suite 350, Hillsboro, Oregon 97124
(503) 846-8761 FAX: (503) 846-2908
WWW.CO.WASHINGTON.OR.US

October 25, 2004

Mr. Tyler Ryerson
City of Beaverton
4755 SW Griffith Drive
Beaverton, OR 97076
FAX: 503-526-3720

RE: Linquist 28 Lot PUD
City File Number(s): LD2003-0015, CU2004-0007, SV 2004-0001
Tax Map and Lot Number: 1N1 31CD 2900, 3000, 3200 and 3300
Location: Southeast corner of NW Walker Road and NW 173rd Avenue
Applicant: Linquist Development



Washington County Department of Land Use and Transportation has received a copy of the above noted land use application(s). The development site fronts on and proposes access to NW Walker Road, a County-maintained arterial roadway. The development site also has frontage on NW 173rd Avenue, which is within the jurisdiction of Washington County. Therefore, the proposed development is subject to County review.

BACKGROUND INFORMATION AND REQUIRED FINDINGS

The applicant has proposed a 28 lot residential subdivision with a private street access to NW Walker Road. Direct access to NW Walker Road or NW 173rd Avenue for individual lots is not proposed. The development site consists of Lots 13 and 14 as well as Tracts 'B' and 'C' of the Stuart Estates subdivision, which created large lots for redevelopment purposes. The site is bisected by the existing NW 170th Avenue right-of-way (City maintained). The applicant has proposed vacating the majority of NW 170th Avenue adjacent to the site.

There are a few abandoned buildings located in the northwest corner of the development site. Those structures are slated to be removed as part of the site development process. An existing non-conforming (partially abandoned) driveway accesses NW Walker Road and another accesses NW 173rd Avenue in proximity to the on-site structures.

1. ACCESS SPACING:

Section 501-8.5 of the Washington County Community Development Code states that access onto any County road in the unincorporated or incorporated urban area shall be permitted only upon demonstration of compliance with the provisions of the County road standards and the standards of Section 501.

NW Walker Road, along the development site's frontage is a County maintained arterial roadway and is part of the Countywide Road System. CDC 501-8.5.B(4) states that direct access to arterial roads shall be from collector or other arterial streets. Exceptions for local streets and private accesses may be allowed when collector access is found to be unavailable and impracticable by the director. The required minimum spacing standard for access to arterial roadways is 600 feet, measured between the edge of pavement of access points on each side of the road as required by Section 501-8.5.B(4)(a) of the Community Development Code.

There is no location along the development site's frontage of NW Walker Road that an access could be placed that would comply with the spacing requirement. The applicant has proposed a private street access and an emergency access to NW Walker Road. The private street access is located approximately 270 feet east of NW 170th Drive to the west. The emergency access location is proposed to be located approximately 170 feet east of NW 173rd Avenue and 180 feet west of NW 170th Drive. Neither of the proposed access location comply with CDC 501-8.5.B. Therefore, the applicant must request a Modification to the spacing standard for each proposed access location.

A modification request has been submitted for the private street access location. The County Engineer has reviewed and approved that request. That document is attached to this recommendation.

A modification request has not been submitted for the emergency access location. The County reserves the right to impose additional requirements for access and impacts to County Roads following the Road Standards Modification Request(s).

Note: Lots 13 and 14 of Stuart Estates subdivision (subject site) included a non-access restriction along the frontage of NW Walker Road except for a specific location, opposite NW 170th Drive. That location was found to be unsafe because it would be within the standing queue for westbound left-turns at NW 173rd Avenue. Therefore, the applicant's traffic engineer has proposed a different location for the access to NW Walker Road and submitted a request for a Modification to the access spacing provisions of the Washington County Uniform Road Improvement Design Standards. Approval from the County Engineer for a Modification shall be considered as superseding the previously imposed non-access reservation.

NW 173rd Avenue, along the development site's frontage is a County collector street and arterial road. The applicant has not proposed access to NW 173rd Avenue.

Currently, sidewalks do not exist along the development site's frontage on NW Walker Road. The applicant has proposed the construction of a sidewalk with a curb and gutter section along the development site's frontage on NW Walker Road. This concept complies with the County requirements for sidewalk improvements.

Note: The applicant's plans show that a meandering sidewalk is proposed to be located along the development site's frontage of NW Walker Road. A Modification to the Road Standards would need to be requested by the applicant's engineer and approved by the County Engineer in order to construct the sidewalks as proposed.

By obtaining approval for a Facility Permit for the construction of a concrete sidewalk to County standard along the development site's frontage on NW Walker Road prior to recordation of the subdivision plat and completing construction prior to occupancy of the first unit, the applicant shall satisfy this minimum traffic safety improvement.

Currently, sidewalks do not exist along the development site's frontage on NW 173rd Avenue. The applicant has proposed no improvement along the development site's frontage of NW 173rd Avenue. In this case, Washington County has a funded road project (170th/173rd Avenue Baseline to Walker Road) which includes the construction of sidewalks along the development site's frontage of NW 173rd Avenue. That project is slated to break ground in summer of 2005 with completion expected in December of 2006.

Although R&O 86-95 requires the installation of a sidewalk at ultimate location and grade prior to occupancy of a development, County policy allows the substitution of a temporary sidewalk when the permanent sidewalk is already part of a funded road project.

By obtaining approval for a Facility Permit for the construction of a temporary sidewalk along the development site's frontage on NW 173rd Avenue prior to recordation of the subdivision plat and completing construction prior to occupancy of the first unit, the applicant shall satisfy this minimum traffic safety improvement.

4. RIGHT-OF-WAY:

Section 501-8.4 of the Washington County CDC states that dedication of right-of-way shall be required pursuant to the classification of the facility as designated by the Washington County Transportation Plan and based upon the County Road Standards.

According to the Washington County Transportation Plan, NW Walker Road along the development site's frontage is a County urban arterial road (A-4). The Road Standards require 98 feet of right-of-way (total) for an A-4 designated roadway.

Existing right-of-way is 49 feet from centerline along the development site's frontage of NW Walker Road. Existing right-of-way is adequate.

County Transportation Review

October 25, 2004

Page 5

According to the Washington County Transportation Plan, NW 173rd Avenue along the development site's frontage is a County collector street (C-3) and an arterial roadway (A-8). 74 feet of right-of-way (total) is required for a C-3 designated roadway while 90 feet of right-of-way is required for an A-8 designated roadway.

Existing right-of-way varies from 20 to 35 feet from centerline along the development site's frontage of NW 173rd Avenue. Existing right-of-way is inadequate. To comply with the right-of-way requirements for this roadway, additional right-of-way must be dedicated in order to provide 37 feet from centerline along the entire development site's frontage of NW 173rd Avenue.

5. SURFACE WIDTH AND STRUCTURAL REQUIREMENTS:

County policy requires half-street improvements for developments when similar improvements exist on neighboring or adjoining parcels and/or to best comply with Community Development Code requirements for structural improvements. Half-street improvements exist along NW Walker Road to the east. Staff finds that it is necessary for the applicant to construct a half-street improvement along the development site's frontage of NW Walker Road in order to comply with this policy and satisfy the CDC requirements for roadway drainage (501-8.1.C) and sidewalk (502-6).

6. DRAINAGE:

The Washington County Uniform Road Improvement Design Standards and Washington County CDC Section 501-8.1.C require the provision of adequate roadway drainage as a critical service for developments abutting County or public roads.

Currently, roadway drainage along the development site's frontage of NW Walker Road is unacceptable. An extruded curb exists along a portion of the development site's frontage of NW Walker Road.

Currently, roadway drainage along the development site's frontage of NW 173rd Avenue is unacceptable.

With the provision of adequate roadway drainage along the entire development site's frontage on NW Walker Road and NW 173rd Avenue, the applicant shall satisfy the CDC and Washington County Uniform Road Improvement Design Standards requirement for adequate roadway drainage.

7. TRAFFIC SAFETY REVIEW:

Washington County requires that developments be reviewed by the Washington County Traffic Engineer when estimated daily trip generation of a project and existing traffic levels on the adjacent County road exceed given limits as determined by R&O 86-95.

Estimated trip generation for this development (268 ADT) requires that the County Traffic Engineer perform a traffic safety review and issue a traffic staff report.

The County Engineer is currently reviewing the development application to ensure compliance with R&O 86-95. If the Traffic Engineer's review and resultant Traffic Staff Report have not been completed prior to issuance of the City's Decision, please require any additional on and/or off-site safety improvements found to be required for compliance with R&O 86-95.

8. **ILLUMINATION:**

Resolution and Order No. 86-95 requires access points on collectors and arterials to be adequately illuminated. To meet this requirement, a public street light will have to be installed at the proposed site access to NW Walker Road.

CONDITIONS OF APPROVAL

Road improvements required along site frontage shall apply to frontage of all land within the subject site that abuts the County roadway. The subject site shall be considered to include: any lot or parcel to be partitioned or otherwise subdivided (regardless of whether it contains existing structures or not); and any contiguous lots or parcels that constitute phases of the currently proposed development.

If the applicant proposes to develop the project in phases, all County-required frontage improvements must be constructed with the first phase. In addition, off-site improvements warranted by the first phase must also be completed with the first phase.

1. **PRIOR THE CITY'S FINAL APPROVAL AND RECORDATION OF THE SUBDIVISION PLAT:**

- A. Submit a written request and obtain approval for a modification to the access spacing standards of the W.C.U.R.I.D.S. from the **Washington County** Engineering Division for the proposed emergency access location on NW Walker Road (*The Modification Request must be prepared and stamped by a registered professional engineer and submitted by the applicant*).
- B. **The following shall be shown on the final plat:**
 - 1. Dedication of additional right-of-way to provide 37 feet from centerline along the development site's frontage of NW 173rd Avenue.
 - 2. A non-access reservation along the development site's frontage of NW 173rd Avenue, except at access point(s) approved by the County Engineer through the road modification process.

County Transportation Review

October 25, 2004

Page 7

C. Submit to Washington County Land Development Services Public Assurance Staff, (503) 846-3843:

1. Completed "Design Option" form.
2. \$3,000.00 Administration Deposit.

NOTE: Any portion of the Administration Deposit not used by Washington County for plan approval, field inspections, and contract administration will be returned to the applicant. If at any time during the project, the County's costs are higher than the amount deposited, Washington County will bill the applicant the amount needed to cover its costs.

3. A copy of the City's Land Use Approval with Conditions, signed and dated.
4. Preliminary certification of adequate sight distance for the emergency access and private street access to NW Walker Road, in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
 - a. A detailed list of improvements necessary to produce adequate intersection sight distance at the development site's access (es) to NW Walker Road.
5. Three (3) sets of complete engineering plans for construction of the following public improvements:

NOTE: Improvements shall be constructed to County Standard unless otherwise modified by the County Engineer.

- a. A one-half street improvement to an A-4 standard with 37 feet of pavement (including gutter section), curb, 4 foot wide planter strip and a five foot wide concrete sidewalk along the development site's frontage of NW Walker Road.
- b. A temporary sidewalk along the development site's frontage of NW 173rd Avenue with paved tie ins to the roadway edge.
- c. Provision of adequate roadway drainage along the development site's frontage of NW 173rd Avenue.
- d. Closure of all existing driveways to NW Walker Road.
- e. Closure of all existing driveways to NW 173rd Avenue.

- f. Improvements necessary to provide adequate intersection sight distance at the approved access location(s) to NW Walker Road in accordance with the Washington County Community Development Code.
- g. Adequate illumination at the site's access to NW Walker Road. Adequate illumination shall consist of at least one 200 watt high pressure sodium cobra head luminaire mounted at a minimum mounting height of 20 feet on existing utility poles if available. The fixture shall have a medium semi-cutoff type III distribution. The pole shall be within the area defined by the radius returns of the intersection. The fixture shall be oriented within 90 degrees to centerline of the collector or arterial. For intersections of collectors with arterials, the luminaries' fixture shall be installed at 90 degrees to the higher classification roadway. If the intersecting roadways are of the same classification, the fixture may be oriented at 90 degrees to either roadway. If no existing utility poles are available within the intersection area defined by the radius returns, the developer shall meet the lighting requirements of the Department of Land Use and Transportation 1991 Roadway Illumination standards, latest revision. The Traffic Engineer may require illumination in addition to the above-stated minimums. Direct technical questions concerning this condition or the 1991 Roadway Illumination Standards to Bob Morast, Traffic Engineer at (503) 846-7955.
- h. Any additional on and/or off-site safety improvements found to be required for compliance with R&O 86-95 following the County Traffic Engineer's review of the Modification Request(s), and completion of the Traffic Staff Report.

D. Obtain Washington County Departmental approval, provide financial assurance, and obtain a Facility Permit for:

Construction of the public improvements listed in Conditions I.C.5.a. through h.

NOTE: *The Public Assurance staff of Land Development Services will send the required forms to the applicant's representative after submittal and approval of the public improvement plans.*

The Facility Permit allows construction work within County rights-of-way and permits site access after submittal and Departmental approval of engineering plans, and approval of erosion control permits. Issuance of the Facility Permit is also subject to the completion of the County Assurances Division requirements including but not limited to execution of financial and contractual agreements. This process ensures that the

responsibility for construction of public improvements is accepted, and that improvements in the public right-of-way are monitored, inspected, and built to County standard in a timely manner.

II. **PRIOR TO FINAL BUILDING INSPECTION AND OCCUPANCY OF THE FIRST DWELLING UNIT:**

- A. The road improvements required in condition I.C.5.a. through h., above, shall be completed and accepted by Washington County.
- B. Upon completion of necessary improvements, provide final certification of adequate sight distance in accordance with County Code, prepared and stamped by a registered professional engineer.

Requirements identified within this letter are considered by the County to be minimum warranted improvements (and/or analyses) that are necessitated by the proposed development, therefore it is requested that they be conveyed to the applicant within the City's Approval document. Please send a copy of the subsequent Final City Notice of Decision and any appeal information to the County. Thank you for the opportunity to comment.

Please call me at (503) 846-3839 with any questions you may have regarding the County review of this proposal. Contact Robert Morast (503) 846-7955 or Greg Miller (503) 846-7963 of the County's Engineering Division with technical questions with regard to the Washington County Uniform Road Improvement Design Standards.



Chris Goodell
Associate Planner

- c: Phil Healy, Senior Planner
- Bill Avery, Principal Planner
- Joy Chang, Associate Planner
- Jinde Zhu, Traffic Engineer
- Robert Morast, Traffic Engineer
- Greg Miller, County Engineer
- Todd Mobley, Lancaster Engineering

WASHINGTON COUNTY
OREGON



Chris G

September 15, 2004

Todd Mobley, P.E.
Lancaster Engineering
Union Station, Suite 206
800 NW 6th Avenue
Portland, Oregon 97209

RECEIVED

SEP 20 2004

CLERK

RE: **MODIFICATION TO W.C.U.R.I.D.S.
LINDQUIST
CITY OF BEAVERTON**

The following is in response to your August 25, 2004 Request for Modification of the W.C.U.R.I.D.S. Section 130.2, Page 11, for the reduced access spacing of the proposed access, located approximately 260 feet east of NW 170th Drive on the south side of NW Walker Road, for the subject development located east of NW 173rd Avenue in the City of Beaverton.

XX Your request is approved with conditions as noted below:

1. Provide adequate illumination at the proposed site access on NW Walker Road. Adequate illumination shall consist of at least one 200-watt high pressure sodium cobra head luminaire mounted at a minimum height of 20 feet on **existing utility poles if available**. The fixture shall have a medium semi-cutoff type III distribution. The pole shall be within the area defined by the radius returns of the intersection. The fixture shall be oriented at 90 degrees to centerline of the collector or arterial. For intersections of collectors with arterials, or arterials with arterials, the luminaire fixture shall be installed at 90 degrees to the higher classified roadway. If the intersecting roadways are of the same functional classification, the fixture may be oriented at 90 degrees to either roadway. **If no existing utility poles are available within the intersection area defined by the radius returns, the developer shall meet the requirements of the Department of Land Use and Transportation 1991 Roadway Illumination Standards, latest revision.** County Traffic Engineer may require illumination in addition to the above-stated minimums. Direct technical questions concerning this condition or the 1991 Roadway Illumination Standards to Robert Morast, County Traffic Engineer at (503) 846-7955.

Please be advised that all modifications granted to the W.C.U.R.I.D.S. are considered unique and are not uniformly applicable.

Todd Mobley, P.E.
September 15, 2004

NOTE: See Section 250.2.3 for appeal procedures should you wish to appeal.

Sincerely,


Gregory S. Miller, P.E.
County Engineer

Reviewed By: Jinde Zhu 

Approved By: Robert Morast 

JZ:jw-b

- c: Robert Morast
- Jinde Zhu
- Phil Healy
- Chris Goodell
- Tracy Stone/Joy Chang
- Plan Review File
- c/File

CONDITIONS OF APPROVAL

**STREET VACATION NW 170TH AVENUE
LINDQUIST 28-LOT PLANNED UNIT DEVELOPMENT
SV2004-0001**

If the application is ultimately approved staff recommend the following conditions of approval to the City Council for the Street Vacation of NW 170th Avenue - Lindquist 28-Lot PUD:

SV2004-0001 Street Vacation

Prior to Final Vacation Order:

1. A letter from each utility authorized to work in City right-of-ways will be required to be submitted by the applicant. These letters must document the existing facilities or planned facilities for this street right-of-way and any requests from the utilities in regard to the street vacation. The applicable utilities are Comcast Cable, Northwest Natural Gas, Verizon Telephone, Portland General Electric, Clean Water Services, and the Tualatin Valley Water District. (Site Development Div./JJD)
2. Public utilities shall be centered within a minimum fifteen-foot easement. Any private utilities affected by the street vacation shall be accommodated within easements to the applicable utility company, or to the City as a public utility easement. These easements shall be approved and accepted for recording prior to or concurrent with the street vacation order. (Site Development Div./JJD)



CITY OF BEAVERTON
 Community Development Department
 Development Services Division
 4755 SW Griffith Drive
 PO Box 4755
 Beaverton, OR. 97076
 Tel: (503) 526-2420
 Fax: (503) 526-3720
 www.ci.beaverton.or.us

| OFFICE USE ONLY | |
|-----------------|--------------------|
| FILE #: | _____ |
| FILE NAME: | _____ |
| TYPE: | RECEIVED BY: _____ |
| FEE PAID: | CHECK/CASH: _____ |
| SUBMITTED: | LWI DESIG: _____ |
| LAND USE DESIG: | NAC: _____ |

EXHIBIT 2.2

DEVELOPMENT APPLICATION- STREET VACATION

APPLICANT: Use mailing address for meeting notification.

COMPANY: Lindquist Development
 ADDRESS: P.O. Box 42135
 (CITY, STATE, ZIP) Portland, OR 97242
 PHONE: (503) 227-8257 FAX: (503) 224-5213
 SIGNATURE: *Stu Lindquist* CONTACT: Stu Lindquist
 (Original Signature Required)

APPLICANT'S REPRESENTATIVE:

COMPANY: Nogle Onufer Associates Architects, Inc.
 ADDRESS: 2398 San Diego Ave.
 (CITY, STATE, ZIP) San Diego, Ca 92110
 PHONE: (619) 297-8066 FAX: (619) 297-8055
 SIGNATURE: *Joseph Holasek* CONTACT: Joseph Holasek
 (Original Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed.

COMPANY: Stuart Lindquist
 ADDRESS: P.O. Box 42135
 (CITY, STATE, ZIP) Portland, OR 97242
 PHONE: (503) 227-8257 FAX: (503) 224-5213
 SIGNATURE: *Stu Lindquist* CONTACT: Stu Lindquist
 (Original Signature Required)

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: SE corner of SW Walker Rd. & SW 173rd Ave.
 ASSESSOR'S MAP & TAX LOT # T1 N R1W Section 31 LOT SIZE 8.1 Ac ZONING DISTRICT R-7
 Tax Lots 2900, 3000,
3200

AREA TO BE DEVELOPED (s.f.): 164,373sf
 EXISTING USE OF SITE: Vacant (Formerly Farmland)
 PROPOSED DEVELOPMENT ACTION: Vacation as 170th St. (Paper St.)
 PRE-APPLICATION DATE: 08/28/03



CITY OF BEAVERTON

Community Development Department
Development Services Division
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR. 97076
Tel: (503) 526-2420
Fax: (503) 526-3720
www.ci.beaverton.or.us

STREET VACATION

STREET VACATION SUBMITTAL CHECKLIST

WRITTEN STATEMENT REQUIREMENTS

- A. APPLICATION FORM.** Provide one (1) **completed** application form with original signature(s).
- B. CHECKLIST.** Provide one (1) **completed** copy of this three (3) page checklist.
- C. WRITTEN STATEMENT.** Submit **three (3) copies** of a detailed description of the proposed street vacation including the location of the proposed street vacation, the total lineal feet and total square footage area of the proposed street design modification, the applicable street design standard proposed for modification, and the street design standard modification proposal:
In the written statement, please:
 - Provide individual findings specifically addressing how and why the proposal satisfies each of the criteria specified in Section 40.75.15.1.C.1-7 of the *Development Code* (ORD 2050), attached. Section 40.75.15.1.C.3 requires that the proposed street vacation meet the eligibility requirement of Oregon Revised Statutes (ORS) 271.080, which reads as follows:

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefore setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation. (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2](**REPRINTED FROM THE OREGON REVISED STATUTES WEB PAGE**)

2-2-04
SWB
- WBR
ASAT
BBL
WAB
2/23
(WBR)

- For conformity to ORS 271.080, as stated above, written evidence of consent of the owners of all abutting property as defined by ORS 271.080 and of not less than two-thirds in area of the real property affected thereby.
- Address all Facilities Review Technical Criteria from Section 40.03 of the City's *Development Code* (ORD 2050).

- D. FEES**, as established by the City Council. Make checks payable to the City of Beaverton.
- E. CLEAN WATER SERVICES (CWS) DOCUMENTATION.** Pursuant to Section 50.25.1.F of the City's *Development Code* requires that all development proposals provide written documentation from Clean Water Services (formerly Unified Sewerage Agency) stating that water quality will not be adversely affected by the subject proposal. Therefore, the City recommends that you contact CWS in order to obtain the required documentation. For more information, please contact Heidi Berg, Site Assessment Coordinator, at (503) 846-3613 or bergh@usa-cleanwater.org.
- F. PRE-APPLICATION CONFERENCE NOTES. (REQUIRED FOR TYPE 2, 3, & 4 APPLICATIONS ONLY)**
Provide a copy of the pre-application conference summary as required by the City's *Development Code Section 50.25.1.E*. The Pre-Application Conference must be held within the one (1) year prior to the submission date of the proposed project application.
- G. NEIGHBORHOOD REVIEW MEETING. (REQUIRED FOR TYPE 3 APPLICATIONS ONLY)**
Provide the following information as required by the City's *Development Code Section 50.30*. The Neighborhood Review Meeting must be held within the six (6) months prior to the submission date of the proposed project application.
- 1. A copy of the meeting notice mailed to surrounding property owners and the NAC Representative
 - 2. A copy of the mailing list used to mail out the meeting notice.
 - 3. A written statement representative of the on-site posting notice.
 - 4. Affidavits of mailing and posting
 - 5. Representative copies of written materials and plans presented at the Neighborhood Review Meeting.
 - 6. Meeting minutes that include date, time and location, as well as, oral and written comments received.
 - 7. Meeting sign-in sheet that includes names and address of attendees.
 - 8. Documentation verifying that the meeting minutes and sign-in sheets have been provided to the NAC representative.
- H. OTHER REQUIREMENTS.** Provide documentation showing that the project proposed is permitted by, or satisfies the requirements of, other agencies and/or jurisdictions OR submit a schedule that details the forecasted submission and approval timelines for permits/applications to the respective agencies and/or jurisdictions.

PLANS & GRAPHIC REQUIREMENTS

All plans, except architectural elevations, shall be presented at a minimum of 1" = 20' engineering scale and on a maximum sheet size of 24" x 36". Architectural elevations may be presented at an architectural scale. **A total of three (3) copies of each plan shall be submitted, unless otherwise noted.**

Each of the following plans and drawings shall be submitted on **separate sheets**. If the size of the project requires the use of match line sets, each set of match line sets must include a sheet (at a scale to fit a 24" x 36" sheet) depicting the entire site, including match lines, as a cover sheet.

Include all of the following information:

A. EXISTING CONDITIONS PLAN:

- 1. North arrow, scale and date of plan.
- 2. Vicinity map.
- 3. The existing street section.
- 4. Points of existing access, driveways, and on-street parking areas.
- 5. Existing right-of-way and improvements including but not limited to street section, curb, gutter, sidewalk, planter strip, travel lanes, turn lanes, and bicycle lanes.
- 6. Dimension from centerline to edge of existing right-of-way.
- 7. Existing topographical information, showing 2 ft. contours.
- 8. Surrounding development and conditions within 100 ft. of the street on all sides such as zoning, land uses, and buildings.
- 9. Location of existing public and private utilities, easements, and 100-year floodplain.
- 10. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Tree within 100 ft. of the street on all sides.
- 11. Sensitive areas, as defined by Clean Water Services (CWS) standards.
- 12. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*

B. DIMENSIONED SITE PLAN:

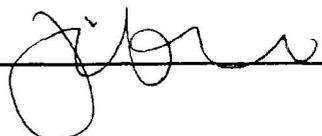
- 1. North arrow, scale and date of plan.
- 2. The street proposed for vacation including right-of-way, dimension from centerline to edge of right-of-way, intersections, driveways, dedications and improvements including but not limited to street section, curb, gutter, sidewalk, planter strip, travel lanes, turn lanes, and bicycle lanes.
- 3. Surrounding development and conditions including zoning designation, land uses and buildings of land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.
- 4. Location of storm water quality/detention facilities.
- 5. Location, quantities, size (diameter breast height), genus and species of Significant Trees and Groves, Historic Trees, Trees within a Significant Natural Resource Area, Landscape Trees, Street Trees, and Community Tree within 100 ft. of the street on all sides.
- 6. Sensitive areas, as defined by CWS standards.
- 7. Wetland boundaries, upland wooded area boundaries, riparian area boundaries, rock outcroppings, and streams. *Wetlands must be professionally delineated.*

Note: Complete sets of plans reduced to 8 1/2"x11" (11"x17" are not acceptable) will be required at the time the application is deemed complete.

I have provided all the items required by this three (3) page submittal checklist. I understand that any missing information, omissions or both may result in the application being deemed incomplete, which may lengthen the time required to process the application.

JOSEPH HORASIK
Print Name

619.297.4066
Telephone Number


Signature

9.11.07
Date

066



CITY OF BEAVERTON

Community Development Department
Development Services Division
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR 97076
Tel: (503) 526-2420
Fax: (503) 526-3720
www.ci.beaverton.or.us

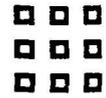
TYPE 3 STREET VACATION - APPROVAL CRITERIA

PURSUANT TO SECTION 50.25.1.B OF THE DEVELOPMENT CODE, A WRITTEN STATEMENT ADDRESSING THE APPROVAL CRITERIA FOR AN APPLICATION MUST BE SUBMITTED IN ORDER FOR AN APPLICATION TO BE DEEMED COMPLETE. STATEMENTS SUCH AS "NOT APPLICABLE" OR "THE PROPOSAL WILL COMPLY WITH APPLICABLE DEVELOPMENT REGULATIONS" ARE NOT SATISFACTORY. THE WRITTEN STATEMENT MUST ADDRESS EACH CRITERION AND MUST SPECIFY IN DETAIL HOW EACH WILL BE COMPLIED WITH.

An applicant for Street Vacation shall address compliance with all of the following Approval Criteria as specified in 40.75.15.1.C.1-7 of the Development Code:

- 1. The proposal satisfies the threshold requirements for a Street Vacation application. *RW*
- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
- 3. The proposed Street Vacation meets the eligibility provisions of ORS 271.080.
- 4. The proposed Street Vacation will not adversely impact street connectivity as identified in the Transportation Element of the Comprehensive Plan.
- 5. The proposed Street Vacation will not adversely impact police, fire, and emergency service in the area.
- 6. That the vacation of the street will not hinder accessibility to any above ground or underground public facilities.
- 7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

067



TRANSMITTAL

NOGLE
ONUFER
ASSOCIATES
ARCHITECTS

| DATE : | <input checked="" type="checkbox"/> 2-28-04 | | | | | | |
|--|--|--|------|-------------|---|---------|-----------------|
| PROJECT NAME : | <input checked="" type="checkbox"/> Lindquist - Beaverton (NW Walker and 173 rd) | | | | | | |
| PROJECT NO. : | <input type="checkbox"/> | | | | | | |
| TO : | <input checked="" type="checkbox"/> Rachel Nettleton Five Oaks/Triple Creek NAC Chair 19185 SW Lisa Drive Beaverton, OR 97006 | | | | | | |
| FOR YOUR : | <input type="checkbox"/> use | | | | | | |
| WE TRANSMIT THE FOLLOWING : | <table border="1"><thead><tr><th><input checked="" type="checkbox"/> Copies</th><th>Date</th><th>Description</th></tr></thead><tbody><tr><td>1</td><td>2-12-04</td><td>Meeting minutes</td></tr></tbody></table> | <input checked="" type="checkbox"/> Copies | Date | Description | 1 | 2-12-04 | Meeting minutes |
| <input checked="" type="checkbox"/> Copies | Date | Description | | | | | |
| 1 | 2-12-04 | Meeting minutes | | | | | |
| REMARKS : | <input checked="" type="checkbox"/> Rachel - The Neighborhood Meeting Packet forms request that I send a copy of the Meeting Notes to you, for your use/record. Please find enclosed. Thank you, | | | | | | |
| BY : | <input checked="" type="checkbox"/> Joseph Holasek, NOAA, Inc. | | | | | | |
| CC : | <input type="checkbox"/> | | | | | | |

2398 San Diego Ave.
San Diego, CA 92110
Telephone:
(619) 297-8066
Fax:
(619) 297-8055

February 12, 2004

Rachel Nettleton
Five Oaks/Triple Creek NAC
19185 SW Lisa Drive
Aloha, OR 97006

Re: **Walker Road/173rd Single Family PUD
Neighborhood Meeting Summary**

Dear Rachel:

Thank you for the opportunity to present the proposed 28 unit single family residential PUD located on Walker Road at 173rd to the Five Oaks/Triple Creek Neighborhood Group on February 11, 2004. The following summarizes the meeting comments and questions.

Doug Campbell with Campbell Planning and Development Services representing the owners and applicant presented the proposed project. The property includes five parcels of approximately 8 acres. The property is relatively flat with an existing old house and barn on the site and includes a wetland drainage running through the back of the site. The proposed 28 unit single-family subdivision (PUD) will be located on the front part of the property thereby preserving the wetlands within the backside of the property. Because there are significant wetlands on the site, a PUD was the best option for transferring the density to one part of the site and creatively designing the project around the wetlands. The project will include a tot lot for families and a walking trail along the back part of the subdivision. Smaller lots are proposed, but will be compatible with the neighborhood in terms of size and style of homes proposed. The proposed project will have one access off Walker Road, which will connect into a frontage access road serving the property. This frontage access road will act as an additional buffer from Walker Road.

Questions/Comments:

1. *Is there a path proposed along the site?*

Yes, a path is proposed along the backside of the subdivision.

2. *Preserve wetland and drainage; there is an issue with drainage filling up the wetland. Are you planning to do anything to control water flow into the wetland?*

A water quality facility will collect and treat the water prior to flowing into the wetland.

3. *Is a wall proposed around the development? We propose that a wall be provided to be compatible with other neighborhoods along Walker Road.*

A wall is not currently proposed and the applicant and architect will look at the feasibility of providing a wall and different options.

4. *A wall would provide protection and safety to the houses along Walker Road, which is an arterial with cars approaching 45 miles an hour in speed.*

5. *One entry into the project – how far is the driveway entrance from the intersection of 173rd*

The driveway entrance will meet the County and City requirements for distance and street alignment. The County is requiring the entrance to the project to be located at the proposed location to be aligned with the street across Walker Road.

6. *How much parking is proposed within the development? Is there any parking allowed on the street? We believe more parking should be provided within the project.*

Each residence will have two garage parking spaces with room for additional parking in the driveways. Currently the proposed plans meet city parking requirements, but we will have the architect review this and explore other opportunities to provide more parking if needed.

7. *Are there sidewalks along the project and within the development?*

Sidewalks are provided within the development and along the frontage. A trail is also proposed along the backside of the development.

8. *Where is the detention and water quality facility going to be?*

A water quality facility will be designed and located to meet the requirements of the city and Clean Water Services.

9. *Are you allowed to do anything in the wetland – what does the law allow or what is being required?*

Typically the jurisdictions regulating the wetland drainage area which include the State DSL, the Army Corps of Engineers and Clean Water Services want new developments to stay completely out of the wetland if possible. If any impacts are proposed to the delineated wetland then mitigation measures, fill permits and other requirements will need to be met. The proposed development is meeting all state and local requirements in regards to the proposed development.

10. *Any expectations from the city regarding improving the wetland?*

We have delineated the wetland and are not proposing any impacts to the wetland. We will be enhancing the buffer area as required by Clean Water Services and city requirements.

11. *Are you planning to build this project before any road improvements are made to 170th and 173rd?*

We have met with the County and the city and have discussed the future proposed improvements with them. They have indicated that the county was not supportive of having 170th be connected through to Walker Road and are supportive of vacating the portion of 170th right-of-way connecting across the subject property.

12. *Could there be multifamily type housing proposed on this property?*

Yes, and others have considered proposing a higher density multifamily project on the site which may be supported through a PUD process.

13. *It may be a good idea to have an acceleration and deceleration lane for entering an exiting the development because of the traffic speeds on Walker Road.*

This has not been identified as a requirement, but the owner will look at the needs of the project and the feasibility of providing these improvements.

14. *Is the location of the access drive in the most appropriate location?*

The County and City transportation planning staff have identified the proposed driveway entrance as the best location for proper alignment with the access drive across Walker Road.

15. *What kind of street lighting is proposed? We would support limited lighting to low level lighting to help protect the wildlife and natural wetland areas and to avoid potential glaring into the adjacent neighborhood.*

We have not proposed any street lighting at this time and it would be the developer's desire to keep lighting limited to low level lighting to serve the individual homes, and not to have street lighting.

16. *What is the schedule for developing the property?*

The applicant hopes to submit the PUD application within the next 30 days to start the review process with construction potentially starting at the end of the year.

17. *What will be the size and prices of the proposed homes?*

The proposed homes will be approximately 2,100 to 2,500 sf and will be medium priced homes (not be entry-level homes).

18. *Providing additional improvements and plantings in the wetland would be desired.*

19. *Who will own the wetland?*

The wetland will be put into a separate tract and the exact future ownership of the wetland is unknown at this point, but will probably be owned by an HOA.

20. *What is the roofing material going to be? Should be class A roofing material. There are concerns about fire. Also a secondary access should be considered such as a breakaway gate.*

The roofing material has not been identified, and most likely will be composite material. Regarding the secondary access for fire, that has not been identified as something we will need, but will work with the architect and engineer and the fire district to make sure the project meets the necessary requirements.

The meeting was adjourned at approximately 9:30 p.m. The applicant appreciated the opportunity to present the proposed project and hear comments regarding the project.

Sincerely;
Campbell Planning and Development Services



Douglas Campbell

PROJECT NAME: Lindquist - 170th & Walker Rd.

FILE NUMBER: PA 2003-0080

POST ON SITE NO LATER THAN 01/21/04

AFFIDAVIT OF POSTING NOTICE

I, Stu Lindquist, being first duly sworn; say that I am (represent) the party submitting an application to the City of Beaverton for a proposed _____

28 Unit Single Family Subdivision affecting land located at 173rd & NW Walker, and that pursuant to Ordinance 2050, Section 50.40.5 (Type 2 Applications) or Section 50.45.6-8 (Type 3 Applications), and the guidelines set out by the Community Development Director, did on the ~~20th~~ ^{22nd} day of January, 2004, personally post public notice(s). The notice(s) was (were) posted on or before the deadline date determined by City staff for this application.

Sign and Date in the presence of a Notary Public. Certain City staff are Notary Public's and are available for witnessing.

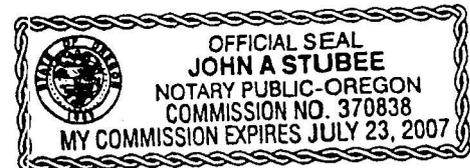
Signature: *Stu Lindquist*

Dated this 16 day of FEBRUARY, 2004

Subscribed and sworn to before me this 16th day of FEBRUARY, 2004.

J.A. Stubee
Notary Public for the State of Oregon

My Commission expires: 7/23/07



TURN PAGE OVER FOR POSTING INSTRUCTIONS

073

DEVELOPER OR AGENT: Nogle Onufer Associates Architects

PROJECT LOCATION: 173rd & NW Walker Rd.

AFFIDAVIT OF MAILING NOTICE

I, Joseph Holasek, being first duly sworn; say that I am (represent) the party intended to submit an application to the City of Beaverton for a proposed 28 Unit Residential Subdivision affecting land located at 173rd & NW Walker Rd., and that pursuant to Ordinance 2050, Section 50, and the guidelines set out by the Community Development Director, did on the 16th day of January, 2004, personally mail notice to affected property owners and NAC's within 500 feet of the proposed development site.

Sign and Date in the presence of a Notary Public. Certain City staff are Notary Publics and are available for witnessing.

Signature: _____

Dated this 16th day of January, 2004

Subscribed and sworn to before me this _____ day of _____

Notary Public for the State of Oregon

My Commission expires: _____

See attached

h:\forms\neighborhood meeting\current nrmtngpacket elements\affdat2.doc

JURAT WITH AFFIANT STATEMENT

State of _____ }
County of _____ } ss.

- See Attached Document (Notary to cross out lines 1-8 below)
- See Statement Below (Lines 1-7 to be completed only by document signer[s], *not* Notary)

[This section is crossed out with a large diagonal line.]

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

Subscribed and sworn to (or affirmed) before me this 10th day of January, 2004

by Joseph C. Holasek

(2) _____

Sheila Marie Francis

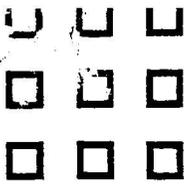


Place Notary Seal Above

| RIGHT THUMBPRINT OF SIGNER #1 | RIGHT THUMBPRINT OF SIGNER #2 |
|-------------------------------|-------------------------------|
| Top of thumb here | Top of thumb here |

OPTIONAL
Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document
Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____



NOGLE

ONUFR

ASSOCIATES

ARCHITECTS

Telephone:
(619) 297-8066
FAX:
(619) 297-8055

January 12, 2004

Re: Proposed Development at 173rd and NW Walker Road

Dear NAC Representative/Resident

I am writing this letter on behalf of Stuart Lindquist, who is considering a 28 unit single-family residential subdivision, at the vacant property located at the southeast corner of 173rd and NW Walker Road. The site is 8.1 acres, is zoned R-7, but the proposed development is for a PUD (Planned Urban Development), with lot sizes that vary from approximately 2,850 SF to 7,500 SF.

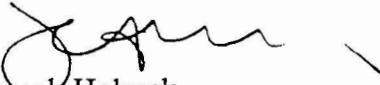
Prior to the preparation of specific architectural and engineering plans, and formal submittal to the City of Beaverton, we would like to discuss the proposed development with the Neighborhood Association and the surrounding property owners and residents. Therefore, you are cordially invited to attend a meeting on:

February 10, 2004
Elmonica Elementary School, Cafeteria
16950 SW Lisa
Beaverton, OR
8:00 PM

Please note that this will be an informational meeting on preliminary development plans, with the developer or his Architect, and does not take the place of a public hearing before the Planning Commission or the Board of Design Review. You will have an opportunity to present testimony to these bodies when an application is submitted to the City, for review.

I look forward to seeing you at the meeting, and to hearing your thoughts on the proposed project.

Sincerely,
NOAA, Inc.



Joseph Holasek
Senior Associate

Enclosures: Location Map for meeting
Site Plan of proposed development



Home | Help | Settings | Mobile

MapQuest Search
Enter Business or Ca



ORBITZ

Find a hotel

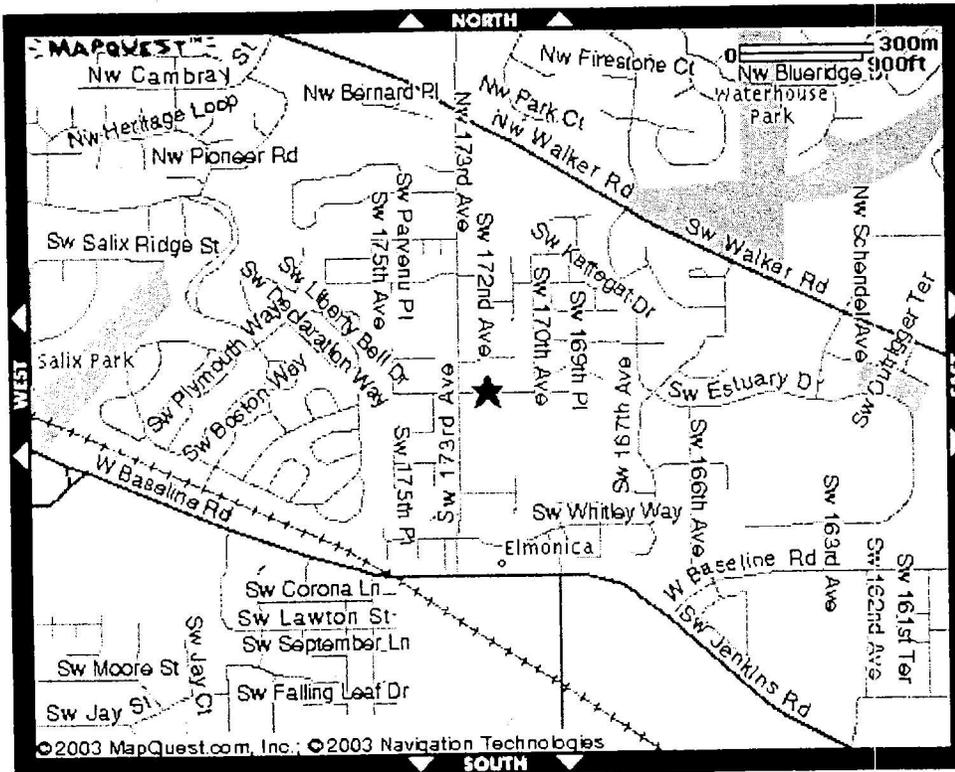
Save up to 70% on Orbitz
Savers Nationwide Search now!



★ 16950 Sw Lisa Ct Beaverton, OR 97006-4100, US - [Hotels](#) - [Flights](#)

Street Map

[Print](#) | [E-Mail](#) | [Download to PDA](#) | [New Map](#)



Show Offers: [Hotels](#)

Cheap Hotel Deals
Search 1000's of Hotels
Great Rooms for Less.
www.ORBITZ.com

Discount Hotel
Huge Savings with Prices
40% over leading site
www.priceline.com

Discount hotel
Search dozens of sites
Try SideStep and save
www.SideStep.com

Cheap Hotels
Cheaper rates on name
get double your differ
www.hotwire.com

Discount Hotel
Compare Prices and Save
the Best Deals at BizRate
www.BizRate.com

Get Directions to Above Location from:

Address or Intersection

City State/Prov.

Get Directions

Search for a Business

Business Name or Category

City State

Beaverton OR

MapQuest Search

All rights reserved. Use Subject to License/Copyright | [Map Legend](#)



This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

ORBITZ **Hotels** - Save up to 70% on Orbitz Savers nationwide. Search Beaverton, OR!

079

MetroScan / Washington (OR)

| Parcel # | Owner Name | Site Address | YB | Owner Pho |
|----------|---------------------------------|--|------|--------------|
| M2037305 | Donis John L | 17559 NW Shady Fir Loop Beaverton 9700 | 1995 | 503-531-0149 |
| M2037411 | Fink Betty Jane | 17388 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2037420 | Scott G Ray | 17744 NW Shady Fir Loop Beaverton 9700 | 1994 | 503-645-7681 |
| M2037825 | Sheeley Ross W | 17655 NW Shady Fir Loop Beaverton 9700 | 1994 | 503-690-7541 |
| M2037840 | Bergendahl Robert C | 17575 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2037853 | Baunsgard Keith A | 17696 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2038076 | Crabbs Roger A | 17516 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2038081 | Neale Frank E | 17556 NW Shady Fir Loop Beaverton 9700 | 1994 | 503-439-8247 |
| M2040748 | Jerde Helen May | 17457 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2040756 | Rynd Christopher | 17481 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2040761 | Berger Dale B Trustee | 17648 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2040775 | Berry Erma B | 17741 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2041379 | Poore Clayton R | 17736 NW Shady Fir Loop Beaverton 9700 | 1993 | |
| M2041409 | Maria Ellerbrook Rev Liv Tr | 17496 NW Shady Fir Loop Beaverton 9700 | 1993 | |
| M2041427 | Bennett Fredrick F | 17497 NW Shady Fir Loop Beaverton 9700 | 1993 | |
| M2041633 | Lee Chia | 17404 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2041635 | Halvorsen Robert Louis | 17548 NW Shady Fir Loop Beaverton 9700 | 1993 | 503-645-8369 |
| M2041636 | Kunze Martin R | 17594 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2042129 | Hyde Irene Penn | 17524 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2044905 | Johnson Cecil & Carol Trust | 17757 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2044906 | Snyder Living Trust | 17572 NW Shady Fir Loop Beaverton 9700 | 1994 | 503-439-1120 |
| M2044933 | Coward David G | 17396 NW Shady Fir Lo (No Mail) Beaver | 1995 | |
| M2044953 | Vojta Ronald J | 17540 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2044956 | Hawk Mary | 17752 NW Shady Fir Loop Beaverton 9700 | 1994 | 503-629-9476 |
| M2044961 | Smith James C | 17712 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2044963 | Lindsay Connie K | 17586 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2044967 | Ellingson G Ervin | 17473 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2044968 | Baney Kurt James | 17564 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2044970 | Blythe Bertha Marie | 17444 NW Shady Fir Loop Beaverton 9700 | 1994 | 503-645-5989 |
| M2044972 | Eckols A Duane | 17567 NW Shady Fir Loop Beaverton 9700 | 1994 | 503-531-3265 |
| M2044974 | Larry & Lawrence Williams Trust | 17640 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2044978 | Ellis Dale Clinton | 17602 NW Shady Fir Loop Beaverton 9700 | 1995 | 503-533-4078 |
| M2044979 | Bisom Doris M | 17610 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2044980 | Mahn Louis T | 17728 NW Shady Fir Loop Beaverton 9700 | 1993 | |
| M2044988 | Hansen Beverly J | 17637 NW Shady Fir Loop Beaverton 9700 | 1993 | |
| M2044989 | Manley Melvin C Jr | 17672 NW Shady Fir Loop Beaverton 9700 | 1993 | |
| M2045102 | Clark Wallace E | 17664 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2045108 | Jacobsen Ken | 17680 NW Shady Fir Loop Beaverton 9700 | 1994 | |
| M2045187 | Munoz Simone | 17760 NW Shady Fir Loop Beaverton 9700 | 1995 | 503-531-9543 |
| M2045209 | Bernstein Merwin | 17621 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2045210 | Smith Larry Andrew | 17441 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2046740 | Blum Ray L | 17433 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2046746 | Rogers Marlene M | 17613 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2046747 | Beighley Frances A | 17643 NW Shady Fir Loop Beaverton 9700 | 1995 | 503-614-9271 |
| M2050029 | Mae W Bales Living Trust | 17656 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2050594 | Seet Vivian M | 17436 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2050595 | Mercer C Bonnie | 17428 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2050921 | Engel John J | 17704 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2050922 | Ruth E Willis Family Trust | 17683 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2050923 | Frutiger Arnold V | 17500 NW Shady Fir Loop Beaverton 9700 | 1995 | 503-629-5508 |
| M2050940 | Hammel Robert Eugene | 17484 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2050948 | Maxwell Jerry W | 17632 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2050976 | Baird Cecil Floyd | 17688 NW Shady Fir Loop Beaverton 9700 | 1995 | 503-466-4935 |
| M2051280 | Golthardt Dorothy | 17465 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2051283 | Berkeley Robert M | 17629 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2051284 | Hays James Edwin | 17675 NW Shady Fir Loop Beaverton 9700 | 1995 | |

080

503-667-6651

MetroScan / Washington (OR)

| Parcel # | Owner Name | Site Address | YB | Owner Pho |
|----------|---------------------------------|--|------|--------------|
| M2051288 | Specht Robert Albert | 17707 NW Shady Fir Loop Beaverton 9700 | 1995 | 503-645-2606 |
| M2051351 | Trask Robert | 17491 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2055383 | Baarspul Bert John | 17487 NW Shady Fir Loop Beaverton 9700 | 1996 | 503-617-0220 |
| M2055384 | Bendickson Marjorie M | 17417 NW Shady Fir Loop Beaverton 9700 | 1996 | |
| M2055406 | Lister Carol Alice | 17420 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2055455 | Oneill George E | 17460 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2055458 | Buffum William H | 17699 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2055461 | Tierney Donald R | 17661 NW Shady Fir Loop Beaverton 9700 | 1996 | |
| M2056102 | Martellino Joseph P | 17452 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2056103 | Green Thomas Edward | 17425 NW Shady Fir Loop Beaverton 9700 | 1996 | |
| M2056445 | Eastman Donald C | 17532 NW Shady Fir Lo (No Mail) Beaver | 1995 | |
| M2060004 | Smith Harvey Wayne | 17618 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2063696 | Shear John B | 17508 NW Shady Fir Loop Beaverton 9700 | 1996 | 503-645-4725 |
| M2063831 | Jacobson Gordon Russell | 17468 NW Shady Fir Loop Beaverton 9700 | 1995 | 503-466-1060 |
| M2064933 | Hale Paul Allen Jr | 17720 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| M2065397 | Melton Virginia Salgado | 17412 NW Shady Fir Loop Beaverton 9700 | 1997 | |
| M2065453 | Maixner Lorraine B | 17495 NW Shady Fir Loop Beaverton 9700 | 1995 | 503-645-9732 |
| M2096889 | Hawkins Jared E | 17476 NW Shady Fir Loop Beaverton 9700 | 1995 | |
| R0000117 | George Teufel Holly | *no Site Address* | | |
| R0622801 | Forsyth Randall & Lynne | 115 NW 173rd Ave Beaverton 97006 | 1940 | |
| R0622810 | Springer Enterprises Llc | 145 NW 173rd Ave Beaverton 97006 | 1976 | |
| R0622856 | Murphy Patrick Henry Trustee | 35 NW 173rd Ave Beaverton 97006 | 1940 | |
| R0625112 | Tonges Gustav P & Margaret | 16895 NW Walker Rd Beaverton 97006 | 1924 | |
| R0625292 | Flynn Michael G | 16985 NW Hazelgrove Ct Beaverton 97006 | 1980 | |
| R0625309 | Degeorge Rodger D | 16969 NW Hazelgrove Ct Beaverton 97006 | 1989 | |
| R0625318 | Kim Chae K & Inai | 16941 NW Hazelgrove Ct Beaverton 97006 | 1989 | 503-372-9691 |
| R0625327 | Taylor Stewart S & Janet M | 16927 NW Hazelgrove Ct Beaverton 97006 | 1979 | 503-645-4180 |
| R0625336 | Cook B G & Peggy P | 16922 NW Hazelgrove C (No Mail) Beave | 1979 | |
| R0625345 | Woodell Robert & Mary Anne | 16942 NW Hazelgrove C (No Mail) Beave | 1979 | |
| R0625354 | Ashcraft Glen E & Barbara A Tr | 16962 NW Hazelgrove Ct Beaverton 97006 | 1979 | 503-645-1009 |
| R0625363 | Cheyne Daniel G | 16982 NW Hazelgrove Ct Beaverton 97006 | 1984 | |
| R0625372 | Burdge Bradley G & Kathryn E | 465 NW 170th Dr Beaverton 97006 | 1979 | 503-531-0606 |
| R0625381 | Brevard Laurence C | 485 NW 170th Dr Beaverton 97006 | 1980 | 503-629-8856 |
| R0625390 | Brinkerhoff Marvin T | 555 NW 170th Dr (No Mail) Beaverton 97 | 1983 | |
| R0625620 | Plunkett Dalton G | 570 NW 173rd Ave Beaverton 97006 | 1977 | |
| R0625639 | Vuky Paul T & Christine | 432 NW 170th Dr Beaverton 97006 | 1980 | |
| R0625648 | Scott William Hogue | 394 NW 170th Dr Beaverton 97006 | 1981 | |
| R0625657 | Mcelfish William B | 16965 NW Park Ct Beaverton 97006 | 1979 | |
| R0625666 | Johnson Michael | 16925 NW Park Ct Beaverton 97006 | 1990 | |
| R0625675 | Berg Vynn C & Marueen | 16900 NW Park Ct Beaverton 97006 | 1979 | |
| R0625684 | Fong Carolyn Brauner | 16930 NW Park Ct (No Mail) Beaverton 9 | 1981 | |
| R0625693 | Stapleton Mirmie S Rev Trust | 16960 NW Park Ct Beaverton 97006 | 1979 | 503-645-5757 |
| R0625700 | Watts Roy R | 16990 NW Park Ct Beaverton 97006 | 1979 | 503-645-1242 |
| R0625719 | Richardson James J III | 357 NW 170th Dr Beaverton 97006 | 1980 | 503-533-0416 |
| R0625728 | Gupta Shankar & Arti | 425 NW 170th Dr (No Mail) Beaverton 97 | 1980 | |
| R0625737 | Shaw Stephen J & Kathleen C | 445 NW 170th Dr Beaverton 97006 | 1979 | |
| R0625755 | Essam James R Betty | 90 NW 173rd Ave Beaverton 97006 | 1930 | |
| R0625764 | Essam James R & Betty A | *no Site Address* | | |
| R0625773 | Essam James & Betty | 20 SW 173rd Ave Beaverton 97006 | 1941 | |
| R0625782 | Tonges John David & Cynthia Ann | 16945 NW Walker Rd Beaverton 97006 | 1915 | |
| R1359443 | Westside Church Of Christ Of | 17415 NW Walker Rd Beaverton 97006 | | |
| R1430776 | Owners Of Lots In | *no Site Address* | | |
| R1430785 | R C D Inc | *no Site Address* | | |
| R1430794 | Saenguraiporn Chamna | 420 NW 174th Ter Beaverton 97006 | 1988 | |
| R1430801 | Rios Bernie | 460 NW 174th Ter Beaverton 97006 | 1989 | |
| R1430810 | Wold Roy L & Anita L | 17375 NW Bernard Pl Beaverton 97006 | 1989 | |

MetroScan / Washington (OR)

| Parcel # | Owner Name | Site Address | YB | Owner Pho |
|----------|---------------------------------|---------------------------------------|------|--------------|
| R1430829 | Tran Peter & Mai K | 17359 NW Bernard Pl Beaverton 97006 | 1989 | |
| R1430838 | Kirk William H Jr | 17337 NW Bernard Pl Beaverton 97006 | 1989 | |
| R1430847 | Charles William M & Cheryl B | 17311 NW Bernard Pl Beaverton 97006 | 1989 | |
| R1430856 | Welter Michael John & Ingrid Ja | 17310 NW Bernard Pl Beaverton 97006 | 1989 | 503-533-8397 |
| R1430865 | Poulos John A | 17330 NW Bernard Pl Beaverton 97006 | 1989 | |
| R1430874 | Gaddis Alan R & Karen D | 17340 NW Bernard Pl Beaverton 97006 | 1987 | 503-645-0659 |
| R1430883 | Merilo Kalle & Helle | 17360 NW Bernard Pl Beaverton 97006 | 1990 | 503-645-0307 |
| R1430892 | Jackson Ben J & Jennifer E | 17380 NW Bernard Pl Beaverton 97006 | 1989 | 503-439-9244 |
| R1430909 | Sato Dave T & Anne D | 17390 NW Bernard Pl Beaverton 97006 | 1993 | |
| R2008849 | Breckel Emanuel L & Helen J | 75 NW 173rd Ave Beaverton 97006 | 1987 | 503-531-8224 |
| R2008850 | Plunkett Dalton G & Christine A | 55 NW 173rd Ave Beaverton 97006 | 1990 | |
| R2008851 | Plunkett Dalton G & Christine A | *no Site Address* | | |
| R2014554 | Tualatin Hills Park | *no Site Address* | | |
| R2028381 | Lindquist Development Co Inc | *no Site Address* | | |
| R2028383 | Lindquist Development Co Inc | *no Site Address* | | |
| R2028384 | Lindquist Development Co Inc | *no Site Address* | | |
| R2028385 | Lindquist Development Co Inc | *no Site Address* | | |
| R2072802 | Hester William J & Robin C | 85 SW 171st Ave Beaverton 97006 | 1999 | |
| R2072874 | Allain Raymond J & Michelle R | 17306 NW Elaine Ct Beaverton 97006 | 1901 | 503-617-9148 |
| R2072875 | Corey Jeannine M | 17320 NW Elaine Ct Beaverton 97006 | 2000 | 503-466-9971 |
| R2072876 | Ramos Francis M & Roterna G | 17334 NW Elaine Ct Beaverton 97006 | 1998 | |
| R2072877 | Kim David J | 17348 NW Elaine Ct Beaverton 97006 | 1998 | 503-268-1735 |
| R2072878 | Kamath Renu | 17362 NW Elaine Ct Beaverton 97006 | 1998 | 503-439-6808 |
| R2072879 | Ioanide Christian A & Andrea E | 17376 NW Elaine Ct Beaverton 97006 | 1998 | |
| R2072880 | Sangil Alfredo M & Marita S | 17382 NW Elaine Ct Beaverton 97006 | 1999 | |
| R2072881 | Murphy Thomas E & Elisabeth J | 17387 NW Elaine Ct Beaverton 97006 | | |
| R2072882 | Comia Myrna | 17379 NW Elaine Ct Aloha 97006 | 1999 | |
| R2072883 | Mercado Virginia L | 17365 NW Elaine Ct Beaverton 97006 | 2000 | |
| R2072884 | Gearin Richard N | 17311 NW Elaine Ct Beaverton 97006 | 1999 | 503-533-0480 |
| R2072886 | Tualatin Hills Park | *no Site Address* | | |
| R2075496 | Le Hue Kim | 65 SW Wallingford Way Beaverton 97006 | 1998 | |
| R2075497 | Mccoey James & Cynthia | 61 SW Wallingford Way Beaverton 97006 | 2000 | 503-531-8680 |
| R2075498 | Kim David Y W & Sunhee | 59 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075499 | Krueger Fred E | 55 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075500 | Gorski Matthew R & Dawn M | 51 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075501 | Jin Joshua J | 47 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075502 | Wells Clifford M | 43 SW Wallingford Way Beaverton 97006 | 1999 | |
| R2075503 | Perez-figueroa Jose F | 39 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075504 | Olson Steven R & Danielle D | 35 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075505 | Evans Timmy Sr | 31 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075506 | Delgado Brian & Helen E | 32 SW Wallingford Way Beaverton 97006 | 2000 | 503-645-7278 |
| R2075507 | Angeles Rafael & Leane | 36 SW Wallingford Way Beaverton 97006 | 2000 | 503-629-9534 |
| R2075508 | Steever V L & B K | 42 SW Wallingford Way Beaverton 97006 | 1998 | |
| R2075509 | Baker Debra A | 46 SW Wallingford Way Beaverton 97006 | 1998 | 503-645-9495 |
| R2075510 | Pollack Margolita | 16 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075512 | Hibbs Jill A | 14 SW Wallingford Way Beaverton 97006 | 1998 | |
| R2075513 | Pederson Barbara J | 12 SW Wallingford Way Beaverton 97006 | 1998 | |
| R2075514 | Braund Joseph E & Teresa L | 10 SW Wallingford Way Beaverton 97006 | 2000 | 503-533-4915 |
| R2075515 | Nguyen Phillip H | 23 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075516 | Hollenbeck Kent L | 27 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075517 | Alessi R Thomas | 19 SW Wallingford Way Beaverton 97006 | 2000 | |
| R2075518 | Siu Simon K F | 15 SW Wallingford Way Beaverton 97006 | 1998 | |
| R2075519 | Buendia Segundo N & Cirila L | 11 SW Wallingford Way Beaverton 97006 | 1999 | |
| R2075531 | Beaverton City Of | *no Site Address* | | |

John Donis & M Grace
17559 NW Shady Fir Loop
Beaverton, OR 97006

Betty Jane Fink & Leonard Powe Coun
17388 NW Shady Fir Loop
Beaverton, OR 97006

G Ray Scott & A Marian
17744 NW Shady Fir Loop
Beaverton, OR 97006

Ross Sheeley & Donald Sheeley
17583 NW Shady Fir Loop
Beaverton, OR 97006

Robert Bergendahl & Betty Bergendahl
17575 NW Shady Fir Loop #D8
Beaverton, OR 97006

Keith Baungard & D Sandra
17696 NW Shady Fir Loop
Beaverton, OR 97006

Roger Crabbs & Marilyn Crabbs
17516 NW Shady Fir Loop #17
Beaverton, OR 97006

Frank Neale & Alice Neale
17556 NW Shady Fir Loop
Beaverton, OR 97006

Helen May Jerde
17475 NW Shady Fir Loop #52
Beaverton, OR 97006

Christopher Rynd
17481 NW Shady Fir Loop
Beaverton, OR 97006

Berger Dale B & Charlotte S Berger
17648 NW Shady Fir Loop
Beaverton, OR 97006

Erma Berry
17741 NW Shady Fir Loop
Beaverton, OR 97006

Clayton Poore & Carolyn Poore
17736 NW Shady Fir Loop
Beaverton, OR 97006

Ellerbrook Rev Liv Tr Maria
Maria Tru Ellerbrook
17496 NW Shady Fir Loop
Beaverton, OR 97006

Fredrick Bennett & A Jeanne
17497 NW Shady Fir Loop
Beaverton, OR 97006

Chia Lee & Topaz Chiang-yon Lee
17404 NW Shady Fir Loop
Beaverton, OR 97006

Robert Louis Halvorsen
17548 NW Shady Fir Loop
Beaverton, OR 97006

Martin Kunze & Alice Mary
17594 NW Shady Fir Loop
Beaverton, OR 97006

Irene Penn Hyde
17524 NW Shady Fir Loop
Beaverton, OR 97006

Johnson Cecil & Carol
Cecil Tr Johnson
73615 Adobe Springs Dr
Palm Desert, CA 92260

Snyder & Snyder Allen
17572 NW Shady Fir Loop
Beaverton, OR 97006

Ronald Vojta & E Constance
17540 NW Shady Fir Loop
Beaverton, OR 97006

Mary Hawk
17752 NW Shady Fir Loop
Beaverton, OR 97006

James Smith & C Katherine
17712 NW Shady Fir Loop
Beaverton, OR 97006

Connie Lindsay
17586 NW Shady Fir Loop
Beaverton, OR 97006

G Ervin Ellingson & K Ingeborg
17473 NW Shady Fir Loop
Beaverton, OR 97006

Kurt James Baney & Sandra Mullin-ba
17564 NW Shady Fir Loop
Beaverton, OR 97006

Bertha Marie Blythe
17444 NW Shady Fir Loop
Beaverton, OR 97006

A Duane Eckols & J Barbara
17567 NW Shady Fir Loop
Beaverton, OR 97006

Larry & Lawrene Williams
Caroline T Spooner
17640 NW Shady Fir Loop
Beaverton, OR 97006

Dale Clinton Ellis & Laura Comrie Ellis
17602 NW Shady Fir Loop
Beaverton, OR 97006

Doris Bisom
17610 NW Shady Fir Loop
Beaverton, OR 97006

Louis Mahn & M Delores
17728 NW Shady Fir Loop
Beaverton, OR 97006

Beverly Hansen
17637 NW Shady Fir Loop
Beaverton, OR 97006

Melvin Manley Jr. & Manley
17672 NW Shady Fir Loop
Beaverton, OR 97006

Wallace Clark & M Verlis
17664 NW Shady Fir Loop
Beaverton, OR 97006

Ken Jacobsen & Dorothy
17680 NW Shady Fir Loop #C-13
Beaverton, OR 97006

Simone Munoz & E Gevene
17760 NW Shady Fir Loop
Beaverton, OR 97006

Merwin Bernstein
17621 NW Shady Fir Loop
Beaverton, OR 97006

Larry Andrew Smith & Evelyn Smith
17441 NW Shady Fir Loop
Beaverton, OR 97006

Ray Blum & Helen
17433 NW Shady Fir Loop
Beaverton, OR 97006

Marlene Rogers
17613 NW Shady Fir Loop
Beaverton, OR 97006

Frances Beighley & Gene Allen Beighl
17643 NW Shady Fir Loop
Beaverton, OR 97006

Mae W Bales & Bales Mae
17656 NW Shady Fir Loop
Beaverton, OR 97006

Vivian Seet
17436 NW Shady Fir Loop
Beaverton, OR 97006

C Bonnie Mercer
17428 NW Shady Fir Loop
Beaverton, OR 97006

John Engel & John Brouillard
17704 NW Shady Fir Loop
Beaverton, OR 97006

Ruth E Willis & Barbara Bowers
17683 NW Shady Fir Loop
Beaverton, OR 97006

Arnold Frutiger & E Kathleen
17500 NW Shady Fir Loop
Beaverton, OR 97006

Robert Eugene Hammel
Virginia Wils Hammel
17484 NW Shady Fir Loop
Beaverton, OR 97006

Jerry Maxwell & Thelma Maxwell
17632 NW Shady Fir Loop
Beaverton, OR 97006

Cecil Floyd Baird & Jennie Baird
17688 NW Shady Fir Loop
Beaverton, OR 97006

Dorothy Golthardt
17465 NW Shady Fir Loop
Beaverton, OR 97006

Berkeley Robert M & Berkeley Anca
16832 NW Yorktown Dr
Beaverton, OR 97006

James Edwin Hays & Frances Hays
17675 NW Shady Fir Loop
Beaverton, OR 97006

Robert Albert Specht & Mary Ann Spe
17707 NW Shady Fir Loop
Beaverton, OR 97006

Robert Trask & Jean Patricia
17491 NW Shady Fir Loop
Beaverton, OR 97006

Bert John Baarspul
17487 NW Shady Fir Loop
Beaverton, OR 97006

Marjorie Bendickson
17417 NW Shady Fir Loop
Beaverton, OR 97006

Carol Alice Lister
17420 NW Shady Fir Loop
Beaverton, OR 97006

George Oneill & Anita Jasper Oneill
17460 NW Shady Fir Loop
Beaverton, OR 97006

William Buffum & Margaret Buffum
17699 NW Shady Fir Loop
Beaverton, OR 97006

Donald Tierney & B Charlotte
17661 NW Shady Fir Loop
Beaverton, OR 97006

Joseph Martellino & M Beulah
17452 NW Shady Fir Loop
Beaverton, OR 97006

Thomas Edward Green & J Delores
17425 NW Shady Fir Loop
Beaverton, OR 97006

Harvey Wayne Smith & Ardelle Ruth S
17618 NW Shady Fir Loop
Beaverton, OR 97006

John Shear & H Marilyn
17508 NW Shady Fir Loop
Beaverton, OR 97006

Gordon Russell Jacobson
Ellen Ruth Jacobson
17468 NW Shady Fir Loop
Beaverton, OR 97006

Paul Allen Hale Jr. & Barbara Joan Ha
17720 NW Shady Fir Loop
Beaverton, OR 97006

Virginia Salgado Melton
PO Box A-2
Beaverton, OR 97006

Lorraine Maixner
17495 NW Shady Fir Loop
Beaverton, OR 97006

Jared Hawkins & Finance Conseco
PO Box 3290
Federal Way, WA 98063

Teufel Holly George & Farms Inc
160 SW Miller Rd
Portland, OR 97225

Randall & Lynne Forsyth
23006 SW Cuthur Pl
Sherwood, OR 97140

Springer Enterprises Llc
4347 NW Tamoshanter Way
Portland, OR 97229

Murphy Patrick Henry
35 NW 173rd Ave
Beaverton, OR 97006

Gustav & Margaret Tonges
9095 NW Kerkman Rd
Cornelius, OR 97113

Michael Flynn & Sheri Boucher-flynn
16985 NW Hazelgrove Ct
Beaverton, OR 97006

Rodger Degeorge
16969 NW Hazelgrove Ct
Beaverton, OR 97006

Chae & Inai Kim
16941 NW Hazelgrove Ct
Beaverton, OR 97006

Stewart & Janet Taylor
16927 NW Hazelgrove Ct
Beaverton, OR 97006

Glen Ashcraft & A Tr Barbara
16962 NW Hazelgrove Ct
Beaverton, OR 97006

Daniel Cheyne
16982 NW Hazelgrove Ct
Beaverton, OR 97006

Bradley & Kathryn Burdge
465 NW 170th Dr
Beaverton, OR 97006

Laurence Brevard & Stevalyn Hen Brev
485 NW 170th Dr
Beaverton, OR 97006

Dalton Plunkett & Plunkett
55 NW 173rd Ave
Beaverton, OR 97006

Paul & Christine Vuky
Anthony Vuky
432 NW 170th Dr
Beaverton, OR 97006

William Hogue Scott & Greer Jane
394 NW 170th Dr
Beaverton, OR 97006

William Mcelfish & J Elizabeth
16965 NW Park Ct
Beaverton, OR 97006

Michael Johnson & Song Johnson
16925 NW Park Ct
Beaverton, OR 97006

Vynn & Marueen Berg
16900 NW Park Ct
Beaverton, OR 97006

Stapleton Mirnie S
16960 NW Park Ct
Beaverton, OR 97006

Roy Watts & Blalock Jeri
16990 NW Park Ct
Beaverton, OR 97006

James Richardson III & A Onamae
357 NW 170th Dr
Beaverton, OR 97006

Stephen & Kathleen Shaw
445 NW 170th Dr
Beaverton, OR 97006

James Betty Essam
90 NW 173rd Ave
Beaverton, OR 97006

James & Betty Essam
Judith Canfield
90 NW 173rd Ave
Beaverton, OR 97006

James & Betty Essam
20 SW 173rd Ave
Beaverton, OR 97006

John David & Cynthia Ann Tonges
16895 SW Walker Rd
Beaverton, OR 97006

Westside Church Of Christ Of & Beave
17415 NW Walker Rd
Beaverton, OR 97006

Chamna Saenguraiporn
17497 Brookhurst Dr
Lake Oswego, OR 97034

Bernie Rios
460 NW 174th Ter
Beaverton, OR 97006

Roy & Anita Wold
17375 NW Bernard Pl
Beaverton, OR 97006

Peter & Mai Tran
17359 NW Bernard Pl
Beaverton, OR 97006

William Kirk Jr.
9650 SW Eagle Ln
Beaverton, OR 97008

William & Cheryl Charles
17311 NW Bernard Pl
Beaverton, OR 97006

Michael John & Ingrid Ja Welter
17310 NW Bernard Pl
Beaverton, OR 97006

John Poulos & E Patricia
17330 NW Bernard Pl
Beaverton, OR 97006

Alan & Karen Gaddis
17340 NW Bernard Pl
Beaverton, OR 97006

Kalle & Helle Merilo
17360 NW Bernard Pl
Beaverton, OR 97006

Ben & Jennifer Jackson
17380 NW Bernard Pl
Beaverton, OR 97006

Dave & Anne Sato
17390 NW Bernard Pl
Beaverton, OR 97006

Emanuel & Helen Breckel
75 NW 173rd Ave
Beaverton, OR 97006

Dalton & Christine Plunkett
55 NW 173rd Ave
Beaverton, OR 97006

Lindquist Development Co Inc
PO Box 42135
Portland, OR 97242

William & Robin Hester
15962 SW Enna Ct
Tigard, OR 97224

Raymond & Michelle Allain
17306 NW Elaine Ct
Beaverton, OR 97006

Jeannine Corey
17320 NW Elaine Ct
Beaverton, OR 97006

Francis & Roterna Ramos
17334 NW Elaine Ct
Beaverton, OR 97006

David Kim
17348 NW Elaine Ct
Beaverton, OR 97006

Renu Kamath
17362 NW Elaine Ct
Beaverton, OR 97006

Christian & Andrea Ioanide
17376 NW Elaine Ct
Beaverton, OR 97006

Alfredo & Marita Sangil
17382 NW Elaine Ct
Beaverton, OR 97006

Thomas & Elisabeth Murphy
17387 NW Elaine Ct
Beaverton, OR 97006

Myma Comia & Luzviminda Marina
17379 NW Elaine Ct
Aloha, OR 97006

Virginia Mercado & Edita Smith
17365 NW Elaine Ct
Beaverton, OR 97006

Richard Gearin & N Sarah
17311 NW Elaine Ct
Beaverton, OR 97006

Kim Lehue
65 SW Wallingford Way
Beaverton, OR 97006

James & Cynthia Mccoy
61 SW Wallingford Way
Beaverton, OR 97006

David Y W & Sunhee Kim
59 SW Wallingford Way
Beaverton, OR 97006

Fred Krueger & J Allison
55 SW Wallingford Way
Beaverton, OR 97006

Matthew & Dawn Gorski
51 SW Wallingford Way
Beaverton, OR 97006

Joshua Jin & Y Christine
47 SW Wallingford Way
Beaverton, OR 97006

Clifford Wells & J Elizabeth
43 SW Wallingford Way
Beaverton, OR 97006

Jose Perez-figueroa & Carmen Perez
39 SW Wallingford Way
Beaverton, OR 97006

Steven & Danielle Olson
35 SW Wallingford Way
Beaverton, OR 97006

Timmy Evans Sr.
10706 SW Capitol Hwy #70
Portland, OR 97219

Brian & Helen Delgado
32 SW Wallingford Way
Beaverton, OR 97006

Rafael & Leane Angeles
36 SW Wallingford Way
Beaverton, OR 97006

V L & B K Steever
42 SW Wallingford Way
Beaverton, OR 97006

Debra Baker
46 SW Wallingford Way
Beaverton, OR 97006

Margolita Pollack
16 SW Wallingford Way
Beaverton, OR 97006

Jill Hibbs
14 SW Wallingford Way
Beaverton, OR 97006

Barbara Pederson
12 SW Wallingford Way
Beaverton, OR 97006

Joseph & Teresa Braund
10 SW Wallingford Way
Beaverton, OR 97006

Phillip Nguyen
23 SW Wallingford Way
Beaverton, OR 97006

Kent Hollenbeck & Jennifer Hollenbec
27 SW Wallingford Way
Beaverton, OR 97006

R Thomas Alessi & E Kayleen
19 SW Wallingford Way
Beaverton, OR 97006

Simon F Siu & Yvonne Yee Chan
15 SW Wallingford Way
Beaverton, OR 97006

Segundo & Cirila Buendia
PO Box 9321
Ketchikan, AK 99901

Beaverton City Of
PO Box 4755
Beaverton, OR 97076

PUBLIC MEETING

ON A PRELIMINARY DEVELOPMENT PROPOSAL AFFECTING

PROPERTY AT 173RD AND NW WALKER ROAD

PROPOSED

28 SINGLE FAMILY HOUSES

A MEETING TO DISCUSS THE PRELIMINARY
DEVELOPMENT PROPOSAL IS SCHEDULED FOR:

FEBRUARY 10, 2004, 8:00 PM
ELMONICA ELEMENTARY SCHOOL CAFETERIA
16950 SW LISA, BEAVERTON, OR

ALL INTERESTED PARTIES
MAY ATTEND

FOR MORE INFORMATION CONTACT:

JOSEPH HOLASEK
619-297-8066

PUBLIC MEETING

ON A PRELIMINARY DEVELOPMENT PROPOSAL AFFECTING

PROPERTY AT 173RD AND NW WALKER ROAD

PROPOSED

28 SINGLE FAMILY HOUSES

A MEETING TO DISCUSS THE PRELIMINARY
DEVELOPMENT PROPOSAL IS SCHEDULED FOR:

FEBRUARY 10, 2004, 8:00 PM
ELMONICA ELEMENTARY SCHOOL CAFETERIA
16950 SW LISA, BEAVERTON, OR

ALL INTERESTED PARTIES
MAY ATTEND

FOR MORE INFORMATION
CONTACT:

JOSEPH HOLASEK
619-297-8066



CAMPBELL PLANNING AND DEVELOPMENT SERVICES, INC.

February 12, 2004

Rachel Nettleton
Five Oaks/Triple Creek NAC
19185 SW Lisa Drive
Aloha, OR 97006

Re: **Walker Road/173rd Single Family PUD
Neighborhood Meeting Summary**

Dear Rachel:

Thank you for the opportunity to present the proposed 28 unit single family residential PUD located on Walker Road at 173rd to the Five Oaks/Triple Creek Neighborhood Group on February 11, 2004. The following summarizes the meeting comments and questions.

Doug Campbell with Campbell Planning and Development Services representing the owners and applicant presented the proposed project. The property includes five parcels of approximately 8 acres. The property is relatively flat with an existing old house and barn on the site and includes a wetland drainage running through the back of the site. The proposed 28 unit single-family subdivision (PUD) will be located on the front part of the property thereby preserving the wetlands within the backside of the property. Because there are significant wetlands on the site, a PUD was the best option for transferring the density to one part of the site and creatively designing the project around the wetlands. The project will include a tot lot for families and a walking trail along the back part of the subdivision. Smaller lots are proposed, but will be compatible with the neighborhood in terms of size and style of homes proposed. The proposed project will have one access off Walker Road, which will connect into a frontage access road serving the property. This frontage access road will act as an additional buffer from Walker Road.

Questions/Comments:

1. *Is there a path proposed along the site?*

Yes, a path is proposed along the backside of the subdivision.

2. *Preserve wetland and drainage; there is an issue with drainage filling up the wetland. Are you planning to do anything to control water flow into the wetland?*

A water quality facility will collect and treat the water prior to flowing into the wetland.

3. *Is a wall proposed around the development? We propose that a wall be provided to be compatible with other neighborhoods along Walker Road.*

A wall is not currently proposed and the applicant and architect will look at the feasibility of providing a wall and different options.

4. *A wall would provide protection and safety to the houses along Walker Road, which is an arterial with cars approaching 45 miles an hour in speed.*

5. *One entry into the project – how far is the driveway entrance from the intersection of 173rd*

The driveway entrance will meet the County and City requirements for distance and street alignment. The County is requiring the entrance to the project to be located at the proposed location to be aligned with the street across Walker Road.

6. *How much parking is proposed within the development? Is there any parking allowed on the street? We believe more parking should be provided within the project.*

Each residence will have two garage parking spaces with room for additional parking in the driveways. Currently the proposed plans meet city parking requirements, but we will have the architect review this and explore other opportunities to provide more parking if needed.

7. *Are there sidewalks along the project and within the development?*

Sidewalks are provided within the development and along the frontage. A trail is also proposed along the backside of the development.

8. *Where is the detention and water quality facility going to be?*

A water quality facility will be designed and located to meet the requirements of the city and Clean Water Services.

9. *Are you allowed to do anything in the wetland – what does the law allow or what is being required?*

Typically the jurisdictions regulating the wetland drainage area which include the State DSL, the Army Corps of Engineers and Clean Water Services want new developments to stay completely out of the wetland if possible. If any impacts are proposed to the delineated wetland then mitigation measures, fill permits and other requirements will need to be met. The proposed development is meeting all state and local requirements in regards to the proposed development.

10. *Any expectations from the city regarding improving the wetland?*

We have delineated the wetland and are not proposing any impacts to the wetland. We will be enhancing the buffer area as required by Clean Water Services and city requirements.

11. *Are you planning to build this project before any road improvements are made to 170th and 173rd?*

We have met with the County and the city and have discussed the future proposed improvements with them. They have indicated that the county was not supportive of having 170th be connected through to Walker Road and are supportive of vacating the portion of 170th right-of-way connecting across the subject property.

12. *Could there be multifamily type housing proposed on this property?*

Yes, and others have considered proposing a higher density multifamily project on the site which may be supported through a PUD process.

13. *It may be a good idea to have an acceleration and deceleration lane for entering an exiting the development because of the traffic speeds on Walker Road.*

This has not been identified as a requirement, but the owner will look at the needs of the project and the feasibility of providing these improvements.

14. *Is the location of the access drive in the most appropriate location?*

The County and City transportation planning staff have identified the proposed driveway entrance as the best location for proper alignment with the access drive across Walker Road.

15. *What kind of street lighting is proposed? We would support limited lighting to low level lighting to help protect the wildlife and natural wetland areas and to avoid potential glaring into the adjacent neighborhood.*

We have not proposed any street lighting at this time and it would be the developer's desire to keep lighting limited to low level lighting to serve the individual homes, and not to have street lighting.

16. *What is the schedule for developing the property?*

The applicant hopes to submit the PUD application within the next 30 days to start the review process with construction potentially starting at the end of the year.

17. *What will be the size and prices of the proposed homes?*

The proposed homes will be approximately 2,100 to 2,500 sf and will be medium priced homes (not be entry-level homes).

18. *Providing additional improvements and plantings in the wetland would be desired.*

19. *Who will own the wetland?*

The wetland will be put into a separate tract and the exact future ownership of the wetland is unknown at this point, but will probably be owned by an HOA.

20. *What is the roofing material going to be? Should be class A roofing material. There are concerns about fire. Also a secondary access should be considered such as a breakaway gate.*

The roofing material has not been identified, and most likely will be composite material. Regarding the secondary access for fire, that has not been identified as something we will need, but will work with the architect and engineer and the fire district to make sure the project meets the necessary requirements.

The meeting was adjourned at approximately 9:30 p.m. The applicant appreciated the opportunity to present the proposed project and hear comments regarding the project.

Sincerely;
Campbell Planning and Development Services



Douglas Campbell

PROJECT NAME: Lindquist - 170th & Walker Rd.

FILE NUMBER: PA 2003-0080

POST ON SITE NO LATER THAN 01/21/04

AFFIDAVIT OF POSTING NOTICE

I, Stu Lindquist, being first duly sworn; say that I am (represent) the party submitting an application to the City of Beaverton for a proposed _____
28 Unit Single Family Subdivision affecting land located at 173rd & NW Walker, and that pursuant to Ordinance 2050, Section 50.40.5 (Type 2 Applications) or Section 50.45.6-8 (Type 3 Applications), and the guidelines set out by the Community Development Director, did on the ~~20th~~ ^{22nd} day of January, 2004, personally post public notice(s). The notice(s) was (were) posted on or before the deadline date determined by City staff for this application.

Sign and Date in the presence of a Notary Public. Certain City staff are Notary Public's and are available for witnessing.

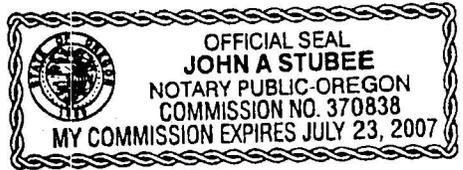
Signature: *Stu Lindquist*

Dated this 16 day of FEBRUARY, 2004

Subscribed and sworn to before me this 16th day of FEBRUARY, 2004.

[Signature]
Notary Public for the State of Oregon

My Commission expires: 7/23/07



TURN PAGE OVER FOR POSTING INSTRUCTIONS **095**

INSTRUCTIONS FOR POSTING NOTICES

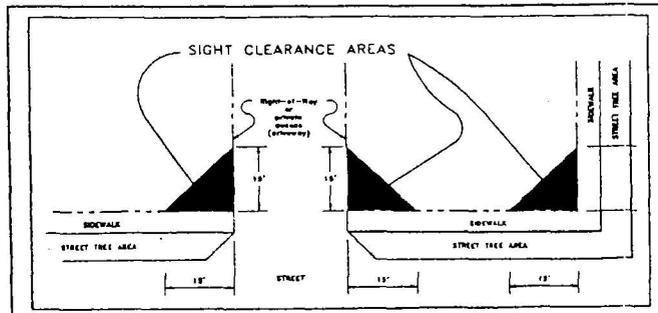
Notice for Type 2 Application: Pursuant to Section 50.40.5 of the Development Code, not more than ten (10) calendar days after the application has been determined to be or deemed complete, the applicant shall post on the site at least one (1) notice signboard provided by the Director for that purpose. The signboard shall be posted in a conspicuous place visible to the public on or in the vicinity of the property subject to the application. The signboard shall state with minimum two (2)-inch high letters the case file number and the telephone number where City staff

Notice for Type 3 Application, except Street Vacation and Demolition of Historic Building or Structure: Pursuant to Section 50.45.8 of the Development Code, not less than twenty (20) calendar days before the decision making authority's hearing, the applicant shall post at least one (1) signboard provided by the Director for that purpose. The signboard shall be posted in a conspicuous place visible to the public on or in the vicinity of the property subject to the application. The signboard shall state with minimum two (2)-inch high letters the case number; the telephone number where City staff can be contacted for more information.

Notice for Type 3 Street Vacation Application: Pursuant to Section 50.45.6.C of the Development Code, at least fifteen (15) calendar days before the hearing for the street vacation, the applicant shall post a signboard, provided by the City at cost, at each terminus of the proposed street vacation. The sign shall contain the legend with minimum two inch (2") high letters "NOTICE OF STREET VACATION", the case number, the telephone number where City staff can be contacted for more information, and a statement that includes the date, time and place of the hearing of the City Council before whom the public may testify. The applicant is responsible for assuring that the sign is posted for a continuous period of at least fifteen (15) days.

Notice for Type 3 Application for Demolition of Historic Building or Structure: Pursuant to Section 50.45.7.B of the Development Code, the applicant shall post a sign on the property for a continuous period of at least thirty (30) calendar days prior to the hearing. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the building is located, and shall contain the legend "THIS HISTORIC BUILDING TO BE DEMOLISHED", together with a statement that includes the date, time and place of the hearing of the decision making authority before whom the public may testify. The applicant is responsible for assuring that the sign is posted for a continuous period of at least thirty (30) days.

The notice should be located in a place clearly visible on the subject property. If no public road abuts thereon, the posting shall face in such a manner as may be most readily seen by the public. If the subject property is a corner lot, each street or road shall be posted. People should not have to enter the property to read the sign. The notice shall be erected at a height between four and eight feet. It should not be obstructed by any trees, shrubs, weeds, etc. It shall be supported and erected on the site so as to be firmly upright and readable for the duration of the posting period. The notice shall be freestanding and not attached to any building, fence, tree, utility pole or like structure unless special circumstances exist which do not allow the usual manner of posting. The Community Development Director shall approve any variance from this procedure. The notice shall not be placed in the vision clearance areas, as stated in Section 60.55.50 of the Development Code (indicated below):



h:\forms\neighborhood meeting\current nrmtngpacket elements\affdvt1.doc



CITY of BEAVERTON
 Neighborhood Program
 4755 SW Griffith Drive
 Phone: (503) 526- 3733
 Fax: (503) 526-3730

FAX COVER SHEET

| | |
|---|-------------------------|
| Date: April 2, 2004 | Time: |
| To: Joseph Holasek | Fax #: (619) 297-8055 |
| From: Ellen Levno | Phone #: (503) 526-2543 |
| Number of Sheets Included: 4 sheets (including this one) | |
| <p>Re: Dear Mr. Holasek:</p> <p>Here is the sign-in sheet for the Five Oaks/Triple Creek NAC for February 10, 2004.</p> <p>Please let me know if you have any questions.</p> <p>Thank you,</p> <p>Ellen Levno</p> | |

Five Oaks / Triple Creek NHC

"Never doubt that a small group of thoughtful, committed citizens can change the world..." -Margaret Mead

Feb 10, 2004 -- PLEASE PRINT CLEARLY --

04/05/2004 12:42 FAX

| Check <input type="checkbox"/> for Guest | Check <input type="checkbox"/> for New Member (Add to NAC meeting list) | NAME | ADDRESS + ZIP (Note address or other changes) | HOME PHONE | EMAIL |
|--|---|--------------------|--|--------------|-----------------------------|
| | | Rachel Nettleton | 1918.5 dlw Lisa Dr, Abeka | 503 629 7054 | rachelnettleton@hotmail.com |
| | | David Tonger | 16895 NW Walker Rd | 503/645-2443 | |
| | | Junka Chang | 620 NW Palumbo Drive | 503 645 4970 | |
| | | KEITH BAUNSGARD | 17696 NW 96 N.W. SHADY FIR LOOP | 503-629-9800 | |
| | | JASON HOLLAND | 17474 SW MCKNIGHT LN | | jason-holland@hotmail.com |
| X | | Constance Beaumont | 4125 S.E. Pine St. PDX | 503.705.8561 | preservationinfo@ad6.com |
| | | Randy Carpenter | 16625 NW Mission Oaks Dr | 503-690-6172 | rcarpenn57@comcast.net |
| | | Jean No Hensmeier | 1300 NW 173rd Ave | 645-4652 | |
| | | HOLLY ISAAC | 18345 SW Salix Ridge | 645-5638 | |
| | | Douglas Sjaaseller | 17821 N.W. Cambridge 97006 | 645-5290 | |
| | | Harold Cameron | 17390 W. Starke St. | 645-3736 | |
| | | Lorine Dalt-Jones | 990 NW 183rd Ave | 645-4828 | inkblot@verizon.net (X) |
| | | Gordon Houtslaw | 255 SW 173rd AVE | 645-1002 | |

ROB DRAKE
HAL OVEN

PO BOX 4755 BEAVERTON, OR 97005
5030 169th Place OR 526-2489
860-2048

098

002/005

"Never doubt that a small group of thoughtful, committed citizens can change the world..." -Margaret Mead

Feb 10, 2004

-- PLEASE PRINT CLEARLY --

| Check <input type="checkbox"/> for Guest | Check <input type="checkbox"/> for New Member (Add to NAC mailing list) | NAME | ADDRESS + ZIP (Note address or other changes) | HOME PHONE | EMAIL |
|--|---|------------------------------|--|--------------|-------------------------------|
| | | DAVID SHETTLES | 562 SW 174 TH 97006 | | |
| | | TOM MURPHY | 17387 NW ELDINE CT. 97006 | | |
| | | MIKE STAPLETON | 16960 NW PARK CT 97006 | | |
| | | Off. SACHAYVICH Off. SHAW | BEAVERTON Police Dept. | | |
| | | JANICE HODGSON | 285 SW Salix Terrace Beaverton Ore 97006 | | |
| | | MICHAEL G. FLYNN | 16985 NW HAZELGROVE CT. BEAVERTON, OR 97006 | | |
| | | Sheila Garcia | 17215 SW LISA ST Beaverton 97006 | | |
| | | John Hooson | 16735 NW MISSION DR. 97006 | | |
| | | Bill Cates | | | bccairo@hotmail.com |
| | | HAL OLSON | | | |
| | | Stevent Danielle Olson | 35 SW Wallingford Way ^{Beav, OR} 97006 | 503-466-9774 | Danielle.Olson5@icizon.net |
| | | Patricia SAUSAGE | 16902 SW STEELE WAY ^{BEAV} 97006 | 503-533-0539 | PATRICIA@PATRICIA.SAUSAGE.COM |
| | | Stuart Lambert | PO Box 41131 - Astoria | 503 227 8228 | |
| | | Robert Lamkin | 16340 NW Blueridge | 503 645 0416 | |

503 645 7160

04/05/2004 12:42 FAX

003/005

660

"Never doubt that a small group of thoughtful, committed citizens can change the world..." -Margaret Mead

Neighborhood Association Committee (NAC), Beaverton, OR

Meeting Date

-- PLEASE PRINT CLEARLY --

| Check <input type="checkbox"/> for Guest | Check <input type="checkbox"/> for New Member (Add to NAC mailing list) | NAME | ADDRESS + ZIP (Note address or other changes) | HOME PHONE | EMAIL |
|--|---|---------------|---|--------------|------------------------|
| | | JAMES GILMORE | 1955 NW 173 RD #2214 BEAVERTON OR 97006 | 503 533 0714 | jimztheone@hotmail.com |
| | | PETER FONG | 16930 NW Park CT Beaverton OR 97006 | 503-617-7537 | pfong123@comcast.net |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

04/05/2004 12:42 FAX

004/005

Feb. 10, 2004

| | |
|--------------------------------|--------------|
| TODD WATKINS WASHINGTON COUNTY | 846-7815 |
| Beth BERAN | 439-0787 |
| Simon Martinez | 372-5268 |
| Holly ISAAC | 645-5638 |
| Lorine Dolin-James | 645-4825 |
| DAVE JAMES | 503-690-7544 |
| Holly Albano | 503-614-9266 |
| Nancy Johnson | 503-617-0183 |
| Denise Avenue | 690-6671 |
| Shila Garcia | 503-614-9702 |
| Renee Karmath | 439-6808 |
| Norma & JEFF GREGOR | 617-7390 |
| LSusan Dunn | 503 533 1815 |
| HAI OIEN | |
| Michael J. Welter | 503 533 8397 |



CITY OF BEAVERTON
 Community Development Department
 Development Services Division
 4755 SW Griffith Drive
 PO Box 4755
 Beaverton, OR 97076
 Tel: (503) 526-2420
 Fax: (503) 526-3720
 www.ci.beaverton.or.us

PRE-APPLICATION CONFERENCE MEETING SUMMARY

SCOTT WHITE - 503 526-2420

PRE-APPLICATION CONFERENCE PURPOSE:

*CALL 1-800-555-5555
 503-526-3720*

Pursuant to Section 50.20.1 of the Beaverton Development Code, pre-application conferences are required for all proposals that require a Type 2, Type 3 or Type 4 application. A pre-application conference is optional for Type 1 applications. The purpose of the pre-application conference is to acquaint the City, and outside agencies, and service providers, with a potential application, and to acquaint the potential applicant with the requirements of the Code, the Comprehensive Plan, and other relevant criteria and procedures. The pre-application conference is not intended to be an exhaustive review of all potential issues, and the conference does not bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated in the pre-application conference.

NOTE TO APPLICANT:

The following is intended to identify applicable code sections, requirements and key issues for your proposed development application. Items checked are to be considered relevant to your proposed development. Development Code sections can be downloaded from the web or purchased from the Planning Counter. Copies of the Development Code are available for review at the Community Development Departments Self-Help Center and at the City Library. The Pre-Application Conference is intended to assist you in submitting a complete application. For your application to be deemed complete on the first review you must provide everything required in the pre-application conference and the application checklist(s). Please note that this summary is intended to be informational only, and is not an approval in any manner of your proposal. The approval process can only occur after the submittal of a formal application.

Comments Prepared by: Colin Cooper, AICP, Senior Planner, 503-526-2425 – If you have any questions please contact me directly.

PRE-APPLICATION CONFERENCE DATE: _____

PROJECT INFORMATION:

Project Name: PA 2003-0080 170th and Walker PUD

Project Description: Development of an approximately 28 lot single-family Planned Unit Development

Property/Deed Owner: Lindquist Development

Site Address: Southeast corner of SW Walker Road and SW 173rd Avenue

Legal Address: 1N1-31DC Tax Lot 2900

Zoning: R-7

Comp Plan Designation: _____

Site Size: Approximately 2.02 acres

APPLICANT INFORMATION:

Applicant's Name: Joseph Holab

Address: 2398 SAN DIEGO AVE. SAN DIEGO, CA. 92110
1010 Devonshire Drive, San Diego, CA. 92107

Phone/E-Mail: 619-226-6686 / jch@noaainc.com

City of Beaverton Pre-Application

PREVIOUS DEVELOPMENT HISTORY:

- Has site been previously proposed for development?
- Has site been previously approved for development?

Comments: No prior development approvals have been granted for this site.

SECTION 50.20 (PRE-APPLICATION CONFERENCE):

- Required per Section 50.20.1? Optional per Section 50.20.1?

Comments: The required pre-application conference was held on August 28, 2003. Please note that the applicant must provide a copy of the pre-application conference summary with the submittal of the application.

SECTION 50.25 (APPLICATION COMPLETENESS):

- Application Completeness Process per Section 50.25.1-11 Explained?

Comments: The completeness process was explained to the applicant. The applicant is encouraged to contact staff to ask any questions or request clarification of any items found on the application checklists that were provided to the applicant at the time of the pre-application conference. In addition, the applicant should be aware that staff is not obligated to review any material submitted 14 days or later from the time the application has been deemed "perfected" that is not accompanied with a continuance to provide staff the necessary time to review the new material. The applicant may request a continuance for up no 60 days to allow staff to consider the new submittal if they should elect too.

APPLICATION FEES:

- Application Fees Identified per Currently Approved Development Service Fee Schedule?

Comments:

| | |
|---------------------------------------|------------|
| • CUP/Planned Unit Development | \$1,237.00 |
| • Preliminary Subdivision | \$2,046.00 |
| • Final Land Division | \$1,891.00 |
| • Street Vacation | \$ 857.00 |
| • Design Review Three (If Applicable) | \$1,715.00 |

Application fees are subject to change. The fees in effect at the time a complete application is received will control.

SECTION 50.30 (NEIGHBORHOOD REVIEW MEETING):

Neighborhood Review Meeting: Required? Not Required?

Name of Neighborhood Advisory Committee (NAC): Five Oaks Triple Creek NAC

NAC Contact Person & Phone No.: 503-629-7054

Comments: Please review the Neighborhood Review Meeting Requirements found in Development Code Section 50.30 carefully. In order for your application to be found complete it is necessary that all required information be submitted. If you have any questions please call staff directly.

Please note that pursuant to Development Code Section 50.30.2. a NRM must be held within 6 months of the date upon which the application is submitted.

COMPREHENSIVE PLAN COMPLIANCE: Please note that to address the approval criteria for the Planned Unit Development your written submittal will need to include a discussion of the policies for each of the goal sections checked below:

The following Comprehensive Plan Elements when checked are applicable to your development. You should consult these elements in the preparation of written and plan information for a formal application:

Chapter 3 (Land Use Element):

- | | |
|--|--|
| <input type="checkbox"/> 3.6 (Regional Center Development) | <input checked="" type="checkbox"/> 3.13 (Residential Neighborhood Development) |
| <input type="checkbox"/> 3.7 (Town Center Development) | <input type="checkbox"/> 3.13.1 (Safe, Convenient, Attractive, & Healthful Places to Live) |
| <input type="checkbox"/> 3.8 (Station Community Development) | <input type="checkbox"/> 3.13.2 (Low-Density Residential) |
| <input type="checkbox"/> 3.9 (Main Street Development) | <input checked="" type="checkbox"/> 3.13.3 (Standard Density Residential) |
| <input type="checkbox"/> 3.10 (Corridor Development) | <input type="checkbox"/> 3.13.4 (Medium Density Residential) |
| <input type="checkbox"/> 3.11 (Employment Areas) | <input type="checkbox"/> 3.13.5 (High-Density Residential) |
| <input type="checkbox"/> 3.12 (Industrial Development) | |

City of Beaverton Pre-Application

Comments: A complete written response to how and why the proposed application meets the above Comprehensive Plan Elements is required with your Planned Unit Development application narrative.

COMPREHENSIVE PLAN COMPLIANCE CONTINUED:

Chapter 4 (Housing Element):

- 4.2.2.1 (Adequate Variety of Quality Housing)
- 4.2.3.1 (Retention of Existing Affordable Housing)
- 4.2.3.2 (Production of New Affordable Housing)

Chapter 6 (Transportation Element):

- 6.2.1 (Enhance Beaverton's Livability)
- 6.2.2 (Balanced Transportation System)
- 6.2.3 (Safe Transportation System)
- 6.2.4 (Efficient Transportation System)
- 6.2.5 (Accessible Transportation Facilities)
- 6.2.6 (Efficient Movement of Goods)

Chapter 5 (Public Facilities and Services Element):

- 5.4.1 (Adequate Stormwater Management)
- 5.5.1 (Adequate Water Service)
- 5.6.1 (Adequate Sewer Service)
- 5.7.1 (Educational Facilities & Services)
- 5.8.1 (Adequate Parks & Recreation Facilities)
- 5.10.1 (Adequate Fire & Emergency Medical Services)

Chapter 7 (Natural, Cultural, Historic, Scenic, Energy, & Groundwater Resources Element):

- 7.2.2 (Historic Resources)
- 7.3.1 (Significant Natural Resources)
- 7.3.2 (Riparian Corridors)
- 7.3.3 (Significant Wetlands)
- 7.3.4 (Wildlife Habitat)
- 7.4.1 (Scenic Views and Sites)
- 7.5.1 (Energy)
- 7.6.1 (Groundwater Resources)

Comments: A complete written response to how and why the proposed application meets the above Comprehensive Plan Elements is required with your Planned Unit Development application narrative.

COMPREHENSIVE PLAN COMPLIANCE CONTINUED:

Chapter 8 (Environmental Quality & Safety Element):

- | | |
|---|---|
| <input checked="" type="checkbox"/> 8.2 (Water Quality) - <i>LAST CUSP. Given 2006.</i> | <input type="checkbox"/> 8.3 (Air Quality) |
| <input type="checkbox"/> 8.4 (Noise) <i>SWAUS, 17616-0100, 13FF,</i> | <input type="checkbox"/> 8.5 (Seismic Hazards) |
| <input type="checkbox"/> 8.6 (Geologic Hazards) | <input checked="" type="checkbox"/> 8.7 (Flood Hazards) |
| <input type="checkbox"/> 8.8 (Solid & Hazardous Wastes) | |

Comments: A complete written response to how and why the proposed application meets the above Comprehensive Plan Elements is required with your Planned Unit Development application narrative.

CHAPTER 20 (LAND USES):

- Zoning:
- Section 20.05 (Residential)
Specific Type of Residential & Applicable Code Section: 20.05.15
 - Section 20.05.50 (Site Development Requirements) Applicable?
 - Section 20.10 (Commercial)
Specific Type of Commercial & Applicable Code Section: _____
 - Section 20.10.50 (Site Development Requirements) Applicable?
 - Section 20.15 (Industrial)
Specific Type of Industrial & Applicable Code Section: _____
 - Section 20.15.50 (Site Development Requirements) Applicable?
 - Section 20.20 (Multiple Use)
Specific Type of Multiple Use & Applicable Code Section: _____
 - Section 20.2050 (Site Development Requirements) Applicable?

Comments: In order for your application to be deemed complete the applicant must supply a written narrative that address how the proposal meets all of the applicable regulations checked above.

CHAPTER 30 (NON-CONFORMING USES):

Proposal subject to compliance to this chapter? Yes No

Comments:

CHAPTER 40 (PERMITS & APPLICATIONS):

Facilities Review Committee review required? Yes No

Applicable Application Type(s):

| <u>Application Description</u> | <u>Code Reference</u> | <u>Application Type</u> | | | |
|-----------------------------------|-----------------------|--|--|--|---------------------------------|
| 1. Final Planned Unit Development | 40.20.15.3 | <input type="checkbox"/> Type 1 | <input type="checkbox"/> Type 2 | <input checked="" type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |
| 2. Design Review (If Applicable) | 40.20.15.2 or 3 | <input type="checkbox"/> Type 1 | <input checked="" type="checkbox"/> Type 2 | <input checked="" type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |
| 3. Street Vacation | 40.75 | <input type="checkbox"/> Type 1 | <input type="checkbox"/> Type 2 | <input checked="" type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |
| 4. Preliminary Subdivision | 40.45.15.3 | <input type="checkbox"/> Type 1 | <input checked="" type="checkbox"/> Type 2 | <input type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |
| 5. Final Land Division | 40.45.15.6 | <input checked="" type="checkbox"/> Type 1 | <input type="checkbox"/> Type 2 | <input type="checkbox"/> Type 3 | <input type="checkbox"/> Type 4 |

Comments: **Please note that in order for your application to be deemed complete you will need to provide a written statement, supported by substantial evidence for all applicable approval criteria.** Specifically a written response to the Facilities Review Committee technical criteria found in Development Code Section 40.03 (1-10) is required for each application. Additionally, your application narrative will need to explain how and why the proposed application will meet the approval criteria for each of the land use applications identified above.

Staff is identifying the Design Review Three process based on the possibility that the applicant may elect to construct a combination of attached and detached product. Please be aware that building between 1 and 20 attached dwelling units meets the Design Review Two threshold; building more than 20 attached units meets the Design Review Three threshold.

NOT DESIGN USE. IF NO ATTACHED.

Please note that Development Code Section 50.15.2, requires that all applications that are deemed complete on the same date shall be heard by the same decision making body. For example in this case the Planning Commission would hear the Preliminary Subdivision that is normally an administrative Director's decision but when combined with the CUP/PUD is heard by the Planning Commission.

The Street Vacation process will require a longer period for processing because an ordinance is required to be adopted by the City Council subsequent to determining approval or denial of the application.

City of Beaverton Pre-Application

Approval criteria and development regulations in effect at the time an application is received will control. Approval criteria and development regulations are subject to change.

CHAPTER 60 (SPECIAL REGULATIONS):

The following special requirements when checked are applicable to your development. You should consult these special requirements in the preparation of written and plan information for a formal application:

- | | |
|---|---|
| <input type="checkbox"/> Section 60.05 (Drive-Up Window Facilities) | <input checked="" type="checkbox"/> Section 60.10 (Floodplain Regulations) |
| <input checked="" type="checkbox"/> Section 60.15(Land Division Standards) | <input type="checkbox"/> Section 60.20 (Mobile & Manufactured Home Regulations) |
| <input type="checkbox"/> Section 60.25 (Off-Street Loading) | <input type="checkbox"/> Section 60.30 (Off-Street Parking) |
| <input checked="" type="checkbox"/> Section 60.35 (Planned Unit Development) | <input type="checkbox"/> Section 60.40 (Sign Regulations) |
| <input type="checkbox"/> Section 60.45 (Solar Access Protection) | <input type="checkbox"/> Section 60.50 (Special Use Regulations) |
| <input checked="" type="checkbox"/> Section 60.55 (Transportation Facilities) | <input checked="" type="checkbox"/> Section 60.60 (Trees and Vegetation) |
| <input checked="" type="checkbox"/> Section 60.65(Utility Undergrounding) | <input type="checkbox"/> Section 60.70 (Wireless Comm. Facilities) |

Comments: In order for your application to be deemed complete the applicant must supply a written narrative that address how the proposal meets all of the applicable regulations checked above.

OTHER DEPARTMENT/AGENCY CONTACTS:

Your project may require review by other City departments and outside agencies. Please plan to contact the following staff persons at the City of Beaverton or other agencies when their name is checked. In some instances, some or all of these staff persons may submit written comments for the pre-application conference. These comments may be discussed at the pre-application conference and will be attached to this summary:



Clean Water Services



Written Comments Attached

The Clean Water Services (CWS) is the agency that regulates sanitary and storm water within Washington County and the City of Beaverton. CWS has adopted a Resolution & Order (R&O 00-007) that requires an applicant who is proposing development to obtain a site assessment "SERVICE PROVIDER LETTER" from CWS. Pursuant to Development Code Section 50.25.1.F in order for the application to be deemed complete the applicant is required to submit documentation from CWS stating that water quality will not be adversely affected by the proposal. This statement most commonly comes in the form of a service provider letter. For more information regarding "Service Provider Letters" contact Ms. Heidi Berg, Site Assessment Coordinator, at (503) 846-3613 or Bergh@cleanwaterservices.org.

Please note that Facilities Review Committee could not make a positive recommendation towards this proposal without this letter.



Jim Everitt, Tualatin Valley Fire & Rescue, 503-612-7011



Written Comments Attached



Steve Brennen, Operations, City of Beaverton
(503) 526-2200 /sbrennen@ci.beaverton.or.us



Written Comments Below:

Landscape/Urban Forestry Section: No comments

Storm Section: No comments

Street Section: No comments

Traffic Section: No street lighting plan. Submit street signage plan.

Wastewater Section: No comments

Water Section: No Beaverton Water



Kathy Gaona, Finance Department, City of Beaverton**
(503) 526-2268/kgaona@ci.beaverton.or.us



Written Comments Below:

No Liens



Chris Goodell, Washington County Land Use and Transportation



Written Comments Attached

City of Beaverton Pre-Application

KEY ISSUES/CONSIDERATIONS:

Staff has identified the following key development issues, design consideration, or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of other key issues or considerations:

- 1.) Planned Unit Development Special Requirements – Please carefully review the requirements found in Development Code Section 60.35, Planned Unit Development.

Of particular importance is the provision of open space and an integrated design that adds value to the subject site and the surrounding neighborhoods; rather than a design that simply provides for the transfer of density from the unbuildable portion of the site to the buildable portion of the site.

Please carefully review Section 60.35.10, which prescribes how the base zone may be modified. In addition, the applicant should carefully review Section 60.35.15, Common Open Space. A Planned Unit Development is required to provide a minimum of 20 percent open space. This open space may not include required setbacks or required wetland buffers.

Staff has discussed with the applicant recent PUD application and how in each case the decision makers have sought an integrated design with the overall site plan. This may include active recreation or passive recreation but in either case it should be perceived as an amenity that would not have been available if the subject site was simply developed under the standard subdivision and site development standards permitted within the R-7 zone.

- 2.) Comments from Washington County's Land Use and Transportation Department follow:

- a) Walker Road is a County urban arterial (A-4). 49 feet of r.o.w. from centerline is required along project site frontage.
b) 173rd Avenue has both arterial (A-8) and neighborhood route (C-12) designations. Ultimate right-of-ways may vary from 45 to 30 feet from centerline. (170th/173rd Avenues at this location are identified as a study area by the 2020 County TP for a future road improvement project as identified in the project plans.)
c) Walker Road has a 600 foot minimum access spacing requirement. A modification of the County Road Standards will need to be obtained from the County Engineer for access to Walker Road.
d) Sight distance at the proposed access to Walker Road will need to be certified by a registered professional engineer.
e) The proposal will require a traffic safety review to be conducted by County Engineering Staff in accordance with County R&O 86-95.
f) Illumination of the access will likely be required.
g) If feasible according to road profiles, a half-street (paved width, curb and gutter section and sidewalk) will be required along project site frontage of Walker Road. If not feasible, roadside drainage and a concrete sidewalk at ultimate line and grade will be acceptable.
h) Roadway drainage and sidewalk are standards along the project's site frontage of SW 173rd Avenue.

***Because of the 170th/173rd Avenue Study Area designation, an alignment for these roads is not yet identified. Therefore, it is difficult to state with any degree of certainty what is necessary for SW 173rd Avenue. Please have the applicant contact myself or Phil Healy, with questions. Todd Watkins in our County CPM division is also a knowledgeable staff member with regard to the 170th/173rd Avenue situation.

Handwritten notes: 503.446.7815, WASHINGTON COUNTY - 503.946.3519

Handwritten notes at bottom: www.OLK31.com/170th - 173rd, WASHINGTON COUNTY, WALKER ST CORNER, 170th and Walker PUD.doc

City of Beaverton Pre-Application

3.) Street Vacation – Please note that the Street Vacation requirements found in Section 40.75 are very specific and are required by Oregon Revised Statutes (ORS 227.178). Staff recommend that you submit both your vicinity map of the “affected area” and your petition to staff for review by the City Attorney prior to beginning to collect property owner signatures. Staff has reprinted the ORS below, in addition please review the application checklist to ensure conformance with both City and State requirements.

Oregon Revised Statutes that pertain to Vacation of Street Right-of-Way:

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

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by council. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.

City of Beaverton Pre-Application

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on council's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.190 Consent of owners of adjoining property; other required approval. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port

City of Beaverton Pre-Application

commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

271.200 Petition; notice. (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.

(2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

271.230 Records of vacations; fees. (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]

City of Beaverton Pre-Application

BUILDING SERVICES DIVISION
Facility Review Comments
Pre-Application Technical Notes

File Number: PA2003-0080 Walker Rd. & 170th 28-lot PUD Date: 27 AUG 2003

Person Commenting: Brad Roast

- Prior to the issuance of building permits, the applicant shall submit a Mylar copy (minimum 4-mil in thickness) of the recorded plat to the City of Beaverton's Building Division.



February 9, 2004

Joseph Holasek
Nogle Onufer Associates Architects, Inc.
2398 San Diego Ave.
San Diego, CA 92110

**RE: LINDQUIST – BEAVERTON PROJECT
(NEAR COUNTY'S 170TH AVE. / 173RD. AVE. ROAD IMPROVEMENT
PROJECT #002521)**

Thank you for contacting me on January 12, 2004 and subsequently on February 5, 2004 and for providing me with a copy of the preliminary review drawings for the Lindquist Development at the southeast corner of the Walker Road / 173rd Ave. intersection.

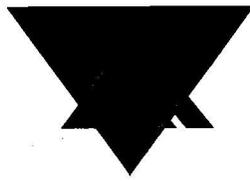
As we discussed, Washington County's Capital Projects Management Division is currently in the project development phase of the 170th Ave. / 173rd Ave. Road Improvement Project, which is part of the County's Major Streets Transportation Improvement Program (MSTIP).

As illustrated in your preliminary drawings dated 7-31-03, the Lindquist Development appears to have the potential of accommodating the proposed roadway improvements. Because we are still so early in our analysis of the proposed roadway alternatives and without additional details about the Development, I am unable to determine or comment on specific impacts or implications the roadway project and the Development may have on each other.

I look forward to continuing my dialogue with you regarding our projects and I am confident that we can work together to make both projects successful.

If you have any further questions about the roadway project, please feel free to contact me at (503) 846-7815.

Todd Watkins
Todd Watkins, P.E.
Engineering Project Coordinator



ALPHA ENGINEERING, INC.

EXHIBIT "A"

LEGAL DESCRIPTION
N.W. 170TH AVENUE VACATION PARCEL
WASHINGTON COUNTY, OREGON

JOB NO. 396-003

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 39 OF "VILLAGE AT WATERHOUSE" RECORDED AS DOCUMENT NO. 97121795 IN PLAT BOOK 115 PAGE 15 OF THE WASHINGTON COUNTY PLAT RECORDS; THENCE RUNNING NORTHERLY ALONG THE EASTERLY RIGHT-OF WAY LINE OF N.W. 170TH AVENUE, NORTH 01°24'06" EAST, 364.90 FEET TO THE SOUTHERLY RIGHT-OF WAY LINE OF N.W. WALKER ROAD; THENCE NORTH 55°24'42" WEST, 59.74 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING SOUTHERLY, SOUTH 01°24'06" WEST, 397.60 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF N.W. 170TH AVENUE TO A POINT 50.00 FEET WESTERLY, RIGHT ANGLE MEASURE, FROM THE POINT OF BEGINNING; THENCE SOUTH 88°35'54" EAST, 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 19,063 SQUARE FEET

THE BASIS OF BEARINGS IS THE PLAT OF "STUART ESTATES".

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Craig Wm. Forbes

OREGON
JANUARY 16, 1996
CRAIG WM. FORBES
2739

VALID UNTIL 12/31/05

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Vacating a Portion of
Unimproved Right-of-Way of NW 170th
Avenue; SV2004-0001

FOR AGENDA OF: 01-03-2005 **BILL NO:** 05006

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 12-13-2004

CLEARANCES: City Attorney 
Dev Services 
Engineering 

PROCEEDING: First Reading

EXHIBITS: Vicinity Map
Ordinance
Legal Description and Map Exhibit

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Council at its meeting will conduct a public hearing on January 3, 2005 to consider the application of the Street Vacation request by Stuart Lindquist, Lindquist Development, to vacate a portion of unimproved right-of-way of NW 170th Avenue. If approved, the vacated area of NW 170th Avenue will be conveyed to the adjacent property owner to the east and west of the right-of-way. The proposed street vacation is located along NW 170th Avenue south from NW Walker Road to the southerly property line of Assessor Map 1N1 31DC Tax Lot 3300 and 3200.

INFORMATION FOR CONSIDERATION:

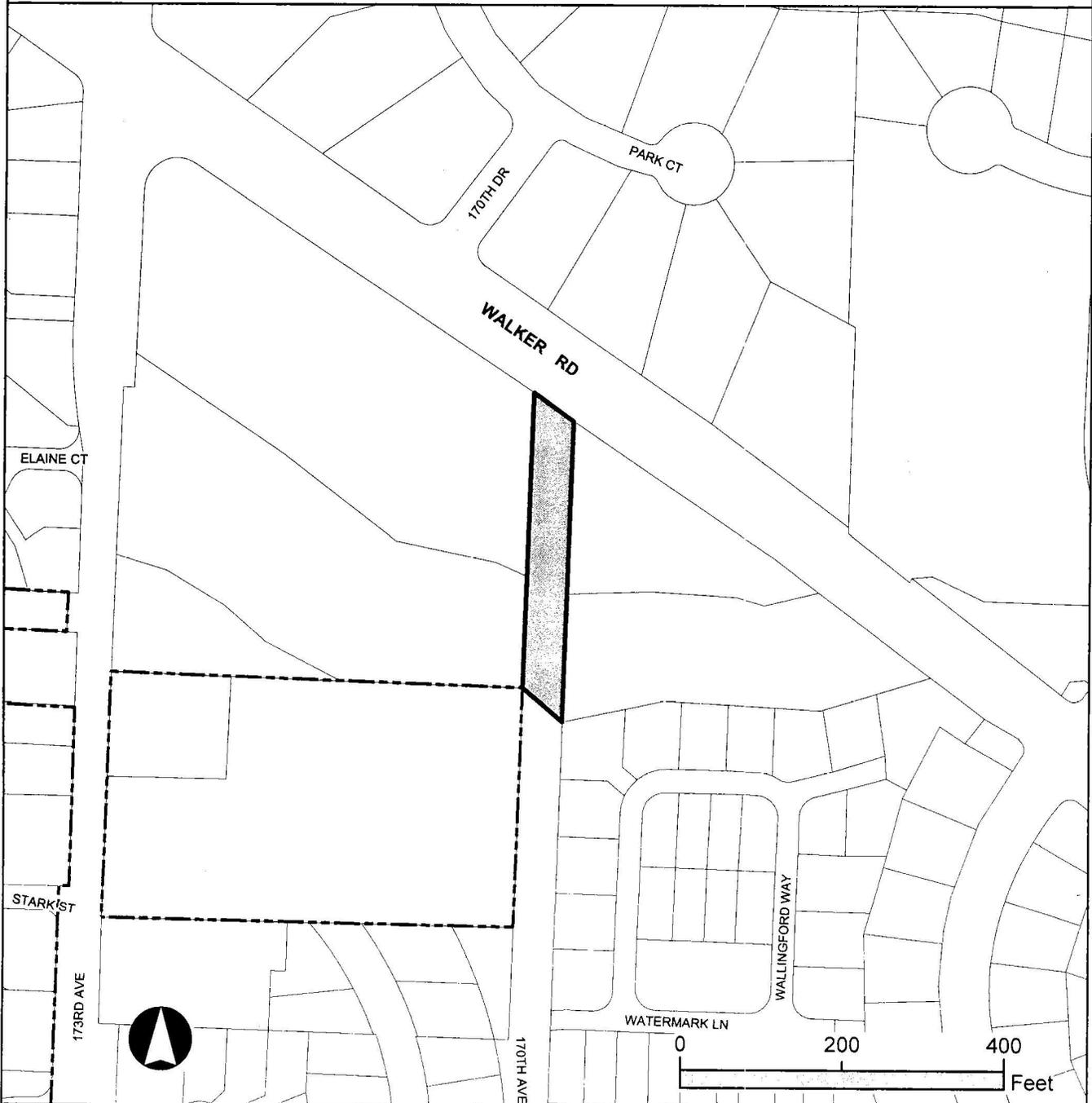
The Ordinance is the legal document that will actually cause the vacation of the NW 170th Avenue right-of-way.

RECOMMENDED ACTION:

First Reading of Ordinance.

Exhibit Name: Vicinity Map

Exhibit Number: 1



**Project:
LINDQUIST 28 - LOT PUD**

*Department: Community Development
Division: Development Services*

Date:
12/13/04

Map Number:

N

Application #: SV2004-0001

ORDINANCE NO. 4336

AN ORDINANCE VACATING A PORTION OF UNIMPROVED
RIGHT-OF-WAY OF NW 170TH AVENUE; SV2004-0001.

WHEREAS, on January 3, 2005 the City Council conducted a public hearing to consider a request to vacate an unimproved public right-of-way from NW Walker Road south to the southern property line of Assessor Map 1N1 31DC Tax Lots 3300 directly east to parcel 3200 of Assessor Map 1N1 31DC; and

WHEREAS, the right-of-way is located between parcels of land owned by Stuart Lindquist; and

WHEREAS, based upon the facts and findings in the City staff report dated December 13, 2004, considered and approved by the City Council at the public hearing on January 3, 2005; the Council finds pursuant to the Development Code Section 40.75 and ORS 271.120 that (1) notice was duly given of the public hearing to consider this request; (2) there were no objections filed with the City over the proposal; (3) the public interest will not be prejudiced by the vacation of this right-of-way; (4) written consent of the required number of owners of statutory defined abutting and affected properties has been obtained and properly submitted; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. That portion of public right-of-way located on NW 170th Avenue between NW Walker Road and southerly portion of Tax Lot 3300 of Assessor Map 1N1 31DC directly east to Tax Lot 3200 of Assessor Map 1N1 31DC as are described in Exhibit A to this ordinance, attached and incorporated b this reference, are vacated.

Section 2. The vacation is hereby granted with these reservations: (1) Public surface drainage easement; (2) Public storm sewer easement; (3) Public sanitary sewer easement; from the southerly vacation line to the centerline of Willow Creek, as fully described in Exhibit A attached and incorporated by reference.

Section 3. This ordinance shall be recorded with the deed records of Washington County. The applicant shall be responsible for all costs of recording. The applicant shall also provide a copy of the recorded ordinance to the Washington County Surveyor's Office. The vacation shall not take effect until the street vacation of right-of-way has been recorded.

First reading this _____ day of _____, 2005.

Passed by the Council this _____ day of _____, 2005.

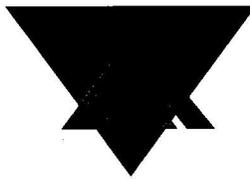
Approved by the Mayor this _____ day of _____, 2005.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor



ALPHA ENGINEERING, INC.

EXHIBIT "A"

Ordinance No. 4336

LEGAL DESCRIPTION

JOB NO. 396-003

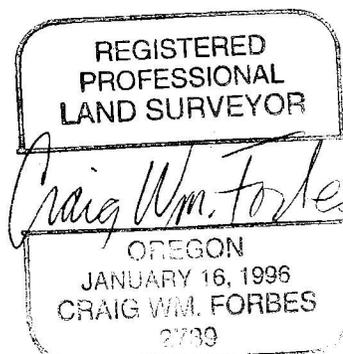
N.W. 170TH AVENUE VACATION PARCEL
WASHINGTON COUNTY, OREGON

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 39 OF "VILLAGE AT WATERHOUSE" RECORDED AS DOCUMENT NO. 97121795 IN PLAT BOOK 115 PAGE 15 OF THE WASHINGTON COUNTY PLAT RECORDS; THENCE RUNNING NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF N.W. 170TH AVENUE, NORTH 01°24'06" EAST, 364.90 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF N.W. WALKER ROAD; THENCE NORTH 55°24'42" WEST, 59.74 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING SOUTHERLY, SOUTH 01°24'06" WEST, 397.60 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF N.W. 170TH AVENUE TO A POINT 50.00 FEET WESTERLY, RIGHT ANGLE MEASURE, FROM THE POINT OF BEGINNING; THENCE SOUTH 88°35'54" EAST, 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 19,063 SQUARE FEET

THE BASIS OF BEARINGS IS THE PLAT OF "STUART ESTATES".



VALID UNTIL 12/31/05

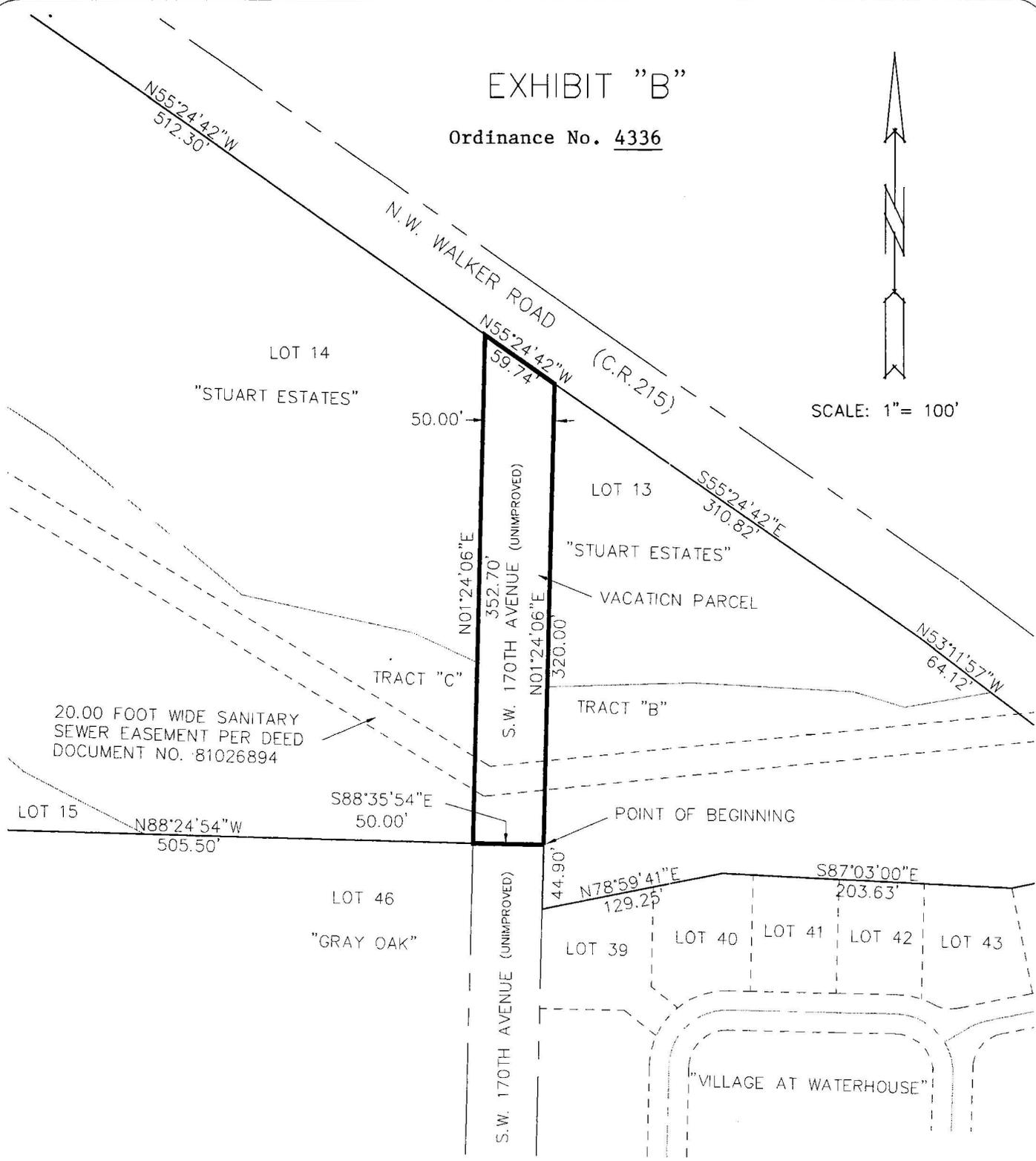
EXHIBIT "B"

Ordinance No. 4336



SCALE: 1" = 100'

N:\p\396-003\dwg\survey\39603SURBASEROTATE.dwg - SHEET: 8x11 Dec 15, 2004 - 9:23am cwf



S.W. 170TH AVENUE ROADWAY VACATION

DRAWN BY: CWF DATE: 12/15/04
REVIEWED BY: CWF DATE: 12/15/04
PROJECT NO.: 396-003
SCALE: 1"=100'



ALPHA ENGINEERING INC.
PLANNING & DEVELOPMENT SERVICES & SURVEYING

OFFICE 503-452-8003 & FAX 503-452-8043
PLAZA WEST & SUITE 230 & 9600 SW OAK & PORTLAND, OR 97223