



FINAL AGENDA

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

REGULAR MEETING
SEPTEMBER 12, 2005
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

National Alcohol and Drug Addiction Recovery Month (September 2005)

Prostate Cancer Awareness Month (September 2005)

Preparedness Month (September 2005)

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes for the Regular Meeting of August 15, 2005

- 05157 Liquor License: New Outlet - Black Bear Diner, Valley Theatre Pub, Mak Wine Company, Waka Sushi Restaurant; Greater Privilege - Friends Café & Pub
- 05158 A Resolution Authorizing the Issuance of Water Revenue Bonds in One or More Series in an Aggregate Principal Amount Not Exceeding \$15,000,000 (Resolution No. 3829)
- 05159 Compensation Approval
- 05160 Traffic Commission Issues No. TC 573, 578 and 579
- 05161 Approval of the Intergovernmental Agreement for the Office of Consolidated Emergency Management in Washington County and Authorize the Mayor to Sign the Agreement (Resolution No. 3830)

Contract Review Board:

- 05162 Waiver of Solicitation Process - Contract Award for a Secured Wireless Data Communication System from Washington County Contracts 25063P and 25064P
- 05163 Appointment of Bond Counsel and Financial Advisor for a Proposed Water Revenue Bond Issue

ORDINANCES:

First Reading:

- 05164 TA 2005-0001 (2005 Omnibus) (Ordinance No. 4365)
- 05165 An Ordinance Relating to the Emergency Management Code, Amending Beaverton Code Section 2.01.020 (Ordinance No. 4366)
- 05166 An Ordinance Annexing One Parcel Located at 11915 Walker Road to the City of Beaverton: Annexation 2005-0007 (Ordinance No. 4367)
- 05167 An Ordinance Amending Beaverton City Code Chapter 5 by Adding Provisions Memorializing the City of Beaverton Police Department and Establishing the Department within the City Code (Ordinance No.4368)

EXECUTIVE SESSION:

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

ADJOURNMENT

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

PROCLAMATION

OFFICE OF THE MAYOR CITY OF BEAVERTON



WHEREAS, substance use disorders are a serious and treatable health problem, and as many as 63 percent of Americans say that addiction to alcohol or other drugs has had an impact on them at some point in their lives, whether it was the addiction of a friend or family member or another experience, such as their own personal addiction; and

WHEREAS, assessing our citizens' needs for addiction treatment and referring them to appropriate treatment - and their family members to support services - is a crucial first step in helping people realize that recovery is possible and treatment is effective; and

WHEREAS, barriers to accessing treatment programs that can help heal lives, families, and our community are a significant problem for our neighbors, friends, co-workers, and family members with substance use disorders; and

WHEREAS, community members seeking treatment deserve affordable, individualized treatment programs; and

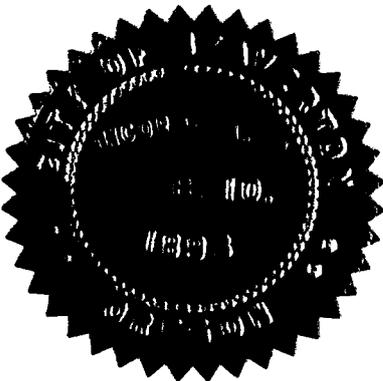
WHEREAS, celebrating individuals in recovery and their families, and saluting the health care providers who helped them obtain treatment, educates our community about the benefits of treatment and affirms that such providers deserve adequate compensation for their services; and

WHEREAS, to help achieve this goal, the Substance Abuse and Mental Health Services Administration within the U.S. Department of Health and Human Services; the White House Office of National Drug Control Policy; and the City of Beaverton invite all residents of Beaverton to participate in National Alcohol and Drug Addiction Recovery Month; and

NOW, THEREFORE, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim the month of September as:

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

in the City of Beaverton and call upon the people of Beaverton to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "Join the Voices for Recovery: Healing Lives, Families, and Communities."



Rob Drake
Mayor

PROCLAMATION

OFFICE OF THE MAYOR
CITY OF BEAVERTON



WHEREAS, in the year 2005, the month of September has been declared National Prostate Cancer Awareness Month; and

WHEREAS, in the year 2005 approximately 232,090 men in the United States will learn that they have prostate cancer, and across the nation prostate cancer is the most commonly diagnosed nonskin cancer in men; and

WHEREAS, approximately 30,350 men will lose their lives to this disease in 2005, and one in six men in the nation are at risk of developing prostate cancer during their lifetime; and

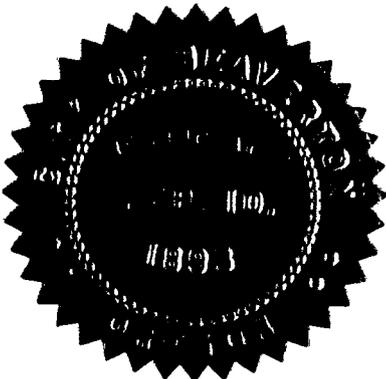
WHEREAS, it is known that about one third of prostate cancer occurs in men under the age of 65 during their prime work years, and at any age prostate cancer devastates families through loss of income, partnership, and support; and

WHEREAS, prostate cancer leaves too many parents, women, children and other family members without a man they love, and African American families are disproportionately affected due to African American men having higher rates of prostate cancer diagnosis and death than men of other racial or ethnic groups in the United States; and

WHEREAS, research suggests that men could reduce their risk of prostate cancer mortality if they followed recommended prostate cancer screening guidelines, including examination by a health care provider and increased awareness and early detection practices;

NOW, THEREFORE, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim the month of September 2005 as:

Prostate Cancer Awareness Month



in the City of Beaverton and urge all men in our community to become aware of their own risks of prostate cancer, talk to their health care providers about prostate cancer, and, whenever appropriate, get screened for the disease.

A handwritten signature in cursive script that reads "Rob Drake".

Rob Drake
Mayor

PROCLAMATION

OFFICE OF THE MAYOR
CITY OF BEAVERTON



WHEREAS, the official launch of National Preparedness Month took place at the Union Station in Washington, D.C., on September 1, 2005; and

WHEREAS, this momentous occasion brings the U.S. Department of Homeland Security together with a coalition of national partners, including bipartisan government officials, leaders from the American Red Cross, the America Prepared Campaign, National Association of Broadcasters, the U.S. Department of Education and many others; and

WHEREAS, Washington County jurisdictions have received homeland security grant money to purchase apparatus, equipment, training, and supplies to increase our capacity to respond to weapons of mass destruction incidents; and

WHEREAS, the Washington County Anti-Terrorism Advisory Committee is sponsoring a "Preparedness and Response Day in Washington County" on September 15th at the Hillsboro Stadium to display and demonstrate our increased capabilities; and

WHEREAS, the City offers disaster preparedness information and opportunities throughout the year to encourage our citizens to be prepared, alert and aware of threats to our community's safety and security; and

WHEREAS, citizens of the City of Beaverton will benefit from joining with the nations' citizens in embracing this valuable opportunity to learn of ways we can prepare for an emergency and assist others in the event of a disaster of any size and duration.

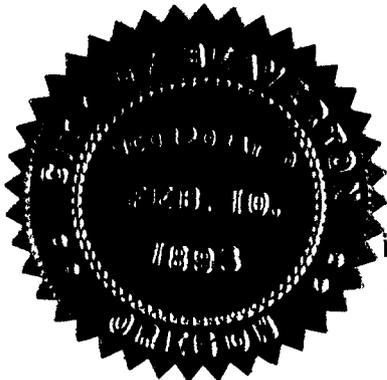
NOW, THEREFORE, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim September 2005 as:

PREPAREDNESS MONTH

in the City of Beaverton and encourage all City of Beaverton residents to seriously contemplate the state of their personal preparedness, strive to meet the challenge of increasing their self reliance, and recognize the need to provide provisions for their families in case of any emergency.

A handwritten signature in cursive script, reading "Rob Drake".

Rob Drake
Mayor



DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
AUGUST 15, 2005

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, August 15, 2005, at 6:35 p.m.

ROLL CALL:

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

VISITOR COMMENT PERIOD:

Tyler Marley, Beaverton, said he was a member of Boy Scout Troop 872 in Beaverton. He said he was currently working on the last project to earn his Eagle Scout Badge; his project was to build two covered dugouts at the Hiteon Elementary School on Brockman Road. He said the dugouts were based on a design used by the Tualatin Hills Park & Recreation District (THPRD) on 185th Avenue and he distributed a picture of the dugouts to the Council. He said he was able to obtain donations to construct the project including: a certified structural engineer donated his time to design the plan; Interstate Roofing donated all the roofing materials; Skanska donated all the material for the cement; and a layman donated his labor to do the cement work but he still needed plywood.

Marley said he worked with THPRD and the City's building inspectors to make sure the project would succeed and would be up to Code. He said the structure would be supported by metal poles that could withstand weather and vandalism, the floor would be a four-inch concrete slab, there would be fencing in front of the dugout to protect against foul balls and it would have a composition roof that has a 25-year guarantee. He said this would be a gift to the community that would last 30 years or more. He said the City was requiring building permit fees which total several hundred dollars. He said he had not received any cash donations and the Boy Scouts Association does not allow them to use their personal or family funds to pay for the projects. He said his project was a gift to the community and he received all materials and labor through donations. He said due to his personal schedule he did not have the time to schedule car washes or

other events to raise cash donations. He asked the City Council for their help to make this project a success.

Mayor Drake asked Marley the amount of the building permit fees.

Marley said it was estimated at \$300 to \$400.

Community Development Director Joe Grillo said the fee was based on the project value. He said he would be happy to have staff look at the permits and bring it back to Council for consideration of a fee waiver.

Mayor Drake said it would be helpful to know the total amount for the permits before the Council considered waiving the fees.

Coun. Bode complimented Marley's project and asked if he knew the total of all the donations he had received and if he had a timeline for the project.

Marley said each dugout cost \$2,000 in materials and labor, for a total of \$4,000. He said he hoped to build the project this Fall.

Coun. Stanton said this was an easy sell; she added she liked the idea of the waste receptacles and hoped he could get the THPRD or someone else to provide them. She suggested he check with Home Depot for donation of the lumber. She said she was comfortable with saying that if the fees were less than \$500, Council should waive the fees now and it could come from the Council budget.

Mayor Drake said he preferred to have the information ahead of time so the Council would have a specific figure to consider when waiving the fees.

Grillo said they would determine the fees and bring it back to Council.

Coun. Stanton said she was comfortable with waiving the fee for this was a project that was good for the community. She asked if the dugouts would have a gate on them.

Marley said the dugouts would not have a gate.

Coun. Bode summarized for Marley that staff would determine the fee and bring it back to Council soon. She asked him if that was satisfactory and noted there seemed to be a fair degree of confidence that this would work out for him and for the community.

Marley said that would work for his schedule and he understood this looked like it would be approved. He thanked the Council.

Richard Carlson, Beaverton, said as a newly-annexed citizen to Beaverton he was orienting himself to City operations. He said he was stressed by the City's policies regarding use of police facilities and radar enforcement. He said he saw the radar van parked in his neighborhood without the front sign and parked on the sidewalk which is illegal. He said he preferred to see police patrolling the neighborhoods rather than waiting on Highway 26 to give out tickets. He said the speed bumps on 155th Avenue were not effective and a study should be done to determine the effectiveness of speed

bumps. He said he was concerned that nothing is done about loud music played by passing cars in his neighborhood or about the carts that litter Hall Boulevard. He said these were quality of life issues that the City should administer.

Coun. Bode asked if he had anything positive to say about living in Beaverton.

Carson said he had not gained anything from living in the City except more taxes.

Coun. Stanton thanked him for coming and said the ability to come and speak to the Council about his concerns was a benefit from living in the City. She said she was glad he was now paying for services he had used before.

Henry Kane, Beaverton, said the Metro Highway 217 Project Advisory Committee (PAC) would have a final meeting in September and it would vote on three options for this project. He said one of the options was for toll lanes. He said the analysis on the toll lane option does not say it would be as good as or better than the other options. He said he raised questions on whether the revenue would be sufficient to repay the principal and interest, and pay for the maintenance and tolling equipment. He said there was no information on how much the motorist would pay. He said evidence around the country had shown that drivers would not use toll roads if they have other options. He said he was alerting the Council as they will be asked to make a recommendation, along with other public bodies. He said he had difficulty finding any reason to support the toll road option and he hoped people would attend the PAC meeting and comment on that option. He said the consequences would not be good for Beaverton.

Mayor Drake said regardless of whether toll roads were a good idea or not, the real issue was that to widen Highway 217 with an additional lane in each direction, and to improve the ramps, the cost would be about one-half of a billion dollars. He said he was the City's representative on the PAC and the PAC had not made a recommendation at this time. He said the PAC would not make the final decision; the Metro Council and the Oregon Department of Transportation would make that decision. He said those improvements were needed and the toll road option alternative was being considered as a means to help fund those improvements. He said it was not true to state this was a case of either a toll road or no road. He said there wasn't any identified funding source for those improvements for the next 20 years and the ultimate build out would be to the Year 2090 if it was handled on a pay-as-you-go basis. He said the public expects faster action than that and those improvements were needed.

Kane said the State was able to get \$46 billion to improve the connection to Highway 217 and Interstate 5, and had spent \$100 million to improve the Sunset Highway at Canyon Road. He said he thought future appropriations would bring in more than expected. He said the braided lanes could be useful general purpose lanes.

Mayor Drake said Kane was overlooking that much of the work on Highway 26 was related to Westside Light Rail. He said that was a commitment that was made to go along with the Westside Light Rail and part of a separate funding package.

Kane said he was keeping an open mind and didn't have objections to a proper toll road. He said he was calling attention to the pie in the sky figures being used and he hoped the PAC received the questions that should be answered such as, is it economical. He said if it was not, then forget it.

COUNCIL ITEMS:

Coun. Bode said the next Picnic in the Park would be Thursday, August 18, 2005, at Autumn Ridge Park at 6:00 p.m. She said in the month of July, 2005, the average number of hits on the City's Web site was 45,000. She also noted the City Council meetings were on the City's Web site, in video, and could be viewed by the public.

STAFF ITEMS:

Chief of Staff Linda Adlard said there was a new piece of art in the Council Chamber; the new table located at the chamber entrance was painted by Zephyr Nelson and entitled "Beaverton the City of Trees." She said it was purchased by the 1% for the Arts Program. She said whenever the City has a large capital project, 1% of that goes into the Program. She said this funding came from the City Hall Renovation after the fire.

CONSENT AGENDA:

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

Minutes for the Joint Meeting of July 29, and the Regular Meeting of August 1, 2005

05149 Liquor Licenses: Change of Ownership - Pizza Schmizza and Pal-Do World

05150 Acceptance of Grant Award from the Metropolitan Area Communications Commission and Authorize Appropriations Through a Special Purpose Grant Budget Adjustment Resolution (Resolution No. 3827)

05156 Authorize Acceptance of FY05 Pre-Disaster Mitigation Grant Conditionally Awarded to the City of Beaverton to Seismically Upgrade City Hall (Resolution No. 3828)

Contract Review Board:

05151 Bid Award - Bel Aire Storm and Sanitary Sewer Improvements - Project No. 8049

05152 Waiver of Sealed Bidding - Purchase Two Ten Yard Dump Trucks From the Eugene Water & Electric Board Contract and Approve Trade-in

05153 Waiver of Sealed Bidding - Purchase of Mobile Data Terminals from the State of Oregon Contract #4416-PA

Coun. Stanton said she had minor additions to the July 29, 2005 Minutes.

Question called on the motion. Couns. Bode, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0)

ALL AMERICA CITY FINALIST

Mayor Drake said the City received a plaque in recognition of its being an All America City Finalist. He presented the plaque to Coun. Bode and thanked her and everyone else who helped work on this project. He said the plaque would be displayed in City Hall.

Coun. Bode said in talking with councilors from other cities, she felt Beaverton was one of the top 30 cities in the country and this project was a good experience.

RECESS:

Mayor Drake called for a brief recess at 7:08 p.m.

RECONVENE:

Mayor Drake reconvened the meeting at 7:20 p.m.

WORK SESSION:

05154 Sanitary Sewer Infrastructure - Replacement Needs and Revenue Proposal

Mayor Drake said this presentation would be about the City's sanitary sewer infrastructure, its needs and a request to present this to the public.

Engineering Director Tom Ramisch introduced City Utilities Engineer David Winship, Project Engineer Bob George and Support Specialist Deborah Martisak. He said over the past few years as the Capital Improvements Plan for the sewer system was carried out, they were using up the contingency that accumulated in the 1990's. He said the operation and construction expenses have increased over that period of time for routine maintenance of the system. He said the system has been growing with development and annexations over these years. He said in addition, revenue has decreased because of a change in the way the sewer revenues are portioned out by Clean Water Services (CWS). He said CWS has been taking more of the sewer revenues to cover their capital requirements and that leaves all the cities with less revenue. He said all of these issues result in less money available to the City to make the capital improvements necessary to keep the aging sanitary sewer system healthy. He said this information was analyzed in depth; using that information and the new Master Plan, staff has developed a recommendation for an additional funding source.

Mayor Drake complimented Ramisch and staff for an excellent Power Point presentation. He said Beaverton was incorporated in 1893 and the City has an aging sewer system. He said there wasn't adequate funds to properly replace the system as it ages. He said the pipes in the core area of the city were very old; the aging system needs systematic replacement and the City does not have the revenue to accomplish that.

City Utilities Engineer Dave Winship distributed a memorandum to Council dated August 15, 2005, (in the record). Attached to the memo were copies of the slides from the Power Point Presentation. He reviewed the history of the City's sewer system from 1950

forward; many of the cities were in separate districts with their own treatment facilities. Clean Water Services was formed in the 1970's to merge the districts and build two large treatment facilities. He reviewed the areas served by the City's sewer system from 1950 to present day (in the record) and the growth of the system due to City projects, contributed capital (built through development and then given to the City) and annexations (in the record). He said today the City has 260 miles of sewer lines to maintain. He briefly reviewed how the 1994 Infrastructure Task Force was formed and the work it conducted.

Mayor Drake said the Infrastructure Task Force worked on the water and storm systems first, as flooding problems had priority in 1993. He said the sewer system was the least desperate of the three systems at that time. He said the City waited until now to handle the sewer system infrastructure because the other two systems were more critical. He said the situation was getting more critical now for multiple reasons that staff would explain.

Winship said the staff had been tending the sewer system over the years. He said much more work was needed in the future and the issue of declining revenues needed to be addressed. He said over the last ten years the City replaced 4.3 miles of sewer lines with a 2005 value of \$4.9 million. He agreed the water system was the priority to eliminate flooding problems.

Mayor Drake said the value of the system in 1992-93 was \$200 million, with a 50-year life span. He said all the system would need to be replaced at some point in time and the goal was to do it incrementally to handle the most critical projects first and as the rest of the system ages continue to move forward with the most needed projects. He said this plan was to bring the City's needs to the Council and have a plan to replace the system, to avoid having to put out fires in the future.

Winship agreed and showed the capital outlay investment in the sewer system in 1994 (in the record).

Coun. Stanton said the smartest thing the Mayor did in the 1994-95 Budget was to demand that each department had contingencies, so that the funds were available to meet the City's needs when problems occurred. She said that was a credit to the Mayor since prior to that funds were not available and contingencies did not exist.

Winship agreed and said the Summer Creek Sewer Project could not have been done without the contingency. He said in 1994 the City's total revenue received for the sewer system was \$1.8 million. He said that was less than the annual depreciation of the system. He said in 1994 they identified a 30-year replacement program for the sewer lines and laterals, that would cost about \$30 million, for an average annual program cost of \$813,000.

Ramisch said the 1994 Task Force recommendation was to improve the mapping and database recordkeeping of the system. He said that was a lot of the work that has occurred since then. He said the recordkeeping has been improved tremendously which gives an excellent basis to start the GASB 34 financial reporting. He said GBA was the software database on which they tracked and mapped the City's infrastructure.

Mayor Drake said the Engineering Department has been very scientific in how they plan the projects to ensure any work that needs to be done on a street, is done before the street is overlaid or reconstructed. He said the City now has an excellent mapping system that shows the infrastructure under the streets. He said this makes reconstruction of the improvements more precise and saves time and money.

Winship said the water system was now converting into GBA; the sewer system was the leader on the database, then storm drainage and streets were added. He said street signs would eventually be added. He said with this information in 2002 they started work on developing a comprehensive master plan that covered expansions of the system and priorities for replacement. He said work started with inspections of the system by cameras running on cable to check the condition of the lines and determine what needs repair. He reviewed the areas studied (in the record).

Coun. Stanton added that this map also showed where and how the City developed.

Winship agreed. He said the value of the 1992 system (192 miles of lines) was \$100 million. He said the value of the City's current system, which is 260 miles long, was \$280 million, which is a dramatic increase in value due to growth and inflationary forces. He said the average life of a sewer line was 65 years in 1994; today's plastic lines have an average life of about 100 years. He said the average depreciation in today's dollars is about \$3.85 million per year. He said this information will continue to be reported on GASB 34.

Winship said sewer rates and charges were established annually by Clean Water Services (CWS). He said Beaverton's allocation of revenue from CWS has gone down over the past few years, though the rates have increased. He said this was because CWS has had to issue a large amount of revenue bonds for plant improvements to meet water quality standards set at the Federal level. He said though CWS increased its rates, it has large needs, so the allocation formulas have been changed.

Coun. Stanton referred to Slide 8, and asked about the Infrastructure Task Force Sheet on sewer revenue allocation, which showed the City received 21.7% of the dollar. She asked what the City currently received.

Winship replied the City currently gets 17.5%. He said the CWS debt service pulls 41.6% of the revenue, CWS operations gets 41%, and Beaverton gets 17.5%, which is a little under five dollars. He said in the 1970's the City received 30% and it has slowly declined over the years.

Mayor Drake said CWS currently controls how the formula is allocated and their Federal requirements and capital needs have increased significantly. Consequently, all the cities are being squeezed. The City has critical infrastructure replacement needs and there is no way to replace the funds that the City is losing from CWS. He said the recommendation that will be taken to the public is for a nominal rate increase that will help keep the system whole.

Coun. Stanton said while CWS has Federal requirements and costs, the City has the same requirements and capital needs that CWS has. She said for her this was almost like an unfunded mandate. She said the available dollars were being undercut because

everyone is under the same mandate and those in the position of power are able to take more of the money to stay more whole than the cities.

Winship agreed the standards have trickled down and increased operations and maintenance costs. He said inflationary forces have caused the amount of revenue available to decline. He reviewed how available revenue has decreased since 1999 (in the record) to the point where in 2005-06 net revenue available is \$54,138 and the amount needed for replacement/renewal is \$849,256.

Coun. Stanton asked what caused the \$200,000 drop in revenue from last year to this year.

Winship said the cost of operation and maintenance goes up with inflation, standards have increased, and revenue available from CWS has dropped.

Coun. Stanton asked if there was any single significant event that caused the extra large drop.

Winship said there was not any single dramatic event that caused the drop.

He said there was a way out of this situation. He said the intergovernmental agreement the cities have with CWS has an allowance for individual cities to set additional rates/surcharges to collect revenue to pay for these replacement projects. He said they were proposing a \$1.00 per month per dwelling unit equivalent that would go for infrastructure replacement. He said that would increase the monthly rate from \$27.65 to \$28.65 which represents an increase of 3.6% of the total.

Mayor Drake said staff originally recommended a \$2.00 increase to adequately fund the needed replacement. He said he was concerned about an increase of \$2.00 at one time, though the need was significant. He said he was recommending increasing the rate \$1.00 at this time, to keep up with inflation, and then next year raise it an additional \$1.00. He said this way residents would not have a huge increase all at once. He said this would raise about half a million dollars in the first year and the impact would be less significant in the first year.

Coun. Stanton said she understood the Mayor's reasoning for the smaller increase. She said she wanted people to know that in order to do the work that needed to be done; the City needed a \$5.00 a month increase in the rates. She said she would not press for a \$5.00 increase, though she knew it was needed, because she understood the Mayor's position.

Mayor Drake thanked her and said people have varying needs. He said for people on fixed and low incomes, the \$1.00 increase was more manageable.

Coun. Bode asked if the proposed incremental increases of \$1.00 per year for two years, was adequate to get the replacement project up and going, or would the work have to wait until funds were built up.

Winship said the first year the rate increase would net about \$400,000 in revenue and that was enough to do smaller projects. He said in Year 2007, with the second increase,

that rate would reach parity with the storm drain fee. He said in addition they were proposing something similar to the system development charges (SDC) currently used for water and storm drains. He said the SDC was a way to automatically keep pace with inflation, which was hard to do with rates. He said with SDCs, a construction index is used and the charge is automatically increased annually by the amount of the construction index. He said without the SDC, the proposed \$2.00 rate increase would decline with inflationary pressures, as is happening to the existing rate.

Mayor Drake said this means it would be a long time before the City would have to ask for a larger increase to take care of the replacement needs. He said the City has a known reliable replacement timeline and this would provide the funds needed for the improvements.

Winship said with the rate increase and the SDC, the City would net close to \$1,000,000 in revenue and could keep better pace with the depreciation of the system. He said using the Master Plan with projects prioritized based on condition of the lines, work was done to determine the highest priority projects. He reviewed the projects planned for the replacement/renewal program from FY 2005-06 to 2022-23 (in the record). He said the total estimated annual program cost for these projects was \$16,000,000 through the Year 2023. He reviewed the work they predicted would need to be done from FY 2023-24 to FY 2034-35 (in the record), at a total estimated cost of \$12,900,000.

Ramisch said the first 18 years of the 30-year program would be based on the needs identified in the Master Plan. The following year's projects would be based on the age of the system. He said there would probably be a new Master Plan in 18 years that would assess the projects again based on condition of the lines.

Coun. Stanton suggested the projects on page 22 of the Power Point presentation be done before the projects on page 21, since those lines were over 65 years old now.

Ramisch said the needs were assessed on an annual basis, based on inspections of the system which were carried out by the Operations Department.

Coun. Stanton said few of the older lines on the sewer system maps were being addressed. She asked why the lines that were built prior to 1950 were not being replaced first. She said she noticed that and she thought the public would also notice, so staff might want to address that in its presentation to the public.

Winship said that was a good suggestion. He said the average useful life of the lines was 65 years and terra cotta pipes could last longer. He said many of the lines that were seen as a priority for replacement were less than 65 years old and in poor condition, due to poor installation, poor materials or other conditions.

Coun. Stanton suggested that be clearly explained to the public or there will be questions as to why the older pipes were not being replaced first.

Winship reviewed recent sewer infrastructure projects in the city (Erickson Avenue, Easy Street and the Broadway/Hall Construction Project) and the work that had to be done, to show why these projects were so costly.

Mayor Drake said that prior to World War II the main route through Beaverton was Broadway Street. He said Canyon Road was developed after WWII. He said many of the projects on Broadway Street were done quickly back then because it was the main east/west route between Hillsboro and Portland. He said some interesting conditions were found when these current projects were done and today's merchants were just as impatient as the City to have this work done.

Winship said Broadway Street was the State highway and that was how the City inherited the right-of-way. He said in the older areas of town construction costs for replacement increased due to the multitude of existing lines that need to be accommodated. He said the sewer system was a gravity system and if there is a waterline in the way, it has to be moved, which is costly.

Mayor Drake complimented the Engineering staff for the presentation. He said he was seeking authorization from Council to present this information to the public during the next couple of months and bring it back for a public hearing in October. He said this information would be presented in the Your City Newsletter, at neighborhood meetings, on the Web site and through press coverage.

Coun. Stanton suggested presenting this at the Washington County Public Affairs Forum this fall and to the Chamber of Commerce.

There was consensus of the City Council to proceed with taking this to the public as outlined by Mayor Drake.

05155 The National Incident Management System (NIMS) and Federal Compliance Requirements

Mayor Drake said since the events of 9/11 the Federal government has become more specific on how to handle disasters. He said since 1993 the jurisdictions in this region have worked together on planning, coordination and training for disaster management. He noted during the 1995 wind storm and 1996 floods the disaster management system was activated to respond to these real-life emergencies.

Emergency Manager Mike Mumaw said the emergency management community has wanted the National Incident Management System (NIMS) for a long time. He said with the many national emergencies over the years, evidence has continually shown there were gaps in the preparedness and response systems between what was happening at the local level and the Federal level.

Coun. Bode asked about the level of technological mixing between Washington County and Yamhill County. She asked what was the City's motivation to raise its standards; if there wasn't any regional response. She said she thought this had to be a regional directive on equipment and asked if they were meeting on this issue.

Mumaw said several groups have met over this and developed a County-wide strategy that was now being rolled into a region-wide strategy through the Urban Area Security Initiative grant process. He said the counties involved were Washington, Multnomah, Columbia and Clackamas, and Clark County in Washington was being added. He said these counties were working on a regional plan.

Coun. Bode asked if Yamhill was included.

Mumaw said only the counties in the Portland metropolitan area were included in this region; Yamhill was not. He said the State was working on establishing other regions. He said this was an easy fit for the City because the Regional Emergency Management Group had been in existence since the early 1990's and that involved the same five counties. He said they were working on regional coordination before 9/11.

Mumaw reviewed the five basic activities to be completed for NIMS in FY 2005, as follows: Completing the NIMS Awareness Course; Formally recognizing NIMS and adopting its policies and principles; Establishing a NIMS baseline; Develop strategy and timeline for full implementation of NIMS; and Institutionalize the use of the Incident Command System (ICS) by all response agencies. He reviewed the status of each of the five activities in detail (in the record). He said the local requirements for NIMS in FY 2006 and 2007 were still under development by the Federal government.

Coun. Stanton asked how much funding the City received annually from the Federal government under this program.

Mumaw said the City received \$50,000 per year through the Emergency Management Performance Grant (EMPG) and \$100,000 in FY 2005 through the Law Enforcement Terrorism Prevention grant. He said over the past two years between the Police Department and Emergency Management, the City received around \$2,000,000, the majority of which was used for equipment and training. He said the majority of the EMPG funds were used for program costs.

Coun. Stanton noted in one section regarding the ICS, there was a statement that everyone needs to be involved. She asked how the City met that standard.

Mumaw replied the Federal government initially said it would be up to the local jurisdictions to identify who needed the training. He said the cities identified the positions that would be required to interact with Federal and State agencies on a large incident. He said in interpretation of the rule, the NIMS Integration Center (NIC) said it should be everybody from policy down to the basic first responder. He said for now they were shooting high and would wait for the next compliance ruling to come in.

Coun. Stanton asked if there was information on the Web regarding the NIC.

Mumaw said the NIC had its own Web site and he could provide her with that information.

Coun. Stanton said she could find it. She said it was important to her as a policy maker to know who was setting policy and continuous refinement of the NIMS. She said many of the changes to NIMS would come from NIC.

Mumaw said what they were hearing from NIC was not too reassuring as not all of the agencies who were required at the formation of the Department of Homeland Security (DHS) had provided the bodies necessary to operate a national coordination center. He said they were understaffed and overwhelmed which resulted in a delay in getting

products out to the jurisdictions. He said the overall concept was excellent but implementation was the hard part.

Coun. Stanton said she would call Mumaw to discuss why the City needs this, other than to receive Federal funds.

Mayor Drake said with the work that had been done in the region since 1993 and with the intergovernmental agreement with other jurisdictions, the Incident Command System was embodied in NIMS and the County was a leader in this. He said the Federal government is setting the guidelines and they have it right; they have borrowed from local areas to get this done. He said this is a mandate the emergency management people have embraced for a significant period of time and it was good.

Coun. Stanton said she had no problems with the preparedness training, coordination and cooperation; they had done an excellent job. She said this goes in a different direction and she noticed the shift, which was why she was asking the question.

Mayor Drake said the Federal government was running a huge deficit; in relation to major disasters, people forget quickly and when there was no pressure they are less likely to fund certain programs. He thanked Mumaw for an excellent presentation.

ORDINANCES:

Second Reading:

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

05147 TA2005-0005 Utility Undergrounding Capital Projects (Ordinance No. 4363)

05148 An Ordinance Amending Ordinance No. 4187, the Comprehensive Plan Transportation Element, Related to Transportation Maps CPA 2005-0002 (Ordinance No. 4364)

Coun. Ruby MOVED, SECONDED by Coun. Bode, that the ordinances embodied in Agenda Bills 05147 and 05148, now pass. Roll call vote. Couns. Bode, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 9:06 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this day of , 2005.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: LIQUOR LICENSE

FOR AGENDA OF: 09/12/05 BILL NO: 05157

NEW OUTLET

Black Bear Diner
13435 Tualatin Valley Highway

Valley Theatre Pub
9360 SW Beaverton Hillsdale Highway

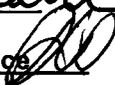
Mak Wine Company
7783 SW Cirrus Drive

Waka Sushi Restaurant
3205 SW Cedar Hills Boulevard

GREATER PRIVILEGE

Friends Café & Pub
3203 SW 153rd, Suite 419

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 08/23/05

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 applicants have met the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license applications.

INFORMATION FOR CONSIDERATION:

Deli Concepts, Inc. is opening a new establishment and has made application for a Limited On-Premises Sales License under the trade name of Black Bear Diner. The establishment will serve American food. It will operate seven days a week, from 6:00 a.m. to 10:30 p.m. There will be no entertainment offered. A Limited On-Premises Sales license allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

Cinemagic Theaters, LLC. is opening a new establishment and has made application for a Limited On-Premises Sales License under the trade name of Valley Theatre Pub. The establishment will serve movie theater concession items. The theater operates seven days a week, Monday through Friday, 4:30 p.m. to 12:00 a.m., Saturday and Sunday, 12:00 p.m. to 12:00 a.m. Movies will be shown as entertainment. 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.

Agenda Bill No: 05157

Hyung J. Chong has made application for an Off-Premises Sales Licenses under the trade name of Mak Wine Company. People are able to purchase items for consumption off premises as there is no seating available. Its hours of operation are Monday through Saturday, 8:00 a.m. to 8:00 p.m. There is no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

Waka International, LLC is opening a new establishment and has made application for a Limited On-Premises Sales License under the trade name of Waka Sushi Restaurant. The establishment will serve Japanese food. It will operate seven days a week, serving lunch from 11:00 a.m. to 3:00 p.m., and dinner from 3:00 p.m. to 9:00 p.m. There will be no entertainment offered. A Limited On-Premises Sales license allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

Edward and Bonnie Whitlow have made application for Greater Privilege for its restaurant Friends Café & Pub. It is requesting to change from a Limited On-Premises Sales License to a Full On-Premises Sales License. The restaurant operates seven days a week, serving lunch and dinner from 10:00 a.m. to 10:00 p.m. There will be no entertainment offered. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business.

RECOMMENDED ACTION:

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Resolution Authorizing the Issuance of Water Revenue Bonds in One or More Series in an Aggregate Principal Amount Not Exceeding \$15,000,000

FOR AGENDA OF: 09/12/05 **BILL NO.:** 05158

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Finance 

DATE SUBMITTED: 09/06/05

CLEARANCES: City Attorney 
Engineering 

PROCEEDING: Consent Agenda

EXHIBITS: Resolution
Notice of Water Revenue Bond
Authorization

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The City currently has three water revenue bond issues outstanding as of September 1, 2005 as follows:

- The Water Revenue Bond Series -1997 was originally issued in the amount of \$9,895,000 and was partially refunded by the Water Refunding Bond Series 2004B. The 1997 issue has \$885,000 in remaining outstanding bonds with the last debt service occurring on June 1, 2007.
- The Water Revenue and Refunding Bond Series 2004A was originally issued in the amount of \$10,375,000. This bond issue refunded all of the City's General Obligation Water Refunding Bonds, Series 1992, the callable portion of the City's Water Revenue Bonds, Series 1994, and provided \$3 million in new bond funds. The 2004A issue has \$8,670,000 in remaining outstanding bonds with the last debt service occurring on April 1, 2016.
- The Water Refunding Bond Series 2004B was originally issued in the amount of \$10,280,000. This bond issue refunded the remaining Water Revenue Bonds, Series 1994 that were not previously refunded by the City's Water Revenue and Refunding Bonds, Series 2004A, and advance refunded the callable portion of the City's outstanding Water Revenue Bonds, Series 1997. The 2004B issue has \$9,515,000 in remaining outstanding bonds with the last debt service occurring on July 1, 2017.

The Water Fund's annual debt service has averaged \$3.0 million since the issuance of the 1997 water revenue bonds. Beginning with FY 2007-08, the Water Fund's annual debt service will decrease by approximately \$1.0 million.

The drop in debt service will permit the City to issue additional water revenue bonds, with the concept that the additional annual debt service on the new bonds would return the Water Fund's total annual debt service back to the \$3.0 million average. In today's interest rate market, the \$1.0 million in available debt service would correspond to a bond issue sized between \$12 million to \$15 million.

The proceeds from the additional debt would be used for constructing water system projects in and outside the City. Some of the projects may be within the City limits to increase the capacity of distribution mains, transmission lines, storage reservoirs and ASR facilities. The majority of the projects, though, will be comprised of the City's share of the JWC's (Joint Water Commission) capital expansion projects. The JWC projects include:

- The Fern Hill 20 Million Gallon Finished Water Reservoir No. 2, which will bring the total finished water capacity in the treatment plant's reservoirs to 40 million gallons.
- The Near Term Plant Improvements designed to increase the water treatment plant production capacity from its current 60 MGD (million gallons per day) to 75 MGD.
- The Northside Transmission Line, Phase III, which connects the new reservoir and water treatment plant improvements to the existing Northside Transmission Line.
- The Raw Water Pipeline, extending from Scoggins Reservoir to the JWC Water Treatment Plant and to the nearby Tualatin River Spring Hill Pumping Plant. The Raw Water Pipeline will be designed to have the dual function of carrying raw water from the dam to the JWC treatment plant by gravity, as well as allow winter-time pumping of river water with the Spring Hill Pumping Plant back into Scoggins Reservoir to ensure annual filling of the proposed expanded Scoggins Dam and Reservoir.
- Tualatin River Basin Water Supply Project. This project will most likely be a 40-foot raise of Scoggins Dam to double the volume of water in Hagg Lake. An Environmental Impact Study is expected to be completed and released for public comment in early 2006.

As the JWC's construction projects will be phased in, staff is recommending that the bond issue be authorized up to \$15,000,000 and issued in one or more series.

INFORMATION FOR CONSIDERATION:

The proposed new water revenue bonds are not general obligations of the City, and they are not a charge upon the property tax revenues of the City. The principal and interest on the Water Bonds are payable solely from the un-obligated net revenues of the City's Water System.

Attached is the Water Revenue Bond Resolution and Notice of Water Revenue Bond Authorization. They were prepared by the City's Bond Counsel, Mr. Doug Goe, of Orrick, Herrington & Sutcliffe, LLP. The Notice of Authorization will be published in the Valley Times and the Oregonian. The Notice of Authorization states that Beaverton voters may file a petition within 60 days of the notice's publication date to have the question of whether to issue the bonds referred to a vote. For the petition to be valid, it must be signed by at least five percent (5%) of the City's registered voters.

The approval of this agenda bill is the first in a series of steps needed to initiate and complete the water revenue bond issue. A companion Agenda Bill authorizing the re-appointment of bond counsel and financial advisor services is also included on tonight's Council Agenda.

RECOMMENDED ACTION:

Council approve the attached resolution authorizing the issuance of up to \$15 Million in additional Water Revenue Bonds (in one or more series) and the publication of the Notice of Water Revenue Bond Authorization.

RESOLUTION NO. 3829

A RESOLUTION AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$15,000,000 AND PROVIDING FOR PUBLICATION OF A NOTICE OF WATER REVENUE BOND AUTHORIZATION; DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES, AND RELATED MATTERS.

WHEREAS, the City Council (the "Council") of the City of Beaverton, Oregon (the "City"), a municipal corporation of the State of Oregon, finds:

1. That it is financially feasible for the City and that it is in the City's best interest to provide funds to:

(A) finance the costs of additions, replacements, expansions and/or improvements to the City's water system, and the acquisition of all real and personal property necessary, useful or convenient thereto;

(B) finance the City's share of Joint Water Commission capital expansion projects, including, but not limited to:

- (i) constructing and equipping the Second Fernhill Water Reservoir and pipeline;
- (ii) improvements to the Near Term Water Treatment Plant;
- (iii) constructing and equipping the Northside Transmission Line Phase III which connects the new reservoir and water treatment plant improvements to the existing Northside Transmission Line;
- (iv) constructing and equipping the Raw Water Pipeline from Scoggins Reservoir to the Water Treatment Plant; and

(C) finance other projects that the City and the Joint Water Commission may find necessary.

The above projects, together with the funding of debt service reserve funds, if necessary, and paying related bond issuance costs are collectively referred to herein as the "Project" and are estimated to be financed with not more than \$15,000,000 of the proceeds of the proposed revenue bonds;

2. The City is authorized to finance the Project by issuing revenue bonds pursuant to the authority of Oregon Revised Statutes Sections 288.805 to 288.945, commonly known as the Uniform Revenue Bond Act (the "Uniform Revenue Bond Act");

3. The bonds will not be general obligations of the City, nor a charge upon its property tax revenues, but will be payable solely from the revenues that the City pledges to payment of the bonds;

4. The City shall prepare a plan showing that the estimated water revenues are sufficient to pay the estimated debt to be incurred by the City under the revenue bond issue authorized by this Resolution;

5. The Council anticipates incurring expenditures (“Expenditures”) to finance the costs of the Project and wishes to declare its official intent to reimburse itself for the Expenditures made on the Project from the proceeds of the revenue bonds;

6. On June 10, 1997, the City issued its Water Revenue Bonds, Series 1997, in an aggregate principal amount of \$9,865,000 (the “Series 1997 Bonds”) pursuant to Ordinance No. 3977 (Amended and Restated Master Water Bond Ordinance) enacted by the City Council of the City on April 14, 1997 (the “1997 Master Ordinance”). Section 10 of the 1997 Master Ordinance provides for the issuance of Additional Bonds on a parity with the Series 1997 Bonds secured by an equal charge and lien on the net revenues of the City’s water system;

7. On January 6, 2004, the City issued its Water Revenue and Refunding Bonds, Series 2004, in an aggregate principal amount of \$10,375,000 (the “Series 2004 Bonds”) pursuant to Ordinance No. 4270 (Amended and Restated Master Water Revenue Bond Ordinance) enacted by the City Council of the City on October 13, 2003 (the “2003 Master Ordinance”), as supplemented. Section 10 of the 2003 Master Ordinance provides for the issuance of Additional Bonds on a parity with the Series 1997 Bonds and the Series 2004 Bonds secured by an equal charge and lien on the net revenues of the City’s water system; and

8. On October 5, 2004, the City issued its Water Revenue and Refunding Bonds, Series 2004B, in an aggregate principal amount of \$10,280,000 (the “Series 2004B Bonds”) pursuant to the 2003 Master Ordinance, as supplemented. A portion of the proceeds of the Series 2004B Bonds funded an escrow deposit account to advance refund the callable portion of the Series 1997 Bonds. Section 10 of the 2003 Master Ordinance provides for the issuance of Additional Bonds on a parity with the outstanding portion of the Series 1997 Bonds, the Series 2004 Bonds and the Series 2004B Bonds secured by an equal charge and lien on the net revenues of the City’s water system.

Now, therefore,

Be It Resolved by the Council of the City of Beaverton, Oregon:

SECTION 1: WATER REVENUE BONDS AUTHORIZED

a. The Council hereby authorizes the issuance of Water Revenue Bonds (the “Bonds”) in one or more series in an aggregate principal amount not exceeding \$15,000,000 to finance the Project.

b. Upon completion of the actions stated in Section 3 below pursuant to ORS 288.815, the Mayor, the Finance Director, Assistant Finance Director, or their designee (each an “Authorized Representative”) are authorized to determine the date of the Bonds and any other terms, conditions or covenants regarding the Bonds, the Project or the revenues that are necessary or desirable to effect the sale of the Bonds including, without limitation, authorizing the preparation and distribution of preliminary and final official statements. The Authorized Representative is authorized to select a Paying Agent and Registrar for the Bonds.

SECTION 2: NOTICE; PROCEDURE

a. None of the Bonds may be sold, and no purchase agreement for such amount of Bonds may be executed, for at least 60 days following publication of the Notice of Water Revenue Bond

Authorization, such notice being in substantially the form attached to this Resolution as Exhibit "A" (the "Notice"). The Notice shall specify the last date on which petitions may be submitted, and shall be published in the *Valley Times*, in Beaverton, Oregon, and in *The Oregonian*, newspapers of general circulation within the boundaries of the City, in the same manner as are other public notices of the City.

b. If petitions for an election, containing valid signatures of not less than five percent (5%) of the City's qualified electors, are received within the time indicated in the Notice, the question of issuing such Bonds in an aggregate principal amount not to exceed \$15,000,000 shall be referred to a vote at the next legally available election date. If such petitions are received, no such amount of Bonds may be sold until this Resolution and the question of whether to issue such Bonds is approved by a majority of the electors living within the boundaries of the City who vote on that question. Any such petitions will be subject to ORS 288.815.

SECTION 3: DECLARING INTENT TO REIMBURSE

The City hereby declares its official intent to reimburse itself with Bond proceeds for any of the Expenditures incurred by it prior to the issuance of the Bonds.

SECTION 4: BONDS PAYABLE SOLELY FROM REVENUES

The Bonds shall not be general obligations of the City, nor a charge upon its tax revenues, but shall be payable solely from the revenues that the City pledges to payment of the Bonds pursuant to ORS 288.825(1) and the resolution or ordinance to be adopted by the City authorizing the issuance, sale and delivery of the Bonds.

The Bonds shall be issued on a parity with the outstanding portion of the Series 1997 Bonds, the Series 2004 Bonds and the Series 2004B Bonds secured by an equal charge and lien on the net revenues of the City's water system.

SECTION 5: CONFIRMATION OF BOND COUNSEL

The City's bond counsel, Orrick, Herrington & Sutcliffe LLP is hereby confirmed as bond counsel for the Bonds.

SECTION 6: EFFECTIVE DATE OF RESOLUTION. This Resolution shall take effect immediately upon its adoption by the City Council and execution by the Mayor.

Adopted by the Council this 12th day of September 2005.
Approved by the Mayor this _____ day of September 2005.

Ayes: _____ Nays: _____

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

EXHIBIT "A"

NOTICE OF WATER REVENUE BOND AUTHORIZATION

NOTICE IS HEREBY GIVEN that the City Council (the "City Council") of the City of Beaverton, Oregon (the "City"), adopted a Resolution on September 12, 2005, authorizing the issuance of water revenue bonds. The bonds will be issued to provide funds to: (A) finance the costs of additions, replacements, expansions and/or improvements to the City's water system, and the acquisition of all real and personal property necessary, useful or convenient thereto; (B) finance the City's share of Joint Water Commission capital expansion projects, including, but not limited to: (i) constructing and equipping the Second Fernhill Water Reservoir and pipeline; (ii) improvements to the Near Term Water Treatment Plant; (iii) constructing and equipping the Northside Transmission Line Phase III which connects the new reservoir and water treatment plant improvements to the existing Northside Transmission Line; (v) constructing and equipping the Raw Water Pipeline from Scoggins Reservoir to the Water Treatment Plant; and (C) finance other projects that the City and the Joint Water Commission may find necessary. The above projects, together with funding debt service reserve funds, if necessary, and paying related bond issuance costs are collectively referred to as the "Project."

The City Council shall establish by subsequent ordinance or resolution all terms, conditions and covenants regarding the bonds and the revenues that are necessary or desirable to effect the sale of the bonds.

The City estimates that the bonds will be issued in one or more series in an aggregate principal amount not exceeding \$15,000,000. The bonds will not be general obligations of the City, nor a charge upon its property tax revenues, but will be payable solely from the revenues that the City pledges to the payment of the bonds.

If written petitions, signed by not less than five percent (5%) of the City's qualified electors, are filed at the Office of the City Recorder on or before November 22, 2005 (the 61st day after the date of publication of the notice), the question of issuing water revenue bonds in an aggregate principal amount not exceeding \$15,000,000 shall be referred to a vote at the next legally available election date. Any such petition shall be subject to ORS 288.815.

The Office of the City Recorder is located at Beaverton City Hall, 4755 S.W. Griffith Drive, Beaverton, Oregon 97076. Information on procedures for filing petitions may also be obtained at such address or by telephone at (503) 526-2241.

The Resolution authorizing the bonds is available for inspection at the Office of the City Recorder.

The bonds will be issued and sold under the Uniform Revenue Bond Act (ORS 288.805 to 288.945); this Notice is published pursuant to ORS 288.815(6).

BY RESOLUTION ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 12, 2005.

SUE NELSON,
CITY RECORDER

Published September 22, 2005 in *The Oregonian* and in the *Valley Times*.

Exhibit "A" - Resolution No. 3829 - Page 4

DOCSPNW1:55702.3
42959-1 SCG

Agenda Bill No. 05158

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Compensation Approval

FOR AGENDA OF: 09-12-05 **BILL NO:** 05159

Mayor's Approval: *Linda C. Goddard*
Mayor Pro Tem

DEPARTMENT OF ORIGIN: HR *me*

DATE SUBMITTED: 09-06-05

CLEARANCES: Finance *PHO*
Chief of Staff *La*

PROCEEDING: Consent Agenda

EXHIBITS: Exhibit I –Asst. Finance Director
Market Data
Exhibit II – New Position Description
– Business Services & Plant
Manager

BUDGET IMPACT

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

*The additional funding is explained in this Agenda Bill and summarized Recommended Action.

HISTORICAL PERSPECTIVE:

Classification Change

The position of Assistant Finance Director was last reviewed as part of a citywide classification study in 1998. Since that time, substantial changes have been made to the Assistant Finance Director's work assignments, and the position now directs and manages all of the city's finance operations. The Finance Director requested a review of this classification.

New Classification

During the budget public hearing the City Council approved a new position to manage the Beaverton Central Plant contingent upon the City acquiring the plant. The City now owns the plant and this position is meeting the parameters that the City Council and Budget Committee approved during the budget process. The salary range is within the discussion with and approval by the City Council at the time of the budget process.

INFORMATION FOR CONSIDERATION:

Classification Change

Since the last compensation study in 1998, the Assistant Director of Finance has absorbed many of the duties previously managed by the Finance Director, including budget preparation, financial reports and annual audits, maintenance of the central accounting system for the city, directing and coordinating all city bond issues, oversight of the installing and deployment of all new financial system software, and updating the city's cost allocation plan. This requires the position to be an authority and expert within the realm of finance operations with regards to budget preparation and Oregon Budget Law, financial transaction recording and classification in preparing our annual financial report and audit compliance, and new and refunding bond issues.

A market study was conducted by Human Resources for this classification. The market data (Exhibit 1) indicates that the current salary grade 15 (\$5,252-\$7,037) falls under the 50th percentile of the market, but reallocating it to a salary grade 16 (\$5,639-\$7,556) would put it over the 75th percentile of the market. The point factor system evaluation places the classification solidly in the salary level 15. It is the philosophy of the City to pay between the 50th and 75th percentile; therefore, we are recommending that a new salary level 1501 (\$5,363-\$7,186) be established to appropriately classify this unique position, based on the market data. The cost to implement this recommendation is \$2,761 including additional salary and fringe benefits.

Classification Approval

The new Business Services & Plant Manager will provide full project management for the development and operation of The Beaverton Round's central power plant. It will plan, direct, manage and oversee the activities and operations of the power plan, including administration, operations and maintenance; ensure the financial performance of the utility and provide optimal service to the utility's customers; and coordinate assigned activities with other departments and outside agencies. In addition, this position will assist the Economic Development Manager in the development and implementation of the City's goal to retain, expand and attract targeted businesses and industries that create quality jobs and share Beaverton's economic vision; serve as liaison between economic development and the real estate development community; and provide real estate and other economic analysis to conduct acquisition, development and disposition activities. The full job description is Exhibit II.

Human Resources conducted a market study on this new position and found insufficient market matches. The internal point factor evaluation places the classification in salary level 14. Based on the scope of responsibility of this position and the conversation of the desired candidate from consultant to regular employee, we are recommending this position be placed at the salary level 1401 (\$5,191-\$6,958).

RECOMMENDED ACTION:

Council approve the following:

1. Effective July 1, 2005, reallocation of the Assistant Finance Director into a newly created salary level 1501.
2. Direct the Finance Director to appropriate the required funds of \$2,761 in the first supplemental budget of FY 05-06.
3. Effective October 1, 2005, the creation of an exempt, management-level Business Services and Plant Manager classification into salary level 1401. The funding for this position was anticipated and included in the FY 05-06 budget.

Market Data -- Assistant Finance Director

August 2005

All data for FY 05-06 except were noted.

Jurisdiction	Title	Min	Max	PERS P/U	
Gresham	Dep Dir of Fin & Mgt Services	\$ 6,282	\$ 8,166	Y	04-05 Data, In negotiations
Salem	Ass't Finance Director	\$ 5,779	\$ 7,394	Y	
Hillsboro	Ass't Finance Director	\$ 5,729	\$ 7,313	N	
THP&R	Finance Manager	\$ 5,541	\$ 7,072	N/A	
Albany	Ass't Finance Director	\$ 5,203	\$ 6,400	Y	
Corvallis	Ass't Finance Director	\$ 4,760	\$ 6,075	N	
	Average	\$ 5,549	\$ 7,070		
	50th Percentile	\$ 5,635	\$ 7,193		
	75th Percentile	\$ 5,766	\$ 7,374		
	Beaverton Salary Grade 15	\$ 5,252	\$ 7,037		
	Beaverton Salary grade 16	\$ 5,639	\$ 7,556		
	Proposed Range 1501	\$ 5,384	\$ 7,214		

No Match

Clean Water Services
 Clackamas County
 Clark County
 Eugene
 Lake Oswego
 Medford
 Multnomah County
 Portland
 Tigard
 Tri-Met
 Tualatin
 TVWD
 Vancouver
 Washington County

No Data Provided

Metro
 Port of Portland
 Springfield

<p style="text-align: center;">CITY OF BEAVERTON Plant & Business Services Manager</p>
--

General Summary

Provide full project management for the development and operation of The Beaverton Round's central power plant and assist the Economic Development Manager in the development and implementation of the City's goals and programs in economic development and redevelopment.

Key Distinguishing Duties

Plan, direct, manage and oversee the activities and operations of power plant, including administration, operations and maintenance; ensure the financial performance of the utility and provide optimal service to the utility's customers; coordinate assigned activities with other departments and outside agencies; and provide highly responsible and complex administrative support to the Office of the Mayor.

Assist the Economic Development Manager in the development and implementation of the City's goal to retain, expand and attract targeted businesses and industries that create quality jobs and share Beaverton's economic vision. Serve as liaison between economic development and the real estate development community. Provide real estate and other economic analysis to conduct acquisition, development and disposition activities.

Essential Functions

Depending upon assignment, the incumbent may perform a combination of some or all of the following duties, which are a representative sample of the level of work appropriate to this class.

1. Assume full management responsibility for all central plant services and activities including administration, engineering, operations and maintenance; recommend and administer policies and procedures.
2. Establish, within City policy, appropriate service and staffing levels; monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; allocate resources accordingly.
3. Plan, direct, and coordinate, through subordinate-level or contract staff, the central plant's work plans, services, policies, procedures and reports. Set performance standards. Assess and monitor work load, administrative and support systems.
4. Evaluate performance and program effectiveness and take action for improvement as necessary. Authorize payments to contractors and consultants.
5. Direct heating, cooling and chilled water utility engineering planning, design and construction management programs; set priorities for accomplishment of the facility's capital improvement projects, engineering studies and administrative reports.

6. Review engineering drawings, specifications, construction plans, bid documents, contract documents and related materials for heating, cooling and chilled water utility projects; ensure compliance with professional standards and City specifications.
7. Ensure optimization of plan and distribution systems so that reliability and economic benefits are maximized within the parameters of the energy tariffs, contract specifications, and industry standards.
8. Oversee and participate in the development and administration of the facility budget; approve the forecast of funds needed for staffing, equipment, materials and supplies; monitor State energy loans; approve expenditures and implement budgetary adjustments as appropriate and necessary.
9. Direct implementation of safety and environmental programs, including the continuous development of improvement to operations policies and procedures.
10. Represent the utility and/or the City to the public, in legal or administrative proceedings, to other organizations or entities and in other situations as required. Position may be required to provide leadership in emergency situations. Make presentations and provide comment and testimony. Advance and protect the interests of the City and its citizens in all matters.
11. Provide staff assistance to the Office of the Mayor and the Economic Development Manager in the development, implementation and administration of the City's economic development and redevelopment effort; participate as a liaison with the local, regional and national development community; provide detailed real estate analysis and negotiate transactions.
12. Participate on a variety of boards, commissions and committees; prepare and present staff reports and other correspondence as necessary.
13. Attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of power plant management.
14. Respond to and resolve difficult and sensitive customer and/or citizen inquiries and complaints.
15. Exhibit leadership to staff, work teams and fellow employees. Serve as a model for accomplishing City's vision and goals. Create an environment that fosters employees to produce excellent quality results.
16. Perform related duties and responsibility as required.

Knowledge Required for Entry

- Advanced knowledge of the federal, state, regional and local codes, ordinances, standards, laws and regulations governing the operations of utility plants.
- Expert knowledge of strategic planning methods with an emphasis on services related to central plants.
- Expert knowledge of utilities operations and distribution systems.
- Ability to plan, supervise and coordinate long-range technical and administrative programs.
- Advanced knowledge of budget and accounting principles, practices, and procedures as applied in a large organization.
- Knowledge of principles and practices of public relations.
- Expert knowledge of principles and practices of economic development and redevelopment.
- Advanced knowledge of federal, state, regional and local codes, ordinances, standards, laws and regulations governing economic development, redevelopment and housing programs.
- Expert knowledge of professional ethics relating to economic development and redevelopment programs.
- Expert knowledge of commercial and industrial real estate and mortgage lending.
- Expert knowledge in real estate analysis and economics.
- Advanced knowledge of strategic planning methods with an emphasis on services related to economic development, redevelopment, and housing programs.
- Working knowledge of public purchasing and contracting laws and regulations.
- Working knowledge of human resources management practices.
- Ability to address civic organizations or other public or private groups on subjects relative to economic development and utility operations.

Skills/Abilities Required for Entry

- Expert ability to conduct complex research, impact analysis and interpretations in the areas of utility operations and real estate development.
- Expert ability to successfully manage and budget for utility operations.
- Advanced ability to successfully write and administer contracts and develop funding sources.
- Advanced ability to demonstrate leadership behavior to employees, contractors, public officials, other agencies, customers and the general public.
- Expert ability to communicate effectively, both orally and in writing, with diverse customers, employees, contractors, other agencies, public officials and the general public. Ability to make presentations to these groups and to develop reports that may include technical information.
- Strong ability to use word processing and spreadsheet programs and other software applications as required for the position.
- Expert ability to conduct highly complex technical research, impact analysis and interpretations in the areas of urban growth/redevelopment and economic development strategies.
- Advanced skill in conceptual analysis and policy/program development, implementation and administration in the areas of economic development and redevelopment.
- Ability to identify and respond to sensitive community and organizational issues, concerns and needs.

- Establish and maintain effective relationships with those contacted in the course of work.

Minimum Qualifications Required for Entry

Bachelor's degree in economics, finance, urban planning or business/public administration, or related field, and eight years progressively responsible experience, including two years in a supervisory or management role, in (1) utilities systems development and management and (2) economic development. Experience should include urban planning and/or housing programs, commercial and industrial real estate and mortgage lending, or an equivalent combination of education and experience enabling the incumbent to perform all the essential functions of the position.

Licensing/Special Requirements

Positions in this classification are required to possess a valid driver's license and the ability to meet the City's driving standards.

Working Conditions

Regular focus on a computer screen.
Daily precise control of fingers and hand movements.
Dealing with distraught or difficult individuals.
Regular attendance at meetings or activities outside of normal working hours.
Weekly operation of a motor vehicle on public roads.

Classification History

Created: August 2005
Status: M2
FLSA: Exempt

Department Head Signature

Human Resources Signature

Date

Date

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issues No. TC
573, 578 and 579

FOR AGENDA OF: 9-12-05 **BILL NO:** 05160

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Engineering 

DATE SUBMITTED: 8-30-05

CLEARANCES: Transportation 
City Attorney 

PROCEEDING: Consent

- EXHIBITS:**
1. Vicinity Map
 2. City Traffic Engineer's reports on Issues TC 573, 578 & 579
 3. Final Written Orders on TC 573 & 579
 4. Written materials received at the hearings
 5. Draft minutes of the meetings of 6-02-05 and 8-04-05 (excerpts)

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On June 2, 2005, the Traffic Commission held a new hearing on Issue TC 573 (Center Turn Lane on SW Greenway) after the issue was remanded by Council. The issue was continued to August to allow time to prepare a revised final written order.

On August 4, 2005, the Traffic Commission considered the following issues:

- TC 573, Center Turn Lane on SW Greenway (adoption of revised final written order)
- TC 578, Crosswalk Relocation on SW Parkview Loop
- TC 579, Parking Restrictions on SW Conestoga Drive at Conestoga Middle School

The staff reports for Issues TC 573, 578 and 579 are attached as Exhibit 2.

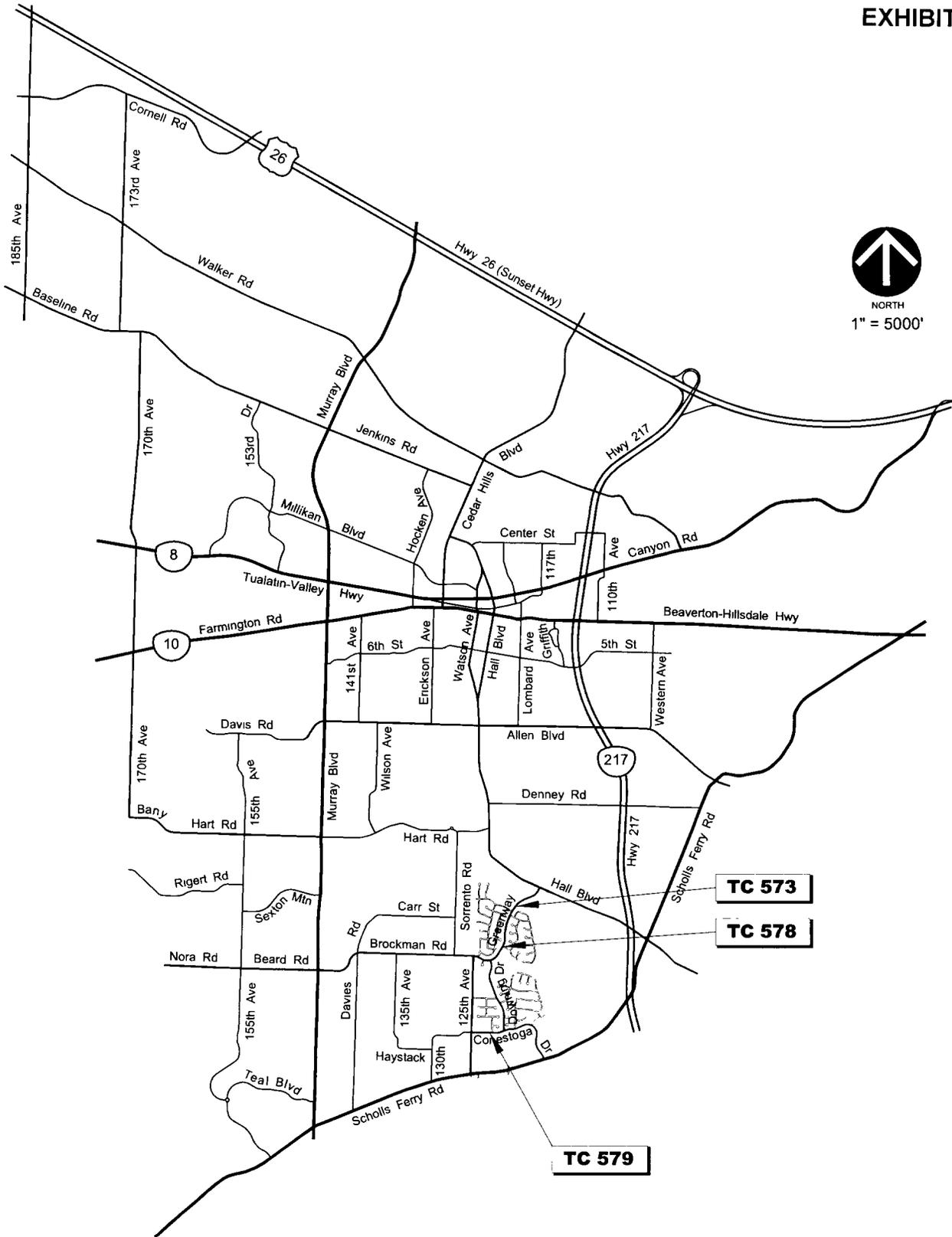
INFORMATION FOR CONSIDERATION:

Following the June public hearing on TC 573, the Commission revised its recommendation. The revised recommendation is to keep the existing striping patterns on Greenway with no revisions. At the August meeting, the Commission approved the revised final written order by a unanimous vote of 5-0.

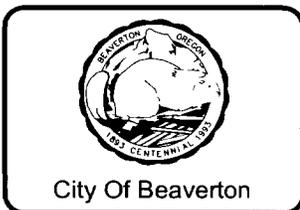
Issue TC 578 was approved on consent agenda. A hearing was held on Issue TC 579. On both issues, the Commission approved the staff recommendations by a unanimous vote of 5-0.

RECOMMENDED ACTION:

Approve the Traffic Commission recommendations from the August meeting on Issues TC 573, 578 and 579.



Y:\Traffic\Drawings\TC Vicinity Map\VICINITY MAP TC 578-579 8-04-05.dwg



Vicinity Map for August 2005
 TC Issues: 573, 578 and 579

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC Date: 8/10/05
 Reviewed By: Date:
 Approved By: Date:



MEMORANDUM
City of Beaverton
Engineering Department
Transportation Division

EXHIBIT 2

To: Traffic Commission
From: Randy Wooley, City Traffic Engineer *R. Wooley*
Date: May 12, 2005
Subject: *Issue TC 573, Center Turn Lane on SW Greenway*

On April 4, 2005, the City Council considered the Traffic Commission recommendation on Issue TC 573. After discussion, the Council voted to remand the issue to the Commission for further consideration of the Commission decision.

Procedure

The Traffic Commission Bylaws require that a remanded issue be treated like a new issue. Therefore, it will be necessary to hold a new hearing and to adopt a new final written order.

Attachments

Attached are the following documents:

- A. The original City Traffic Engineer's Report for Issue No. TC 573.
- B. Drawing showing the existing striping on Greenway.
- C. The previous final written order of the Commission.
- D. Minutes of the April 4th Council meeting (excerpt regarding discussion of TC 573).
- E. An alternate plan prepared by staff.
- F. A draft final written order supporting the alternate plan.

Council concerns

The attached Council minutes summarize the Council's discussion. There are three primary concerns:

1. The potential for conflicts between traffic proceeding in opposite directions, especially where the side streets are closely spaced between Steamboat and Murphy. The concern includes potential conflicts between traffic using the center turn lane as a refuge when entering Greenway from a side street and traffic making a left turn from Greenway into a side street.
2. The potential for the two-way left turn lane to be used inappropriately as a passing lane.
3. The potential for the left-turn queue on Greenway at the Hall signal to extend farther along Greenway using the center turn lane. The long queue occurs mostly during the morning peak.

Alternative Plan

Staff has prepared an alternate plan to address the concerns of the City Council. See Attachment E.

The alternate plan retains the center turn lane between the Albertsons area and Windmill Lane area. It also retains the left turn lane to Parkview. It deletes the center turn lane for the intersections between Windmill and Parkview.

Staff concludes that the alternative plan addresses the concerns of Council. It deletes the center turn lane where intersections are closely spaced. It retains the turn lane at Parkview, which Council indicated is not a concern.

The Council motion refers to Steamboat as the potential limit of the turn lane. However, the alternative plan ends the center turn lane near Windmill. Due to driveway spacing, staff could not find a satisfactory location to transition from two lanes to three lanes near Steamboat. Also, extending the turn lane farther to the west would not address the concern regarding potential use of a long two-way turn lane as a bypass lane.

Options

Options available to the Commission include:

1. Approve the alternative plan and adopt the revised final written order.
2. Retain the previous recommendation and reaffirm the previous final written order.
3. Further revise the plan and adopt an appropriate final written order.
4. Deny the original request, thereby leaving existing Greenway striping unchanged, and adopt an appropriate final written order.

Staff recommendation

Staff recommends Option #1.

**CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 573**

(Center Turn Lane on SW Greenway)

February 10, 2005

Background Information

The proposal is to modify pavement markings on Greenway so that a center turn lane will exist on all portions of Greenway from Hall Boulevard to 125th Avenue.

In January 2005, the City Council received an e-mail message from Nathan Shumaker (copy attached) requesting that the City consider either a traffic signal or a center turn lane on Greenway to facilitate access from Windmill Drive (a private street) during peak traffic hours. The intersections of Windmill Drive and the other side streets along Greenway do not meet warrants for installation of a traffic signal as required by the MUTCD (Manual on Uniform Traffic Control Devices). Staff reviewed the alternative suggestion and determined that marking of a center turn lane on Greenway is feasible.

Currently, a center turn lane is marked on Greenway near Hall Boulevard and from approximately Downing Drive to 125th Avenue. The remainder of Greenway is currently marked as a two-lane street.

Greenway carries approximately 17,000 vehicles per day. The posted speed limit is 35 mph.

Staff reviewed data on collisions that were reported along Greenway between Downing Drive and the driveway to Albertsons near Hall Boulevard (the portion of Greenway currently marked as a two-lane street). Data was reviewed for 2001 through 2003, the most recent three years for which complete data is available. Nine collisions were reported in 2001, six in 2002 and one in 2003. During 2003, construction at the Greenway/125th intersection and at the Greenway/Hall intersection reduced traffic on Greenway. Of the 16 collisions reported, nine involved rear-end collisions and three involved left-turning vehicles. Although the data is not clear, it is likely that some of the rear-end collisions involved vehicles slowing or waiting to make left turns.

Greenway is 40 feet wide from curb to curb. This width allows for a 12-foot center turn lane and a 14-foot through lane in each direction. The width is not adequate for marked bike lanes; however, national standards consider a 14-foot lane adequate as a shared lane for cars and bikes.

Marking of a center turn lane will provide a refuge for vehicles waiting to turn left into the side streets. It will also allow left turns out of the side streets to be made in two steps – first turning into the center lane, then waiting for an adequate gap to merge into traffic. Striping of the center turn lane will visually narrow the street, which may reduce vehicle speeds on Greenway.

The distance between Murphy Lane and Davies Road is rather short and could potentially lead to conflicts between left-turning vehicles at the two intersections. However, both Murphy and Davies have relatively low traffic volumes. The distance between the intersections is adequate to accommodate four vehicles waiting to turn left (or two vehicles in each direction). Due to the

relatively low traffic volumes at the intersections, the storage should be adequate. Based on experience with similar situations on other streets, staff concludes that the short spacing, while not ideal, will operate safely for the conditions at this particular intersection.

Applicable Criteria

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
- 1g (carry anticipated traffic volumes safely).

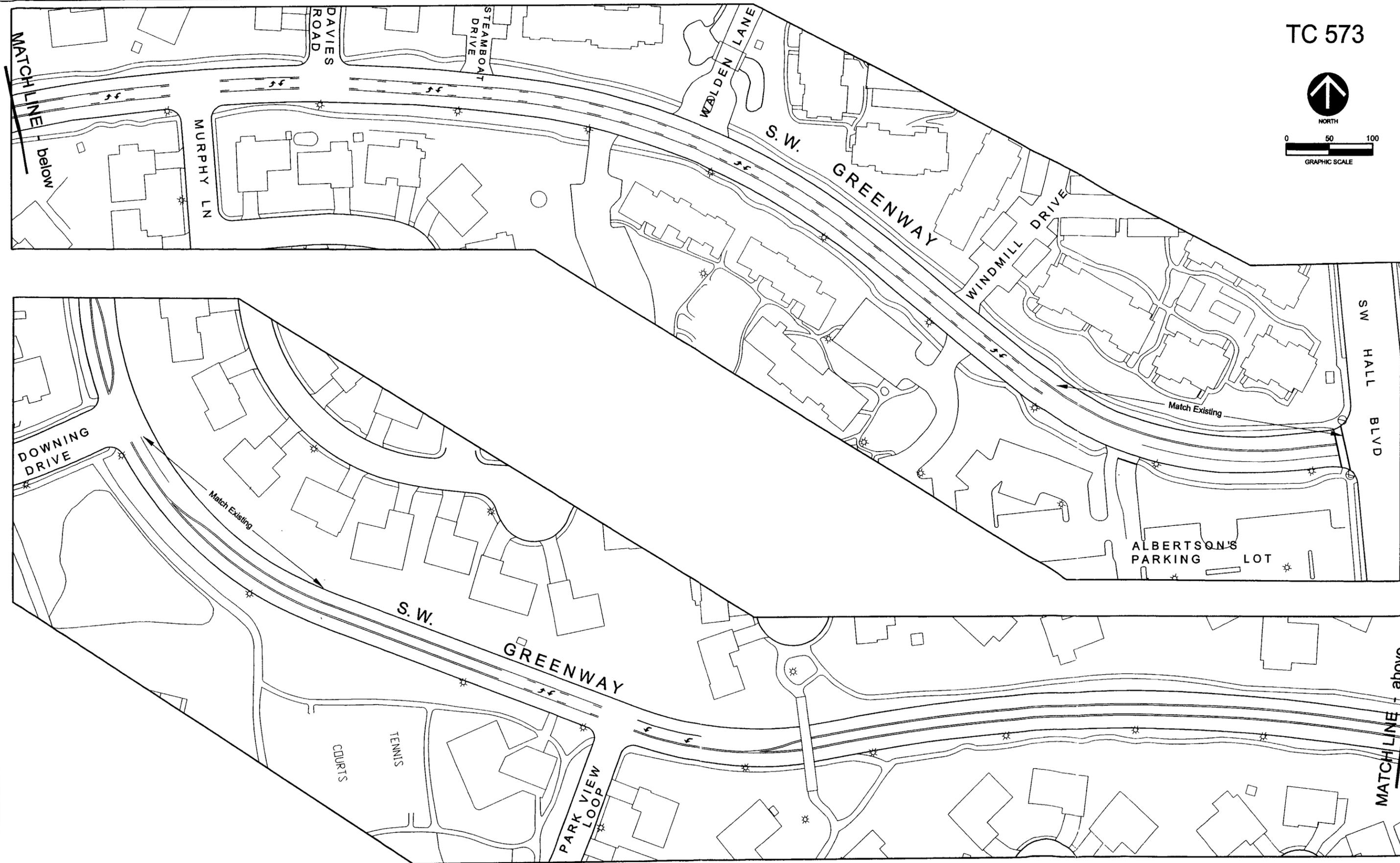
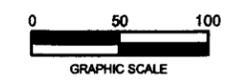
Conclusions:

- The proposed turn lane will improve safety for turning vehicles by providing a marked refuge. Through traffic lanes will comply with the standards for shared lanes for bicycles. Therefore, Criteria 1a and 1g are satisfied.
- The proposed turn lane will provide more orderly and predictable turn movements by separating left-turning traffic from through traffic. Therefore, Criterion 1b is satisfied.

Recommendation:

Mark a center turn lane along the entire length of SW Greenway as shown conceptually on the attached drawing.

TC 573



CITY OF BEAVERTON
ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

DESIGNED BY:	JK	NO.	DATE	REVISION	BY
DRAWN BY:	JR				
CHECKED BY:	JK				
APPROVED BY:	RW				

Center Turn Lane on SW Greenway

PLAN

DATE:	2/09/05	PROJECT NO:	
SHEET NO:			006

FILENAME: Y:\Traffic\Drawings\2005\05-05 Greenway from Hall-Downing Striping (TC 573).dwg

Randy Wooley

TC 573, 1 of 2

From: Randy Wooley
Sent: Friday, January 21, 2005 1:35 PM
To: Sue Nelson
Subject: RE: Comments for City Council

Sue, Here is a response to Mr. Shumaker's earlier e-mail. Please send this response to Mr. Shumaker, Mayor and Council as appropriate.

Randy

Mr. Shumaker:

Thank you for your comments about Greenway traffic.

The City Council is very aware of the traffic concerns on Greenway. Traffic issues related to Greenway have been on the Council's agenda frequently in the past several years.

The City's transportation plan calls for SW 125th Avenue to be extended north of Greenway to connect to Hall Boulevard near Hart Road. The 125th Avenue extension is expected to provide an alternate route and to reduce traffic volumes on Greenway. Much work has been done on design of the new road and the necessary property has been purchased. The construction last summer at the intersection of Greenway and 125th was in preparation for the new road. Unfortunately, several million dollars of additional funding is still needed to complete the connection. So, it will be a while before this project is completed.

The side streets along Greenway, including Windmill Drive, do not qualify for a traffic signal. By law, the City follows the Manual on Uniform Traffic Control Devices, a national publication that establishes standards for traffic control devices. Because a traffic signal can create new safety issues and traffic delays, the Manual establishes minimum "warrants" that must be met before a signal can be considered. The intersections along Greenway do not meet the warrants.

We will explore your suggestion of adding a center turn lane on more of Greenway. If this concept proves feasible, we will take this suggestion to the Beaverton Traffic Commission for consideration.

Sincerely,

Randy Wooley
City Traffic Engineer
503-526-2443
rwooley@ci.beaverton.or.us

P.S. Copies of your comments and my response will be sent to the City Council.

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

From: councilcomments@ci.beaverton.or.us [mailto:councilcomments@ci.beaverton.or.us]
Sent: Friday, January 14, 2005 10:21 PM
To: Mailbox Citymail
Subject: Comments for City Council

Comments for City Council:

Type of comment: Traffic

TC 573, 2 of 2

Comments: Greenway BLVD is packed with traffic from early in the morning till around 10am and in the evening from around 3pm till about 7pm. For the people who live in the two apartments there at the corner of Hall and Greenway in Beaverton, it is hard to get out of the apartments. If there is a way to get something done there it would be great. Perhaps a middle safety zone for merging, or a traffic light that would work during the morning and night. Please consider a traffic change for all of us there on greenway across from Albertsons. Thank you.

From: Nathan Shumaker
Address: 12216 SW Windmill Dr. Beaverton
Email: Falcon2707@copper.net

Resident: Yes

To: All Councilors

RECORD COPY

MEMORANDUM
Beaverton Police Department



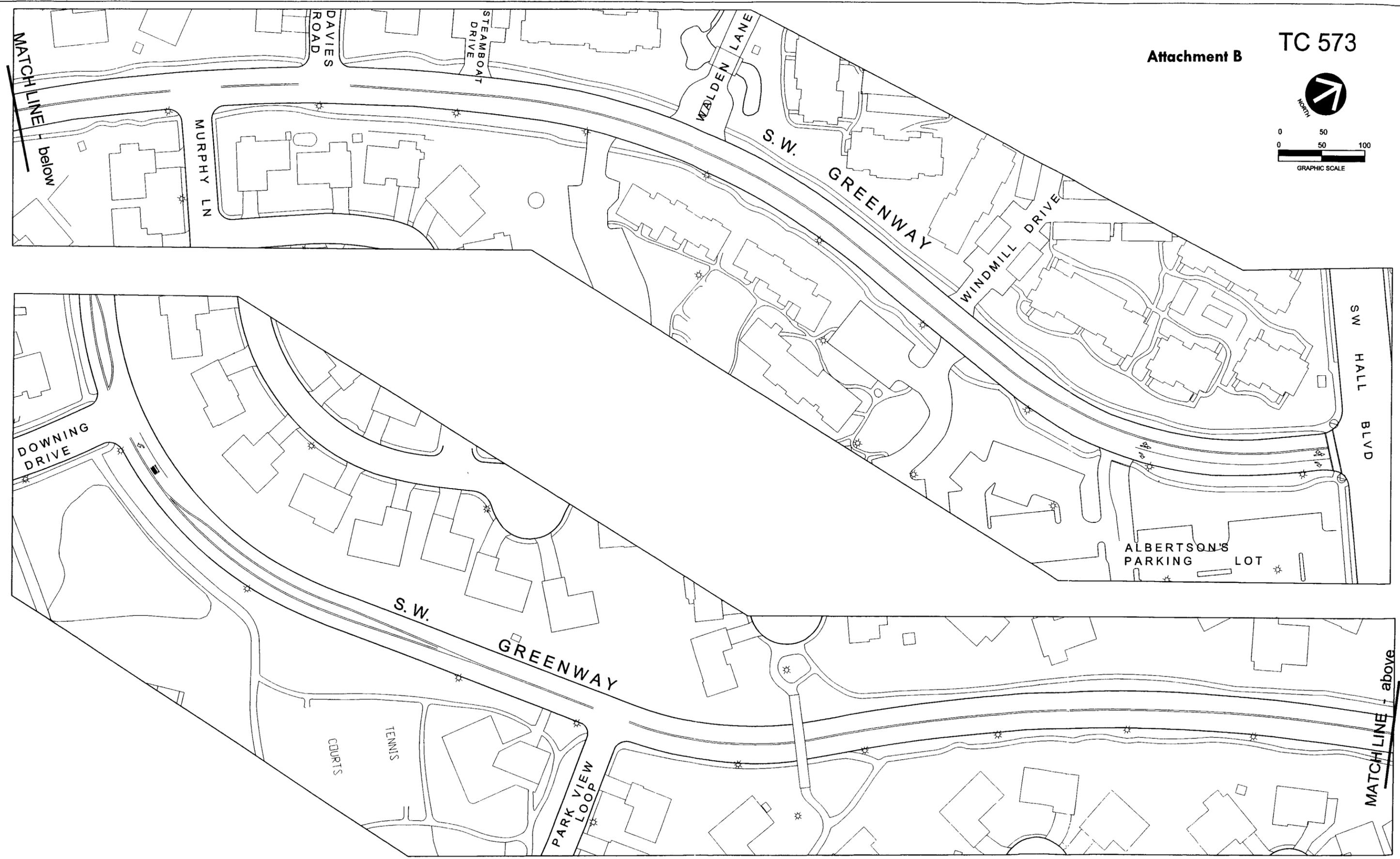
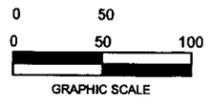
Chief David G. Bishop

DATE: February 24, 2005
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 573

TC 573. I concur with the recommendations to mark a center turn lane along the entire length of SW Greenway.

I do have the following concerns;

I've noticed vehicles traveling both north and south have a tendency to "cut the corners" on the gradual curves on SW Greenway. Cutting these corners puts vehicles closer to the curbing. A center turn lane will narrow the north and south lanes and may cause vehicles to come even closer to the curbing and too close to bicyclist that share the lane.



CITY OF BEAVERTON
 ENGINEERING DEPARTMENT
 TRANSPORTATION DIVISION

DESIGNED BY:	JK	NO.	DATE	REVISION	BY
DRAWN BY:	JR				
CHECKED BY:	JK				
APPROVED BY:	RW				

Existing Striping
 on SW Greenway

DATE:	5/12/05	PROJECT NO.:	
SHEET NO.			010

FILENAME: Y:\Traffic\Drawings\2005\05-05 Greenway from Hill-Downing Striping (TC 573).dwg

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 573
(Center Turn Lane on SW Greenway)

1. A hearing on the issue was held by the Traffic Commission on March 3, 2005.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1g (carry anticipated traffic volumes safely).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - Portions of SW Greenway currently are marked with a center turn lane. The remainder of the street is marked as a two-lane street.
 - A resident of SW Windmill Drive requested marking of a center turn lane to facilitate left turns at the Greenway/Windmill intersection.
 - The street has sufficient width to accommodate a center turn lane.
 - With the center turn lane, there is not sufficient room to mark dedicated bicycle lanes. However, the width of the through traffic lanes will be adequate to qualify as a shared car/bike lane. Currently, no bike lanes are marked on Greenway.
 - The City Traffic Engineer suggests that a center turn lane may reduce collision frequency and may reduce average traffic speeds on Greenway.
4. Following the public hearing, the Traffic Commission voted (7 aye, 0 nay) to recommend the following action:

Mark a center turn lane along the entire length of Greenway as shown conceptually on the drawing attached to the staff report.

5. The Traffic Commission decision was based on the following findings:
 - The proposed turn lane will improve safety for turning vehicles by providing a marked refuge. Through traffic lanes will comply with the standards for shared lanes for bicycles. Therefore, Criteria 1a and 1g are satisfied.
 - The proposed turn lane will provide more orderly and predictable turn movements by separating left-turning traffic from through traffic. Therefore, Criterion 1b is satisfied.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 3 DAY OF MARCH, 2005



Traffic Commission Chair

BEAVERTON CITY COUNCIL
REGULAR MEETING
APRIL 4, 2005

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, April 4, 2005, at 6:32 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Dennis Doyle, Fred Ruby and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Deputy Police Chief Chris Gibson, Traffic Engineer Randy Wooley, City Utilities Engineer David Winship and Deputy City Recorder Catherine Jansen.

— EXCERPT START —

CONSENT AGENDA:

Mayor Drake said Agenda Bill 05063, Traffic Commission Issue TC 573, was being pulled for separate consideration at request of Coun. Stanton

05063 Traffic Commission Issue No. TC 573

Coun. Stanton said this issue involved adding a center turn lane to SW Greenway between Albertson's and SW Downing Drive. She said the Traffic Commission approved this action and she asked that this item be pulled because she was concerned about this recommendation. She said she lived off SW Davies, that feeds onto SW Greenway, and to go to Albertson's she has to make a left turn onto SW Greenway. She said particularly in the morning and evening peaks it was problematic to make that turn.

Coun. Stanton said staff stated the center turn lane would provide a refuge for vehicles entering the flow of traffic from driveways and intersections. She said since the only driveways on SW Greenway were for the apartments at the north end of Greenway, why would the center turn lane need to run from Albertson's to SW Downing. She said her greatest concern was that the center turn lane would be used as a refuge for side-street traffic to enter onto SW Greenway, at the same time it is a refuge for traffic making left-hand turns. She said she was concerned about the refuges between SW Steamboat and SW Davies, and SW Davies and SW Murphy, because when trying to access SW Greenway from SW Davies, or trying to turn left onto SW Davies from SW Greenway, it could lead to a head-on collision. She said this happened to her eight years ago. She said people would use the center turn lane, especially during the evening peak, to queue for a left turn onto SW Murphy. She said the current site distance and curve of SW Greenway

make it difficult to view any vehicles in the center turn lane trying to queue for a left turn onto SW Murphy. She stressed this was a highly-traveled area. She said she agreed with Commissioner Crocker that this was a band-aid solution for the heavy traffic on SW Greenway and the real solution was to finish the SW 125th Avenue extension.

Coun. Stanton stressed she was concerned about queuing the whole length of SW Greenway from Albertson's to SW Downing. She said a queuing lane from Albertson's to SW Steamboat, to help the apartment residents, might be acceptable. She said she saw a substantial conflict between SW Steamboat and SW Windmill, and SW Steamboat and SW Davies. She said for these reasons, she would vote no on this issue.

Coun. Bode noted that 17,000 vehicles per day travel on SW Greenway. She said when one considers that SW Greenway was supposed to be a pathway for the neighborhoods to access SW Hall Boulevard or SW Murray Avenue, it could be reasoned that the 17,000 cars that travel on SW Greenway were not from those two neighborhoods. She said she checked the curve on SW Greenway and also did not feel the visibility was adequate because of the curve and the trees. She said she agreed this was another band-aid approach instead of moving ahead on the SW 125th Avenue extension.

Mayor Drake said this was driven by a citizen concern from a resident on SW Windmill. He said the City was proceeding on the SW 125th Avenue extension; Phase 1 was finished and the draft Capital Improvement Plan had funds for underground infrastructure improvement, which was Phase 2 of this project. He said this project would cost around ten million dollars, and the City did not have the funds available as yet. He agreed this project had been in the process for many years (thirty three years) but there was some movement being made on the project. He said no one testified at the Commission hearing, so he would recommend this be sent back to the Traffic Commission and that staff be given more direction on what the Council would like the Commission to review. He asked staff to comment on this issue.

Traffic Engineer Randy Wooley said the Commission discussed all of these issues; it was recognized by the Commission and staff that there were advantages and disadvantages to this proposal. He said it would cost approximately \$25,000 to stripe the roadway if an outside firm was used; it would cost less if the City did the work.

Coun. Doyle said the Commission spent a lot of time on this issue. He said his biggest concern was that the left turn lane would be used to pass traffic. He asked if the Council agreed with Coun. Stanton's comments, was it necessary to send this back to the Traffic Commission or could it be handled by the Council.

Coun. Stanton said she believed the Commission's deliberation was thoughtful. She said there was a difference between enthusiastically embracing a decision or acquiescing, and she wasn't sure this wasn't more of an acquiescing to a staff proposal to meet the concern of one citizen off of SW Windmill. She said she would like to see this remanded back to the Traffic Commission with direction to restudy the length of the center turn lane.

Coun. Doyle stated this was a safety measure for many people, not just the neighborhoods on SW Greenway.

Mayor Drake agreed that as a courtesy he felt it should go back to the Traffic Commission and those who were involved in the issue should be notified.

Coun. Stanton MOVED, SECONDED by Coun. Bode, that the Council remands Traffic Commission Issue No. TC 573, Agenda Bill 05063, back to the Traffic Commission, to restudy this issue looking at center turn lane only from the Albertson's Driveway to SW Steamboat Drive.

Coun. Arnold asked if that meant the Commission would only look at the lane up to that point or may they consider it further than that.

Coun. Stanton said she was comfortable with a separate left turn queue at SW Park View Loop. She said she did not like the center turn lane going all the way down past the bridge. She said this proposal showed a long center turn lane in an area where there were no opportunities to turn either way, so she questioned why the lane was in that area. She said her greatest concern was using that queue as a through lane and the potential for collisions because of that. She said she was mostly concerned with SW Davies Road and SW Steamboat Drive; she did not want conflicts there.

Coun. Doyle said bringing the center turn lane back past the south entrance of Albertson's parking lot, makes an already difficult left turn more challenging with two lanes of traffic blocking the left turn.

Coun. Arnold asked about the section by SW Park View Loop.

Coun. Stanton said it was fine with her if the staff and Commission also looked at a left turn queue for SW Park View Loop.

Mayor Drake said the motion was to remand this issue back to the Traffic Commission and ask the Commission to look at this from south of the Albertson's parking lot down to SW Steamboat Drive, and to review the left turn at SW Park View Loop.

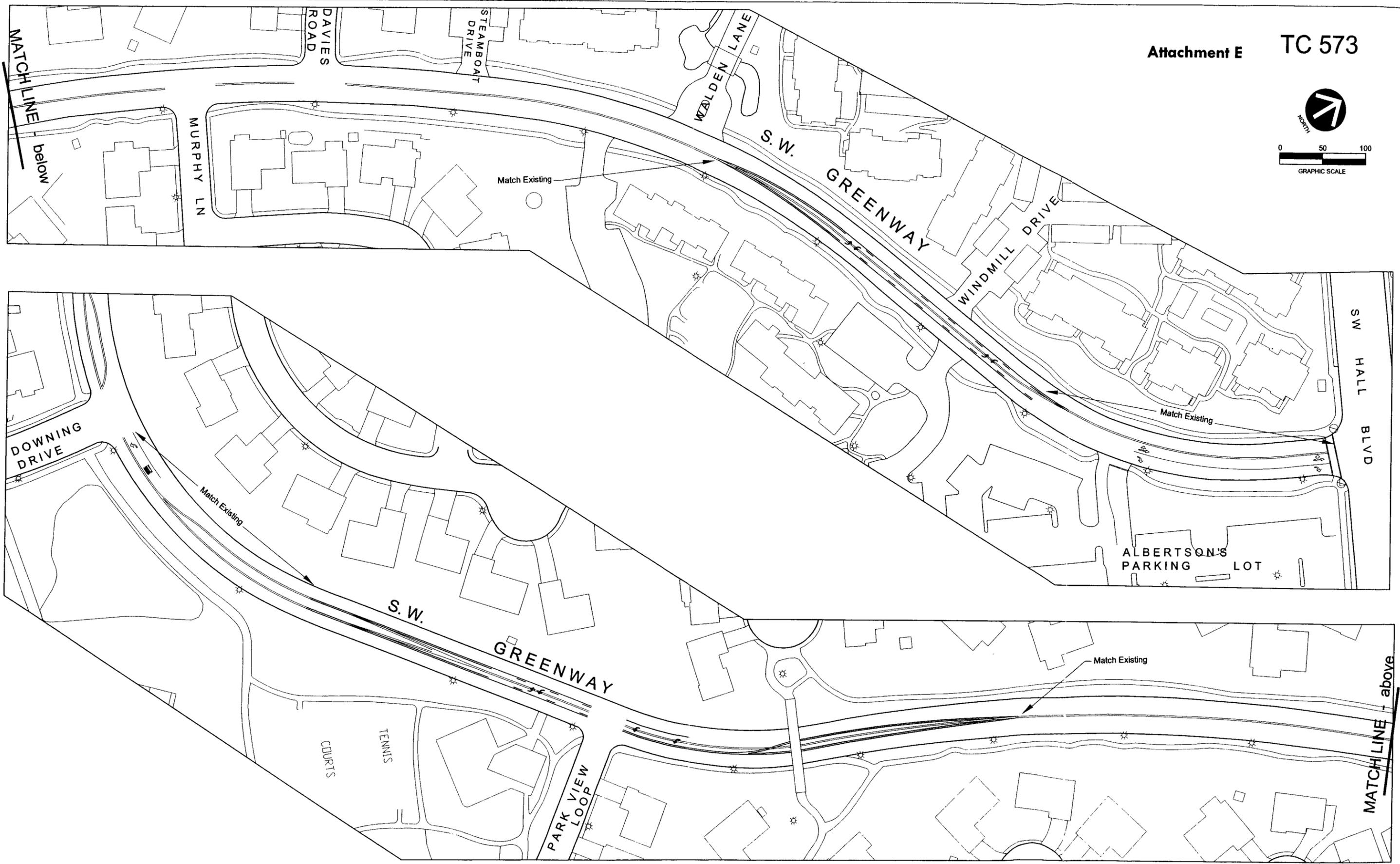
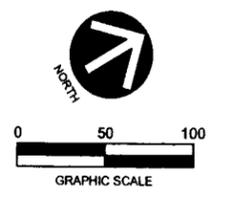
Coun. Stanton agreed with the Mayor's restatement of the motion.

Coun. Bode said she would like to see the Commission discuss handling the 5:00 p.m. left turn from Albertson's onto SW Greenway, with relation to safety issues.

Coun. Ruby said he was fine with this action as long as it was understood this was being remanded for further discussion and review. He said if the Commission decided to stay with this original recommendation, he would be inclined to support it.

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

— EXCERPT END —



CITY OF BEAVERTON
 ENGINEERING DEPARTMENT
 TRANSPORTATION DIVISION

DESIGNED BY:	JK	NO.	DATE	REVISION	BY
DRAWN BY:	JR				
CHECKED BY:	JK				
APPROVED BY:	RW				

Center Turn Lane on SW Greenway

Alternate Plan

DATE	5/12/05	PROJECT NO.
SHEET NO.		015

FILENAME: Y:\Traffic\Drawings\2005\05-05 Greenway from Hall-Downing Striping (TC 573).dwg



DRAFT

CITY OF BEAVERTON

REVISED FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

**REGARDING ISSUE NUMBER TC 573
(Center Turn Lane on SW Greenway)**

1. A hearing on the issue was held by the Traffic Commission on March 3, 2005. On April 4, 2005, the recommendations of the Traffic Commission were considered by City Council and the City Council remanded the issue to the Traffic Commission for further consideration. A new hearing was held by the Traffic Commission on June 2, 2005.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1g (carry anticipated traffic volumes safely).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - Portions of SW Greenway currently are marked with a center turn lane. The remainder of the street is marked as a two-lane street.
 - A resident of SW Windmill Drive requested marking of a center turn lane to facilitate left turns at the Greenway/Windmill intersection.
 - The street has sufficient width to accommodate a center turn lane.
 - With the center turn lane, there is not sufficient room to mark dedicated bicycle lanes. However, the width of the through traffic lanes will be adequate to qualify as a shared car/bike lane. Currently, no bike lanes are marked on Greenway.
 - The City Traffic Engineer suggests that a center turn lane may reduce collision frequency and may reduce average traffic speeds on Greenway.
 - The City Council expressed concerns about potential conflicts between opposing traffic movements in the areas where street intersections are closely spaced, concerns about the potential for the center turn lane to be used as a bypass lane, and concerns about potential queuing from the Hall Boulevard intersection.
4. Following the public hearing, the Traffic Commission voted (___ aye, ___ nay) to recommend the following action:

Mark a center turn lane on Greenway near Windmill Lane and near Parkview Loop as shown conceptually on the drawing labeled Exhibit E and attached to the staff report dated May 12, 2005.

5. The Traffic Commission decision was based on the following findings:
 - The proposed turn lane will improve safety for turning vehicles by providing a marked refuge at Windmill Lane and at Parkview Loop. Through traffic lanes will comply with the standards for shared lanes for bicycles. Therefore, Criteria 1a and 1g are satisfied.
 - The proposed turn lane will provide more orderly and predictable turn movements by separating left-turning traffic from through traffic. Therefore, Criterion 1b is satisfied.
 - The recommended action will address the safety concerns raised by the City Council to better comply with Criteria 1a and 1g.

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

SIGNED THIS ____ DAY OF JUNE, 2005

Traffic Commission Chair

CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 578
(Crosswalk Relocation on SW Parkview Loop)

July 8, 2005

Background Information

Requested by Beaverton School District Security and Safety Office. Currently there is a marked school crosswalk on Parkview Loop at the west side of the intersection with Fannowood Lane. The intersection has a stop control for Fannowood Lane and no control for Parkview Loop.

A recent review for the safe route to school revealed that students are not utilizing the existing crosswalk. Most students are crossing SW Parkview Loop at SW Greenway especially students that are coming from the west and using the pedestrian bridge on Greenway.

The school district requested the relocation of the crosswalk from SW Fannowood to SW Greenway and proposes the assignment of a crossing guard at this location. The combination of the stop control on Parkview and the assignment of a crossing guard during school days at the proposed location will improve safety for students and pedestrians.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

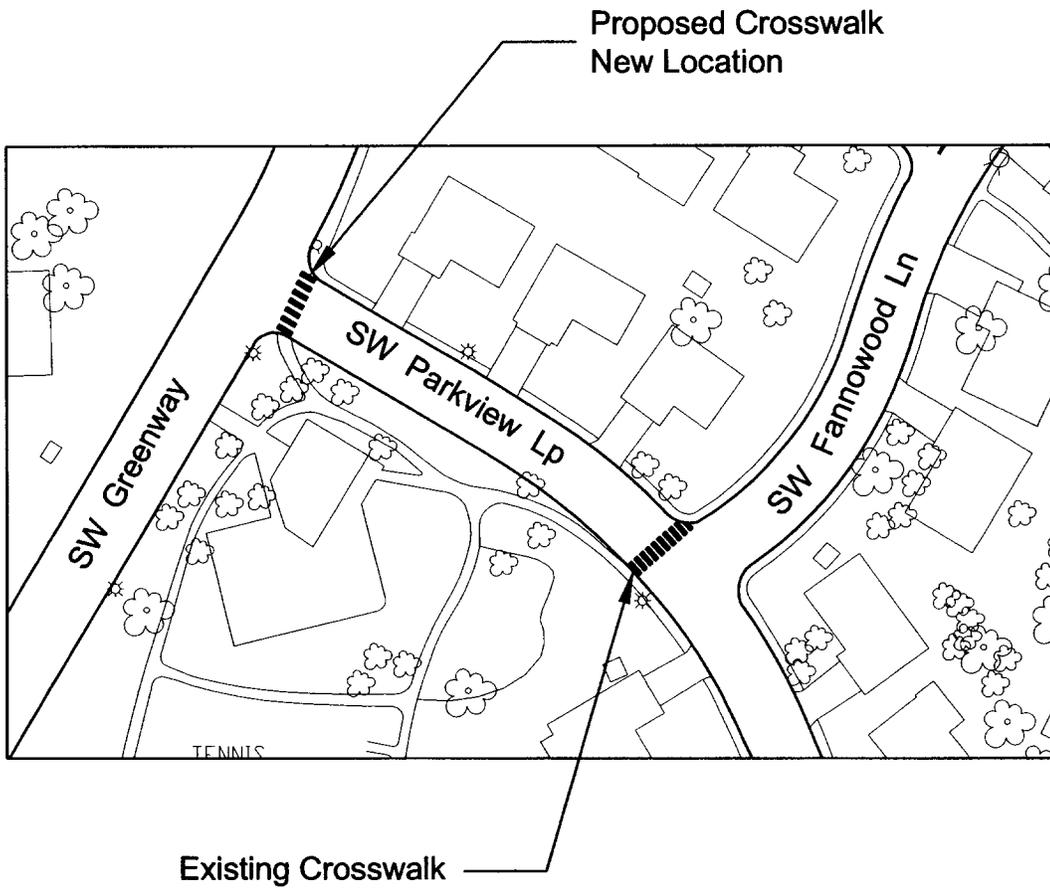
- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);

Conclusions:

1. Relocating the crosswalk on SW Parkview Loop from the intersection with SW Fannowood lane to the intersection with SW Greenway will ensure orderly movement of pedestrians and improve safety due to the stop control on Parkview at Greenway satisfying Criterion 1a, and 1b.

Recommendation:

1. Relocate the school crosswalk on Parkview Loop from the intersection with SW Fannowood Lane to the intersection with SW Greenway.



Y: \Traffic \Drawings \ 2005 \ 05-71 Parkvi w at Greenway Striping.dwg



City Of Beaverton

Crosswalk Relocation On
SW Parkview Loop

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC Date: 7/7/05

Reviewed By: _____ Date: _____

Approved By: _____ Date: 019

CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 579
(Parking Restrictions on SW Conestoga Drive at Conestoga Middle School)

July 8, 2005

Background Information

Conestoga Middle School is requesting parking restriction on the south side of Conestoga Drive between the two westerly driveways of the school. The request is to restrict parking to 10 minutes from 8 to 9 am and from 3:30 to 4:30 pm Monday through Friday. This will allow parents to park when picking up or dropping off their children.

Currently the designated pickup and drop off area is on the school parking lot. Parents have to drive through the parking lot in order to pickup or drop off their children. This creates conflicts with school buses and students walking to school.

There is ample parking along both sides of Conestoga Drive. Field reviews revealed that most of the apartment dwellers park on the north side of the street and on the south side west of the school along the apartment buildings. Some of the bus riders that take the bus on Conestoga Drive also park on the street.

Restricting parking would have a minimal impact on parking demand in the area. It will affect six parking spots during the day between the two school driveways. The restriction would allow parking at night and on weekends. These times are common peak parking demand for areas with multifamily dwellings.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion);

Conclusions:

1. Restricting parking to 10 minutes from 8 to 9 am and from 3:30 to 4:30 pm on Conestoga Drive at Conestoga Middle School would improve pedestrian safety at the school parking lot and ensure orderly movement of vehicles and pedestrians, satisfying Criterion 1a and 1b.
2. The proposed parking restriction would not adversely impact on street parking and would accommodate the resident's needs on Conestoga Drive, satisfying Criterion 1d.

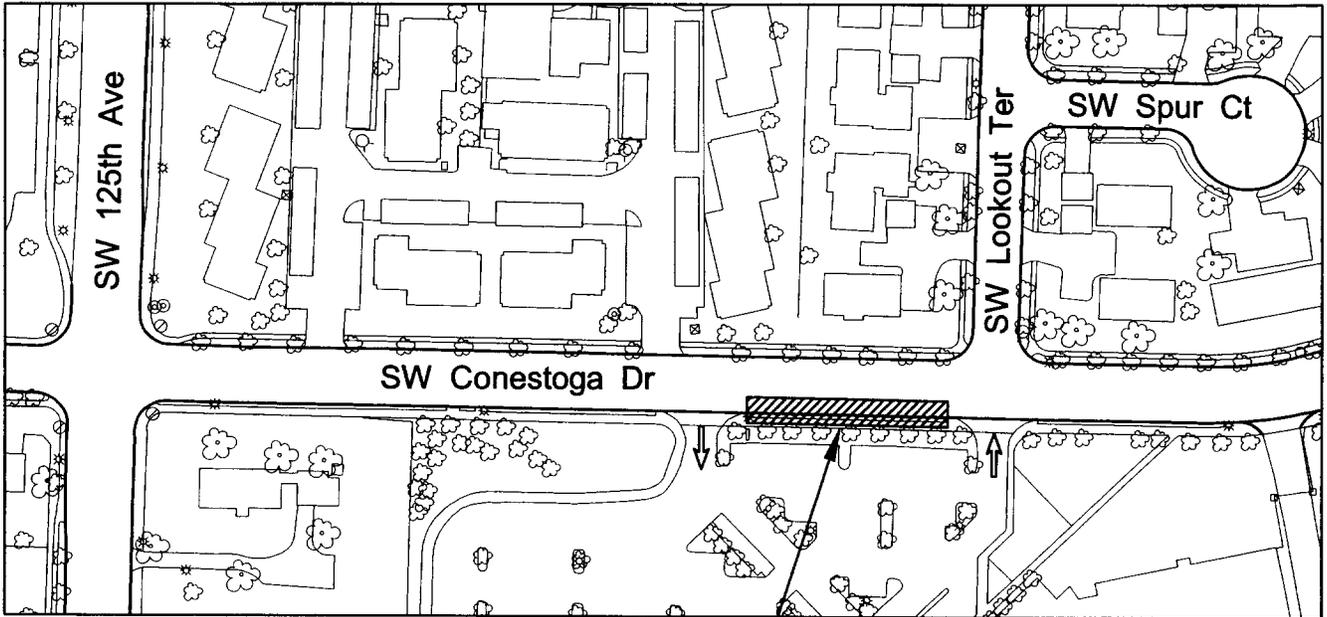
Recommendation:

1. Restrict parking to a maximum duration of 10 minutes from 8 to 9 am and from 3:30 to 4:30 pm Monday through Friday on the south side of SW Conestoga Drive between the westerly driveways of Conestoga Middle School.

TC 579



NORTH
1" = 150'



Proposed Parking Restriction

Y:\Traffic\Drawings\2005\05-72 Conestoga at Middle School Signing



City Of Beaverton

Parking Restriction On
SW Conestoga Dr at Conestoga Middle School

ENGINEERING DEPARTMENT
TRANSPORTATION DIVISION

Drawn By: MC Date: 7/7/05

Reviewed By: _____ Date: _____

Approved By: _____ Date: _____

022

CITY OF BEAVERTON

REVISED FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 573
(Center Turn Lane on SW Greenway)

1. A hearing on the issue was held by the Traffic Commission on March 3, 2005. On April 4, 2005, the recommendations of the Traffic Commission were considered by City Council and the City Council remanded the issue to the Traffic Commission for further consideration. A new hearing was held by the Traffic Commission on June 2, 2005.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1g (carry anticipated traffic volumes safely).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - Portions of SW Greenway currently are marked with a center turn lane. The remainder of the street is marked as a two-lane street.
 - A resident of SW Windmill Drive requested marking of a center turn lane to facilitate left turns at the Greenway/Windmill intersection.
 - The street has sufficient width to accommodate a center turn lane.
 - With the center turn lane, there is not sufficient room to mark dedicated bicycle lanes. However, the width of the through traffic lanes would be adequate to qualify as a shared car/bike lane. Currently, no bike lanes are marked on Greenway.
 - The City Traffic Engineer suggests that a center turn lane may reduce collision frequency and may reduce average traffic speeds on Greenway.
 - The City Council expressed concerns about potential conflicts between opposing traffic movements in the areas where street intersections are closely spaced, concerns about the potential for the center turn lane to be used as a bypass lane, and concerns about potential queuing from the Hall Boulevard intersection.
 - At the hearing on June 2, 2005, questions were raised about the safety of two-way left turn lanes.
 - No testimony was received from the public in support of the proposed changes to the existing striping on Greenway.
4. Following the public hearing, the Traffic Commission voted (7 aye, 0 nay) to revise the Traffic Commission recommendation of March 3, 2005, and to recommend the following action:

Reject the proposal to revise lane striping on Greenway. Keep the existing striping pattern.
5. The Traffic Commission decision was based on the following findings:
 - Testimony focused on potential safety problems associated with two-way left turn lanes. It is not clear whether the proposed striping changes would improve safety. The turn lane would reduce the width of the through lane, leaving less room for motor vehicles to safely pass bicycles. Therefore, Criteria 1a and 1g are not satisfied.

- Testimony raised concerns about how the longer turn lane would affect traffic patterns for traffic queuing for the signal at Hall. There was concern that the pattern might be more confusing for motorists attempting to reach the turn lane at Hall. Therefore, Criterion 1b is not satisfied.

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

SIGNED THIS 5th DAY OF AUGUST, 2005



Traffic Commission Chair

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

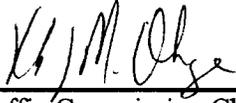
REGARDING ISSUE NUMBER TC 579

(Parking Restrictions on SW Conestoga Drive at Conestoga Middle School)

1. A hearing on the issue was held by the Traffic Commission on August 4, 2005.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - Conestoga Middle School requested parking restrictions on a portion of Conestoga Drive along the school frontage to allow the area to be used for drop-off and pick-up of students.
 - The request is part of a plan by the School to reduce conflicts between pedestrians and vehicles in the school parking lot.
 - City staff reports that there is ample parking available on Conestoga Drive to serve the residents of nearby apartments and the other users of Conestoga Drive. The school request can be granted with little impact on other users.
 - The request would only restrict parking during the start and ending of school days, whereas the peak parking demand for other users is at night and on weekends.
 - The school will provide crossing guards to help students cross safely from the drop-off area to the school entrance.
4. Following the public hearing, the Traffic Commission voted (5 aye, 0 nay) to recommend the following action:
 - Restrict parking to a maximum duration of 10 minutes from 8 a.m. to 9 a.m. and from 3:30 p.m. to 4:30 p.m., Monday through Friday, on the south side of SW Conestoga Drive between the westerly driveways of Conestoga Middle School.
5. The Traffic Commission decision was based on the following findings:
 - Restricting parking to 10 minutes from 8 to 9 a.m. and from 3:30 to 4:30 p.m. on Conestoga Drive at Conestoga Middle School will improve pedestrian safety at the school parking lot and ensure orderly movement of vehicles and pedestrians, satisfying Criteria 1a and 1b.
 - The proposed parking restrictions will not adversely impact on-street parking and will accommodate the needs of residents of Conestoga Drive, satisfying Criterion 1d.

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

SIGNED THIS ^{4th} 4 DAY OF AUGUST 2005



Traffic Commission Chair

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: June 1, 2005
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 573

TC 573. I concur with the recommendations as outlined in "Attachment E" for centerline and turn pockets on SW Greenway.

I do have the following concerns;

I've noticed vehicles traveling both north and south have a tendency to "cut the corners" on the gradual curves on SW Greenway. Cutting these corners puts vehicles closer to the curbing. A center turn lane will narrow the north and south lanes and may cause vehicles to come even closer to the curbing and too close to bicyclist that share the lane.

RECEIVED
JUN - 2 2005
ENGINEERING DEPT.

May 20, 2005

Cathy Stanton
Beaverton City Hall
PO Box 4755
Beaverton, Oregon 97076-4755

Dear Councilor Stanton,

I read the article in the Beaverton Valley Times last month about the proposal to add a continuous bi-directional turn lane ("suicide lane", "scramble lane") on SW Greenway with great interest. I applaud your courage to not rubber-stamp the wide, fast, dangerous road projects we are facing throughout Washington County. I hope you will continue your leadership in advocating for more sensible and safe street design. Thank you for your work on the City Council.

Sincerely,



Elena Frank
7832 SW Skyhar Drive
Portland, OR 97223

BEAVERTON VALLEY TIMES

1325 SW Custer Dr • Portland, OR 97219
Phone: 503-684-0360 • Fax: 503-620-3433

PUBLISHER



Steve Clark
503-546-0714
SClark@commnewspepers.com

ASSOC. PUBLISHER



Kevin Hohnbaum
503-546-9811
khohnbaum@commnewspepers.com

NEWS:



Mikel Kelly
EDITORIAL
503-546-0737
MKelly@commnewspepers.com



Kevin Harden
NEWS
503-546-0736
KHarden@commnewspepers.com



Christina Lent
NEWS
503-546-0735
CLent@commnewspepers.com



Jessie Kirk
PEOPLE
503-546-0740
JKirk@commnewspepers.com



Mary Ratcliff
VITAL STATISTICS
503-684-0360
MRatcliff@commnewspepers.com



Miles Vance
SPORTS
503-546-0749
MVance@commnewspepers.com



Jaime Valdez
PHOTOS
503-546-0732
JValdez@commnewspepers.com



Jonathan House
PHOTOS
503-546-0746
JHouse@commnewspepers.com



Amy Jo Brown
WASHINGTON COUNTY
503-546-0749
AJBrown@commnewspepers.com

COMMERCIAL PRINTING

Proposed Hall Blvd left-turn lane runs into city opposition

By **CHRISTINA LENT**
Of the Times

BEAVERTON - A plan to create a center-turn lane stretching from Southwest Hall Boulevard to Downing Drive along Greenway came to a screeching halt this week.

The City Council voted Monday night to send back a decision and ask the Traffic Commission to reconsider its plan.

Instead, the council would like to see the commission move forward with a plan that would limit the center lane to include a smaller stretch of Greenway between the Albertsons' driveway and Steamboat Drive.

The move was prompted after councilors voiced safety concerns about having an extended center lane.

"My greatest concern is the proposed use of a center-turn lane as a refuge for side street traffic to enter onto Greenway at the same time it is a refuge for traffic on Greenway for left-hand turns," said Councilor Cathy Stanton, who led the effort to

block the plan.

"As someone who lives off of Southwest Davies Road, I have a genuine concern for the refuges between Southwest Steamboat and Southwest Davies, and Southwest Davies and Southwest Murphy."

The distance between the cross streets is short and sure to cause conflict, she said.

"Conflict is not a potential, it's a given," Stanton added. "When I'm the one in the vehicle trying to access Greenway or trying to make a left turn onto Davies, I don't want to worry about a head-on collision."

Council President Betty Bode agreed and also voiced visibility concerns, calling the plan yet another "Band-Aid" fix for the road that carries about 17,000 vehicles per day.

Others on the council fear that motorists would use a center-turn lane from Hall Boulevard to Downing Drive as a through lane to zip by heavy traffic during peak travel times.

"I've seen people blast down those lanes," Councilor Dennis Doyle said.

Local art student draws winning duck stamp

PORTLAND — Beaverton's Nancy Tsang has demonstrated her artistic talent and helped the wildlife conservation efforts at the same time.

Tsang, 18, a senior at Jesuit High School, recently won Best of Show in Oregon for the Federal Junior Duck Stamp Art Contest

In 1989, the first Junior Duck Stamps were produced to teach students about conservation.

Tsang's winning art consisted of a Mallard drake and hen in flight. Her stamp will represent Oregon in the National Junior Duck Stamp Contest in Maryland on April 23rd.

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: July 21, 2005
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 578

TC 578. I concur with the recommendations to relocate the crosswalk from SW Parkview Loop and SW Fannowood Lane to SW Parkview Loop and SW Greenway.

I recommend relocating two school zone speed signs. There are currently two school zone speed signs for the SW Parkview Loop and SW Fannowood crosswalk that should be relocate along with the crosswalk relocation.

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: July 21, 2005
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 579

TC 579. I do not concur with the recommendations to create parking restrictions on SW Conestoga Drive between the Conestoga Middle School main driveways.

I'm concerned that encouraging student drop off between the school driveways is not the safest location. If students were to be dropped off between the driveways, they are then faced with crossing a parking lot to get to the front of the school. There are no pedestrian pathways on the school property leading from the sidewalk between the driveways to the main entrance of the school. The students would also need to cross the pathway of buses and parents using the parking lot.

I would rather recommend consideration of the areas either to the west or east of the driveways. From either of these points, students would be able to use pedestrian pathways on the school property to get to the front of the school and not need to walk in the area used by buses and parents.

Randy Wooley

Fr m: Randy Kayfes [Randy_Kayfes@beavton.k12.or.us]
Sent: Tuesday, August 02, 2005 4:06 PM
To: Randy Wooley
Cc: Jabra Khasho
Subject: TC 578 & 579
Attachments: Randy WooleyTraffic Commision 578 & 579.doc

Randy,

I would like to indicate my support of TC 578 and TC 579. Please see my attached letters of suport.

I would like to appear before the commission however, family commitments do not allow me to attend.

Randy Kayfes
Public Safety Director
Beaverton School District

MEMORANDUM

DATE: August 2, 2005

TO: Randy Wooley, Kathy Skidmoore, Bud Moore

FROM: Randy Kayfes

SUBJECT: TC 578 & 579

The Beaverton School District in coordination with the City of Beaverton is attempting to improve walking conditions to and from Greenway Elementary School. To enhance the safety of Greenway Elementary School Students I have asked the school crosswalk located at SW Parkview Loop and SW Fannowood Drive be moved to SW Parkview Loop and SW Greenway Street. Parents have told us more students would to school if the crosswalk was moved and it would be a more direct route to the school.

The Beaverton School District is also requesting on street pick-up and drop-off adjacent to Conestoga Middle School on SW Conestoga Drive. To facilitate on street parking we are asking for parking restrictions on SW Conestoga Drive. Moving parents out of the crowded parking lot would improve safety for students attempting to board buses in the parking lot. Conestoga staff and parent volunteers would be available to assist in coordinating the change.

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: August 2, 2005
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 579

In my previous memo on TC 579 I expressed concerns about the location where Conestoga parents would be encouraged to drop off their students. I just spoke with Randy Kayfus who provided clarification regarding my concerns related to the proposed parking restrictions in front of Conestoga Middle School.

Mr. Kayfus informed me that the crossing guards on SW Conestoga will monitor the student pedestrian traffic between the two school driveways. The crossing guards will provide students a safe crossing from the area between the driveways to a pedestrian pathway on the school property.

With this clarification, I concur with the proposed parking restrictions on SW Conestoga Drive at Conestoga Middle School.

APPROVED
August 4, 2005

City of Beaverton

TRAFFIC COMMISSION

Minutes of the June 2, 2005, 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, Beaverton, Oregon.

ROLL CALL

Traffic Commissioners Scott Knees, Holly Isaak, Carl Teitelbaum, Louise Clark, Kim Overhage, Tom Clodfelter, and Ramona Crocker constituted a quorum. Alternate member Bob Sadler was in the audience to observe.

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 573: CENTER TURN LANE ON SW GREENWAY
(On remand from the City Council for reconsideration
of the previous decision.)**

Chairman Knees opened the public hearing on Issue TC 573.

Staff Report

Mr. Wooley pointed out three large drawings on the Council Chamber walls that were prepared for this hearing. The first map shows the Greenway striping plan proposed and approved at the March 2005 Traffic Commission meeting; the second map shows the existing striping on Greenway (labeled Attachment B in the staff report); and the third map shows an alternate plan that staff worked out based mostly on comments from the City Council meeting of April 4, 2005 (Attachment E).

Observing that the Commission and most of the people in the audience are already familiar with this topic, Mr. Wooley said he would answer any Commission questions.

Commissioner Teitelbaum asked the meaning of the words “match existing” and the attached arrows on the drawings.

Mr. Wooley said this means the new striping would blend into the existing striping at these points.

Chairman Knees asked about the striping design on Brockman at Murray Boulevard. It seems to be similar to the original plan for Greenway. How is Greenway different from Brockman?

Mr. Wooley said these roadways have similar street widths. Brockman does not have closely spaced intersections, nor does it have as many private driveways entering the roadway. There is still a small potential for improper use of the center lane as a passing lane, though Brockman’s curving design might tend to discourage it.

Chairman Knees noted that the original request for a striping change on Greenway came from a resident who had problems entering and exiting his apartment complex on Windmill Drive. The Chairman wondered if the newest plan might actually make it more difficult for this resident to enter Greenway.

Mr. Wooley said he doubts it will make a difference. The queue of vehicles waiting to enter Hall from Greenway already extends almost to Windmill during peak hours. Queuing drivers divide Greenway’s single, 20-foot-wide northbound lane into two 10-foot lanes. Mr. Wooley said if a center turn lane was striped drivers waiting to turn left onto Hall would use that for a second lane.

Mr. Wooley said he and Mr. Jabra Khasho have monitored Greenway at Windmill several mornings during peak travel hours. They believe vehicles will still be able to exit Windmill onto Greenway in a reasonably quick manner during peak hours. It should still be possible to enter the apartment driveway directly across Greenway from Windmill Drive during peak hours. One of Council’s concerns was the potential conflict if drivers try to bypass vehicles in the right turn lane. This action could bring the vehicle into the path of a vehicle traveling the opposite direction. Mr. Wooley said this potential conflict always exists with two-way turn lanes.

Commissioner Clark asked why staff used a design in their alternate plan that could cause a potential conflict. Is this not the problem in the original plan that Council pointed out? She said the driveways in this area will have more traffic conflicts than on any other part of Greenway.

Mr. Wooley said Council's concern was in the area of Steamboat and Murphy. Council indicated they were comfortable using the turn lane as far back as Steamboat or Walden. Staff's new plan does not go as far as Council allowed because, based on the off-set driveways, there was no likely spot for a striping transition.

Pointing to the proposed alternate plan, Commissioner Clark asked about the striped island that extends under the pedestrian bridge. Why is this island included in the plan?

Mr. Wooley said Council indicated that they were comfortable with a turn lane at Parkview Loop. The island is necessary to transition traffic from two lanes to three lanes. The island moves vehicles over so they are not driving in the turn lane.

Commissioner Clark asked if the alternate plan solves the Windmill Drive exit issue brought to staff's attention by the original requestor.

Mr. Wooley said he believes this plan would remedy those concerns. On the other hand, if there were no changes whatsoever to Greenway's striping, there would be little difference. He added that staff had not heard from Nathan Shumaker of Windmill Drive since January when he originally raised this issue via an e-mail to the City Web site. Mr. Shumaker suggested that a center turn lane would help residents exit Windmill Drive. Mr. Wooley said the alternate plan supplies this.

Commissioner Overhage asked Sgt. Monger if he has observed vehicles illegally using the center turn lane as a passing lane.

Sgt. Monger said on Greenway a driver making this move would be trying to reach the left turn pocket. He has never observed this problem before the idea was suggested by Council. He pointed out that the apartment complex directly across Greenway (to the east) from Windmill is a small complex with minimal traffic. The likelihood of traffic exiting Windmill and traveling straight across Greenway is minimal, especially during peak traffic hours.

Commissioner Overhage asked how often Sgt. Monger observes illegal use of the center lane on other Beaverton streets. The Commissioner said she regularly drives SW 173rd and "maybe one time in 20 years" has she seen anyone illegally driving in the center lane.

Sgt. Monger said he occasionally sees illegal use of center lanes. He mentioned Canyon Road at 117th during peak traffic hours as an example.

Commissioner Isaak wanted confirmation that staff had heard no more from the original requestor.

Mr. Wooley said staff mailed to Mr. Shumaker public notices with the date of the previous hearing, the decision made at that hearing, and the date of this hearing. He has expressed no further interest in this issue. Staff does not know if he still lives in the apartment complex.

Commissioner Isaak asked if staff has contacted Beaverton's Bicycle Advisory Committee (BAC) on this issue. The plans would narrow Greenway's driving lanes, yet, the street has no bike lanes.

Mr. Wooley said staff had not reviewed the plan with the BAC.

Public Testimony

The Commission received written testimony relating to this hearing from Traffic Sergeant Jim Monger (*on file in the Engineering Department*).

Cathy Stanton, Beaverton, Oregon, said she lives on a nearby street that flows into Greenway. Although she serves Beaverton as an elected member of the City Council, Ms. Stanton stressed that tonight she is speaking only as a resident of the Greenway neighborhood.

Ms. Stanton said she had read the staff report. She distributed to the Commission and staff an article from the April 7, 2005, *The Beaverton Valley Times* newspaper dealing with the City Council's decision to remand this issue back to the Traffic Commission (*on file*).

Ms. Stanton also distributed a May 20, 2005, letter mailed to her by Elena Frank (*on file*) of Portland, Oregon. Ms. Stanton read a portion of Ms. Frank's letter into the public record. The excerpt stated: "I read the article in *The Beaverton Valley Times* last month about the proposal to add a continuous bi-directional turn lane ("suicide lane", "scramble lane") on SW Greenway with great interest. I applaud your courage to not rubber-stamp the wide, fast, dangerous road projects we are facing throughout Washington County."

Ms. Stanton assured the Commission that the proposed plan will definitely create a traffic conflict at Windmill Drive during a.m. peak traffic hours. She already observes traffic queues from Hall to the pedestrian bridge during these hours.

Referring to the alternate plan as presented by staff tonight, Ms. Stanton said the queue between Steamboat and Albertsons will become a dedicated left turn lane in the mornings. She believes Greenway's traffic volume has increased since Southridge High School opened several years ago. Traffic headed for Roy Rogers Road, the new connection between Scholls Ferry Road and Highway 99W near Sherwood, has also increased traffic on Greenway. Ms. Stanton noted that nowadays even p.m. peak hour traffic can generate left turn queues on Greenway.

Ms. Stanton said the Council remanded this issue back to the Traffic Commission based on concerns about public safety. Specific suggestions made by Council during their deliberation, such as a left turn at Parkview Loop, arose only because some Councilors felt the issue might be important to the Traffic Commission. She believes the smaller points mentioned in Council's discussion were not overly important to them.

Ms. Stanton said she accesses Greenway by way of SW Davies Road. She noted that 25 years ago it took only moments to enter Greenway from Davies. Nowadays it is not uncommon to wait for 25 to 30 vehicles to pass before finding a safe break in traffic. She stated that Greenway was originally designed as a minor collector street, with the plan that it would dead-end at 125th, when 125th was eventually built. She said Greenway cannot be widened because of the slope and the nearness of homes.

Ms. Stanton said that her biggest concern with this proposal is installing a center turn lane on a street that already has a long queue extending from the Greenway/Hall intersection. She stated that currently drivers create two lanes where only one exists. The alternate plan will create a longer left turn queue which will make it more difficult to enter or exit the Albertsons store.

In closing, Ms. Stanton asked the Commission to be cautious in their efforts to improve Greenway. She asked them to consider several points: 1) Greenway was never built to carry 17,000 vehicles per day, 2) the 125th extension should have been built, and 3) the 125th extension has not been built. Ms. Stanton said, "until 125th is built, everything we do is a Band-Aid." She added that a Band-Aid cannot substitute for a tourniquet.

Commissioner Clark asked why making two lanes out of one lane would make the situation worse.

Ms. Stanton said responsible drivers will not use the center turn lane. This will cause frustration for the drivers waiting behind them because it will "clog up" the movement of traffic toward the intersection. This would especially be true with the first striping plan presented by staff. She added that Mr. Shumaker will still not be able to efficiently exit his driveway on Windmill Drive.

Commissioner Clark asked Ms. Stanton how staff should solve this problem.

Ms. Stanton replied that the 125th extension must be built. She urged the Commission and audience to attend the City Council meeting on Monday, June 20 to discuss the City's Capital Improvement Plan (CIP). Citizens must ask Council to find and direct more funds toward completing the 125th extension.

Commissioner Clark asked, if the Commission took no action to change the current striping on Greenway, would that actually help achieve the goal of completing the 125th extension?

Ms. Stanton believes that it would. She likened TC 573 to an earlier proposal for a nearby traffic signal. That signal was rejected by the Commission because it was also a "Band-Aid" solution.

Commissioner Clark asked Ms. Stanton how she would vote, if she had to decide tonight whether to accept or reject the proposed plan.

Ms. Stanton said she would vote to make no changes to Greenway's striping.

Commissioner Teitelbaum commented that right now two lanes are "squeezed" into one wide lane. The alternate plan would create a "wider two lanes than currently exist" because the striping includes some of the spacing from the remaining lane. This might provide a bit more room between vehicles.

Ms. Stanton said this thinking might be correct. Drivers currently create their own, un-marked lanes. She believes drivers are more cautious in this scenario because the lanes are not marked. Drivers also tend to allow vehicles waiting on the side streets to enter the line of traffic.

Commissioner Teitelbaum noted that in the southbound direction on Greenway, vehicles form two lanes at some of the side streets, such as at Murphy. This allows other drivers to cautiously pass on the right while the first driver is waiting for a traffic break to turn onto the side street. Creating this "unofficial left-turn lane" works well.

Ms. Stanton reiterated that Greenway traffic is now over capacity during both the a.m. and p.m. peak traffic hours. She believes this change occurred with the opening of Southridge High School, the Conestoga Recreation Center, and Roy Roger's Road.

Chairman Knees stated his concern that Mr. Shumaker has not been in touch with the City since making his original complaint in mid-January. The Chairman is concerned that the Commission might implement a \$25,000 solution to a problem that no longer exists for this individual, especially since Mr. Shumaker might have moved to an apartment elsewhere. The Chairman said that as a Beaverton citizen and taxpayer \$25,000 is too much to spend to resolve what might be a non-issue anyway.

Chairman Knees also questioned the wisdom of providing a left turn lane south of Parkview Loop. There is no place for a vehicle to turn to from this position. It is technically illegal to use that part of the striped roadway as a left-turn lane for Downing Drive. This he cannot support.

Chairman Knees said using the extra roadway width on Greenway as bike lanes might be a better choice. He asked Ms. Stanton to comment.

Ms. Stanton said “\$25,000 is not a lot of money.” Council’s April discussion was about public safety. The discussion was never about money. She agrees with the Chairman’s observations about the proposed striping south of Parkview Loop. Based on her daily experience driving Greenway, she has observed only two to three bicyclists a day actually riding on Greenway. This street has wide, safe sidewalks that most bicycle riders much prefer to riding on the congested roadway.

Commissioner Teitelbaum agreed, saying it is unusual to see bikes riding directly on Greenway.

Commissioner Crocker thanked Ms. Stanton for her testimony. She added that if Ms. Stanton had shared this testimony with the Traffic Commission at the first hearing, much time and effort would have been saved. Commissioner Crocker noted that there was only one letter and no additional public testimony for the Traffic Commission to consider at the first public hearing.

Staff Comments

Mr. Wooley said he wanted to clarify for the record that staff only discussed two options: re-striping Greenway or doing nothing. Staff has not discussed widening Greenway.

As for earlier discussion of the 125th extension, Mr. Wooley asked the Commission to separate that project from any decision they make tonight about Greenway. If the 125th extension were built tomorrow it would reduce the traffic on Greenway. However, the City’s Transportation System Plan (TSP) says that by the year 2020 Greenway would once again carry the same traffic volume it carries today.

Mr. Wooley returned to the discussion about striping bike lanes on Greenway. Bike lanes would make it illegal for drivers to pass on the right side of a vehicle that was waiting to turn left into a side street. This is because it is illegal for a vehicle to drive in a bike lane.

Mr. Wooley said one of the points staff considered with the first design is that narrowing the through lanes tends to discourage speeding. The Commission will have to decide if slowing traffic has value in this case.

Regarding questions about the turn lane at Parkview, Mr. Wooley said the original plan had a turn lane at Parkview. It was his understanding that City Council wanted to keep the turn lane at Parkview. Because of that understanding, that part of the design remained the same. As for why in the alternate plan the turn lane connects between Parkview and Downing Drive, Mr. Wooley said there is not enough length to transition out of one turn lane and then back into a second turn lane. It was more logical to continue the center lane straight through.

Commissioner Crocker asked Sgt. Monger if it is legal in Beaverton for bicyclists to ride on the sidewalks.

Sgt Monger said he would want to review the code. Generally, it is safer to have bicyclists on the roadway and pedestrians on the sidewalk. However, in this location, bicycles and pedestrians sharing the wide sidewalk is a safer alternative.

Commissioner Overhage expressed concern that some drivers waiting to turn left at Windmill would stay in the right lane until they can move to the left. She asked what traffic laws apply here.

Sgt. Monger said the center turn area at Windmill Drive is for entering and turning left into Windmill. Drivers intending to turn left on Hall Boulevard need to wait until the left lane opens up at the left-turn pocket.

Commissioner Clark asked if the sidewalk paralleling Greenway is constructed of concrete or asphalt.

Commissioner Teitelbaum answered that the sidewalk is made of concrete.

Commissioner Clark wondered if the type of construction material determined the intended use of a path. For example, asphalt might mean shared pedestrian and bicycle use, while concrete might mean the path is for pedestrians only.

Someone indicated that this premise was incorrect.

Chairman Knees closed the public hearing on Issue TC 573.

Commission Deliberation

Commissioner Isaak noted that the original requestor has not bothered to attend either public hearing, so he missed two opportunities to advocate for his request. Commissioner Isaak believes the alternate plan will not improve the time it takes to enter Hall from Windmill Drive at peak traffic hours. She prefers to leave Greenway as it is now.

Commissioner Teitelbaum said he felt ambivalent on this issue from the start. After sitting through two public hearings, he has come to the conclusion that, in this case, "doing nothing is doing something."

Commissioner Clark supports doing nothing. She is a bicyclist; however, she would never ride on Greenway because it is too busy. The Commissioner said, at the previous hearing, she voted based on staff's recommendation and their expertise. Either way, she never saw the result as having a negative impact.

Commissioner Overhage agreed with Commissioner Isaak's comment that the original requestor has done nothing to support his request. On the other hand,

another person with strong feeling against the proposed change has made the effort to step forward and testify. Commissioner Overhage is concerned about promoting illegal driving behavior in a turn lane. She supports making no striping changes on Greenway. The Commissioner added that Greenway is a beautiful street that makes Beaverton more livable.

Commissioner Clodfelter felt that altering the original plan confuses the issue. He would prefer to keep the original plan in place. Whether this is a “Band-Aid approach” or not he thinks the first plan would be best.

Chairman Knees asked for clarification. The Chairman said his understanding of the “do nothing” suggested by the Commissioners who have commented so far, meant literally do nothing. He understood that to mean do not adopt the original plan or the alternate plan. Is the Commissioner saying he wants the Commission to adopt the March plan?

Commissioner Clodfelter said the naming of the plans is a bit confusing. Up to now, nothing has been done. He would like to leave Greenway as it stands today.

Commissioner Crocker noted that, despite Mr. Wooley’s comments that completing 125th won’t relieve the traffic volume for very long, the “quick fixes” are still “nothing more than Band-Aids.” She stated that the 125th extension must be completed. She suggested turning Mr. Wooley’s statement around—if 125th is not built, in 20 to 30 years Greenway will be nearly impassable. She thanked Ms. Stanton for basing her testimony on her real-life experience as a citizen who daily drives Greenway. She concluded by saying that the longer the City delays building the 125th extension, the more expensive the project becomes. She agrees with the other Commissioners that it is better to make no changes to Greenway’s striping at this point.

Commissioner Teitelbaum suggested that the left-turn lane from Greenway to Hall be made longer.

Mr. Wooley said this is possible. It would take a decision of the Traffic Commission that was supported by the City Council. Someone would need to initiate the issue. The left-turn lane is currently limited in length to avoid conflict with the driveways at the apartment buildings.

Commissioner Isaak suggested installing a street barrier to keep stopped traffic from entering the Albertsons store from Greenway.

Pointing to the alternate plan, Mr. Wooley said the existing Greenway-to-Hall left-turn lane starts near the driveway to Albertsons. Drivers who want to turn left into Albertsons must wait and make the turn from the through lane. The next driveway enters an apartment complex that has no other access. The current striping allows the apartments to have a left-turn lane.

Commissioner Teitelbaum said that since there is already a “de facto” long left-turn lane there, it might be good to recognize it by making it wider and striping it down to Windmill Drive. Vehicles could still exit Albertsons.

Commissioner Clark said that would be imposing a “24-7 solution” when the solution is only needed during peak hours.

Chairman Knees redirected attention to the issue at hand and called for a motion on TC 573.

Commissioner Isaak **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to deny the request for striping changes on Greenway as presented in TC 573.

The **MOTION CARRIED** unanimously, 7:0.

Mr. Wooley said staff will need to rewrite the final written order to include the new findings. The revised final written order will be on the Traffic Commission’s next agenda for approval.

Commissioner Clark **MOVED** and several Commissioners **SECONDED** a **MOTION** to continue the final written order on TC 573 to the next meeting of the Traffic Commission. The **MOTION CARRIED** unanimously, 7:0.

— EXCERPT END —

D R A F T

City of Beaverton

TRAFFIC COMMISSION

Minutes of the August 4, 2005, Meeting

CALL TO ORDER

Vice Chair Kimberly Overhage called the meeting to order at 7:00 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

ROLL CALL

Traffic Commissioners Kimberly Overhage, Ramona Crocker, Carl Teitelbaum, Louise Clark, and Tom Clodfelter constituted a quorum. Scott Knees and Holly Isaak were absent by previous arrangement.

City staff included City Traffic Engineer Randy Wooley, Project Engineer Jabra Khasho, Senior Transportation Planner Margaret Middleton, Traffic Safety Team Officer Jeffrey Debolt, and Office Supervisor Robyn Lampa.

— EXCERPT START —

CONSENT ITEMS

Vice Chair Overhage reviewed the consent items, including the draft June 2005 Traffic Commission minutes, the revised final written order for Issue TC 573, and the staff report and recommendation for Issue TC 578.

Commissioner Clodfelter asked that TC 578 be pulled for separate consideration.

Commissioner Clark **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve the draft minutes of the June 2, 2005, Traffic Commission meeting and the final written order for Issue TC 573. There was no discussion.

The **MOTION CARRIED** unanimously, 5:0.

On TC 578, Commissioner Clodfelter referred to the memo of comment from Sgt. Monger. In that memo, the Sergeant recommended relocating the two school speed zone signs. Commissioner Clodfelter asked if Mr. Wooley planned to follow through on that recommendation.

Mr. Wooley said staff considered the recommendation; however, they disagree that the sign locations should be changed. A change would need to be advertised as a separate action. This issue only includes a change to the crosswalk.

Commissioner Teitelbaum **MOVED** and Commissioner Clodfelter **SECONDED** a **MOTION** to approve Issue TC 578. There was no further discussion.

The **MOTION CARRIED** unanimously, 5:0.

PUBLIC HEARING

ISSUE TC 579: PARKING RESTRICTIONS ON SW CONESTOGA DRIVE AT CONESTOGA MIDDLE SCHOOL.

Vice Chair Overhage opened the public hearing on Issue TC 579.

Staff Report

Mr. Jabra Khasho gave the staff report. Mr. Khasho said parents now drive through the school parking lot to pick up their children. This creates a conflict between student pedestrians, school buses, and parents in vehicles. The Beaverton School District has proposed relocating the student pick up area to the south side of Conestoga Drive between the two westerly school driveways. The request is to restrict parking to 10 minutes from 8 to 9 a.m. and from 3:30 to 4:30 p.m. on weekdays. This change will allow parents to park when picking up or dropping off their children.

Mr. Khasho said parking spaces are plentiful on Conestoga Drive so this change should not create a shortage. This proposal will increase safety for students who are dropped off or picked up by parents in vehicles. Mr. Khasho added that there is a school crossing guard available to assist student pedestrians.

Commissioner Teitelbaum asked if the school will continue to allow parents to enter the parking lot to pick up students at the old loading site.

Mr. Khasho said to the best of his knowledge this would not change.

Commissioner Teitelbaum said some of his children had attended Conestoga Middle School, so he has firsthand experience with this parking lot. If student pick up and drop off is restricted to only this portion of roadway, the Commissioner predicted that parents waiting in cars would cause a traffic obstruction on Conestoga Drive.

Commissioner Teitelbaum said the plan only allows parking space for six vehicles. Many more than six families need to pick up children after school each day.

Commissioner Teitelbaum recalls waiting in line with 15 to 20 other vehicles to pick up students after school.

Mr. Khasho said the school has promised to have volunteers on hand to help move traffic. He added that when all parents dropped children inside the parking lot, the parents then had to queue up at the driveway and wait to reenter traffic on Conestoga Drive. This led to delays from backups in the parking lot.

Commissioner Teitelbaum thinks parents will arrive early to get into one of the six parking spaces. The spaces will all be filled before the children are dismissed. He said other waiting vehicles will obstruct traffic on Conestoga Drive. In some cases, it will be the fourth or fifth car in line that is ready to leave first. That means the next parent to use that space will need to stop traffic on Conestoga while they attempt to parallel park in the vacated space.

Mr. Khasho said there is additional parking to the east that is available for parents. He said public testimony will likely provide more detail on these points.

Commissioner Crocker said there is a paved walkway cutting through the center of the parking lot. She asked if the crossing guards will help patrol that area to keep students safe from vehicles driving within the parking lot.

Mr. Khasho said the school's crossing guards only work with traffic on Conestoga Drive.

Commissioner Overhage said it is difficult to guess at school parking patterns when school is not in session. She asked how these six parking spaces are now used.

Mr. Khasho said vehicles sometimes park in this area.

Public Testimony

The Commission received written testimony relating to this hearing from Traffic Sergeant Jim Monger. (*Written testimony is on file in the Engineering Dept.*)

Bill Klatz, Beaverton, Oregon, identified himself as Vice Principle of Conestoga Middle School. Responding to Commissioner Teitelbaum's earlier question, he said this proposal will not close the parking lot to parents. Ideally, parents will prefer to "swing through" the new 10-minute parking area on Conestoga and quickly pick up their students. He sees the restricted parking on Conestoga as a way to "augment" the existing situation. Mr. Klatz added that the parking lot has a one-way traffic pattern.

Commissioner Clark asked who decided on a 10-minute limit.

Mr. Khasho said staff decided on 10 minutes based on what is posted at other Beaverton schools and what has worked in similar circumstances.

Mr. Klatz said currently during the school year these six parking spaces are full. This limits visibility for vehicles waiting to exit the school driveway and attempting to turn east on Conestoga Drive. The crossing guard has seen a number of near misses there. Mr. Klatz sees the staff proposal as a remedy for this dangerous situation.

Commissioner Teitelbaum said parents might arrive on time—only to have their student dawdle. Are they allowing for the middle school “dawdle factor”? How closely will this 10 minute restriction be enforced?

Commissioner Clark said 10 minutes still seems like a long time to her.

Commissioner Clodfelter asked Mr. Klatz if the school has used crossing guards prior to this parking change.

Mr. Klatz said for a number of years Conestoga Middle School has used crossing guards for 40 minutes in the morning and 30 minutes in the afternoon.

Commissioner Clodfelter asked how many vehicles will fit in the restricted parking area.

Mr. Klatz answered six. He added that the school will send a notice to parents so they know that this parking is intended only for quick drop offs or pick ups. He said the intention is to provide for the parents who need to quickly be on their way.

Commissioner Clodfelter asked if the school assigns staff to help with parking lot traffic.

Mr. Klatz said there are typically four adults assigned to supervise the parking area at dismissal.

Commissioner Teitelbaum said if the purpose is only quick, then the “dawdle factor” will not be a problem. He asked if a five-minute restriction might be even better than a 10-minute restriction.

Mr. Wooley said any number could be assigned. Ten minutes is what the City has used in the past and it works well. The ten minute restriction will keep parents from using the parking when they have longer business inside the school. As for an officer standing by to mark tires after 10 minutes, he said short time limits are usually self enforcing.

Commissioner Crocker asked Mr. Klatz if school staff intend to direct children to the eastern sidewalk, rather than allow them to cut across the parking lot.

Mr. Klatz answered that this point will be specifically covered in a letter to parents at the start of the school year. He will personally be on hand in the parking lot during the first days of school to direct children to the safest route through the parking lot.

Commissioner Clark asked for the school dismissal time.

Mr. Klatz said school dismisses at 3:40 p.m. and 95 percent of the students are off the school grounds by 4 p.m. He added that one crossing guard is posted on Conestoga Drive at Lookout Terrace and one guard is on Conestoga at 125th Avenue.

Staff Comments

Staff had no additional comments.

Vice Chair Overhage closed the public hearing on Issue TC 579.

Commission Deliberation

Commissioner Teitelbaum said the testimony resolved his concerns. He now understands the proposal and he thinks it is unlikely the parking restriction will affect through traffic on Conestoga Drive.

Commissioner Clodfelter said the testimony from Mr. Klatz convinces him that there will be sufficient school supervision to make this proposal work safely.

Commissioner Clark concurred.

Commissioner Crocker concurred.

Commissioner Clodfelter **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve the staff proposal on Issue TC 579, parking restrictions on SW Conestoga Drive at Conestoga Middle School, and to approve the final written order.

There was no further discussion.

The **MOTION CARRIED** unanimously, 5:0.

Vice Chair Overhage thanked Mr. Klatz for attending and testifying.

— EXCERPT END —

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Approval of the Intergovernmental Agreement for the Office of Consolidated Emergency Management in Washington County and Authorize the Mayor to Sign the Agreement.

FOR AGENDA OF: 9/12/2005 **BILL NO:** 05161

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Emergency Management *[Signature]*

DATE SUBMITTED: 8/18/05

CLEARANCES: City Attorney *[Signature]*
Mayor's Off. *[Signature]*

PROCEEDING: Consent Agenda

EXHIBITS: Resolution
Intergovernmental Agreement

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The City has been a member of the Office of Consolidated Emergency Management (OCEM) and a participant on the Executive Board since it was originally formed. The City Council approved the original Intergovernmental Agreement forming the organization in 1995. OCEM was formed to improve the level of disaster and emergency preparedness within the boundaries of the participating jurisdictions through increased coordination among the participating jurisdictions and among the various emergency service functions provided within those jurisdictions.

INFORMATION FOR CONSIDERATION:

The revision to the Intergovernmental Agreement seeks to add the City of Tigard to the Organization, which will increase the overall level of emergency preparedness of the City and the other participating jurisdictions.

RECOMMENDED ACTION:

Council approve and authorize the Mayor to sign the Office Of Consolidated Emergency Management in Washington County intergovernmental agreement, to continue the City's participation in the organization.

RESOLUTION NO. 3830

APPROVAL OF THE INTERGOVERNMENTAL AGREEMENT FOR THE OFFICE OF CONSOLIDATED EMERGENCY MANAGEMENT IN WASHINGTON COUNTY AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT

WHEREAS, the City of Beaverton has been a member of the Office of Consolidated Emergency Management since it was originally formed; and

WHEREAS, the City of Beaverton signed the original intergovernmental agreement forming the Office of Consolidated Emergency Management in 1995; and

WHEREAS, the Office of Consolidated Emergency Management was formed to improve the level of disaster and emergency preparedness within the boundaries of the participating jurisdictions through increased coordination among the participating jurisdictions and among the various emergency service functions provided within those jurisdictions; and

WHEREAS, the City of Tigard seeks to join the Office of Consolidated Emergency Management; and

WHEREAS, Tigard's City Council and the Office of Consolidated Emergency Management's Executive Board of Directors have approved Tigard's participation in the organization; and

WHEREAS, Tigard's participation in the organization will increase the overall level of emergency preparedness of the City and the other participating jurisdictions; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beaverton approves the Intergovernmental Agreement for the Office of Consolidated Emergency Management in Washington County and authorizes the Mayor to execute said agreement.

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

OFFICE OF CONSOLIDATED EMERGENCY MANAGEMENT IN WASHINGTON COUNTY

This Agreement is entered into, pursuant to ORS 190.010, by and among Washington County ("County"), the City of Beaverton ("Beaverton"), the City of Hillsboro ("Hillsboro"), the City of Tigard ("Tigard") and the Tualatin Valley Fire and Rescue District, a rural fire protection district ("District"); (herein collectively "participating jurisdictions").

WITNESSETH

WHEREAS the participating jurisdictions desire to consolidate their respective emergency management resources and form the Office of Consolidated Emergency Management ("OCEM"); and

WHEREAS OCEM's purpose is to improve the level of disaster and emergency preparedness within the boundaries of the participating jurisdictions; and

WHEREAS improved preparedness will be achieved through increased coordination among the participating jurisdictions and among the various emergency service functions provided within those jurisdictions.

TERMS AND CONDITIONS

I. OFFICE OF CONSOLIDATED EMERGENCY MANAGEMENT

The participating jurisdictions hereby create an emergency management organization responsible for the coordination of emergency planning and service functions within the jurisdictions of the participating entities and agree that the organization shall be known as THE OFFICE OF CONSOLIDATED EMERGENCY MANAGEMENT (OCEM).

II. PURPOSE OF AGREEMENT

OCEM's purpose is to improve the level of disaster and emergency coordination and preparedness within the boundaries of the participating jurisdictions.

III. OPERATING GUIDELINES

- A. Conformity to National Standards: The participating jurisdictions agree to adopt and implement the National Incident Management System (NIMS) and Incident Command System (ICS) as the incident management

organization for the OCEM which will interface with the activities of each emergency operations/coordination center.

- B. OCEM Workplan: The OCEM will develop, for Executive Committee consideration and adoption, an interim or start-up workplan and subsequent fiscal year workplans targeted at the fulfillment of the purpose of this Agreement. The current year workplan shall be incorporated as an attachment to this Agreement.
- C. Local Standards: The OCEM will work to develop minimum emergency management performance standards. Such minimum standards are identified in Attachment "A" to this Agreement and shall be considered in the development of the OCEM workplan as noted in subsection "B" of this section.
- D. Designation of Liaison: Each participating jurisdiction will designate liaisons from all of its respective departments who will be accountable for coordination and implementation of OCEM emergency planning initiatives.

IV. GOVERNANCE

- A. Executive Committee: The OCEM shall be governed by an Executive Committee consisting of: 1) the Washington County Administrator; 2) the Washington County Sheriff; 3) the Tualatin Valley Fire & Rescue Fire Chief; 4) the mayor of Beaverton; 5) the city manager of Hillsboro; 6) the city manager of Tigard. These primary representatives may designate an alternative representative who may attend Executive Committee meetings and deliberate and vote in the absence of the participating jurisdiction's primary representative. Chair of the Executive Committee will be rotated among the participating jurisdictions on an annual basis. Any Executive Committee actions can only be taken if a majority of the Executive Committee members are present at Executive Committee meetings and all actions/decisions will be on a unanimous basis. The Executive Committee shall be responsible for:
 - 1) Final approval of the Director of Consolidated Emergency Management (herein "Director") appointment and establishment of employment terms and conditions, including the Director's job description, duties, and compensation. The Executive Committee shall delegate immediate, day-to-day direction and control of the Director's work to a participating jurisdiction. For the initial term of this Agreement and until otherwise directed, the jurisdiction delegated this function shall be the Tualatin Valley Fire and Rescue District;

- 2) Approval of the annual workplan for the OCEM including, but not limited to, all policies and procedures related to OCEM's functions;
 - 3) Approval of the OCEM's annual budget and recommending same for approval by each participating jurisdiction; and
 - 4) Approval of allocation formulas for all non-personnel related direct and indirect costs of the OCEM's operations.
- B. Disputes: Any disputes as to the interpretation or operation of this Agreement between one or more of the participating jurisdictions must be resolved by a unanimous decision of the Executive Committee.
- C. Administrative Support: Administrative support for Executive Committee meetings will be provided by the District.

V. ORGANIZATION

- A. Director: The Director will serve at the pleasure of the District and be subject to the District's policies and procedures. The director's primary duties will be to: 1) develop and maintain an Emergency Management Program on behalf of the County and the other participating jurisdictions; 2) manage implementation of the workplan as outlined in section III B. above; 3) coordinate all emergency management activities within the participating jurisdictions; and 4) coordinate the emergency management activities of the participating jurisdictions with the State of Oregon and with regional emergency management agencies.
- B. Staffing: Staff assigned to the OCEM pursuant to this Agreement will be housed at the District's office located at 20665 S.W. Blanton Street, Aloha, Oregon, or at such other location(s) agreed to by the Executive Committee. Staff located at the District will remain employees of their respective jurisdictions and subject to their respective personnel rules but will report to the OCEM Director. The participating jurisdictions agree to the following staff contributions to the OCEM and each agrees to bear all direct and indirect labor costs for the staff it contributes:
- 1) Washington County will provide:
 - a. One (1) Emergency Management Supervisor position, one (1) Emergency Management Coordinator position, and one (1) certified police officer whose primary responsibilities are to prepare an emergency management program for the County organization.

- b. One (1) Emergency Management Coordinator position whose primary duties are emergency management planning for the County's Department of Land Use and Transportation.
 - c. One (1) Administrative Specialist (clerical) position to support the OCEM staff participating in the program
- 2) Tualatin Valley Fire and Rescue will provide:
- a. One (1) Emergency Management Program Manager position whose primary responsibility is to prepare TVF&R's organization to respond in major emergencies and disasters.
- 3) The City of Beaverton will provide:
- a. One (1) Emergency Manager whose primary function is to ensure that the City is prepared for major emergencies and disasters.
- 4) The City of Hillsboro will provide:
- a. One (1) Emergency Manager whose primary function is to ensure that the City is prepared for major emergencies and disasters.
- 5) The City of Tigard will provide:
- a. One (1) halftime Emergency Program Manager whose responsibilities include ensuring that the City is prepared for major emergencies and disasters.

VI. FUNDING

The participating jurisdictions shall share equally in funding of the Director's salary and benefits pursuant to section IV A. (1) above. The participating jurisdictions shall also share in funding: a) necessary equipment for the Director pursuant to section VII below; b) the Director's materials and services costs; and c) other costs necessary to support OCEM operations. The percentage or share of the non-personnel related costs borne by each of the participating jurisdictions shall be as specified in the allocation mechanism to be approved by the Executive Committee in section IV A. (4) above. Payments from the participating jurisdictions to the District for the Director's salary, equipment, and materials and services as well as for the other costs necessary for OCEM operations will be on a

reimbursement basis at the end of each quarter of each year commencing with the execution date of this Agreement.

VII. EQUIPMENT

The Executive Committee shall consider and adopt policies relating to: 1) standards and policies for required equipment as needed, and 2) ownership and maintenance responsibilities for equipment necessary for the operation of the OCEM. Pursuant to these policies, the Director of the OCEM shall determine what equipment will be necessary to conduct the OCEM's functions and will make equipment recommendations subject to this approval of the Executive Committee. Subsequent to this approval, each participating jurisdiction shall provide its staff with the equipment necessary to perform their duties under this Agreement.

VIII. DURATION, WITHDRAWAL, AND TERMINATION

- A. Term of Agreement: This Agreement will be in effect when it has been authorized by all of the governing bodies of the participating jurisdictions identified herein. The duration of this Agreement is from the date of execution for a period of two (2) years.
- B. Agreement Renewal: This Agreement will automatically be extended for two (2) year increments unless the participating jurisdictions unanimously agree in writing to dissolve the OCEM.
- C. Withdrawal: A participating jurisdiction may provide written notice to all other participating jurisdictions of its intent to withdraw no less than 180 days before July 1 of each year. A participating jurisdiction may also withdraw effective as of any other date provided that the withdrawing jurisdiction receives unanimous approval of the Executive Committee for withdrawal.
- D. Non-Appropriation: Notwithstanding any other provisions provided herein, a participating jurisdiction's continuation in the OCEM is subject to the jurisdiction's annual budget appropriation of funds in support of the OCEM.

IX. AMENDMENTS

Proposed amendments to this Agreement shall be approved by unanimous consent to the Executive Committee and must be subsequently approved by each of the participating jurisdiction's governing bodies.

X. ADDITIONAL JURISDICTIONS

Any jurisdiction not a party to this Agreement may become a party by first obtaining the unanimous approval of the Executive Committee and then securing approval of the terms in this Agreement and any accompanying amendments from its governing body.

XI. RESPONSIBILITY FOR ACTS

Each of the participating jurisdictions shall be solely responsible for its own acts and the acts of its employees and officers under this Agreement. No participating jurisdiction shall be responsible or liable for consequential damages to any other participating jurisdiction arising out of the performance of the terms and conditions of this Agreement.

XII. INSURANCE

Each of the participating jurisdictions shall contribute to the purchase and maintenance of such insurance as will protect the OCEM from claims of third parties arising from its performance under this Agreement. The amount of insurance shall be not less than the organization's liability under the Oregon Tort Claims Act.

XIII. SEVERABILITY

The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part shall not affect the remainder of the Agreement.

XIV. INTERPRETATION

The terms and conditions of this Agreement shall be liberally construed in accordance with the general purposes of this Agreement.

SUBSCRIBED TO AND ENTERED INTO by the appropriate officer (s) who are duly authorized to execute this Agreement on behalf of the governing body of the below-named unit of local government.

DATED this 24th day of August, 2005.

Tom Buer
Chair, Board of Commissioners
Washington County, Oregon

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS

MINUTE ORDER # 05-311

DATE 8-23-05

BY Barbara Hejmanek

APPROVED AS TO FORM
~~APPROVED AS TO FORM~~

Tom Dick
ASSISTANT COUNTY COMMISSIONER
FOR WASHINGTON COUNTY (OCEM)
Intergovernmental Agreement

DATED this 3rd day of August, 2005.



Sheriff
Washington County, Oregon

DATED this _____ day of _____, 2005.

City of Beaverton

APPROVED AS TO FORM

DATED this _____ day of _____, 2005.

Tualatin Valley Fire and Rescue

APPROVED AS TO FORM

DATED this _____ day of _____, 2005.

City of Hillsboro

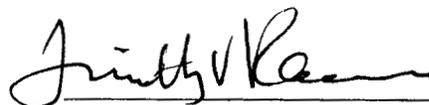
APPROVED AS TO FORM

DATED this 20th day of July, 2005.



City of Tigard

APPROVED AS TO FORM



ATTACHMENT "A"

Member jurisdictions agree to work toward attaining minimum countywide emergency management performance standards, which include, but are not limited to:

- a. Develop and maintain a functional Emergency Operations Center (EOC); a functional EOC includes written position descriptions, trained emergency management staff, displays, communications equipment, etc.
- b. Emergency Operations Plan: A multi-hazard functional Emergency Operations Plan that is compatible with the state format.
- c. EOC Staff Training Sessions: Will assure a combination of training and exercises at least twice a year.
- d. Exercise Program: A demonstrated ability to exercise all elements of the emergency operations plan at all levels of government.
- e. Public Education Program: Provides information and programs on disaster preparedness for individuals, families, businesses, and industry.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

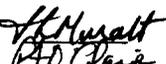
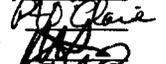
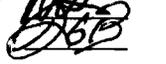
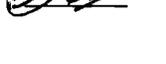
SUBJECT: Waiver of Solicitation Process – Contract Award for a Secured Wireless Data Communication System from Washington County Contracts 25063P and 25064P

FOR AGENDA OF: 09-12-05 **BILL NO:** 05162

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Finance 

DATE SUBMITTED: 09-02-05

CLEARANCES: Purchasing 
Finance 
City Attorney 
Police 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: Agenda Bill 04160

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$245,000	BUDGETED \$253,532*	REQUIRED \$-0-

*Account Number: 001-60-0629-317 General Fund - Police Department's Law Enforcement Terrorism Prevention Grant Program – Computer Equipment Account. The proposed contract award is for \$245,000, which will leave a remaining appropriation of \$8,532. The \$8,532 will be set aside for incidental costs that may be incurred by the City in installing the wireless data communication system.

HISTORICAL PERSPECTIVE:

On July 19, 2004, the City accepted a \$130,000 grant (2003 Federal grant year) from the Office of Domestic Preparedness (Agenda Bill 04160 copy attached). The purpose of the grant is to phase in private wireless network "hot spots", referred to as "Wi Fi", to increase the level and access speed that patrol officers would have to information and resources. The Wi Fi project will be developed in conjunction with Washington County (Washington County was also awarded \$317,700 in grant funds for the project). The goal of the project is to install a subsystem of "hot spots" to create a backbone in pursuit of a private wireless network system that will be compatible across Washington County Sheriff and Police jurisdictions. The City of Beaverton and Washington County will be jointly using grant funds to create "hot spots" throughout the County, which will serve as a foundation for a future "Wi-Fi" system. The ultimate goal is to establish wireless networking capability to provide field-based public safety personnel access to critical network-based information resources.

In May 2005, the City was awarded an additional \$123,600 and the County an additional \$150,000 for this project under the 2004 Federal grant year.

INFORMATION FOR CONSIDERATION:

Beginning in April 2004, the City's and County's Law Enforcement, Information Systems, and Purchasing departments, along with industry consultants, formed a task group and started developing the project's technical requirements. The project has two basic requirements - the wireless network infrastructure (wireless access points and client radio hardware) and a software solution that limits access to authorized users and secures and encrypts all traffic on the wireless network. As

Agenda Bill No: 05162

Washington County will be the major contributor and user of the new system, the task group agreed that Washington County would take the lead in advertising the RFP (request for proposal) and awarding a contract.

The RFP was advertised by Washington County on May 2, 2005, with responses due on June 17, 2005 at 3:00 pm. A total of seventeen firms attended the mandatory pre-proposal conference held on May 24, 2005. Proposals were received from six firms. The task group selected the proposal from Invictus Networks, LLC of Lake Oswego, Oregon as the proposal that best met the needs of the project.

On August 23, 2005, the Washington County Board of Commissioners awarded contracts to Invictus Networks, LLC for a wireless data communication system (contract number 25063P) and secure (encrypted) communications (contract number 25064P). The solicitation RFP and the contract were awarded such that other Washington County jurisdictions would be able to use (purchase from) the contract (this is sometimes referred to in the purchasing industry as a piggyback feature).

Oregon State Statutes and the City's Purchasing Code permit the City an exemption from its own competitive solicitation process when the contract can be awarded based upon the solicitation or bid and award process of another public agency. The combined unspent grant funding for Beaverton's wireless network currently totals \$253,532, which is comprised of \$129,932 under the 2003 Federal grant award and \$123,600 under the 2004 Federal grant award. Staff recommends phasing the contract into two phases coinciding with the two separate Federal grant awards. The first phase will comprise of installing the communication encryption software and hardware, and eight to ten wireless network access points. The access points will be installed in Beaverton's core downtown area and linked to City Hall and the Sheriff's Office on SW Millikan Way. Once the first phase is implemented and accepted by the City, the second phase will be initiated to add additional wireless network access points to bring other areas of the City onto the wireless network.

Both Washington County and Beaverton will be applying additional Department of Homeland Security grant funding to further expand the wireless system. As additional grant funding becomes available it is the City's and County's intent to install additional wireless access control points. In addition, the City and County expect other county jurisdictions to partner in the wireless system in subsequent phases.

RECOMMENDED ACTION:

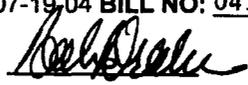
Council, acting as Council Review Board, waive the formal solicitation process and authorize the City to enter into a contract with Invictus Networks, LLC in the amount up to \$245,000 for wireless network infrastructure (wireless access points and client radio hardware) and a software encryption access control from existing contracts with Washington County and in a form approved by the City Attorney.

AGENDA BILL

B averton City Council
Beav rt n, Oregon

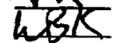
SUBJECT: Special Purpose Grant Budget Adjustment
Resolution for FY 2004 State Homeland
Security Program/Law Enforcement
Terrorism Prevention Program

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

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 07-12-04

CLEARANCES: Finance 
City Attorney 

PROCEEDING: Consent Agenda

EXHIBITS: Special Purpose Grant Budget
Adjustment Resolution

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

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

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

INFORMATION FOR CONSIDERATION:

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

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

RECOMMENDED ACTION:

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

Agenda Bill No: 04160

RESOLUTION NO. 3769

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

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

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

WHEREAS, a special purpose grant entitled "Law Enforcement Terrorism Prevention Program" was received in the amount of \$179,739, and the Council desires to appropriate the grant award in the General Fund; now therefore,

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

Section 1. The Finance Director is hereby authorized and instructed to adjust the General Fund's budgets to reflect receipt of the special purpose grant revenue, and the associated appropriation:

General Fund

Revenues:

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

Expenditures:

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

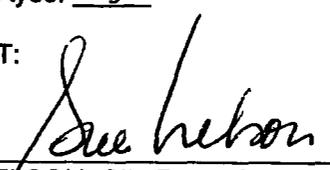
Adopted by the Council this 19th day of July 2004

Approved by the Mayor this 20th day of JULY 2004

Ayes: 5

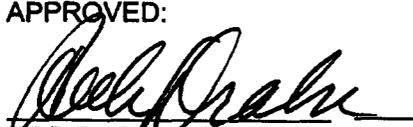
Nays: 0

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Appointment of Bond Counsel and
Financial Advisor for a Proposed Water
Revenue Bond Issue

FOR AGENDA OF: 09/12/05 **BILL NO:** 05163

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Finance 

DATE SUBMITTED: 09/05/05

CLEARANCES: City Attorney 
Engineering 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$45,000 Bond Counsel	BUDGETED \$-0-	REQUIRED \$45,000*
\$30,000 Financial Advisor	\$-0-	\$30,000*

* The cost for bond counsel and financial advisor services would be paid from the proceeds of the proposed bond issue. The appropriation for these services, along with other bond closing costs, funding the construction projects, and recording the bond proceeds will be included in the next supplemental budget.

HISTORICAL PERSPECTIVE:

Council may recall that this past year the City was able to refund (in two issues) all of the outstanding 1992 and 1994 water revenue bonds and the callable portion of the 1997 water revenue bonds. The refunding issues provided total interest cost savings of \$1,774,130. The City also refunded the callable portion of the 1999 General Obligation Bonds (library construction), which resulted in total interest cost savings of \$839,058. Each of these refunding bond issues were facilitated with the assistance of bond counsel and financial advisor services.

The City is now in a position to issue up to \$15,000,000 in new water revenue bonds. The proceeds from the additional debt would be used for constructing water system projects in and outside the City. Some of the projects may be within the City limits to increase the capacity of distribution mains, transmission lines, storage reservoirs and ASR facilities. The majority of the projects, though, will be comprised of the City's share of the Joint Water Commission's capital expansion projects. In order to proceed with the water revenue bond issue, the City needs to re-appoint its bond counsel and financial advisor.

INFORMATION FOR CONSIDERATION:

The City's bond counsel services have been provided by Mr. Doug Goe, currently with the firm of Orrick, Herrington & Sutcliffe, LLP (Orrick) with offices in Portland, Oregon. Mr. Goe has provided bond counsel services to the City since 1993. Bond counsel has estimated that the cost of services on the proposed \$15,000,000 Water Revenue Bond Issue would be \$45,000. The firm Regional Financial Advisors, Incorporated (RFA), has provided bond sale financial services to the City since 1994. RFA has estimated that the cost of services on the proposed \$15,000,000 Water Revenue Bond Issue would

be \$30,000. The bond counsel and financial advisor services would be paid from the proceeds of the water revenue bond issue.

Staff recommends the appointment of Orrick, Herrington & Sutcliffe, LLP, as Bond Counsel, and Regional Financial Advisors, Incorporated, as Financial Advisor for the proposed 2006 Water Revenue Bond Issue. The City's purchasing code permits the award of personal service contracts under \$50,000 without competitive formal solicitation and instead permits the award under an informal process. Part of the informal process includes the ability to directly select consultants based upon criterion that determines that a consultant can provide the best services to the City. With regards to the recommended re-appointment of bond counsel and financial advisor, both of these firms are intimately familiar with the City's bond issues over the past eleven years, and they are uniquely qualified as they provided their services on the 1994, 1997, 2004 and 2004B Water Revenue Bond Issues.

The approval of this agenda bill is the second in a series of steps needed to initiate and complete the water revenue bond issue. A companion Agenda Bill authorizing a water bond resolution is also included on tonight's Council Agenda.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, appoint Orrick, Herrington & Sutcliffe, LLP, as Bond Counsel and Regional Financial Advisors, Incorporated, as Financial Advisor for the proposed Water Revenue Bond Issue and authorize the City to enter into contracts in a form approved by the City Attorney with the services to be paid from the proceeds of the bond sale.

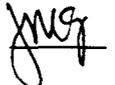
AGENDA BILL

B averton City C uncil
Beav rt n, Or gon

SUBJECT: TA 2005-0001 (2005 Omnibus)

FOR AGENDA OF: 09-12-05 **BILL NO:** 05164

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 8-30-05

CLEARANCES: City Attorney 
Dev. Serv. 

PROCEEDING: First Reading

- EXHIBITS:**
1. Ordinance
 2. Land Use Order No. 1814
 3. Draft PC Minutes dated 08-24-05
 4. Staff Report dated 08-03-05

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On August 24, 2005, the Planning Commission held a public hearing to consider TA 2005-0001 (2005 Spring Omnibus) that proposes to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations, renumber and reorder certain regulations, relocate certain sections, and remove certain sections. Affected chapters of the Development Code include, Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions). At the recommendation of staff the Planning Commission removed Section 1 because it did not provide the clarity that was intended and added Section 25 to further clarify Landscape Tree mitigation. Following the close of the public hearing on August 13, 2005, the Planning Commission voted 6-0 to recommend approval of the proposed Omnibus Text Amendment, as memorialized in Land Use Order No. 1814.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1814, the draft Planning Commission meeting minutes, staff report and memo.

RECOMMENDED ACTION:

Staff recommend the City Council approve the recommendation of the Planning Commission for TA 2005-0001 (2005 Omnibus) as set forth in Land Use Order No. 1814. Staff further recommends the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4365

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTER'S:
10, 20, 40, 50, 60, and 90;
TA 2005-0001 (2005 Omnibus).

WHEREAS, the purpose of the 2005 Spring Omnibus Development Code Text Amendment is to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations, renumber and reorder certain regulations, relocate certain sections, and remove certain sections. Affected chapters of the Development Code include, Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions),

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on August 3, 2005 published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on August 24, 2005; and,

WHEREAS, the Planning Commission held a public hearing on August 13, 2005 and approved the proposed 2005 Spring Omnibus Development Code Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated August 3, 2005, as amended at the hearing; and

WHEREAS, on August 24, 2005, the Planning Commission conducted a public hearing for TA 2005-0001 (2005 Omnibus) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1814; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2005-0001 (2005 Omnibus) following the issuance of the Planning Commission Land Use Order No. 1814; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1814 dated September 2, 2005 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4295, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

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

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

First reading this ___ day of _____, 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

1 Old text has strike through and new text is grey scale.

2

3 Section 1 - Removed by Planning Commission

4

5 Section 2: The Development Code, Ordinance No. 2050, Ordinance
6 4332, Chapter 10, General Provisions, Sections 10.25, will be amended
7 to read as follows:

8

9 *****

10

11 **10.25. Classification of Districts**

12

13 *****

14 **ZONING DISTRICT** **ABBREVIATION**

15

16 **Multiple Use Districts**

17

18	Station Area - Multiple Use	SA-MU
19	Station Area - Medium Density Residential	SA-MDR
20	Station Community - Multiple Use	SC-MU
21	Station Community - High Density Residential	SC-HDR
22	Station Community - Employment	SC-E
23	Corridor - Multiple Use	C-MU
24	Town Center - Multiple Use	TC-MU
25	Town Center - High Density Residential	TC-HDR
26	Town Center - Medium Density Residential	TC-MDR
27	Regional Center - Transit Oriented	RC-TO
28	Regional Center - Old Town	RC-OT
29	Regional Center - East	RC-E

30

31 *****

32

1 **Section 3: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 10, General Provisions, Sections 10.95.2.B.2, will be**
3 **amended to read as follows:**

4
5
6 *****

7
8 **10.95. Development Review Participants**

9
10 **2. Planning Commission.**

11
12 **A. Membership**

13
14 *****

15
16 **B. Responsibilities and Authority**

17
18 *****

- 19
20 2. The Planning Commission shall act on the behalf of
21 the City on the following applications: Major
22 Adjustment, ~~Major Adjustment – Regional Center~~
23 ~~and South Tektronix Station Community~~, Major
24 Modification of a Conditional Use, Conditional Use,
25 Preliminary Planned Unit Development, Final
26 Planned Unit Development, Flexible Setback(s) for
27 a Proposed Land Division, Flexible Setback(s) for a
28 Proposed Annexation, Zero Side or Zero Rear Yard
29 Setback(s) for a Proposed Residential Land
30 Division, Tree Plan Three, Variance, Wireless
31 Facility Three, and appeals of some decisions of the
32 Director.

33
34 *****
35

1 **Section 4: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 10, General Provisions, Sections 10.95.3.B.2, will be**
3 **amended to read as follows:**

4
5
6 *****

7
8 **10.95. Development Review Participants**

9
10 *****

11
12 **3. Board of Design Review.**

13
14 A. Membership

15
16 *****

17
18 B. Responsibilities and Authority

19
20 *****

21 2. The Board of Design Review shall review proposals
22 and make necessary decisions delegated to them by
23 this Code concerning design and aesthetic aspects
24 of proposals. The Board of Design Review shall act
25 on the behalf of the City on the following
26 applications: Major Adjustment, ~~Major Adjustment~~
27 ~~Regional Center and South Tektronix Station~~
28 ~~Community~~, Design Review Three, Major
29 Alteration of a Landmark, Demolition of a
30 Landmark, New Construction in a Historic District,
31 Tree Plan Three, Variance, and appeals of some
32 decisions of the Director.

33
34
35 *****
36

1 **Section 5: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 20, Land Uses, Sections 20.05.10.2.B.13, 20.05.15.2.B.13,**
3 **and 20.05.20.2.B.13, will be amended to read as follows:**
4

5 **20.05 Residential Land Use Districts**

6
7 *****

8 **20.05.10 Urban Low Density (R-10) District**

9 *****

10 **20.05.10.1 Purpose**

11 *****

12 **20.05.10.2 District Standards and Uses**

13 *****

14 **A. Permitted Uses**

15 *****

16 **B. Conditional Uses**

17 *****

- 18 13. Two attached dwellings, only in the ~~Central~~
19 Beaverton Downtown Regional Center area shown
20 on ~~Map 2~~ Figure III-1 in the Comprehensive Plan
21 (ORD 3236) (See also Special Regulations Section.)
22 [ORD 4224; August 2002]

23
24 *****

25
26 **20.05.15. Urban Standard Density (R7) District**

27 *****

28 **20.05.15.1 Purpose**

29 *****

30 **20.05.15.2 District Standards and Uses**

31
32 *****

33 **A. Permitted Uses**

34 *****

35 **B. Conditional Uses**

36 *****

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

13. Two attached dwellings, only in the ~~Central~~
Beaverton Downtown Regional Center area shown
on ~~Map 2~~ Figure III-1 in the Comprehensive Plan
(ORD 3236) (See also Special Regulations Section.)
[ORD 4224; August 2002]

20.05.20 Urban Standard Density (R5) District

20.05.20.1 Purpose

20.05.20.2 District Standards and Uses

A. Permitted Uses

B. Conditional Uses

13. Two attached dwellings, only in the ~~Central~~
Beaverton Downtown Regional Center area shown
on ~~Map 2~~ Figure III-1 in the Comprehensive Plan
(ORD 3236) (See also Special Regulations Section.)
[ORD 4224; August 2002]

1 **Section 6: The Development Code, Ordinance No. 2050, Ordinance**
 2 **4332, Chapter 20, Land Uses, Sections 20.05.50.3.C.2., will be amended**
 3 **to read as follows:**

4
 5
 6 **20.05.50 Site Development Requirements**

7
 8 **1. Lot Area**

9 *****

10 **2. Lot Dimensions**

11 *****

12 **3. Yard Setbacks (in feet)**

13 **A. Front**

14 *****

15 **B. Side**

16 *****

17 **C. Rear**

18

	<u>RA</u>	R10	R7	R5	<u>R4</u>	R3.5	R2	R1
C. Rear								
1. Dwelling or building [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000]	100	25	25	25	15	15	15	15
2. Garage [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000]	20	5 20	5 20	5 20	10*	5	10	10
3. Garage with door elevation facing alley* [ORD 4107; May 2000]	n/a	n/a	n/a	n/a	24	24	24	24

19

20

21

22

23

24

25

* If alley present, setback measured from garage door elevation to opposite side of the alley right of way or access easement line. [ORD 4047; May 1999] [ORD 4107; May 2000] [ORD 4224; August 2002]

1 **Section 7: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.10.15.1.A.2, 40.10.15.2,**
3 **40.10.15.3.A.2, and 40.10.15.4, will be deleted to read as follows:**
4

5
6 **40.10. ADJUSTMENT**

7
8 **40.10.05. Purpose.**

9 *****

10 **40.10.10. Applicability.**

11 *****

12 **40.10.15. Application.**

13 *****

14 **1. Minor Adjustment.**

15
16 **A. Threshold. An application for Minor Adjustment shall be**
17 **required when one or more of the following thresholds**
18 **apply:**

19
20 **1. Involves up to and including a 10% adjustment**
21 **from the numerical Site Development**
22 **Requirements specified in Chapter 20 (Land Uses).**

23
24 ~~**2. Involves up to and including a 10% adjustment**~~
25 ~~**from the numerical Development Standards for**~~
26 ~~**Major Pedestrian Routes specified in Section**~~
27 ~~**20.20.60.D.3 of this Code.**~~

28 *****

29
30 ~~**2. Minor Adjustment All Regional Center zones and South**~~
31 ~~**Tektronix Station Community Major Pedestrian Routes.**~~

32
33 ~~**A. Threshold. An application for Minor Adjustment**~~
34 ~~**Regional Center and South Tektronix Station Community**~~
35 ~~**Major Pedestrian Routes shall be required when the**~~
36 ~~**following threshold applies:**~~

37
38 ~~**1. Involves an adjustment of up to and including 25%**~~
39 ~~**of numerical Development Standards for Major**~~
40 ~~**Pedestrian Routes specified in Section 20.20.60.B.3**~~
41 ~~**or Section 20.20.60.E.3 of this Code.**~~

42
43 ~~**B. Procedure Type. The Type 2 procedure, as described in**~~
44 ~~**Section 50.40 of this Code, shall apply to an application**~~
45 ~~**for Minor Adjustment Regional Center and South**~~
46 ~~**Tektronix Station Community Major Pedestrian Routes.**~~
47 ~~**The decision making authority is the Director.**~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

~~C. Approval Criteria. In order to approve a Minor Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:~~

- ~~1. The proposal satisfies the threshold requirements for a Minor Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application.~~
- ~~2. All City application fees related to the application under consideration by the decision making authority have been submitted.~~
- ~~3. Granting the adjustment will equally or better meet the purpose of the District subarea requirement, standard or regulation to be modified.~~
- ~~4. The proposal will be consistent with the desired character of the area.~~
- ~~5. If more than one (1) adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the zone.~~
- ~~6. City designated scenic resources and historic resources, if present, are preserved.~~
- ~~7. Any impacts resulting from the adjustment are mitigated to the extent practical.~~
- ~~8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.~~

~~D. Submission Requirements. An application for a Minor Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Minor Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application shall be~~

1 accompanied by the information required by the
2 application form, and by Section 50.25 (Application
3 Completeness), and any other information identified
4 through a Pre-Application Conference.

5
6 ~~E. Conditions of Approval. The decision making authority
7 may impose conditions on the approval of a Minor
8 Adjustment Regional Center and South Tektronix
9 Station Community Major Pedestrian Routes application
10 to ensure compliance with the approval criteria.~~

11
12 ~~F. Appeal of a Decision. Refer to Section 50.65.~~

13
14 ~~G. Expiration of a Decision. Refer to Section 50.90.~~

15
16 ~~H. Extension of a Decision. Refer to Section 50.93.~~

17
18 *****

19 **3. Major Adjustment.**

20
21 A. Threshold. An application for Major Adjustment shall be
22 required when one or more of the following thresholds
23 apply:

24
25 1. Involves an adjustment of more than 10% and up to
26 and including 50% adjustment from the numerical
27 Site Development Requirement specified in
28 Chapter 20 (Land Uses).

29
30 2. ~~Involves an adjustment of more than 10% and up to
31 and including 50% adjustment from the numerical
32 Development Standards for Major Pedestrian
33 Routes specified in Section 20.20.60.D.3 of this
34 Code.~~

35
36 *****

37
38 ~~4. **Major Adjustment All Regional Center zones and South
39 Tektronix Station Community Major Pedestrian Routes**~~

40
41 ~~A. Threshold. An application for Major Adjustment
42 Regional Center and South Tektronix Station Community
43 Major Pedestrian Routes shall be required when one or
44 more of the following thresholds apply:~~

45
46 1. ~~Involves an adjustment of more than 25% to a
47 numerical Development Standards for Major~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

~~Pedestrian Routes specified in Section 20.20.60.B.3 or 20.20.60.E.3.~~

~~2. Involves an adjustment to a non-numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.B.3 or Section 20.20.60.E.3.~~

~~3. Involves multiple Minor Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes applications.~~

~~B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes. Upon determination by the Director, the decision-making authority will be either the Planning Commission or the Board of Design Review. The determination will be based upon the nature and characteristics of the proposal.~~

~~C. Approval Criteria. In order to approve a Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:~~

~~1. The proposal satisfies the threshold requirements for a Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application.~~

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

~~3. Granting the adjustment will equally or better meet the purpose of the District subarea requirement, standard or regulation to be modified.~~

~~4. The proposal will be consistent with the desired character of the area.~~

~~5. If more than one (1) adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

- ~~6. City designated scenic resources and historic resources are preserved.~~
- ~~7. Any impacts resulting from the adjustment are mitigated to the extent practical.~~
- ~~8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.~~

~~D. Submission Requirements. An application for a Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre Application Conference.~~

~~E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application to ensure compliance with the approval criteria.~~

~~_____ F. Appeal of a Decision. Refer to Section 50.70.~~

~~_____ G. Expiration of a Decision. Refer to Section 50.90.~~

~~_____ H. Extension of a Decision. Refer to Section 50.93~~

1 **Section 8: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.15.15.2.A.5., will be**
3 **deleted to read as follows:**

4
5 **Major Modification of a Conditional Use Permit**

6
7 **40.15. Conditional Use**

8
9 **40.15.05 Purpose**
10 *****

11 **40.15.10 Applicability**
12 *****

13 **40.15.15. Application**

14
15 **1. Minor Modification of a Conditional Use**
16 *****

17 **2. Major Modification of a Conditional Use**

18 **A. Threshold.**

19 *****

20 ~~5. Modification of one or more conditions of approval which apply to an~~
21 ~~approved Conditional Use.~~

22 *****
23

1 **Section 9: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.20.10.4.C, 40.20.15.1.A.f,**
3 **40.20.15.1.C, 40.20.15.1.C.6, 40.20.15.2.A, 40.20.15.2.A.8, 40.20.15.2.C, and**
4 **40.20.15.3.C, will be amended to read as follows:**

5
6 **40.20 Design Review**

7 *****

8 **40.20.05 Purpose**

9 *****

10 **40.20.10.4 Applicability.**

- 11
12 C. Proposed redevelopment of existing structures, where demolition
13 of up to and including 25% of the area of the existing structure is
14 proposed, and where improvements are proposed to be located
15 within the area of demolition, new design standards or design
16 guidelines are not applicable. If demolition is proposed greater
17 than 25% up to and including 50% of the existing structure, and
18 where improvements are proposed to be located within the area
19 of demolition, 10% of the overall construction budget for new
20 building improvements will be required to be devoted to
21 improving portions of the building, site, or both so as to meet
22 applicable design standards or design guidelines. If demolition
23 is proposed greater than 50% of the area of the existing
24 structure, the full redevelopment project is subject to all
25 applicable design standards or design guidelines.

26
27 *****

28
29 **40.20 Design Review**

30 *****

31 **40.20.15. Application.**

32
33 **1. Design Review Compliance Letter.**

- 34
35 A. Threshold. An applicant may utilize the Design Review
36 Compliance Letter process when the application is limited
37 to one or more of the following categories of proposed
38 action:

- 39
40 1. Minor design changes to existing building or site
41 including, but not limited to:

42
43 *****

- f. Modification of up to 15 percent the on-site landscaping with no reduction in required landscaping.
- j. Removal of up to 5 Landscape Trees

40.20.15.1. Design Review Compliance Letter

B. Procedure Type

C. Approval Criteria - In order to approve a Design Review Compliance Letter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 6. If applicable through Section 20.20.15.2, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:
 - a. Building articulation and variety.
 - b. Roof forms.
 - c. Building materials.
 - d. Perimeter/foundation landscaping requirements.
 - e. Screening roof-mounted equipment requirements.
 - f. Screening loading areas, solid waste facilities and similar improvements.
 - g. Lighting requirements.
 - h. Pedestrian circulation

40.20.15. Application.

2. Design Review Two.

A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:

1 *****

2 8. Removal of more than five (5) and up to and including
3 ten (10) Landscape Trees on a site within a one
4 calendar year period.
5

6 *****

7 B. Procedure Type

8 *****

9 C. Approval Criteria - In order to approve a Design Review
10 Two application, the decision making authority shall
11 make findings of fact based on evidence provided by the
12 applicant demonstrating that all the following criteria are
13 satisfied:

14 *****

15
16 **40.20.15.3.C**

17
18 A. Threshold

19 *****

20 B. Procedure Type

21 *****

22 C. Approval Criteria - In order to approve a Design Review
23 Three application, the decision making authority shall
24 make findings of fact based on evidence provided by the
25 applicant demonstrating that all the following criteria are
26 satisfied:
27

28
29 *****

1 **Section 10: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.20.15.3.C, will be amended**
3 **to read as follows:**

4
5 *****

6
7 **40.20.15.3.C. Approval Criteria.**

8
9
10 5. For additions to or modifications of existing
11 development, the proposal is consistent with all
12 applicable provisions of Sections 60.05.35 through
13 60.05.50 (Design Guidelines) or can demonstrate
14 that the additions or modifications are moving
15 towards compliance of specific Design Guidelines if
16 any of the following conditions exist:

- 17
18 a. A physical obstacle such as topography or
19 natural feature exists and prevents the full
20 implementation of the applicable guideline;
21 or
22
23 b. The location of existing structural
24 improvements prevent the full
25 implementation of the applicable guideline;
26 or
27
28 c. The location of the existing structure to be
29 modified is more than 300 feet from a public
30 street.

31
32 ~~If the above listed conditions are found to exist and~~
33 ~~it is not feasible to locate a proposed addition in~~
34 ~~such a way that the addition abuts a street, then~~
35 ~~all applicable design standards except the following~~
36 ~~must be met:~~

- 37
38 ~~d. If in a Multiple Use District, building~~
39 ~~location, entrances and orientation along~~
40 ~~streets, and parking lot limitations along~~
41 ~~streets (Standards 60.05.15.6 and 60.05.20.8)~~
42
43 ~~e. If in a Multiple Use or Commercial District,~~
44 ~~ground floor elevation window requirements~~
45 ~~(Standard 60.05.15.8).~~

1 **Section 11: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.55.10, will be amended to**
3 **read as follows:**

4
5 *****

6 **40.55.10. Applicability.**

7
8 A Parking Determination may be requested in writing to establish a
9 required off street parking ratio or specific number of off street parking
10 spaces for use not specifically listed in Section 60.30 (Off Street
11 Parking) of this Code, to share required parking spaces, and to
12 determine the existence of excess required parking.

13
14 *****

15
16 **Section 12: The Development Code, Ordinance No. 2050, Ordinance**
17 **4332, Chapter 40, Permits and Applications, Section 40.80.15.1.C.8.,**
18 **will be amended to read as follows:**

19
20 **40.80. Temporary Use**

21 *****

22 **40.80.15 Application**

23 **1. Temporary Mobile Sales**

24 **A. Threshold**

25 *****

26 **B. Procedure Type**

27 *****

28 **C. Approval Criteria**

29 *****

30 **8. The proposal will not be located within the vision**
31 **clearance area of an intersection as specified ~~under~~**
32 **~~Section 60.55.50~~ in the Engineering Design Manual**
33 **and Standard Drawings.**

34
35
36 *****
37

1 **Section 13: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 50, Procedures, Section 50.20.1 shall be amended to**
3 **read as follows:**

4
5 *****

6 **50.20 Pre-Application Conference**

7
8 1. With the exception of an application filed by the City, a pre-application
9 conference shall be required for all proposals which require Type 2, Type 3, or
10 Type 4 applications. An applicant may choose to forgo the required pre-
11 application conference for a Type 2 application upon completion of a form for
12 that purpose provided by the Director. A pre-application conference is
13 optional for an applicant for proposals which require only Type 1
14 applications.

15
16 *****

17
18 **Section 14: The Development Code, Ordinance No. 2050, Ordinance**
19 **4332, Chapter 50, Procedures, Section 50.40.10.B shall be amended to**
20 **read as follows:**

21
22 *****

23 **50.40. Type 2**

24 *****

25 50.40.10. Within approximately fourteen (14) calendar days after the
26 Facilities Review Committee technical meeting, the Director
27 shall issue a written decision on the application to the applicant,
28 the property owner, the NAC in which the subject property is
29 located, and interested parties that submitted written comments
30 prior to or on the comment closing date; provided, [ORD 4265;
31 September 2003]

32
33 A. The decision making authority shall consider the
34 application, the applicant's supplement to or amendment
35 of the application, if any, and the timely and relevant
36 comments on the application. The decision making
37 authority may consider comments and responses received
38 from the applicant, the public, or both after the comment
39 closing period on the proposal; and

40
41 B. An applicant may request in writing a continuance of
42 time, not to exceed a total of ~~180~~ 240 calendar days from
43 the date the application was determined to be or deemed
44 complete. The decision making authority shall issue a
45 decision prior to the conclusion of the continuance of time.

46 *****

1 **Section 15: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 50, Procedures, Section 50.90.1.B, shall be**
3 **amended to read as follows:**

4 *****

5 **50.90. Expiration of a Decision**

6 1. Except as otherwise specifically provided in a specific decision or in this
7 Code, a final decision made pursuant to this Chapter shall expire
8 automatically on the following schedule unless the approval is enacted
9 either through construction or establishment of use within the specified
10 time period.

11
12 A. Five (5) years from the effective date of decision: Final Planned
13 Unit Development (40.15.15.6) where phasing of the development
14 is proposed.

15
16 B. Two (2) years from the effective date of decision:

17
18 Accessory Dwelling Unit (40.05.15.1)

19 Administrative Conditional Use (40.15.15.3)

20 Alteration of a Landmark (40.35.15.1)

21 Conditional Use (40.15.15.4)

22 Demolition of a Landmark (40.35.15.3)

23 Design Review Two (40.20.15.2)

24 Design Review Three (40.20.15.3)

25 Emergency Demolition of a Landmark (40.35.15.2)

26 Expedited Land Division (40.45.15.7)

27 Final Land Division (40.45.15.6)

28 Final Planned Unit Development (40.15.15.6) when there is no
29 phasing to the development

30 Flexible Setback for Individual Lot With Endorsement
31 (40.30.15.1)

32 Flexible Setback for Individual Lot Without Endorsement
33 (40.30.15.2)

34 Flexible Setback for a Proposed Residential Land Division
35 (40.30.15.3)

36 Flexible Setback for a Proposed Annexation (40.30.15.4)

37 Lot Line Adjustment (40.45.15.1)

38 Major Adjustment (40.10.15.3)

39 ~~Major Adjustment—All Regional Center zones and South~~
40 ~~Tektronix Station Community Major Pedestrian Routes~~
41 ~~(40.10.15.4)~~

42 Major Modification of a Conditional Use (40.15.15.2)

43 Minor Adjustment (40.10.15.1)

44 ~~Minor Adjustment—All Regional Center zones and South~~
45 ~~Tektronix Station Community Major Pedestrian Routes~~
46 ~~(40.10.15.2)~~

47 Minor Modification of a Conditional Use (40.15.15.1)

48 *****

1 **Section 16: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 50, Procedures, Section 50.93.4 shall be amended to**
3 **read as follows:**

4
5 *****

6 **50.93. Extension of a Decision**

7 *****

8 4. ~~An application for an extension shall be granted if the applicant~~
9 ~~demonstrates that it complies with the following:~~ In order to
10 approve an extension of time application, the decision making
11 authority shall make findings of fact based on evidence provided
12 by the applicant demonstrating that all the following criteria are
13 satisfied:

- 14
15 A. It is not practicable to commence development within the
16 time allowed for reasons beyond the reasonable control of
17 the applicant.
18
19 B. There has been no change in circumstances or the
20 applicable regulations or Statutes likely to necessitate
21 modification of the decision or conditions of approval since
22 the effective date of the decision for which the extension is
23 sought.

24
25 *****

26 **Section 17: The Development Code, Ordinance No. 2050, Ordinance**
27 **4332, Chapter 60, Special Requirements, Section 60.05.35.6.C, will**
28 **be amended to read as follows:**

29
30 *****

31 **60.05 Design Review**

32 *****

33 **60.05.35. Building Design and Orientation Guidelines**

34 *****

35 **6. Building Location and Orientation in Multiple Use and**
36 **Commercial districts.**

37 *****

- 38 C. On Class 1 Major Pedestrian Routes, building entrances should
39 be oriented to streets, or have reasonably direct pedestrian
40 connections to streets and pedestrian and transit facilities.
41 (Standard 60.05.15.6.C and D)

42 *****

1 **Section 18: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 60, Special Requirements, Section 60.30.10.10.F., will**
3 **be amended to read as follows:**

4
5 *****

6 **60.30. Off-Street Parking**

7 *****

8 **60.30.10.10. Off Street Parking exceptions**

9 *****

10 F. For uses located within a 1/4 mile radius of a transit stop,
11 as measured from any portion of a parcel to the centerline
12 of the nearest adjacent public right of way or the center of
13 the station platform, the provision of bicycle parking may
14 be used to reduce minimum vehicle parking requirements
15 at a rate of two long-term bicycle parking spaces per
16 vehicle space, but not more than five percent of the total
17 number of required vehicle parking spaces. The property
18 owner shall provide a parking analysis demonstrating
19 that the vehicle parking demand will be met with the
20 reduced number of vehicle spaces. Bicycle parking used
21 to reduce vehicle parking spaces shall be covered long-
22 term bicycle parking consistent with Engineering Design
23 Manual and Standard Drawings. ~~Section 60.55.65 of this~~
24 Code .

25
26 *****

27 **Section 19: The Development Code, Ordinance No. 2050, Ordinance**
28 **4332, Chapter 60, Special Requirements, Section 60.30.15.8 and**
29 **Section 60.40.35.2 will be amended to read as follows:**

30
31 **60.30. Off-Street Parking**

32 *****

33 **60.30.15. Off-Street Parking Lot Design**

34 *****

35 8) Parking lots in conjunction with government and public buildings, as
36 defined by Chapter 11 ~~31~~ of the International ~~Uniform~~ Building Code, are to
37 include parking for the handicapped as required in that chapter. These
38 special spaces may be included within the total spaces required. (ORD 3494)

1 *****

2 **60.40. Sign Regulations**

3 *****

4 **60.40.35 Commercial, Industrial, and Multiple Use Zones**

5 1. Wall Sign

6 *****

7 2. Projecting Sign and Awning. Commercial buildings within the
8 Multiple Use zoning districts which have the front building line
9 within five (5) feet of the public right-of-way shall be permitted
10 one (1) projecting sign on the front building face in lieu of a
11 freestanding sign. All projecting signs and awnings must
12 conform to the latest edition of the ~~International Uniform~~
13 Building Code in meeting wind and deadload requirements and
14 must be adequately maintained to prevent deterioration which
15 could be a hazard to pedestrian traffic beneath the sign.
16 Projecting signs and awnings shall project no more than eight
17 (8) feet or two-thirds (2/3) of the width of the sidewalk or to
18 within two (2) feet of the curb, whichever is less, and contain no
19 more than thirty-two (32) square feet per face. Projecting signs
20 and awnings shall have an underneath clearance of eight (8)
21 feet. (ORD 3374) [ORD 4058, August 1999] [ORD 4107; May
22 2000]

23 *****

24 *****
25 **Section 20: The Development Code, Ordinance No. 2050, Ordinance**
26 **4332, Chapter 60, Special Requirements, Section 60.35.15.1.A-C., will**
27 **be amended to read as follows:**

28
29
30 **60.35 Planned Unit Development**

31 *****

32 **Section 60.35.15. Common Open Space**

- 33
34 1. A PUD shall be required to provide common open space
35 according to the following rates:
36
37 A. ~~An~~ Area equal to at least twenty percent (20%) of the
38 subject site when the site is up to and including 10 acres
39 in size.
40
41 B. ~~An~~ Area equal to at least fifteen percent (15%) of the
42 subject site when the site is more than 10 acres and up to
43 and including 50 acres in size.

1
2 C. ~~An~~ Area equal to at least ten percent (10%) of the subject
3 site when the site is more than 50 acres in size.

4 *****

5 **Section 21: The Development Code, Ordinance No. 2050, Ordinance**
6 **4332, Chapter 60, Special Regulations, Section 60.50.20, shall be**
7 **amended to read as follows:**

8
9
10 **60.50 Special Use Regulations**

11 *****

12 **60.50.20. Fences.** Fences in any district may be constructed at the lot
13 line; provided, however, that fences shall comply ~~to~~ with all
14 applicable vision clearance standards established in ~~Section~~
15 ~~60.55.50.1~~ the Engineering Design Manual for setback and
16 height limits. (ORD 3162; March 1980) (ORD 3287; October
17 1982)

18
19 *****

20 **Section 22: The Development Code, Ordinance No. 2050, Ordinance**
21 **4332, Chapter 60, Special Regulations, Section 60.55.30.2., shall be**
22 **amended to read as follows:**

23
24 *****

25 **60.55. Transportation Facilities**

26 *****

27 **60.55.30 Street Widths**

28 *****

29 2. In Station Areas, Station Communities, Town Centers, and
30 Regional Centers, the decision-making authority may approve
31 alternative sidewalk widths consistent with the requirements of
32 section ~~20.20.50 and 20.20.60~~ 60.05 and may waive the
33 requirement for planter strips.

34 *****

1 **Section 23: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 60 Special Regulations, Section 60.70.35.19, shall be**
3 **amended to read as follows:**

4
5 **60.70 Wireless Communications Facilities**

6 *****

7 **60.70.35 Development Standards for WCF**

8 *****

9 **19. Specific Development Standards – WCF in Public Road**
10 **Right-of-Way.** The following standards are specific to the
11 installation of WCF on street lights in public road rights-of-ways
12 ~~on streetlights~~, excluding street lights on power poles, traffic
13 signal lights, and high voltage power utility poles, and are in
14 addition to the other development standards specified in this
15 section of the Code:

16
17 *****

18 **Section 24: The Development Code, Ordinance No. 2050,**
19 **Ordinance 4332, Chapter 90, Definitions, shall be amended to add the**
20 **following definitions that read as follows:**

21
22 *****

23 **Child Care Facility – See Nursery, day, or child care.**

24 *****

1 **Section 25: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 60, Section 60.60.25.9.B., shall be amended to read as**
3 **follows:**

4
5 **60.60.25.9**

6
7 *****

8
9 9. The following standards apply to the replacement of a Landscape Tree:

- 10
11 A. A replacement tree shall be a substantially similar species or a tree
12 approved by the City considering site characteristics.
13
14 B. If a replacement tree of the species of the tree removed or damaged
15 is not reasonably available, the City may allow replacement with a
16 different species.
17
18 C. Replacement of a Landscape Tree shall be based on ~~total linear~~
19 ~~DBH calculations~~ at a one-to-one ratio depending upon the
20 capacity of the site to accommodate replacement tree or unless
21 otherwise specified through development review. Replacement of
22 tree on a one-to-one basis shall be as follows:
23
24 1. ~~Calculate the sum of the total linear DBH measurement of~~
25 ~~the tree to be removed.~~
26
27 2. ~~The total linear DBH measurement of~~ The tree to be
28 removed shall be replaced with tree at least 1.5 caliper
29 inches in diameter. ~~The total caliper inches of the~~
30 ~~replacement tree shall be at least equal to the sum total of~~
31 ~~the linear DBH measurement of the removed tree.~~

32
33
34
35
36
37
38 *****
39
40

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

IN THE MATTER OF A REQUEST TO AMEND)	ORDER NO.1814
BEAVERTON DEVELOPMENT CODE (CHAPTER)	TA2005-0001 RECOMMENDING APPROVAL
10 (GENERAL PROCEDURES), CHAPTER 20)	OF 2005 OMNIBUS TEXT AMENDMENT.
(LAND USE), CHAPTER 40 (PERMITS &)	
APPLICATIONS), CHAPTER 50 (PROCEDURES))	
CHAPTER 60 (SPECIAL REQUIREMENTS), AND)	
CHAPTER 90 (DEFINITIONS). CITY OF)	
BEAVERTON, APPLICANT.)	

The matter of TA2005-0001 (2005 Omnibus) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4332, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on August 24, 2005, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA2005-0001 proposes annual omnibus text amendments to selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations to different types of applications, relocate certain section and remove non-applicable sections from the Code. Affected chapters of the Development Code include Chapter 10 (General Provisions), Chapter 20 (Land uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions).

The Planning Commission adopts by reference the August 3, 2005, Staff Report as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request and the supplemental findings contained herein; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** TA2005-0001 (2005-Omnibus). The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied.

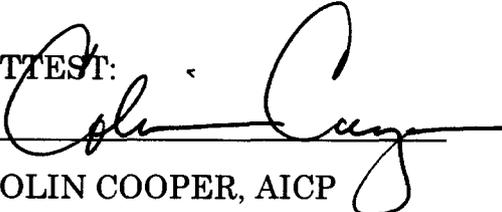
Motion **CARRIED** by the following vote:

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

Dated this 2nd day of September, 2005.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1814, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Recorder's Office by no later than 5:00 p.m. on Monday, September 12, 2005.

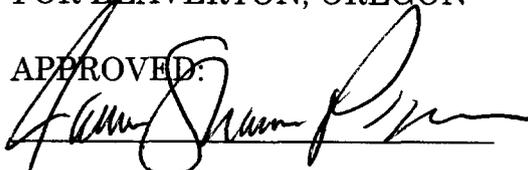
ATTEST:


 COLIN COOPER, AICP
 Senior Planner


 STEVEN A. SPARKS, AICP
 Development Services Manager

PLANNING COMMISSION
FOR BEAVERTON, OREGON

APPROVED:


 FOR ERIC H. JOHANSEN
 Chairman

PLANNING COMMISSION MINUTES

August 24, 2005

CALL TO ORDER:

Chairman Eric Johansen called the meeting to order at 6:30 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Eric Johansen, Planning Commissioners Dan Maks, Shannon Pogue, Alan DeHarport, Wendy Kroger, Bob Barnard, and Scott Winter.

Senior Planner John Osterberg, Planning Services Manager Hal Bergsma, Senior Planner Colin Cooper, AICP, Associate Planner Leigh Crabtree, Assistant Planner Laura Kelly, Assistant City Attorney Ted Naemura and Recording Secretary Sheila Martin represented staff.

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

VISITORS:

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

STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

OLD BUSINESS:

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

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

CONTINUANCE:

A. TA2005-0001 – 2005 OMNIBUS TEXT AMENDMENT

(Continued from August 3, 2005)

The proposed Semi-annual text amendment to selected sections of the Beaverton Development Code currently effective through Ordinance to clarify approval criteria, specify applicability of certain regulations, relocate certain sections and remove non-applicable sections from the Code. Affected chapters of the Development Code include Chapter 10 (General Procedures), Chapter 20 (Land Use), Chapter 40 (Permits & Applications), Chapter 50 (Procedures), Chapter 60 (Special Requirements), and Chapter 90 (Definitions).

Senior Planner Colin Cooper presented the Staff Report and explained the 2005 Omnibus as a housekeeping measure that occurs every year or two. Observing that this proposes minor amendments to 25 sections of the Development Code, he noted that he would not go into great detail as the Commission has had the information available for review for some time. Concluding, he offered to respond to questions.

Commissioner Maks requested further information pertaining to the minor and major adjustments in the Tektronix Station Community and the Regional Center area.

Mr. Cooper advised Commissioner Maks that this would all be addressed through Design Review and would involve a major or minor adjustment and would no longer be specific to certain areas.

Referring to Section 6 on page 6 of 24, Commissioner Kroger questioned how it is possible to determine whether the measurement is from the face of the garage rather than the back of the garage.

Mr. Cooper responded that the intention is generally the front of the structure, adding that it would be feasible to indicate the garage face or garage door. He proposed that staff consider modifying and clarifying 2 and 3 in order to provide some clarification.

Referring to Criterion 5 of Chapter 60, Commissioner Kroger questioned whether this includes maintenance of private tree tracts and trees in conservation easements or mitigation areas.

Mr. Cooper expressed his opinion that this is a policy-related issue that can not be addressed at this time, emphasizing that some types of

1 issues are not included in order to make the omnibus fairly
2 straightforward.

3
4 Commissioner Pogue referred to page 18 of 24, specifically the change
5 from 180 days to 240 days.

6
7 Mr. Cooper explained that State law had changed with regard to the
8 length of time allowable for a continuance, noting that this time had
9 been extended.

10
11 **PUBLIC TESTIMONY:**

12
13 No member of the public testified with regard to this application.

14
15 Assistant City Attorney Ted Naemura indicated that he had no
16 questions or comments at this time.

17
18 The public portion of the Public Hearing was closed.

19
20 Commissioners Kroger, Maks, Pogue, Barnard, Winter, and
21 DeHarpport and Chairman Johansen indicated that they would
22 support a motion for approval of this application.

23
24 Commissioner Pogue **MOVED** and Commissioner Barnard
25 **SECONDED** a motion to **APPROVE** TA 2005-0001 – 2005 Omnibus
26 Text Amendment, based upon the testimony, reports, and exhibits and
27 new evidence presented during the Public Hearing on the matter, and
28 upon the background facts, findings and conclusions found in the Staff
29 Report dated August 3, 2005, as amended.

30
31 Motion **CARRIED** by the following vote:

32
33 **AYES:** Pogue, Barnard, DeHarpport, Kroger, Maks,
34 Winter, and Johansen.

35 **NAYS:** None.

36 **ABSTAIN:** None.

37 **ABSENT:** None.
38
39
40
41
42
43
44



CITY of BEAVERTON

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: August 3, 2005

STAFF: Colin Cooper, AICP, Senior Planner *CC*

SUBJECT: TA 2005-0001 (2005 Omnibus)

REQUEST: Annual omnibus text amendments to selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations to different types of applications, relocate certain sections and remove non-applicable sections from the Code. Affected chapters of the Development Code include Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions).

APPLICANT: City of Beaverton
Development Services Division
Colin Cooper, AICP, Senior Planner
4755 SW Griffith Drive
Beaverton, Oregon 97006

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4295 (April 2004)

APPLICABLE CRITERIA: Ordinance 2050, effective through Ordinance 4295, Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, August 3, 2005

SUMMARY

A. SUMMARY OF PROPOSED TEXT AMENDMENT

TA 2005-0001 (2005 Omnibus) proposes annual omnibus text amendments to selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (April 2004) to clarify approval criteria, specify the applicability of certain regulations to different types of applications, relocate certain section and remove non-applicable sections from the Code. Affected chapters of the Development Code include Chapter 10 (General Provisions), Chapter 20 (Land uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions).

STAFF RECOMMENDATION (S)

Staff offers the following recommendation for the conduct of the August 3, 2005 public hearing for TA 2005-0001 (2005 Omnibus):

1. Open the public hearing.
2. Receive all public testimony.
3. Close the public hearing.
4. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
5. Recommend **APPROVAL** of text amendment application **TA 2005-0001 (2005 Omnibus)** to the City Council.

PROPOSAL OVERVIEW

This application is similar to previous Omnibus Text Amendments as it proposes a series of minor changes to the Development Code that are intended to enhance the implementation of the regulations by providing greater clarity to the code. The proposed text amendments included in this application have been suggested by regular users of the Development Code including citizens, policy makers, and staff.

TA 2005-0001 proposes the following amendments to the Development Code:

Section 1 - Proposes a small change to Section 10.20, Interpretation and Application of Code Language to provide clarity.

Section 2- Proposes to add the Corridor – Multiple Use to the list of Zoning District Abbreviations found in Section 10.25 that was inadvertently left out of the original text amendment that incorporated this zone into the Development Code.

Section 3 – Proposes to add the Wireless Facility application and delete the Major Adjustment –Regional Center and South Tektronix Station Community from the Planning Commission Responsibilities and Authority. It has already been the practice of staff to bring the Wireless Facility application to the Planning Commission.

Section 4 – Proposes to delete “Major Adjustment – Regional Center and South Tektronix Station Community” from the Board of Design Review’s Responsibility and Authority found in Section 10.95.3.B.2.

Section 5 - Proposes to update the reference for Central Beaverton to Downtown Regional Center and direct readers of the Development Code to the correct map in the Comprehensive Plan.

Section 6 - Proposes to clarify that the rear setback from the face of the garage to the property line should be 20 feet to ensure there is enough room to park a vehicle between the garage and the property line.

Section 7 - Proposes to delete the references for adjustments to the Major Pedestrian Routes for both Minor and Major Adjustments. In addition, this Section proposes to delete Minor and Major Adjustments for Regional Centers and the South Tektronix Community. The reason these sections may be deleted is that the Major Pedestrian Standards have now been universally incorporated into the Design Review Section and maps found in Section 60.05.

Section 8 – Proposes to delete Section 40.15.15.2.A.5 because it is redundant to Section 50.50.95, Modification of a Decision.

Section 9 – Proposes to amend Section 40.20.10.4, Design Review Applicability, to ensure that when demolition occurs the authority for a Design Review Compliance Letter extends not only to the structure, but also to the site the structure is located.

Section 9 also amends Section 40.20.15.1, Design Review Compliance Letter Threshold to include the removal of up to 5 Landscape Trees. This amendment is consistent with the discussion with the Planning Commission during the public hearing for the recently adopted tree ordinance.

Additionally, Section 9 proposes to add the standard language for Approval Criteria that was inadvertently omitted during the original adoption of the Design Review Text.

Section 10 - Proposes to delete 40.20.15.3.C.5.d and e because these approval criteria are simply standards not approval criterion and as standards are reviewed through the application process.

Section 11 – Proposes a simple grammatical correction for clarity.

Section 12 – Proposes a change the current code citation to reflect the change in location for the vision clearance triangle to the Engineering Design Manual.

Section 13 – Proposes to amend Section 40.85.15.1, Temporary Mobile Sales, to simply provide the correct reference for the vision clearance triangle, which has been moved from Section 60.55 to the Engineering Design Manual.

Section 14 – Proposes to amend Section 50.20, Pre-Application Conference, to allow for an applicant to waive a pre-application conference for a Type 2 upon signing a form from the Planning Director. The proposed change is in response to customers that have explained that they feel it is unnecessary to have formal pre-application conference for certain less complicated applications that are not subject to a public hearing.

Section 15 – Proposes to change Section 50.40.10 to reflect the extension of time from 180 to 240 total days allowed for processing an application inclusive of any continuations.

Section 16 – Proposes to simply amend Section 50.90. by deleting the Minor and Major Adjustments for Regional Centers and Tektronix Station Community as

proposed in Section the land use applications that have been proposed to be deleted from Section 7.

Section 17 – Proposes to amend Section 50.93, Extension of a Decision, by adding the standard Approval Criteria language in front of the two (2) approval criteria used for time extensions for approved land use applications.

Section 18 – Proposes to amend Section 60.05.35.6.C, to add the correct reference for the Building Design and Orientation Guideline.

Section 19 – Proposes to amend Section 60.30.10.10.F, Off Street Parking, by correcting the reference from standard that was moved from the Section 60.55 to the Engineering Design Manual.

Section 20 - Proposes to amend Sections 60.35.15.8 and Section 60.40.35.2 respectively by updating the reference from the Uniform Building Code to the International Building Code, which was adopted by the City Council for use by the City of Beaverton Building Division.

Section 21 – Proposes to amend the language contain in Section 60.35.15.1.A-C from the singular to the plural to clarify that the intent is that the percentage area is to apply to entire area not “an” area.

Section 22 – Proposes to amend Section 60.50.20, by updating the reference for the vision clearance triangle standards that are no contained in the Engineering Design Manual.

Section 23 – Proposes to amend Section 60.70.35.19 by reordering the existing language contained within the passage to clarify the purpose of the section.

Section 24 – Proposes to amend Chapter 90 by adding a definition for Child Care Facilities. This definition is directly from Oregon Revised Statue 657A.250. Staff is also proposing a new definition for Common Driveway in order to distinguish internal common driveways from public and private streets when calculating Net Density.

PUBLIC COMMENTS

The June 23, 2005 notice of application specified July 6, 2005 as the due date for written comments to be addressed in the staff report and recommendation. As of the date of issuance for the staff report and recommendation there were no written comments submitted to the record.

FACTS AND FINDINGS

A. CONFORMITY TO TEXT AMENDMENT APPROVAL CRITERIA

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2005-0001 (2005 Omnibus):

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

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2005-0001 (Section 20.20.50.E Text Amendment) proposes to amend various twelve separate sections of the Development Code. Therefore, staff find that approval criterion one has been met.

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

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

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

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

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

Title 9: Performance Measures

TA 2005-0001 (2005 Omnibus) proposes to clarify 23 separate sections of the Development Code without making any substantive changes to the code. The proposed amendments have no applicability to the Metro titles. Staff find that approval criterion three is not applicable.

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

There are no specific Comprehensive Plan policies that address omnibus text amendments. The proposed text amendments will not change the intent of the existing Development Code regulations, such that goals and policies of the Comprehensive Plan will be impacted. The following policies are addressed generally:

CHAPTER 2 – PUBLIC INVOLVEMENT ELEMENT

Staff suggest that Chapter 2 of the Comprehensive Plan (Public Involvement Element) is relevant to the proposed amendments. Although Chapter 2 of the Comprehensive Plan does not contain discrete policies to which the proposed amendment is applicable, staff suggest that the intent of Chapter 2 is met by the noticing efforts undertaken by the City to advertise the proposed text amendment.

Staff find that proposed amendments are consistent with the other provisions of the Development Code. Staff find, therefore, approval criterion five has been met.

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

Ordinance No. 4224, which adopted the current Development Code, and Ordinance No. 4187 which adopted the current Comprehensive Plan are applicable to the proposed text amendment, and are addressed in the findings of fact for approval criterion four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendments. Therefore, staff find that approval criterion six has been met.

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

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion is not applicable.

B. CONFORMANCE WITH STATEWIDE PLANNING GOALS

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

GOAL ONE - CITIZEN INVOLVEMENT

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

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

The City engaged in the adopted public notification efforts for the proposed text amendments. On June 15, 2005 notice was sent to the Department of Land Conservation and Development a minimum of 45 days prior to the initial hearing. On June 23, 2005 notice was sent to the CCI and other local governmental agencies as required by the Development Code. Posting of public hearing notices at Beaverton City Hall and the Beaverton City Library also occurred on June 23, 2005. On June 20, 2005 a legal notice of the proposed text amendment and the scheduled Planning Commission public hearing was published in the *Valley Times*.

GOAL TWO - LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4187) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4295). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

CONCLUSIONS

Based on the facts and findings presented, staff conclude that the proposed amendments to the Development Code are consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

STAFF RECOMMENDATION(S)

Staff offer the following recommendation for the conduct of the August 3, 2005 public hearing for TA 2005-0001 (2005 Omnibus):

1. Open the public hearing.
2. Receive all public testimony.
3. Close the public hearing.
4. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
5. Recommend **APPROVAL** of text amendment application **TA 2005-0001 (2005 Omnibus)** to the City Council.

EXHIBITS

Exhibit 1. Material Submitted by Staff

Exhibit 1.1 Proposed Omnibus Text Amendment

G:\mydocuments\text amendments 2005\ta2005-0001 staffrpt.doc

1 Old text has strike through and new text is grey scale.

2

3 **Section 1: The Development Code, Ordinance No. 2050, Ordinance**
4 **4332, Chapter 10, General Provisions, Sections 10.20, will be amended**
5 **to read as follows:**

6

7 *****

8

9 **10.20. Interpretation and Application of Code Language**

10

11 *****

12

- 13 4. [ORD 4224; August 2002] Proposals for uses where the code is
14 silent or where the rules of the Code do not provide a basis for
15 concluding that the use is allowed ~~are~~ or prohibited.

16

17 *****

18

19 **Section 2: The Development Code, Ordinance No. 2050, Ordinance**
20 **4332, Chapter 10, General Provisions, Sections 10.25, will be amended**
21 **to read as follows:**

22

23 *****

24

25 **10.25. Classification of Districts**

26

27 *****

28

ZONING DISTRICT

ABBREVIATION

29

Multiple Use Districts

30

31		
32	Station Area - Multiple Use	SA-MU
33	Station Area - Medium Density Residential	SA-MDR
34	Station Community - Multiple Use	SC-MU
35	Station Community - High Density Residential	SC-HDR
36	Station Community - Employment	SC-E
37	Corridor - Multiple Use	C-MU
38	Town Center - Multiple Use	TC-MU
39	Town Center - High Density Residential	TC-HDR
40	Town Center - Medium Density Residential	TC-MDR
41	Regional Center - Transit Oriented	RC-TO
42	Regional Center - Old Town	RC-OT
43	Regional Center - East	RC-E

44

45 *****

46

1 **Section 3: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 10, General Provisions, Sections 10.95.2.B.2, will be**
3 **amended to read as follows:**

4
5
6 *****

7
8 **10.95. Development Review Participants**

9
10 **2. Planning Commission.**

11
12 A. Membership
13
14 *****

15
16 B. Responsibilities and Authority
17
18 *****

19
20 2. The Planning Commission shall act on the behalf of
21 the City on the following applications: Major
22 Adjustment, ~~Major Adjustment – Regional Center~~
23 ~~and South Tektronix Station Community~~, Major
24 Modification of a Conditional Use, Conditional Use,
25 Preliminary Planned Unit Development, Final
26 Planned Unit Development, Flexible Setback(s) for
27 a Proposed Land Division, Flexible Setback(s) for a
28 Proposed Annexation, Zero Side or Zero Rear Yard
29 Setback(s) for a Proposed Residential Land
30 Division, Tree Plan Three, Variance, ~~Wireless~~
31 ~~Facility Three~~, and appeals of some decisions of the
32 Director.

33
34 *****
35

1 **Section 4: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 10, General Provisions, Sections 10.95.3.B.2, will be**
3 **amended to read as follows:**

4
5
6 *****

7
8 **10.95. Development Review Participants**

9
10 *****

11
12 **3. Board of Design Review.**

13
14 A. Membership

15
16 *****

17
18 B. Responsibilities and Authority

19
20 *****

21 2. The Board of Design Review shall review proposals
22 and make necessary decisions delegated to them by
23 this Code concerning design and aesthetic aspects
24 of proposals. The Board of Design Review shall act
25 on the behalf of the City on the following
26 applications: Major Adjustment, ~~Major Adjustment~~
27 ~~Regional Center and South Tektronix Station~~
28 ~~Community~~, Design Review Three, Major
29 Alteration of a Landmark, Demolition of a
30 Landmark, New Construction in a Historic District,
31 Tree Plan Three, Variance, and appeals of some
32 decisions of the Director.

33
34
35 *****

36

1 **Section 5: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 20, Land Uses, Sections 20.05.10.2.B.13, 20.05.15.2.B.13,**
3 **and 20.05.20.2.B.13, will be amended to read as follows:**

4
5 **20.05 Residential Land Use Districts**

6
7 *****

8 **20.05.10 Urban Low Density (R-10) District**

9 *****

10 **20.05.10.1 Purpose**

11 *****

12 **20.05.10.2 District Standards and Uses**

13 *****

14 **A. Permitted Uses**

15 *****

16 **B Conditional Uses**

17 *****

18 13. Two attached dwellings, only in the ~~Central~~
19 ~~Beaverton Downtown Regional Center~~ area shown
20 on ~~Map 2~~ ~~Figure III-1~~ in the Comprehensive Plan
21 (ORD 3236) (See also Special Regulations Section.)
22 [ORD 4224; August 2002]

23
24 *****

25
26 **20.05.15. Urban Standard Density (R7) District**

27 *****

28 **20.05.15.1 Purpose**

29 *****

30 **20.05.15.2 District Standards and Uses**

31
32 *****

33 **A. Permitted Uses**

34 *****

35 **B Conditional Uses**

36 *****

37
38

1 13. Two attached dwellings, only in the Central
2 Beaverton Downtown Regional Center area shown
3 on Map 2 Figure III-1 in the Comprehensive Plan
4 (ORD 3236) (See also Special Regulations Section.)
5 [ORD 4224; August 2002]

6 *****

8 **20.05.20 Urban Standard Density (R5) District**

9 *****

10 **20.05.20.1 Purpose**

11 *****

12 **20.05.20.2 District Standards and Uses**

13 *****

14 **A. Permitted Uses**

15 *****

16 **B Conditional Uses**

17 *****

18 13. Two attached dwellings, only in the Central
19 Beaverton Downtown Regional Center area shown
20 on Map 2 Figure III-1 in the Comprehensive Plan
21 (ORD 3236) (See also Special Regulations Section.)
22 [ORD 4224; August 2002]

23 *****
24

1 Section 6: The Development Code, Ordinance No. 2050, Ordinance
 2 4332, Chapter 20, Land Uses, Sections 20.05.50.3.C.2., will be amended
 3 to read as follows:

4
 5
 6 **20.05.50 Site Development Requirements**

7
 8 **1. Lot Area**

9 *****

10 **2. Lot Dimensions**

11 *****

12 **3. Yard Setbacks (in feet)**

13 **A. Front**

14 *****

15 **B. Side**

16 *****

17 **C. Rear**

18

	<u>RA</u>	R10	R7	R5	<u>R4</u>	R3.5	R2	R1
C. Rear								
1. Dwelling or building [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000]	100	25	25	25	15	15	15	15
2. Garage [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000]	20	5 20	5 20	5 20	10*	5	10	10
3. Garage with door elevation facing alley* [ORD 4107; May 2000]	n/a	n/a	n/a	n/a	24	24	24	24

19
 20 * If alley present, setback measured from garage door
 21 elevation to opposite side of the alley right of way or
 22 access easement line. [ORD 4047; May 1999] [ORD
 23 4107; May 2000] [ORD 4224; August 2002]

24 *****
 25

1 **Section 7: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.10.15.1.A.2, 40.10.15.2,**
3 **40.10.15.3.A.2, and 40.10.15.4, will be deleted to read as follows:**
4
5

6 **40.10. ADJUSTMENT**

7
8 **40.10.05. Purpose.**

9 *****

10 **40.10.10. Applicability.**

11 *****

12 **40.10.15. Application.**

13 *****

14 **1. Minor Adjustment.**

15
16 A. **Threshold.** An application for Minor Adjustment shall be
17 required when one or more of the following thresholds
18 apply:

19
20 1. Involves up to and including a 10% adjustment
21 from the numerical Site Development
22 Requirements specified in Chapter 20 (Land Uses).

23
24 ~~2. Involves up to and including a 10% adjustment~~
25 ~~from the numerical Development Standards for~~
26 ~~Major Pedestrian Routes specified in Section~~
27 ~~20.20.60.D.3 of this Code.~~

28 *****

29
30 ~~2. Minor Adjustment All Regional Center zones and South~~
31 ~~Tektronix Station Community Major Pedestrian Routes.~~

32
33 ~~A. Threshold. An application for Minor Adjustment~~
34 ~~Regional Center and South Tektronix Station Community~~
35 ~~Major Pedestrian Routes shall be required when the~~
36 ~~following threshold applies:~~

37
38 ~~1. Involves an adjustment of up to and including 25%~~
39 ~~of numerical Development Standards for Major~~
40 ~~Pedestrian Routes specified in Section 20.20.60.B.3~~
41 ~~or Section 20.20.60.E.3 of this Code.~~

42
43 ~~B. Procedure Type. The Type 2 procedure, as described in~~
44 ~~Section 50.40 of this Code, shall apply to an application~~
45 ~~for Minor Adjustment Regional Center and South~~
46 ~~Tektronix Station Community Major Pedestrian Routes.~~
47 ~~The decision making authority is the Director.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

~~C. Approval Criteria. In order to approve a Minor Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:~~

- ~~1. The proposal satisfies the threshold requirements for a Minor Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application.~~
- ~~2. All City application fees related to the application under consideration by the decision making authority have been submitted.~~
- ~~3. Granting the adjustment will equally or better meet the purpose of the District subarea requirement, standard or regulation to be modified.~~
- ~~4. The proposal will be consistent with the desired character of the area.~~
- ~~5. If more than one (1) adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the zone.~~
- ~~6. City designated scenic resources and historic resources, if present, are preserved.~~
- ~~7. Any impacts resulting from the adjustment are mitigated to the extent practical.~~
- ~~8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.~~

~~D. Submission Requirements. An application for a Minor Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Minor Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application shall be~~

1 accompanied by the information required by the
2 application form, and by Section 50.25 (Application
3 Completeness), and any other information identified
4 through a Pre Application Conference.

5
6 ~~E. Conditions of Approval. The decision making authority
7 may impose conditions on the approval of a Minor
8 Adjustment Regional Center and South Tektronix
9 Station Community Major Pedestrian Routes application
10 to ensure compliance with the approval criteria.~~

11
12 ~~F. Appeal of a Decision. Refer to Section 50.65.~~

13
14 ~~G. Expiration of a Decision. Refer to Section 50.90.~~

15
16 ~~H. Extension of a Decision. Refer to Section 50.93.~~

17
18 *****

19 3. Major Adjustment.

20
21 A. Threshold. An application for Major Adjustment shall be
22 required when one or more of the following thresholds
23 apply:

24
25 1. Involves an adjustment of more than 10% and up to
26 and including 50% adjustment from the numerical
27 Site Development Requirement specified in
28 Chapter 20 (Land Uses).

29
30 ~~2. Involves an adjustment of more than 10% and up to
31 and including 50% adjustment from the numerical
32 Development Standards for Major Pedestrian
33 Routes specified in Section 20.20.60.D.3 of this
34 Code.~~

35
36 *****

37
38 ~~4. Major Adjustment All Regional Center zones and South
39 Tektronix Station Community Major Pedestrian Routes~~

40
41 ~~A. Threshold. An application for Major Adjustment
42 Regional Center and South Tektronix Station Community
43 Major Pedestrian Routes shall be required when one or
44 more of the following thresholds apply:~~

45
46 ~~1. Involves an adjustment of more than 25% to a
47 numerical Development Standards for Major~~

1 Pedestrian Routes specified in Section 20.20.60.B.3
2 or 20.20.60.E.3.

3
4 ~~2. Involves an adjustment to a non-numerical~~
5 ~~Development Standards for Major Pedestrian~~
6 ~~Routes specified in Section 20.20.60.B.3 or Section~~
7 ~~20.20.60.E.3.~~

8
9 ~~3. Involves multiple Minor Adjustment Regional~~
10 ~~Center and South Tektronix Station Community~~
11 ~~Major Pedestrian Routes applications.~~

12
13 ~~B. Procedure Type. The Type 3 procedure, as described in~~
14 ~~Section 50.45 of this Code, shall apply to an application~~
15 ~~for Major Adjustment Regional Center and South~~
16 ~~Tektronix Station Community Major Pedestrian Routes.~~
17 ~~Upon determination by the Director, the decision making~~
18 ~~authority will be either the Planning Commission or the~~
19 ~~Board of Design Review. The determination will be based~~
20 ~~upon the nature and characteristics of the proposal.~~

21
22 ~~C. Approval Criteria. In order to approve a Major~~
23 ~~Adjustment Regional Center and South Tektronix~~
24 ~~Station Community Major Pedestrian Routes application,~~
25 ~~the decision making authority shall make findings of fact~~
26 ~~based on evidence provided by the applicant~~
27 ~~demonstrating that all the following criteria are satisfied:~~

28
29 ~~1. The proposal satisfies the threshold requirements~~
30 ~~for a Major Adjustment Regional Center and~~
31 ~~South Tektronix Station Community Major~~
32 ~~Pedestrian Routes application.~~

33
34 ~~2. All City application fees related to the application~~
35 ~~under consideration by the decision making~~
36 ~~authority have been submitted.~~

37 ~~3. Granting the adjustment will equally or better~~
38 ~~meet the purpose of the District subarea~~
39 ~~requirement, standard or regulation to be modified.~~

40
41 ~~4. The proposal will be consistent with the desired~~
42 ~~character of the area.~~

43
44 ~~5. If more than one (1) adjustment is being requested,~~
45 ~~the cumulative effect of the adjustments results in~~
46 ~~a project which is still consistent with the overall~~
47 ~~purpose of the zone.~~
48

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

- ~~6. City designated scenic resources and historic resources are preserved.~~
- ~~7. Any impacts resulting from the adjustment are mitigated to the extent practical.~~
- ~~8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.~~

~~D. Submission Requirements. An application for a Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre Application Conference.~~

~~E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Major Adjustment Regional Center and South Tektronix Station Community Major Pedestrian Routes application to ensure compliance with the approval criteria.~~

~~F. Appeal of a Decision. Refer to Section 50.70.~~

~~G. Expiration of a Decision. Refer to Section 50.90.~~

~~H. Extension of a Decision. Refer to Section 50.93~~

1 **Section 8: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.15.15.2.A.5., will be**
3 **deleted to read as follows:**

4
5 **Major Modification of a Conditional Use Permit**

6
7 **40.15. Conditional Use**

8
9 **40.15.05 Purpose**

10 *****

11 **40.15.10 Applicability**

12 *****

13 **40.15.15. Application**

14
15 **1. Minor Modification of a Conditional Use**

16 *****

17 **2. Major Modification of a Conditional Use**

18 **A. Threshold.**

19 *****

20 ~~5. — Modification of one or more conditions of approval which apply to an~~
21 ~~approved Conditional Use.~~

22 *****

23

1 **Section 9: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.20.10.4.C, 40.20.15.1.A.f,**
3 **40.20.15.1.C, 40.20.15.1.C.6, 40.20.15.2.A, 40.20.15.2.A.8, 40.20.15.2.C, and**
4 **40.20.15.3.C, will be amended to read as follows:**

5
6 **40.20 Design Review**

7 *****

8 **40.20.05 Purpose**

9 *****

10 **40.20.10.4 Applicability.**

11
12 C. Proposed redevelopment of existing structures, where demolition
13 of up to and including 25% of the area of the existing structure is
14 proposed, and where improvements are proposed to be located
15 within the area of demolition, new design standards or design
16 guidelines are not applicable. If demolition is proposed greater
17 than 25% up to and including 50% of the existing structure, and
18 where improvements are proposed to be located within the area
19 of demolition, 10% of the overall construction budget for new
20 building improvements will be required to be devoted to
21 improving portions of the building, site or both so as to meet
22 applicable design standards or design guidelines. If demolition
23 is proposed greater than 50% of the area of the existing
24 structure, the full redevelopment project is subject to all
25 applicable design standards or design guidelines.

26
27 *****

28
29 **40.20 Design Review**

30 *****

31 **40.20.15. Application.**

32
33 **1. Design Review Compliance Letter.**

34
35 A. Threshold. An applicant may utilize the Design Review
36 Compliance Letter process when the application is limited
37 to one or more of the following categories of proposed
38 action:

39
40 1. Minor design changes to existing building or site
41 including, but not limited to:

42
43 *****

- f. Modification of up to 15 percent the on-site landscaping with no reduction in required landscaping.
- j. Removal of up to 5 Landscape Trees

40.20.15.1. Design Review Compliance Letter

B. Procedure Type

C. Approval Criteria - In order to approve a Design Review Compliance Letter application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

6. If applicable through Section 20.20.15.2, the proposed addition to an existing building, and only that portion of the building containing the proposed addition, complies with the applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) as they apply to the following:

- a. Building articulation and variety.
- b. Roof forms.
- c. Building materials.
- d. Perimeter/foundation landscaping requirements.
- e. Screening roof-mounted equipment requirements.
- f. Screening loading areas, solid waste facilities and similar improvements.
- g. Lighting requirements.
- h. Pedestrian circulation

40.20.15. Application.

2. Design Review Two.

A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal:

1 *****

2 8. Removal of more than five (5) and up to and including
3 ten (10) Landscape Trees on a site within a one
4 calendar year period.
5

6 *****

7 B. Procedure Type

8 *****

9 C. Approval Criteria - In order to approve a Design Review
10 Two application, the decision making authority shall
11 make findings of fact based on evidence provided by the
12 applicant demonstrating that all the following criteria are
13 satisfied:

14 *****

15
16 40.20.15.3.C

17
18 A. Threshold

19 *****

20 B. Procedure Type

21 *****

22 C. Approval Criteria - In order to approve a Design Review
23 Three application, the decision making authority shall
24 make findings of fact based on evidence provided by the
25 applicant demonstrating that all the following criteria are
26 satisfied:
27

28
29 *****

1 **Section 10: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.20.15.3.C, will be amended**
3 **to read as follows:**

4
5 *****

6
7 **40.20.15.3.C. Approval Criteria.**

8
9
10 5. For additions to or modifications of existing
11 development, the proposal is consistent with all
12 applicable provisions of Sections 60.05.35 through
13 60.05.50 (Design Guidelines) or can demonstrate
14 that the additions or modifications are moving
15 towards compliance of specific Design Guidelines if
16 any of the following conditions exist:

17
18 a. A physical obstacle such as topography or
19 natural feature exists and prevents the full
20 implementation of the applicable guideline;
21 or

22
23 b. The location of existing structural
24 improvements prevent the full
25 implementation of the applicable guideline;
26 or

27
28 c. The location of the existing structure to be
29 modified is more than 300 feet from a public
30 street.

31
32 ~~If the above listed conditions are found to exist and~~
33 ~~it is not feasible to locate a proposed addition in~~
34 ~~such a way that the addition abuts a street, then~~
35 ~~all applicable design standards except the following~~
36 ~~must be met:~~

37
38 ~~d. If in a Multiple Use District, building~~
39 ~~location, entrances and orientation along~~
40 ~~streets, and parking lot limitations along~~
41 ~~streets (Standards 60.05.15.6 and 60.05.20.8)~~

42
43 ~~e. If in a Multiple Use or Commercial District,~~
44 ~~ground floor elevation window requirements~~
45 ~~(Standard 60.05.15.8).~~

1 **Section 11: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 40, Applications, Sections 40.55.10, will be amended to**
3 **read as follows:**

4
5 *****

6 **40.55.10. Applicability.**

7
8 A Parking Determination may be requested in writing to establish a
9 required off street parking ratio or specific number of off street parking
10 spaces for use not specifically listed in Section 60.30 (Off Street
11 Parking) of this Code, to share required parking spaces, and to
12 determine the existence of excess required parking.

13
14 *****

15
16 **Section 12: The Development Code, Ordinance No. 2050, Ordinance**
17 **4332, Chapter 40, Permits and Applications, Section 40.80.15.1.C.8.,**
18 **will be amended to read as follows:**

19
20 **40.80. Temporary Use**

21 *****

22 **40.80.15 Application**

23 **1. Temporary Mobile Sales**

24 **A. Threshold**

25 *****

26 **B. Procedure Type**

27 *****

28 **C. Approval Criteria**

29 *****

30 **8. The proposal will not be located within the vision**
31 **clearance area of an intersection as specified under**
32 **~~Section 60.55.50 in the Engineering Design Manual~~**
33 **and Standard Drawings.**

34
35
36 *****

1 **Section 13: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 50, Procedures, Section 50.20.1 shall be amended to**
3 **read as follows:**

4
5 *****

6 **50.20 Pre-Application Conference**

7
8 1. With the exception of an application filed by the City, a pre-application
9 conference shall be required for all proposals which require Type 2, Type 3, or
10 Type 4 applications. An applicant may choose to forgo the required pre-
11 application conference for a Type 2 application upon completion of a form for
12 that purpose provided by the Director. A pre-application conference is
13 optional for an applicant for proposals which require only Type 1
14 applications.

15
16 *****

17
18 **Section 14: The Development Code, Ordinance No. 2050, Ordinance**
19 **4332, Chapter 50, Procedures, Section 50.40.10.B shall be amended to**
20 **read as follows:**

21
22 *****

23 **50.40. Type 2**

24 *****

25 50.40.10. Within approximately fourteen (14) calendar days after the
26 Facilities Review Committee technical meeting, the Director
27 shall issue a written decision on the application to the applicant,
28 the property owner, the NAC in which the subject property is
29 located, and interested parties that submitted written comments
30 prior to or on the comment closing date; provided, [ORD 4265;
31 September 2003]

32
33 A. The decision making authority shall consider the
34 application, the applicant's supplement to or amendment
35 of the application, if any, and the timely and relevant
36 comments on the application. The decision making
37 authority may consider comments and responses received
38 from the applicant, the public, or both after the comment
39 closing period on the proposal; and

40
41 B. An applicant may request in writing a continuance of
42 time, not to exceed a total of ~~180~~ 240 calendar days from
43 the date the application was determined to be or deemed
44 complete. The decision making authority shall issue a
45 decision prior to the conclusion of the continuance of time.

46 *****

1 **Section 15: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 50, Procedures, Section 50.90.1.B, shall be**
3 **amended to read as follows:**

4 *****

5 **50.90. Expiration of a Decision**

6 1. Except as otherwise specifically provided in a specific decision or in this
7 Code, a final decision made pursuant to this Chapter shall expire
8 automatically on the following schedule unless the approval is enacted
9 either through construction or establishment of use within the specified
10 time period.

11
12 A. Five (5) years from the effective date of decision: Final Planned
13 Unit Development (40.15.15.6) where phasing of the development
14 is proposed.

15
16 B. Two (2) years from the effective date of decision:

- 17 Accessory Dwelling Unit (40.05.15.1)
- 18 Administrative Conditional Use (40.15.15.3)
- 19 Alteration of a Landmark (40.35.15.1)
- 20 Conditional Use (40.15.15.4)
- 21 Demolition of a Landmark (40.35.15.3)
- 22 Design Review Two (40.20.15.2)
- 23 Design Review Three (40.20.15.3)
- 24 Emergency Demolition of a Landmark (40.35.15.2)
- 25 Expedited Land Division (40.45.15.7)
- 26 Final Land Division (40.45.15.6)
- 27 Final Planned Unit Development (40.15.15.6) when there is no
28 phasing to the development
- 29 Flexible Setback for Individual Lot With Endorsement
30 (40.30.15.1)
- 31 Flexible Setback for Individual Lot Without Endorsement
32 (40.30.15.2)
- 33 Flexible Setback for a Proposed Residential Land Division
34 (40.30.15.3)
- 35 Flexible Setback for a Proposed Annexation (40.30.15.4)
- 36 Lot Line Adjustment (40.45.15.1)
- 37 Major Adjustment (40.10.15.3)
- 38 ~~Major Adjustment—All Regional Center zones and South~~
39 ~~Tektronix Station Community Major Pedestrian Routes~~
40 ~~(40.10.15.4)~~
- 41 Major Modification of a Conditional Use (40.15.15.2)
- 42 Minor Adjustment (40.10.15.1)
- 43 ~~Minor Adjustment—All Regional Center zones and South~~
44 ~~Tektronix Station Community Major Pedestrian Routes~~
45 ~~(40.10.15.2)~~
- 46 Minor Modification of a Conditional Use (40.15.15.1)

47 *****
48

1 **Section 16: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 50, Procedures, Section 50.93.4 shall be amended to**
3 **read as follows:**

4 *****

6 **50.93. Extension of a Decision**

7 *****

8 4. ~~An application for an extension shall be granted if the applicant~~
9 ~~demonstrates that it complies with the following: In order to~~
10 ~~approve an extension of time application, the decision making~~
11 ~~authority shall make findings of fact based on evidence provided~~
12 ~~by the applicant demonstrating that all the following criteria are~~
13 ~~satisfied:~~

14
15 A. It is not practicable to commence development within the
16 time allowed for reasons beyond the reasonable control of
17 the applicant.

18
19 B. There has been no change in circumstances or the
20 applicable regulations or Statutes likely to necessitate
21 modification of the decision or conditions of approval since
22 the effective date of the decision for which the extension is
23 sought.

24 *****

26 **Section 17: The Development Code, Ordinance No. 2050, Ordinance**
27 **4332, Chapter 60, Special Requirements, Section 60.05.35.6.C, will**
28 **be amended to read as follows:**

29 *****

31 **60.05 Design Review**

32 *****

33 **60.05.35. Building Design and Orientation Guidelines**

34 *****

35 **6. Building Location and Orientation in Multiple Use and**
36 **Commercial districts.**

37 *****

38 C. On Class 1 Major Pedestrian Routes, building entrances should
39 be oriented to streets, or have reasonably direct pedestrian
40 connections to streets and pedestrian and transit facilities.
41 (Standard 60.05.15.6.C and D)

42 *****

60

1 **Section 18:** The Development Code, Ordinance No. 2050, Ordinance
2 4332, Chapter 60, Special Requirements, Section 60.30.10.10.F., will
3 be amended to read as follows:

4 *****

6 **60.30. Off-Street Parking**

7 *****

8 **60.30.10.10. Off Street Parking exceptions**

9 *****

10 F. For uses located within a 1/4 mile radius of a transit stop,
11 as measured from any portion of a parcel to the centerline
12 of the nearest adjacent public right of way or the center of
13 the station platform, the provision of bicycle parking may
14 be used to reduce minimum vehicle parking requirements
15 at a rate of two long-term bicycle parking spaces per
16 vehicle space, but not more than five percent of the total
17 number of required vehicle parking spaces. The property
18 owner shall provide a parking analysis demonstrating
19 that the vehicle parking demand will be met with the
20 reduced number of vehicle spaces. Bicycle parking used
21 to reduce vehicle parking spaces shall be covered long-
22 term bicycle parking consistent with **Engineering Design**
23 **Manual and Standard Drawings**. Section 60.55.65 of this
24 Code .

25 *****

27 **Section 19:** The Development Code, Ordinance No. 2050, Ordinance
28 4332, Chapter 60, Special Requirements, Section 60.30.15.8 and
29 Section 60.40.35.2 will be amended to read as follows:

31 **60.30. Off-Street Parking**

32 *****

33 **60.30.15. Off-Street Parking Lot Design**

34 *****

35 8) Parking lots in conjunction with government and public buildings, as
36 defined by Chapter ~~11 31~~ of the **International Uniform Building Code**, are to
37 include parking for the handicapped as required in that chapter. These
38 special spaces may be included within the total spaces required. (ORD 3494)

1 *****

2 **60.40. Sign Regulations**

3 *****

4 **60.40.35 Commercial, Industrial, and Multiple Use Zones**

5 1. Wall Sign

6 *****

7 2. Projecting Sign and Awning. Commercial buildings within the
8 Multiple Use zoning districts which have the front building line
9 within five (5) feet of the public right-of-way shall be permitted
10 one (1) projecting sign on the front building face in lieu of a
11 freestanding sign. All projecting signs and awnings must
12 conform to the latest edition of the International Uniform
13 Building Code in meeting wind and deadload requirements and
14 must be adequately maintained to prevent deterioration which
15 could be a hazard to pedestrian traffic beneath the sign.
16 Projecting signs and awnings shall project no more than eight
17 (8) feet or two-thirds (2/3) of the width of the sidewalk or to
18 within two (2) feet of the curb, whichever is less, and contain no
19 more than thirty-two (32) square feet per face. Projecting signs
20 and awnings shall have an underneath clearance of eight (8)
21 feet. (ORD 3374) [ORD 4058, August 1999] [ORD 4107; May
22 2000]

23 *****

24 *****
25 Section 20: The Development Code, Ordinance No. 2050, Ordinance
26 4332, Chapter 60, Special Requirements, Section 60.35.15.1.A-C., will
27 be amended to read as follows:

28
29
30 **60.35 Planned Unit Development**

31 *****

32 **Section 60.35.15. Common Open Space**

- 33
34 1. A PUD shall be required to provide common open space
35 according to the following rates:
36
37 A. ~~An~~ Area equal to at least twenty percent (20%) of the
38 subject site when the site is up to and including 10 acres
39 in size.
40
41 B. ~~An~~ Area equal to at least fifteen percent (15%) of the
42 subject site when the site is more than 10 acres and up to
43 and including 50 acres in size.

1
2 C. An Area equal to at least ten percent (10%) of the subject
3 site when the site is more than 50 acres in size.

4 *****

5 **Section 21: The Development Code, Ordinance No. 2050, Ordinance**
6 **4332, Chapter 60, Special Regulations, Section 60.50.20, shall be**
7 **amended to read as follows:**

8
9
10 **60.50 Special Use Regulations**

11 *****

12 **60.50.20. Fences.** Fences in any district may be constructed at the lot
13 line; provided, however, that fences shall comply ~~to~~ with all
14 applicable ~~vision~~ clearance standards established in ~~Section~~
15 ~~60.55.50.1 the Engineering Design Manual~~ for setback and
16 height limits. (ORD 3162; March 1980) (ORD 3287; October
17 1982)

18
19 *****

20 **Section 22: The Development Code, Ordinance No. 2050, Ordinance**
21 **4332, Chapter 60, Special Regulations, Section 60.55.30.2., shall be**
22 **amended to read as follows:**

23
24 *****

25 **60.55. Transportation Facilities**

26 *****

27 **60.55.30 Street Widths**

28 *****

29 2. In Station Areas, Station Communities, Town Centers, and
30 Regional Centers, the decision-making authority may approve
31 alternative sidewalk widths consistent with the requirements of
32 ~~section 20.20.50 and 20.20.60~~ **60.05** and may waive the
33 requirement for planter strips.

34 *****

1 **Section 23: The Development Code, Ordinance No. 2050, Ordinance**
2 **4332, Chapter 60 Special Regulations, Section 60.70.35.19, shall be**
3 **amended to read as follows:**

4
5 **60.70 Wireless Communications Facilities**

6 *****

7 **60.70.35 Development Standards for WCF**

8 *****

- 9 **19. Specific Development Standards – WCF in Public Road**
10 **Right-of-Way.** The following standards are specific to the
11 installation of WCF ~~on street lights~~ in public road rights-of-ways
12 ~~on streetlights~~, excluding street lights on power poles, traffic
13 signal lights, and high voltage power utility poles, and are in
14 addition to the other development standards specified in this
15 section of the Code:

16
17 *****

18 **Section 24: The Development Code, Ordinance No. 2050,**
19 **Ordinance 4332, Chapter 90, Definitions, shall be amended to add the**
20 **following definitions that read as follows:**

21
22 *****

23 **Child Care Facility – See Nursery, day, or child care.**

24 *****

25

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Relating To The Emergency Management Code, Amending Beaverton Code Section 2.01.020

FOR AGENDA OF: 9-12-2005 BILL NO: 05165

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Emergency Management *[Signature]*

DATE SUBMITTED: 8-2-05

CLEARANCES: Chief of Staff *[Signature]*
City Attorney *[Signature]*
Finance *[Signature]*
Operations *[Signature]*
Police *[Signature]*

PROCEEDING: First reading

EXHIBITS: Ordinance
DHS Letter to Governors

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

Homeland Security Presidential Directive (HSPD) – 5 directed the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS). The intent of NIMS is to provide a consistent nationwide template to enable Federal, State, local, and tribal governments, and private-sector and nongovernmental organizations to work together effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incident, regardless of cause, size, or complexity, including acts of catastrophic terrorism. The Directive further requires that federal departments and agencies make adoption of the NIMS by State, tribal, and local organizations a condition for federal preparedness assistance (i.e., grants) beginning in FY2005. The Secretary of the Department of Homeland Security's letter to the Governors outlines several compliance requirements for the current federal fiscal year including the formal adoption of NIMS by states, territories, tribes and local entities.

INFORMATION FOR CONSIDERATION:

This system is built upon the basic elements of the National Interagency Incident Management System (NIIMS) that the City previously adopted as the foundation for its incident command, coordination, and support activities; so the change to NIMS will have only a minor impact. The City also incorporated the Incident Command System (ICS), which is an integral part of NIMS, in the City's Emergency Management Code in 2004, meeting the federal government's compliance requirements for that year. The City is the recipient of numerous federal grants each year and non-adoption could result in the loss of eligibility for several of them including the Emergency Management Performance Grant (EMPG), Pre-Disaster Mitigation, Urban Area Security Initiative (UASI), Law Enforcement Terrorism Prevention Program (LETPP), and State Homeland Security Program (SHSP), which could create a significant financial impact on several City programs.

RECOMMENDED ACTION:

First reading

AN ORDINANCE RELATING TO THE EMERGENCY
MANAGEMENT CODE, AMENDING BEAVERTON CODE
SECTION 2.01.020

WHEREAS, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) to standardize and enhance incident management procedures; and

WHEREAS, the National Incident Management System provides a structure and process to effectively coordinate responders from multiple disciplines and levels of government and to integrate them with resources from the private sector and non-governmental organizations; and

WHEREAS, failure to adopt and use the National Incident Management System may preclude the City from receiving federal preparedness grants or reimbursement for costs expended during major emergency and disaster response and recovery operations;

WHEREAS, The change will have minimal impact on the majority of the City departments and programs since the new system is built upon the basic elements of the National Interagency Incident Management System (NIIMS) that the City previously adopted as the foundation for its incident command, coordination and support activities, now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Beaverton Code Section 2.01.020 is amended as follows, with deleted material ~~lined through~~ and new matter in **bold**:

2.01.020 ~~Adoption of an Incident Command System~~ **the National Incident Management System**. The City adopts the principles and policies of the ~~Incident Command System (ICS)~~ of the National Incident Management System (NIMS) ~~as a model for managing emergencies within its jurisdiction as~~ **the foundation for its incident command, coordination, and support activities.**

A. A core component of NIMS is the Incident Command System (ICS). The City will utilize ICS to manage major emergencies and disasters operations within its jurisdiction.

B. City Staff responsible for managing and/or supporting major emergency and disaster operations will be provided appropriate training on NIMS and its core components.

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



Homeland Security

September 8, 2004

Dear Governor:

In Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the President directed me to develop and administer the National Incident Management System (NIMS). The NIMS provides a consistent nationwide approach for Federal, State¹, territorial, tribal, and local² governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. On March 1, 2004, the Department of Homeland Security (DHS) issued the NIMS to provide a comprehensive national approach to incident management, applicable at all jurisdictional levels and across functional disciplines. HSPD-5 also required DHS to establish a mechanism for ongoing coordination to provide strategic direction for, and oversight of, the NIMS. To this end, the NIMS Integration Center (NIC) was established to support both routine maintenance and the continuous refinement of the NIMS.

All Federal departments and agencies are required to adopt the NIMS and use it in their individual domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation activities, as well as in support of all actions taken to assist State or local entities. The NIC is working with Federal departments and agencies to ensure that they develop a plan to adopt NIMS and that all fiscal year (FY) 2005 Federal preparedness assistance program documents begin the process of addressing State, territorial, tribal, and local NIMS implementation.

This letter outlines the important steps that State, territorial, tribal, and local entities should take during FY 2005 (October 1, 2004- September 30, 2005) to become compliant with the NIMS.

The NIMS provides the framework for locals, tribes, territories, States, and the Federal Government to work together to respond to any domestic incident. Many of the NIMS requirements are specific to local jurisdictions. In order for NIMS to be implemented

¹ As defined in the Homeland Security Act of 2002, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States." 6 U.S.C. 101 (14)

² As defined in the Homeland Security Act of 2002, Section 2(10): the term "local government" means "(A) county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments... regional or interstate government entity, or agency or instrumentality of a local government; an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and a rural community, unincorporated town or village, or other public entity." 6 U.S.C. 101(10)

successfully across the nation, it is critical that States provide support and leadership to tribal and local entities to ensure full NIMS implementation. We are looking to you and your State Administrative Agency (SAA) to coordinate with the State agencies, tribal governments, and local jurisdictions to ensure NIMS implementation. Given the importance and urgency of this effort, Federal, State, territorial, tribal, and local entities should begin efforts to implement the NIMS, if such efforts are not already underway.

Implementation of and compliance with the NIMS is critical to ensuring full and robust preparedness across our nation. HSPD-5 established ambitious deadlines for NIMS adoption and implementation. FY 2005 is a start up year for NIMS implementation and full compliance with the NIMS is not required for you to receive FY 2005 grant funds. Since FY 2005 is a critical year for initial NIMS adoption, you should start now by prioritizing your FY 2005 preparedness assistance (in accordance with the eligibility and allowable uses of the grant) to facilitate its implementation. The NIC is working with the Federal departments and agencies to identify all of preparedness assistance programs. The NIC will then provide this information to the States, territories, tribes, and local governments.

To the maximum extent possible, States, territories, tribes, and local entities are encouraged to achieve full NIMS implementation and institutionalization across the entire response system during FY 2005. This memorandum highlights the important features of NIMS implementation that should receive special emphasis in FY 2005, but does not represent all of the actions necessary to fully implement the NIMS.

The NIMS is the nation's first-ever standardized approach to incident management and response. The NIMS unifies Federal, State, territorial, tribal, and local lines of government into one coordinated effort. This integrated system makes America safer by establishing a uniform set of processes, protocols, and procedures that all emergency responders, at every level of government, will use to conduct response actions. This system ensures that those involved in emergency response operations understand what their roles are and have the tools they need to be effective.

This system encompasses much more than the Incident Command System (ICS), although ICS is a critical component of the NIMS. It also provides a common foundation for training and other preparedness efforts, communicating and sharing information with other responders and with the public, ordering resources to assist with a response effort, and for integrating new technologies and standards to support incident management. For the first time, all of the nation's emergency responders will use a common language, and a common set of procedures when working individually and together to keep America safe. The NIMS ensures that they will have the same preparation, the same goals and expectations, and most importantly, they will be speaking the same language.

Minimum FY 2005 NIMS Compliance Requirements:

State and territory level efforts to implement the NIMS must include the following:

- **Incorporating NIMS into existing training programs and exercises**
- **Ensuring that Federal preparedness funding (including DHS Homeland Security Grant Program, Urban Area Security Initiative (UASI) funds) support NIMS implementation at the State and local levels** (in accordance with the eligibility and allowable uses of the grants)
- **Incorporating NIMS into Emergency Operations Plans (EOP)**
- **Promotion of intrastate mutual aid agreements**
- **Coordinating and providing technical assistance to local entities regarding NIMS**
- **Institutionalizing the use of the Incident Command System (ICS)**

At the State, territorial, tribal, and local levels, jurisdictions should support NIMS implementation by:

- **Completing the NIMS Awareness Course: “National Incident Management System (NIMS), An Introduction” (IS 700)**

This independent study course developed by the Emergency Management Institute (EMI) explains the purpose, principles, key components, and benefits of NIMS. The course also contains "Planning Activity" screens, allowing participants an opportunity to complete some planning tasks during the course. The planning activity screens are printable so that they can be used after the course is complete. The course is available on-line and will take between forty-five minutes to three hours to complete. The course is available on the EMI web page at: <http://training.fema.gov/EMIWeb/IS/is700.asp>.

- **Formally recognizing the NIMS and adopting the NIMS principles and policies**
States, territories, tribes, and local entities should establish legislation, executive orders, resolutions, or ordinances to formally adopt the NIMS. The NIC will provide sample language and templates to assist you in formally adopting the NIMS through legislative and/or executive/administrative means.

- **Establish a NIMS baseline by determining which NIMS requirements you already meet**

We recognize that State, territorial, tribal, and local entities have already implemented many of the concepts and protocols identified in the NIMS. The 2004 DHS Homeland Security Grant Program encouraged grantees to begin utilizing the NIMS concepts, principles, terminology, and technologies. The NIC is developing the NIMS Capability Assessment Support Tool (NIMCAST). The NIMCAST is a web-based self-assessment system that States, territories, tribes, and local governments can use to evaluate their incident response and management capabilities. This useful tool identifies the

requirements established within the NIMS and can assist you in determining the extent to which you are already compliant, as well as identify the NIMS requirements that you are not currently meeting. As gaps in compliance with the NIMS are identified, States, territories, tribes, and local entities should use existing initiatives, such as the Office for Domestic Preparedness (ODP) Homeland Security grant programs, to develop strategies for addressing those gaps. The NIC will formally pilot the NIMCAST with a limited number of States in September. Upon completion of the pilot, the NIC will provide all potential future users with voluntary access to the system. Additional information about the NIMCAST tool will be provided later this year.

- **Establishing a timeframe and developing a strategy for full NIMS implementation**

States, territories, tribes, and local entities are encouraged to achieve full NIMS implementation during FY 2005. To the extent that full implementation is not possible during FY 2005, Federal preparedness assistance must be leveraged to complete NIMS implementation by FY 2006. By FY 2007, Federal preparedness assistance will be conditioned by full compliance with the NIMS. Again, in order for NIMS to be implemented successfully across the nation, it is critical that States provide support and leadership to tribal and local entities to ensure full NIMS implementation. States should work with the tribal and local governments to develop a strategy for statewide compliance with the NIMS.

- **Institutionalizing the use of the Incident Command System (ICS)**

If State, territorial, tribal, and local entities are not already using ICS, you must institutionalize the use of ICS (consistent with the concepts and principles taught by DHS) across the entire response system. The 9/11 Commission Report recommended national adoption of the Incident Command System (ICS) to enhance command, control, and communications capabilities. All Federal, State, territory, tribal, and local jurisdictions will be required to adopt ICS in order to be compliant with the NIMS. Additional information about adopting ICS will be provided to you by the NIC.

FY 2006 and FY 2007 Requirements:

In order to receive FY 2006 preparedness funding, the minimum FY 2005 compliance requirements described above must be met. Applicants will be required to certify as part of their FY 2006 grant applications that they have met the FY 2005 NIMS requirements. Additional information about NIMS compliance and resources for achieving compliance will be forthcoming from the NIC. In addition, FY 2005 Federal preparedness assistance program documents will address State and local NIMS compliance. The NIC web page, www.fema.gov/nims, will be updated regularly with information about the NIMS and guidance for implementation. The NIC may be contacted at the following:

Gil Jamieson, Acting Director
NIMS Integration Center
500 C Street, SW
Washington, DC 20472
(202) 646-3850
NIMS-Integration-Center@dhs.gov
web page: www.fema.gov/nims

Thank you for your support in implementing the NIMS. I look forward to continuing our collective efforts to better secure the homeland and protect our citizens and appreciate all of your hard work in this important endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Ridge", with a long horizontal stroke extending to the right.

Tom Ridge

cc: State Administrative Agency
State Emergency Management Director
State Homeland Security Advisor
DHS Directorates and Offices
Homeland Security Advisory Council

08-12-07 10:15

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

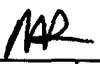
SUBJECT: An Ordinance Annexing One Parcel
Located at 11915 SW Walker Road to the
City of Beaverton: Annexation 2005-0007

FOR AGENDA OF: 09/12/05 **BILL NO:** 05166

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 08/16/05

CLEARANCES: City Attorney 
Planning Services 

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

This request is to annex one tax parcel located at 11915 SW Walker Road to the City of Beaverton. The property is approximately 0.22 acres and is developed with a single family house. The property owners have consented to the annexation and no electors reside on the property. This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

INFORMATION FOR CONSIDERATION:

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

Beaverton Code Section 9.06.035A provides the City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. This parcel is not currently within a NAC. The Neighborhood Office is recommending that this parcel not be added to a NAC at this time.

Staff recommends that the City Council adopt an ordinance annexing the referenced property, effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4367

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT
11915 SW WALKER ROAD TO THE CITY OF BEAVERTON:
ANNEXATION 2005-0007

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owner of the property, with no electors, has consented to annexation; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.
- Section 2.** The Council accepts the staff report attached hereto as Exhibit C, and finds that:
- a. This annexation is consistent with provisions in the agreement between the City and the Tualatin Valley Water District adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The property will be withdrawn from the Washington County Urban Road Maintenance District and the Washington County Enhanced Sheriff Patrol District ;
 - b. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall remain within that district; and
 - c. The property will remain within the boundaries of the Tualatin Valley Water District.

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

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

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

First Reading _____
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

ATTEST:

APPROVED:

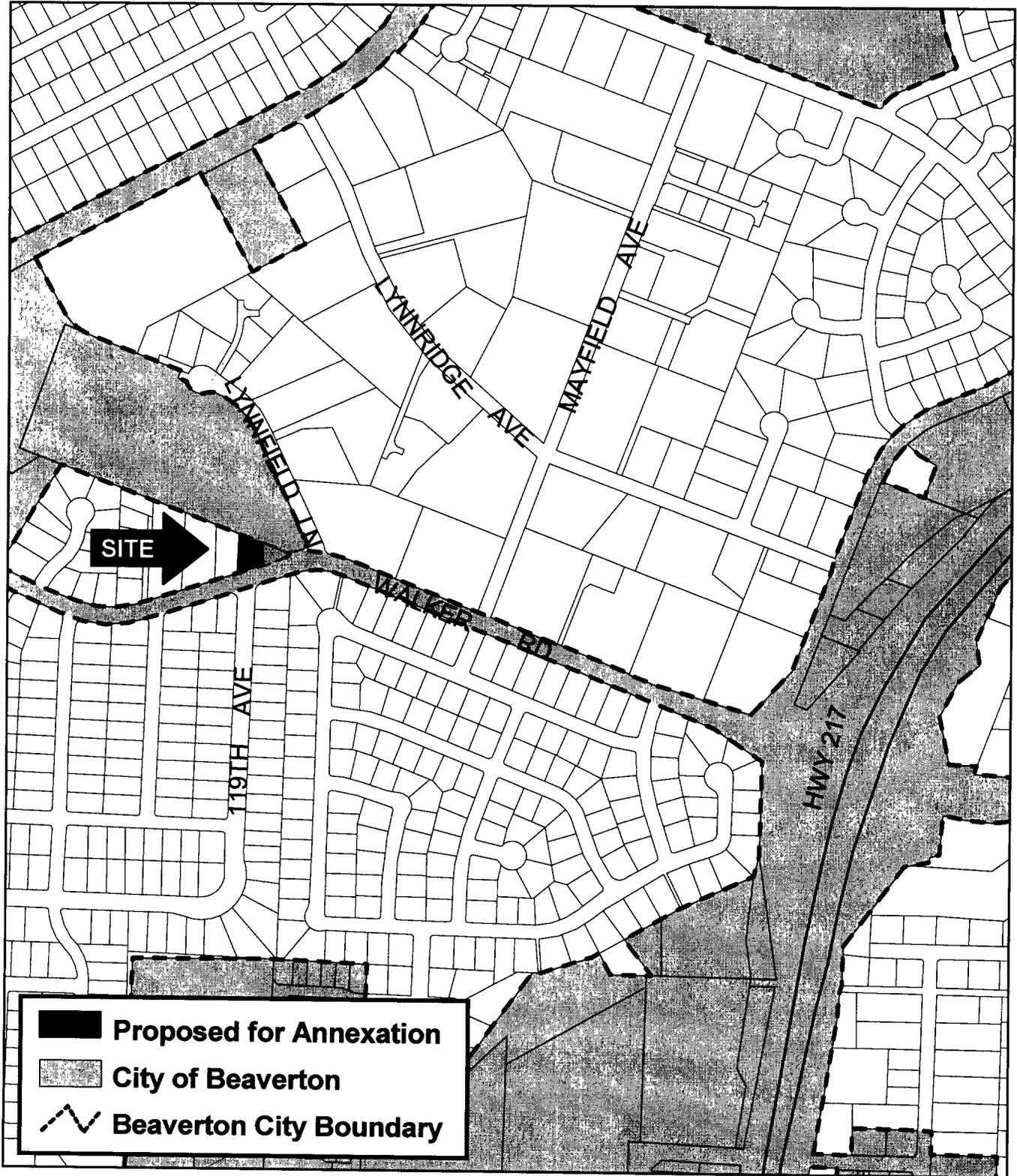
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

Ordinance No.
4367

EXHIBIT "A"



CITY OF BEAVERTON

11915 SW Walker Road

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

6/15/05

Map #

1S110BD-11700



Application #
ANX2005-0007

EXHIBIT B

ANNEXATION

City of Beaverton

ANX 2005-0007

Part of Lot 90, according to the duly file plat of STEEL'S ADDITION TO BEAVERTON, filed in Book 1, Page 23 Records of the County of Washington and the State of Oregon, and being situated in the southeast quarter of the northwest quarter of Section 10, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Said tract of land being more particularly described as follows:

BEGINNING at a point North 70°45' West for a distance of 175.00 feet (North 71°30' West for a distance of 175 feet, original deed) from the northwest corner of Fred Meiger's land on the south line of the Antonio Lassen Claim in Section 10, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; THENCE, continuing North 70°45' West along said claim line for a distance of 85.75 feet to the northwest corner of that tract of land conveyed to Pouran Jahangiry Shadbeh in Document Number 95036480 of Washington County Records on May 26, 1995; Thence, South 00°05'52" East along the west line of said Shadbeh tract of land for a distance of 170.94 feet, more or less, to the north right of way line of S.W. Walker Road (County Road No. 2537); Thence, North 70°44'32" East along said right of way line for a distance of 101.00 feet to the southeast corner of said Shadbeh tract of land; Thence, North 07°38'48" West along the east of said Shadbeh tract of land for a distance of 110.33 feet to the Point of Beginning.



CITY of BEAVERTON

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

STAFF REPORT

TO: City Council **REPORT DATE:** August 15, 2005

AGENDA

DATE: September 12, 2005

FROM: Community Development Department
Alan Whitworth, Senior Planner

SUBJECT: 11915 SW Walker Road Expedited Annexation (ANX 2005-0007)

ACTIONS: Annexation to the City of Beaverton of one parcel located at 11915 SW Walker Road. The property is shown on the attached map, identified as tax lot 1S110BD 11700, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petition attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

NAC: This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that this property not be added to a NAC at this time.

AREA: Approximately 0.22 acres

TAXABLE BM 50 ASSESSED VALUE: \$ 95,400

ASSESSOR'S REAL MARKET VALUE: \$ 156,070

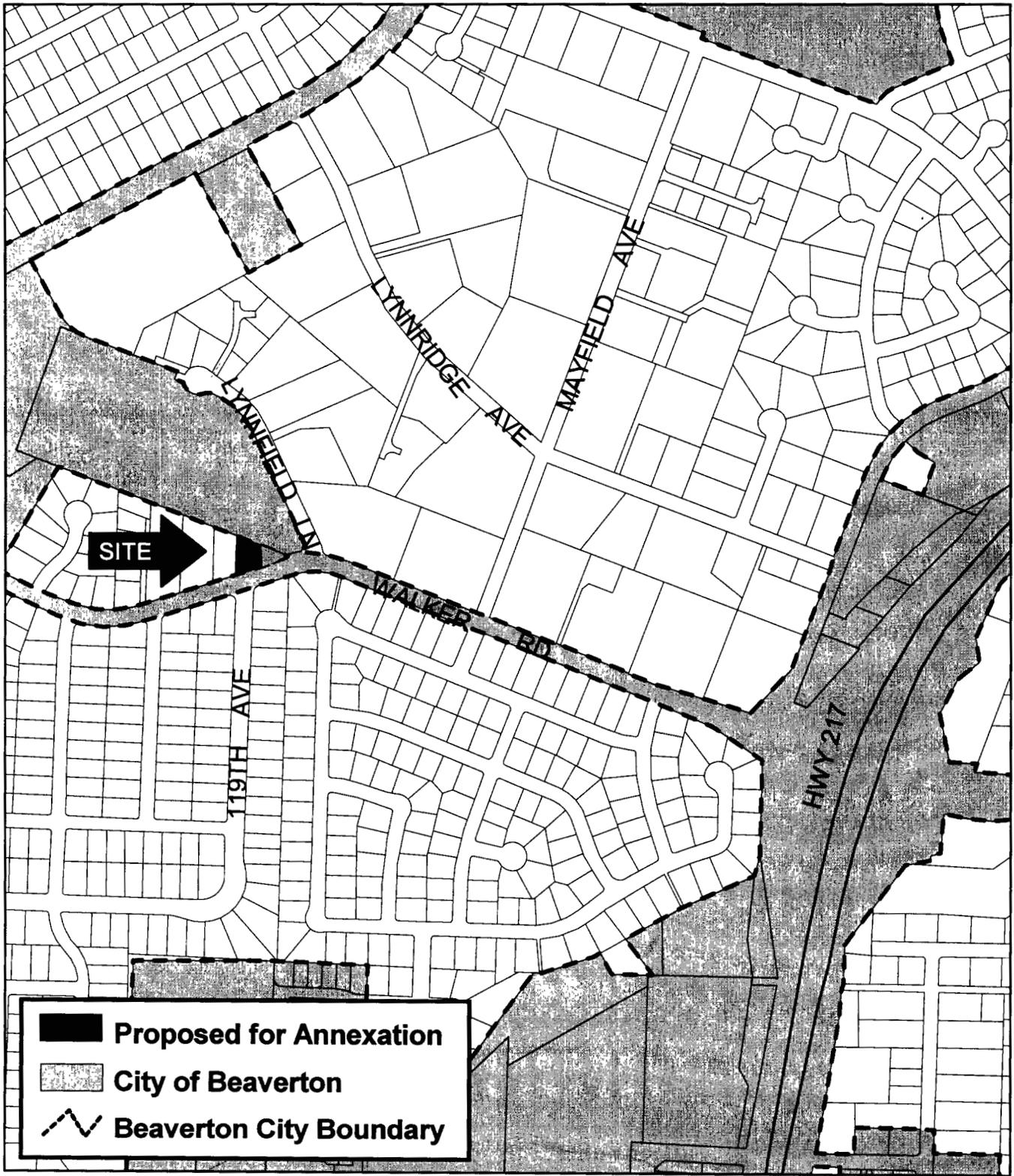
NUMBER OF LOTS: 1

EXISTING COUNTY ZONE: Residential - 5 units to the acre

RECOMMENDATION

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.

VICINITY MAP



CITY OF BEAVERTON

11915 SW Walker Road
COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

6/15/05

Map #

1S110BD-11700

N



Application #

ANX2005-0007

BACKGROUND

The request is to annex one tax parcel located at 11915 SW Walker Road. The parcel is approximately 0.22 acres and is occupied by a single-family house. The property owners have consented to the annexation. (There are no electors residing on the parcel.) This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required. The property owners are annexing in order to connect to City maintained sanitary sewer.

The Neighborhood Office is recommending that this property not be added to a Neighborhood Association Committee at this time.

In December, the City and Washington County entered into an Intergovernmental Agreement that established an area "A", in which the City could proceed with annexations without County consent, and an area "B", in which the City would need to obtain County consent to proceed with annexation. This proposed annexation is in area "A".

EXISTING CONDITIONS

SERVICE PROVISION:

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

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, Tualatin Valley Water District and Clean Water Services.
- The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. (No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.)
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency

situation outside its jurisdiction when requested by another law enforcement agency.

- On December 22, 2004 the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is included in the areas the City may annex without County opposition.

This action is consistent with those agreements.

POLICE: The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District (ESPD). The property will be withdrawn from the ESPD and the City will provide police service upon annexation. In practice whichever law enforcement agency is able to respond first, to an emergency, does so in accordance with the mutual aid agreement described above.

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

SEWER: There currently is an 8-inch sanitary sewer line in the intersection of SW Walker Road and SW 119th Avenue that is available to serve this property. Upon annexation the City will be responsible for billing.

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

STORM WATER DRAINAGE: The property currently has adequate drainage, if the property redevelops, storm drainage will be reviewed as part of the development review process. Upon annexation, billing responsibility will transfer to the City.

STREETS and ROADS: Access to this property is via SW Walker road, which is a County maintained arterial road.

PARKS and SCHOOLS:

The proposed annexation is within both the Beaverton School District and the Tualatin Hills Parks and Recreation District. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

PLANNING, ZONING and BUILDING:

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

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.045, the City will send notice of the proposed annexation on or before August 23, 2005 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City sent notice to the following parties:

- Ali and Pouran Shadbeh, P.O. Box 203, Beaverton, OR, 97005, the property owners; and,
- The Central Beaverton Neighborhood Association Committee and the Cedar Hills/Cedar Mill Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

The notice and a copy of this staff report will be posted on the City’s web page.

CRITERIA FOR APPROVAL

REGIONAL ANNEXATION CRITERIA:

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

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

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

Findings: This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers. The City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into one agreement that has been designated an ORS 195.065 Urban Service Agreement with Tualatin Valley Water District and this proposed action is consistent with that agreement, as explained in the findings above under existing conditions relating to water service .

As previously noted, On December 22, 2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). The property proposed for annexation by this application is within the ten year annexation area. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

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

Findings: The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines areas within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City of July 1 of any year if so requested by the City by January 1 of that year. This property is currently served by an 8-inch sanitary sewer line in Walker Road, which is maintained by the City of Beaverton. No storm sewer lines are included as part of this annexation. The above mentioned agreement does not apply to this annexation.

The acknowledged Washington County - Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be

taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process.

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

Findings: Comprehensive Plans: The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:

- *A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:*

As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if they believe the boundary change is inconsistent with the approval criteria (see Metro Code section 3.09).

- *Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:*

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services

required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:
 - 3. Service district or city annexation***
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.*

The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Cedar Hills/Cedar Mill Community Plan that includes the subject property, and was unable to identify any provision relating to this proposed annexation.

Public Facilities Plans: The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. No relevant urban

services as defined by Metro Code Section 3.09.020(m) will change subsequent to this annexation.

Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

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

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

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

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

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

Findings: The property lies within the Urban Growth Boundary.

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

Findings: OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals...". Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (attached) adopted by resolution and this proposed annexation is consistent with those policies. Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.

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

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

Attachments: Annexation Petition
Legal Description
City Annexation Policies

ANNEXATION PETITION



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

PETITION FOR A CONSENT ANNEXATION

PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME: _____
	FILE NUMBERS: <u>ANX2005-0007</u>

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

PROPERTY INFORMATION

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
15110BD-11700	11915 SW WALKER Road	2		

CONTACT PERSON USE MAILING ADDRESS FOR NOTIFICATION

<u>ALI SHADBEH</u>		
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #

ADDRESS

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

<u>ALI SHADBEH</u>	<input checked="" type="checkbox"/> OWNER	
<input type="checkbox"/> ELECTOR		
PRINT OR TYPE NAME	SIGNATURE	DATE
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS		
<u>P.O. Box 203 BUTRAN, OR. 97005</u>		

POURAN shadbeh	<i>Pouran Shadbeh</i>	6-15-05	<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

LEGAL DESCRIPTION

ANNEXATION

City of Beaverton

ANX 2005-0007

Part of Lot 90, according to the duly file plat of STEEL'S ADDITION TO BEAVERTON, filed in Book 1, Page 23 Records of the County of Washington and the State of Oregon, and being situated in the southeast quarter of the northwest quarter of Section 10, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Said tract of land being more particularly described as follows:

BEGINNING at a point North 70°45' West for a distance of 175.00 feet (North 71°30' West for a distance of 175 feet, original deed) from the northwest corner of Fred Meiger's land on the south line of the Antonio Lassen Claim in Section 10, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; THENCE, continuing North 70°45' West along said claim line for a distance of 85.75 feet to the northwest corner of that tract of land conveyed to Pouran Jahangiry Shadbeh in Document Number 95036480 of Washington County Records on May 26, 1995; Thence, South 00°05'52" East along the west line of said Shadbeh tract of land for a distance of 170.94 feet, more or less, to the north right of way line of S.W. Walker Road (County Road No. 2537); Thence, North 70°44'32" East along said right of way line for a distance of 101.00 feet to the southeast corner of said Shadbeh tract of land; Thence, North 07°38'48" West along the east of said Shadbeh tract of land for a distance of 110.33 feet to the Point of Beginning.

ANNEXATION POLICY

RESOLUTION NO. 3785

A RESOLUTION ESTABLISHING CITY OF BEAVERTON URBAN SERVICE AREA AND CORPORATE LIMITS ANNEXATION POLICIES

WHEREAS, the City of Beaverton presently has no defined policies regarding annexation of adjacent urban unincorporated areas, including unincorporated islands; and

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

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

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

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

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

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

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

Council directs the Mayor to pursue the annexation of properties in adjacent urban unincorporated areas in accordance with the policies in Attachment A to this resolution.

Adopted by the Council this 1st day of November, 2004.

Approved by the Mayor this 2ND day of NOVEMBER, 2004.

Ayes: 4

Nays: 0

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

B. City of Beaverton Corporate Limits Policy

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Beaverton City Code Chapter 5 by Adding Provisions Memorializing the City of Beaverton Police Department and Establishing the Department within the City Code.

FOR AGENDA OF: 09-12-05 **BILL NO:** 05167

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 08-30-05

CLEARANCES: Police 

PROCEEDING: First Reading.

EXHIBITS: Ordinance

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

This Ordinance has been created to maintain the Beaverton Police Department as an accredited law enforcement agency. Law enforcement agencies in Oregon may work with the Oregon Accreditation Alliance (OAA) to achieve this desired status.

As the Oregon Accreditation Alliance explains in their materials, the alliance "was formed in April, 2001. It was created under the direction and authority of the Oregon Association Chief's of Police, the Oregon State Sheriff's Association and the Association of Public Safety Communications Officials.

In July, 2001 the OAA joined an alliance with the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) in Fairfax, Virginia. The alliance mutually supports and endorses the continued improvement of law enforcement and emergency communications services by establishing professional standards of accountability, management and operations."

INFORMATION FOR CONSIDERATION:

This Ordinance constitutes an official writing of the City Council that establishes the office of Police Chief and memorializes the existence of the Police Department within the City. The Ordinance specifically satisfies one of the 149 accreditation standards.

RECOMMENDED ACTION:

First Reading.

ORDINANCE NO. 4368

An Ordinance Amending Beaverton City Code Chapter 5 by Adding Provisions Memorializing the City of Beaverton Police Department and Establishing the Department Within the City Code.

WHEREAS, the Beaverton Police Department has historically existed as an essential attribute of government arising out of authority found in the common law of England as incorporated into the law of the State of Oregon, the inherent prerogative of a sovereign authority to muster persons-at-arms to keep the public peace, and also out of the police power reserved to the States under the 10th Amendment to the United States Constitution and contained in the Oregon Revised Statutes; and

WHEREAS, no formal document has reduced to writing the inherent authority of the Mayor and Council to assemble a police force; and

WHEREAS, this lack of a written document is a procedural impediment for the ongoing accreditation process of the Beaverton Police Department, which accreditation is required under provisions of statewide law including ORS 181.640 and rules promulgated thereunder; and

WHEREAS, the City Council concludes that to ensure the successful completion and renewal of the accreditation process, and the benefits provided by the same, it is appropriate to create a formal document memorializing the existence of the Beaverton Police Department as presently constituted, retaining the same, and enumerating the office of Chief of Police as the head of that Department, now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended by adding new provisions to Chapter 5, Public Protection, as follows under the heading “Police Department:”

“POLICE DEPARTMENT

5.01.010. Authority. The City Council hereby memorializes the existence of its Police Department as presently constituted, and provides that the same is continued undiminished under this Ordinance. The Police Department remains a city “department” as that phrase is used at Beaverton Code section 1.01.020.

5.01.020 Purpose. The Beaverton Police Department shall exercise, without alteration, all powers and duties previously held to enforce all applicable ordinances and other laws. These powers include, but are not limited to, detecting and preventing crime, apprehending offenders,

preserving the peace, protecting lives and property, and performing community caretaking functions.

5.01.030 Chief of Police. There is hereby memorialized and continued the position of Chief of Police as an official position of the city under the appointment power of the Mayor contained in Chapter 5 of the Charter of the City of Beaverton, Oregon. It is hereby declared that the Chief of Police is the principal law enforcement officer of the City of Beaverton.

5.01.040 Powers. The Chief of Police shall, generally, possess and exercise such powers as follows by way of example:

A. Establish departmental policies and procedures in line with City Council goals. Plan and develop standards and programs based on an analysis of city growth, crime patterns, workload, staffing levels, and related economic, legislative and judicial influences to provide appropriate and effective law enforcement services to the community.

B. Have authority over and responsibility for the fiscal management of the Police Department. Manage and monitor approved budgets. Review requests for proposals and department expenditures.

C. Assign, supervise, and evaluate the work of subordinates consistent with union contracts and the City's personnel manual. Hear grievances from and administer disciplinary action to department personnel. Provide interviewing and recommendations for department hiring and termination actions. Ensure adequate training within the department.

D. Supervise and assist in major departmental problems, crimes or accidents and perform such additional duties as may be assigned by the Mayor.

E. Prepare reports and advise the Mayor, Council, or City Attorney in regard to resolutions, ordinances, or other official actions pertaining to public safety."

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of any other portion of this Ordinance.

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