



FINAL AGENDA

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

REGULAR MEETING  
AUGUST 14, 2006  
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Prostate Cancer Awareness Month: September 2006

PRESENTATIONS:

06138 Transportation Funding

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of July 11, 2006

06139 Liquor License: New Outlet: New Seasons Market - Cedar Hills Crossing; Beaverton Pawn; Original Thai Cuisine

06140 Traffic Commission Issue No.: TC 594 Marked Traffic Islands and Parking Restrictions on SW Village Lane at 150<sup>th</sup> Avenue Intersection; TC 595 Permit Parking on SW First Street Near Hall Boulevard

06141 Acceptance of Grant Award from the Metropolitan Area Communications Commission and Authorize Appropriations Through a Special Purpose Grant Budget Adjustment Resolution (Resolution No. 3867)

06142 A Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for Improvements to Signals and Signing at Rail Crossings on Hall Boulevard and Scholls Ferry Road (Resolution No. 3868)

06143 Transfer Resolution to Provide Appropriation for Programming Support on the New Permit Tracking System and Authorize Staff to Solicit Proposals for the Programming Support (Resolution No. 3869)

- 06144 A Resolution Adopting Updated Planning Commission By-Laws (Resolution No. 3870)
- 06145 A Resolution Adopting Updated Board of Design Review By-Laws (Resolution No. 3871)
- 06146 In the Matter of the Application of: Wal-Mart Stores, Inc., No. DR 2005-0068, Final Decision

Contract Review Board:

- 06147 Design Contract Award - Windjammer Way - Spinnaker Drive Waterline Replacement - Project No. 4069
- 06152 Contract Award - Janitorial Services for City Buildings

WORK SESSION:

- 06148 CPA 2006-0001 Amending the Comprehensive Plan Chapters 1 and 2 and the Glossary

ORDINANCES:

First Reading:

- 06149 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties in Northwest Beaverton CPA 2006-0007/ZMA 2006-0010 (11845 and 11915 SW Walker Road) (Ordinance No. 4401)
- 06150 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties in Northeast Beaverton CPA 2006-0008/ZMA 2006-0011 (Tax Lots 1S1 10 DA 01800 and 01802) (Ordinance No. 4402)
- 06151 An Ordinance Amending Section 6.02.390 of the Beaverton Code Relating to the Downtown Permit Parking District (Ordinance No. 4403)

Second Reading:

- 06137 ZMA 2006-0005 Butler Rezone; An Ordinance Amending Ordinance No. 2050, the Zoning Map, as to a Specific Parcel, from Urban Standard Density Residential (R-7) to Urban Standard Density Residential (R-5) (3600 SW 110th Avenue) (Ordinance No. 4400)

**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**, in the year 2006, the month of September has been declared National Prostate Cancer Awareness Month; and

**WHEREAS**, in the year 2006 approximately 234,460 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 27,350 men will lose their lives to this disease in 2006, and one in six men in the nation are at risk of developing prostate cancer during their lifetime; and

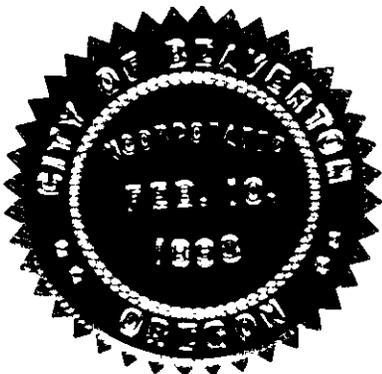
**WHEREAS**, it is known that about one third of prostate cancer occurs in men under the age of 65 during their prime work years, and at any age prostate cancer devastates families through loss of income, partnership, and support; and

**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 2006 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 black ink, appearing to read "Rob Drake".

Rob Drake  
Mayor

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Transportation Funding

**FOR AGENDA OF:** 08-14-06 **BILL NO:** 06138

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Public Works 

**DATE SUBMITTED:** 08-01-06

**CLEARANCES:** Transportation 

**PROCEEDING:** Presentation

**EXHIBITS:**

**BUDGET IMPACT**

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

**HISTORICAL PERSPECTIVE:**

The City of Beaverton's Transportation System Plan is a report that identifies what improvements the transportation system will need over the next 20 years in order to accommodate population and employment growth. Identified improvements are included in the City's Comprehensive Plan within its Transportation Element (Chapter Six). Expected 20-year revenues are also projected in the report and included in the Transportation Element.

**INFORMATION FOR CONSIDERATION:**

The cost of the needed transportation improvements exceed expected revenue. Staff will present a 2005 update of needs and projected revenue to provide more up to date information that can assist the City in determining what improvements should be made with expected funds.

**RECOMMENDED ACTION:**

Hear the presentation.

**DRAFT**

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
JULY 11, 2006

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 Tuesday, July 11, 2006, at 6:40 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce Dalrymple, Dennis Doyle, 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, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, City Recorder Sue Nelson and Deputy City Recorder Catherine Jansen.

VISITOR COMMENT PERIOD: There were none.

COUNCIL ITEMS: There were none.

STAFF ITEMS: There were none.

PUBLIC HEARINGS:

06124 APP 2006-0004: Appeal of Town Square Too - Wal-Mart Approval (DR 2005-0068) -  
*Continued from July 10, 2006 Meeting*

Mayor Drake said the meeting would start with staff reading the hearing process statement. He said afterwards there would be a question-and-answer period and each side would be allotted 15 minutes to answer Council questions. He said he knew Council had questions for Peterkort's Traffic Engineer Don Odermott and for Washington County staff; 15 minutes would be allotted to each party. He said after the question and answer period, the meeting would continue with citizen testimony.

Community Development Director Joe Grillo read a prepared statement defining the process to be followed for this continued public hearing.

The Mayor asked if any Councilors had received ex-parte contacts.

Coun. Stanton said she received a few calls today; she sent a list of everyone who contacted her to Senior Planner John Osterberg. She said she did not talk to anyone; just noted their names.

Coun. Arnold said a fellow member of her Toast Masters Group told her that he did not like Wal-Mart.

Coun. Doyle said he received one call during the meeting last night; it was garbled and he could not make out the name of the person calling.

#### QUESTION-AND-ANSWER PERIOD

Mayor Drake said a Councilor requested an opportunity to ask Mr. Odermott questions regarding the transportation history of this area.

Transportation Engineer Don Odermott, Transportation Consulting Group, said he has been the Peterkort's traffic engineer since 1992. He said two and a half years ago the Peterkorts advised him Wal-Mart was looking at this site and asked him to work with Wal-Mart to ensure that the development plan was consistent with the Peterkort's vision for transportation planning. He offered to answer Council questions.

Coun. Dalrymple asked for a brief recap of the transportation planning in relation to the build out of the Peterkort properties. He asked how traffic would function at the SW Cedar Hills Boulevard/SW Barnes Road and Highway 217/SW Barnes Road intersections, and in the area between the two intersections.

Odermott said in 1997 Washington County formed an Issues Resolution Committee to work with the community, including the Peterkorts, to develop zoning to meet Metro's density goals for housing and employment. He said one mechanism used to promote a transit friendly design was minimum densities through Floor Area Ratios. He said there was a need to promote the uses that promote transit-friendly design, especially near the Light Rail Stations. He said on this site the County recommended a .5 Floor Area Ratio but the community and the Peterkorts felt that was too high. He said eventually a .25 Floor Area Ratio was approved. He said this application was .35 Floor Area Ratio and the existing Peterkort retail center was about .29. He said that meant there was 25% less total daily traffic than that generated by the existing Peterkort retail site.

Coun. Stanton asked if he was saying that Wal-Mart would generate 25% less traffic than the retail property east of the Wal-Mart site.

Odermott said that was correct; this was a rough approximation based on peak hour traffic counts and data from the Institute of Transportation Engineers (ITE) Trip Generation Manual that shows the relationship between peak hour and average daily traffic. He said they worked with the County on the densities. He said the Peterkort's Master Plan was for no more than 15 housing units per acre north of the creek. He said the County was striving to put 27,000 households, 1.7 million square feet of office commercial and 620,000 square feet of retail on the Peterkort properties. He said the population and employment figures doubled and yet the road infrastructure remained at five lanes on SW Barnes Road and the 112th Avenue extension was three lanes.

Odermott said while the road infrastructure stayed at three and five lanes, the density more than doubled. He said Metro's 2040 goals were predicated on first hour failure, second hour recovery; that is LOS (Level of Service) E. He said Washington County said that was unacceptable. He said they continued to do all their transportation planning based on the County's criteria; the County and ODOT were extensively involved from 1999 forward. He said the 1999 Peterkort Transportation Master Plan looked at a full build out of the Peterkort, Choban and Teufel properties, and the hospital development. He said this Plan guided all Peterkort development, ensuring that the buildings were sufficiently set back to accommodate the five lanes and supplemental turn lanes required at some of the major arterial intersections. He said the intersection at SW Cedar Hills Boulevard/ SW Barnes Road has been called a mega intersection. He said as far back as 1983, reports by several consultants, ODOT and Washington County, concluded that double left turns, two through lanes and right turn lanes were required on all but one approach to the intersection. He said this has always been a large intersection. He said this is a tough indicator of the densities placed in this area.

Odermott referred to The Streets of Tanasbourne and the Evergreen Road/185th Avenue intersection, and said that according to the projections this Town Center region was almost fully built out. He said that intersection was at LOS E and recent projections indicated it was failing. He said that was a mixed use development, with a great blend of housing and commercial, and bus transportation, yet it was one of the largest intersections in the state. He said there was a constant theme; Metro has mandated density because people do not want to expand the Urban Growth Boundary. He said ways have to be found to accommodate the density and something will have to give. He said they struggle to maintain capacity on the roadways, yet still do the mandated minimum densities.

Odermott said the SW Cedar Hills Boulevard/SW Barnes Road intersection was large notwithstanding this project. He said when he reviewed this project he looked at a Floor Area Ratio of .3 to .35. He said he projected average daily traffic at 7900 trips per day; but for this project 7400. He said they had known since 1999 that this key site was the lynch pin for the transportation system. He said this parcel is an expensive site to develop due to the extra frontage and off-site improvements. He confirmed the intersection was large and conformed to the transportation planning but it had not used up the road capacity. He said the Master Plan models development for the Peterkort properties meeting the minimum Floor Area Ratios with an increasing tendency towards promoting multi-modal trip reduction as they move closer to the Light Rail Station. He said this development was consistent with the vision for that site; they had envisioned a big box retail development. He said his response to the Peterkorts was that this could be a lot worse because it would be a minimum of .25 Floor Area Ratio. He said if this was a two or three story shopping center the Peterkorts would have said no. He said this Wal-Mart would not have a grocery store; there was a requirement in the lease agreement to protect the Peterkort's grocery store across the street.

Odermott referred to the traffic north of this site. He said in the 2004 Update of the 1999 analysis, the County staff used a 1.5% growth rate which is a little higher than what had happened historically. He said they were comfortable with that growth rate. He said the hospital had not completed a Master Plan Update in 1999 so it could not be measured in the 1999 analysis. He said in the 2004 Update, Phase 1 was measured and there was

enough room in the model for the hospital's Phase 2 improvements. He said this intersection had not reached maximum capacity.

Coun. Dalrymple asked if there was any discussion about a gateway to the north or a regional resource aspect to that intersection for the northern properties.

Odermott said he had never heard the term gateway until this went through BDR. He said it has always been a functional task to keep traffic moving away from the interchange. He said the biggest challenge was that SW Cedar Hills Boulevard was three lanes yet several transportation experts have said it needs to be five lanes. He said the approval conditions extend SW Cedar Hills Boulevard to Celeste Lane. He agreed with previous testimony that it is very difficult to cross the street to KinderCare. He said this was a political decision that transcends any development application.

Coun. Dalrymple referred to previous testimony regarding the number of trips to St. Vincent's Emergency Room annually; 12,000 ambulance trips and 78,000 trips in regular vehicles. He asked how that was mitigated in the transportation plan.

Odermott said they did not single out any one use even though they recognized the significance of the hospital. He said the same argument was made with TriMet. He said it all boiled down to making sure that there is a road system that can function at the level of service that would commensurate with the local goals. He said that goes back to the question of how to weigh the increase in density and achieve as much trip reduction as feasible. He said it was always recognized that this intersection was not pedestrian friendly and part of the solution was the County's mandate to make that road five lanes so pedestrians coming from the north can use the sidewalk on the north side of SW Barnes Road to get to the transit station and cross at five lanes. He said there are major arterial to arterial intersections at each end and they are not pedestrian/bicyclist friendly places. He said that was part of the trade-off. He said he thought the additions of the islands were a great idea to minimize pedestrian crossing distances and improve safety.

Coun. Dalrymple agreed that density and political planning were the issues.

Odermott said he asked the Peterkorts if he could officially say they hoped to decrease density and their answer was yes. He said that was not an easy issue because the density has to be transferred somewhere and no one else in the region is looking for more density. He said that was the problem.

Coun. Stanton referred to St Vincent's Phase 2 development and asked if the hospital would have to work with the County on the transportation system and mitigation for SW Barnes Road, east of Highway 217.

Odermott said that was correct since the interchange system had arterials on both ends and there were spacing issues. He said the Peterkorts met with hospital staff and ODOT staff and advised them that the right-of-way that the Peterkorts own, that is needed by the hospital, is available. He said they have pre-planned all the critical infrastructure for the traffic lanes that the hospital would need. He stressed they were committed to working with the hospital to achieve the needed improvements. He said they had great success in working with Washington County as they leveraged the traffic impact fees.

He said in the past they worked with the developers and were able to get them to construct some of the improvements voluntarily.

Coun. Stanton said when there are problems on Highway 26 she often uses SW Barnes Road to W. Burnside Road. She asked if Multnomah County had plans to widen SW Barnes Road in that area.

Odermott said that has been a hotly battled issue between Washington and Multnomah Counties. He said Washington County wants SW Barnes Road to be five lanes; Multnomah County does not agree. He said Washington County staff were present who could speak to that issue. He said Beaverton's Transportation Impact Analysis Requirements, require three weekdays of counts and the design has to be for the peak 15 minutes of the worst of those three days. He said the probability of there being an incident on Highway 26 on one of those days was very high. He said he was not aware of any current plans to widen the SW Barnes Road/W. Burnside Road interchange.

Coun. Stanton asked if the Peterkorts owned any property to the east.

Odermott replied they did not. He said the north leg of SW Baltic Avenue was owned by the Peterkorts and there was an easement agreement between the Peterkorts and the hospital that regulates that leg.

Mayor Drake asked if there were any questions for the appellant's team. He said that since the appellant's traffic engineer was not able to attend this meeting, any questions were to be conveyed to Mr. Kleinman (appellant's attorney) and a written response could be submitted in the next week.

Jeffrey Kleinman, appellant's attorney, said they would take that opportunity if there were any questions.

Coun. Arnold asked Kleinman to respond to Odermott's comments.

Kleinman said regardless of the Peterkort Master Plan, there were independent criteria that apply to this application and the applicant did not meet the traffic criteria. He said to the extent that a retail use at this site was taken into account in the 1999 Transportation Plan, that plan was based on traffic data from the years prior to 1999. He said the growth since then warrants completely different data. He said the Urban Growth Boundary has been expanded since 1999 and that was considered. He said the history does not buttress this application and it does not trump the approval criteria; Wal-Mart must meet that criteria.

Coun. Dolye asked Kleinman if he would respond in writing to Odermott's comments.

Kleinman said they would provide written response.

Mayor Drake referred to Kleinman's comment that the 2004 study did not take the Urban Growth Boundary extension into consideration. He said in the general sense the point of traffic impact fees was that capacity is increased based on a development's impact to the area. He said the County has correctly assessed that the Bethany expansion will have a huge impact on eastern Washington County. He asked how much responsibility

a property owner has for helping account for the traffic adjacent to their development when it was caused by the Urban Growth Boundary expansion.

Kleinman said those were philosophical questions that need to be worked out at a governmental level. He said what applies in this case are the specific City, County and ODOT requirements that capacity issues at the affected intersections not be made worse than they already were, that pedestrian safety and convenience be protected, and that the objectives of a transit-oriented area be met. He said regardless of the philosophical questions, in this instance the applicant has not complied.

Mayor Drake said the difficult question is that if a development produces a certain amount of traffic and there is still capacity left, is that property owner still responsible because a decision was made to expand the Urban Growth Boundary five miles away. He stressed this is the philosophical issue cities wrestle with daily in this region because in the next twenty years there is an identified need of ten billion dollars for all forms of transportation and only 40% of the monies needed to solve these problems has been identified. He said this causes an area like this one to start "behind the eight-ball." He noted the decision made regarding the SW Cedar Hills Boulevard extension several years ago has now resulted in a much bigger bottleneck. He said this has weighed on his shoulders and he was concerned about the bottlenecks created in many areas. He asked if Bernstein (appellant's traffic engineer) could respond to this question regarding the bottlenecks from a broad sense, not from a philosophical viewpoint.

Kleinman said he would ask Bernstein to respond.

Mayor Drake asked if there were any questions for Washington County staff.

Acting County Engineer Tom Tushner, Senior Planner Phil Healy and Traffic Engineer Jinde Zhu, from Washington County, introduced themselves.

Mayor Drake said that problem solving was limited for traffic access into and out of the SW Cedar Hills/SW Barnes Road intersection to the north. He said due to the terrain, there were no inexpensive solutions for moving traffic north and south. He said regardless of the store located on this site, there would be increased uses with high density residential and commercial developments on the other corners of this interchange and with the growth in the expansion area. He asked what the County could foresee concerning the SW Cedar Hills Boulevard extension north of Cornell Road and if there was a long-term solution other than the current lanes; did the County have any realistic plans to undo that bottleneck.

Acting County Engineer Tom Tushner said north of this intersection SW Cedar Hills Boulevard was seen as a three-lane facility. He said in the County's 20-year planning horizon, the models show that it meets the County's level of service standards. He said within the planning horizon that is an adequate facility.

Coun. Stanton asked if that was for proposed build out or for current development or for the next five years.

Tushner said the models projected out for twenty years.

Coun. Stanton asked if the current road would hold for 20 years; or if it would hold for 20 years with the improvements from future development.

Tushner said the County's Transportation System Plan calls for improvements on SW Barnes Road; five lanes are planned up to Leahy Road and three lanes east of there. He said there were funding deficiencies and currently there were no specific plans for improvement.

Coun. Stanton asked if the road met today's current conditions. She said five years from now there would be no guarantee that what was on the road would not meet what was on the ground; and there would be no guarantee that the County would make improvements to the transportation system to meet the build out.

Tushner said the funding to build the ultimate system was not identified. He said as development occurs they go through extensive analysis to ensure that the projects meet the Level of Service standards for the impact area. He said as developments aggregate, there is the philosophical issue of what happens as traffic filters out to other areas.

Coun. Stanton said she was looking at Bethany as it builds out and what the traffic situation would be in the future.

Tushner said they were struggling with that issue now and hiring a consultant to study those areas and do projections. He said they would look beyond the north Bethany area and would extend further out into existing roadways.

Coun. Stanton said as a transportation junkie she knows that doing the models and plans, and presenting them to the government body, did not mean the improvements would be built. She said she was concerned about SW Cedar Hills Boulevard north of Barnes Road and about Bethany.

Mayor Drake asked if the County's current 20-year improvement plan included the north Bethany expansion and its impacts.

Tushner said it did not; that area was going through the process now and densities and infrastructure needs have not yet been figured out.

Coun. Doyle asked if the County concurred with the statement that the SW Cedar Hills Boulevard/SW Barnes Road intersection was currently near failure and with the proposed improvements it would remain near failure.

Traffic Engineer Jinde Zhu said the County, the City and ODOT concurred with those results.

Coun. Dolye asked since future development plans are known when would the intersection begin to fail. He noted previous comments that it would fail in 2007.

Zhu said with the improvements added by Wal-Mart he did not believe the intersection would fail with the planned improvements.

Coun. Stanton asked if the modeling had determined when the intersection might fail. Zhu said per County Resolution Order 8695, the County's main purpose was to assess safety not capacity.

Coun. Dalrymple asked if the County staff concurred with Odermott's previous comments or did they have a different position that they would want to state.

Tushner said he agreed with the history that Odermott presented. He said they reviewed the relevant sections of the Peterkort Master Plan several times though they have not officially blessed the entire document. He said to the extent they have reviewed the document, they find it to be accurate and concur with the Plan.

Coun. Dalrymple asked if SW Cedar Hills Boulevard, north of SW Barnes Road, would be five lanes or three lanes in the long-term.

Tushner said the road would be three lanes; and the designation of SW Cedar Hills Boulevard and Cornell Road was based on community input to the Board of Commissioners. He said those roads are based on the needs of the County's existing planning designations. He said that road and other facilities in the Plan, such as the arterial for the Teufel property and the extension of Baltic Avenue, would carry additional capacity once constructed. He said the current transportation plan does not reflect the Bethany area because that area is under study. He said no development would occur in that area until the transportation planning and the land use designations have occurred. He said as part of the process there would be a transportation plan amendment to add necessary facilities into the plan. He said the intersections could widen beyond the three lanes and five lanes so more capacity would be available.

Coun. Dalrymple confirmed with Tushner that there might be additional turn lanes or a longer stacking element.

Coun. Arnold asked County staff what transit oriented meant to them.

Tushner said the concept was to have dense development near transit facilities so that a maximum number of people can be served by transit instead of automobile. He said the further away you move from a transit center, the looser the uses become in terms of being transit oriented.

Coun. Arnold asked where high rise buildings would be in this area.

Tushner said that would depend on the planning designations. He said one area would be along the north side of SW Barnes Road and the retail densities would be high at the transit station.

Coun. Arnold asked if the Council should be envisioning people walking to Wal-Mart.

Tushner said they intended to have a pedestrian-friendly environment to the extent possible, though the large intersection made that more difficult. He said there were pedestrian trails between the parcels and wide sidewalks with amenities to make the walking environment better for pedestrians.

Coun. Arnold asked how big an issue it was if people who lived across the street were driving to the store versus walking.

Tushner said that was a subjective question because they were moving farther away from the transit center and the site is next to the freeway. He said the different environment has to be considered.

Coun. Arnold asked if the gateway terminology was used in the County's planning or did that come from other sources.

Tushner said that was a planning concept, however, that was not included in any of the County's requirements for the project.

Coun. Arnold asked what the significance was in calling this an "area of influence" in the Community Plan.

Tushner said he did not understand that terminology. He said this property was not included in the Cedar Mill Town Center ordinance.

Coun. Bode thanked the County staff for coming. She said this process involved working with different agencies and moving toward a higher-density development; that involved looking at the infrastructure to see if it is running behind or equal to the needs of the rate of development. She said at times there has been a disconnect and part of the struggle is to find the connection and meet the long-term needs of the community.

#### PUBLIC TESTIMONY:

Mayor Drake explained testimony cards would be drawn in random order, alternating between those in support and opposition to the application.

Mike Fisher, Beaverton, 97008, testified that he supported the Wal-Mart Store because the developer had addressed the traffic congestion issues. He said he looked forward to having a Wal-Mart in this area.

John Imlay, Portland, 97225, testified he was opposed to the Wal-Mart Store. He said he was a resident of the Peterkort area and the proposed development would be 200 yards from his home. He said Celeste Lane would become a cut-through street increasing noise and impacting safety for pedestrians and homeowners.

Leonard Oppenheimer, Beaverton, 97008, testified he supported the Wal-Mart development because the zoning was correct and he suggested an overpass for pedestrians. He said Wal-Mart had met the conditions for the project and he believed it would be a good neighbor. He said he lived on Denney Road.

Chet Lee, Portland, 97225, testified he opposed the Wal-Mart Store as he was concerned about increased traffic and bicyclist and pedestrian access. He said his friends would take side streets to avoid the intersection if the store is built. He urged the Council to visit the neighborhoods around the proposed site. He said the public would hold the Council accountable.

Rachel Chauvin, Beaverton, 97005, testified she supported the Wal-Mart Store because she currently drives to 82<sup>nd</sup> Avenue to shop at Wal-Mart. She said if this was another retail store, the protest would not match what was currently happening and it was fashionable to oppose Wal-Mart.

Margy Imlay, Portland, 97225, said she lived in the Peterkort area and she could not leave her neighborhood and access SW Cedar Hills Boulevard. She said she was a small business owner and could not compete with Wal-Mart. She said this proposed development goes against the City's mission to preserve and enhance Beaverton has a responsive, dynamic, attractive and safe community.

Dave Fasler, Aloha, 97007, testified he supported the Wal-Mart Store. He said he drove this area daily and it has been a nightmare for years. He said some type of retailer would go into that site and he felt the City should work with Wal-Mart and make them a good citizen.

Hans Harper, Portland, 97225, testified he was opposed to the Wal-Mart Store. He said multiple lanes of traffic were not the answer and this area should be more pedestrian friendly. He said at rush hour SW Cedar Hills Boulevard approaches gridlock and a large store would only make the problem worse.

Brian Doyle, Portland, 97229, testified he was opposed to the Wal-Mart Store. He said he lived 500 yards from the proposed development and showed the Council slides of the current traffic congestion on SW Cedar Hills Boulevard in the proposed area. He said the existing traffic infrastructure was insufficient. He said building a big-box store in this area and creating the state's largest intersection would be the worst thing the Council could do.

Jeri Tass, Portland, 97225, said she was concerned that the proposed Wal-Mart would further increase traffic congestion and would affect fire/police emergency standards and emergency traffic associated with the St. Vincent's Medical Center. She questioned if the Peterkorts were concerned about density why would they approve this project. She said it was possible for a project to meet all applicable codes and still be a bad idea; codes are guidelines and do not negate the responsibility to think beyond the code. She said codes can be interrupted in different ways and all interpretations should be considered.

Coun. Arnold reminded Ms. Tass and the citizens that the Council has to follow laws and does the best it can for people as a whole.

Tass said she was a building designer and what she meant was that she could not just follow the code in designing a building; she has to go beyond the code to meet the needs of the environment and provide for future needs.

Stuart Fishman, Portland, 97225, testified he was opposed to the Wal-Mart Store because it would slow traffic on Highway 26 and the surrounding roads, which would increase the time of his commute to and from work.

Carl Thompson, Portland 97229, said he was opposed to Wal-Mart and agreed with comments made by Brian Doyle. He said the problem was not Wal-Mart but rather was

there justification in adding more traffic into this intersection with the proposed growth in residential development that will add 10,000 people in this area. He said this site was not pedestrian friendly or transit-oriented.

RECESS:

Mayor Drake called for a brief recess at 8:30 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:44 p.m.

Betsy Brooks-Harper, Portland, 97225, said she was opposed to Wal-Mart and she knew from experience that from 7:00 a.m. to 7:00 p.m. it is easier and faster to reach Emmanuel Hospital than St. Vincent's. She said someday someone would lose their life because they tried to reach St. Vincent's in heavy traffic. She said she lived north of SW Cedar Hills and SW Barnes Road and she has waited up to 12 minutes trying to get through that signal. She said there is currently a great deal of cut-through traffic in the nearby residential neighborhoods which is unsafe for those residents. She said traffic in this area was already bad and she could not imagine how a Wal-Mart or any big-box retailer would affect that congestion.

Coun. Arnold said in considering this application, the Council was acting as a jury that would make a decision based on the laws that are in place. She said the Council would not make its decision based on where people live.

Sadi McIntyre, Portland, 97229, said she was opposed to the Wal-Mart. She said this issue demonstrated why the Legislature needs to enact laws to allow citizens to vote on annexations. She said the most disturbing aspect of this issue was the timing of the Wal-Mart application and the City's decision not to rezone the site after the annexation was complete. She said none of the Council live in this area or travel the site daily. She said 1700 residents participated in the planning for this community and specifically stated a big-box store would not work in this location; transit-oriented means smaller stores that draw their customer base from the local community.

Mark Medonis, Portland, 97225, said he was opposed to the Wal-Mart. He said he lived in the Peterkort Village Neighborhood, and he picked that neighborhood because he could walk to the nearby shopping center. He said the expansion of the intersection was discouraging. He asked that the Council follow the spirit of the law, not just the letter of the law. He said this project did not follow the transit-oriented goal to limit automobile use.

Nancy Hollander, Portland, 97229, said she was strongly opposed to this project. She said the process was seriously flawed when it allows development of an expanded intersection that would reach 98% capacity the day the stores open, and when it allows development that would destroy the local character of the immediate and surrounding area, and would jeopardize the safety of all who travel through the area. She said this opposition movement was a local grassroots effort to save their community. She asked that the Council serve the needs of the entire community though they are in Washington County.

Nancy Myers, Portland, 97225, said she lived in the Westhaven Neighborhood and she was opposed to placing Wal-Mart in this neighborhood. She said the proposed project does not meet the spirit of the transit-oriented zoning. She asked how the expanded interchange and increased congestion meet the intent of the transit-oriented system. She said this was not the right choice for the long-term health of the community.

Patricia Sipowicz, Portland, 97225, said she deals with the congestion in this area daily and was opposed to this project. She said Cedar Mill Middle School was less than one mile from the proposed site and over 400 students walk, bike or are driven to the school every day the school is in session and their safety should be of tantamount concern to everyone. She said the current traffic congestion would increase with the proposed development. She expressed concern regarding the inability to quickly reach the hospital. She said the community was depending on the Council to make the right decision for the community and deny this application, and to find retail stores that would meet the transit-oriented goals of this site.

Melissa Starr, Tigard, 97223, said she supports Wal-Mart. She said in considering the current traffic congestion, she did not understand why citizens did not want the road improvements Wal-Mart would provide. She said this site was zoned for a big box development. She said she has worked for Wal-Mart for 21 years; it is a great company and she now drives one hour to get to work every day. She said having a Wal-Mart in this location would cut her commute in half or more.

Lori Morgan, Portland, 97225, said she opposed Wal-Mart. She said she has lived on the corner of 82nd Avenue and SW Barnes Road since 1965 and asked what jurisdiction's vision was the 2020 Vision. She said the traffic on SW Barnes Road was horrible and it backs up to West Burnside Road. She said the noise and air pollution were terrible. She suggested looking at the County's citations for this area as this could be a revenue source for needed improvements. She asked that Council deny the application.

Peter Gearhart, Portland, 97229, said he opposed the Wal-Mart development because of safety issues for pedestrians, bicyclists and automobiles. He said the proposed design for the intersection runs counter to developing pedestrian safety plans. He said 57% of fatal crashes have occurred at intersections. He said based on 2004 data, Beaverton currently has the third highest fatal and injury automobile crashes in the state; the rate is 9.26 per 1,000 residents, with an average of 5.64 for all cities as a whole. He said 1,042 people were injured in 2004, 48% of those crashes were intersection related. He said in spite of this the City was looking at creating the largest intersection in the state. He said his statistical information was from ODOT.

Peter Hoeckel, Portland, 97229, said he opposed the Wal-Mart. He agreed with previous comments regarding traffic congestion at the SW Cedar Hills Boulevard/SW Barnes Road intersection. He said he travels daily from Highway 26 onto SW Cedar Hills Boulevard and making a legal eastbound turn onto SW Cedar Mills Boulevard was impossible. He said the proposed improvements might improve the current traffic situation but adding traffic from the proposed and future developments would worsen the condition. He asked that Council deny any application that adds significant traffic volumes from outside of the immediate area.

Barbara Garrett, Portland, 97225, said she opposed the Wal-Mart; she travels through this intersection twice a day. She said despite the zoning for the site it would not make sense to have big-box store at that location. She said in the past the City rejected an application for a Wal-Mart Store at Allen Boulevard and Highway 217. She said that site had more available roadway access than this proposed site and yet the Council denied the application. She said if that site was rejected, this site should also be rejected for lack of access. She asked that the Council use its discretion to deny this application.

Steve Kaufman, Chair Save Cedar Mill (appellant), Beaverton, 97006, summarized the appellant's findings for denying this application on the basis of transportation and design codes that were not met (in the record). He said they rejected the applicant's arguments that because the City, County and State approved the application, the appellant must be wrong. He said historically staff conclusions have been called into question and their recommendations overturned; staff opinion was not fact. He said Save Cedar Mill feel the BDR's decision was unduly influenced by staff and it should not be used as precedent. He said in the appellant's opinion the facts lead to a moderate development approach that would preserve the character and vision of the community.

Hilary Hutchinson, Beaverton, 97005, said she was opposed to the Wal-Mart development because of the traffic congestion it would create. She said she was angered that the community's environment could be destroyed by people who do not live there. She said Wal-Mart was not an Oregon business and they were trying to muscle their way into a community where they are not wanted.

Phil Saunders, Portland, 97229, said he opposed the Wal-Mart; he said he was 16 years old and this development would negatively impact his life. He said he takes TriMet to school through this area and traffic is already congested and the intersection is dangerous. He said he was also concerned about his grandfather who lives on SW Barnes Road and has had to be rushed to St. Vincent's several times. He said the increased traffic could delay medical attention for his grandfather or anyone needing immediate care. He said he has had more near-misses riding his bike in this area than in downtown Portland.

Henry Kane, Beaverton, 97008, said the City had no right to rule on this application because the site was forcibly annexed which was unconstitutional. He said the Wal-Mart traffic analysis understates the traffic counts generated from this development and the computer program used to prepare the traffic analysis could not be verified for validity. He said BDR Chair Doukas should not have participated in this consideration of the application as she was not a resident of Beaverton and was not appointed to the BDR by the entire Council; also she failed to disclose that she earns her living showing developers how to get their projects approved. He said because of this the BDR and the opponents were denied an impartial board member. He said the proposed site was too small to comply with design and transportation codes.

Brian Teller, Beaverton, 97006, said he opposed this project. He said his house in Cedar Mill has been in his family since 1968 and he has lived there since 1991. He said there have been many changes in that time and the quality of life has lowered. He said he uses the Sunset Transit Center frequently to get to downtown, and he would hate to lose this convenience. He said the thought of driving through the traffic congestion

created by the construction of this major center was awful and his only option was to drive up SW Barnes Road instead.

Paul Parker, Portland, 97229, said he opposed this project. He said he had a 30-year career in local government and was now retired. He said government staff were dedicated and have great expertise but they were not objective. He said it is their job to help applicants work out the issues with proposed developments. He said the staff does not work with the community or the opposition as it does with the applicant. He said the result is unwitting co-option and a bond is formed with the applicant. He said staff may be experts but they are not unbiased. He said the BDR was given an impossible assignment and never had a hope of addressing the real issues. He said Chair Doukas recognized this when she said upon handing down the decision *"A very long list of frustrating items of how poorly Beaverton and Washington County have played together. We have very little ability to do much about the transportation system which is the key issue. The fact that we are dealing with a hybrid Code process is an error of many steps. I want the public to understand that we are frustrated as well. We can sort through some details. At the end of the day it is design more than anything else that we get to review."* He said the BDR decision was full of doubt and lacked conviction. He asked that the Council uphold this appeal.

Todd Burns, Portland 97229, said he opposed this proposed project and his concern was that this development would be less than 200 yards from his child's daycare center. He said he would pull his child from the daycare center if the roads become a nightmare. He said according to a news story this week, the two highest records for 911 calls were held by Wal-Mart Stores in Clark County, Washington; he said one store had 900 calls in one year and the second had 600 calls. He said the neighborhood's small community feeling would disappear and he would probably move from the area.

Karen Ronning-Hall, Portland, 97225, said she opposed this development because the proposed intersection expansion was not safe for pedestrians and bicyclists. She said this auto-oriented store did not meet the requirements and spirit of the transit-oriented zone. She asked why the Council would approve this project when it previously denied a Wal-Mart application for Tualatin Valley Highway based on transit and pedestrian needs. She said this development did not make good sense.

Steve Lyon, Portland, 97229, said he opposed this development. He said the City staff did not enforce the Code's parking lot standards for stall width and the use of compact spaces for short-term parking. He said the parking lot design was challenged at the BDR hearing. He read Code 60.30.10, which governs long-term parking, and said the applicant used this Code section as justification for providing 20% of the spaces as compact. He said this parking lot was for short-term parking, not long-term or employee use. He said staff erroneously agreed with Wal-Mart and incorrectly advised the BDR that these standards were satisfied.

Scott Whipple, Portland, 97229, said he opposed this application. He asked the Council to apply the zoning laws. He said the application does not meet the purpose and intent of the transit-oriented zone. He said the major problem with this project was traffic. He urged Council to deny the application.

Coun. Arnold asked that staff let the Council know if there is a response to the parking concerns voiced by Steve Lyon. She explained to Whipple that purpose was a guideline not a rule. She said underneath purpose are standards and Council has to make its decision based on the standards.

Elizabeth Zeller, Portland, 97229, said she opposed any big-box development in this area because of its impact on traffic, bicyclists and pedestrians. She said she was an avid bicyclist and Wal-Mart would draw traffic from around the region all day long, making it unsafe to bicycle in that area under any circumstances. She said congestion in this intersection would move traffic onto neighboring intersections, such as Murray Boulevard, making those areas unsafe. She asked that Council deny the application.

Marilyn McWilliams, Portland, 97225, said this project did not meet Code 60.05.35.6 which requires that the architecture be the predominant design element over parking areas and landscaping; in this project the parking lot and landscaping were predominant and the building was in the distance. She said Code 60.05.35.8 requires that ground floor building elevations be pedestrian oriented and provide views into retail, office and lobby space. She said this project provides views into the parking garage and blank walls, has few windows and you cannot see into the store. She said Code 60.05.40.7 requires that pedestrian access be provided along all streets, but the ultra-long block on this project does not have pedestrian access. She asked that the project be modified to meet the Code or the application be denied. She said her vision was to see medical offices on this site as it was close to transit and the Medical Center.

Maurice Trout, Portland, 97225, said he was speaking as a private citizen and not as a member of the Beaverton Traffic Commission on which he serves. He said the Peterkort Village area currently has a serious problem with cut-through traffic; many people use the neighborhood streets to avoid the congested intersection. He said an additional 3500 cars per day would encourage more cut-through traffic. He said pedestrians would not be safe with the expanded intersection and additional development.

Chris Iwai, Portland, 97229, said she was opposed to Wal-Mart and disabled, on a fixed income and her first priority was her health. She said when she needs to get to St. Vincent's she does not want big-box traffic clogging the roads. She said this was a medical corridor. She said her neighborhood was bordered by NW 112th and NW 114th Avenues, and despite neighborhood watches, crime has increased in this area. She said the areas near SW Cedar Hills Boulevard were prime areas for crime. She said last year eight cars on NW 112th Avenue and ten cars on NW 114th Avenue were broken into with one stolen. She said the parks were taken over at night by drug dealers and prostitution, and she has observed drug users in her neighborhood many times and has advised the police on their activities. She said new development provides new opportunities for drug dealers.

Dean Moberg, Portland, 97229, said he opposed Wal-Mart; cut-through traffic has turned West Lawn Terrace into a de facto arterial street as drivers seek to avoid the congestion at Cornell Road and SW Barnes Road. He said Wal-Mart would make the situation worse not only on West Lawn Terrace but also on Celeste Lane and in Peterkort Village. He said this was dangerous and decreased the livability of the neighborhood. He thanked Council for listening and asked them to vote against the proposed Wal-Mart.

Mike Gordon, Portland, 97229, said he opposed this Wal-Mart project due to traffic congestion and pedestrian safety. He said he often drives south through this area and more traffic would increase backups and wait times at the intersection. He said a left turn from the Highway 26 off-ramp is currently very difficult and would get worse. He said his children walk and bicycle to school and Peterkort Square and a Wal-Mart would make this more dangerous. He said this was a pedestrian-hostile development.

Linda Fravel, Portland, 97119, said she opposed Wal-Mart for they pull in people from areas outside the neighborhood who bring in other elements like crime, noise and litter. She said it currently takes four light cycles to get through this intersection in the morning. She asked that Council deny this application.

Jan Johnson, Portland, 97225, said she opposed this proposed development. She said she frequently goes to St. Vincent's for cancer treatments. She said six weeks ago there was a condition of total gridlock around the hospital; no one could enter or leave the hospital. She said hospital staff told her this was not unusual. She said this area did not need a regional store drawing more vehicles to Highway 26, Highway 217, SW Barnes Road or SW Cedar Hills Boulevard. She said she lives one-and-one-half miles from St. Vincent's and it is quicker to go to Emmanuel Hospital.

Brad Avakian, Portland, 97229, State Representative for this area and a resident of Bethany neighborhood, said this was a difficult proposition before Council in that the BDR approved this project and yet putting this development on this site was an extreme thing to do. He said he thought the Council could find reasons for approving or denying the application which meant the Council has free choice through the discretion granted by law. He said the law is viewed by most people as the standard for optimum behavior. He said the law is actually the minimum conduct expected of the community and that means more can be done. He said people elect their officials to follow the law, to be visionary and plan for the community, and to protect the welfare of the people. He said Council has the discretion and evidence to support both sides and he urged the Council to support the people in the community and deny this application.

Chris Lunt, Portland, 97229, said he opposed the Wal-Mart. He said per the Comprehensive Plan definition of a public road, SW Cedar Hills Boulevard and Highway 26 were public roads and public streets in the Zoning Code. He said Code 60.05.40.2 requires that the Wal-Mart loading dock to be screened and sound mitigated. He said other Code requirements regarding public orientation, parking lot location, screening, pedestrian access and connectivity have to be met for these public roads/streets. He urged a no vote on this application.

Jim Johnson, Portland, 97225, said he opposed the proposed Wal-Mart. He said the growth from the current neighborhoods would ensure that the intersection would be very crowded in the future. He said this makes the intersection capacity a resource to be carefully allocated; it should be given to the local community. He said Wal-Mart's study said 60% of the store's traffic would come from outside of the local area; in comparison Fred Meyer's stores draw from the local community within a radius of two-and-one-half miles. He said to follow through on the Peterkort's vision, as currently presented on their Web site, a series of stores that support the local area needs to be built.

Anne Miller, Portland, 97225, said she opposed Wal-Mart; she lives in Cedar Hills and works in Cedar Mill and travels past this site twice a day. She said the increased traffic from Wal-Mart would be terrible and the crime would increase. She said the Wal-Mart store in Vancouver, WA was responsible for more calls to police than any other development in Vancouver. She said this development would negatively impact traffic, pollution, transit, property values and crime rates. She asked that Council deny any big-box development in this area.

Ellen Saunders, Portland, 97229, said she was concerned about Wal-Mart's policy to allow overnight camping. She said though the City prohibits overnight camping, the store would still be on the camping map distributed by Wal-Mart. She said this would increase demands on the police force to enforce the ordinance. She said there were many options for development that would enhance the community and improve the quality of life. She said this area provides the opportunity for sensible urban growth and could become a model of development.

Pamela Monheimer, Portland, 97225, said she opposed Wal-Mart; she works on SW Barnes Road, her husband works at and her daughter attends Catlin Gable School next to St. Vincent's. She said their daily lives center around this area and they moved to this site so they could walk, ride bikes or take transit to their work and school. She said she opposed Wal-Mart at this location as it does not meet the transit-oriented zoning requirements. She said while the Zoning Code allows a building greater than 5,000 square feet, that did not mean it should be a "gargantuan" building. She said she would like to see a development similar to the Streets of Tanasbourne, Bridgeport Village or Orenco Station at the appropriate scale, with a few anchors, restaurants, small shops and greenspace. She said people would walk, bike and gather there as intended by the transit oriented zone.

Aaron Brown, Portland, 97229, said he opposed Wal-Mart; he referred to the City Goal 1 Preserve and Enhance the Sense of Community. He said the sense of community was cherished in Cedar Mill. He said the proposed gargantuan intersection and big-box development were not part of the community. He said this was an opportunity to create a vision for a progressive Beaverton. He asked that Council deny this application.

Richard Battaglia, Portland, 97225, said he opposed Wal-Mart; he lives less than one mile from the proposed site and walks to the transit center and Peterkort Village every day. He said he opposed this project because the expanded intersection would still remain at gridlock. He said promoting locally-friendly retail would cut traffic volume. He said he was also concerned about increased crime rates and cut-through traffic.

Ram Koganti, Portland, 97229, said he opposed Wal-Mart; he was an engineer and engineers make mistakes and over design projects. He said when an error is made in the design the engineer fixes it. He said the lynch pin of the Wal-Mart traffic analysis was the 7400 added daily trips. He said that number might be wrong and asked how much of a margin was added to the design. He asked if the number was wrong and traffic volume was much higher, would Wal-Mart be shut down. He said simply saying that the community would have to live with it was not an acceptable solution.

Molly Peters, Portland, 97225, said she opposed Wal-Mart; she did not feel it was right that in order for the Peterkorts to carry out their personal enrichment plans they get to

use the public roads as well. She said the Peterkort lease arrangement with Wal-Mart could not happen without a massive reconfiguration of all the roads surrounding that development. She said the people who live in the community and use these roads are not happy and this is an unacceptable solution. She said just because it can be done, does not mean it must be built.

Gail Parker, Portland, 97229, said she opposed Wal-Mart; she has lived in this area for 30 years and many residents remember when Beaverton was an ugly, sprawling, congested suburb. She said recently there were signs that Beaverton was turning around. She said the Library, The Round, Cedar Hills Crossing and denial of the Gramor/Fred Meyer development represented wise and thoughtful change; it was not the time to slip back into poor planning. She said in exercising leadership the only path available was to exercise vision, courage and conviction. She said the Council only needs to find that the application does not comply with one Code requirement to vote no.

Dina Gross, Portland, 97229, said she opposed Wal-Mart; City staff has not enforced the Code requirements for garden centers in the transit oriented district. She said the Code prohibits outdoor storage of materials and display of merchandise. She said when the garden center was challenged at the BDR hearing; staff responded "*We do not read it that way.*" She said Wal-Mart revised its design to roof and enclose the center with a security fence. She said it was still a garden center and a prohibited use in the transit oriented-retail center zone. She said the Community Plan does not list a garden center as a permitted use.

Mary Beth Wells, Portland, 97229, said she opposed Wal-Mart; and agreed with previous comments regarding traffic, lack of access to St. Vincent's and crime in Wal-Mart parking lots. She said she lived in North Carolina and statistics could be obtained from there about crime in Wal-Mart parking lots. She said if you Google the term "boon dock camping" you would come across many Web sites that tell people how to circumvent local ordinances that prohibit camping in Wal-Mart parking lots. She said the City's ordinance would end up being unenforceable. She said when she and her husband retire they will settle in an area that offers many forms of transportation, not just the automobile. She urged the Council to consider how this development would affect the community.

Dan Rohrer, M.D., Portland, 97225, said he has been a physician in this community for 18 years and was now the Medical Director for Cranial Surgery at the Providence Brain Institute primarily based at St. Vincent's Medical Center. He said over the years he has seen many disasters and the outcome to some of those cases could have been better if he had been able to reach the hospital. He said he lived one-and-one-half miles from St. Vincent's; if there is no traffic he can reach the hospital in five minutes but if there is any traffic slowdown or blockage it can take 30 minutes to get to the hospital. He said he has jumped curves, made U-turns and gone the wrong way on a one-way road to circumvent the traffic in that area. He said one of the two ways he has to reach the hospital is through the proposed expanded intersection. He said if he does not get there in a short period of time a patient can have irreversible brain damage, slip into a coma and die. He said in the past three to five years he has had to leave his car and jog to the hospital because he has to get there. He asked that the Council consider those facts as he has been dealing with this for a very long time. He said in the three minutes for

testimony time allowed at this hearing, if he was not able to reach a patient they would lose a lot of brain cells.

Mayor Drake asked if SW Lynnridge was easily accessible through Park Way and if that route was not available to him.

Rohrer said he preferred to use that route and then onto Baltic Avenue straight across SW Barnes Road and into the Emergency Room entrance. He said the problem with this proposal is that traffic coming from Highway 217 to get to Wal-Mart would be dropped off on SW Barnes Road across from the ER entrance. He said there have been numerous times when he could not get to that location and he had to leave his car and jog to the hospital. He said his second option was to go through the SW Cedar Hills Boulevard/SW Barnes Road intersection that has been proposed for expansion.

Coun. Bode asked if he was the only neurosurgeon on staff and if he was delayed was there no other staff that could do the necessary intervention.

Rohrer said there were other neurosurgeons; however, because of the medical legal malpractice situation in Oregon, there was a lack of neurosurgical coverage for emergency rooms. He said there were eight to ten neurosurgeons at St. Vincent's and most of them cover multiple hospitals and may be in surgery so there is a designated doctor for ER calls. He said if that designated doctor cannot reach the ER room, backup is requested; if the backup person cannot reach the hospital then the patient has to be transferred to another hospital which leads to further delays. He said they have had patients come to St. Vincent's because of a lack of neurosurgical coverage in areas outside of the Portland metropolitan region. He said doctors in other fields also face the same situation.

Curtis Charles, Portland, 97225, said he opposed the proposed Wal-Mart because of the increased traffic and the small size of the site. He said a regional big-box development does not fit in the transit oriented-retail commercial zone and the expanded intersection was not pedestrian or bicyclist friendly. He said this store would be an additional drain on the police force with increased crime and enforcement of the prohibited overnight camping

Karen Mayhew, Beaverton, 97005, said she opposed Wal-Mart; and as a Highway 26 commuter at SW Cedar Hills Boulevard, she was convinced this development would create intolerable traffic at that intersection. She said she has cut through the neighborhoods surrounding this area trying to get home on Walker Road. She said there will be more cut-through traffic to avoid the expanded intersection. She asked that Council deny this application.

Larry Bates, Portland, 97229, said this site was not included in any master plan. He showed a map from the 2004 Peterkort Station/Barnes Road Master Plan that showed the proposed Wal-Mart site marked "*Not Part of Master Plan.*" He said Odermott's study only projects out to Year 2015, not to 2020 as required by the City for Transportation System Plan evaluations. He said big-box stores do not belong in transit centers because they generate few transit trips. He said a transit study of the Costco in southern San Francisco found that the store generated only 80 transit trips per day. He said if this Wal-Mart generated 94 transit trips per day that would only be 1.3% of the

total number of trips to the store. He said Wal-Mart would not provide sidewalks to the nearest bus stop which indicates what Wal-Mart thinks of transit. He said he did not see a big box development in the County's transit oriented zone.

Tom Pavlik, Portland, 97229, said he walks in his neighborhood for his health and he has to stop often as he walks. He said the expanded intersection does not make walking possible for him and for senior citizens. He said he does not understand how this project is transit oriented.

Linda Popkin, Portland, 97225, said if the Comprehensive Plan was to maintain its integrity, projects that conflict with the Plan should be rejected. She said her car was demolished by cut through traffic two years ago. She said the proposed improvements show five lanes stopping at Celeste Lane which would make that road unusable. She said that would limit the 2,500 residents in that area to one entrance and exit. She said that was unacceptable and staff needs to figure out this transportation need before any development can be approved.

Christy Middleton, Portland, 97229, said she opposed Wal-Mart; the people who live in this community want a voice on how it is developed. She said they expect City leaders to act on their behalf. She said the wait times at the signaled intersection would increase during peak commute hours. She said the transit oriented designation does allow a building greater than 5,000 square feet but she asked if they intended it to be a building that was 32 times greater than that. She suggested a better site for this store was the old Greenwood Inn site on Highway 217. She urged Council to deny the application.

Michael Burton, Portland, 97203, said per Oregon law, zoning has to follow the plan and planning is about people and communities. He said the Council has the opportunity to make a policy statement on this issue. He read a quote made by Mayor Drake several years ago as Metro and the cities were drawing the Urban Services Boundary: *"As controversial as any planning decision can be, the process of involving the public in the processes has always proven of greater value in the long term than ignoring the views of the public."* He said Mayor Drake insisted that all of the region's citizens be given an opportunity to be heard regarding the drawing of the Urban Services Boundary. He said these citizens were not within the boundaries of Portland or Beaverton, but it was known that some day they would be because the State required the drawing of the Urban Services Boundary.

Burton said during the hearings on the Urban Services Boundary it was decided that before any annexations a Concept Plan would be done for the areas to be annexed. He said the cherry stem annexation that brought this property into the City violates the Concept Plan. He said the cherry stem creates a very intensive development in an area without a Concept Plan that determines what would happen to all the areas surrounding that site. He said to allow an intensive development as currently proposed by Wal-Mart, without planning for the surrounding area, was a mistake. He urged the Council to remand this back to staff and ask for a comprehensive Concept Plan on how this would affect the rest of the Urban Services Boundary, as agreed to by Council under a Metro ordinance in 1997.

Coun. Stanton replied to Burton that while this was a good idea, the deadline on this project was the first week in August.

Burton repeated that the plan should trump the zone.

Mike Krahmer, Portland, 97229, said he was a fifth generation Washington County resident who lives in Cedar Mill. He said he opposed the proposed development. He said Cedar Mill was unique as an intersection of suburban, rural and urban areas. He said since 1970 Beaverton has had a reputation for creating strip malls and having decreased livability and increased congestion. He said if this Wal-Mart application is approved, the Council will have confirmed the worst fears of the majority of this area's residents. He said this development might have made sense ten years ago but in today's reality it would be a monstrosity and it would doom this area. He said if the Council approved this project, it would increase the cynicism and anger of the residents of Cedar Mill toward future annexation into Beaverton. He asked the Council to deny this application.

Sara Pascoe, Beaverton, 97229, said she was opposed to this project. She said she has lived in unincorporated Washington County for 11 years and she walks to the library, post office, local schools and farmers market. She said that was why all the residents were here. She said SW Cedar Hills Boulevard/SW Barnes Road was a great intersection that served medical facilities, two schools, a transit center and a recreation center and it needs to continue working for the community. She said this development would bring in regional traffic that would clot off this "life blood artery" for many people.

Robin Sherwin, Portland, 97229, said she was opposed to this application. She said though the zoning allowed a store over 5,000 square feet, did that mean they had to allow a store that was 30 times that size and 40% the size of the Houston Astrodome. She said the City's ordinance prohibiting overnight camping in parking lots was unenforceable. She said several Wal-Mart stores in Oregon allow overnight camping in direct violation of ORS 446.410 and 446.350. She said the recreational vehicle traffic that Wal-Mart generates was not factored into the traffic analysis and the traffic analysis was flawed as traffic was often at a standstill, even when the light is green. She proposed the Greenwood Inn site as an alternate location. She said Wal-Mart has 300 dark stores in this country and many municipalities have had to write ordinances requiring escrow accounts to pay to tear the stores down as they go dark; on average the stores are dark for five years and it is very hard to find a tenant to replace them. She said the below-store parking and the pedestrian tunnel were unsafe. She asked that the Council reject this application for the betterment of the community.

Mayor Drake closed the public hearing to oral testimony.

Coun. Bode MOVED, SECONDED by Coun. Doyle that: 1) The public hearing be continued to August 7, 2006, at 6:30 p.m., in the City Council Chamber; 2) The record be held open for seven days until 4:30 p.m., Tuesday, July 18, 2006, so that all interested parties may submit testimony; 3) That from July 19, 2006 and ending at 4:30 p.m. on July 24, 2006, the record will be held open to accept written testimony in response to the evidence presented into the record from the prior week; 4) Starting July 25, 2006, and concluding August 1, 2006, the applicant will have opportunity to submit a final written rebuttal; and 5) At the August 7, 2006, meeting the Council will receive the final oral

rebuttal of the applicant and after the rebuttal the Council will deliberate on this appeal and render an oral decision. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 12:06 a.m.

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

#### APPROVAL:

Approved this    day of    , 2006.

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

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** LIQUOR LICENSE

**FOR AGENDA OF:** 08/14/06 **BILL NO:** 06139

**NEW OUTLET**

New Seasons Market -- Cedar Hills  
Crossing  
3495 SW Cedar Hills Boulevard

Beaverton Pawn  
12905 SW Beaverdam Road

Original Thai Cuisine  
12406 SW Broadway

**MAYOR'S APPROVAL:** 

**DEPARTMENT OF ORIGIN:** Police 

**DATE SUBMITTED:** 08/01/06

**PROCEEDING:** Consent Agenda

**EXHIBITS:** None

**BUDGET IMPACT**

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

Background investigations have been completed and the Chief of Police finds that the applicants 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:**

New Seasons Market, Inc. has made application for an Off-Premises Sales License under the trade name of New Seasons Market – Cedar Hills Crossing. The establishment is a grocery store. It will operate seven days a week, from 8:00 a.m. to 10:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

Beaverton Pawn, Inc. has made application for an Off-Premises Sales License under the trade name of Beaverton Pawn. The establishment is a pawn shop. It will operate Monday through Friday from 10:00 a.m. to 7:00 p.m., Saturday from 10:00 a.m. to 6:00 p.m., and Sunday from 12:00 p.m. to 5:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

SWR Corporation has made application for a Full-On Premises Sales License under the trade name of Original Thai Cuisine. The establishment will serve Thai 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 9:30 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.

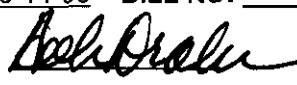
## AGENDA BILL

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Traffic Commission Issue No. :

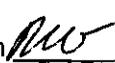
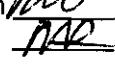
- TC 594 – Marked Traffic Islands and Parking Restrictions on SW Village Lane at 150<sup>th</sup> Avenue Intersection
- TC 595 – Permit Parking on SW First Street Near Hall Boulevard

**FOR AGENDA OF:** 8-14-06 **BILL NO:** 06140

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Public Works 

**DATE SUBMITTED:** 8-1-06

**CLEARANCES:** Transportation   
City Attorney 

**PROCEEDING:** Consent

**EXHIBITS:**

1. Vicinity Map
2. City Traffic Engineer's reports on Issues TC 594 and 595
3. Final Written Order on TC 595
4. Written testimony
5. Draft minutes of the meeting of July 6, 2006 (excerpt)

### BUDGET IMPACT

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

On July 6, 2006, the Traffic Commission considered the subject traffic issues. The staff reports are attached as Exhibit 2.

### INFORMATION FOR CONSIDERATION:

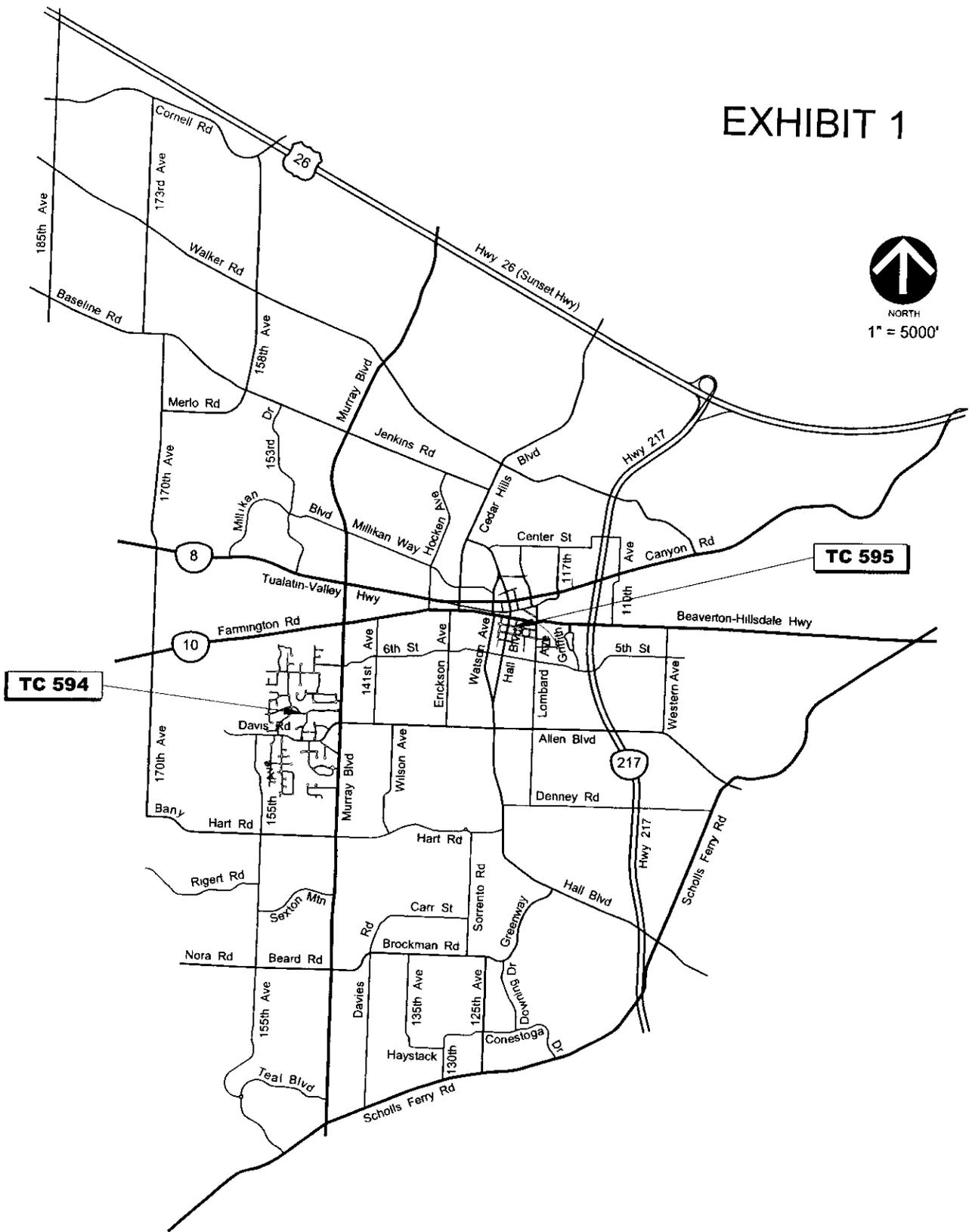
Issue TC 594 was approved on the Commission's consent agenda. A hearing was held on Issue TC 595. Following the hearing, the Commission voted 4-1 to approve the requested permit parking zone on the south side of SW First Street between Tucker and Hall.

In addition, the Commission voted to remove the intersection of Creekside and Hall from the priority list for new traffic signals. The intersection does not meet established signal warrants and the Park District is no longer considering a trail crossing at this location.

### RECOMMENDED ACTION:

Approve the Traffic Commission recommendations on Issues TC 594 and 595 and the proposed revision to the signal priority list.

# EXHIBIT 1



Y:\Traffic\Drawings\TC Vicinity Map\VICINITY MAP TC 595-595 7-06.dwg



City of Beaverton

Vicinity Map for July 2006  
TC Issues: 594 and 595

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

Drawn By: MC Date: 6/15/06

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

Approved By: \_\_\_\_\_ Date: 01

## CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 594

### Marked Traffic Islands and Parking Restrictions on SW Village Lane at 150<sup>th</sup> Avenue Intersection

June 15, 2006

#### Background Information

The Four Seasons Homeowners Association has requested that the City mark traffic islands at the intersection of Village Lane and SW 150<sup>th</sup> Avenue as shown on the attached sketch. Their hope is that the marked islands will better guide traffic through the curves near the intersection and that the islands will tend to slow traffic speeds by narrowing the traffic lanes. Originally, the Homeowners Association was considering the construction of raised traffic islands with landscaping, but they determined that the cost of raised islands was too high. Because the striped traffic islands will provide pavement markings on a street where traffic lanes have not previously been delineated, the City Code requires that the proposal be reviewed by the Traffic Commission.

The proposed islands will not change any existing traffic movements at the intersection. They are intended only to better guide traffic through the intersection and to discourage speeding.

Because the islands will restrict the street width, it will be necessary to prohibit parking adjacent to the islands. This intersection is away from the frontage of any homes and parked cars are seldom seen near the intersection. Therefore, the parking restrictions are expected to have little impact on the residents. There are no businesses in the area.

#### 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:

- The parking restrictions will improve safety by assuring that no vehicles are parked in the traffic lanes, thereby satisfying Criterion 1a.

- The proposed traffic islands will help to ensure orderly and predictable movement of vehicles by better delineating proper vehicle paths through the intersection, thereby satisfying Criterion 1b.
- Because the area of the proposed parking restrictions is not currently used by residents or businesses, it appears that the parking restrictions will have no impact on the residents, thereby satisfying Criterion 1d.

**Recommendation:**

- Approve the installation of marked traffic islands near the intersection of Village Lane and SW 150<sup>th</sup> Avenue in accordance with the concept shown in the attached sketch.
- Prohibit parking on both sides of SW Village Lane within 110 feet of the intersection of 150<sup>th</sup> Avenue.

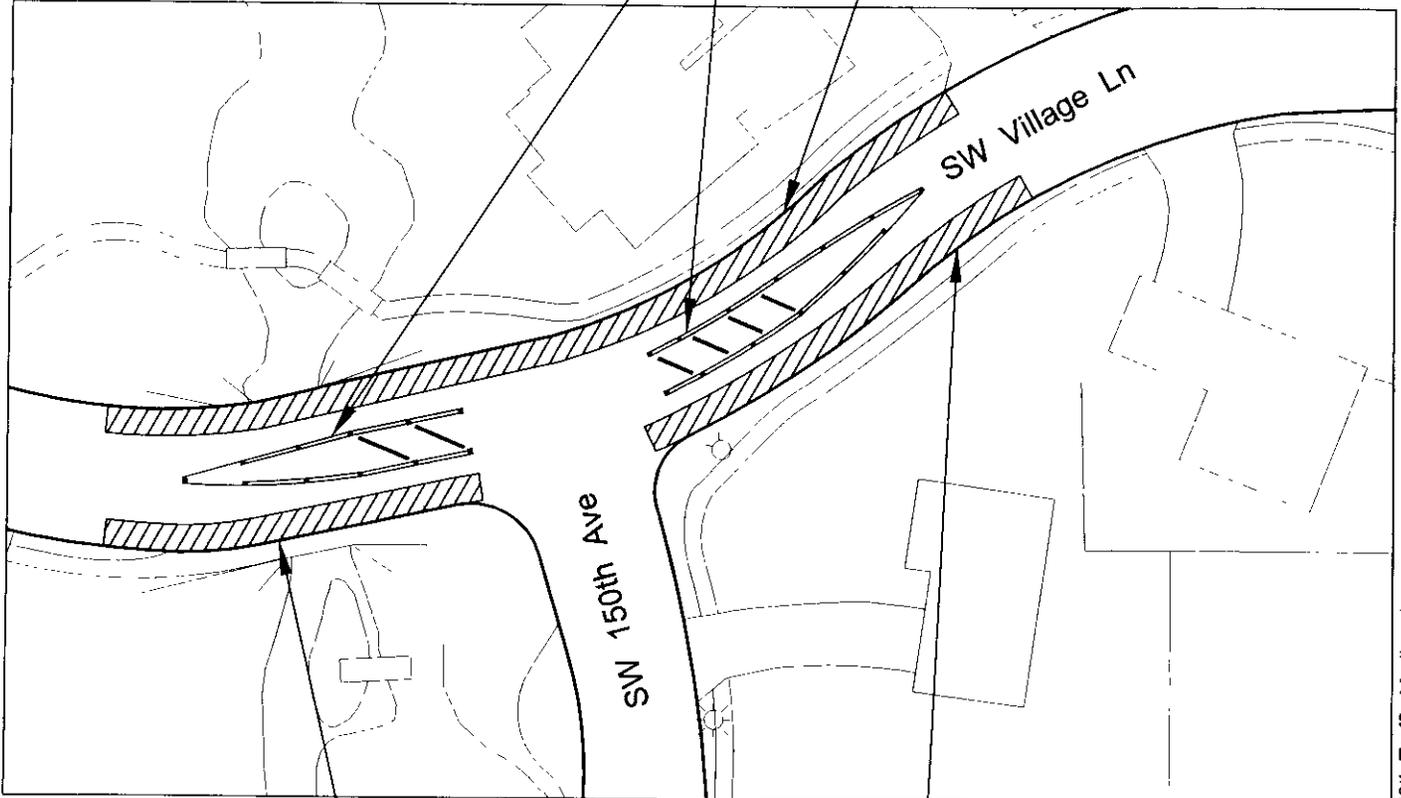
TC 594



NORTH  
1" = 50'

Painted Island

Parking Restriction



Parking Restriction

Y:\Traffic\Drawings\2006\06-60 Village at 150th Traffic Median.dwg



City Of Beaverton

Issue TC 594:  
Marked Traffic Islands and Parking Restrictions  
on SW Village Lane at 150th Avenue Intersection

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

Drawn By: MC Date: 6/15/06

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

Approved By: \_\_\_\_\_ Date: 04

**CITY TRAFFIC ENGINEER'S REPORT  
ISSUE NO. TC 595**

**Permit Parking on SW First Street Near Hall Boulevard**

**June 15, 2006**

**Background Information**

Currently SW First Street has a two-hour parking limit between Lombard Avenue and Watson Avenue. SW First Street has no areas designated for permit parking.

Permit parking is provided nearby on SW Second Street and in the City parking lot at Farmington and Tucker. In the permit parking zones, vehicles with permits are allowed to be parked longer than the two-hour parking limit. Permits are available for downtown residents and employees of downtown businesses. Both the two-hour limit and the permit parking zones have been in place for many years. Parking limits on downtown streets were intended to discourage all-day parking and to keep on-street parking available for clients and customers of the downtown businesses. The permit parking was intended to provide exceptions in certain areas to accommodate the needs of downtown residents and employees.

The attached letter from Michelle Warren requests four parking permits. In a subsequent phone conversation, Ms. Warren clarified that she is requesting a permit parking zone on the south side of SW First Street between Tucker Avenue and Hall Boulevard. She indicated that parking seldom occurs on this section of First Street. She also indicated that the permit parking on Second Street is too far for her employees to walk, as they often work late and do not feel safe walking that far in the dark.

Along the south side of First Street between Tucker and Hall, there is room for up to five vehicles to be parked. Note that the permit parking zone, if created, would allow parking for all permit holders. It is possible that permit holders who currently use Second Street would move to First Street and take up all the parking on First Street.

The request would not change the locations where parking is allowed. The street is 41 feet wide, which is adequate for two-way traffic with parking on both sides. Therefore, there are no issues of traffic safety or street capacity. In staff's opinion, the only issue is whether the requested change is equitable to other residents and businesses in the area. The public hearing provides a forum to determine any concerns of the residents and businesses in the area.

Attached is a map showing the locations of existing permit parking zones and the proposed change.

### **Applicable Criteria**

Applicable criteria from Beaverton Code 6.02.060A are:

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

### **Conclusions:**

- If residents or businesses indicate a need for short-term on-street parking on First Street, the request should be denied and the existing parking limits retained in order to comply with Criterion 1d.
- If residents and businesses indicate no objections to all-day parking on First Street, it can be presumed that Criterion 1d is satisfied and the request should be granted in order to provide additional parking for employees

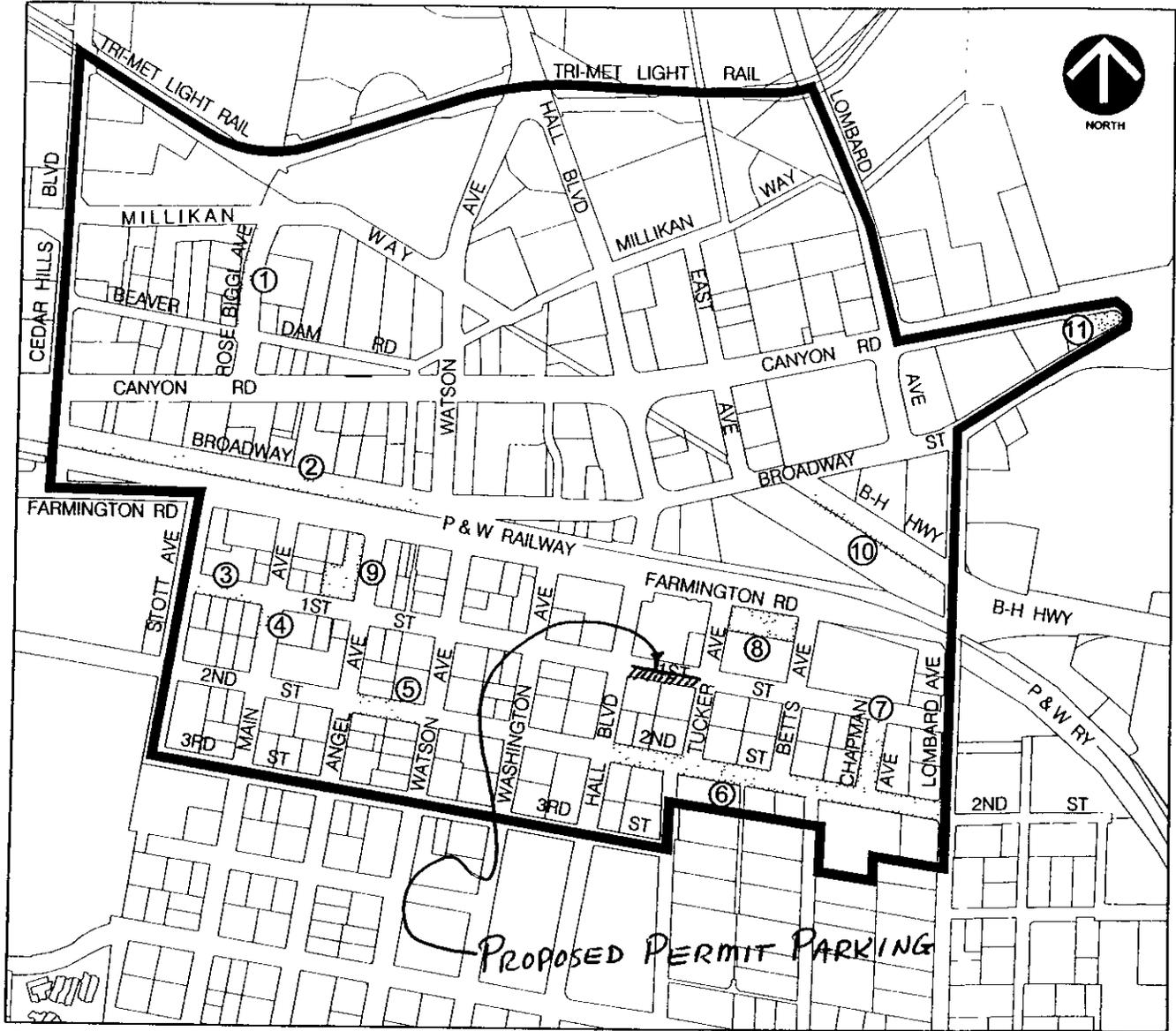
### **Recommendation:**

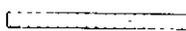
Based on testimony received at the hearing, determine whether permit parking is appropriate on SW First Street.

### **Note:**

If additional permit parking is approved, as requested, the change will require an amendment to the City Code, which will require a separate action by the City Council subsequent to processing of the Traffic Commission issue.

# BEAVERTON DOWNTOWN PERMIT PARKING DISTRICT



-  BOUNDARY LINE
-  EXISTING PERMIT PARKING LOTS AND STREETS

### PERMIT ELIGIBILITY

A person who lives or works within the boundaries of the Downtown Permit Parking District is eligible for a parking permit. The permit allows a permit holder to park beyond the posted time limits in the Permit Parking Lots and on the Permit Parking Streets listed here.



**CITY OF BEAVERTON**  
ENGINEERING DEPARTMENT  
TRANSPORTATION DIVISION

### PERMIT PARKING STREETS

- ① SW Rose Biggi (west side) between Beaverdam & Millikan
- ② SW Broadway between Watson & Cedar Hills
- ③ SW 1st (south side) between Stott & Main
- ④ SW Main (west side) between 1st & 125 feet south of 1st
- ⑤ SW 2nd between Watson & Angel
- ⑥ SW 2nd between Hall & Lombard

### PERMIT PARKING LOTS

- ⑦ SW Chapman between 1st & 2nd
- ⑧ SW Betts & Farmington
- ⑨ SW Angel & Farmington
- ⑩ B-H Highway between Broadway & Lombard
- ⑪ SW Broadway & Canyon (east of gas station)

Fringe The Salon  
4680 SW Hall Blvd.  
Beaverton, OR 97005  
(503) 644-0510

Date: 5/22/06

~~RECORD COPY~~

Dear Mr. Wooley:

I am a small business owner in Old Towne Beaverton. I own a hair salon that is on the corner of 1<sup>st</sup> and Hall Blvd. I am writing you to request up to 4 parking permits. As you are aware, the parking situation is very difficult in this area. We share a parking lot of 10 spaces with a optometrist who owns the building. If all the employees of both businesses park in the lot there are no spaces for the clients. In trying to offer the best experience for our clients we must be able to offer them safe and close parking. We are requesting permits that would be used to park on 1st Street directly in front of our building. These spaces are rarely used except during Saturday Market when we don't need them. Since the new café across the street has only 3 spaces available for their business, it even makes it more difficult for me to provide adequate parking for both my employees and our clients.

Please consider this request with the utmost urgency. The situation, although always a problem, is getting worse due to the new business across the street.

I look forward to stopping by and meeting you personally. I would like to resolve this matter as soon as possible.

Thank you for your attention,



Michelle Warren,  
Owner  
Fringe The Salon

CITY OF BEAVERTON

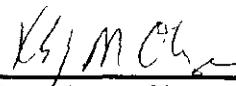
FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 595

**Permit Parking on SW First Street Near Hall Boulevard**

1. A hearing on the issue was held by the Traffic Commission on July 6, 2006.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
  - 1d (accommodate the parking needs of residents and businesses in a safe and equitable fashion);
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
  - The additional permit parking was requested by Michelle Warren of Fringe The Salon, an adjoining business.
  - Permit parking is currently available on SW Second Street and on Farmington Road.
  - Ms. Warren indicates that the existing permit parking is too far for her employees to walk safely, as they often work late and do not feel safe walking in the dark.
  - Ms. Warren indicates that the area of the proposed permit parking is seldom used for parking on weekdays. The City Traffic Engineer concurred.
  - The Commission heard no objections to the proposed permit parking from other nearby businesses.
4. Following the public hearing, the Traffic Commission voted (   aye,    nay) to recommend the following action:
  - Recommend that the south side of SW First Street between Tucker Avenue and Hall Boulevard be added to the list of areas where permit parking is allowed in the Beaverton Downtown Permit Parking District.
5. The Traffic Commission decision was based on the following findings:
  - Based on the lack of opposition to the requested change, the Commission concludes that the proposed permit parking will accommodate the parking needs of residents and businesses. Hence, Criterion 1d is satisfied.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS   6<sup>th</sup>   DAY OF JULY 2006

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

MEMORANDUM  
Beaverton Police Department



Chief David G. Bishop

DATE: June 22, 2006  
TO: Randy Wooley  
FROM: Jim Monger  
SUBJECT: TC 594

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TC 594. Although I agree with the intent to improve upon the safety at this location, I do not agree with the traffic pattern changes as outlined in the City Traffic Engineer's Report dated June 15, 2006.

My disagreement is based upon these opinions and observations as relates to westbound traffic.

1. I live and drive near this location often and I am familiar with the traffic flow at different times of the day and different days of the week.
2. On the north side of SW Village lane there are two trees that because of the length of descending branches, creates a visual obstruction. When traveling westbound on Village these branches hinder the view of eastbound vehicles.
3. As a driver westbound on SW Village intending to turn left (south) onto SW 150, I maneuver as close as possible to the center of the roadway to improve my view past these branches. The proposed changes eliminates the legal option to improve visibility. Because the proposed painted island moves vehicles away from the center of the roadway actually would increase the amount of distance and time necessary to clear the intersection.

RECEIVED

JUN 22 2006

RECORD COPY

ENGINEERING DEPT.

# MEMORANDUM

## Beaverton Police Department



Chief David G. Bishop

DATE: June 22, 2006  
TO: Randy Wooley  
FROM: Jim Monger  
SUBJECT: TC 595

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TC 595. I concur with the recommendation to allow citizen input regarding TC 595 to determine the opinions of business and residential occupants that would possibly be effected by any parking restriction changes on SW 1st between Hall and Tucker.

I do have a concern that the petitioner is attempting to procure the "most convenient" parking for their business when "convenient" parking is available nearby. I'm also concerned about the example this may create for other downtown businesses that may be interested in creating employee parking locations in front of their businesses. It is my understanding that the intent of the timed parking restrictions is to encourage employees to not occupy parking spaces that are better suited for business customers.

RECEIVED

JUN 20 2006

**Randy Wooley**

ENGINEERING DEPT.

**From:** Renfro, Jerry L. [Jerry.Renfro@tvfr.com]  
**Sent:** Tuesday, June 20, 2006 9:01 AM  
**To:** Randy Wooley  
**Subject:** Traffic Commission Issues No. 594 and 595

~~RECORD COPY~~

Randy,

I have reviewed the memoranda for June 15, 2006 regarding; Issue No. TC594 Marked Traffic Islands and Parking Restrictions on Village Lane and SW 150<sup>th</sup> and

Hall Boulevard. Issue No. TC 595 Permit Parking on SW First Street near

Tualatin Valley Fire and Rescue "Supports" both proposals.

Thank you for the opportunity to offer comment or concerns regarding these and future traffic issues that may influence emergency response by TVF&R apparatus and personnel.

Sincerely,

Jerry Renfro DFM

Transportation Systems Manager

TVFR.

**RECEIVED**

JUN 27 2006

ENGINEERING DEPT.

## MEMORANDUM

City of Beaverton

DATE: June 23, 2006

TO: Traffic Commission

FROM: Randy Wooley, City Traffic Engineer



RE: July agenda

### TC 594 and 595

Enclosed are the staff reports on these issues and any written comments received to date. Because the hearing results are unknown, we have prepared two versions of the draft final written order for TC 595 – one for approval and one for denial.

### TC 594 – Additional Information

Sgt. Monger's comments describe a sight distance problem caused by some trees along Village Lane. These trees will be removed as part of a separate project to extend the sidewalk along Village Lane. The sidewalk project will remove the existing stairway on the north side of Village Lane and provide ramps to allow people with wheelchairs or strollers to access the park area to the north. The sidewalk project is the result of a separate request from the Four Seasons Homeowners Association.

### Creekside Signal

Under "old business", I want to discuss with the Commission the proposed signal at Hall and Creekside (between Greenway and Nimbus). This is the next signal location on the adopted signal priority list. However, recent traffic counts indicate that the intersection does not meet signal warrants. One reason for the proposed signal was a plan to realign the Fanno Creek Trail to cross at Creekside. It appears, however, that the Park District no longer favors that plan. I will provide more information at the meeting. I will be seeking a decision to two questions:

- Should the intersection be removed from the signal priority list?
- Is it necessary to hold a hearing before making this decision?

This is not an intersection where we frequently hear requests for a signal. As traffic on Hall has increased, it appears that the employees in the adjoining office parks have adjusted to using the signal at Nimbus.

### Completed Issues

No additional issues have been completed since the last meeting.

# DRAFT

City of Beaverton

## TRAFFIC COMMISSION

Minutes of the July 6, 2006, Meeting

### CALL TO ORDER

Vice Chair Kim 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 Kim Overhage, Carl Teitelbaum, Bob Sadler, Ramona Crocker and Maurice Troute constituted a quorum. Alternate Member Tom Wesolowski was in the audience to observe.

Chairman Scott Knees and Commissioner Tom Clodfelter were absent by prearrangement.

City staff included City Traffic Engineer Randy Wooley, Traffic Officer Jeffrey Debolt, and Recording Secretary Debra Callender.

— EXCERPT START —

### CONSENT ITEMS

Vice Chair Overhage reviewed the consent items consisting of approval of the June 6, 2006, Traffic Commission minutes and Issue TC 594 “Marked Traffic Islands and Parking Restrictions on SW Village Lane at 150<sup>th</sup> Avenue Intersection.”

Commissioner Teitelbaum asked when the trees would be trimmed.

Mr. Wooley did not know the exact schedule for tree trimming or striping.

Commissioner Teitelbaum is willing to approve TC 594 with the stipulation that the trees must be trimmed. He agrees with Sgt. Monger that the trees impair driver’s line of sight.

Mr. Wooley said he would include instructions to City staff that the trees must be trimmed before the roadway is striped.

Vice Chair Overhage explained that the motion would approve "Draft 2" of the Traffic Commission minutes in order to incorporate a change on page No. 9, paragraph No. 3 regarding loading zone signage at Farmer's Market.

Commissioner Teitelbaum **MOVED** to approve as written the minutes of the June 6, 2006, Traffic Commission meeting and Issue TC 594.

Commissioner Crocker corrected a typo in the minutes. There were no other corrections.

Commissioner Teitelbaum **ACCEPTED** the correction to the minutes.

Commissioner Sadler **SECONDED** the **MOTION**.

On discussion, Commissioner Trouté asked staff the difference between a planted bed and a striped bed as referred to in TC 594. Are the islands raised?

Mr. Wooley said there are no raised structures in the roadway. The neighborhood originally proposed raised islands with landscaping; however, the neighborhood could not afford the cost. The islands in the plan are pavement markings.

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

### **PUBLIC HEARING**

#### **ISSUE TC 595: PERMIT PARKING ON SW FIRST STREET NEAR HALL BOULEVARD**

Vice Chair Overhage opened the public hearing on Issue TC 595.

#### **Staff Report**

Mr. Wooley said the Commissioners are already familiar with the downtown parking plan because last month's hearing also dealt with permit parking. TC 595 is a request to add an additional permit parking area on SW First Street between Hall Boulevard and Tucker. Mr. Wooley agrees with Sgt. Monger's written testimony. Few cars are regularly parked along this section of First Street and downtown already has a good supply of permit parking.

Mr. Wooley said a third option to consider is to eliminate two-hour parking along that side of the block. Several months ago, the City eliminated the two-hour parking on Angel Avenue between First and Farmington. There have been no complaints since then and ample parking remains available.

Mr. Wooley said staff received no comment from the public since the notice signs were posted on First Street.

Commissioner Teitelbaum asked if the permit parking lot on Tucker at Farmington is generally full.

Mr. Wooley said parking spaces are usually available.

Commissioner Teitelbaum asked Officer Debolt if the area around First and Hall has a crime problem.

Officer Debolt said there are “sporadic vehicle break-ins,” but generally, nothing else of concern.

### **Public Testimony**

The Commission reviewed written testimony submitted for this hearing from requestor Michelle Warren, owner of Fringe the Salon, Traffic Sergeant Jim Monger of the Beaverton Police and from Deputy Fire Marshal Jerry Renfro of Tualatin Valley Fire & Rescue. (*Written testimony is on file.*)

Joan Foley, Hillsboro, Oregon, works as a hair stylist at Fringe the Salon. Ms. Foley said four women work at this salon and they often stay until 8 p.m. In the winter, it is dark out when they leave work. The building owner added additional lighting in the parking lot at their request. The salon staff want their clients to feel safe when they leave the building.

Ms. Foley said the staff are capable of walking two to three blocks to their cars; however, she added, “it’s not a great area to walk in.” The building has only 12 spaces in the parking lot and this lot is shared between an optometry business and the chiropractor who owns the building. Ms. Foley observed that cars are rarely parked along this section of First Street between Hall and Tucker.

Ms. Foley said they are asking the City to make permit parking available on First Street. Salon staff, not clients, would use the street parking. Clients would continue to use the parking lot.

Ms. Foley said a new coffee shop is under construction on the corner of Second and Hall. She noted that the coffee shop has only three parking spaces on their property. This seems inadequate. Both employees and customers will need a place to park. Ms. Foley is concerned that customers from that business will take up all the non-permit spaces in the area.

Commissioner Trout asked how much time a typical client spends in the salon.

Ms. Foley said up to two hours. Often all four stylists are working at one time.

Commissioner Troute said the coffee shop customers could only park a maximum of two hours, not all day.

Ms. Foley said she is concerned that coffee shop customers will try to park in her parking lot.

Vice Chair Overhage asked how Ms. Foley felt about the option of removing all parking restrictions on this section of First.

Ms. Foley thought that would be fine; however, coffee shop employees and customers might also want to park there. She added that there is available all-day parking in front of the Christian Science Reading Room, directly across Hall from the salon. Her clients and staff often use that parking. It is also a convenient place for coffee shop customers to park.

Commissioner Troute said, as he understands her testimony, Ms. Foley's goal is either to remove the parking restriction entirely or to add permit parking for the salon employees.

Ms. Foley agrees that is correct.

Commissioner Crocker asked for clarification on where the salon employees customarily park.

Ms. Foley said when all four salon staff are on duty, two will try to park on the street and two will park in the parking lot if possible. Sometimes staff will park in a two-hour space, and then move their car to a different parking space every two hours. Ms. Foley said they are willing to do this because they are a service business and they must provide convenience and safety for their clients.

Commissioner Crocker made Ms. Foley aware that the permit parking would not be reserved for salon staff alone. Anyone with a permit could park there.

Ms. Foley understands this. The dentist, the chiropractor and their staff park in the permit parking on Second Street between Hall and Tucker. That leaves their entire parking lot available for their clients to park. Even with a permit, there are no empty spaces for salon staff to park on Second. Ms. Foley's preference is for salon staff to park within a block of the salon.

Commissioner Teitelbaum asked Ms. Foley if the problem is that salon employees have not been able to get permits to park on Second Street.

Ms. Foley said that is not what she meant. She explained that they wrote the letter of request (attached to the staff report), before they inquired as to how the permit parking system worked. She originally thought she had to ask the City for permission to obtain a permit, as well as to create permit parking spaces.

Commissioner Teitelbaum asked Mr. Wooley if permit parking is allowed on First Street between Hall and Washington.

Mr. Wooley said that area is not a permit parking zone.

Commissioner Teitelbaum asked Mr. Wooley if permit parking is allowed anywhere on First between Watson and Lombard Avenue.

Mr. Wooley said that currently it is not allowed.

Commissioner Teitelbaum asked Mr. Wooley if permit parking is allowed on Second Street between Hall and Washington.

Mr. Wooley said it is not. Permit parking is allowed on Second east of Hall.

Commissioner Sadler asked if the salon customers could park on Hall directly in front of the salon.

Ms. Foley said her goal is to make parking more convenient for her customers. She added that several customers received parking tickets for parking longer than two hours. That is bad for business.

Vice Chair Overhage thanked Ms. Foley for her testimony.

Michelle Warren, Beaverton, Oregon, is the owner of Fringe the Salon. Because many hair stylists work on two clients at the same time, it is common for clients to remain at the salon for two-and-a-half hours or more. She said they are all well established hair stylists with a strong repeat customer base.

Ms. Warren is also concerned because the coffee shop across the street intends to stay open 24-hours per day after the first six months of business. She is concerned that there will be "a lot of different kinds of people coming in the area." Ms. Warren said she is not comfortable walking out of the business at night carrying money and then walking one to two blocks to where her car is parked. Personal safety at night is her greatest concern. She stated that she has been approached several times by strangers who wanted to use the salon's restroom as she was leaving the building. She would feel more secure with a parking space near the salon.

Commissioner Crocker said that earlier testimony stated that two staff members park in the attached parking lot. This should make it relatively safe to remove the money at night.

Ms. Warren explained that all the stylists are self-employed. Each day, every stylist leaves the salon at the end of her shift carrying from \$300 to \$400 in cash. In addition, clients want to park as close to the salon as possible as a matter of convenience.

Commissioner Clodfelter pointed out that the downtown parking study that is now underway can potentially change any decision made tonight.

Ms. Warren understands that. When she filled out a comment card for the survey, she included the information that parking near their place of employment is a safety issue for salon employees. She added that the salon she worked at previously was robbed at gun point. Ms. Warren reiterated that her entire concern is based on safety.

Commissioner Teitelbaum asked if Ms. Warren is concerned that other businesses will jump in and use the parking if the parking restrictions are entirely removed.

Ms. Warren said most downtown business do not open until 9 a.m. The parking area on First is usually empty at that time. She understands the City cannot guarantee that this parking will always be available for her business.

Commissioner Crocker asked if the salon needs these parking spaces on Saturday during Farmer's Market.

Ms. Warren said that is not an issue because on Saturday the optometrist's office is closed and the salon can use the entire parking lot. They do monitor the lot to keep out Farmer's Market customers.

Vice Chair Overhage thanked Ms. Foley and Ms. Warren for their testimony.

### **Staff Comments**

Mr. Wooley explained that anyone who lives or works in downtown Beaverton is eligible for permit parking. Permits are available in the City's Finance Department.

Commissioner Sadler asked if this would be the only downtown block to have unrestricted parking.

Mr. Wooley said there is little unrestricted parking downtown, with only a few exceptions.

Commissioner Teitelbaum asked staff if removing parking restrictions on First might lead to other requests to remove parking restrictions in the area.

Mr. Wooley said the block between Tucker and Betts has on-street parking available as does the area around the post office at Betts. Many of the businesses in that area have large parking lots.

Commissioner Crocker asked what the real purpose was behind the creation of the permit parking district.

Mr. Wooley said the original purpose was to keep street parking available for customers. Some businesses had no off-street parking so they asked for permit areas. In the decades before light rail, business owners were concerned that downtown Beaverton would become a “park and ride” area for transit users. Their goal was to keep transit users from leaving their cars parked all-day in downtown, while still having all-day parking available for employees and customers of local businesses.

Commissioner Crocker asked which part of City government determines how many parking spaces a new business must have.

Mr. Wooley said the standard is in the City’s Development Code and individual review of parking for proposed businesses is part of the Development Review Process. In the case of the coffee shop, the Community Development Director made the decision.

*Vice Chair Overhage closed the public hearing on Issue TC 595.*

### **Commission Deliberation**

Commissioner Troute said safety is his first concern. There is adequate permit parking a block away from the salon, but he would be concerned if his wife had to walk a block at night in downtown Beaverton. Nevertheless, he is not impressed with either of the proposed solutions. Two-hour parking is already available for customers. In addition, testimony showed that two of the stylists could park in the parking lot attached to their business.

Commissioner Troute is also concerned because permit parking was the subject of a public hearing last month. The problem is that the parking system in downtown Beaverton is antiquated and it needs review. He is concerned that any change the Commission makes today, can be overturned based on findings from the parking study now underway.

Commissioner Troute is also concerned that post office employees might claim the parking spaces once restrictions are removed. He suggested extending the permit parking area around the entire block. The Commissioner believes this recommendation would set up a situation where other downtown employees would come to the Commission requesting additional permit parking on other blocks. He believes it is best to wait for the findings from the parking study. He supports leaving the parking as it is now until that research is complete.

Commissioner Crocker concurs with Commissioner Troute on the matter of setting precedents. She foresees similar issues coming before the Commission in the future. Commissioner Crocker stated that Mayor Drake is proud of his record of running the City of Beaverton like a business; however, the City’s permit parking district does not follow that model. It is awkward, vague, and its goals and guidelines do not meet Beaverton’s current needs.

Commissioner Crocker agrees that employee safety is an important issue. No matter how intently the Commission works to satisfy new parking requests, the Commission's actions could be overturned by the findings of the parking study. Ms. Warren's request has many variables. When compared with other cities, she believes downtown Beaverton has an abundance of available parking within reasonable walking distance. She prefers to leave parking as it currently stands until the parking survey findings are reviewed.

Commissioner Teitelbaum said he sees both sides of on this issue. At first, he was opposed to the TC 595 request because he did not want to set a precedent. Removing all parking restrictions on that block would open the door for postal employees to monopolize the parking. At this point, the parking spaces are not used by anyone, and this seems like a waste to him.

Commissioner Sadler agrees that removing all parking restrictions would cause additional problems. Both business owners and customers deserve a comfortable experience when they spend time in downtown Beaverton. He sees no problem with converting the block to permit parking. The cost of installing new parking signs is minimal. He said there is no way to guess what will happen after the parking study is complete. We need to deal with the request as it stands now.

Commissioner Trout said it is unclear whether these parking spaces are not used because of the restrictions in place today, or perhaps simply because no one wants to park there. He reminded the Commission that the Post Office request was for the City to provide free parking for their employees and to remove the permit restriction. He believes the purpose of the downtown parking district is to provide customer access to downtown business and to make Beaverton "a fun place to visit."

Commissioner Crocker asked if it be possible for the City to issue permits to allow three-hour parking.

Mr. Wooley said it would take a significant revision to the City Code to make that change.

Vice Chair Overhage said she would like to see a downtown parking policy in place. She is grateful a parking study is underway because the study will show actual parking needs based on a current transportation model. She expects that any changes originating from this study are still at least a year away.

Mr. Wooley agreed one year is a reasonable guess.

Based on that timeline, Vice Chair Overhage said we should handle the safety issue now and continue to keep Beaverton a livable city. She supports the request for permit parking. She also prefers that the Commission not hold another hearing on downtown permit parking until the study is complete and a new City policy is in place

Commissioner Teitelbaum asked if it is possible to set a time limit on permit parking on First Street as a test. He suggested a one-year trial.

Mr. Wooley said City Code is not set up to test, and then later adjust, permit parking. The Commission could include a provision in their final written order on TC 595 that says they want to review the results in one year.

Mr. Wooley expanded on an earlier answer to Commissioner Crocker regarding issuing permits that allow parking up to three hours. He explained that the City Code is currently not set up to do this. A different option would be to change the two-hour parking to three-hour parking. That is possible.

Commissioner Troute asked if that would require a change in the City Code.

Mr. Wooley answered that it would not. It would only require a change to the signs along one side of the street.

Commissioner Troute said that might be acceptable to the requesting business; however, it again sets a precedent that allows other business to request four- or five-hour limits. It is likely to solve one problem while creating more problems.

Vice Chair Overhage called for a motion.

Commissioner Troute **MOVED** to deny the request for additional permit parking on SW First Street.

No one seconded the motion.

Commissioner Teitelbaum **MOVED** to recommend that the south side of SW First Street between Tucker Avenue and Hall Boulevard be added to the list of areas where permit parking is allowed in the Beaverton Downtown Permit Parking District, with the provision that the recommendation come back to the Commission in one year for review.

No one seconded the motion.

Commissioner Sadler **MOVED** to recommend that the south side of SW First Street between Tucker Avenue and Hall Boulevard be added to the list of areas where permit parking is allowed in the Beaverton Downtown Permit Parking District with no amendments and no further review.

Commissioner Crocker **SECONDED** the **MOTION**.

Commissioner Sadler **AMENDED** the **MOTION** to include approval of the final written order.

Commissioner Crocker **ACCEPTED** the **AMENDMENT** to the **MOTION**.

Commissioner Teitelbaum said the reason he wanted a one year trial was to alert the parking study coordinator that the Traffic Commission had questions as to the recommendation's long term usefulness.

Commissioner Crocker said she supports Commissioner Sadler's motion because it might take a year for the review to put new policies into place. In the meantime, salon staff still have legitimate safety concerns. This is a quality of life issue.

Vice Chair Overhage concurred. If she were certain new policies would arrive within six months, she might see the matter differently.

Vice Chair Overhage called for a vote.

The **MOTION CARRIED 4:1**. Commissioners Crocker, Overhage, Teitelbaum and Sadler voted "aye." Commissioner Troute voted "nay."

Mr. Wooley explained to the audience that this recommendation will now go to City Council for approval. Staff will then prepare a revision to the Code. They should expect to see parking sign changes right before winter. Parking permits are available in the City's Finance Department for \$30 per quarter.

### **OLD BUSINESS**

Mr. Wooley said that about two years ago the Commission established a traffic signal priority list. Staff has worked its way through the list and has built two of the signals. Several other proposed signals were turned down at public hearings.

Mr. Wooley said the next signal on the list is Creekside at Hall. This signal is on the list because 10 to 12 years ago the Traffic Commission determined that a signal was appropriate at Creekside/Hall; however, they had no funding at that time. It is questionable whether Creekside/Hall meets traffic signal warrants. The intersection was on the list because, at that time, some were considering relocating the Fanno Creek Trail.

Mr. Wooley said staff collected new data to determine if Creekside/Hall currently meets signal warrants. It does not come close. In addition, the park district is exploring a grant to build a pedestrian bridge located where the trail crosses Hall Boulevard. The park district dropped the plan to relocate the trail crossing to Creekside/Hall. There were also complaints at one time about TriMet riders getting off the bus at Creekside/Hall and then trying to cross to the business park. Most riders now cross at the Nimbus/Hall signal where it is safer.

For all these reasons, Mr. Wooley suggested that the Commission remove Creekside/Hall from the Traffic Signal Priority List. The Commission can determine whether they want to hold a public hearing before dropping the intersection from the list.

Vice Chair Overhage pointed out that there was no public interest in this item the last time the Commission reviewed it.

Commissioner Troute asked if traffic has increased at this intersection in the past decade.

Mr. Wooley said traffic has increased on Hall Boulevard, but not on Creekside. He explained that side street traffic triggers the signal warrants.

Commissioner Teitelbaum **MOVED** and Commissioner Crocker **SECONDED** a **MOTION** to remove the intersection of Hall Boulevard at Creekside from the Traffic Signal Priority List.

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

— EXCERPT END —

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Acceptance of Grant Award from the Metropolitan Area Communications Commission and Authorize Appropriations Through a Special Purpose Grant Budget Adjustment Resolution

**FOR AGENDA OF:** 08/14/06 **BILL NO:** 06141

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

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

**DATE SUBMITTED:** 8/3/06

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

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Special Purpose Grant Budget Adjustment Resolution  
Grant Award Recommendation  
Memorandum From MACC

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$9,225	BUDGETED \$0	REQUIRED \$9,225

The Appropriation Required is funded by the grant award from the Metropolitan Area Communications Commission and will be established through the attached special purpose grant budget adjustment resolution.

**HISTORICAL PERSPECTIVE:**

The City of Beaverton has been awarded a Metropolitan Area Communications Commission (MACC) grant. MACC grants were established to assist local agencies to create interlinked, high-speed, wide area networks in the MACC area. The City submitted the following grant requests:

1. \$2,680 to install VoIP Telephony (voice over internet protocol) at the City's Sorrento Pump Station at the Hanson Well site. This will allow calls to be made across the same lines the City uses for its computer data traffic.
2. \$6,545 to install a Security Appliance that will protect the City's computer network and users from spyware, worms, viruses, and phishing (identity stealing).

Based upon MACC's Summary of Grant Recommendation Memorandum from the Grant Committee (copy attached), the City's two grant requests were awarded.

**INFORMATION FOR CONSIDERATION:**

The following is a further description of the grant requests.

1. VoIP Telephony at the City's Sorrento Pump Station – This will enable the City to provide telephony service to the Sorrento Pump Station over the City's data network resulting in reduced charges for the current phone lines serving this site.
2. Security Appliance - This appliance will further protect the City's computer network and users from spy ware (dormant programs that monitor computer use and report back to a foreign source), worms (viruses that slowly infect a computer network undetected), viruses and phishing (identity stealing) attacks before those threats enter the perimeter of the City's network. The City currently relies on antivirus software on desktops and servers. These

protection products require extensive monitoring and maintenance, and staff has found that they are ineffective in preventing and removing the spyware and adware infections. The new Security Appliance will provide another layer of protection through an easily installed and virtually maintenance free product that will greatly improve the City's computer network security.

**RECOMMENDED ACTION:**

Council, accept the \$9,225 Special Purpose Grant Award from MACC for enhancing the City's data infrastructure and approve the attached Special Purpose Grant Budget Adjustment Resolution, which appropriates the grant funding.



# MACC

METROPOLITAN AREA  
COMMUNICATIONS COMMISSION

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## MEMORANDUM

1815 NW 169TH PLACE, SUITE 6020  
BEAVERTON, OR 97006  
(503) 645-7365  
WWW.MACCOR.ORG

DATE: June 1, 2006  
TO: PEG/PCN Grant Applicants  
FROM: Greg Lang, MACC Communications Analyst  
RE: Grant Committee Funding Recommendations

Enclosed you will find a summary listing of all grant applications submitted detailing the PEG/PCN Grant Committee recommendations to the MACC Board of Commissioners, as well as instructions on how to make a "Request for Reconsideration" for those applicants who were recommended for partial or no funding of their request. These recommendations will be made to the MACC Board on June 22, 2006. This meeting is to be held at the MACC Offices, beginning at 1:30 pm.

Should you have any questions after reviewing the information, please don't hesitate to contact me at 503-645-7365 x207

Thank you

**PEG/PCN Grant Committee  
Spring 2006**

**Summary of Grant Recommendations**

Grant Funds Available	\$550,000
Total Funds Available	\$550,000
Total Funds Requested	\$450,602
Qualified Applications	\$433,937
Recommended Grant Amount	\$406,012
Carried Over To Next Grant Cycle	\$143,988

<b>City of King City S06 – 1 PCN: PCN/BUG Operating Expenses</b>		
<b>Requested</b>	<b>\$ 14,000</b>	Based on the application and responses to follow up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 14,000</b>	

<b>North Plains Public Library S06 - 1 PCN: PCN Operating Expenses</b>		
<b>Requested</b>	<b>\$ 3,900</b>	Based on the application and responses to follow-up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 3,900</b>	

<b>Pacific University S06 - 1 PCN: PCN Connection -- New Hillsboro Facility</b>		
<b>Requested</b>	<b>\$ 75,565</b>	Based on the application and responses to follow-up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 75,565</b>	

<b>Pacific University S06 – 2 PCN: PCN Bandwidth Management and Compression</b>		
<b>Requested</b>	<b>\$ 91,539</b>	Based on the information presented by applicant the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 91,539</b>	

**Beaverton School District S06 - 1 PCN: Aloha - Huber Elementary PCN Installation**

<b>Requested</b>	<b>\$ 11,798</b>	Based on the information presented by applicant the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 11,798</b>	

**Beaverton School District S06 - 2 PCN: BSD Monitoring Tap**

<b>Requested</b>	<b>\$ 37,326</b>	Based on the information presented by applicant the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 37,326</b>	

**Forest Grove School District S06 - 1 PCN: District Office Gigabit Ethernet Router Upgrade and Switch Refresh**

<b>Requested</b>	<b>\$ 43,105</b>	Based on the application and responses to follow up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 43,105</b>	

**Forest Grove School District S06 - 2 PCN High School Gigabit Ethernet:**

<b>Requested</b>	<b>\$ 11,016</b>	Based on the application and responses to follow up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 11,016</b>	

**Forest Grove School District S06 - 3 PCN: Middle School Gigabit Ethernet Upgrade**

<b>Requested</b>	<b>\$ 11,016</b>	Based on the application and responses to follow up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 11,016</b>	

**Forest Grove School District S06 - 4 PCN: Tom McCall Upper Elementary School Gigabit Ethernet Router Upgrade**

<b>Requested</b>	<b>\$ 11,016</b>	Based on the application and responses to follow up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 11,016</b>	

**Forest Grove School District S06 - 5 PCN: Fern Hill Elementary Gigabit Ethernet Router Upgrade**

<b>Requested</b>	<b>\$ 11,016</b>	Based on the application and responses to follow up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 11,016</b>	

**City of Beaverton S06 - 1 PCN: VoIP Telephony for Hanson Well**

<b>Requested</b>	<b>\$ 2,680</b>	Based on the application and responses to follow up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 2,680</b>	

**City of Beaverton S06 - 2 PCN: McAfee Secure Gateway 3100 Appliance**

<b>Requested</b>	<b>\$ 6,545</b>	Based on the application and responses to follow up Committee questions, the Grant Committee recommends full funding.
<b>Awarded</b>	<b>\$ 6,545</b>	

**City of Beaverton S06 - 3 PCN: Wireless Network Access for Public Works**

<b>Requested</b>	<b>\$ 13,680</b>	Based on the information presented by the applicant and responses to follow up Committee questions, we believe that the request for funding is <b>not eligible</b> in accordance with the Grant Guidelines (Section V – “Eligible Costs and Purchasing Requirements”). The proposal appears to be only a subscriber system, much like having e-mail, rather than a PCN enhancement. This wireless application resides solely on the User side of the PCN demarcation. The Committee encourages the applicant to explore expanding the proposal to other city departments and/or jurisdictions and to look for ways to increase the coverage and distribution of information, and to reapply as an Innovative Grant proposal.
<b>Awarded</b>	<b>\$ 0</b>	

**City of Beaverton S06 - 4PCN: Public Wireless Access in Beaverton City Library**

<b>Requested</b>	<b>\$ 16,665</b>	Based on the information presented by applicant, the Grant Committee believes the request for funding is <b>not eligible</b> in accordance with the Grant Guidelines (Section V – “Eligible Costs and Purchasing Requirements”). The application would reside only on the User side of the PCN demarcation. Similar proposals from the City of Beaverton were received and not recommended during the Spring 2004 and Fall 2004 grant cycles.
<b>Awarded</b>	<b>\$ 0</b>	

**Tualatin Valley Television – S06 - 1 PEG: Forest Grove Civic Studio Return Fiber**

<b>Requested</b>	<b>\$ 1,200</b>	Based on the application and responses to follow-up Grant Committee questions, the Committee recommends full funding.
<b>Awarded</b>	<b>\$ 1,200</b>	

**Tualatin Valley Television S06 - 2 PEG: Public Producer Productions and Editing Equipment**

<b>Requested</b>	<b>\$ 43,745</b>	Based on the application and responses to follow up Committee questions, the Grant Committee recommends partial funding for 20 LaCie External Firewire Drives; 2 HP Managed Switches; 6 Panasonic Video Tape Recorders (VTR's) and 2 Panasonic camera packages. The Grant Committee has concerns with the frequency of breakdowns and repair costs of Grant – funded Public use cameras and equipment during the past 3 years. Staggering the purchases of new cameras, versus wholesale replacement, could provide a constant supply of newer equipment and parts for repairing the existing inventories.
<b>Awarded</b>	<b>\$ 29,500</b>	

**Tualatin Valley Television S06 - 3 PEG: Lake Oswego Civic Studio Upgrade (& Live Link Camera Replacement\_**

<b>Requested</b>	<b>\$ 29,090</b>	Based on the application and responses to follow-up Grant Committee questions, the Committee recommends full funding. The Grant Committee urges TVCTV to consider a versatile replacement camera that can be used in other applications such as Live Link, Civic Studio replacement, Field Production, etc.
<b>Awarded</b>	<b>\$ 29,090</b>	

**Tualatin Valley Television S06 – 4 PEG: TVCTV Production Services Field and Studio Equipment**

<b>Requested</b>	<b>\$ 15,700</b>	Based on the application and responses to follow-up Grant Committee questions, the Committee recommends full funding.
<b>Awarded</b>	<b>\$ 15,700</b>	

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** A Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for Improvements to Signals and Signing at Rail Crossings on Hall Boulevard and Scholls Ferry Road

**FOR AGENDA OF:** 8-14-06 **BILL NO:** 06142

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Public Works 

**DATE SUBMITTED:** 8-8-06

**CLEARANCES:** Transportation   
City Attorney 

**PROCEEDING:** First Reading

**EXHIBITS:**  
1. Resolution  
2. Intergovernmental Agreement

**BUDGET IMPACT**

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

The Oregon Department of Transportation (ODOT) desires to have traffic signals revised at two rail crossings to bring the crossings into conformity with current Oregon standards. The signals and signing will be upgraded to better provide for clear-out of traffic at adjoining traffic signals when a train is approaching. The revisions are needed to assure that traffic is not backed up onto the tracks when a train arrives.

ODOT and the railroad desire that the City complete the required work on signing and traffic signals. The railroad will complete the work required on the rail line. All costs will be repaid from federal funds assigned to the project.

**INFORMATION FOR CONSIDERATION:**

The attached intergovernmental agreement provides for the work to be performed and for costs to be reimbursed from the federal funding.

**RECOMMENDED ACTION:**

Approve the attached resolution authorizing the Mayor to sign the intergovernmental agreement.

RESOLUTION NO. 3868

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) FOR IMPROVEMENTS TO SIGNALS AND SIGNING AT RAIL CROSSINGS ON HALL BOULEVARD AND SCHOLLS FERRY ROAD**

**WHEREAS**, ODOT wishes to retain the services of the Beaverton Engineering and Operations staff to implement traffic signal upgrades at rail crossings on Hall Boulevard and Scholls Ferry Road in Beaverton as provided in Rail Crossing Order RX 1299, dated July 24, 2006, this work to coincide with railroad track circuitry upgrades being performed by Portland & Western Railroad as part of the above mentioned project; and

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

**WHEREAS**, The project will improve the safety and efficiency at two railroad crossings within the City.

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

The Mayor is authorized to sign the Intergovernmental Agreement with ODOT for improvements to signals and signing at rail crossings on Hall Boulevard and Scholls Ferry Road. A proposed intergovernmental agreement is attached to this Resolution and will be subject to review and approval by the City Attorney prior to the signature by the Mayor.

Adopted by the Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
Approved by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

**ATTEST:**

**APPROVED:**

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

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

LOCAL AGENCY AGREEMENT  
RAIL-HIGHWAY CROSSINGS PROGRAM PROJECT

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State", and City of Beaverton, acting by and through its City officials, hereinafter referred to as "Agency".

## RECITALS

1. By the authority granted in ORS 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

1. State and Agency agree to alter the highway-railroad crossing at Scholls Ferry Road, Crossing No. FD-752.61 and at Hall Blvd., Crossing No. FD-753.30, Washington County, hereinafter referred to as "Project." Project description and scope of work are described in Department Order No. 50415, marked Exhibit A, attached hereto and by this reference made a part hereof. The total estimated cost of the Project is less than \$50,000.
2. The Project shall be conducted as part of the Highway-Railroad Crossings Program under Title 23, United States Code. State shall be responsible for the match of federal funds. Engineering, right of way, and construction costs for the Project as depicted by Exhibit A are reimbursable under this program. Agency shall be responsible for all costs of any additional highway work it chooses to add to the Project which is not covered by state or federal funds.
3. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten calendar years following the date all required signatures are obtained, whichever is sooner.
4. This Agreement may be terminated by mutual written consent of both parties.
5. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:

- a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
  - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within 10 days or such longer period as State may authorize.
  - c. If Agency fails to provide payment of its share of the cost of the Project.
  - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
  - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.
6. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
  7. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.
  8. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to the Federal Highway Administration, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.

9. Agency shall enter into and execute this Agreement during a duly authorized session of its City Council.
10. This Agreement may be executed in several counterparts [facsimile or otherwise] all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
11. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

This Project is in the 2006-2009 Statewide Transportation Improvement Program, (Key #14586) that was approved by the Oregon Transportation Commission on August 17, 2005 (or subsequently approved by amendment to the STIP).

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

***Signature page to follow***

Agreement No. 23575  
City of Beaverton/ODOT Rail Division

On October 24, 2002, the Director approved Subdelegation Order No. 15, in which the Director delegates to the Rail Division Manager the authority to approve and execute agreements over \$75,000 for programs within the Rail Division when the work is related to a project included in the STIP or in other system plans approved by the Oregon Transportation Commission, or in a line item in the legislatively adopted biennial budget, or by specific statutory direction.

**CITY OF BEAVERTON**, by and through its City officials

**STATE OF OREGON**, by and through its Department of Transportation

By \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_

Kelly Taylor  
Rail Division Administrator

By \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

By   
City Counsel

Date 8/9/06

Company Contact:  
Randy Wooley, City Transportation  
Engineer  
City of Beaverton  
PO Box 4755  
Beaverton, OR 97076  
503-526-2443

ATTACHMENT NO. 1 to Agreement No. 23575  
SPECIAL PROVISIONS

1. Construction work on this Project is estimated to be less than \$50,000. The Project will be constructed by Agency Forces.
2. Agency shall, as a federal-aid participating preliminary engineering function, conduct the necessary field surveys, environmental studies, traffic investigations, foundation explorations, and hydraulic studies, identify and obtain all required permits, and perform all preliminary engineering and design work required to produce final plans, preliminary/final specifications and cost estimates.
3. Agency shall acquire right-of-way, if required by the Project, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1980, as amended.
4. Agency insures that all Project right-of-way monumentation will be conducted in conformance with ORS 209.150.
5. Agency shall construct the Project utilizing its own forces. Agency shall furnish all construction engineering, labor, equipment, materials, supplies, field testing of materials, technical inspection and Project manager services for administration of the Project.
6. Upon completion of the Project, refer to State Order No. 50299 for maintenance responsibilities, and any other issues that are not expressly addressed by this agreement.
7. Agency agrees to send completed plans to both the Highway Division and Rail Division of ODOT for review and approval prior to starting construction.

**ATTACHMENT NO. 2**

**STANDARD PROVISIONS**

**JOINT OBLIGATIONS**

**PROJECT ADMINISTRATION**

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will further act for Agency in other matters pertaining to the Project. Agency shall, if necessary, appoint and direct the activities of a Citizen's Advisory Committee and/or Technical Advisory Committee, conduct a hearing and recommend the preferred alternative. State and Agency shall each assign a liaison person to coordinate activities and assure that the interests of both parties are considered during all phases of the Project.
2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

**PRELIMINARY & CONSTRUCTION ENGINEERING**

3. State, Agency, or others may perform preliminary and construction engineering. If Agency or others perform the engineering, State will monitor the work for conformance with FHWA rules and regulations. In the event that Agency elects to engage the services of a personal services consultant to perform any work covered by this Agreement, Agency and Consultant shall enter into a State reviewed and approved personal services contract process and resulting contract document. State must concur in the contract prior to beginning any work. State's personal services contracting process and resulting contract document will follow Title 23 Code of Federal Regulations (CFR) 172, Title 49 CFR 18, ORS 279A.055, the current State Administrative Rules and State Personal Services Contracting Procedures as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. Subcontracts shall contain all required provisions of Agency as outlined in the Agreement. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or its consultant prior to receiving authorization from State to proceed. Any amendments to such contract(s) also require State's approval.

4. On all construction projects where State is the signatory party to the contract, and where Agency is doing the construction engineering and project management, Agency, subject to any limitations imposed by state law and the Oregon Constitution, agrees to accept all responsibility, defend lawsuits, indemnify and hold State harmless, for all tort claims, contract claims, or any other lawsuit arising out of the contractor's work or Agency's supervision of the project.

**REQUIRED STATEMENT FOR UNITED STATES DEPARTMENT OF  
TRANSPORTATION (USDOT) FINANCIAL ASSISTANCE AGREEMENT**

5. If as a condition of assistance, Agency has submitted and the United States Department of Transportation (USDOT) has approved a Disadvantaged Business Enterprise Affirmative Action Program which Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference. That program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of the financial assistance agreement. Upon notification from USDOT to Agency of its failure to carry out the approved program, USDOT shall impose such sanctions as noted in Title 49, CFR, Part 26, which sanctions may include termination of the agreement or other measures that may affect the ability of Agency to obtain future USDOT financial assistance.
6. **Disadvantaged Business Enterprises (DBE) Obligations.** State and its contractor agree to ensure that DBE as defined in Title 49, CFR, Part 26, have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. In this regard, Agency shall take all necessary and reasonable steps in accordance with Title 49, CFR, Part 26, to ensure that DBE have the opportunity to compete for and perform contracts. Neither State nor Agency and its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. Agency shall carry out applicable requirements of Title 49, CFR, Part 26, in the award and administration of such contracts. Failure by Agency to carry out these requirements is a material breach of this Agreement, which may result in the termination of this contract or such other remedy as State deems appropriate.
7. The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this Agreement.
8. Agency agrees to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of

1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.

9. The parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR Parts 1.11, 140, 710, and 771; Title 49 CFR Parts 18, 24 and 26; OMB CIRCULAR NO. A-87 and NO. A-133 Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended and provisions of Federal-Aid Policy Guide (FAPG).

## STATE OBLIGATIONS

### PROJECT FUNDING REQUEST

10. State shall submit a Project funding request to FHWA with a request for approval of federal-aid participation in all engineering, right-of-way acquisition, eligible utility relocations and/or construction work for the Project. **No work shall proceed on any activity in which federal-aid participation is desired until such approval has been obtained.** The program shall include services to be provided by State, Agency, or others. State shall notify Agency in writing when authorization to proceed has been received from FHWA. Major responsibility for the various phases of the Project will be as outlined in the Special Provisions. All work and records of such work shall be in conformance with FHWA rules and regulations.

### FINANCE

11. State shall, in the first instance, pay all reimbursable costs of the Project, submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. Agency may request a statement of costs to date at any time by submitting a written request. When the actual total cost of the Project has been computed, State shall furnish Agency with an itemized statement of final costs. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal 100 percent of the final total actual cost. Any portion of deposits made in excess of the final total costs of Project, minus federal reimbursement, shall be released to Agency. The actual cost

of services provided by State will be charged to the Project expenditure account(s) and will be included in the total cost of the Project.

### **PROJECT ACTIVITIES**

12. State shall, if the preliminary engineering work is performed by Agency or others, review and process or approve all environmental statements, preliminary and final plans, specifications and cost estimates. State shall, if they prepare these documents, offer Agency the opportunity to review and approve the documents prior to advertising for bids.
13. The party responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.
14. State shall prepare contract and bidding documents, advertise for bid proposals, and award all contracts.
15. Upon State's award of a construction contract, State shall perform independent assurance testing in accordance with State and FHWA Standards, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.
16. State shall, as a Project expense, assign a liaison person to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). The liaison shall process reimbursement for federal participation costs.

### **RIGHT OF WAY**

17. State is responsible for proper acquisition of the necessary right-of-way and easements for construction and maintenance of the Project. Agency may perform acquisition of the necessary right-of-way and easements for construction and maintenance of the Project, provided Agency (or Agency's consultant) are qualified to do such work as required by the State's Right of Way Manual and have obtained prior approval from State's Region Right of Way office to do such work.

18. Regardless of who acquires or performs any of the right of way activities, a right of way services agreement shall be created by State's Region Right of Way office setting forth the responsibilities and activities to be accomplished by each party. State shall always be responsible for requesting project funding, coordinating certification of the right of way, and providing oversight and monitoring. Funding authorization requests for federal right of way funds must be sent through the State's Region Right of Way offices on all projects. All projects must have right of way certification coordinated through State's Region Right of Way offices (even for projects where no federal funds were used for right of way, but federal funds were used elsewhere on the Project). Agency should contact the State's Region Right of Way office for additional information or clarification.
19. State shall review all right-of-way activities engaged in by Agency to assure compliance with applicable laws and regulations. Agency agrees that right of way activities shall be in accord with the Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FHWA Federal-Aid Policy Guide, State's Right of Way Manual and the Code of Federal Regulations, Title 23, Part 710 and Title 49, Part 24.
20. If any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.
21. Agency insures that all Project right of way monumentation will be conducted in conformance with ORS 209.155.
22. State and Agency grants each other authority to enter onto the other's right of way for the performance of the Project.

## **AGENCY OBLIGATIONS**

### **FINANCE**

23. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount, unless otherwise agreed to and specified in the intergovernmental agreement.
24. Agency's estimated share and advance deposit.

- A. Agency shall, prior to commencement of the preliminary engineering and/or right-of-way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.
  - B. Agency's construction phase deposit shall be 110 percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid must be received within 45 days of receipt of written notification by State of the final amount due, unless the contract is canceled. Any unnecessary balance of a cash deposit, based on the actual bid, will be refunded within 45 days of receipt by State of the Project sponsor's written request.
  - C. Pursuant to ORS 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool, and an Irrevocable Limited Power of Attorney is sent to the Highway Finance Office), or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash.
  - D. Agency may satisfy all or part of any matching funds requirements by use of in-kind contributions rather than cash when prior written approval has been given by State.
25. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall also pay 100 percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds, or allocations of State Highway Trust Funds, to that Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration outside the Local Agency Guidelines that result in items being declared non-participating, those items will not result in the withholding of Agency's future allocations of federal funds or the future allocations of State Highway Trust Funds.
26. Costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon.

27. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear 100 percent of all costs as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear 100 percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all development costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.
28. Agency shall follow requirements of the Single Audit Act. The requirements stated in the Single Audit Act must be followed by those local governments and non-profit organizations receiving \$500,000 or more in federal funds. The Single Audit Act of 1984, PL 98-502 as amended by PL 104-156, described in "OMB CIRCULAR NO. A-133", requires local governments and non-profit organizations to obtain an audit that includes internal controls and compliance with federal laws and regulations of all federally-funded programs in which the local agency participates. The cost of this audit can be partially prorated to the federal program.
29. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.
30. Agency shall present invoices for 100 percent of actual costs incurred by Agency on behalf of the Project directly to State's Liaison Person for review and approval. Such invoices shall identify the Project and Agreement number, and shall itemize and explain all expenses for which reimbursement is claimed. Billings shall be presented for periods of not less than one-month duration, based on actual expenses to date. All billings received from Agency must be approved by State's Liaison Person prior to payment. Agency's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of Title 23 CFR Parts 1.11, 140 and 710. Final billings shall be submitted to State for processing within three months from the end of each funding phase as follows: 1) award date of a construction contract for preliminary engineering 2) last payment for right-of-way acquisition and 3) third notification for construction. Partial billing (progress payment) shall be submitted to State within three months from date that costs are incurred. Final billings submitted after the three months shall not be eligible for reimbursement.
31. The cost records and accounts pertaining to work covered by this Agreement are to be kept available for inspection by representatives of State and FHWA

for a period of three (3) years following the date of final voucher to FHWA. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (Title 49 CFR 18.42).

32. State shall request reimbursement, and Agency agrees to reimburse State, for federal-aid funds distributed to Agency if any of the following events occur:
- a) Right-of-way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which the federal-aid funds were authorized;
  - b) Right-of-way acquisition is undertaken utilizing federal-aid funds and actual construction is not started by the close of the twentieth fiscal year following the fiscal year in which the federal-aid funds were authorized for right-of-way acquisition.
  - c) Construction proceeds after the Project is determined to be ineligible for federal-aid funding (e.g., no environmental approval, lacking permits, or other reasons).
33. Agency shall maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that projects are completed in conformance with approved plans and specifications.

#### **RAILROADS**

34. Agency shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through State's appropriate Region contact or State's Railroad Liaison. Only those costs allowable under Title 23 CFR Part 646, subpart B and Title 23 CFR Part 140, subpart I, shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or others. Agency may request State, in writing, to provide railroad coordination and negotiations. However, State is under no obligation to agree to perform said duties.

#### **UTILITIES**

35. Agency shall cause to be relocated or reconstructed, all privately or publicly-owned utility conduits, lines, poles, mains, pipes, and all other such facilities of every kind and nature where such relocation or reconstruction is made necessary by the plans of the Project in order to conform the utilities and other facilities with the plans and the ultimate requirements of the Project. Only those utility relocations, which are eligible for federal-aid participation under, Title 23 CFR 645A, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. State will arrange for utility relocations/adjustments in areas lying within jurisdiction of State, if State is performing the preliminary engineering. Agency may request State in writing to arrange for utility relocations/adjustments lying within Agency jurisdiction, acting on behalf of Agency. This request must be submitted no later than 21 weeks prior to bid let date. However, State is under no obligation to agree to perform said duties.
36. Agency shall follow established State utility relocation policy and procedures. The policy and procedures are available through the appropriate State's Region Utility Specialist or State's Right of Way Section Railroad Liaison, and Utility Engineer.

#### STANDARDS

37. Agency agrees that design standards for all projects on the National Highway System (NHS) and the Oregon State Highway System shall be in compliance to standards specified in the current "State Highway Design Manual" and related references. Construction plans shall be in conformance with standard practices of State for plans prepared by its own staff. All specifications for the Project shall be in substantial compliance with the most current "Oregon Standard Specifications for Highway Construction".
38. Agency agrees that minimum design standards for non-NHS projects shall be recommended AASHTO Standards and in accordance with the current "Oregon Bicycle and Pedestrian Plan", unless otherwise requested by Agency and approved by State.
39. Agency agrees and will verify that the installation of traffic control devices shall meet the warrants prescribed in the "Manual on Uniform Traffic Control Devices and Oregon Supplements".
40. All plans and specifications shall be developed in general conformance with the current "Contract Plans Development Guide" and the current "Oregon Standard Specifications for Highway Construction" and/or guidelines provided.

41. The standard unit of measurement for all aspects of the Project may be either System International (SI) Units (metric), or English Units. However, all Project documents and products shall be in one or the other unit of measurement. This includes, but is not limited to, right-of-way, environmental documents, plans and specifications, and utilities. It should be recognized that the State is currently transitioning to English, and will be completely English by 2006.

#### **GRADE CHANGE LIABILITY**

42. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.
43. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.
44. Agency, if a City, by execution of Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the project covered by the Agreement.

#### **CONTRACTOR CLAIMS**

45. Agency shall, to the extent permitted by state law, indemnify, hold harmless and provide legal defense for State against all claims brought by the contractor, or others resulting from Agency's failure to comply with the terms of this Agreement.
46. Notwithstanding the foregoing defense obligations under paragraph 45, neither Agency nor any attorney engaged by Agency shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency is prohibited from defending the State of Oregon, or that Agency is not adequately defending the State of Oregon's interests, or that an important governmental principle is

at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against Agency if the State of Oregon elects to assume its own defense.

#### **MAINTENANCE RESPONSIBILITIES**

47. Agency shall, upon completion of construction, thereafter maintain and operate the Project at its own cost and expense, and in a manner satisfactory to State and FHWA.

#### **WORKERS' COMPENSATION COVERAGE**

48. *All employers, including Agency that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Agency shall ensure that each of its contractors complies with these requirements.*

#### **LOBBYING RESTRICTIONS**

49. Agency certifies by signing the Agreement that:
- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
  - B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
  - C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans,

and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

- D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.
- E. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Paragraphs 35, 36, and 47 are not applicable to any local agency on state highway projects.

**EXHIBIT A**

ORDER NO. 50415

ENTERED July 24, 2006

ODOT CROSSING NO. FD-752.61  
U.S. DOT NO. 749204J  
(Scholls Ferry Rd.)

ODOT CROSSING NO. FD-753.30  
U.S. DOT NO. 749205R  
(Hall Blvd.)

**BEFORE THE OREGON DEPARTMENT  
OF TRANSPORTATION**

**RX 1299**

In the Matter of the Investigation on the Department's Own )  
Motion into the Need for Safety Improvements at Two )  
Railroad-Highway Grade Crossings of UNION PACIFIC )  
RAILROAD COMPANY (UP), a Delaware Corporation, )  
leased to PORTLAND & WESTERN RAILROAD, Inc. )  
(PNWR), Tillamook District, at Progress, Washington )  
County, Oregon. )

**ORDER**

In the furtherance of its duties in the administration of ORS 824.206, Rail Division staff has investigated the adequacy of the safety at the subject grade crossings. The affected railroad is PNWR. The public authorities in interests are City of Beaverton and ODOT Highway Division, Region 1.

A diagnostic team reviewed the crossing site on February 16, 2006. The team consisted of representatives from PNWR, City of Beaverton, ODOT Highway Division, and ODOT Rail Division. The diagnostic team reached agreement regarding the proposed safety improvements at the crossing. Based upon that agreement, by letter dated June 14, 2006, staff served a Proposed Final Order (PFO) and its Appendix for all parties to review and acknowledge their agreement with its terms. No objections to the terms of the PFO were received from any party.

All parties in this matter have agreed that the proposed crossing alterations are required by the public safety, necessity, convenience and general welfare. Therefore, under ORS 824.214, the Department may enter this Order without hearing.

The following table summarizes the impacted crossings, listing the crossing numbers, proposed activity, vehicular traffic volumes and speeds at each crossing, and train information.

ORDER NO. 50415

CROSSING NO.	STREET NAME	PROPOSED ACTIVITY	VEHICLE SPEED	TRAFFIC VOLUME (AADT)	# OF TRAINS MAXIMUM TRAIN SPEED
FD-752.61	Scholls Ferry Road	Upgrade crossing signal electronics, change signal timing, and upgrade train preemption of traffic signal to provide a GREEN VCOI.	40 MPH	46,900	12 TRAINS 2 SWITCH TRAIN 25 MPH
FD-753.30	Hall Blvd.	Upgrade crossing signal electronics, change signal timing, and upgrade train preemption of traffic signal to provide a GREEN VCOI.	40 MPH	27,763	12 TRAINS 1 SWITCH TRAIN 25 MPH

The Appendix to this Order depicts the crossing vicinity of each impacted crossing, including the alignment of the roadway and track at the crossing. It also illustrates the scope of the proposed work at the crossings. The crossings are currently equipped with active warning devices interconnected with a vehicle traffic signal utilizing a FLASHING YELLOW clear-out of traffic queues during train preemption of the traffic signal. It is proposed to upgrade the traffic signal interconnection at each intersection to improve safety and comply with the Department's Traffic Signal guidelines. Upgrading the traffic signal interconnection requires existing train detection equipment to be upgraded at each grade crossing. The upgraded interconnection will provide train preemption of traffic signal phases with a pedestrian clear-out interval (PCOI) and a vehicle clear-out interval (VCOI) to permit vehicular traffic to clear the tracks before a train enters the crossing. The VCOI will use a GREEN signal aspect. The interconnected crossing and traffic signal system shall operate such that when an approaching train is detected, the normal operation of the pedestrian signals will be preempted to provide a PCOI of  $\approx 20$  seconds at Scholls Ferry Road and  $\approx 20$  seconds at Hall Boulevard. Railroad switching within the control limits of the crossing may abbreviate the PCOI. Following the PCOI, the operation of the train detection equipment will activate the crossing signals at each crossing, preempt the normal operation of the traffic signals, and provide a VCOI.

From the foregoing, the Department finds that the proposed crossing alterations are required by the public safety, necessity, convenience and general welfare, and that it is appropriate to authorize expenditure of federal funds, as set forth in ORS 824.240(3) and 824.250, in the amount agreed upon by the parties.

IT IS THEREFORE ORDERED that:

1. The authority to alter the crossing is granted. The ordered alterations shall be completed within 12 months from the entered date of this Order. No authority to establish a Quiet Zone is granted by this Order.

2. City of Beaverton shall:

a. At the **Scholls Ferry Road** crossing, subject to reimbursement as set forth below:

- (1) Reprogram the existing traffic signal controller at the intersection of Scholls Ferry Road and SW Cascade Boulevard intersection to accommodate the PCOI and VCOI operations described above in the body of this Order, and as depicted in the Appendix to this Order.
- (2) Upgrade the interconnection between the existing vehicle traffic signal case and the existing crossing signal case. The interconnection shall provide train preemption of the normal operation of the traffic signals with a PCOI and VCOI described above in the body of this Order, and as depicted in the Appendix to this Order.
- (3) Provide one DO NOT STOP ON TRACKS (R8-8) sign, plus needed replacements for installation by PNWR, as set forth below.
- (4) Furnish and install one High Level Warning Device flag kit to be mounted on the existing ground-mounted DO NOT STOP ON TRACKS (R8-8) sign.

b. At the **Hall Boulevard** crossing, subject to reimbursement as set forth below:

- (1) Reprogram the existing traffic signal controller at the intersection of Hall Boulevard and SW Cascade Boulevard intersection to accommodate the PCOI and VCOI operations described above in the body of this Order, and as depicted in the Appendix to this Order.
- (2) Upgrade the interconnection between the existing vehicle traffic signal case and the existing crossing signal case. The interconnection shall provide train preemption of the normal operation of the traffic signals with a PCOI and VCOI described above in the body of this Order, and as depicted in the Appendix to this Order.
- (3) Remove the previously ordered part-time PROCEED ON FLASHING YELLOW restriction sign.

c. Ensure compliance with all provisions of OAR 741-115-0040 for the traffic signal interconnection at the intersections of Scholls Ferry Road/SW Cascade Blvd. and Scholls Ferry Road/Hall Blvd.

d. Maintain the ordered DO NOT STOP ON TRACKS (R8-8) sign, High Level Warning Device flag kit, interconnection circuitry on the public authority side of the contact terminals, that portion of the crossings lying outside lines drawn perpendicular to the end of ties at each crossing, and bear all the costs.

ORDER NO. 50415

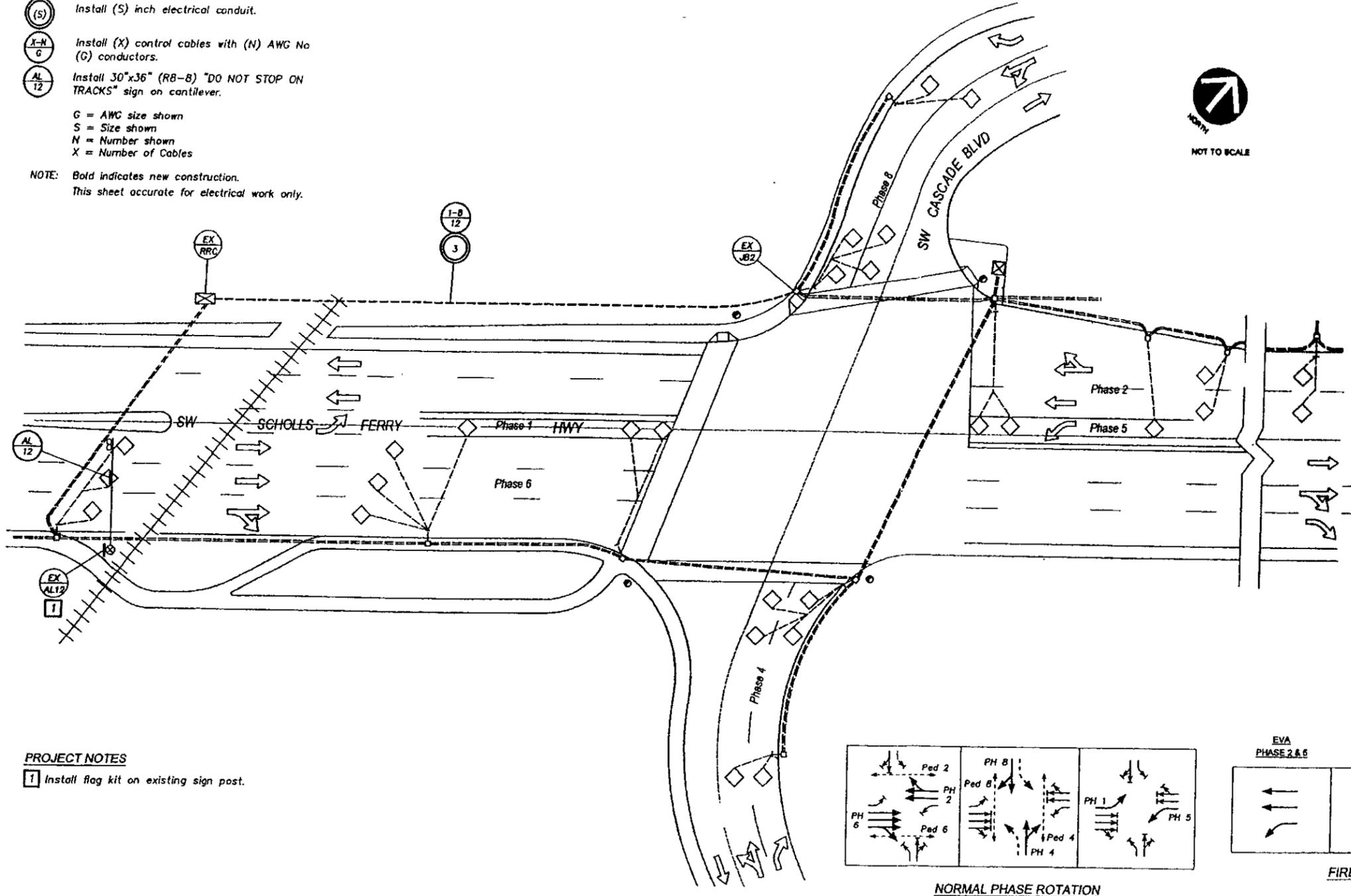
3. ODOT Highway Division, Region 1, shall, subject to reimbursement as set forth below, remove the previously ordered part-time STOP HERE ON RED sign and mast at the Hall Blvd crossing.
4. PNWR shall:
  - a. At the **Scholls Ferry Road** crossing, subject to reimbursement as set forth below:
    - (1) Upgrade the existing train detection equipment circuitry to accommodate the ordered PCOI and VCOI operations as described in the body of this order, and as depicted in the Appendix to this Order.
    - (2) Furnish and install an interface box on the existing signal case, equipped with contact terminals and interconnection circuitry on the railroad side of the contact terminals to facilitate the train preemption as described above.
    - (3) Install the DO NOT STOP ON TRACKS (R8-8) sign provided by the City of Beaverton. The sign shall be mounted on the cantilevered arm of the standard No. 2B signal centered over the inside travel lane, facing eastbound traffic.
  - b. At the **Hall Boulevard** crossing, subject to reimbursement as set forth below:
    - (1) Upgrade the existing train detection equipment circuitry to accommodate the ordered PCOI and VCOI operations as described in the body of this order, and as depicted in the Appendix to this Order.
    - (2) Furnish and install an interface box on the existing signal case, equipped with contact terminals and interconnection circuitry on the railroad side of the contact terminals to facilitate the train preemption as described above.
  - c. Maintain the ordered traffic signal interconnection circuitry on the railroad side of the contact terminals in the interface box at each crossing, that portion of the crossings lying between lines drawn perpendicular to the end of ties, and bear all the costs.
  - d. Notify the Rail Division of the Department in writing or by facsimile transmission not less than five working days prior to the date that the ordered traffic signal interconnection circuitry will be activated and placed in service.
4. Each party shall notify the Rail Division of the Department in writing upon completion of its portion of the project.
5. Using SAFETEA-LU Section 1401 federal funds, the Department shall bear 100 percent of the cost of work items in Paragraphs 2.a., 2.b., 3., 4.a., and 4.b., above.

**LEGEND**

- Retain and protect existing railroad cabinet.
- Retain and protect existing 22"x 12" x 12" precast concrete junction box.
- Retain and protect existing 30"x36" (R8-B) "DO NOT STOP ON TRACKS" sign on cantilever pole.
- Install (S) inch electrical conduit.
- Install (X) control cables with (N) AWG No (G) conductors.
- Install 30"x36" (R8-B) "DO NOT STOP ON TRACKS" sign on cantilever.

G = AWG size shown  
S = Size shown  
N = Number shown  
X = Number of Cables

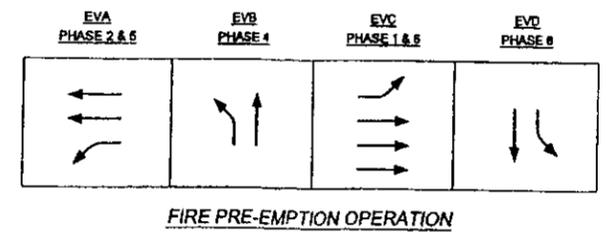
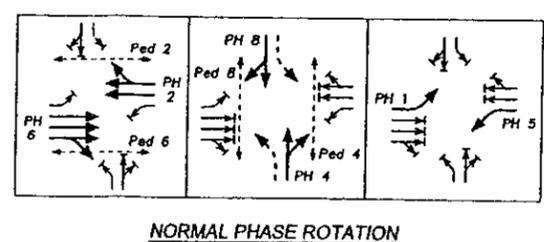
**NOTE:** Bold indicates new construction.  
This sheet accurate for electrical work only.



SW SCHOLLS FERRY RD AT SW CASCADE BLVD  
RAILROAD PRE-EMPTION  
SIGNAL OPERATION MATRIX  
Return to Normal Operation  
After Train Passage

SIGNAL INDICATION ACTIVE WHEN RAILROAD PRE-EMPTION IS INITIATED	NORMAL PHASE OPERATION													
	Ph. No.	V2	V6	V4	V8	V1	V5	P2	P6	P8	Y	G	R	
SIGNAL INDICATION ACTIVE WHEN RAILROAD PRE-EMPTION IS INITIATED	V2	G	G	Y	R	R	R	R	R	R	R	R	R	
	V6	G	G	Y	R	R	R	R	R	R	R	R	R	
	V4	R	R	R	R	G	G	Y	R	R	R	R	R	
	V8	R	R	R	R	R	R	R	G	G	Y	R	R	
	V1	R	R	R	R	R	R	R	R	R	G	Y	R	
	V5	R	R	R	R	R	R	R	R	R	G	Y	R	
	P2	W	FDW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	
	P6	W	FDW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	
	P8	DW	DW	DW	DW	W	FDW	DW	DW	DW	DW	DW	DW	
	SIGNAL INDICATION ACTIVE WHEN RAILROAD PRE-EMPTION IS INITIATED	Ph. No.	Y	G	R	R	R	R	R	R	R	R	R	R
		V2	G	Y	R	R	R	R	R	R	R	R	R	R
		V6	G	Y	R	R	R	R	R	R	R	R	R	R
V4		R	R	R	R	R	G	Y	R	R	R	R	R	
V8		R	R	R	R	R	R	R	R	G	Y	R	R	
V1		R	R	R	R	R	R	R	R	R	G	Y	R	
V5		R	R	R	R	R	R	R	R	R	G	Y	R	
P2		FDW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	
P6		FDW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	
P8		DW	DW	DW	DW	DW	W	FDW	DW	DW	DW	DW	DW	
RAILROAD PRE-EMPTION SEQUENCE		Ph. No.	Y	G	R	R	R	R	R	R	R	R	R	R
		V2	G	G	Y	R	R	R	R	R	R	R	R	R
	V6	G	G	Y	R	R	R	R	R	R	R	R	R	
	V4	R	R	R	R	R	R	R	R	R	R	R	R	
	V8	R	R	R	R	R	R	R	R	R	R	R	R	
	V1	R	R	R	R	R	R	R	R	R	R	R	R	
	V5	R	R	R	R	R	R	R	R	R	R	R	R	
	P2	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	
	P6	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	
	P8	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	DW	

**PROJECT NOTES**  
1 Install flag kit on existing sign post.





**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Transfer Resolution to Provide  
Appropriation for Programming Support on  
the New Permit Tracking System and  
Authorize Staff to Solicit Proposals for the  
Programming Support

**FOR AGENDA OF: 08-14-06 BILL NO: 06143**

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

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

**DATE SUBMITTED: 08-04-06**

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

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Transfer Resolution  
Memorandum to Council Dated  
February 24, 2006

**BUDGET IMPACT**

<b>EXPENDITURE REQUIRED \$98,000</b>	<b>AMOUNT BUDGETED \$0</b>	<b>APPROPRIATION REQUIRED \$98,000*</b>
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\* The required appropriation is available from the Contingency Accounts of the General Fund (40% of the cost) and the Building Fund (60% of the cost) and the appropriations will be established through the attached Transfer Resolution.

**HISTORICAL PERSPECTIVE:**

At the Work Session held on August 23, 2004, the City Council authorized staff to begin the process to replace the current permit tracking system used by the Community Development Department (CDD). With the assistance of the Information Systems Division (ISD), CDD completed a thorough business process analysis to determine the new system's requirements. After demonstrating and evaluating three commercial permit systems and the corresponding system purchase, and training and installation costs, staff reported to the City Council in February 2006 their recommendation to develop the system in-house using a combination of existing staff resources and future contracted programming support (copy of Memorandum to Council dated February 24, 2006 is attached).

Staff has completed the programming requirements for the new system's base requirements and is now in the position to utilize the external programming support.

**INFORMATION FOR CONSIDERATION:**

The external programming support is mainly centered on integrating the Web, Internet, and wireless functionalities into the new system. The major components for the contracted programming support consist of the following:

- Optimize database design and application performance.
- Design Web-based inspection reporting via mobile devices for inspectors in the field.
- Design customer permit submission and inspection requests via Web-based interfaces with appropriate security and performance. Customers can view inspection history, request inspections, view inspection results and pending applications.
- Integrate the permit system via Web and email to internal City Departments and external governments (TVF&R, Washington County, etc) for routing and plan review.
- Design and implement application (permit) fee-based system, including bonding fees and appropriate financial cash receipt reporting.
- Design and implement Web-based management analysis reporting systems.

Staff estimates that the external programming will cost approximately \$98,000 (980 hours times an estimated \$100 per hour). Funding for the programming is available from the Contingency Accounts of the General Fund (40% of the cost) and the Building Fund (60% of the cost). Attached is a Transfer Resolution that provides the necessary appropriations.

**RECOMMENDED ACTION:**

Council approve the attached Transfer Resolution that provides \$98,000 appropriation for external programming support on the new permit system and authorize staff to solicit proposals.

**RESOLUTION NO. 3869**

A RESOLUTION APPROVING TRANSFER OF APPROPRIATION WITHIN THE GENERAL FUND AND BUILDING FUND OF THE CITY DURING THE FY 2006-07 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 must authorize the transfers of appropriations from one category of a fund to another fund or from categories within a fund; and

**WHEREAS**, a combined appropriation of \$98,000 is needed in the Materials and Services Categories of the General Fund and Building Fund for contracted programming services on the new permit system, and the expenditure appropriations are available in the Contingency Category of the respective funds;

**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 transfer the following appropriations:

- \$39,200 out of the Contingency Category of the General Fund and \$58,800 out of the Contingency Category of the Building Fund into the Materials and Services Categories as indicated below:

General Fund		
Materials and Services	001-70-0676-318	\$39,200
Contingency	001-13-0003-991	<\$39,200>
Building Fund		
Materials and Services	105-70-0664-318	\$58,800
Contingency	105-70-0664-991	<\$58,800>

Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006

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

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

ATTEST:

APPROVED:

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

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

# MEMORANDUM

## CITY OF BEAVERTON

### FINANCE DEPARTMENT

**TO:** Rob Drake, Mayor  
City Council Members

**FROM:** Patrick O'Claire, Finance Director

**DATE:** February 24, 2006

**SUBJECT:** Update on Replacement of the Permit Tracking System

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On August 23, 2004 Council authorized staff to begin the process of replacing the Community Development Department's Permit Tracking System. Since the authorization, staff has reviewed, flowcharted, and documented the building, site development and planning divisions' work processes to be included in the new Permit System. In addition, staff invited the top 3 building permit software system providers to demonstrate their software products based upon scripts using building, site development and planning division's needs. The cost ranges of the demonstrated software systems as scripted are as follows:

- Accela (previously known as Tidemark and Sierra - Tigard uses the Tidemark products and Washington County uses the Sierra products) Cost Range: \$400,000 to \$700,000.
- Hanson (Sherwood uses Hanson products) Cost Range \$350,000 and upwards.
- Municipal Software (heavily used in Washington cities) Cost Range \$310,000 and upwards.

As indicated above, the cost of the software is much more than staff expected for the relatively straightforward software needs as documented in the building, site development and planning divisions' process work flows. In addition to the actual costs of a third party software system, staff (both ISD and Community Development) would need to be devote significant time to modify and adapt the system to our processes.

Given these issues, staff recommends not pursuing a software solution from an outside source. Instead, staff recommends development of a software system in-house using existing Information Systems staff with some external software design support. With the extensive work that has been completed in documenting the various divisions' work flows, staff is in an excellent position to provide a system that will meet the CDD division's needs for the next 7 to 10 years.

We estimate that an in-house system would be operational by August of 2006. The costs involved in developing the system include:

System Design and Programming In-house	1,800 Hours	\$ 92,250
System Programming Contracted Support	750 Hours	<u>78,750</u>
		\$171,000

In addition to developing and programming the system, Information Systems would incur the following staff hours and costs to deploy the system; however, these costs would also be incurred if a third-party software system were purchased.

System Testing – In-house	300 Hours	\$15,375
System Conversion – In-house	250 Hours	12,813
System Implementation – In-House	400 Hours	<u>20,500</u>
		\$48,688

Based upon the above cost comparisons, staff has progressed forward in developing the system in-house using a combination of staff and outside contractor resources. Staff expects to provide the Council with a demonstration of the system in May 2006.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** A Resolution Adopting Updated Planning Commission Bylaws

**FOR AGENDA OF:** 08-14-06 **BILL NO:** 06144

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

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

**DATE SUBMITTED:** 08-04-06

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

**PROCEEDING:** Consent

**EXHIBITS:** 1. Resolution  
2. PC Minutes Dated 4/5/06 and 5/31/06

**BUDGET IMPACT**

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

On April 5, 2006, the Planning Commission reviewed the proposed update to the Planning Commission (Commission) Bylaws that rule and regulate the transaction of the Commission's business. The proposed amendment was limited to changes and additions to the procedures governing public hearing continuances. The new language contained in Section 10 of the Bylaws will allow for a public hearing continuance without a commission member being present if a land use applicant has met all of the conditions including providing a renotece fee.

The Bylaws were scheduled for a vote at the Planning Commission meeting of May 24, 2006 but were carried over to the May 31, 2006 meeting because of the length of the public hearings.

The Planning Commission voted 6-0 (Johansson absent) at their May 31, 2006 regular meeting to adopt the Planning Commission Bylaws as amended.

**INFORMATION FOR CONSIDERATION:**

Attached to this Agenda Bill is the Resolution with the amended Planning Commission Bylaws and the draft Planning Commission meeting minutes.

**RECOMMENDED ACTION:**

Staff recommends the City Council approve the Resolution to adopt new Planning Commission Bylaws.

**A RESOLUTION ADOPTING REVISED BYLAWS AND RULES  
OF PROCEDURE FOR THE ORGANIZATION OF AND  
CONDUCT OF BUSINESS BY THE BEAVERTON PLANNING  
COMMISSION.**

BE IT RESOLVED by the Planning Commission ("Commission") of the City of Beaverton, Oregon:

The following bylaws, rules, and regulations are hereby adopted by the Planning Commission for the transaction of its business effective on July 7, 2004:

**ARTICLE I**

**GENERAL**

Section 1. **EXPLANATION AND INTERPRETATION**

- (A) A seven member City Planning Commission has been established by Ordinance No. 1810, as amended. Ordinance No. 1810 was enacted by the City Council pursuant to the authority of the home rule Charter of the City of Beaverton. The Council has also adopted other ordinances, resolutions, and policy statements relating to the organization, powers, duties, and procedures of the Commission. The Commission is empowered to adopt and amend rules and regulations, to govern the conduct of its business consistent with the Charter and ordinances of the City, and official policies promulgated by the Council.
- (B) It is the intention of the Commission to set forth in this resolution not only rules and regulations governing its organization and procedures, but also certain other provisions relating thereto, now contained in various ordinances, resolutions, and other documents. The intent is to set forth in one document the essential information relating to the Commission's organization and procedures for the benefit of the Commission, applicants, and the general public. However, the omission in this resolution of any provision relating to the Commission in some other documents shall not be construed as an implied repeal of such provision.
- (C) This resolution replaces and repeals Resolution Nos. 82-1, 1751, 2720, and 3253.

## ARTICLE II

### RESPONSIBILITIES OF THE COMMISSION

#### Section 1. RESPONSIBILITIES

The purpose, objectives, and responsibilities of the City Planning Commission shall be:

- (A) Comprehensive Plan The Commission shall carry out duties assigned to it by the Council relating to development, updating, and general maintenance of the Plan.
- (B) Capital Improvement Program The Commission may assist the Council in the formulation of a Capital Improvement Program and, after adoption of said Program, may submit periodic reports and recommendations to the Council relating to the integration and conformance of the Program with the Beaverton Comprehensive Plan.
- (C) Application of Development Regulations Except for those matters which may be delegated to the Director, the Commission shall review and take action on quasi judicial and legislative matters, and other proposals which result from the application of development regulations contained within the Development Code on specific pieces of property and uses of land, buildings, etc. The Development Code shall be followed in holding hearings and taking required action.
- (D) Coordination and Cooperation The Commission shall endeavor to advance cooperative and harmonious relationships with the City's Council, Commission of Design Review, Committee for Citizen Involvement, Neighborhood Associations, other Planning Commissions, public and semi-public agencies and officials, and civic and private organizations, with a view to coordinating and integrating public and private planning and developmental and policy conflicts. The Commission may, and is encouraged to, exchange research, information, ideas and experiences, participate in joint meetings, develop programs and undertake such other formal and informal actions to facilitate cooperation and coordination.
- (E) General Welfare Upon its own initiative or direction of the Council, the Commission shall study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City of Beaverton and its environs related to its particular area of responsibility.

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- (F) Rules of Procedure The Commission shall adopt and periodically review and amend rules of procedure. Rules of procedure shall govern the conduct of hearings and participation of Commission members on all matters coming before the Commission. These rules shall be consistent with State law and City ordinances relating to the same matters.

ARTICLE III

OFFICERS

Section 1. OFFICERS

The Officers of the Commission shall be a Chairperson and Vice-chairperson. The Community Development Director ("Director"), appointed by the Mayor under the Charter, shall be the Secretary of the Commission. In the event the Secretary is absent from any meeting, the Secretary may send a designee.

Section 2. ELECTION

- (A) The Chairperson and Vice-chairperson shall be elected in December for a term of one calendar year, and shall serve until their successors are elected and qualified. The term shall start with the first meeting in January, following election.
- (B) If the office of the Chairperson or Vice-chairperson becomes vacant, the Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
- (C) Nominations shall be by oral motion. At the close of nominations, the Commission shall vote by voice vote upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.
- (D) Members of the Commission holding office at the time of adoption of this resolution shall continue to hold office for the term for which they were elected and until their successors are elected.

Section 3. CHAIRPERSON

- (A) Except as otherwise provided herein, the Chairperson shall have the duties and powers to:
  - 1. Preside over all deliberations and meetings of the Commission;
  - 2. Vote on all questions before the Commission;

3. Call special meetings of the Commission in accordance with these bylaws;
  4. Sign all documents memorializing Commission action promptly after approval by the Commission. The power to sign reports and other documents of the Commission may be delegated to the Secretary.
- (B) All decisions of the Chairperson as presiding officer shall be subject to review by a majority of Commission members present upon motion duly made and seconded. Upon a majority vote of the members present, the Commission may overturn a decision of the Chairperson.

Section 4. VICE-CHAIRPERSON

During the absence, disability, or disqualification of the Chairperson, the Vice-chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson. In the absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson.

Section 5. SECRETARY

- (A) The Secretary shall be the Director or their designee.

The Secretary shall:

1. Maintain an accurate, permanent, and complete record of all proceedings conducted before the Commission;
  2. Prepare the agenda and minutes for all Commission meetings;
  3. Give all notices required by law;
  4. Inform the Commission of correspondence relating to Commission business and conduct all correspondence of the Commission;
  5. Attend all meetings and hearings of the Commission or send a designee;
  6. Compile all required records and maintain the necessary files, indexes, maps, and plans.
- (B) The Secretary shall maintain records indicating all applications, appeals, hearings, continuances, postponements, date of sending notice, final disposition of matters, and other steps taken or acts performed by the Commission, its officers, and the Secretary.
- (C) The Secretary shall perform such other duties for the Commission as are customary in that role or as may, from time to time, be required by the Commission.

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Section 6. CITY ATTORNEY

The City Attorney or an assistant shall be an ex-officio member of the Commission. The City Attorney shall provide legal assistance to the Commission on matters coming before it, prepare documents memorializing Commission action, and may question witnesses testifying before the Commission.

ARTICLE IV

MEETINGS

Section 1. REGULAR MEETINGS

Regular meetings of the Commission shall be held in the Council Chambers, City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, or at such other places as may be determined by the Commission, at 6:30 p.m., or other time as determined by the Commission, on any Wednesday, except an official city holiday or the day before an official holiday. Meeting dates are normally chosen for timely action on applications submitted for the Commission's consideration. At regular meetings, the Commission shall consider all matters properly brought before it without the necessity of prior notice thereof given to any members.

Section 2. ANNUAL MEETING

The annual meeting of the Commission shall be the first regular meeting of the Commission in January of each year. Such meeting shall be devoted to orientation of new members, education, training, and other matters related to the organization and administration of the Commission.

Section 3. SPECIAL MEETINGS

The Chairperson of the Commission upon his or her own motion may, or upon the request of a majority of the members of the Commission shall call upon a special meeting of the Commission. Unless otherwise specified in the call, all special meetings shall be held at the regular meeting place and time of the Commission. Notice of special meetings shall be given personally or by mail to all members of the Commission and the Secretary not less than forty-eight (48) hours in advance thereof. In case of an emergency, a special meeting may be held upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to notify all members of the Commission.

Section 4. OPEN MEETINGS

All meetings of the Commission shall be open to the public, except that the Commission may hold executive sessions, from which the public may be excluded, in

such manner and for such purposes as may be authorized by law. Representatives of the news media shall be allowed to attend executive sessions under such conditions governing the disclosure of information as provided by law.

Section 5. NOTICE OF MEETINGS

- (A) Notices shall conform to applicable provisions of state law and local regulations.
- (B) Notice shall be posted on a bulletin Commission in the City Hall and the City Library and disseminated to the City Recorder, local news media representatives, and other persons and organizations as provided by law. At the discretion of the Secretary, notice may also be provided to persons and organizations known to have special interest in matters to be considered by the Commission.
- (C) Notice shall be given not less than twenty (20) days) in advance of a meeting; provided, however, that in case of an emergency, a meeting may be held upon such public notice as is appropriate in the circumstances.
- (D) Failure to provide notice as specified in his section, shall not invalidate any decision or proceeding of the Commission

Section 6. AGENDA: ORDER OF BUSINESS

- (A) The order of business at all meetings shall be determined by the agenda which shall be composed generally of the following items:
  - 1. Call to order and roll call;
  - 2. Visitors;
  - 3. Staff Communications;
  - 4. Old business – continuances;
  - 5. New business;
  - 6. Minutes of previous meetings;
  - 7. Approval of orders;
  - 8. Miscellaneous business;
  - 9. Planning Director's report; and
  - 10. Adjournment
- (B) Any item may be taken out of order by direction of the Chairperson.
- (C) Actions of the Commission are not limited to the prepared agenda.

- (D) Public hearings will be stopped at 10:30 p.m. unless there is a motion from the Commission to extend the time of the hearing in progress. In the absence of that motion, pending matters shall automatically be taken up at the following meeting.
- (E) The Commission shall not consider a new item after 9:30 p.m. unless there is a motion by the Commission to extend the time for the agenda item.

Section 7. ATTENDANCE

If a member of the Commission is unable to attend a meeting, he or she is expected to notify the Chairperson or Secretary. If, without reasonable cause, any member is absent from 6 meetings within one calendar year or three consecutive meetings, then upon majority vote of the Commission that position shall be declared vacant. The Commission shall forward their action to the Mayor, who shall fill the vacant position.

Section 8. QUORUM

At any meeting of the Commission, a quorum shall consist of four (4) members. No action shall be taken in the absence of a quorum except to adjourn the meeting and to continue public hearings to a time and place certain. For the purposes of forming a quorum, members who have disqualified or excused themselves from participation in any matter shall be counted as present.

In the event a quorum will not be present at any meeting, the Secretary shall notify the commissioners in advance of that fact, and all items scheduled before that meeting shall be continued either to the next regularly scheduled meeting, or to such date specified in the Final Agenda for the meeting at which the quorum will not be present. The Secretary shall post notice of the continuance on the door of the Council Chambers notifying the public of the continuance and specifying the date and time when the matter will be before the commission.

Section 9. VOTING

- (A) Except as provided by these bylaws, rules of conduct, or state law, each member of the Commission is entitled to vote on all matters, at all meetings of the Commission. The Mayor, the City Attorney, and such other City personnel as the Mayor may, from time to time designate, are entitled to participate in discussion, but do not have the right to vote. Each Commission member is deemed to have notice of all prior Commission deliberations and proceedings.

- (B) Unless otherwise specified herein, the concurrence of a majority of the members of the Commission voting shall be necessary to determine any question before the Commission. Majority is based on the number of votes cast, excluding abstentions, disqualifications, and absences. A tie vote causes the motion to fail.
- (C) When a matter is called for a vote, the Chairperson shall, before a vote is taken, restate the motion and shall announce the decision of the Commission after such vote.
- (D) Voting shall be by voice vote. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.
- (E) Voting "in absentia" or by proxy is not permitted.
- (F) A motion to reconsider can be made only at the same meeting the vote to be reconsidered was taken. Further, a motion to reconsider may only be made by a member who voted on the prevailing side of the issue.

Section 10. CONTINUANCES; REMANDS

- (A) Any item before the Commission may be continued to a subsequent meeting. ~~A motion to continue an item shall specify the date or event upon which continuation is to be based. If a matter which originally required public notice is continued without setting the time and place certain, the public notification must be repeated when time and place are made certain. A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.~~
- (B) Items on the Commission's agenda may be automatically continued without the necessity of convening the Commission members or the applicant if the following steps are met:
  1. The applicant has furnished the planning department a written request before the date and time of the established hearing which contains the following items:
    - a. Project name and file number;
    - b. The name and signature of the applicant or, if more than one, the principal applicant involved in the project;
    - c. The date of the requested future hearing;

- d. A re-notice fee when deemed appropriate by the Planning Director; and,
  - e. A statement that the 120 day rule or ORS 227.178 shall be tolled during the period of the continuance.
2. Community Development Department staff have placed a date stamp on the written request to memorialize its arrival in advance of the public hearing.
- (C) The continuance provided in Section B becomes discretionary if a quorum of the Commission is present. Under this subsection the submission of a continuance by an applicant which meets the standards of Section A above does not provide a right for automatic continuance nor does it guarantee approval of a requested continuance.
  - (D) A notice containing the above recitations shall constitute adequate grounds for a continuance. The hearing set for the project shall be continued by operations of law to the Commission's meeting on the date listed in the request as if the Commission itself moved and approved the same.
  - (E) Neither the presence of the applicant nor the Commission members at the date and time set for the original hearing shall be required for the procedures in this section to take effect. However, the procedures contained in this section are unavailable if there is a quorum of the Commission present at the meeting date and time.
  - (F) The project planner shall cause a written notification to be posted on the door of the premises where the original hearing was to occur, informing interested persons of the new hearing date and time.
  - (G) A notification of the continued hearing containing the new date and time shall be mailed to the applicant and any person who at the time has participated in the hearing and would be entitled to a notice of decision under state or local law. The cost of such a notice shall be the responsibility of the applicant requesting the continuance.
  - (H) A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.

Unless otherwise provided by the Council upon remand, any item remanded by the Council for reconsideration by the Commission shall

be treated as a new item and proceedings shall be provided for as if the matter were initially before the Commission.

- (I) A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final determination regarding the matter of the hearing, unless he or she has reviewed the evidence received.

#### Section 11. RULES OF PROCEDURE

All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised". However, the Commission has an obligation to be as clear and simple in its procedure as possible.

#### Section 12 Testimony by Groups

For the purpose of providing testimony consistent with Section 50.57.1.B and 50.82.1.C groups recognized by the Commission include Neighborhood Association Committees (NACs), Washington County Citizen Participation Organizations (CPOs), Homeowners and Condominium Associations, and non-profit organizations registered with the State of Oregon.

#### Section 13. MINUTES

- (A) Secretary or a designee shall be present at each meeting and shall cause the proceedings to be stenographically or electronically recorded. A full transcript is not required, but written minutes giving a true reflection of the matters discussed at a meeting and the view of the participants shall be prepared and maintained by the Secretary. Executive sessions are excluded from published minutes.
- (B) Minutes shall be available to the public, upon request, within a reasonable time after a meeting and shall include the following:
  - 1. Members present;
  - 2. Motions, proposals, measures proposed and their disposition;
  - 3. Results of all votes, including the vote of each member by name is not unanimous; and
  - 4. Substance of any discussion of any matter.

If the minutes are not approved by the Commission, if requested, draft minutes, if available, may be provided.

- (C) The Secretary may charge a reasonable fee for copies of minutes and other materials relating to Commission matters.

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- (D) Commissioners are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. If there are no corrections, the Chairperson may declare the minutes approved as submitted, without the need for a motion and vote. A vote in favor of adopting minutes does not signify agreement or disagreement with the Commission's actions memorialized in the minutes.
- (E) Any Commissioner not present at a meeting must abstain from voting on approval of the minutes of that meeting.

Section 134. ORDERS.

- (A) The decision of the Commission shall be by written order signed by the Chairperson or designee. The Chairperson may refer the order to the Commission for approval prior to signing. In the event that there is not a regularly scheduled meeting, a copy of the order shall be mailed to the Commissioners for their review. The Commissioners shall submit their vote on the order in writing to the Chairperson. If there is a majority vote for approval, the Chairperson may sign the order. If there is not a majority vote for approval, then the order shall return to the next regularly scheduled meeting for consideration. Adoption of the order is expected to be a formality memorializing the Commissions' action and not a further consideration of the matter. Commissioners opposed to the matter are nevertheless expected to vote for the approval of the order if it accurately reflects the previous determination of the Commission.
- (B) Commissioner must abstain from voting on approval of an order prepared as a result of action taken at a meeting at which he or she was not present.

ARTICLE V

ADVISORY COMMITTEES

Section 1. APPOINTMENT.

The Commission may form advisory committees for the consideration of special assignments.

## ARTICLE VI

### PUBLICATION AND AMENDMENT OF BYLAWS AND RULES OF PROCEDURES

#### Section 1. PUBLICATION AND DISTRIBUTION

A copy of these approved bylaws and rules of procedures shall be:

- (A) Placed on record with the City Recorder and the Secretary of the Commission;
- (B) Available at each Commission meeting;
- (C) Distributed to each member of the Commission; and
- (D) Available to the public for the cost of publication.

#### Section 2. AMENDMENT AND SUSPENSION

- (A) These bylaws, rules, and regulations may be amended by approval of a majority of the members of the entire Commission at a regular or special meeting, provided notice of the proposed amendment is given at the preceding regular meeting, or at least five (5) days written notice is delivered to, or mailed to the home address of each Commissioner. The notice shall identify the section or sections of this resolution proposed to be amended. The Council shall give final approval to any amendment of the bylaws.
- (B) Notwithstanding subsection A above, any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of those members present and voting, except the rule on reconsideration.

ARTICLE VII

EFFECTIVE DATE

This Resolution shall take effect upon August 15, 2006, after approval by the Council and signature by the Mayor.

Adopted by the Planning Commission of the City of Beaverton, Oregon, with a quorum in attendance at its regular meeting of April 8, 2006, and signed by the Chairperson in authentication of its adoption this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Chairperson, Planning Commission  
City of Beaverton, Oregon

Adopted by the Council this \_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Rob B. Drake  
Mayor



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**STAFF COMMUNICATION**

**WORKSESSION**

Planning Commission By-laws Update.

Referring to the proposed amendment to the Planning Commission By-laws on pages 8 and 9 of the By-laws, Mr. Cooper explained that because hearings are being continued more often than in the past, rather than requiring the Chair to be present for a continuance, it has been suggested that some sort of a continuation procedure be adopted. He described the procedure that had been created by Assistant City Attorney Ted Naemura.

Commissioner Maks emphasized that while it is necessary to have a quorum (four or more members of the Commission) to open any public hearing, it is not necessary for all four members to participate in any action once the quorum has been established.

The Commission briefly discussed the clarification of several word choices within the proposed amendment and Mr. Cooper indicated that staff could make these revisions and bring the proposed amendment back for consideration.

Commissioner Maks described his concerns with being unable to suspend the rules or change Conditions of Approval, and suggested

1           that staff also make revisions to address these issues. Staff expressed  
2           that this issue had been addressed in the last Planning Commission  
3           By-laws Update.

4

5           **MISCELLANEOUS BUSINESS:**

6

7           The meeting adjourned at 8:06 p.m.

1 **PLANNING COMMISSION MINUTES**

2  
3 **May 31, 2006**

4  
5 **CALL TO ORDER:** Vice-Chair Shannon Pogue called the  
6 meeting to order at 6:30 p.m. in the in the  
7 Beaverton City Hall Council Chambers at  
8 4755 SW Griffith Drive.

9  
10 **ROLL CALL:** Present were Vice-Chair Shannon Pogue;  
11 Commissioners Bobadilla, Kroger, Maks,  
12 Stephens, and Winter. Chairman Johansen  
13 was excused.

14  
15 Senior Planner Colin Cooper, Associate  
16 Planner Liz Jones, Assistant City Attorney  
17 Ted Naemura, and Recording Secretary  
18 Sheila Martin represented staff.

19  
20 **VISITORS:**

21  
22 Vice-Chair Shannon Pogue read the format for the meeting and asked  
23 if any member of the audience wished to address the Board on any  
24 non-agenda item. There were none.

25  
26 **STAFF COMMUNICATIONS**

27  
28 Senior Planner Colin Cooper reminded the Commission that the  
29 previously-discussed By-Laws had been redistributed, observing that  
30 staff would appreciate a vote with regard to the automatic continuance  
31 provision. Observing that this same provision has already been  
32 approved by the Board of Design Review, he pointed out that it would  
33 be discussed by the City Council next week.

34  
35 Commissioner Maks **MOVED** and Commissioner Kroger **SECONDED**  
36 a motion to **APPROVE** the resolutions adopting the bylaws and rules  
37 of procedure, based upon the Staff Report and findings dated May 10,  
38 2006, as amended.

39  
40 **CARRIED:** 6:0, as follows:

- 41  
42 **AYES:** Maks, Kroger, Bobadilla, Stephens, Winter, and  
43 Pogue.  
44 **NAYS:** None.  
45 **ABSTAIN:** None.  
46 **ABSENT:** Johansen.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** A Resolution Adopting Updated Board of Design Review Bylaws

**FOR AGENDA OF:** 08-14-06 **BILL NO:** 06145

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

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

**DATE SUBMITTED:** 08-04-06

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

**PROCEEDING:** Consent

- EXHIBITS:**
1. Resolution with proposed amendments
  2. BDR Minutes Dated 04/20/06

**BUDGET IMPACT**

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

On April 20, 2006, the Board of Design Review reviewed the proposed update to the Board of Design Review (Board) Bylaws that rule and regulate the transaction of the Board's business. The proposed amendment is primarily intended to update procedures related to the continuance of public hearings. Specifically, at the request of the Board, staff created language contained in Section 10 of the Bylaws that will allow public hearing continuances to occur as a matter of procedure without Board members needing to be present. The proposed continuance procedures will only be available if the land use applicant meets all of the requirements contained in Section 10, which includes a renoticing fee and shall not be available if a quorum of the Board is present. The Board also made several other grammatical changes throughout the Bylaws.

The Board voted 6-0 (King absent) at their April 20, 2006 regular meeting to adopt the Board of Design Review Bylaws as amended.

**INFORMATION FOR CONSIDERATION:**

Attached to this Agenda Bill is the Resolution with the amended Board of Design Review Bylaws and the draft Board of Design Review meeting minutes.

**RECOMMENDED ACTION:**

Staff recommends the City Council approve the Resolution to adopt amended Board of Design Review Bylaws.

**A RESOLUTION ADOPTING REVISED BYLAWS AND RULES  
OF PROCEDURE FOR THE ORGANIZATION OF AND  
CONDUCT OF BUSINESS BY THE BEAVERTON BOARD OF  
DESIGN REVIEW.**

BE IT RESOLVED by the Board of Design Review ("Board") of the City of Beaverton, Oregon:

The following bylaws, rules, and regulations are hereby adopted by the Board of Design Review for the transaction of its business effective on January 5, 2005:

ARTICLE I

GENERAL

Section 1. EXPLANATION AND INTERPRETATION

- (A) A seven member City Board of Design Review has been established by Ordinance No. 2050, as amended. Ordinance No. 2050 was enacted by the City Council pursuant to the authority of the home rule Charter of the City of Beaverton. The Council has also adopted other ordinances, resolutions, and policy statements relating to the organization, powers, duties, and procedures of the Board. The Board is empowered to adopt and amend rules and regulations, to govern the conduct of its business consistent with the Charter and ordinances of the City, and official policies promulgated by the Council.
- (B) It is the intention of the Board to set forth in this resolution not only rules and regulations governing its organization and procedures, but also certain other provisions relating thereto, now contained in various ordinances, resolutions, and other documents. The intent is to set forth in one document the essential information relating to the Board's organization and procedures for the benefit of the Board, applicants, and the general public. However, the omission in this resolution of any provision relating to the Board in some other documents shall not be construed as an implied repeal of such provision.
- (C) This resolution replaces and repeals Resolution Nos. 82-1, 1751, 2720, and 3253.

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## ARTICLE II

### RESPONSIBILITIES OF THE BOARD

#### Section 1. RESPONSIBILITIES

The purpose, objectives, and responsibilities of the City Board of Design Review shall be:

- (A) Comprehensive Plan The Board shall carry out duties assigned to it by the Council relating to development, updating, and general maintenance of the Plan.
- (B) Capital Improvement Program The Board may assist the Council in the formulation of a Capital Improvement Program and, after adoption of said Program, may submit periodic reports and recommendations to the Council relating to the integration and conformance of the Program with the Beaverton Comprehensive Plan.
- (C) Application of Development Regulations Except for those matters which may be delegated to the Director, the Board shall review and take action on quasi judicial and legislative matters, and other proposals which result from the application of development regulations contained within the Development Code on specific pieces of property and uses of land, buildings, etc. The Development Code shall be followed in holding hearings and taking required action.
- (D) Coordination and Cooperation The Board shall endeavor to advance cooperative and harmonious relationships with the City's Council, Planning Commission, Committee for Citizen Involvement, Neighborhood Associations, other Board of Design Reviews, public and semi-public agencies and officials, and civic and private organizations, with a view to coordinating and integrating public and private planning and developmental and policy conflicts. The Board may, and is encouraged to, exchange research, information, ideas and experiences, participate in joint meetings, develop programs and undertake such other formal and informal actions to facilitate cooperation and coordination.
- (E) General Welfare Upon its own initiative or direction of the Council, the Board shall study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City of Beaverton and its environs related to its particular area of responsibility.

002

- (F) Rules of Procedure The Board shall adopt and periodically review and amend rules of procedure. Rules of procedure shall govern the conduct of hearings and participation of Board members on all matters coming before the Board. These rules shall be consistent with State law and City ordinances relating to the same matters.

## ARTICLE III

### OFFICERS

#### Section 1. OFFICERS

The Officers of the Board shall be a Chairperson and Vice-chairperson. The Community Development Director ("Director"), appointed by the Mayor under the Charter, shall be the Secretary of the Board. Except in the event the Secretary is absent from any meeting, the Secretary may send a designee.

#### Section 2. ELECTION

- (A) The Chairperson and Vice-chairperson shall be elected in December for a term of one calendar year, and shall serve until their successors are elected and qualified. The term shall start with the first meeting in January, following election.
- (B) If the office of the Chairperson or Vice-chairperson becomes vacant, the Board shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
- (C) Nominations shall be by oral motion. At the close of nominations, the Board shall vote by voice vote upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.
- (D) Members of the Board holding office at the time of adoption of this resolution shall continue to hold office for the term for which they were elected and until their successors are elected.

#### Section 3. CHAIRPERSON

- (A) Except as otherwise provided herein, the Chairperson shall have the duties and powers to:
1. Preside over all deliberations and meetings of the Board;
  2. Vote on all questions before the Board;

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3. Call special meetings of the Board in accordance with these bylaws;
4. Sign all documents memorializing Board action promptly after approval by the Board. The power to sign reports and other documents of the Board may be delegated to the Secretary.

(B) All decisions of the Chairperson as presiding officer shall be subject to review by the Board members present upon motion duly made and seconded. Upon a majority vote of the members present, the Board may overturn a decision of the Chairperson.

Section 4. VICE-CHAIRPERSON

During the absence, disability, or disqualification of the Chairperson, the Vice-chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson. In the absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson.

Section 5. SECRETARY

(A) The Secretary shall be the Director or his/her designee.

The Secretary shall:

1. Maintain an accurate, permanent, and complete record of all proceedings conducted before the Board;
2. Prepare the agenda and minutes for all Board meetings;
3. Give all notices required by law;
4. Inform the Board of correspondence relating to Board business and conduct all correspondence of the Board;
5. Attend all meetings and hearings of the Board or send a designee;
6. Compile all required records and maintain the necessary files, indexes, maps, and plans.

(B) The Secretary shall maintain records indicating all applications, appeals, hearings, continuances, postponements, date of sending notice, final disposition of matters, and other steps taken or acts performed by the Board, its officers, and the Secretary.

(C) The Secretary shall perform such other duties for the Board as are customary in that role or as may, from time to time, be required by the Board.

Section 6. CITY ATTORNEY

The City Attorney or an assistant shall be an ex-officio member of the Board. The City Attorney shall provide legal assistance to the Board on matters coming before it, prepare documents memorializing Board action, and may question witnesses testifying before the Board.

ARTICLE IV

MEETINGS

Section 1. REGULAR MEETINGS

Regular meetings of the Board shall be held in the Council Chambers, City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, or at such other places as may be determined by the Board, at 6:30 p.m., or other time as determined by the Board, on every Thursday of each week of each month, except an official city holiday or the day before an official holiday. Meeting dates are normally chosen for timely action on applications submitted for the Board's consideration. At regular meetings, the Board shall consider all matters properly brought before it without the necessity of prior notice thereof given to any members.

Section 2. ANNUAL MEETING

The annual meeting of the Board shall be the first regular meeting of the Board in January of each year. Such meeting shall be devoted to orientation of new members, education, training, and other matters related to the organization and administration of the Board.

Section 3. SPECIAL MEETINGS

The Chairperson of the Board upon his or her own motion may, or upon the request of a majority of the members of the Board shall call upon a special meeting of the Board. Unless otherwise specified in the call, all special meetings shall be held at the regular meeting place and time of the Board. Notice of special meetings shall be given personally or by mail to all members of the Board and the Secretary not less than forty-eight (48) hours in advance thereof. In case of an emergency, a special meeting may be held upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to notify all members of the Board.

Section 4. OPEN MEETINGS

All meetings of the Board shall be open to the public, except that the Board may hold executive sessions, from which the public may be excluded, in such manner

and for such purposes as may be authorized by law. Representatives of the news media shall be allowed to attend executive sessions under such conditions governing the disclosure of information as provided by law.

Section 5. NOTICE OF MEETINGS

- (A) Notices shall conform to applicable provisions of state law and local regulations.
- (B) Notice shall be posted on a bulletin board in the City Hall and the City Library and disseminated to the City Recorder, local news media representatives, and other persons and organizations as provided by law. At the discretion of the Secretary, notice may also be provided to persons and organizations known to have special interest in matters to be considered by the Board.
- (C) Notice shall be given not less than twenty (20) days) in advance of a meeting; provided, however, that in case of an emergency, a meeting may be held upon such public notice as is appropriate in the circumstances.
- (D) Failure to provide notice as specified in his section, shall not invalidate any decision or proceeding of the Board

Section 6. AGENDA: ORDER OF BUSINESS

- (A) The order of business at all meetings shall be determined by the agenda which shall be composed generally of the following items:
  - 1. Call to order and roll call;
  - 2. Visitors;
  - 3. Staff Communications;
  - 4. Old business – continuances;
  - 5. New business;
  - 6. Minutes of previous meetings;
  - 7. Approval of orders;
  - 8. Miscellaneous business;
  - 9. Planning Director’s report; and
  - 10. Adjournment
- (B) Any item may be taken out of order by direction of the Chairperson.
- (C) Actions of the Board are not limited to the prepared agenda.

- (D) Public hearings will be stopped at 10:30 p.m. unless there is a motion from the Board to extend the time of the hearing in progress. In the absence of that motion, pending matters shall automatically be taken up at the following meeting.
- (E) The Board shall not consider a new item after 9:30 p.m. unless there is a motion by the Board to extend the time for the agenda item.

Section 7. ATTENDANCE

If a member of the Board is unable to attend a meeting, he or she is expected to notify the Chairperson or Secretary. If, without reasonable cause, any member is absent from 6 meetings within one calendar year or three consecutive meetings, then upon majority vote of the Board that position shall be declared vacant. The Board shall forward their action to the Mayor, who shall fill the vacant position.

Section 8. QUORUM

At any meeting of the Board, a quorum shall consist of four (4) members. No action shall be taken in the absence of a quorum except to adjourn the meeting and to continue public hearings to a time and place certain. For the purposes of forming a quorum, members who have disqualified or excused themselves from participation in any matter shall be counted as present.

In the event a quorum will not be present at any meeting, the Secretary shall notify the board members in advance of that fact, and all items scheduled before that meeting shall be continued either to the next regularly scheduled meeting, or to such date specified by the applicant in a request for a continuance as specified in Section 10. ~~in the Final Agenda for the meeting at which the quorum will not be present~~. The Secretary shall post notice of the continuance on the door of the Council Chambers notifying the public of the continuance and specifying the date and time when the matter will be before the Board.

Section 9. VOTING

- (A) Except as provided by these bylaws, rules of conduct, or state law, each member of the Board is entitled to vote on all matters, at all meetings of the Board. The Mayor, the City Attorney, and such other City personnel as the Mayor may, from time to time designate, are entitled to participate in discussion, but do not have the right to vote. Each Board member is deemed to have notice of all prior Board deliberations and proceedings.
- (B) Unless otherwise specified herein, the concurrence of a majority of the members of the Board voting shall be necessary to determine any

question before the Board. Majority is based on the number of votes cast, excluding abstentions, disqualifications, and absences. A tie vote causes the motion to fail.

- (C) When a matter is called for a vote, the Chairperson shall, before a vote is taken, restate the motion and shall announce the decision of the Board after such vote.
- (D) Voting shall be by voice vote. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.
- (E) Voting "in absentia" or by proxy is not permitted.
- (F) A motion to reconsider can be made only at the same meeting the vote to be reconsidered was taken. Further, a motion to reconsider may only be made by a member who voted on the prevailing side of the issue.

#### Section 10. CONTINUANCES; REMANDS

- (A) Any item before the Board may be continued to a subsequent meeting. ~~A motion to continue an item shall specify the date or event upon which continuation is to be based. If a matter which originally required public notice is continued without setting the time and place certain, the public notification must be repeated when time and place are made certain. A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.~~
- (B) Items on the Board's agenda may be automatically continued without the necessity of convening the Board members or the applicant if the following steps are met:

1. The applicant has furnished the planning department a written request before the date and time of the established hearing which contains the following items:
  - a. Project name and file number;
  - b. The name and signature of the applicant or, if more than one, the principal applicant involved in the project;
  - c. The date of the requested future hearing;

- d. A re-notice fee as deemed appropriate by the Planning Director; and.
  - e. A statement that the 120 day rule or ORS 227.178 shall be tolled during the period of the continuance.
2. Community Development Department staff have placed a date stamp on the written request to memorialize its arrival in advance of the public hearing.
- (C) The continuance request provided in Section 10 Subsection B becomes discretionary if a quorum of the Board is present. Under this subsection the submission of a request for a continuance by an applicant which meets the standards of Section Subsection A and B above does not provide a right for an automatic continuance nor does it guarantee approval of a requested continuance.
  - (D) A notice containing the information required by Subsection A and B above recitations shall constitute adequate grounds for a continuance. The hearing set for the project shall be continued by operations of law to the Board's meeting on the date listed in the request as if the Board itself moved and approved the same.
  - (E) Neither the presence of the applicant nor the Board members at the date and time set for the original hearing shall be required for the procedures in this section to take effect. However, the procedures contained in this section are ~~unavailable~~ inapplicable if there is a quorum of the Board present at the meeting date and time.
  - (F) The project planner shall cause a written notification to be posted on the door of the premises where the original hearing was to occur, informing interested persons of the new hearing date and time.
  - (G) A notification of the continued hearing containing the new date and time shall be mailed to the applicant and ~~the~~ any person who at the time has participated in the hearing and would be entitled to a notice of decision under state or local law. The cost of such a notice shall be the responsibility of the applicant requesting the continuance.
  - (H) A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.

Unless otherwise provided by the Council ~~upon remand~~, any item remanded by the Council for reconsideration by the Board shall be treated

as a new item and proceedings shall be provided for as if the matter were initially before the Board.

A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final determination regarding the matter of the hearing, unless he or she has reviewed the evidence received.

#### Section 11. RULES OF PROCEDURE

All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised". However, the Board has an obligation to be as clear and simple in its procedure as possible.

#### Section 12. MINUTES

- (A) The Secretary or a designee shall be present at each meeting and shall cause the proceedings to be stenographically or electronically recorded. A full transcript is not required, but written minutes giving a true reflection of the matters discussed at a meeting and the view of the participants shall be prepared and maintained by the Secretary. Executive sessions are excluded from published minutes.
- (B) Minutes shall be available to the public, upon request, in either draft form or as approved by the Board, within a reasonable time after a meeting and shall include the following:
  - 1. Members present;
  - 2. Motions, proposals, measures proposed and their disposition;
  - 3. Results of all votes, including the vote of each member by name is not unanimous; and
  - 4. Substance of any discussion of any matter.

~~If the minutes are not approved by the Board, if requested, draft minutes, if available, may be provided.~~

- (C) The Secretary may charge a reasonable fee for copies of minutes and other materials relating to Board matters.
- (D) Board members are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. If there are no corrections, the Chairperson may declare the minutes approved as submitted, without the need for a motion and vote. A vote in favor of adopting minutes does not signify agreement or disagreement with the Board's actions memorialized recorded in the minutes.

- (E) Any Board member not present at a meeting must abstain from voting on approval of the minutes of that meeting.

Section 13. ORDERS.

- (A) The decision of the Board shall be by written order signed by the Chairperson or designee. The Chairperson may refer the order to the Board for approval prior to signing. In the event that there is not a regularly scheduled meeting, a copy of the order shall be mailed to the Board members for their review. The Board members shall submit their vote on the order in writing to the Chairperson. If there is a majority vote for approval, the Chairperson may sign the order. If there is not a majority vote for approval, then the order shall return to the next regularly scheduled meeting for consideration. Adoption of the order is expected to be a formality ~~memorializing~~ establishing the Boards' action and not a further consideration of the matter. Board members opposed to the matter are nevertheless expected to vote for the approval of the order if it accurately reflects the previous determination of the Board.
- (B) Board member must abstain from voting on approval of an order prepared as a result of action taken at a meeting at which he or she was not present.

ARTICLE V

ADVISORY COMMITTEES

Section 1. APPOINTMENT.

The Board may form advisory committees for the consideration of special assignments.

ARTICLE VI

PUBLICATION AND AMENDMENT OF BYLAWS AND RULES OF PROCEDURES

Section 1. PUBLICATION AND DISTRIBUTION

A copy of these approved bylaws and rules of procedures shall be:

- (A) Placed on record with the City Recorder and the Secretary of the Board;

- (B) Available at each Board meeting;
- (C) Distributed to each member of the Board; and
- (D) Available to the public for the cost of publication.

Section 2. AMENDMENT AND SUSPENSION

- (A) These bylaws, rules, and regulations may be amended by approval of a majority of the members of the entire Board at a regular or special meeting, provided notice of the proposed amendment is given at the preceding regular meeting, or at least five (5) days written notice is delivered to, or mailed to the home address of each Board member. The notice shall identify the section or sections of this resolution proposed to be amended. The Council shall give final approval to any amendment of the bylaws.
- (B) Notwithstanding subsection A above, any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of those members present and voting, except the rule on reconsideration.

ARTICLE VII

EFFECTIVE DATE

This Resolution shall take effect upon August 15, 2006, after approval by the Council and signature by the Mayor.

Adopted by the Board of Design Review of the City of Beaverton, Oregon, with a quorum in attendance at its regular meeting of April 13, 2006, and signed by the Chairperson in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Chairperson, Board of Design Review  
City of Beaverton, Oregon

Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Rob B. Drake  
Mayor



1 proposed amendments as Mr. Steiger would not be attending tonight's  
2 hearing.

3  
4 Referring to page 4, Section 5 (A), Mr. Cooper read the following: "The  
5 Secretary shall be the Director of their designee." He stated that Mr.  
6 Steiger suggested striking out the word "*their*" and inserting "*his/her*".

7  
8 Ms. Scott expressed her opinion that the word "*their*" should be struck,  
9 adding that it gives the impression that it's more than one person.

10  
11 The Board agreed to change the wording from "*their*" to "*his/her*".

12  
13 Referring to page 7, Section 8, Mr. Cooper pointed out the addition of  
14 new language as follows, adding that the intent is to make this section  
15 more clear with regard to the presence of a quorum and a continuance.

16  
17 "In the event a quorum will not be present at any meeting,  
18 the Secretary shall notify the board members in advance of  
19 that fact, and all items scheduled before that meeting shall  
20 be continued either to the next regularly scheduled meeting,  
21 or to such date specified by the applicant in a request for a  
22 continuance as specified in Section 10, ~~in the Final Agenda~~  
23 ~~for the meeting at which the quorum will not be present.~~ The  
24 Secretary shall post notice of the continuance on the door of  
25 the Council Chambers notifying the public of the  
26 continuance and specifying the date and time when the  
27 matter will be before the Board."

28  
29 Mr. Cooper noted that ". . . *in the Final Agenda for the meeting at which*  
30 *the quorum will not be present. . .*" was struck as there are times when  
31 the continuance date is not indicated on the agenda since the agenda is  
32 prepared a week in advance. He stated that there may be a request for  
33 a continuance 5 days in advance that meets all the requirements  
34 written into Section 10, and as long as staff has communicated the  
35 continuance to the Board, the Board does not need to attend.

36  
37 The Board agreed to the changes on page 7, Section 8.

38  
39 Referring to page 9, Section B.1.e., Mr. Cooper read the following:

- 40  
41 e. A statement that the 120 day rule or ORS 227.178 shall be  
42 tolled during the period of the continuance.  
43

1 Mr. Cooper noted that it was suggested by Mr. Steiger to change the  
2 word "tolled" to make it more of a laypersons language.

3  
4 Mr. Naemura suggested changing the word "tolled" to "suspended".

5  
6 Mr. Cooper referred to page 10, Section 12, Minutes, subsection A last  
7 sentence, "*Executive sessions are excluded from published minutes.*"  
8 noting that this is somewhat of a statement by way of informing the  
9 public. He questioned the statutory allowance for this.

10  
11 Mr. Soth suggested changing this sentence to read, "*discussions during*  
12 *Executive session are excluded from published minutes*", because  
13 whatever is discussed during executive sessions are not subject to any  
14 discussion outside of that session, except by the attorney.

15  
16 The Board agreed with Mr. Soth's suggestion.

17  
18 Mr. Soth **MOVED** and Ms. King **SECONDED** a motion that the Board  
19 approve the resolutions adopting revised bylaws and rules of procedure  
20 as outlined, discussed and corrected on April 20, 2006, to be finalized  
21 and returned to the Board for formal action when this has been  
22 accomplished.

23  
24 Motion **CARRIED** by the following vote:

25  
26 AYES: Soth, King, Nye, Scott, Steiger, and Doukas.  
27 NAYS: None.  
28 ABSTAIN: None.  
29 ABSENT: Beighley and Steiger.

30  
31 **MISCELLANEOUS BUSINESS:**

32  
33 The meeting adjourned at 8:40 p.m.

# MEMORANDUM

City of Beaverton  
Sue Nelson, CMC  
City Recorder

**To:** Mayor Drake and City Council  
**From:** Sue Nelson, City Recorder  
**Date:** August 10, 2006  
**Subject:** **Agenda Bill 06146: In the Matter of the  
Application of: Wal-Mart Stores, Inc., No.  
DR 2005-0068, Final Decision**

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Please note that the agenda bill for the above item was not available at this time.

Please call me at 503 526-2650 if you have questions concerning this item.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Design Contract Award – Windjammer Way – Spinnaker Drive Waterline Replacement - Project No. 4069      **FOR AGENDA OF:** 8-14-06      **BILL NO:** 06147

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

**DEPARTMENT OF ORIGIN:** Public Works *[Signature]*

**DATE SUBMITTED:** 8-07-06

**CLEARANCES:** Purchasing *[Signature]*  
Finance *[Signature]*  
City Attorney *[Signature]*  
Capital Proj. *[Signature]*

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

**EXHIBITS:** 1. Location Map  
2. Scope

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$52,698	BUDGETED \$300,000*	REQUIRED \$0

\* Account Numbers 501-75-3701-683 – Water Fund – Capital Projects -Water System Improvement Projects – Construction Design and Engineering Inspection Account.

**HISTORICAL PERSPECTIVE:**

This project consists of replacing approximately 1600 lineal feet of six-inch cast iron waterline in Windjammer Way, Windjammer Court, Spinnaker Drive, and Colony Court. This line has experienced numerous breaks and failures that have damaged the streets and which has led to costly repairs and inconvenience to our water customers. This project is scheduled for construction in the 2006/07 Fiscal Year Capital Improvement Program.

**INFORMATION FOR CONSIDERATION:**

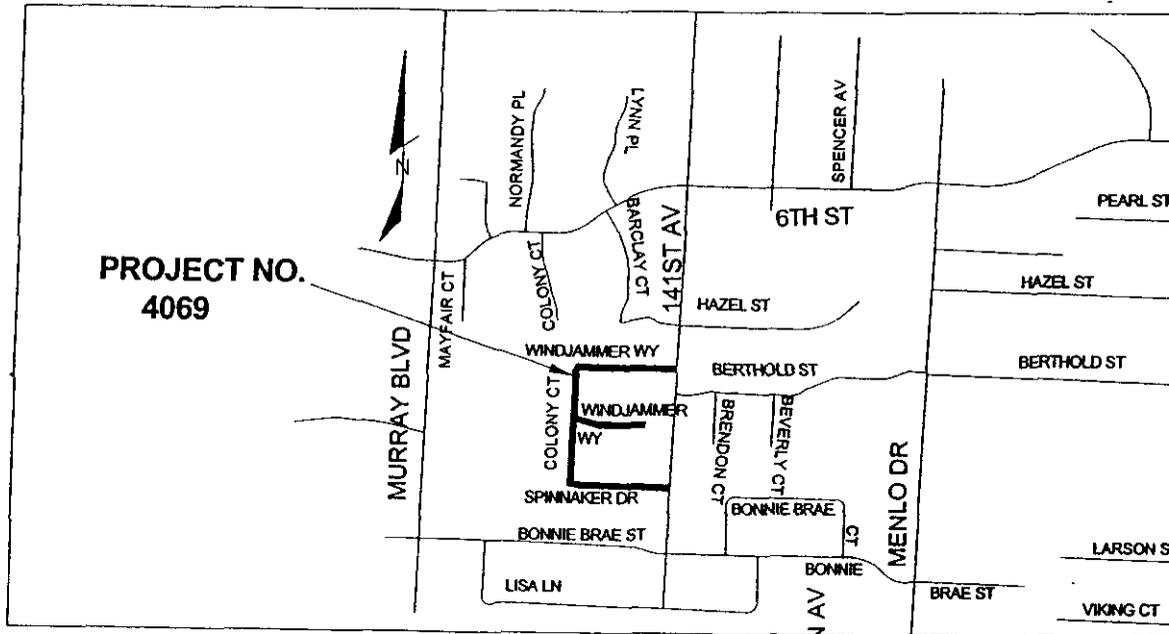
In order to ensure that construction is in accordance with the 2004 *Engineering Design Manual and Standard Drawings for the City of Beaverton*, and the American Water Works Association, construction plans and specifications need to be prepared for the project. Staff selected West Yost Associates from the approved engineering firms on the current Professional Services Retainer List and received a fee proposal based on the negotiated scope of services not to exceed \$52,698. West Yost was selected based upon their qualifications and experience with similar projects of this nature.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, award a contract to West Yost Associates, for an amount not to exceed \$52,698 to provide engineering design services for the project identified above under the provisions of the Professional Services Retainer Agreement and in a form approved by the City Attorney.

Project Number: 4069  
Project Name: Spinnaker Dr, Windjammer Wy/Ct, and Colony Ct Waterline Replacement  
Project Description: Replace approximately 2200 lineal feet of existing 6-inch cast iron pipe in the Windjammer Subdivision on Spinnaker Dr, Windjammer Wy, Windjammer Ct, and Colony Ct.

Map:



Project Justification: The existing cast iron water mains experience repeated breaks which damage the roadway and require costly repairs.  
Project Status: FY06-07: Complete design and begin construction.  
Estimated Date of Completion: 11/01/2007  
Estimated Project Cost: \$300,000  
First Year Budgeted: FY06/07

**Funding Data:**

<u>Project No.</u>	<u>Fund No.</u>	<u>Fund Name</u>	<u>Amount</u>	<u>FY</u>
4069	3701	Water Improvements	\$300,000	FY2006/07
<b><u>Total for FY:</u></b>			<b>\$300,000</b>	



July 28, 2006

Mr. Ben Shaw  
City of Beaverton  
P.O. Box 4755  
Beaverton, OR 97076

**SUBJECT: Proposal to Provide Engineering Services  
Windjammer Way-Spinnaker Drive Water Line Replacement**

Dear Mr. Shaw:

West Yost Associates is pleased to provide this proposal for engineering services related to the design of a replacement water line within Windjammer Way, Windjammer Court and Spinnaker Drive. Our proposal is based on our discussions on July 6, 2006 and subsequent discussions that resulted in including surveying in the scope of services. In accordance with our discussions, we also have maintained potholing for existing buried utilities as an optional task. Nonetheless, we can modify the scope to reflect any additional comments that come up during your review of this proposal.

**Project Description**

The project consists of replacement of an existing 6-inch diameter cast iron pipe and related appurtenances (hydrants, laterals, valves, etc.) in Windjammer Way, SW 142<sup>nd</sup> Avenue, Windjammer Court and Spinnaker Drive. The pipe has failed on several occasions in the past and is in need of replacement. Approximately 1,600 lineal feet of new pipe will be installed and tie-ins will be made with existing water lines.

The design documents will be suitable for public bidding using a unit cost basis. The City's standard drawings and standard specifications will be used as appropriate for the work.

**Engineering Team**

Our project team will consist of Greg Humm (project manager), Corie Peterson (project engineer), Lynne Chicoine (QA/QC) and Vickie Fleming (CAD). Greg will report directly to you and will be responsible for the development of the design drawings and specifications, the project schedule and the engineering budget.

## **Proposed Scope of Services**

West Yost Associates (WYA) proposes to perform the following services:

### Task 1 – Prepare Contract Documents

Prepare drawings and specifications for construction of the water pipeline, consisting of plan and profile drawings and standard detail drawings. A complete list of anticipated Drawings is provided below. Drawings will be developed on 22" x 34" sheets and plan and profile drawings will be developed at a scale of 1" = 20'. Design drawings and specifications will be prepared in compliance with the City's "*Engineering Design Manual and Standard Drawings*".

Topographic information will be needed to prepare the design plans and to coordinate the vertical location of the new pipeline with the vertical location of existing buried utilities. We will utilize Thurston Surveying to undertake the site survey to acquire the required information. The survey will extend 10 feet beyond the right-of-way on each side of the street. All existing surface features such as sidewalks, curbs, gutters, power poles, hydrants, fences, meter boxes, valve boxes, manholes, etc. will be identified. The location of all buried utilities as marked by the One Call locating service will also be surveyed. Topographic contours will be at 1-foot intervals and spot elevations will be provided at gutters, sewer and storm drain pipe inverts, manhole inverts and catch basin inverts.

The following drawings are anticipated:

- Cover Sheet (will comply with City standard)
- Symbols, Abbreviations and other General Information (City standard)
- Erosion Control Plan
- Plan and Profile – Sta 0+00 to Sta 4+00 (+/-) (Spinniker)
- Plan and Profile – Sta 4+00 to Sta 9+00 (+/-) (142<sup>nd</sup> Ave)
- Plan and Profile – Sta 9+00 to Sta 13+00 (+/-) (Windjammer Wy)
- Plan and Profile – Sta A0+00 to Sta A3+00 (+/-) (Windjammer Ct)
- Standard Details – 1
- Standard Details – 2
- Project Specific Details

WYA will develop specifications using the ODOT/APWA "*Oregon Standard Specifications for Construction*". These will be prepared in conjunction with the City's standard contract documents (if any) and any special conditions that may be applicable to the work.

WYA will perform internal QA/QC reviews at the 60% and 90% levels of completion. The 100% complete drawings and Project Manual will be stamped and signed and finalized to form a complete set of documents that can be issued for public bidding. The City will be responsible for printing and sending the documents to interested Bidders.

### Task 2 – Design Submittals and Design Review Meetings

WYA will prepare design review submittals at the 60 percent and 90 percent level of completion. Seven sets of full size design drawings (11" x 17" drawings will be submitted if desired) and specifications will be provided to the City's project manager for internal distribution and review.

A design review meeting will be held within 2 weeks of each submittal to discuss review comments raised by City staff. These two meetings will be held at the City's offices in Beaverton.

### Task 3 – Cost Estimate

Prepare an itemized cost estimate that corresponds to the bid schedule for the improvements and submit with the 60% complete submittal. Update the cost estimate and re-submit with the 90% complete submittal.

### Task 4 – Bid Period Services

The City will produce and distribute the Bid Documents to interested bidders. WYA will assist the City's project manager in developing responses to technical questions received from Bidders during the bid period. Written responses will be developed and emailed to the City's project manager for distribution to the bidders.

WYA will develop addenda that may be needed to provide answers to questions received from interested Bidders during the bid period. City will be responsible for transmitting addenda to the Plan Holders.

### Task 5 – Construction Period Services

Under this task, WYA will:

- Assist the City's project manager during the construction phase of the project by answering questions and responding questions.

- Review submittals received from the Contractor, other than administrative submittals such as payment requests, insurance certificates, etc.

- Provide written responses to requests for information received from the Contractor.

- Make three site visits to observe the construction and contractor performance. Site visits will be made when requested by the City's project manager.

- Prepare record drawings using the Contractor's field mark-ups. Provide AutoCAD files of record drawings.

Task 6 – Project Management

WYA will monitor progress on the project, provide brief written reports to the City's project manager identifying activities completed, activities to be started and budget used. Prepare and submit reports on a monthly basis with the invoice.

Optional Task – Potholing for Buried Utilities

Following review of the survey information, the City may elect to pothole to locate existing buried utilities that may influence the design or construction of the new water line. If directed by the City's project manager, WYA will undertake potholing of specific utilities. This would include vacuum excavation, backfilling and compaction, asphalt patching, traffic control, acquiring the excavation permit, and WYA direction in the field. The proposed budget for this task (\$4,500) assumes all potholing can be accomplished in one day (approximately 8 to 10 excavations).

**Deliverables**

The following deliverables will be provided to the City's project manager:

60% submittal: seven sets of full size (22" x 34") drawings, specifications and itemized cost estimate.

90% submittal: seven sets of full size drawings, specifications and updated cost estimate.

100% complete Contract Documents: One set full-size (mylar) and one set half-size (bond) print-ready Drawings, stamped and signed by Registered P.E.; Project Manual consisting of Contract Documents and technical specifications, stamped and signed by Registered P.E.; electronic files of final design drawings in AutoCAD (version to be specified by the City); electronic files of final Project Manual in Microsoft Word.

Written responses to questions received during the bid period.

Written responses to Requests for Information received during construction, written submittal review comments, notes from meetings and site visits, Record Drawings [one copy full-size (mylar) and one copy half-size drawings (bond) and AutoCAD electronic files].

### **Proposed Schedule**

An estimated schedule for the tasks described in this proposed scope is shown below.

Notice to Proceed	September 6, 2006
60% Complete Submittal	November 3, 2006
90% Complete Submittal	December 1, 2006
100% Complete Submittal	January 5, 2007

### **Proposed Budget**

The not-to-exceed budget for completing the proposed services described above is \$52,300. WYA will not exceed this limit without the City's authorization. A detailed breakdown of our estimated level of effort is provided in the attached table (Attachment 1). WYA will perform the work on a time and materials basis at the charge rates as presented in Attachment 2.

### **Services Not Included in Proposed Scope of Work**

The following engineering services are not part of this proposed scope of work. These services can be added at a later date if desired.

- Geotechnical investigations/geotechnical engineering
- Permitting
- Public involvement
- Environmental assessments or studies (none are anticipated)
- Construction staking

We appreciate this opportunity to serve the City and are looking forward to providing the proposed services. If you would like to discuss the details of this proposal or have any concerns or questions, please do not hesitate to call either myself or Greg Humm.

Sincerely,

WEST YOST ASSOCIATES



Walter J. Meyer  
Vice President

attachments

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Contract Award – Janitorial Services for City Buildings **FOR AGENDA OF:** 08-14-06 **BILL NO:** 06152

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:**  
Public Works Dept/Operations Division



**DATE SUBMITTED:** 08-09-06

**CLEARANCES:** Purchasing  
Finance  
City Attorney



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

**EXHIBITS:** Agenda Bill 05180  
Vendor Evaluation  
Funding Plan

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$263,618	BUDGETED \$238,754	REQUIRED \$24,864

Please see attached Funding Plan

- \*Account Number 001-13-0003-511 General Fund -City Hall, City Park Restrooms and Community Center
- \*Account Number 001-13-0003-352 General Fund -Resource Center
- \*Account Number 001-60-0621-511 General Fund - Police Support Services Harvest Court
- \*Account Number 115-35-0551-511 Library Fund – Library Building
- \*Account Number 605-85-0681-511 Operations Administration Fund – Operations Complex

**HISTORICAL PERSPECTIVE:**

In February of this year the City contracted with Wellsprings Services, Inc. of Portland, Oregon to perform all of the janitorial services for City buildings. One condition of the award was an evaluation in six months to determine whether to extend the contract or terminate it depending on performance.

**INFORMATION FOR CONSIDERATION:**

Staff has determined that the current level of janitorial services by Wellsprings is unacceptable. The contractor has been notified on a weekly and sometimes daily basis of these recurring problems but has been unsuccessful in correcting them for any period of time. The current contract allows for cancellation under these types of circumstances with a thirty day written notice. The contractor received their thirty-day notice on July 31, 2006. A copy of the evaluation as sent to Wellsprings is attached to this Agenda Bill.

In October 2005 staff informed the Council of state laws requiring that the City purchase services without competitive bidding from "Qualified Rehabilitation Facilities" (QRF's) when those services can meet our requirements. In May of 2005 staff had sent a Request for Proposal (RFP) to seven QRF's. At that time staff recommended a contract with Wellspring Services because of its lower cost. City staff now recommend awarding a contract to the other entity that bid originally, namely, Portland Habilitation Center (PHC). PHC's new proposal of \$316,342 per year is still significantly over our budget, however,

**Agenda Bill No:** 06152

they meet our criteria and will fulfill the obligation of state law. Additionally, PHC's proposal is based on a reduction of services (i.e., office trash removal and spot vacuuming from five times a week to three; vacuuming from daily to weekly, and more thorough cleaning from weekly to monthly).

Staff recommends a contract with Portland Habilitation Center for one year with a six month formal review period using an anticipated start date of September 1, 2006. At the end of the six months staff will evaluate the service received to determine whether to extend the contract for the remainder of the year or seek some other type of procurement. If service is found satisfactory, staff will return to Council at the end of the one year contract for approval to extend the contract for additional years.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, award a janitorial services contract to Portland Habilitation Center of Portland, Oregon, in the amount of \$263,618 for the remainder of FY 2006-07 and direct the Finance Director to include additional appropriations as identified in the attached Funding Plan in the next Supplemental Budget.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Bid Award – Janitorial Services for City Buildings

**FOR AGENDA OF:** 10-10-05 **BILL NO:** 05180

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

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

**DATE SUBMITTED:** 8-29-05

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

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

**EXHIBITS:** Funding Plan  
Revised Technical Specifications

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$118,304	BUDGETED \$109,748*	REQUIRED \$11,795*

Please see attached Funding Plan

\*Account Number 001-13-0003-511 General Fund -City Hall, City Park Restrooms and Community Center

\*Account Number 001-13-0003-352 General Fund -Resource Center

\*Account Number 001-60-0621-511 General Fund - Police Support Services Harvest Court

\*Account Number 115-35-0551-511 Library Fund – Library Building

\*Account Number 605-85-0681-511 Operations Administration Fund – Operations Complex

**HISTORICAL PERSPECTIVE:**

The five-year contract for janitorial services with ServiceMaster of Tigard expired on June 30, 2005. Due to the "Products of Disabled Individuals" act (ORS 279.835 to 279.855) passed by the Oregon legislature, the City is obliged to purchase services, with exemption from competitive bidding, from "Qualified Rehabilitation Facilities" (QRF's) when those services can meet our requirements, regardless of cost. As this process is taking more time than anticipated, ServiceMaster has agreed to continue the service on a month-to-month basis until we choose a new janitorial service vendor. With the City Attorney's approval, it was agreed to give ServiceMaster a 60-day notice of termination once a vendor was chosen.

**INFORMATION FOR CONSIDERATION:**

A Request for Proposal was mailed to seven QRF's on May 31, 2005. The proposal specifications included mandatory attendance at a pre-proposal meeting on June 8, 2005 to walk-through all seven City buildings/sites (City Hall, City Library, Operations Center, Resource Center, Community Center, storage/evidence building, and City Park/restrooms). Five QRF's attended the pre-proposal meeting. Two (2) proposals were received and opened on June 21, 2005 in the Finance Department conference room. The proposals were received and evaluated on four criteria: Business Profile, Experience, References, and Cost, and both were found to meet our specifications. Portland Habilitation Center (PHC) of Portland, Oregon scored higher on experience than did Wellspring Services of Portland, Oregon, although the price was higher (PHC \$358,889; Wellspring \$315,470). Following the Department of Administrative Services (DAS) rules, City staff began negotiations with PHC to lessen

**Ag nda Bill No:** 05180

the budget impact of the original cost. As a result of these negotiations, PHC decreased some daily and weekly tasks in order to reduce costs: office trash removal and spot vacuuming from five times a week to three times a week (7 times a week at the Library); general dusting and thorough vacuuming from weekly to monthly; sweeping and mopping offices from daily to weekly (for detailed information, please see the attached Revised Technical Specifications). PHC's revised cost of \$331,272 was still significantly over our budget. Staff then decided to begin negotiations with the second QRF, Wellspring Services. Wellspring reduced the daily tasks to twice a week, and moved some weekly tasks to monthly, resulting in a new proposal of \$289,467. City Staff would like Council's approval to enter into a contract with Wellspring Services for a one year contract with a six month formal review period using an anticipated start date of February 1, 2006. At the end of the six months, City staff will evaluate the service received to determine whether to extend the contract for additional contract years or seek some other type of procurement. If service is found satisfactory, staff will return to Council for approval to extend the contract.

**RECOMMENDED ACTION:**

Council, acting as Contract Review Board, recommend that City staff proceed with a janitorial services contract to Wellspring Services of Portland, Oregon, in the amount of \$118,304 for the remainder of FY 2005-06 and direct the Finance Director to include additional appropriations as identified in the attached Funding Plan in the next Supplemental Budget.

City of Beaverton  
Funding Plan for Janitorial Services  
Fiscal Year 2005-06

	FY 2005-06 Adopted Budget	Service Master Contract Costs July 2005 Through January 2006		Remaining Budgeted Appropriation	Wellspring Contract Costs February Through June 2006		Additional Appropriation Required
		Monthly Cost	Total Cost		Monthly Cost	Total Cost	
General Fund - Non-Departmental							
City Hall	\$ 107,637.00	\$ 8,666.01	\$ 60,662.07	\$ 46,974.93	\$ 8,608.54	\$ 43,042.70	\$ 0.00
Community Center	17,432.00	1,403.47	9,824.29	7,607.71	1,714.74	8,573.70	0.00
City Park	3,564.00	575.66	2,302.64	1,261.36	659.15	988.73	0.00
Subtotal Non-Departmental	<u>\$ 128,633.00</u>	<u>\$ 10,645.14</u>	<u>\$ 72,789.00</u>	<u>\$ 55,844.00</u>	<u>\$ 10,982.43</u>	<u>\$ 52,605.13</u>	<u>\$ 0.00</u>
General Fund - Resource Center	22,860.00	1,918.01	13,426.07	9,433.93	2,152.18	10,760.90	(1,326.97)
General Fund - Police							
Harvest Court	1,368.00	108.00	756.00	612.00	184.70	923.50	(311.50)
Library Building	83,411.00	6,715.54	47,008.78	36,402.22	8,747.78	43,738.90	(7,336.68)
Operations Complex	17,082.00	1,375.14	9,625.98	7,456.02	2,055.15	10,275.75	(2,819.73)
Total Janitorial Services	<u>\$ 253,354.00</u>	<u>\$ 20,761.83</u>	<u>\$ 143,605.83</u>	<u>\$ 109,748.17</u>	<u>\$ 24,122.24</u>	<u>\$ 118,304.18</u>	<u>\$ (11,794.88)</u>

Number of Months For Service Master Contract   7  
Number of Months For Wellspring's Contract     5

1

**SECTION 5  
TECHNICAL SPECIFICATIONS**

**1. GENERAL OFFICE AREAS**

This service to be all-inclusive. Frequencies are minimum requirements, as service may be greater dependant on building needs. INCLUDES, BUT NOT LIMITED TO: ADMINISTRATIVE OFFICES, CONFERENCE/MULTIPURPOSE ROOMS, CLASSROOMS, AUDITORIUMS, CORRIDORS; LOBBIES; STAIRWELLS; ELEVATORS; ENTRYWAYS, HANDICAP RAMPS, EMPLOYEE BREAK ROOMS, LOUNGES, STORAGE ROOMS, GARAGES:

<b>Original Specs</b>	<b>Revised Specs</b>	
Daily	Exception: offices/cubicles 2 times a week	Empty waste receptacles. Replace plastic liners as needed. Place in designated area for disposal.
Daily		Damp clean lunch and conference room tables, removing spills and stains.
Daily		Sanitize and polish all drinking fountains.
Daily		Clean, sanitize and polish kiosk (building directory) in the lobby of City Hall.
Daily	OMIT	Dump plan barrel located in CDD workroom (2 <sup>nd</sup> floor of City Hall).
Daily		Wash and clean interior and exterior glass on all building entrances.
Daily	2 x a week	At the City Library, clean sinks in Technical Services and the Children's Librarian office. Dust computer area, tables and front counter.
Daily	2 x a week in traffic areas; 1 x a week non-traffic areas	Vacuum carpets to remove all visible dirt, dust and soil including all staples and paperclips from carpet fabric. In heavy traffic areas use a two-motor upright pile lifter with good brushing and airflow.
Daily	2 x a week	Spot clean areas where spills or crud are present. In the Operations Center, remove all tar and oil from tile and concrete floors.
Daily	As needed	During the blacktopping season (summer months) the floors at Operations will require special care because of excessive tar accumulation.
Daily	2 x a week, or as needed	Empty all ashtrays. In entrance areas where there are sand urns, sift and remove all debris; replace sand as needed.
Daily		City Park – from the 2 <sup>nd</sup> weekend in May through the last weekend in October, dump all trash cans (interior of park restrooms and exterior throughout park), including weekends and holidays.
Daily		Day Porter at Library (afternoon business hours): clean staff and public restrooms; restock paper dispensers; clean glass doors of smudges; clean (vacuum) with hokey broom; empty trash cans outside the front of the Library; clean up bodily waste as necessary (urine, feces, vomit); and take care of the City Park restrooms during the summer season.
Weekly	OMIT	Flatten cardboard and take to designated area for disposal.
Weekly	Monthly	Clean and polish bright metalwork on wall partitions and doors such as, but not limited to, nameplates, trim and handles.
Weekly	OMIT	Clean to remove stains and all visible soil on desks from which paperwork and documents have been removed.
Weekly		Dust all horizontal surfaces on fixtures, equipment and accessories, which are not furniture such as, but not limited to, window and counter ledges, using a treated cloth.
Weekly		Clean all stair surfaces.
Weekly	As needed	Clean all protectors under desks, as needed.
Weekly	Monthly	Using a tank vacuum or pack, vacuum all edges and corners.
Weekly	Monthly	Full vacuum all carpet wall-to-wall.
Weekly	Monthly	Vacuum carpeted moldings.
Weekly		Remove black marks and scuffs from floors.
Monthly	6 x a year	Dust or vacuum and spot clean all supply and return air grilles and diffusers, high or low, to remove all visible dust and dirt and fingerprints.
Monthly	6 x a year	Dust and clean all high and low reach areas such as, but not limited to, the tops of doorframes, windowsills, etc. Dust bookshelves at City Library.
Monthly	Quarterly	At City Library, clean all wood furniture with lemon oil.

Monthly		Machine shampoo first floor lobby of City Hall, Council Chambers, and First Floor Conference Room.
Monthly		First Friday of each month at City Hall: empty and clean 1 <sup>st</sup> floor south break room refrigerator.
Monthly		Last Friday of each month at Operations Bldg A: empty and clean lunchroom refrigerator in bldg A.
Quarterly		Scrub clean all tile and resilient floors, apply three coats of floor finish (Johnson's "Complete" or other approved type). All floors to be dry before each step is implemented.
Quarterly	Twice a year	Machine shampoo all carpeted areas including elevators.
Quarterly	Twice a year	Spray mildewcide uniformly after shampooing, using "Microban-Hospital Spray," by Microban Systems or approved equal.
Semi-annual	Annual	Dust or vacuum all suspended ceiling lighting fixtures. Dust and spot clean covers.
Semi-annual	Annual	Dust or vacuum, and clean all mini blinds to remove all visible grime and dust.
Annual		Strip all tile, resilient, and hard floor surfaces (move furniture as needed; lockers and appliances to remain unless requested to be moved); removing all floor finish including on edges. Follow directions on application of all products used. Seal with minimum two coats of approved sealer. Apply three coats of approved floor finish.
Annual	As needed; separate P.O.	At City Library, perform high dusting using an electric man-lift. Areas include: wall sconces, art lighting on 2 <sup>nd</sup> floor, approx. 12' from floor; 2 <sup>nd</sup> floor book stack tops approx. 10' in height; GlueLam tree columns/roof supports and associated lighting fixtures on 2 <sup>nd</sup> floor, approx. 12'-25' in height; building exhaust louvers on 2 <sup>nd</sup> floor, approx. 12'-20' in height; ceiling corners, 10'-15' in height; and the top shelves of the built-in wooden shelves on both floors, approx. 8'-12' in height.

## **NO CHANGES TO THE RESTROOM CLEANING SCHEDULE!**

### **2. RESTROOM AREAS; SHOWERS; AND LOCKER ROOMS**

This service to be all-inclusive. Frequencies are minimum requirements, as service may be greater dependant on building needs.

**NOTE: CLEANING TOOLS USED IN RESTROOMS SHALL NOT BE UTILIZED IN GENERAL OFFICE AND OTHER AREAS (i.e., rags, mops, sponges, gloves, etc.)**

#### **DAILY:**

1. Using a germicidal cleaner, clean and sanitize all restroom/locker room fixtures including, but not limited to, toilets, urinals, showers and sinks.
2. Clean shower and floor drain screens removing hair, soap and other debris.
3. Damp wipe and polish all mirrors.
4. Clean all bright work fixtures, fittings and dispensers.
5. Damp wipe all counters, doors, desks, etc. using a germicidal cleaner.
6. Damp mop all floors using a germicidal cleaner.
7. Spot clean all walls, doors and partitions.
8. Clean and refill all dispensers from City stock.
9. Empty all waste receptacles, replace all liners.
10. Pay particular attention to stains under urinals when cleaning the grout and tile.
11. Clean and service outside ash cans.
12. Note City Park Restrooms – open daily from 2<sup>nd</sup> weekend in May through last weekend in October.

#### **MONTHLY:**

1. Wash all partitions and walls.
2. Machine scrub all floors using a detergent.

#### **QUARTERLY:**

1. Top to bottom cleaning of all restrooms.
2. Wipe all painted walls with a disinfectant made for painted walls.

**City of Beaverton  
Public Works/Operations Department**

**VENDOR PERFORMANCE EVALUATION FORM**

Vendor Name: Wellsprings Services	Service Provided: Janitorial
Contact: Tim Wayne	
Start Date: 2/1/06	
Evaluation Period: from 2/1/06 to 7/31/06	Preparers Name: Pat VanOsdel

**Rating Standards**

**U = Unacceptable, I = Inconsistent/Improvement Needed, M = Meets Expectations**

U	I	M	RATING FACTORS	COMMENTS
X	<input type="checkbox"/>	<input type="checkbox"/>	Per Contract Section 3 (2): The highest standards of cleanliness shall be maintained. It is the intent of these specifications that all facilities present a consistently clean condition.	The overall cleanliness of all City buildings has deteriorated. The biggest problem seems to be the restrooms, but lack of cleanliness in other areas is apparent. Dust and debris along the cove bases (carpet moldings), window and door frames. Spills and stains are prevalent in all buildings.
X	<input type="checkbox"/>	<input type="checkbox"/>	Per Contract Section 4 (2): Day Porter service M-T 2p-6p; F-S 1p-5p	Many days there was no day porter when the Facilities Tech left the Library at 4:20 p.m. No calls were ever received from Wellsprings informing us the person would be late. We usually had to call them to find out where the person was.
X	<input type="checkbox"/>	<input type="checkbox"/>	Carpets and vinyl floors	Substandard work. The specifications stated that janitors should spot clean areas – this isn't done regularly. There is a spill in the Library auditorium lobby that has not been cleaned for a week.
X	<input type="checkbox"/>	<input type="checkbox"/>	Per Contract Section 5 (2): Restroom Cleaning	Very poor quality. Urine on walls and partitions (discovered with black light meter) even after Facilities requested that Wellsprings pay more attention. Dirt and debris on floors of restrooms. General cleaning poor.
X	<input type="checkbox"/>	<input type="checkbox"/>	Per Contract Section 5 (2): Restroom stocking (soap, tissue & towels)	This is the area of most complaints. Often restrooms are without towels and soap - at least 3 emails a week. Janitorial staff not paying attention. Cases of soap, toilet seat covers, and other paper products often missing from Library.
<input type="checkbox"/>	X	<input type="checkbox"/>	Per Contract Section 3 (15): Contractor will provide uniforms with a photo ID card clipped on a shirt or clearly visible at all times.	Has been a problem a couple of times - one time the Police encountered a Wellsprings employee without ID who was quite belligerent when asked for it.
<b>Per Contract Section 3 (20) General Obligations:</b>				
<input type="checkbox"/>	X	<input type="checkbox"/>	- Janitor's closets kept clean and orderly	The closet at the Library is always in disorder. Food and debris scraps all over; boxes are not broken down; dirty rags are piled up. Boxes often stocked in front of electrical panels. The City Facilities Tech spends time each month cleaning this area.
<input type="checkbox"/>	<input type="checkbox"/>	X	- Janitors shall not operate or adjust setting on HVAC	No problems detected
<input type="checkbox"/>	X	<input type="checkbox"/>	- Janitors shall lock all doors upon leaving an area	Occasional problems with leaving areas open, especially at City Hall in the Mayor's office and Human Resources.
<input type="checkbox"/>	X	<input type="checkbox"/>	- Janitors shall check the logbook daily/nightly for instructions and problems	The janitors at the Library never use the logbook. The City Facilities Tech has to walk through each restroom in the morning to discover any problems. He has found toilets out of order with no note from Wellsprings.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RATING FACTORS	COMMENTS
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	- Janitors shall not permit visitors inside buildings at any time	One known instance when a Wellsprings employee brought their "cousin" in to show her around.  Similar to this - Facilities staff has asked Wellsprings to inform us when they change or move staff to other buildings and they have yet to comply with this request.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Response to Emergencies	When an incident occurred at the Resource Center, numerous calls were made to Wellsprings to clean the biohazard material off the lobby floor. It took over a week to resolve this issue.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Common courtesy; Awareness of occupied areas	A few problems in this area. Wellsprings staff entering areas still occupied by City staff (Court Records problems); one janitor walked in on a lady in the restroom just recently; Library patron complaints of janitors dusting and cleaning right where they were reading or picking books from shelves; Library children's staff reporting dust cloths and feather dusters being shaken next to children during story-time.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Level of complaints	High. A couple of complaints directly from the Mayor. Facilities staff has received over 200 emails and at least that many phone call complaints.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supervision of crews	Jerry doesn't seem very competent as a supervisor, doesn't make the individuals accountable for their work. He has been overheard telling his crew to "not clean the staff restrooms" at the Library. He has very poor communication skills in relaying information back to City staff (i.e., not notifying staff when Day Porter will be out).

### OVERALL PERFORMANCE RATING

<input checked="" type="checkbox"/> Unacceptable	<input type="checkbox"/> Inconsistent/Improvement Needed	<input type="checkbox"/> Meets Expectations
Service is inadequate and inferior to the standards of performance required. Performance at this level cannot be allowed to continue.	Service does not consistently meet the standards of performance. Serious effort is needed to improve performance.	Service consistently meets the standards of performance for the position.

City of Beaverton  
Funding Plan for Janitorial Services  
Fiscal Year 2006-07

	FY 2006-07 Adopted Budget	Wellspring Contract Costs July 2006 Through August 2006		(a) Remaining Budgeted Appropriation	PHC Monthly Costs	PHC Annual Costs	(b) PHC Costs, 10 Mos. Sep.'06 - Jun'07	(b) - (a) Additional Appropriation Required
		Monthly Cost	Total Cost					
<b>General Fund - Non-Departmental</b>								
City Hall	\$103,302.43	\$ 8,608.54	\$ 17,217.08	\$ 86,085.35	\$ 9,490.26	\$113,883.12	\$ 94,902.60	\$ 8,817.25
Community Center	21,591.09	1,799.25	3,598.50	17,992.59	1,982.41	23,788.92	19,824.10	1,831.51
City Park	5,695.16	659.15	1,318.30	4,376.86	521.96	6,263.57	5,219.64	842.78
<b>Subtotal Non-Departmental (001-13-0003-511)</b>	<b>\$130,588.68</b>	<b>\$ 11,066.94</b>	<b>\$ 22,133.88</b>	<b>\$ 108,454.80</b>	<b>\$11,994.63</b>	<b>\$143,935.61</b>	<b>\$ 119,946.34</b>	<b>\$ 11,491.54</b>
<b>General Fund - Resource Center (001-13-0003-352)</b>	<b>\$ 25,334.04</b>	<b>\$ 2,111.17</b>	<b>\$ 4,222.34</b>	<b>\$ 21,111.70</b>	<b>\$ 2,325.11</b>	<b>\$ 27,901.36</b>	<b>\$ 23,251.14</b>	<b>\$ 2,139.44</b>
<b>General Fund - Police Harvest Court (001-60-0621-511)</b>	<b>\$ 2,216.40</b>	<b>\$ 184.70</b>	<b>\$ 369.40</b>	<b>\$ 1,847.00</b>	<b>\$ 202.99</b>	<b>\$ 2,435.83</b>	<b>\$ 2,029.86</b>	<b>\$ 182.86</b>
<b>Library Building (115-35-0551-511)</b>	<b>\$104,759.64</b>	<b>\$ 8,747.82</b>	<b>\$ 17,495.64</b>	<b>\$ 87,264.00</b>	<b>\$ 9,624.71</b>	<b>\$115,496.46</b>	<b>\$ 96,247.05</b>	<b>\$ 8,983.05</b>
<b>Operations Complex (605-85-0681-511)</b>	<b>\$ 24,091.80</b>	<b>\$ 2,007.65</b>	<b>\$ 4,015.30</b>	<b>\$ 20,076.50</b>	<b>\$ 2,214.39</b>	<b>\$ 26,572.73</b>	<b>\$ 22,143.94</b>	<b>\$ 2,067.44</b>
<b>Total Janitorial Services</b>	<b>\$286,990.56</b>	<b>\$ 24,118.28</b>	<b>\$ 48,236.56</b>	<b>\$ 238,754.00</b>	<b>\$26,361.83</b>	<b>\$316,342.00</b>	<b>\$ 263,618.33</b>	<b>\$ 24,864.33</b>

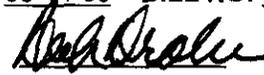
Number of Months For Wellsprings Contract 2  
Number of Months For PHC's Contract 10

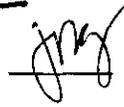
**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

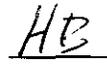
**SUBJECT:** CPA 2006-0001 Amending the Comprehensive Plan Chapters 1 and 2 and the Glossary

**FOR AGENDA OF:** 08-14-06 **BILL NO:** 06148

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** CDD 

**DATE SUBMITTED:** 08-01-06

**CLEARANCES:** Planning 

**PROCEEDING:** Work Session

- EXHIBITS:**
- A. Proposed Ordinance and Exhibit A – Proposed Text
  - B. Planning Commission Final Order No. 1859 and Exhibit A showing recommended amendments
  - C. PowerPoint Presentation Copy

**BUDGET IMPACT**

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

**HISTORICAL PERSPECTIVE:**

The Comprehensive Plan Public Involvement and Procedures chapters were developed in 1995 in response to Periodic Review and Statewide Planning Goal 1. Since then, several amendments to various chapters resulted in amendments to definitions. Additionally, several definitions were changed in the Development Code. These actions resulted in some conflicting and confusing definitions.

In September 2002 and January 2005 procedures in Beaverton Development Code Chapter 50 were amended, specifically Type 3 and Type 4 processing and noticing requirements. These application procedures provide some of the requirements that Comprehensive Plan amendments must follow. The revised procedures resulted in inconsistencies between the procedures in the Comprehensive Plan and those in the Development Code. Additionally, in 1998 the state's voters approved Ballot Measure 56, which set notification timeframes for Comprehensive Plan amendments that differ from those set in the Comprehensive Plan. This proposed amendment eliminates those inconsistencies and updates Chapters 1 and 2 as well as the Glossary.

The Planning Commission held a public hearing on March 15, 2006, heard testimony, and continued the item to April 5, 2006 in order to allow additional time for staff to respond to Commission comments and questions. On April 5, 2006, the Commission decided to continue amendment consideration to April 12. On April 12, 2006, the Commission discussed and decided on various changes to the original proposal and adopted the amendment as revised at the hearing and evidenced in the Staff Reports and Memorandums, and Planning Commission Order No. 1859.

**INFORMATION FOR CONSIDERATION:**

Staff will provide a presentation on the changes to Chapters 1 and 2 and the Glossary at the work session. The first reading of an ordinance to adopt the proposed changes is scheduled for September 11, 2006. The Council can direct staff to submit the proposed ordinance for first reading on that date, or if the Council does not concur with all the substantive amendments recommended by the Planning Commission, the Council can either (1) remand the matter to the Planning Commission for an additional public hearing addressing the Council's concerns or (2) set a date for a public hearing before the Council. The City Attorney's office has advised that the first option is preferable.

**RECOMMENDED ACTION:**

Conduct the work session and then advise staff of any concerns and the Council's preferred course of action.

**Ordinance No. 4395  
An Ordinance Amending  
the Comprehensive Plan Chapters 1, 2, and the  
Glossary (Ordinance No. 4187), Related to  
CPA 2006-0001**

**WHEREAS**, the purpose of the proposed amendment to the City of Beaverton's Comprehensive Plan Chapters 1, 2, and Glossary is to revise and update public involvement, amendment procedures, and definitions to be consistent with revised state law, Development Code procedures, and Development Code definitions; and

**WHEREAS**, the Planning Commission held a public hearing on March 15, April 5 and April 12, 2006, to consider CPA 2006-0001, consider comments, and take testimony; and

**WHEREAS**, on April 12, 2006, the Planning Commission recommended approval of the proposed CPA 2006-0001 application based upon the Staff Report dated February 13, 2006, for the March 15, 2006, Public Hearing, the Supplemental Staff Report dated March 15, 2006, and Staff Memoranda dated March 20, 2006, March 31, 2006, and April 12, 2006 that presented the final draft amendment, addressed approval criteria, and made findings that demonstrated that adoption of the proposed ordinance would comply with applicable approval criteria; and

**WHEREAS**, the final order was prepared memorializing the Planning Commission's decision and no appeal therefrom has been taken; now, therefore,

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

**Section 1.** Ordinance No. 4187, Comprehensive Plan Chapters 1, 2, and the Glossary as amended and set forth in Exhibit A and incorporated herein by reference, is adopted.

**Section 2.** All Comprehensive Plan provisions adopted prior to this Ordinance which are not expressly amended herein shall remain in full force and effect.

**Section 3.** Severability. It shall be considered that it is the legislative intent, in the adoption of this Ordinance, that if any part of the ordinance should be determined by any tribunal of competent jurisdiction, i.e., the Land Use Board of Appeals or the Land Conservation and Development Commission, to be unconstitutional, contrary to other provision of law, or not acknowledged as in compliance with applicable statewide planning goals, the remaining parts of the ordinance shall remain in force and acknowledged unless: (1) the tribunal determines that the remaining parts are so essential and inseparably connected with and dependent upon the unconstitutional or unacknowledged part that it is apparent the remaining parts would not have been enacted without the unconstitutional or unacknowledged part; or (2) the remaining parts, standing

alone, are incomplete and incapable of being executed in accordance with legislative intent.

First reading this \_\_\_ day of \_\_\_\_\_, 2006.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

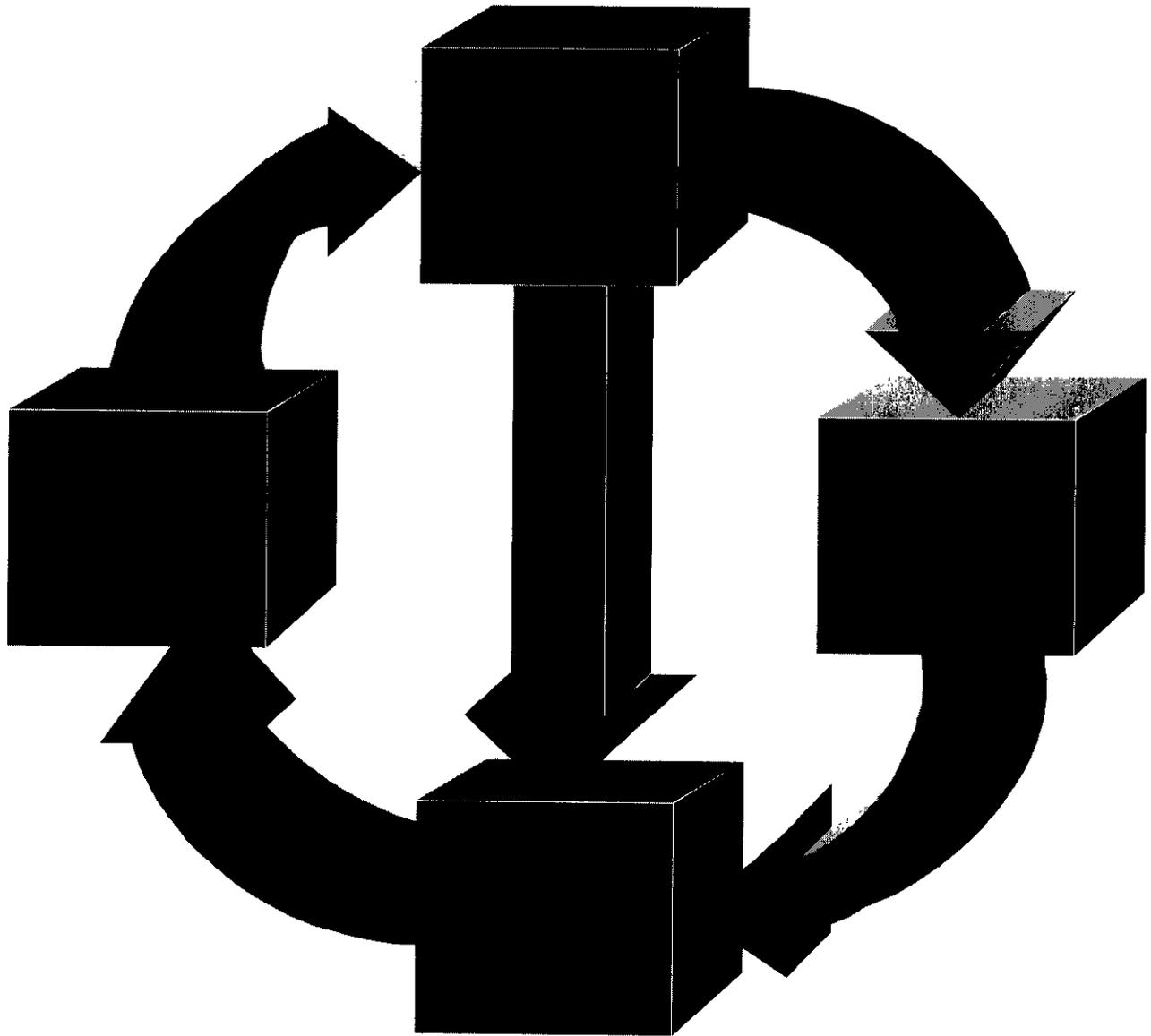
APPROVED:

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

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

Ordinance No. \_\_\_\_\_

# CHAPTER ONE: COMPREHENSIVE PLAN AMENDMENT PROCEDURES ELEMENT



# **COMPREHENSIVE PLAN AMENDMENT PROCEDURES**

## **1.1 AMENDMENT INITIATION.**

Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Public Works Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time.

### **1.1.1 City-initiated Amendments**

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures. The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled.

### **1.1.2 Property Owner-initiated Amendments**

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

### **1.1.3 Amendment Processing**

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

## **1.2 PERIODIC REVIEW**

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review.

## **1.3 AMENDMENT PROCEDURAL CATEGORIES**

Comprehensive Plan Amendments fall into five general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Non-Discretionary, and Statewide

## Planning Goal 5 Inventory Document Amendments.

**Legislative Amendments** are amendments to the Comprehensive Plan text or map of a generalized nature initiated by the City that applies to an entire land use map category or a large number of individuals or properties or that establishes or modifies policy or procedure. Legislative amendments include additions or deletions of text or land use map categories.

**Quasi-Judicial Amendments** are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations.

**Historic Landmark, District or Tree Designation Removal** are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.

**Non-Discretionary Amendments** are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of the Washington County-Beaverton Urban Planning Area Agreement (UPAA). The County land use classification(s) remain in effect under provisions of Oregon Revised Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use designation(s) for the annexed territory.

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit “B” of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit “B” is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit “B” provides a one-to-one relationship and the annexed property is **not** subject to any special policies within the applicable Washington County Community Plan, the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgement. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

**Statewide Planning Goal 5 Inventory Resource Document Amendments** are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a

land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

#### **1.4 NOTICE REQUIREMENTS**

The claim of a person to have not received notice, who may be entitled to notice as provided in this section, shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

##### **1.4.1 Legislative Amendments.**

###### **A. Notice of the initial hearing shall be provided as follows:**

1. By mailing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided.
2. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land
  - a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
  - b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.
3. By publication of a notice with the information specified in subsection 1.4.1 (B)(1), (2), and (3) in a newspaper of general circulation within the City,; and
4. By posting a notice with the applicable information specified in subsection 1.4.1 (B) at Beaverton City Hall and the Beaverton City Library; and
5. By placing a notice with the applicable information specified in subsection 1.4.1 (B) on the City's website.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 2 through 5 of this subsection, shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

- ###### **B. Mailed notice required in subsection 1.4.1 (A) (2), posted notice required in subsection 1.4.1 (A) (4), and web notice required in subsection 1.4.1 (A) 5 shall:**

1. State the date, time and location of the hearing, and the hearings body;
  2. Explain the nature and purpose of the hearing;
  3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
  4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
  5. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
  6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
  7. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
  8. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).
- D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1 (A) and 1.4.1 (B) with the following additional information:
1. The deadline for submitting written testimony and the place it is to be submitted;
  2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
  3. The scope of the testimony; and
  4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

#### 1.4.2 Quasi-Judicial Amendments

- A. Notice of the initial hearing shall be provided as follows:
1. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the CCI Chair at least forty-five (45) calendar days prior to the initial hearing.
  2. By publication of a notice with the information specified in 1.4.2 (B) (1), (2), (3) and (4) in a newspaper of general circulation within the City; and
  3. By posting notice with the information specified in 1.4.2 (B) at Beaverton City Hall and the Beaverton City Library; and
  4. By mailing notice with the information specified in 1.4.2 (B) to property owners

included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and

5. By mailing notice with the information specified in 1.4.2 (B) to any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization (CPO) whose boundaries include the property for which the change is contemplated; and
6. By placing notice with the information specified in 1.4.2 (B) on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 2 through 6 of this subsection shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.2 (A) (4) and (5) shall:

1. Explain the nature of the application and the use or uses, which could be authorized;
2. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable;
3. State the date, time, and location of the hearing, and the hearings body;
4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
5. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
6. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
9. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection; and
10. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.

C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).

D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2 (A) and 1.4.2

(B) with the following additions:

1. Any deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony; and
4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.
5. The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

#### 1.4.3 Non-Discretionary Map Amendments

A. Notice for Non-Discretionary Map Amendments shall be provided as follows:

1. By publication of a notice with the information specified in 1.4.3 (B) (1), (2) and (3) in a newspaper of general circulation within the City,; and
2. By mailing notice with the information specified in 1.4.3 (B) to the Beaverton Neighborhood Office, Chair of the Committee for Citizen Involvement (CCI), NAC, CPO and owners of record of the subject property on the most recent property tax assessment roll; and
3. By placing notice with the information specified in 1.4.3 (B) on the City's web site..

All notices required by 1. through 3. of this subsection (A) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda.

B. Notice required by subsection 1.4.3.(A) shall:

1. Explain the nature of the application;
2. Set forth the street address or other easily understood geographical reference to the subject property, including a map;
3. State the time, date, place, and purpose of the City Council agenda item;
4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
5. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained;
6. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
7. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at least seven (7) calendar days prior to the City Council meeting and will be provided at reasonable cost and include the days, times and location where available for inspection;

C. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the City Council decision on a Non-Discretionary Map

Amendment, notice of the decision shall be mailed to the owner of record, DLCD, the Beaverton Neighborhood Office and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

#### 1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.
- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2..
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill or removal permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

### **1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN**

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

#### 1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules; and
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan; and
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

#### 1.5.2 Criteria for Non-Discretionary Map Amendments

A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) “Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit “B” to this agreement.” Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City’s Local Wetland Inventory map involves no discretion.

1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

1. Conforms with the purposes of the Beaverton Comprehensive Plan; and
2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
  - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City’s cultural, social, economic, political, and architectural history;
  - b) To safeguard the City’s historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;

- c) To complement any National Register properties or Historic Districts;
- d) To stabilize and improve property values in such districts;
- e) To foster civic pride in the beauty and accomplishments of the past;
- f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- g) To strengthen the economy of the City; and
- h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

- 1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan; and
- 2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
- 3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

**1.6 HEARINGS PROCEDURES**

Before the City Council may adopt any amendment to the Comprehensive Plan, the procedures within this section shall be followed. In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.

- 1.6.1. After appropriate notice is given, as provided in section 1.4 the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.
  - A. At the beginning of the hearing an announcement shall be made to those in attendance that:
    - 1. States the applicable approval criteria by Comprehensive Plan section number.
    - 2. States testimony, arguments and evidence must be directed toward the applicable criteria.
    - 3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.
    - 4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to

- respond to the issue may preclude an action for damages in circuit court.
5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.
    - a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
    - b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.
  6. Summarizes the procedure of the hearing.
  7. States that the hearing shall be recorded on audio only or audio and video tape.
  8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.
- B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
  - C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's testimony, if the City is not the applicant.
  - D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
    1. First, evidence or testimony in support of the application.
    2. Second, evidence or testimony in opposition to the application.
    3. Third, evidence or testimony that is neither in support nor in opposition to the application.
  - E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
  - F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
  - G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.
- 1.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:
- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
  - B. Deny the application, approve the application, or approve the application with conditions.
    1. If the Planning Commission proposes to deny, approve, or approve with conditions,

the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.

2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval criteria.

## **1.7. FINAL ADOPTION AND APPEALS**

### **1.7.1 Final Order**

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
  1. A listing of the applicable approval criteria by Comprehensive Plan section number.
  2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.
  3. A statement of conclusions based on the facts and findings.
  4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) calendar days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
  1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.

2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
4. A statement of the name and address of the applicant.
5. If applicable, an easily understood geographic reference to the subject property and a map.

#### 1.7.2 Notice of Intent to Appeal

- A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and within ten (10) calendar days after the signed written order was dated and mailed.
- B. A notice of Intent to Appeal shall be in writing and shall contain:
  1. A reference to the application number and date of the Planning Commission order;
  2. A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;
  3. The name, address, and signature of the appellant or the appellant's representative;
  4. An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and
  5. A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.
- C. The Community Development Director shall reject the appeal if it
  1. is not filed within the ten (10) day appeal period set forth in subsection A of this section,
  2. is not filed in the form required by subsection B of this section, or
  3. does not include the filing fee required by subsection B of this section.

If the Community Development Director rejects the appeal, the Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the Community Development Director rejects the appeal. A decision of the Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

- D. If a Notice of Intent to Appeal is not filed, or is rejected, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in 1.7.1.

- E. Notwithstanding the provisions of this section, City Council on its own motion, may order a public hearing before the City Council at any time prior to adopting a Council final order or ordinance.

### 1.7.3 Notice of Appeal Hearing

- A. Written notice of the appeal hearing before the City Council will be sent
  - 1. by regular mail,
  - 2. no later than twenty (20) days prior to the date of the hearing
  - 3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.
  
- B. Notice of the hearing shall:
  - 1. Reference the CPA file number or numbers and the appeal number;
  - 2. Set forth the street address or other easily understood geographical reference to the subject property, if applicable;
  - 3. State the date, time and location of the hearing;
  - 4. State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;
  - 5. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
  - 6. State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at no cost and can be provided at reasonable cost including the days, times and location where available for inspection; and
  - 7. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

### 1.7.4 Preparation of the Record; Staff Report; Transcript

- A. Following receipt of a Notice of Intent to Appeal filed in compliance with 1.7.2, the Community Development Department Director shall prepare a record for Council review containing:
  - 1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
  - 2. Minutes of the Planning Commission proceedings at which the application was considered;

3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings on the application; and
  4. the Planning Commission's Final written order.
  5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.
- B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

#### 1.7.5 Scope of Review

- A. The City Council appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission hearing.
- B. The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.
- C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's order in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1 (D) and 1.4.2 (D).) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to subsection D of this section, the Council may modify its decision based upon the record or may reopen the hearing.

- D. Final Order or Ordinance

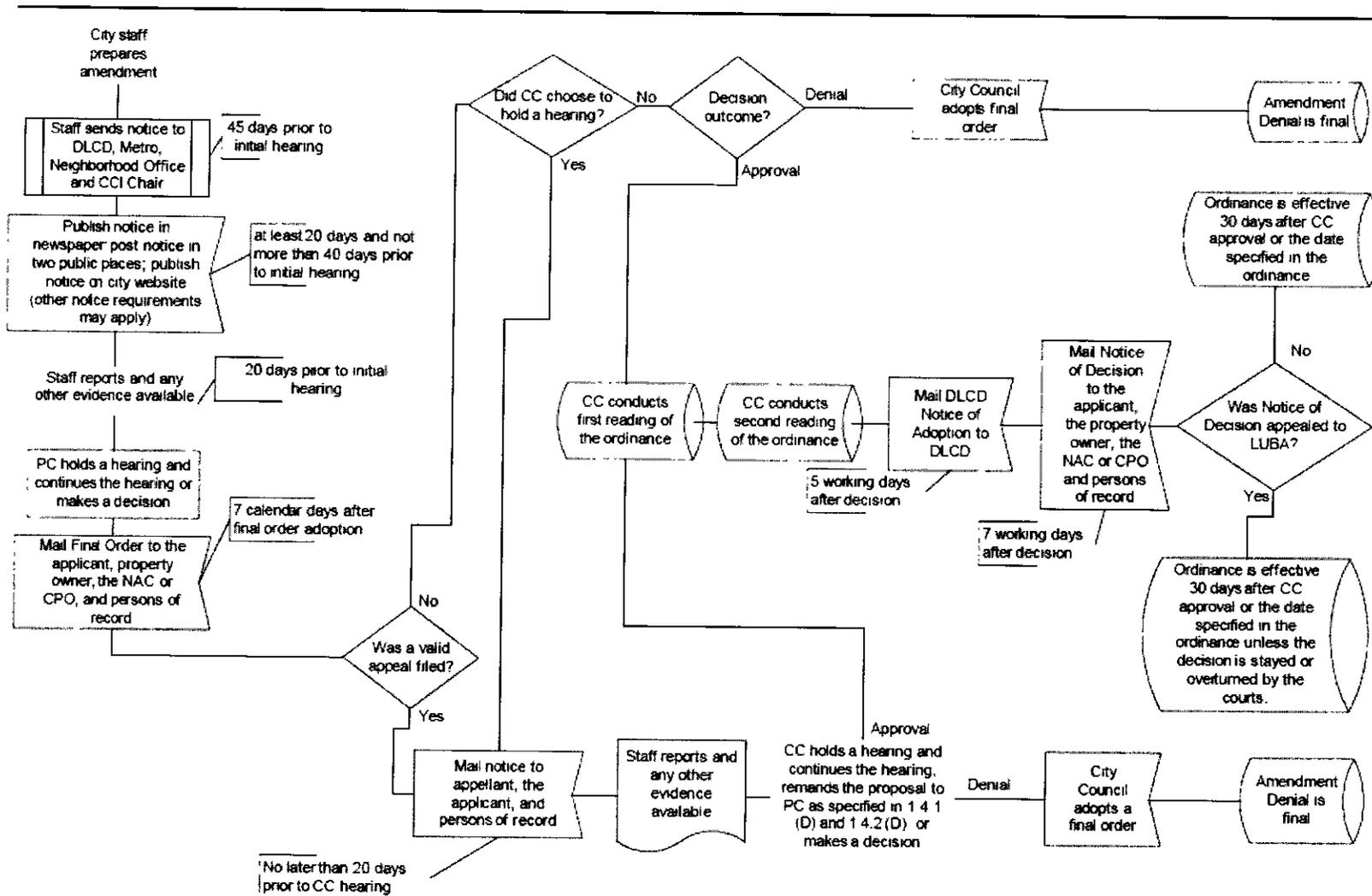
In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, the Council shall cause the preparation of an Ordinance. The Ordinance or final order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining

the justification for the decision based upon the criteria and facts set forth. The final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is signed by the Mayor.

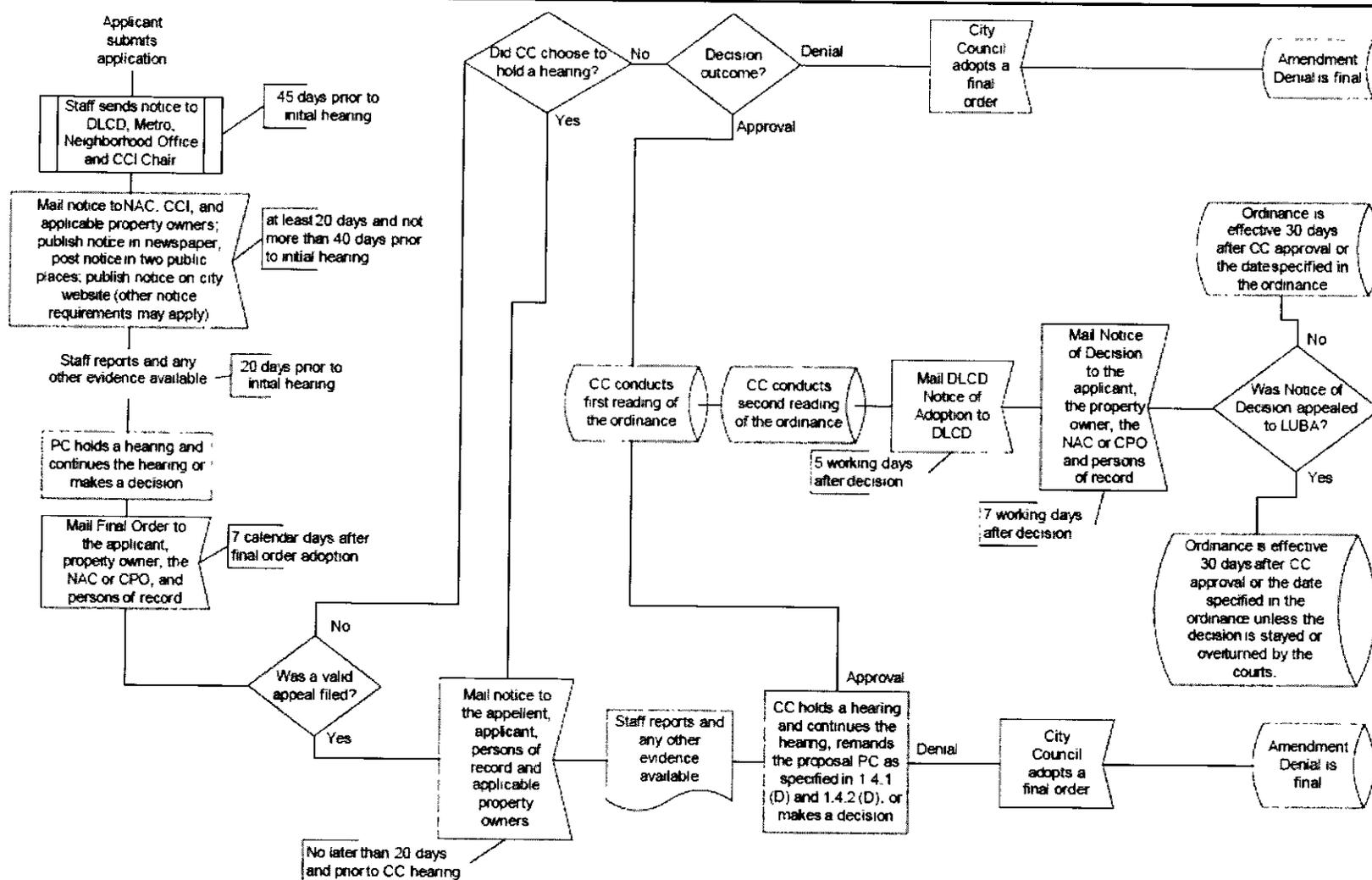
Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

The following diagrams, Diagram I-1 through I-4, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1 through I-4 will not require a Comprehensive Plan Amendment.

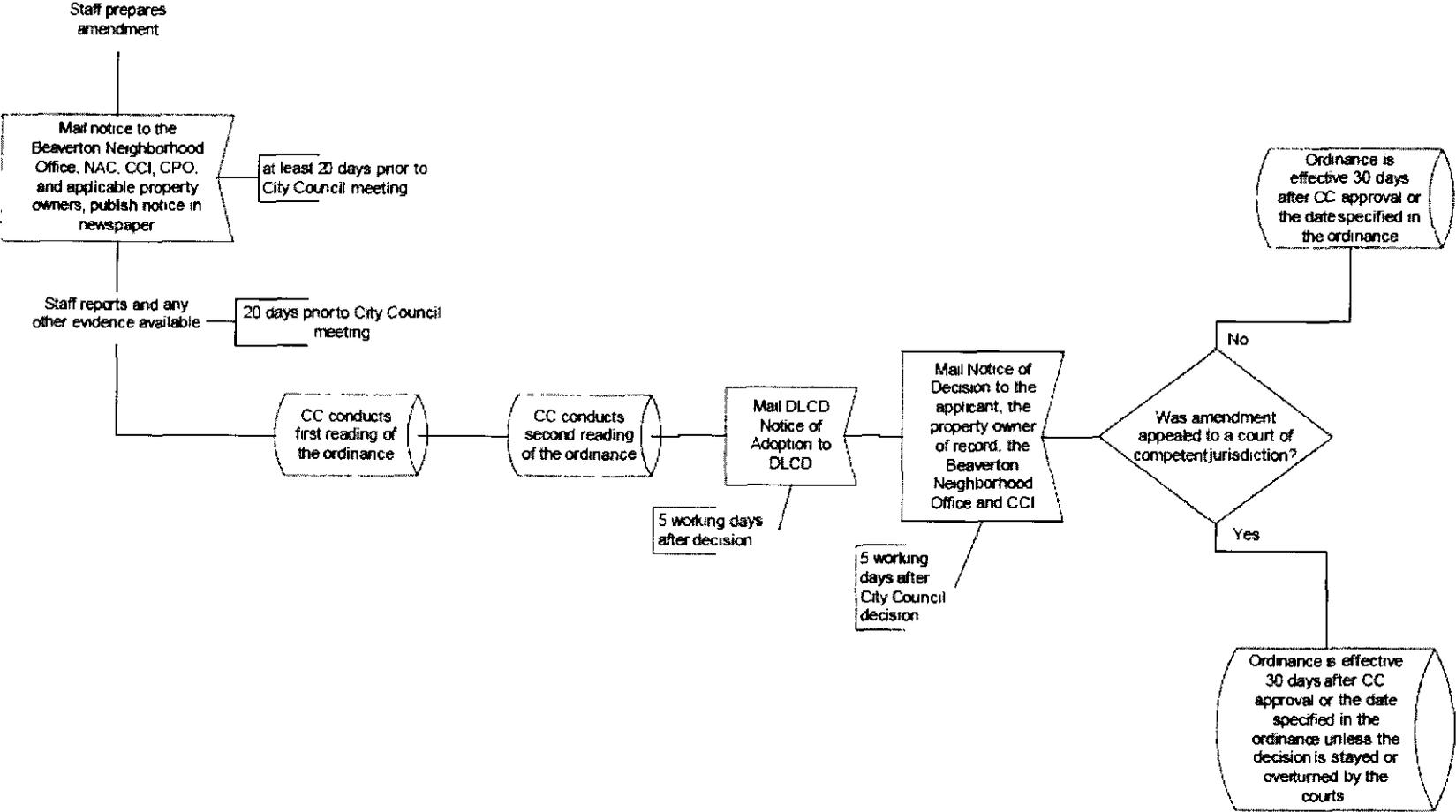
**Diagram I-1  
Legislative Comprehensive Plan Amendments**



**Diagram I-2  
Quasi-Judicial Comprehensive Plan Amendments**



**Diagram I-3  
Non-Discretionary Map Comprehensive Plan Amendments**

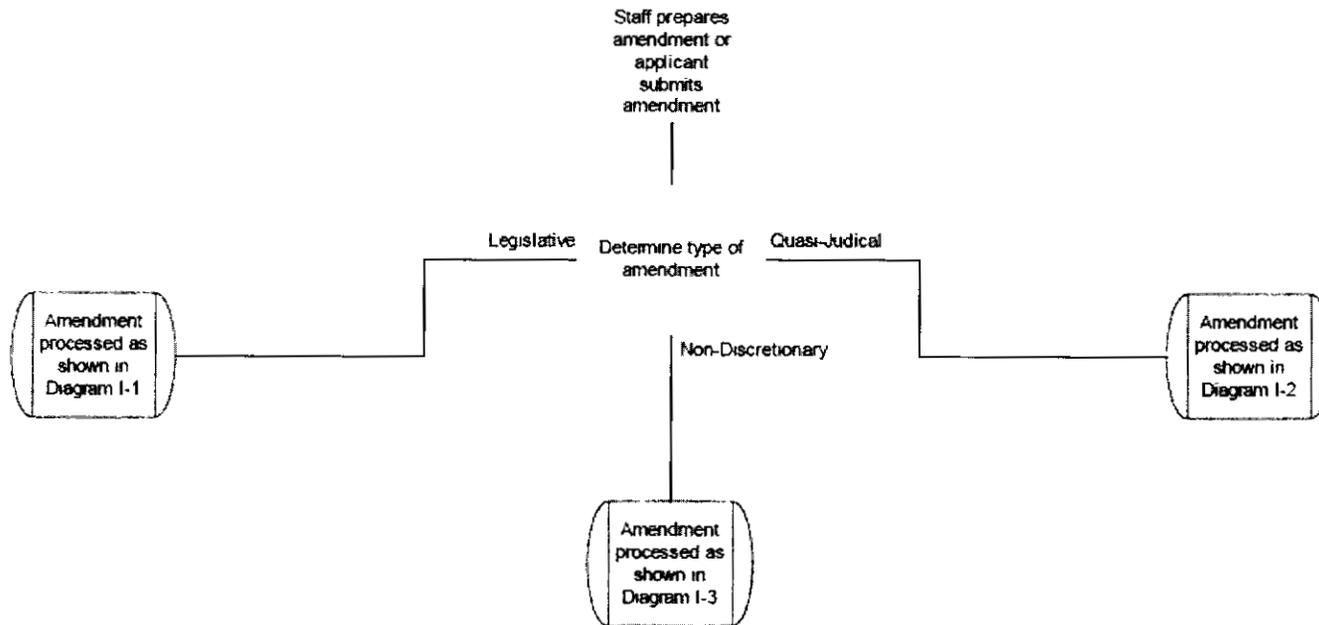


# Diagram I-4

## Statewide Planning Goal 5 Inventory Resource Document Volume III

### Comprehensive Plan Amendments

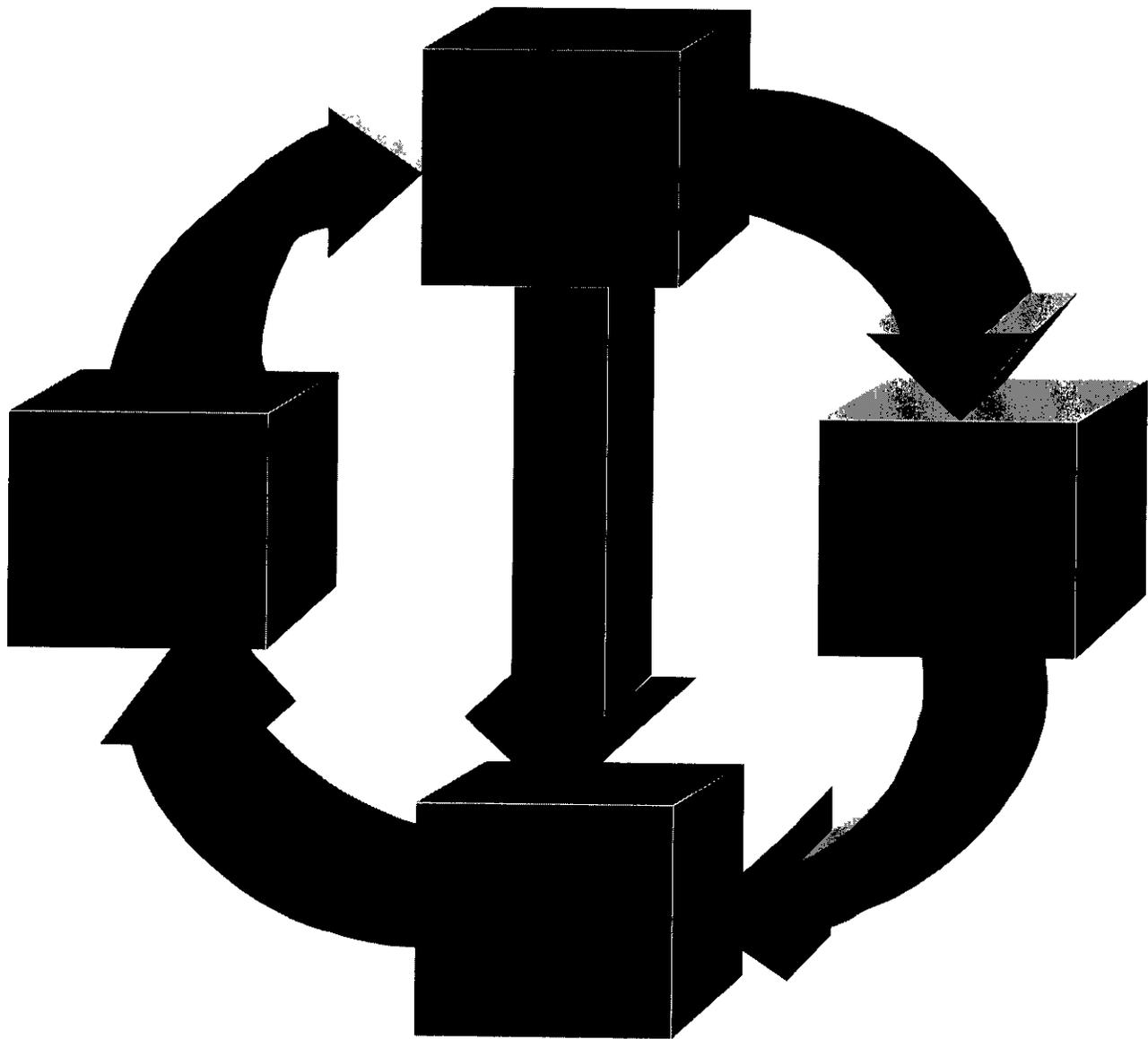
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### **1.8 APPLICATION FEES**

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

# CHAPTER ONE: COMPREHENSIVE PLAN AMENDMENT PROCEDURES ELEMENT



# **COMPREHENSIVE PLAN AMENDMENT PROCEDURES**

## **1.1 AMENDMENT INITIATION.**

Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Public Works Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time.

### **1.1.1 City-initiated Amendments**

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures. The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled.

### **1.1.2 Property Owner-initiated Amendments**

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

### **1.1.3 Amendment Processing**

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

## **1.2 PERIODIC REVIEW**

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review.

## **1.3 AMENDMENT PROCEDURAL CATEGORIES**

Comprehensive Plan Amendments fall into five general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Non-Discretionary, and Statewide

## Planning Goal 5 Inventory Document Amendments.

**Legislative Amendments** are amendments to the Comprehensive Plan text or map of a generalized nature initiated by the City that applies to an entire land use map category or a large number of individuals or properties or that establishes or modifies policy or procedure. Legislative amendments include additions or deletions of text or land use map categories.

**Quasi-Judicial Amendments** are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations.

**Historic Landmark, District or Tree Designation Removal** are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.

**Non-Discretionary Amendments** are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of the Washington County-Beaverton Urban Planning Area Agreement (UPAA). The County land use classification(s) remain in effect under provisions of Oregon Revised Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use designation(s) for the annexed territory.

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit "B" of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit "B" is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit "B" provides a one-to-one relationship and the annexed property is **not** subject to any special policies within the applicable Washington County Community Plan, the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgement. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

**Statewide Planning Goal 5 Inventory Resource Document Amendments** are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a

land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

#### **1.4 NOTICE REQUIREMENTS**

The claim of a person to have not received notice, who may be entitled to notice as provided in this section, shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

##### **1.4.1 Legislative Amendments.**

A. Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided.
2. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land
  - a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
  - b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.
3. By publication of a notice with the information specified in subsection 1.4.1 (B)(1), (2), and (3) in a newspaper of general circulation within the City,; and
4. By posting a notice with the applicable information specified in subsection 1.4.1 (B) at Beaverton City Hall and the Beaverton City Library; and
5. By placing a notice with the applicable information specified in subsection 1.4.1 (B) on the City's website.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 2 through 5 of this subsection, shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.1 (A) (2), posted notice required in subsection 1.4.1 (A) (4), and web notice required in subsection 1.4.1 (A) 5 shall:

1. State the date, time and location of the hearing, and the hearings body;
  2. Explain the nature and purpose of the hearing;
  3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
  4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
  5. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
  6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
  7. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
  8. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).
- D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1 (A) and 1.4.1 (B) with the following additional information:
1. The deadline for submitting written testimony and the place it is to be submitted;
  2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
  3. The scope of the testimony; and
  4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

#### 1.4.2 Quasi-Judicial Amendments

- A. Notice of the initial hearing shall be provided as follows:
1. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the CCI Chair at least forty-five (45) calendar days prior to the initial hearing.
  2. By publication of a notice with the information specified in 1.4.2 (B) (1), (2), (3) and (4) in a newspaper of general circulation within the City; and
  3. By posting notice with the information specified in 1.4.2 (B) at Beaverton City Hall and the Beaverton City Library; and
  4. By mailing notice with the information specified in 1.4.2 (B) to property owners

included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and

5. By mailing notice with the information specified in 1.4.2 (B) to any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization (CPO) whose boundaries include the property for which the change is contemplated; and
6. By placing notice with the information specified in 1.4.2 (B) on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 2 through 6 of this subsection shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.2 (A) (4) and (5) shall:

1. Explain the nature of the application and the use or uses, which could be authorized;
2. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable;
3. State the date, time, and location of the hearing, and the hearings body;
4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
5. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
6. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
9. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection; and
10. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.

C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).

D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2 (A) and 1.4.2

(B) with the following additions:

1. Any deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony; and
4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.
5. The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

#### 1.4.3 Non-Discretionary Map Amendments

A. Notice for Non-Discretionary Map Amendments shall be provided as follows:

1. By publication of a notice with the information specified in 1.4.3 (B) (1), (2) and (3) in a newspaper of general circulation within the City,; and
2. By mailing notice with the information specified in 1.4.3 (B) to the Beaverton Neighborhood Office, Chair of the Committee for Citizen Involvement (CCI), NAC, CPO and owners of record of the subject property on the most recent property tax assessment roll; and
3. By placing notice with the information specified in 1.4.3 (B) on the City's web site..

All notices required by 1. through 3. of this subsection (A) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda.

B. Notice required by subsection 1.4.3.(A) shall:

1. Explain the nature of the application;
2. Set forth the street address or other easily understood geographical reference to the subject property, including a map;
3. State the time, date, place, and purpose of the City Council agenda item;
4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
5. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained;
6. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
7. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at least seven (7) calendar days prior to the City Council meeting and will be provided at reasonable cost and include the days, times and location where available for inspection;

C. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the City Council decision on a Non-Discretionary Map

Amendment, notice of the decision shall be mailed to the owner of record, DLCD, the Beaverton Neighborhood Office and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

#### 1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.
- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2..
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill or removal permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

### **1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN**

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

#### 1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules; and
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan; and
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

#### 1.5.2 Criteria for Non-Discretionary Map Amendments

A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) "Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement." Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City's Local Wetland Inventory map involves no discretion.

1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

1. Conforms with the purposes of the Beaverton Comprehensive Plan; and
2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
  - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
  - b) To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;

- c) To complement any National Register properties or Historic Districts;
- d) To stabilize and improve property values in such districts;
- e) To foster civic pride in the beauty and accomplishments of the past;
- f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- g) To strengthen the economy of the City; and
- h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

- 1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan; and
- 2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
- 3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

**1.6 HEARINGS PROCEDURES**

Before the City Council may adopt any amendment to the Comprehensive Plan, the procedures within this section shall be followed. In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.

- 1.6.1. After appropriate notice is given, as provided in section 1.4 the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.
  - A. At the beginning of the hearing an announcement shall be made to those in attendance that:
    - 1. States the applicable approval criteria by Comprehensive Plan section number.
    - 2. States testimony, arguments and evidence must be directed toward the applicable criteria.
    - 3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.
    - 4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to

- respond to the issue may preclude an action for damages in circuit court.
5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.
    - a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
    - b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.
  6. Summarizes the procedure of the hearing.
  7. States that the hearing shall be recorded on audio only or audio and video tape.
  8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.
- B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
  - C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's testimony, if the City is not the applicant.
  - D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
    1. First, evidence or testimony in support of the application.
    2. Second, evidence or testimony in opposition to the application.
    3. Third, evidence or testimony that is neither in support nor in opposition to the application.
  - E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
  - F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
  - G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.
- 1.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:
- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
  - B. Deny the application, approve the application, or approve the application with conditions.
    1. If the Planning Commission proposes to deny, approve, or approve with conditions,

the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.

2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval criteria.

## **1.7. FINAL ADOPTION AND APPEALS**

### **1.7.1 Final Order**

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
  1. A listing of the applicable approval criteria by Comprehensive Plan section number.
  2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.
  3. A statement of conclusions based on the facts and findings.
  4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) calendar days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
  1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.

2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
4. A statement of the name and address of the applicant.
5. If applicable, an easily understood geographic reference to the subject property and a map.

#### 1.7.2 Notice of Intent to Appeal

- A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and within ten (10) calendar days after the signed written order was dated and mailed.
- B. A notice of Intent to Appeal shall be in writing and shall contain:
  1. A reference to the application number and date of the Planning Commission order;
  2. A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;
  3. The name, address, and signature of the appellant or the appellant's representative;
  4. An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and
  5. A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.
- C. The Community Development Director shall reject the appeal if it
  1. is not filed within the ten (10) day appeal period set forth in subsection A of this section,
  2. is not filed in the form required by subsection B of this section, or
  3. does not include the filing fee required by subsection B of this section.

If the Community Development Director rejects the appeal, the Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the Community Development Director rejects the appeal. A decision of the Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

- D. If a Notice of Intent to Appeal is not filed, or is rejected, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in 1.7.1.

- E. Notwithstanding the provisions of this section, City Council on its own motion, may order a public hearing before the City Council at any time prior to adopting a Council final order or ordinance.

### 1.7.3 Notice of Appeal Hearing

- A. Written notice of the appeal hearing before the City Council will be sent

1. by regular mail,
2. no later than twenty (20) days prior to the date of the hearing
3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.

- B. Notice of the hearing shall:

1. Reference the CPA file number or numbers and the appeal number;
2. Set forth the street address or other easily understood geographical reference to the subject property, if applicable;
3. State the date, time and location of the hearing;
4. State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;
5. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
6. State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at no cost and can be provided at reasonable cost including the days, times and location where available for inspection; and
7. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

### 1.7.4 Preparation of the Record; Staff Report; Transcript

- A. Following receipt of a Notice of Intent to Appeal filed in compliance with 1.7.2, the Community Development Department Director shall prepare a record for Council review containing:
  1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
  2. Minutes of the Planning Commission proceedings at which the application was considered;

3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings on the application; and
  4. the Planning Commission's Final written order.
  5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.
- B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

#### 1.7.5 Scope of Review

- A. The City Council appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission hearing.
- B. The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.
- C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's order in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1 (D) and 1.4.2 (D).) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to subsection D of this section, the Council may modify its decision based upon the record or may reopen the hearing.

- D. Final Order or Ordinance

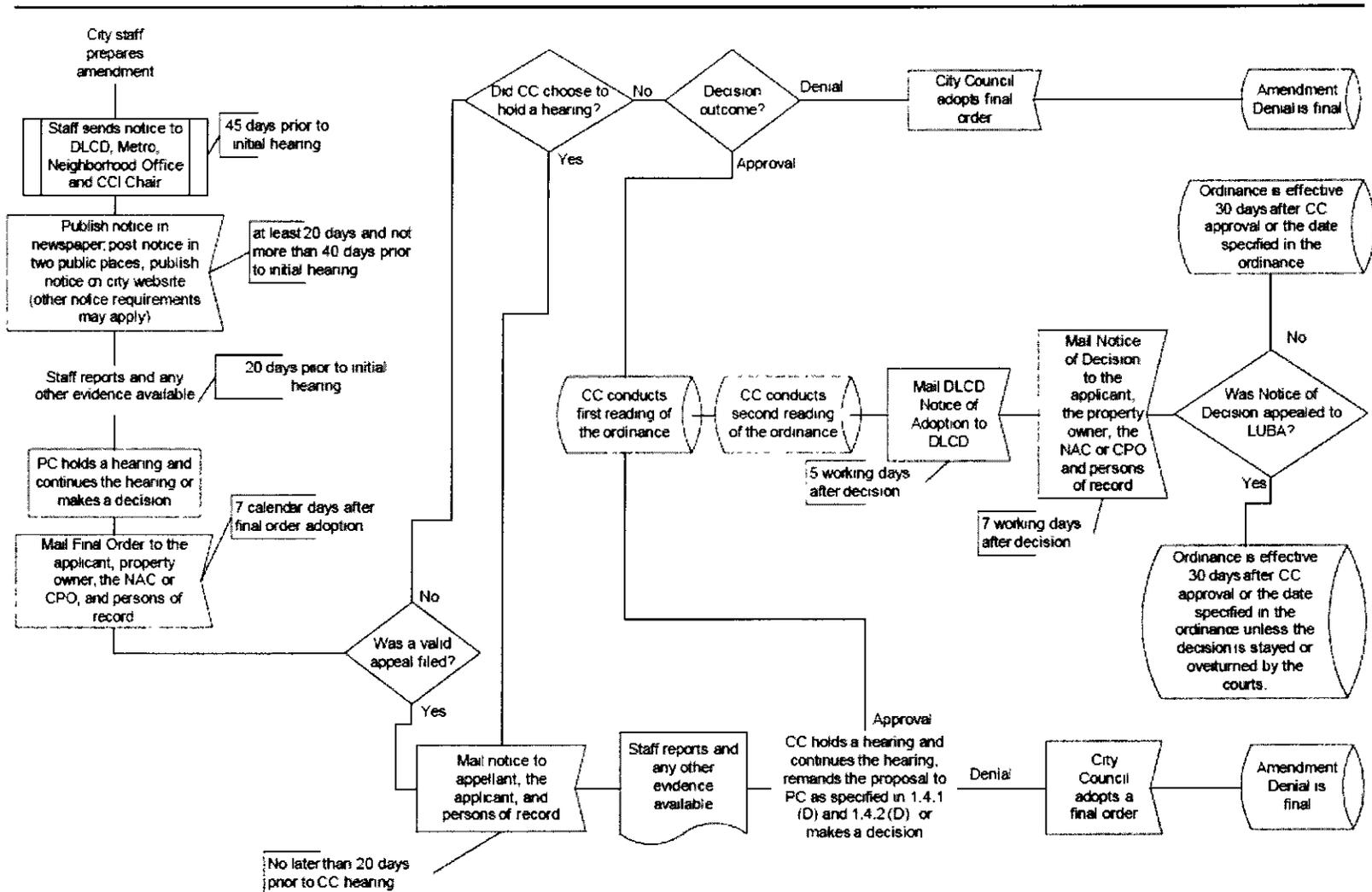
In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, the Council shall cause the preparation of an Ordinance. The Ordinance or final order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining

the justification for the decision based upon the criteria and facts set forth. The final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is signed by the Mayor.

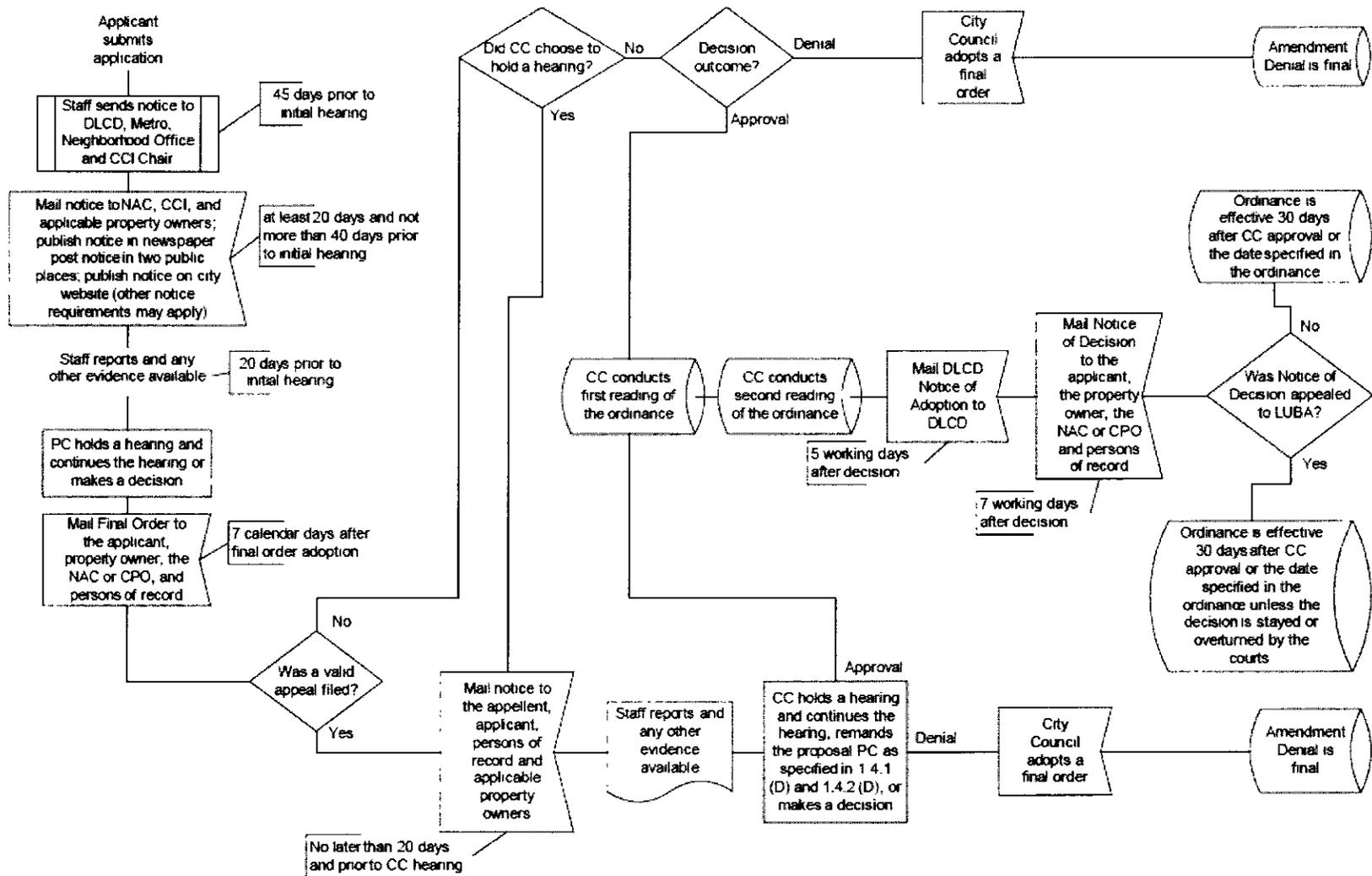
Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

The following diagrams, Diagram I-1 through I-4, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1 through I-4 will not require a Comprehensive Plan Amendment.

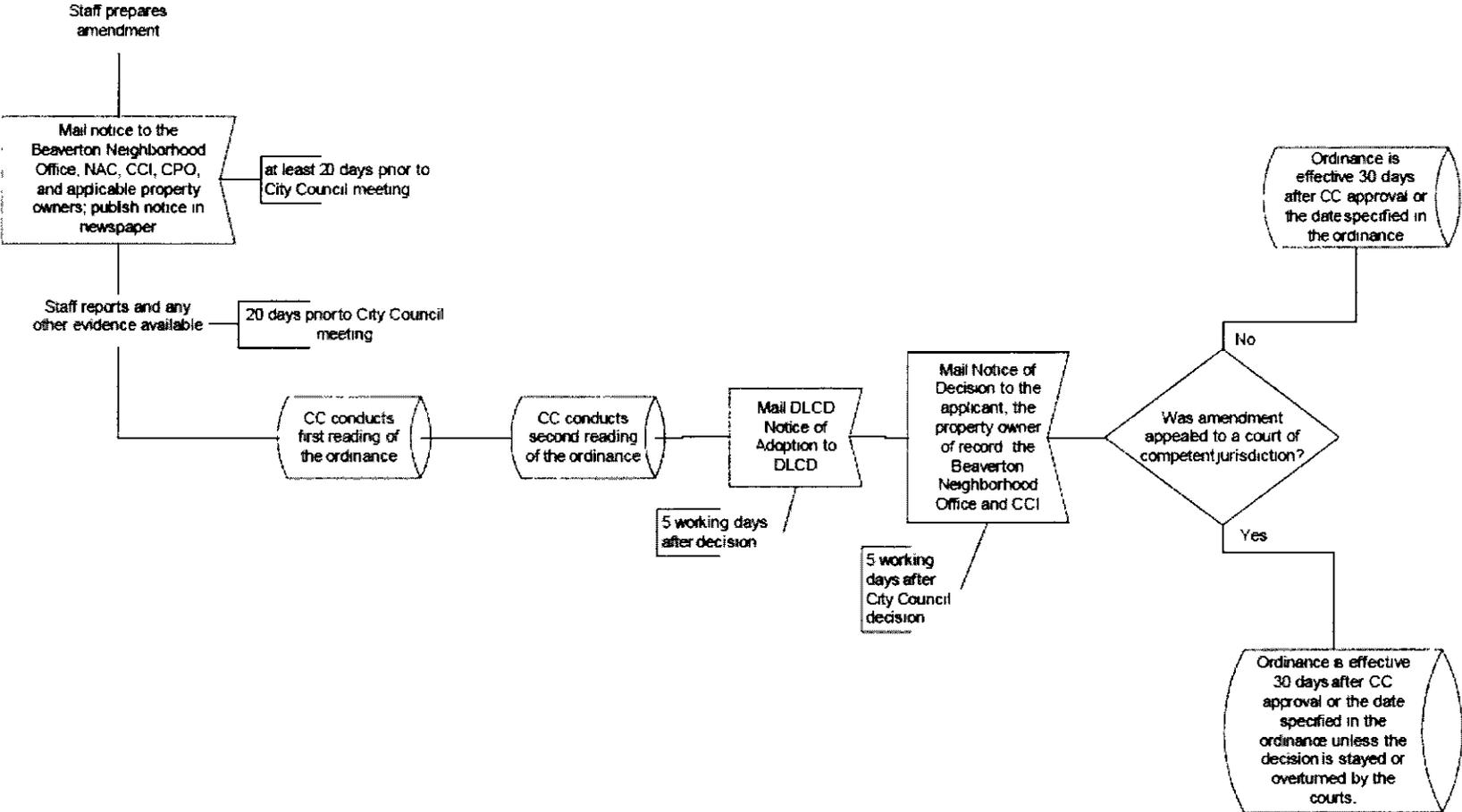
## Diagram I-1 Legislative Comprehensive Plan Amendments



**Diagram I-2  
Quasi-Judicial Comprehensive Plan Amendments**



## Diagram I-3 Non-Discretionary Map Comprehensive Plan Amendments

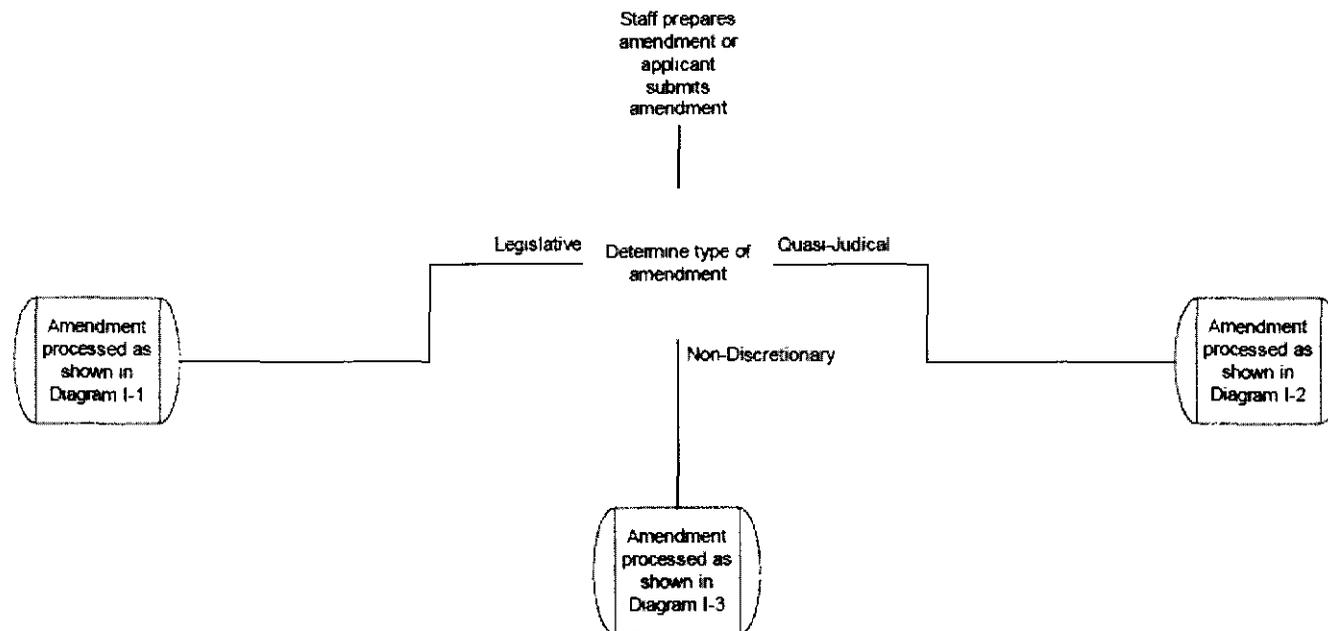


# Diagram I-4

## Statewide Planning Goal 5 Inventory Resource Document Volume III

### Comprehensive Plan Amendments

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### **1.8 APPLICATION FEES**

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

# CHAPTER TWO: PUBLIC INVOLVEMENT ELEMENT



## **PUBLIC INVOLVEMENT ELEMENT**

### **2.1 OVERVIEW**

Engaging the public early and often in the decision-making process is critical to the success of any planning effort, especially in relation to land use and transportation issues. In addition, numerous state and federal laws, as well as local policies, require public review and feedback at critical points in public policy development. For example, the federal Intermodal Surface Transportation Efficiency Act of 1991 underscores the need for public involvement, calling on planning agencies to provide the public, affected public and private agencies, and other interested parties “with a reasonable opportunity to comment” on plans and programs.

### **2.2 PUBLIC INVOLVEMENT GOALS**

Oregon’s Statewide Planning Goal 1 charges the governing body with preparing and adopting a comprehensive program for public involvement that clearly defines the procedures by which the general public can become involved in the planning process:

**Goal 1 Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.  
(Department of Land Conservation and Development, adopted 1974, amended 1988)

The City of Beaverton’s commitment to ensure an optimum level of public participation is reflected in its public involvement goals:

**City Council Goal:** Enhance citizen involvement and participation.

**Comprehensive Plan Public Involvement Goal:** The Planning Commission, Council, and other decision making bodies shall use their best efforts to involve the public in the planning process.

In response to these goals, the City has developed a Public Involvement program aimed at expanding opportunities for public involvement throughout the planning process.

### **2.2 PUBLIC INVOLVEMENT PROGRAM**

In order to encourage public participation it is critical that issues important to different groups be identified and addressed early in the planning process. The need for and desirable level of public participation should be determined in the early stages of any planning activity.

Public participation provides information and assistance to staff and policy makers in dealing with issues of interest to the public. When the community and its decision makers

work from a common base of information, an active, rather than reactive program can evolve. Such a program will provide information more suitable to the public's needs.

### **2.3 PUBLIC INVOLVEMENT PROGRAM OBJECTIVES**

- A. To involve a cross section of the community in the community planning process.
- B. To ensure effective two-way communication between the City and the public.
- C. To provide an opportunity for the public to be involved in all phases of the planning process (e.g., scoping, analysis, plan preparation, adoption, implementation, and monitoring).
- D. To ensure that technical information is presented in an understandable form.
- E. To ensure that the public will receive a response from policy-makers.
- F. To ensure appropriate funding for the public involvement program.

### **2.4 PROGRAM IMPLEMENTATION**

#### **2.4.1 CITY-WIDE PUBLIC INVOLVEMENT OUTREACH MECHANISMS**

Several existing mechanisms ensure city-wide public involvement in Beaverton's planning process. The City's primary outreach mechanisms are through:

- A. The Committee for Citizen Involvement, an advisory committee to the City Council;
- B. The Neighborhood Program Office;
- C. The Neighborhood Association Committees;
- D. Specific committees and special interest groups;
- E. *Your City*, a newsletter published six times per year, subject to continued funding, that is designed to keep the public informed and invite participation;
- F. Periodic news releases in area newspapers;
- G. Contact with the local media;
- H. The City's public internet web site;
- I. Public workshops and focus groups; and

J. Public hearings.

Each public involvement opportunity is tailored to meet the needs and conditions of the outreach effort, and techniques are often combined.

**2.4.2 PUBLIC INVOLVEMENT IN CITY DECISION MAKING PROCESSES**

The City's formal decision making processes include several opportunities for public involvement. The public is invited to present their views at the various City board and committee meetings, including but not limited to City Council, Planning Commission, Traffic Commission and Board of Design Review. Public notices, complete with the hearing date, time, location, and hearing body, are mailed out at least twenty (20) calendar days prior to the date of the public hearing. Notices of public hearings are primarily published in the advertisement section of *The Valley Times*. On occasion, public hearing notices are published in *The Oregonian*. Notices are also posted on the City's web site.

Final agendas are posted at least seven calendar days in advance of the meeting at City Hall, located at 4755 S.W. Griffith Drive and the Beaverton Library at 12375 SW Fifth Street. Agendas and meeting notices are available upon request from the City. Documents containing the proposals to be considered at the public hearings are available at the Public Counter of the Community Development Department at least seven (7) calendar days in advance of the hearing, at least twenty (20) calendar days for Comprehensive Plan Amendments.

The public is encouraged to provide staff with written comments or copies of presentations, particularly if the statement is too long to be orally presented in its entirety at a meeting. Individuals unable to attend meetings can submit concerns and ideas in writing to the Community Development Department office prior to the close of the public comment period. Copies of all materials submitted prior to distribution to the appropriate decision making body are included in documentation provided for the deliberation on the matter.

All meetings are held in locations accessible to persons with disabilities. Listening devices or other auxiliary aids, sign language interpreters for people with hearing impairments, and readers for people with visual impairments are provided if requested at least three working days (72 hours) prior to the meeting.

The City may also conduct public meetings, workshops, and focus groups on particular issues to solicit input and involvement in various planning issues. Adopted plans are also available to the public for review at the Community Development Department and the Beaverton Library, and are posted on the City's internet web site. Copies may be acquired for the cost of duplication at the Community Development Department.

### **2.4.3 CITY-SPONSORED PUBLIC GROUPS**

#### **2.4.3.1. Committee for Citizen Involvement (CCI)**

Council Resolution 2058 (1978) established the CCI, defining its responsibilities as an advisory committee to the City Council. The *Beaverton Code* specifies membership of the CCI as five at-large members appointed by the Mayor and confirmed by the Council and one member from each recognized Neighborhood Association Committee. The CCI's role is to assure that the community has a continuous opportunity to exchange ideas and information with the City, and to monitor and evaluate City programs as specified in the *Beaverton Code, 1982*, as amended (BC 2.03.050 through 2.03.054).

The Citizen Involvement Program, adopted by Resolution 2229 (1980), established a formalized public participation program for the CCI and provided a method by which the committee and other members of the community could communicate their opinions, inquiries, or complaints about City departments, committees, or the Council.

The program also provides for a newsletter and calendar of City meetings, information flyers, community meetings, and funding for these activities as well as staff support and public hearing notices. The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.

#### **2.4.3.2 Neighborhood Association Committees (NACs)**

The *Beaverton Code* identifies the procedures by which residents can form Neighborhood Association Committees, add or delete areas of acknowledged NACs and provides a process for termination of NAC Recognition and NAC Grievances (BC 9.06.010 through 9.06.040) Boundaries of the NACs are shown on maps available at City Hall or on the City's website.

NACs provide a forum to identify, discuss, and offer solutions to neighborhood concerns such as traffic, safety, land use, and economic development. Supported by the Neighborhood Program Office, Beaverton's NACs are organized by volunteers, meet regularly, and participate in the public comment process. Monthly agendas and minutes are mailed to active participants. Neighborhood and city-wide issues are usually the main agenda topics.

2.4.3.3. The *Beaverton Code* (Section 2.03.002 – 2.03.300) identifies other City Boards, Commissions and Committees created by ordinance. Additional committees or review commissions may be established to address special projects, such as the Code Review Advisory Committee. These committees provide input to staff as they develop specific proposals, such as amendments to the Development Code.

#### **2.4.4. Citizen’s Participation Organizations (CPOs)**

Washington County CPOs bordering the City limits are also involved in City planning issues through their newsletters and processes. Each CPO’s newsletter details issues of county, city, and region-wide interest to its readers. Public hearing notices and articles of interest concerning Beaverton issues are often included in the CPO newsletters.

#### **2.4.5 PUBLICATIONS AND MAIL NOTIFICATION**

“Your City” newsletter is distributed city-wide. It provides information on current issues to the residents of Beaverton. Published approximately six times per year, subject to available funding, “Your City” includes notification of regularly scheduled Board, Commission, Advisory Committee and Neighborhood Association Committee meetings and hearings, articles of interest to residents, and educational opportunities relating to planning and other community issues. Specific mailings, public notices, flyers, surveys and questionnaires, as well as the City’s web site, cable broadcasts and other media, are used by the City to obtain input and provide information.

### **2.5 OPPORTUNITIES FOR PUBLIC INVOLVEMENT**

Many City planning processes incorporate specific public involvement procedures, which are identified in Chapter I of this Plan and in the City of Beaverton Development Code.

In addition to the City’s public participation processes, Metro requires transportation plans and programs to conform with its adopted Local Public Involvement Policy. This policy defines procedures and includes a certification process for projects proposed for federal funding through Metro.

Early public participation is critical to identifying needs and issues, evaluating alternatives, and developing, implementing, and evaluating projects. Opportunities for public involvement are available during preparation and review phases of City plans. Comments received during plan preparation and review are also made part of the public record. At public hearings, comments are recorded and responses are noted. Public participation opportunities and public notice requirements for city plan and code revisions and updates are specified in the respective plan or code.

## **GLOSSARY OF COMPREHENSIVE PLAN TERMS**

The terms in this Plan embody the legislative intent of the City Council. Terms of ordinary usage are to be given their usual and reasonable meanings. Key words and concepts used in this Plan are explained below.

When the meaning ascribed to a term in this section conflicts with an identical or nearly identical term appearing in a closely-related state, regional, or federal law, the intent under this ordinance shall prevail unless a superior source of law requires a different result.

Where terms are not defined in this section, and a term conflicts with a provision of statewide, regional, or City of Beaverton law, the more restrictive interpretation will prevail unless it leads to an unlawful result.



<b>ACCESS</b>	The place, means or way by which pedestrians, vehicles, or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement. (Beaverton Development Code)
<b>ACCESSIBILITY</b>	The amount of time required to reach a given location or service by any mode of travel. (Metro Code 3.07.1010(a)) (Also Metro Regional Framework Plan)
<b>ACCESSORY DWELLING UNIT</b>	A dwelling unit incidental or subordinate to the principal use of a building or project and located on the same site.
<b>ACCESSORY STRUCTURE OR USE</b>	A structure or use incidental, appropriate and subordinate to the main structure or use. (Beaverton Development Code)
<b>ACKNOWLEDGEMENT</b>	A Land Conservation and Development Commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro Urban Growth Management Functional Plan, amendments to Metro planning goals and objectives or amendments to the Metro Urban Growth Management Functional Plan comply with the statewide planning goals. (ORS 197.015(1))
<b>ACQUIRE OR ACQUISITION</b>	The acquisition of land by purchase, lease, gift, grant, or devise.
<b>ACTIONS</b>	With regard to implementation actions identified in this Plan: Direct specific City activities or events, consistent with the Comprehensive Plan goals and policies.
<b>ADJACENT</b>	Near or close or next to. For example, an Industrial District across the street from a Residential District shall be considered as “adjacent”. (Beaverton Development Code)
<b>ADVERSE IMPACT</b>	A negative consequence, demonstrated through evidence, to the physical, social or economic environment resulting from an action or development.
<b>AFFORDABLE HOUSING</b>	For the purposes of complying with Metro’s Title 7 provisions, affordable housing is defined as housing that is affordable to residents earning less than 50% of the Metro area median income whereby no more than 30% of the household’s gross income is expended toward housing costs.
<b>ALTERNATIVE MODES</b>	Alternative methods of travel to the automobile, including public transportation (light rail, bus and other forms of public transportation), bicycles and walking.
<b>APARTMENT</b>	(1) One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose; (2) A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the

	home, residence, or sleeping place of one or more persons living as a single housekeeping unit.
<b>APPROPRIATE</b>	An act, condition, or state suitable under the circumstances.
<b>AQUIFER</b>	An underground, water bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage.
<b>ARCHAEOLOGICAL</b>	Relating to the material remains of past human life, culture, or activities.
<b>ARTERIAL STREET</b>	Arterial streets serve to interconnect and support the freeway system. These streets link major areas of the city. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors, neighborhood routes, or local streets in lieu of an arterial street.
<b>AWNING</b>	A roof like structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection. (Beaverton Development Code)
<b>BEAVERTON CODE</b>	The Beaverton Code, 1982, as amended.
<b>BEAVERTON DEVELOPMENT CODE</b>	Development Code of the City of Beaverton, Ordinance 2050, as amended, is an ordinance establishing the zoning standards, regulations and procedures, providing related development requirements and providing penalties and otherwise implementing this Plan.
<b>BEAVERTON ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS</b>	A compilation of resolutions and ordinances setting forth the technical engineering standards that implement the City's Site Development Ordinance.
<b>BICYCLE LANE (BIKE LANE)</b>	Bicycle lane means the area within the street right-of-way designated specifically for use by bicyclists. The same area may also be referred to as a "bike lane." Bicycle lanes are striped and accommodate only one-way travel. (Beaverton Development Code)
<b>BIKEWAY</b>	Bikeway means any path or roadway facility that is intended and suitable for bicycle use. (Beaverton Development Code)
<b>BOULEVARD DESIGN</b>	A design concept that emphasizes pedestrian travel, bicycling and the use of public transportation, and accommodates motor vehicle travel.
<b>BUFFER ZONE</b>	An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

# B

**BUILDABLE LANDS** Lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. Buildable lands includes both vacant land and developed land likely to be redeveloped. (ORS 197.295(1))

**BUS** A motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons. (ORS 184.675(6))

**CAPITAL IMPROVEMENT** Physical assets constructed or purchased to provide, improve or replace a public facility and that are large in scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.

C

**CAPITAL IMPROVEMENT PROGRAM (CIP)**

A multi-year (usually five or six) schedule of capital improvement projects, including cost estimates and priorities, budgeted to fit financial resources. The CIP is administered by a city or county government and reviewed by its planning commission. It schedules permanent improvements needed in the future, taking into consideration the projected fiscal capability of the local jurisdiction. The CIP is generally reviewed annually for conformance to and consistency with the comprehensive plan. In Beaverton, the CIP is called the Capital Improvements Plan.

**CLUSTER DEVELOPMENT** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

**COLLECTOR STREET** Collector streets provide both access and circulation within major areas of the city. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive access control, and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.

**COMMERCIAL USES** Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services.

**COMMUNITY DEVELOPMENT DIRECTOR** The Director of Community Development for the City of Beaverton, Oregon, or designee.

**COMMUNITY PLAN** Volume V of the Comprehensive Plan. These documents describe policies and action statements and map designations specific to a particular geographic location.

**COMPATIBLE** Capable of existing together without discord or disharmony.

<b>COMPREHENSIVE PLAN</b>	A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. (ORS 197.015(5))
<b>CONDOMINIUM</b>	A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units.
<b>CONGESTION</b>	Occurs when traffic demand nears or exceeds the available capacity of the system.
<b>CONNECTIVITY</b>	The degree to which the street systems in a given area are interconnected. (Metro Code 3.07.1010(j))
<b>CONSERVATION EASEMENT</b>	An easement specifically written to maintain or protect a natural resource.
<b>CORRIDORS</b>	<p>While some corridors may be continuous, narrow bands of higher-intensity development along arterial roads, others may be more 'nodal,' that is, a series of smaller centers at major intersections or other locations along the arterial that have high-quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. As long as the average target densities and uses are allowed and encouraged along the corridor, many different development patterns--nodal or linear--may meet the corridor objective. (Metro Regional Framework Plan)</p> <p>Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities. (Metro Code 3.07.130) An average of 25 persons per acre is recommended. (Metro Code 3.07.170)</p>
<b>CRITICAL PUBLIC FACILITIES</b>	Critical public facilities and services shall include public water, public sanitary sewer, storm water system (including storm water quality and quantity facilities), transportation, and fire protection. (Engineering Design Manual and Standard Drawings Proposed Definition)
<b>CULTURAL RESOURCES</b>	Areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs, and social forms. For example, an archaeological site, such as an Indian burial ground could be an important cultural site.

<b>DECISION, DISCRETIONARY</b>	An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project. (See <i>Decision, Quasi-Judicial</i> )
<b>DECISION, LEGISLATIVE</b>	A decision of a local official or entity based upon the decision-maker's perception of the best course of action. The city typically employs legislative decisions in adopting an ordinance or resolution establishing a basic principle or policy. Examples are decisions to adopt a comprehensive plan, apply a plan designation to a large number of properties, or decisions which affect a large geographic area or number of persons.
<b>DECISION, QUASI-JUDICIAL</b>	Quasi-judicial decisions bear different aspects than legislative decisions. For example, requests of quasi-judicial decisions usually must actually result in a decision; quasi-judicial decisions are bound to apply pre-existing criteria to concrete facts; and they are customarily directed at a closely-circumscribed factual situation or small number of persons. The more a local government decision bears these emblems, the more it is a quasi-judicial decision.
<b>DEDICATION</b>	The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses are often made conditions for approval of development.
<b>DENSITY</b>	The ratio of dwelling units or employees per unit of area (square feet, acre, square mile, etc.). Density generally refers to residential uses. A measure of the intensity of the development generally expressed in terms of dwelling units (du) per acre (i.e., less than 7.5 du per acre = low density; 7.5 to 15 du per acre = medium density, etc.) It can also be expressed in terms of population density (people per acre). It is useful for establishing a balance between potential local service use and service capacities.
<b>DENSITY BONUS</b>	The allocation of development rights that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is planned or zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.
<b>DENSITY CREDIT</b>	The transfer of development density rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other lands that should not be developed, as defined in this comprehensive plan, may be entitled to a density credit.
<b>DENSITY, GROSS</b>	The number of dwelling units per gross acre. Gross acreage is the total amount of raw land, including all developable and undevelopable portions.

# D

<b>DENSITY, NET</b>	The number of dwelling units allowed on the total acreage of developable portions of the site (net developable acre) within a given land area.
<b>DENSITY, RESIDENTIAL</b>	The number of permanent residential dwelling units per acre of land. Densities specified in the comprehensive plan may be expressed in units per gross acre or per net developable acre (See Gross Acres and Net Acres).
<b>DESIGN PLAN</b>	A plan for a defined geographic area in a single or multiple ownership that is consistent with the Comprehensive Plan and includes, but is not limited to, a land use and circulation plan, development standards, design guidelines, an open space plan, utilities plans and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the Design Review process. (Beaverton Development Code)
<b>DESIGN TYPE</b>	The conceptual areas described in the Metro 2040 Growth Concept text and map in Metro's regional goals and objectives, including central city, regional centers, town centers, station communities, corridors, main streets, inner and outer neighborhoods, industrial areas, and employment areas. (Metro Code 3.07.1010(m))
<b>DEVELOPER</b>	An individual who or business that prepares land for the construction of buildings or causes to be built physical space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.
<b>DEVELOPMENT</b>	Generally, any man-made change to existing or proposed use of real property. Development activities include: land divisions, lot line adjustments, construction or alteration of structures, construction of roads and any other accessway, establishing utilities or other associated facilities, grading, deposit of refuse, debris or fill, and clearing of vegetative cover. Does not include routine acts of repair or maintenance.
<b>DWELLING UNIT</b>	A structure or part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. (ORS 90.010(9))
<b>EARTHQUAKE HAZARDS</b>	Ground shaking, landslides, liquefaction and amplification are all earthquake hazards that can cause damage to structures and infrastructure. (Beaverton Natural Hazards Mitigation Plan)
<b>EASEMENT</b>	A form of nonpossessory right to use property owned by another for specific purposes or to gain access to some portion of another's property. For example, utility companies often have easements on the private property of individuals in order to install and maintain utility facilities.

**E**

<b>EMPLOYMENT AREAS</b>	Areas of mixed employment that include various types of manufacturing, distribution and warehousing uses, commercial and retail development as well as some residential development. Retail uses should primarily serve the needs of people working or living in the immediate employment area. Exceptions to this general policy can be made only for certain areas indicated in a functional plan. Commercial uses are to be limited.
<b>ENCROACHMENT AREA</b>	Areas in floodplains and floodways where development is restricted due to potential impacts on natural hydrologic characteristics. Development or raising of the ground level (e.g., to avoid flood damage) in encroachment areas will obstruct flood water flows, raising the water surface level. Demand to build structures in the flood plain, regardless of potential flooding dangers, is common in urban areas. Reasons typically include lack of suitable land or lower flat land development costs compared to building on steeper gradients.
<b>ENDANGERED SPECIES</b>	A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. (See Title 50 of the Code of Federal Regulations)
<b>ENHANCE</b>	To improve existing conditions by increasing the quantity or quality of beneficial uses.
<b>ESSENTIAL PUBLIC FACILITIES</b>	Essential facilities and services shall include schools, transit improvements, police protection, and public pedestrian and bicycle facilities.
<b>ESTABLISHED NEIGHBORHOOD</b>	A neighborhood where platted lands are at least eighty percent developed and occupied, and where substantial deterioration since development has either not occurred or been reversed.
<b>FAMILY</b>	(1) Two or more persons related by birth, marriage or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a <i>bona fide</i> single family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club or other group of persons occupying a hotel, lodging house or institution of any kind.
<b>FEASIBLE</b>	Capable of being done, executed, or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s).

F

<b>FLOODPLAIN</b>	Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events. The floodplain includes the land area identified and designated by the United States Army Corps of Engineers, the Oregon Department of State Lands, FEMA, or Washington County that has been or may be covered temporarily by water as a result of a storm event of identified frequency and the area along a watercourse enclosed by the outer limits of land that is subject to inundation in its natural or lower floodway fringe, and equal to the FIRM designation of an area of special hazard.
<b>FLOODWAY</b>	The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.
<b>FLOOR AREA RATIO (FAR)</b>	The amount of gross floor area in relation to the amount of net site area, expressed in square feet. (Beaverton Development Code)
<b>FREEWAY</b>	Freeways provide the highest level of connectivity. These roadways generally span several jurisdictions and are often of statewide importance.
<b>FUNCTIONAL CLASSIFICATION OR MAP</b>	Street Functional Classification
<b>FUNCTIONAL PLAN</b>	in the context of the Comprehensive Plan, Functional Plan means the Metro Urban Growth Management Functional Plan. Metro's Urban Growth Management Functional Plan is one of several Metro Functional Plans.
<b>GOAL</b>	A general, long term aim or end toward which programs or activities are ultimately directed.
<b>GOALS</b>	The mandatory statewide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS chapters 195, 196, and 197. (ORS 197.015(8)) (OAR 660-018-0010(10))
<b>GROSS ACRES</b>	The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.
<b>GROUNDWATER</b>	Water under the earth's surface, often confined <i>in</i> aquifers, capable of supplying wells and springs.
<b>GROWTH CONCEPT</b>	As defined in the Metro Regional Framework Plan, the Growth Concept is a concept for the long-term growth management of our region stating the preferred form of the regional growth and development, including where and how much the UGB should be expanded, what densities should characterize

G

different areas, and which areas should be protected as open space.

**GROWTH CONCEPT MAP**

The conceptual map demonstrating the 2040 Growth Concept design types attached to the Urban Growth Management Functional Plan Appendix and adopted as Metro Code 3.07.1010(z).

**GROWTH MANAGEMENT**

A method to guide development in order to minimize adverse environmental and fiscal impacts and maximize the health, safety, and welfare benefits to the residents of the community.

**HABITAT**

Any area where there is naturally occurring food and cover for wildlife.

**HAZARDOUS MATERIALS**

Hazardous material or substance includes but is not limited to a substance designated under 33 U.S.C. §1321 (b)(2)(A), any element, compound, mixture, solution or substance designated under 42 U.S.C. §9602, any hazardous waste having characteristics identified under or listed under 42 U.S.C. §6921, any toxic pollutant listed under 33 U.S.C. §1317 (a), any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action under 15 U.S.C. §2606, and any residue classified as hazardous waste pursuant to ORS 466.020(3). (CWS Design and Construction Standards)

# H

**HIGH CAPACITY TRANSIT**

Transit routes that may be either a road designated for frequent bus service or for a light-rail line. (Metro Regional Framework Plan definition)

**HIGH OCCUPANCY VEHICLE (HOV)** Any vehicle other than a single occupancy vehicle (e.g., a vanpool, a bus, or two or more persons to a car).

**HIGHWAY**

High speed, high capacity, limited access transportation facility serving regional and countywide travel. Highways may cross at a different grade level.

**HILLSIDE AREAS**

Land that has an average percent of slope equal to or exceeding fifteen percent.

**HISTORIC**

An historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.

**HISTORIC BUILDINGS OR STRUCTURES** Also known as Historic Resources, these are all areas, districts or sites containing properties listed on the city of Beaverton List of Historic Properties, or the State Historic Preservation Office, or the National Register of Historic Places.

<b>HOUSEHOLD</b>	All those persons, related or unrelated, who occupy a single housing unit. (See <i>Family</i> )
<b>HOUSING AFFORDABILITY</b>	The availability of housing such that no more than 30 percent (an index derived from federal, state and local housing agencies) of the monthly income of the household need be spent on shelter. (Metro Regional Framework Plan definition)
<b>HOUSING UNIT</b>	The place of permanent or customary abode of a person or family. A housing unit may be a single family dwelling, multifamily dwelling, condominium, modular home, mobile home, cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep.
<b>IMPACT</b>	The effect of any direct manmade actions or indirect repercussions of manmade actions on existing physical, social, or economic conditions.
<b>IMPACT FEE</b>	A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise unmitigated impacts the project will produce.
<b>INDUSTRIAL</b>	Activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, distribution and research and development. Industrial uses may have unique land, infrastructure and transportation requirements. Industrial uses tend to have external impacts on surrounding uses and cluster in traditional or new industrial areas where they are segregated from other non-industrial activities. (OAR 660-009-0005(2))
<b>INDUSTRIAL AREAS</b>	An area set aside for industrial activities. Supporting commercial and related uses may be allowed, provided they are intended to serve the primary industrial users. Residential development shall not be considered a supporting use, nor shall retail users whose market area is notably larger than the industrial area be considered supporting uses. (Metro Regional Framework Plan)
<b>INDUSTRIAL PARK</b>	See City of Beaverton Development Code
<b>INFILL DEVELOPMENT</b>	Development on scattered vacant sites within the urbanized area of a community.
<b>INFLUENT</b>	Wastewater coming into a treatment plant.
<b>INFRASTRUCTURE</b>	Component of a functioning, orderly urban fabric, such as roads, water systems, sewage systems, systems for storm drainage, telecommunications and energy transmission and



distribution systems, bridges, transportation facilities, parks, schools and public facilities developed to support the functioning of the developed portions of the environment. Areas of the undeveloped portions of the environment such as floodplains, riparian and wetland zones, groundwater recharge and discharge areas and Greenspaces that provide important functions related to maintaining the region's air and water quality, reduce the need for infrastructure expenses and contribute to the region's quality of life. (Metro Regional Framework Plan definition)

**INNER NEIGHBORHOODS**

Areas in Portland and the older cities that are primarily residential, close to employment and shopping areas, and have slightly smaller lot sizes and higher population densities than in outer neighborhoods. (Metro Regional Framework Plan) Beaverton's Land Use Designation Neighborhood Residential identifies its Inner Neighborhoods.

**INSTITUTIONAL**

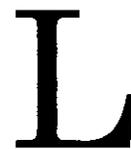
(1) Privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools; (2) churches and other religious institutions; and (3) other nonprofit activities of an education, youth, welfare, or philanthropic nature that cannot be considered a residential, commercial or industrial activity (4) academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations; and (5) facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.

**INTENSITY**

A measure of land use activity based on density, use, mass, size, and/or impact.

**LANDSCAPING**

The combination of natural elements such as trees, shrubs, ground covers, vines and other living organic and inorganic material which are installed for purposes such as creating an attractive and pleasing environment and screening unsightly views. Other improvements that promote an attractive and pleasing environment that may be included as landscaping includes features such as fountains, patios, decks, fences, street furniture and ornamental concrete or stonework areas. (Beaverton Development Code)



**LANDSCAPE STRIP**

The portion of public right-of-way located between the sidewalk and curb. (Metro Code 3.07.1010(ee))

**LAND USE**

The occupation or use of land or water area for any human activity or any purpose defined in a comprehensive plan.

**LAND USE MAP (SERIES)**

The graphic aid(s) intended to depict the spatial distribution of various land uses by land use category, subject to the goals,

policies, implementation measures; and the exceptions and provisions of the Land Use Element text and applicable land development regulations.

<b>LAND USE REGULATION</b>	Any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. (ORS 197.015(11))
<b>LEVEL OF SERVICE (LOS)</b>	An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service generally indicates the capacity per unit of demand for a public facility.
<b>LIGHT RAIL TRANSIT (LRT) STATION SITE</b>	Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail transit station. The station site may include station platforms, park and ride lots, bus stops, and other similar facilities. (Beaverton Development Code)
<b>LOCAL STREET</b>	Local streets have the primary function of providing access to adjacent land. Service to through-traffic movement on local streets is deliberately discouraged by design. Residential local streets serve a traffic function as well as being important to neighborhood identity.
<b>LOCAL TRIP</b>	A trip of 2½ miles or less in length.
<b>LOT OF RECORD</b>	A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Washington County Surveyor; or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the County Surveyor, provided such lot met the minimum dimensions for lots in the zoning district in which it was located at the time of recording, or was recorded prior to the effective date of zoning in the area where the lot is located and met the requirements of any subdivision regulations in effect at the time of the recording.
<b>LOT</b>	A single unit of land such as a tract, lot, block or parcel. A continuous area owned or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street, alley, or other ownership. An abutting "platted lot, or property described by metes and bounds, in the same ownership, shall be considered part of such 'lot'."

<b>MAJOR PEDESTRIAN ROUTE</b>	Any pedestrian way in a public right-of-way or easement which assists access to a light rail station or transit stop, that is presently used or is likely to be to be used by pedestrians to access public transportation service including light rail or transit stations. (Beaverton Development Code)
<b>MAIN STREETS</b>	Neighborhood shopping areas along a main street or at an intersection, sometimes having a unique character that draws people from outside the area. Beaverton's main streets generally include two nodes on Allen Boulevard 1) between Hall Boulevard and Murray Road, and 2) at Oleson Road.
<b>MANUFACTURED HOME</b>	A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. (ORS 446.003(26)(a)(C)(i))
<b>MASS TRANSIT</b>	Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rapid rail transit, light rail transit, fixed guideway transit, express bus, and local fixed route bus.
<b>MASTER PLAN</b>	A plan for a defined geographic area in single or multiple ownership that is consistent with the Comprehensive Plan and includes a land use and circulation plan, land use regulations, development standards, design guidelines, open space plan, utilities plans, and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the land use review process, pursuant to the City of Beaverton Development Code. (Beaverton Development Code)
<b>METRO</b>	The Metropolitan Services District of the Portland metropolitan area, a municipal corporation established and existing pursuant to Section 14 of Article XI of the Oregon Constitution, ORS Chapter 268 and the Metro Charter. (Metro Code 1.01.040(e))
<b>METRO PLANNING GOALS AND OBJECTIVES</b>	The land use goals and objectives that a metropolitan service district is required to adopt under ORS 268.380(1). The goals and objectives do not constitute a comprehensive plan. (ORS 197.015(15))
<b>METRO REGIONAL FRAMEWORK PLAN</b>	The regional framework plan and implementing ordinances required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan. (ORS 197.015(16))



**METRO URBAN GROWTH BOUNDARY** The urban growth boundary as adopted and amended by the Metro Council, consistent with state law. Also referred to as “UGB”. (Metro Code 3.07.1010(kk))

Means the Urban Growth Boundary for Metro pursuant to ORS 268.390 and 197.005 through 197.430. (Metro Code 1.01.010(v))

**METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN** The functional plan that implements regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. (Metro Code 3.07.010)

**METROPOLITAN AREA** The area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties (ORS 268.020(3))

**METROPOLITAN HOUSING RULE** A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro UGB. This rule establishes minimum overall net residential densities for all cities and counties within the UGB, and specifies that 50 percent of the land set aside for new residential development be zoned for multi-family housing.

**METROPOLITAN SIGNIFICANCE** An issue or action with major or significant impact throughout the metropolitan area.

**MIXED USE** Comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

Properties on which various uses, such as office, commercial, institutional and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. Land uses, which when combined constitute mixed or multiple uses, exclude parks, golf courses, schools, and public facilities (fire stations, utility substations, etc.).

Mixed- use development is a type of multiple-use in which one or more structures on a lot or contiguous lots in common ownership, accommodate any of the following combinations of uses

(1) Residential Mixed-Use Project with residential units occupying a minimum of 25 percent of the total floor area and the remaining floor area occupied by retail, office, light industrial, community service or other residentially compatible uses or combinations thereof;

(2) Non-Residential Mixed-Use Project consisting of office retail, light industrial, community service or other compatible uses or combination thereof with retail space

or other pedestrian oriented commercial uses occupying a minimum of 60% of the street level building frontage.

A building or groups of buildings under one ownership, to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses.

**MOBILE HOME**

A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

**MULTI-FAMILY DWELLING UNITS**

Means attached housing where each dwelling unit is not located on a separate lot. (OAR 660-007-0005(11))

**MULTI-MODAL**

Transportation facilities or programs designed to serve many or all methods of travel, including all forms of motor vehicles, public transportation, bicycles and walking. (Metro Code 3.07.1010(rr))

**MULTI-USE OR SHARED-USE PATH**

Multi-use or Shared-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

**MULTIPLE USE DEVELOPMENTS**

A building or groups of buildings designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, light industrial, and other miscellaneous uses. (Beaverton Development Code)

**NATURAL AREA**

Any landscape unit substantially without any human development that is substantially in a native and unaffected state and may be composed of plant and animal communities, water bodies, soil and rock and mitigated habitat. Natural areas must be identified in a city, county or special district open space inventory or plan. (Metro Code 3.01.010(h))

Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees. (Beaverton Development Code)

**NEEDED HOUSING**

Housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" also means:

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- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated dwelling subdivisions. (ORS 197.303(1)) (OAR 660-007-00005(12))

**NEIGHBORHOOD ROUTE**

A street that is usually long relative to local streets and provides connectivity to collectors or arterials. Neighborhood routes generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide or large area circulation.

**NET DEVELOPABLE ACRE**

The net developable acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net developable acreage:

- 1) Street dedications and those areas used for private streets and common driveways; and
- 2) Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas and tree preservation areas set aside in separate tracts or dedicated to a public entity, and
- 3) Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes. (Beaverton Development Code)

**NET BUILDABLE LAND**

See Net Developable Acre.

**NET DEVELOPED ACRE**

Consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses. (Metro Code 3.07.1010(vv))

Consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas. (OAR 660-0007-0005(1))

**NEWSPAPER**

A newspaper of general circulation, published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news, made up of at least four pages of at least five columns each, with type matter of a depth of at least 14 inches, or, if smaller pages, then comprising and equivalent amount of type matter, which has bona fide subscribers representing more than half of the total

distribution of copies circulated, or distribution verified by an independent circulation auditing firm, and which has been established and regularly and uninterrupted published at least once a week during a period of at least 12 consecutive months immediately preceding the first publication of a public notice. (ORS 193.101(2))

**NOTICE**

Any notice that is required by law to be published. (ORS 193.310(2))

**OBJECTIVE**

A specific, measurable, intermediate end that is achievable and marks progress toward a goal. An objective should be achievable and, where possible, should be measurable and time specific.

**OFFICE**

A structure for conducting business, professional, or governmental activities in which the showing or delivery from the premises of retail or wholesale goods to a customer is not the typical or principal activity. Office uses include general business offices, medical and professional offices, administrative or headquarters offices for large wholesaling or manufacturing operations, and research and development.

**OPEN SPACE**

Publicly and privately-owned area of land, including parks, natural areas and areas of very low density development inside the UGB. Open spaces may include active or passive recreation. (Metro Regional Framework Plan)

**PARCEL**

A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

**PARK**

Open space land on which the primary purpose is recreation. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district.

**PARK AND RIDE**

A parking facility near a transit station or stop for the purpose of parking motor vehicles by transit riders. (Beaverton Development Code)

A mode of travel usually associated with movements between work and home that involves use of a private auto on one portion of the trip and a transit vehicle (i.e., a bus or a light-rail vehicle) on another portion of the trip. A park-and-ride trip could consist of an auto trip from home to a parking lot, and transfer at that point to a bus in order to complete the work trip. (Metro Regional Transportation Plan Definition)

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<b>PARKING RATIO</b>	The number of parking spaces provided per employee or per 1,000 square feet of floor area (e.g., 2:1 or "two per thousand").
<b>PARKING STRUCTURE</b>	A parking garage located above or underground consisting of two (2) or more levels.
<b>PEAK HOUR/PEAK PERIOD</b>	For any given roadway, a daily hour or longer period of time during which traffic volume is highest, usually occurring during morning and evening commute times. Where "F" Levels of Service exist, the "peak hour" may stretch into a "peak period" of several hours duration.
<b>PEDESTRIAN ORIENTED DESIGN</b>	Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic. (Adapted from the Model Development Code and User's Guide for Small Cities, Funded by the Transportation and Growth Management Program of the Oregon Department of Transportation and Oregon Department of Land Conservation and Development)
<b>PEDESTRIAN SCALE</b>	Site and building design elements that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering. Examples include ornamental lighting no higher than twelve feet; bricks, pavers or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance.
<b>PEDESTRIAN WAY</b>	Any paved public or private route intended for pedestrian use, including a multi-use path and esplanade, regardless of use by other transportation modes. A general term used to describe any sidewalk or walkway that is intended and suitable for pedestrian use. (Beaverton Development Code) "Paved" can include any Americans with Disability Act approved surface including pavements and surfaces that are pervious.
<b>PERSON</b>	A natural or artificial person, including but not limited to, a human, corporation, partnership, unit of government, an agency, a trust or descendant's estate, or other legal entity whatsoever.
<b>PEOPLE OR PERSONS PER ACRE</b>	This is a term expressing the intensity of building development by combining residents per net acre and employees per net acre. (Metro Code 3.07.1010(z)) (Metro Regional Framework Plan definition)

<b>PLANNING COMMISSION</b>	The Planning Commission of the City or any subcommittee thereof. (Beaverton Development Code)
<b>POLICY</b>	The way in which programs and activities are conducted to achieve an identified goal. A general direction that a governmental agency sets to follow, in order to meet its goals through implementation measures or action programs.
<b>PRACTICABLE</b>	Capable of being accomplished after taking into consideration barriers both existing and reasonably foreseeable.
<b>PRINCIPLE</b>	An assumption, fundamental rule, or doctrine that will guide comprehensive plan policies, proposals, standards and implementation measures.
<b>PROGRAMMED</b>	A facility that has been officially scheduled for construction in a Capital Improvements Program, Budget, or other local, state, or federal funding document.
<b>PUBLIC FACILITIES</b>	A public facility includes water, sewer and transportation facilities.
<b>PUBLIC RIGHT-OF-WAY</b>	Land that by deed, conveyance, agreement, easement, dedication, usage or process of law is conveyed, reserved for or dedicated to the use of the general public for street, road or highway purposes, including curbs, gutters, parking strips, pedestrian ways, and sidewalks and bicycle trails. (BC 5.05.015)
<b>PUBLIC ROAD</b>	Every public way, road, highway thoroughfare and place including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. (BC 6.02.030)
<b>PUBLIC WORKS DIRECTOR</b>	The director of the Public Works Department of the City of Beaverton, Oregon, or designee.
<b>RARE OR ENDANGERED SPECIES</b>	A species of animal or plant listed in Title 50, Code of Federal Regulations, Section 17.11 or 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.
<b>RECREATION</b>	The pursuit of leisure time activities occurring in an indoor or outdoor setting.
<b>RECREATION, ACTIVE</b>	A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.
<b>RECREATION, PASSIVE</b>	A type of recreation or activity that does not require the use of organized play areas, and which may function as a view shed (an elevation in the earth's surface from which a view may be seen.), etc. (See <i>Open Space</i> )

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<b>REDEVELOPABLE LAND</b>	Land on which development has already occurred which, due to present or future market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period. (Metro Code 3.07.1010(ddd))
<b>REDEVELOPMENT</b>	Development of land that replaces previous development, usually to achieve a higher return on the owner's investment. Redevelopment may occur due to market forces if the value of land equals or exceeds the value of improvements on that land. A local government may assist in redevelopment by means such as paying for certain on or off-site facilities (e.g. streets or parking structures), assembling small parcels to create a larger site, reducing or deferring up-front development fees, or reducing property taxes over a certain time period. For purposes of the City's commercial and industrial, and residential, buildable lands inventories (Volume II of the Comprehensive Plan) any parcel with a land value to improvement value ratio of 1.25: 1 or greater is assumed to have development or redevelopment potential.
<b>REGIONAL</b>	Pertaining to activities or economies at a scale greater than that of a single city, county, or combination thereof, and affecting a broad, related area. (Metro Regional Framework Plan definition)
<b>REGIONAL CENTER</b>	<p>Areas of mixed residential and commercial use that serve hundreds of thousands of people and are easily accessible by different types of transit. Examples include traditional centers such as downtown Gresham and new centers such as Clackamas Town Center. (Metro Regional Framework Plan)</p> <p>Seven regional centers in the Metro region are the focus of compact development, redevelopment and high-quality transit service and multi-modal street networks. (Metro Code 3.07.130, updated) An average of 60 persons per acre is recommended. (Metro Code 3.07.170)</p>
<b>REGIONAL FRAMEWORK PLAN</b>	Required of Metro under the Metro Charter, the Regional Framework Plan must address nine specific growth management and land use planning issues (including transportation), with the consultation and advice of the Metropolitan Policy Advisory Committee.
<b>REGIONAL TRANSPORTATION PLAN</b>	The official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. (Metro Framework Plan definition)
<b>REGIONAL URBAN GROWTH GOALS AND OBJECTIVES</b>	The land use goals and objectives that Metro is required to adopt under ORS 268.380(1). (Metro Code 3.07.1010(eee))

	An urban growth policy framework that represents the starting point for the agency's long-range planning program. (Metro Regional Framework Plan definition)
<b>REGULATION</b>	A rule or order prescribed for management of government.
<b>RESIDENTIAL USE</b>	Activities within land areas used predominantly for housing.
<b>RESIDENTIAL, MULTIPLE FAMILY</b>	See Multi Family Dwelling Unit
<b>RESIDENTIAL, SINGLE FAMILY</b>	A single dwelling unit on a building site.
<b>RETAIL</b>	Activities which include the sale, lease or rent of new or used products to the general public or the provisions of product repair or services for consumer and business goods.
<b>RIGHT-OF-WAY</b>	Land in which the state, a county, or a municipality owns the fee simple title or holds an easement or dedication dedicated or required for a transportation or utility use. A strip of land over which transportation and public use facilities are built, such as roadways, railroads, and utility lines.
<b>RIPARIAN</b>	A zone of transition from an aquatic ecosystem to a terrestrial ecosystem as defined in ORS 541.351(10). (OAR 141-085-0010(188))
<b>RIPARIAN AREA</b>	A zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone's existing or potential soil-vegetation complex the influence of such surface or subsurface water. A riparian area may be located adjacent to a lake, reservoir, estuary, pothole, spring, bog, wet meadow, muskeg or ephemeral, intermittent or perennial stream. (ORS 541.351(10)) (OAR 690-300-0010(44))
<b>RIPARIAN CORRIDOR</b>	The water influences area adjacent to a river, lake or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics. (Metro Code 3.07.1010(iii)) A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (OAR 660-023-090(1)(c))
<b>RISK</b>	The danger or degree of hazard or potential loss.
<b>ROAD</b>	The entire right -of- way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to: <ul style="list-style-type: none"> <li>(a) Ways described as streets, highways, throughways or alleys;</li> </ul>

- (b) Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and
- (c) Structures that provide for continuity of the right of way such as bridges. (ORS 368.001(6))

<b>RUNOFF</b>	That portion of precipitation that does not percolate into the ground and is instead discharged into streams.
<b>SCALE</b>	Generally refers to relative size or extent.
<b>SCENIC VIEWS AND SITES</b>	Lands that are valued for their aesthetic appearance. (OAR 660-023-230(1))
<b>SEISMIC</b>	Caused by or subject to earthquakes or earth vibrations.
<b>SETBACK</b>	The distance between the property line and any structure.  The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required dedication, or a special or reservation line if one is required pursuant to this ordinance. (Beaverton Development Code)
<b>SHALL, MUST OR MAY</b>	“Shall and must” are mandatory and “may” is permissive. (BC)
<b>SHALL (WILL), V.</b>	A directive verb signifying the action is obligatory or necessary.
<b>SHARED ROADWAY</b>	A shared roadway is a street that is recommended for bicycle use but does not have a specific area designated within the right-of-way. (Beaverton Development Code)
<b>SHARED-USE OR MULTI-USE PATH</b>	Shared-use or Multi-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Shared-use paths accommodate two-way travel. (Beaverton Development Code)
<b>SHOULD, V.</b>	A directive verb signifying the action is to be carried out unless circumstances make it impracticable .
<b>SIGNIFICANT NATURAL RESOURCES</b>	Areas identified on the City’s Statewide Planning Goal 5 Inventories, Volume III of the Comprehensive Plan. (Beaverton Development Code)
<b>SINGLE FAMILY ATTACHED DWELLINGS</b>	A structure containing two or more single family dwelling units with both side walls (except end units of building) attached from ground to roof.
<b>SINGLE FAMILY DETACHED DWELLING</b>	A dwelling unit that is free standing and separate from other dwelling units. (OAR 660-007-0005(4))



<b>SINGLE FAMILY DWELLING</b>	A structure containing one or more single family units with each unit occupying the building from ground to roof.
<b>SINGLE OCCUPANT VEHICLE (SOV)</b>	Private passenger vehicle carrying one occupant. (Metro Code 3.07.1010(000)) (Metro Regional Framework Plan definition)
<b>SITE</b>	Any tract, lot or parcel of land or combination of tracts, lots or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project. <b>SLOPE</b> Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.
<b>SLOPE</b>	Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.
<b>SOIL</b>	The unconsolidated material on the immediate surface of the earth created by natural forces that serves as natural medium for growing land plants.
<b>SOLID WASTE</b>	“Solid Waste” shall have the same meaning as given that term under Beaverton Code section 4.08.030.
<b>SPECIAL DISTRICT</b>	Any unit of local government, other than a city, county, metropolitan service district formed under ORS Chapter 268 or an association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute and includes but is not limited to: Water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts. (ORS 197.015(19))  Any “district” formed under ORS 198.
<b>STANDARDS</b>	A rule or measure establishing a level of quality or quantity that must be complied with or satisfied.
<b>STATE IMPLEMENTATION PLAN</b>	A plan for ensuring that all parts of Oregon remain in compliance with federal air quality standards.
<b>STATEWIDE PLANNING GOALS</b>	The mandatory state-wide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS Chapters 195, 196 and 197. (ORS 197.015(8))
<b>STATION COMMUNITIES</b>	That area generally within a ¼ - to ½ - mile radius of light-rail stations or other high-capacity transit that is planned as a multi-modal community of mixed uses and substantial pedestrian accessibility improvements. (Metro Regional Framework Plan)  Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature

	a high-quality pedestrian environment. (Metro Code 3.01.130) An average of 45 persons per acre is recommended. (Metro Code 3.01.170)
<b>STORM WATER</b>	The water that runs off only from impervious surfaces during rain events. (CWS Design and Construction Standards)
<b>STREAM</b>	Means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment. (Metro Code 3.01.1010(qqq)).
<b>STREAM CHANNEL</b>	A natural (perennial or intermittent stream) or human made (e.g. drainage ditch) waterway of perceptible extent that periodically or continuously contains moving water and has a definite bed and banks that serve to confine the water. (OAR 141-085-0010(22))
<b>STREET</b>	(1) means a public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures used or intended for use of the general public for pedestrian, bicycle, and vehicular travel as a matter of right, or  (2) when used with the word "private" as a modifier, means a non-public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures, exclusively used or intended for the exclusive use of the underlying property owner or, other persons, for pedestrian, bicycle, and vehicular travel. (Proposed Engineering Design Manual and Standard Drawings Definition)
<b>STREET FUNCTIONAL CLASSIFICATION</b>	The assignment of streets into categories according to the character of service they provide in relation to the total street network. Basic functional categories in Beaverton include freeways, arterials, collectors, neighborhood routes, and local streets. Functional classification reflects mobility, access needs, and connectivity. Where appropriate, the levels may be further grouped into urban and rural categories.
<b>STREET FURNITURE</b>	Those features associated with a street that are intended to enhance its physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, newspaper racks.
<b>STEWARDSHIP</b>	A planning and management approach that considers environmental impacts and public benefits of actions as well as public and private dollar costs.
<b>SUBDIVISION</b>	The division of a tract of land into defined lots, parcels, tracts, or other divisions of land as defined in applicable State statues and local land development regulations, subdivided lots can be separately conveyed by sale or lease, and altered, or developed.

<b>SUBURBAN</b>	Generally, development on the periphery of urban areas, which is predominantly residential in nature and has most urban services available. The intensity of suburban development is usually lower than in urban areas.
<b>SURFACE WATER</b>	Water that drains from the landscape via overland flow or ground water resurgence. Surface water flows can and often do include storm water runoff. (CWS Design and Construction Standards)
<b>SYSTEM DEVELOPMENT CHARGE</b>	Means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities. (ORS 223.299(4)(a))
<b>TARGET DENSITIES</b>	The average combined household and employment densities established for each design type in the Regional Urban Growth Goals and Objectives 2040 Growth Concept. (Metro Code 3.07.1010(ttt))
<b>TOWN CENTERS</b>	<p>Areas of mixed residential and commercial use that serve tens of thousands of people. Examples include the downtowns of Forest Grove and Lake Oswego. (Metro Regional Framework Plan) Town centers provide local shopping, employment and cultural and recreational opportunities within a local market area. They are designed to provide local retail and services, at a minimum. They would also vary greatly in character.</p> <p>Compact development and transit service should be provided in town centers. An average of 40 persons per acre is recommended. (Metro Code 3.07.170)</p>
<b>TOWNHOUSES</b>	Two or more attached single family dwelling units within a structure having common side walls, front and rear yards, and individual entryways. (See Single Family Attached Dwellings)
<b>TRAFFIC CALMING</b>	A traffic management program usually designed to address safety and aesthetic issues related to automobile use in residential areas, and which reduces the operating speed of motor vehicles. Features include, landscaping, walkways, speed swales, roadway narrowing and/or increasing the width of bicycle lanes and sidewalks.

**T**

<b>TRAFFIC INTENSIVE USES</b>	A land use that attracts or generates a relatively high level of traffic activity. A non exhaustive list of such uses would include drive through facilities, supermarkets, and most retail shopping centers. The ITE Trip Generation manual shall be the city's primary reference source for determining whether a particular proposed use is traffic intensive or not.
<b>TRANSIT</b>	For the purposes of the Comprehensive Plan, this term refers to publicly funded and managed transportation services and programs within the urban area, including light-rail, regional rapid bus, frequent bus, primary bus, secondary bus, minibuses, paratransit and park-and-ride. (Metro Regional Transportation Plan definition)
<b>TRANSPORTATION OR TRAVEL DEMAND MANAGEMENT (TDM)</b>	A strategy or action for reducing demand on the road system by reducing the number of vehicles using streets and roads, and/or increasing the number of persons per vehicle. Typically, TDM attempts to reduce the number of persons who drive alone during peak commute periods and to increase the number of people commuting via carpools, vanpools, buses and trains, walking, and biking.
<b>TRANSPORTATION PLANNING RULE</b>	The implementing rule of statewide land use planning Goal #12 dealing with transportation, as adopted by the State Land Conservation and Development Commission. (Metro Framework Plan definition)
<b>TRANSPORTATION SYSTEM PLAN</b>	A plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas. (Metro Regional Framework Plan definition) (OAR 660-012-0005(32))
<b>TREES, STREET</b>	Any tree located within public or private right of way or an easement for vehicular access, or associated public utility easements. (Beaverton Development Code)
<b>TRIP GENERATION</b>	The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local transportation system.
<b>TURBIDITY</b>	A measure of water agitation.

<b>URBAN</b>	Generally, an area having the characteristics of a city, with intensive development and a full or extensive range of public facilities and services.
<b>URBAN FORM</b>	The net result of efforts to <u>preserve</u> environmental quality, <u>coordinate</u> the development of jobs, housing and public services and facilities, and <u>interrelate</u> the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another.
<b>URBAN GROWTH BOUNDARY</b>	An acknowledged urban growth boundary contained in a city or county comprehensive plan or an acknowledged urban growth boundary that has been adopted by a metropolitan service district council under ORS 268.390(3). (ORS 195.060(2))
<b>URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN</b>	See Metro Urban Growth Management Functional Plan.
<b>URBAN PLANNING AREA</b>	A geographical area within an urban growth boundary. (OAR 660-003-0005(6))
<b>URBAN SERVICES</b>	The term includes the following services and facilities: a public sanitary and storm sewer system, a public water supply, a street system, police and fire protection, public schools, public parks and library services. (Beaverton Development Code)
<b>URBAN SERVICE AREA</b>	The area for which the City is the appropriate and agreed-upon long-term provider of municipal services except for those services that are to be provided by a special or county service district. (Beaverton – Washington County Intergovernmental Agreement Interim Urban Services Plan)
<b>URBAN SERVICE BOUNDARY</b>	The boundary establishing the extent of the City’s direct interest and involvement in planning for and coordination of public facilities and services and the extent of the City’s annexation interest.
<b>USE</b>	The main or primary purpose of which land or a structure is designed, arranged or intended or for which it is occupied or maintained. (Beaverton Development Code)
<b>USE PERMIT</b>	The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.
<b>VACANT</b>	Lands or buildings that are not actively used for any purpose.
<b>VACANT LAND</b>	Land identified in the Metro or local government inventory as undeveloped land. (Metro Code 3.07.1010(zzz))
<b>VARIANCE</b>	A discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property. (Metro Code 3.07.1010(aaaa))

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# V

**VEGETATIVE CORRIDOR** A corridor adjacent to a water quality sensitive area that is preserved and maintained to protect the water quality functions of the water quality sensitive area. (CWS Design and Construction Standards)

**VIEW CORRIDOR** The line of sight, identified as to height, width and distance, of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewers' attention.

**VOLUME-TO-CAPACITY RATIO** A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the roadway or intersection is operating at its designed capacity. Abbreviated as "v/c". At a v/c ratio of 1.0, the roadway or intersection is operating at capacity. If the ratio is less than 1.0, the traffic facility has additional capacity. Although ratios slightly greater than 1.0 are possible, it is more likely that the peak hour will elongate into a "peak period." (See *Peak Hour* and *Level of Service*)

**WAREHOUSE** A structure that is primarily used for storage and distribution facilities.

**WATER QUALITY SENSITIVE AREA** or "sensitive area"  
A) shall include the following:  
1. Existing or created wetlands;  
2. Rivers, streams, and springs, whether flow is perennial or intermittent;  
3. Natural lakes, ponds and instream impoundments  
B) Sensitive areas shall not include:  
1. Stormwater infrastructure  
2. A vegetated corridor (a buffer) adjacent to the sensitive area;  
3. An off-stream recreational lake, lagoon, fire pond or reservoir; or  
4. Drainage ditches.  
  
(CWS Design and Construction Standards)



**WATERSHED** The entire land area drained by a stream or system of connected streams such that all stream flow originating in the area is discharged through a single outlet. (ORS 541.351(14))

**WETLANDS** Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Categories of wetlands include:  
  
a) Created Wetlands: those wetlands developed in an area previously identified as non-wetland to replace, or mitigate

wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

b) **Constructed Wetlands:** those wetlands developed as a storm water facility, subject to change and maintenance as such. These areas must be clearly defined or separated from existing or created wetlands. Constructed wetlands shall be regulated as created wetlands only if they serve as wetland mitigation.

c) **Existing Jurisdictional Wetlands:** jurisdictional wetlands as determined by the Department of State Lands (DSL) or the US Army Corps of Engineers (COE).

(CWS Design and Construction Standards)

**ZONE, TRAFFIC**

In a mathematical traffic model the area to be studied is divided into zones, with each zone treated as producing and attracting trips. The production of trips by a zone is based on the number of trips to or from work or shopping, or other trips produced per dwelling unit.



**ZONING**

In general, the demarcation of an area by ordinance (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential, type of residential) and the location, bulk, height, shape, use, and coverage of structures within each zone.

**ZONING, INCLUSIONARY**

Regulations that increase housing choice by requiring construction of more diverse and economical housing to meet the needs of low income families. Such regulations often require a minimum percentage of housing for low and/or moderate income households in new housing developments.

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

IN THE MATTER OF CPA2006-0001, ) ORDER NO. 1859  
A REQUEST TO AMEND COMPREHESIVE ) APPROVING REQUEST.  
PLAN CHAPTERS 1 AND 2 AND THE )  
GLOSSARY. CITY OF BEAVERTON, )  
APPLICANT. )

The matter of CPA2006-0001 was initiated by the City of Beaverton, through the submittal of a legislative amendment application to the Comprehensive Plan.

Pursuant to the amendment procedures as described in Chapter 1 Section 1.3 of Ordinance 4187, the Comprehensive Plan, effective through Ordinance 4375, the Planning Commission conducted a public hearing on March 15, April 5, and April 12, 2006, and considered oral and written testimony and exhibits for a proposed legislative amendment to the Comprehensive Plan.

CPA2006-0001 proposes to amend the Comprehensive Plan Chapters 1 and 2 and Glossary definitions to address deficiencies and inconsistencies with the Development Code and State law. More specifically, the proposed amendment includes all pertinent information and steps regarding amendment categories, amendment procedures, noticing requirements and remand procedures, thereby updating work completed in 1996 as a result of Periodic Review. Flowcharts at the end of Chapter 1 are updated to reflect

the proposed amendment procedures. Defined terms in the Glossary generally include only those necessary to lend clarity to the text or that may be used in future Planning Commission deliberations.

The Planning Commission adopts by reference the staff reports and memoranda prepared for CPA2006-0001 dated March 15, 2006, April 5, 2006, and April 12, 2006, and finds they provide evidence and findings demonstrating the application satisfies all the approval criteria for a Legislative Comprehensive Plan Amendment, as contained in Section 1.3.1 of the Comprehensive Plan.

The Planning Commission concurs with the staff recommendation in the memorandum from Planning Services Manager Hal Bergsma to the Planning Commission dated April 12, 2006, except that the definitions for the terms "adverse impact" and "town center" shall be amended as shown in Exhibit A to this order, and therefore:

**IT IS HEREBY ORDERED** that pursuant to Section 1.3, of the Beaverton Comprehensive Plan, the Planning Commission **RECOMMENDS APPROVAL** of CPA2006-0001, by the City Council, and adoption of the text modifications as shown in Exhibit A to this order.

Motion **CARRIED** by the following vote:

<b>AYES:</b>	Maks, Winter, Bobadilla, Kroger, Pogue, Stephens, and Johansen.
<b>NAYS:</b>	None.
<b>ABSTAIN:</b>	None.
<b>ABSENT:</b>	None.

Dated this 24<sup>th</sup> day of April, 2006.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1859, an appeal must be filed on an Appeal form provided by the direct at the City of Beaverton Recorder's Office by no later than 5:00 p.m. on May 4th, 2006.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:



HAL BERGSMA  
Planning Services Manager

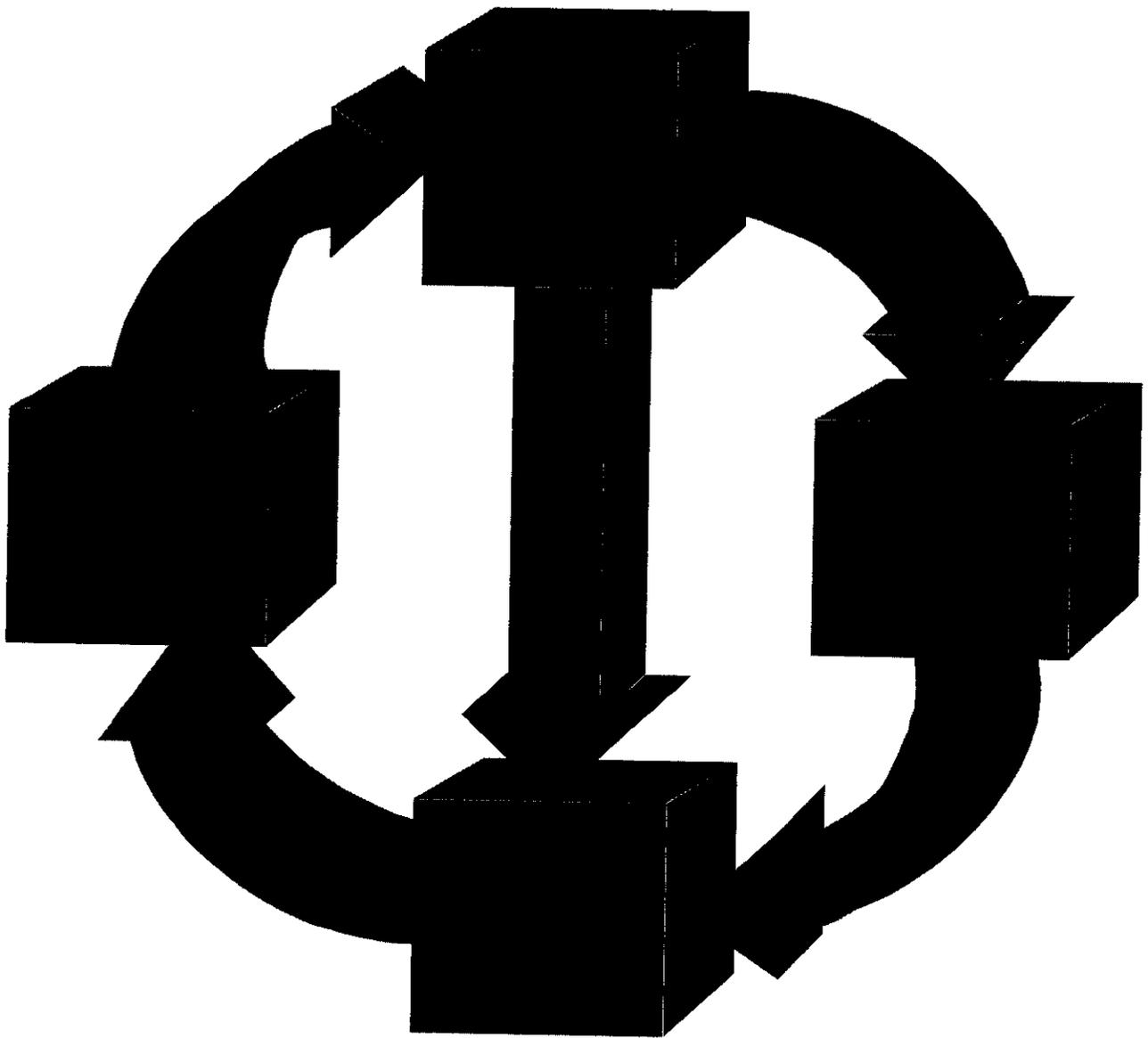
APPROVED:



ERIC JOHANSEN  
Chairman

**EXHIBIT A**

# CHAPTER ONE: COMPREHENSIVE PLAN AMENDMENT PROCEDURES ELEMENT



# COMPREHENSIVE PLAN AMENDMENT PROCEDURES

## 1.1 QUARTERLY REVIEW AMENDMENT INITIATION.

~~Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Engineering Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time, or any other person or groups of persons. Amendment requests may be submitted to the Commission by the Planning Director at any time. Amendment requests will be processed as a package of amendments on a quarterly basis.~~

### 1.1.1 City-initiated Amendments

~~Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council reserve have the right to accept, reject, alter or modify any specific request for amendment in accordance with the City's policies and procedures, and in such a manner as will be most beneficial to the citizens of Beaverton. Only those requests for comprehensive plan amendments accepted by the Planning Commission prior to the fifteenth day of January, April, July and October will be processed during the quarter year which begins with that month.~~

~~The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other similar requests. City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled. The Planning Commission, may establish subcommittees, or in response to direction from the Mayor or City Council, create citizen committees or task forces to aid and assist them in arriving at recommendations on plan amendments.~~

~~The Council may allow an amendment to proceed under an accelerated amendment process and order a suspension of the quarterly cycle when the quarterly cycle will inhibit the timely consideration of City initiated amendments which would have the effect of:~~

- ~~1. protecting the public health, safety or welfare, or~~
- ~~2. complying with federal or state judicial or legislative actions or mandates, or the requirements of other regional or local units of government, which have jurisdiction on a matter affecting the Plan, or~~
- ~~3. providing substantial public benefits, which could otherwise be lost under the adopted quarterly review procedure due to special conditions or circumstances.~~

~~Staff and/or the Planning Commission may recommend to the Council a suspension of the quarterly policy and procedure when it can be found the proposed amendment falls within at least one of the above three criteria. In no circumstances can mandatory procedures established by statute or ordinance be suspended. The Planning Director may recommend that the Commission or Council postpone other plan amendment studies to process other amendments in an accelerated process.~~

### 1.1.2 Property Owner-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

### 1.1.3 Amendment Processing

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

## 1.2 PERIODIC REVIEW

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review. The Council, from time to time, may amend the Plan during periodic review update, or when public need or changed circumstances or conditions warrant an amendment. Proposed amendments to the Plan may be initiated by the Council, Commission, Mayor or other interested persons according to the adopted policy and procedure established in Section 1.3 Amendment Procedures.

~~Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and are processed outside the quarterly review procedure established under Section 1.1.~~

## 1.3 AMENDMENT PROCEDURES PROCEDURAL CATEGORIES

Comprehensive Plan Amendments fall into four ~~five~~ general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Annexation Related Non-Discretionary, and Historic Landmark and District Designations Statewide Planning Goal 5 Inventory Document Amendments.

Legislative Amendments are amendments to the ~~comprehensive~~ Comprehensive plan ~~Plan~~ text or map of a generalized nature initiated ~~either~~ by the City that applies to an entire land use map

category or a large number of individuals or properties or that establishes or modifies policy or procedure, or by an applicant. Legislative amendments include additions or deletions of text or land use map categories.

**Quasi-Judicial Amendments** are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties, interests or situations or locations. ~~This type of amendment is typically a privately initiated amendment coupled with a corresponding zone change.~~

**Historic Landmark, District or Tree Designation Removal** are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.

~~**Annexation Related Map Amendments, Non-Discretionary Amendments** are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of the The acknowledged Washington County-Beaverton Urban Planning Area Agreement (UPAA). \_\_\_ governs the assignment of Comprehensive Plan and zoning designations to land annexed into the City. The UPAA requires the City to assign particular City Comprehensive Plan and zoning designations or the most similar Plan and zoning designations to the annexed property based upon the Washington County designation. The County land use classification(s) Comprehensive Plan and zoning designation remains remain in effect under provisions of Oregon Revised State Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use and zoning map designation(s) in for the annexed territory. For that reason the act of annexation itself is deemed a political or governance decision separate and distinct from the decision to implement this plan (and the Development Code) as to those properties that have been annexed.~~

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit "B" of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit "B" is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit "B" provides a one-to-one relationship and the annexed property is not subject to any special policies within the applicable Washington County Community Plan, the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgement. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)). ~~The following describes the various processes for review of annexation related Comprehensive Plan map amendments. Annexation related zone map amendments will be considered concurrently with Comprehensive Plan map amendments, but are subject to procedures described in the Development Code (Ord. 2050).~~

- ~~NON-DISCRETIONARY ANNEXATION RELATED MAP AMENDMENTS:~~ In most cases the UPAA is specific and leaves no discretion about which City Comprehensive Plan designation and zoning district to assign. The chart contained in Exhibit "B" of the UPAA describes a one-to-one relationship between County and City designations and the parcel(s) is not subject to any special policies contained in the Washington County Community Plan. In these cases where no discretion is involved the Comprehensive Plan designation and zoning district will be assigned by the City Council with no public hearing being required in accordance with the notice procedures in 1.3.4.3.(e). These decisions are made under land use standards that do not require interpretation or the exercise of policy or legal judgement and, therefore, are not land use decisions as defined by Oregon Statutes. Since these are not land use decisions the criteria in section 1.3.1 do not apply.

**EXPLANATORY NOTE:** The above are not land use decisions under Oregon Law because they are simply assigning a designation required by the acknowledged UPAA. ORS 197.015(10)(b) states that a Land Use Decision... "Does not include a decision of a local government: Which is made under land use standards which do not require interpretation or the exercise of policy or legal judgement".

**EXPLANATORY NOTE:** ORS 197.175(1) states that cities... "shall exercise their planning and zoning responsibilities... in accordance with ORS Chapters 195, 196, and 197 and the goals approved under ORS Chapters 195, 196, and 197." With regard to applying Comprehensive Plan and zoning designations when the UPAA is specific and leaves no discretion, the State Planning Goals were addressed at the time that the County adopted the land use designation for a property and again when the City and County adopted the UPAA.

- A public hearing will be required in those cases where the UPAA is not specific and requires discretion about which City Comprehensive Plan designation and zoning district to assign or when the County's Community Plan has special policy applicable to the parcel. The Planning Commission will hold the public hearing unless State law requires that the related annexation is subject to a public hearing before City Council. In that case the Comprehensive Plan Map amendment hearing will be conducted by the City Council concurrently with the annexation hearing and the Planning Commission hearing is dispensed with. The most similar designation will be applied as required by the UPAA.
- ~~DISCRETIONARY QUASI JUDICIAL MAP AMENDMENT:~~ Most discretionary annexation related amendments will follow the quasi-judicial procedures specified in 1.3.4.3(a).

- ~~DISCRETIONARY LEGISLATIVE MAP AMENDMENTS: Map amendments affecting a large area, a substantial number of ownerships or the application of several different plan designations may be processed legislatively as specified in 1.3.4.3(b). The Community Development Director or his or her designee will determine on a case-by-case basis whether to use the quasi-judicial or legislative process.~~

~~No neighborhood review meeting is required for annexation related amendments because these amendments merely assign the City Comprehensive Plan and zoning district designation that is most similar to the existing Washington County designation in compliance with the UPAA.~~

Statewide Planning Goal 5 Inventory Resource Document Amendments are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

~~Historic Landmark and District Designation Amendments are Comprehensive Plan Amendments that are evaluated based upon the criteria for amendment identified in 1.3.2 below. Comprehensive Plan Amendments within this category may be staff initiated through Periodic Review or may be initiated by the property owner or by the Historic Resources Review Committee. Historic Landmark and District Designations shall be recommended to the Planning Commission following a public hearing by the Historic Resource Review Committee (HRCC). Historic Landmark designation will satisfy the Notice Requirements for Quasi-Judicial Comprehensive Plan Amendments under 1.3.3.2. Historic District Designation will satisfy the Notice Requirements for Legislative Comprehensive Plan Amendments under 1.3.3.1. Where conflicts may exist between this element and Section 243 of Ordinance 2050 this Element shall control.~~

### ~~1.3.1 — AMENDMENT CRITERIA:~~

~~The adoption by the City Council and Planning Commission of any amendment to the Plan, except non-discretionary annexation related map amendments, shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section, or Section 1.3.2, if applicable, have been met. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings relative to all of the following criteria are the minimum required for a Plan amendment (non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement):~~

~~1.3.1.1 The proposed amendment is consistent and compatible with the Statewide Planning Goals; and~~

~~1.3.1.2 The proposed amendment is consistent and compatible with Metro-Regional Urban Growth Goals and Objectives and the Metro-Regional Framework Plan; and~~

~~1.3.1.3 The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and~~

~~1.3.1.4 Potential effects of the proposed amendment have been evaluated and will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare; and~~

~~1.3.1.5 The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services; and~~

~~1.3.1.6 There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed amendment.~~

~~1.3.2 HISTORIC LANDMARK AND DISTRICT DESIGNATION CRITERIA:~~

~~The adoption by the City Council and Planning Commission of any amendment to the Plan relating to designation of historic resources shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. The HRRC, Planning Commission and City Council shall consider the following criteria and find that the proposal meets at least one factor in addition to 1.3.2.1:~~

~~1.3.2.1 Conforms with the purposes of the Beaverton Comprehensive Plan; and~~

~~1.3.2.2 The proposed landmark or district is associated with natural history, historic people, or with important events in national, state or local history; or~~

~~1.3.2.3 The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or~~

~~1.3.2.4 The proposed landmark is a notable work of a master builder, designer or architect; or~~

~~1.3.2.5 The proposed Landmark or District would serve one or more of the following purposes:~~

- ~~A. To preserve, enhance and perpetuate landmarks and districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history;~~
- ~~B. To safeguard the City's historic, aesthetic and cultural heritage as embodied and reflected in said landmarks and districts;~~
- ~~C. To complement any National Register properties or Historic Districts;~~
- ~~D. To stabilize and improve property values in such districts;~~
- ~~E. To foster civic pride in the beauty and accomplishments of the past;~~
- ~~F. To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;~~
- ~~G. To strengthen the economy of the City; and~~
- ~~H. To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the City's current and future citizens.~~

~~1.3.3 QUASI-JUDICIAL COMPREHENSIVE PLAN AMENDMENT NEIGHBORHOOD REVIEW MEETING~~

~~1.3.3.1 Staff will advise the applicant to arrange a neighborhood information meeting. Staff will provide guidance documents relating to the Comprehensive Plan Amendment to the NAC and the applicant for distribution at the meeting. The application will be deemed incomplete until such time as the provisions of this section have been met.~~

~~1.3.3.2 The applicant will provide notice to the NAC and property owners within 500 feet, and post a sign on the property indicating the date, time and location of the meeting. Notice will be postmarked not less than 20 calendar days prior to the meeting.~~

~~1.3.3.3 The applicant will conduct the Neighborhood Review Meeting to introduce the proposal and to document neighborhood comments.~~

~~1.3.3.4 The applicant will send a copy of the meeting notes to the NAC chair by certified mail.~~

~~1.3.3.5 The applicant will demonstrate compliance with this section by submitting the following information with the application:~~

- ~~A. A copy of the notice sent to the NAC and surrounding property owners;~~
- ~~B. A copy of the mailing list including the property owners and the NAC representatives;~~
- ~~C. A copy of the information contained on the posted sign;~~
- ~~D. Notes of the meeting which include the meeting date and time, the name~~

- ~~and address of attendees, and the oral and written comments received; and~~  
E. ~~A certified mail receipt indicating mailing of the meeting notes to the NAC Chair.~~

#### 1.3.4.1.4 NOTICE REQUIREMENTS

The ~~failure-claim~~ of a person to have not received notice, who may be entitled to notice as provided in this section, ~~to receive notice~~ shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

##### 1.3.4.1.4.1 Legislative Amendments.

A. Notice for Legislative Amendments of the initial hearing shall be provided as follows:

A1. By mailing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the Planning Commission initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided.

2. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land

a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.

b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.

B3. By publication of a notice with the information specified in subsection 1.4.1 (B)-(1), (2), and (3) in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the hearing; and

C4. By posting a notice with the applicable information specified in subsection 1.4.1 (B) in three conspicuous public places in the City at Beaverton City Hall and the Beaverton City Library; and

D5. By such other notice as the Planning Commission or City Council may deem in the public interest. By placing a notice with the applicable information specified in subsection 1.4.1 (B) on the City's website.

E. Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 2 through 5 of this subsection, shall be given not less than twenty (20) and not more than forty (40) All hearing notices required by this section shall be given not less than thirty (30) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.1 (A) (2), posted notice required in subsection 1.4.1 (A) (4), and web notice required in subsection 1.4.1 (A) 5 shall:

1. State the date, time and location of the hearing, and the hearings body;
2. Explain the nature and purpose of the hearing;
3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
5. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
7. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
8. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.

C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).

D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1 (A) and 1.4.1 (B) with the following additional information:

1. The deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony; and
4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

#### 1.3.4.21.4.2 Quasi-Judicial Amendments

A. Notice of the initial hearing for Quasi-Judicial Amendments shall be provided as follows:

- A1. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the CCI Chair at least forty-five (45) calendar days

~~prior days prior to the Planning Commission initial hearing.~~

- ~~B2.~~ By publication of a notice with the information specified in 1.4.2 (B) (1), (2), (3) and (4) in a newspaper of general circulation within the City, giving time, date, place and purpose of the hearing; and
- ~~E3.~~ By posting notice with the information specified in 1.4.2 (B) in three (3) conspicuous public places in the City, stating the property is subject to an application for a Plan amendment and the telephone number of the City department to call for further information at Beaverton City Hall and the Beaverton City Library; and
- ~~D4.~~ By mailing notice with the information specified in 1.4.2 (B) to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and
- ~~E5.~~ By posting the property, stating a land use decision will be made about the property and giving the Community Development Department phone number. Signs shall be of sufficient number, size and location so as to be visible to a passing motorist; and By mailing notice with the information specified in 1.4.2 (B) to any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization (CPO) whose boundaries include the property for which the change is contemplated; and
- ~~F6.~~ By such other notice as the Planning Commission or City Council may deem in the public interest. By placing notice with the information specified in 1.4.2 (B) on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 2 through 6 of this subsection shall be given not less than thirty (30) (twenty (20)) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.2 (A) (4) and (5) shall:

- 1. Explain the nature of the application and the use or uses, which could be authorized;
- 2. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable;
- 3. State the date, time, and location of the hearing, and the hearings body;
- 4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
- 5. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
- 6. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
- 7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;

8. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
  9. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection; and
  10. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).
- D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2 (A) and 1.4.2 (B) with the following additions:
1. Any deadline for submitting written testimony and the place it is to be submitted;
  2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
  3. The scope of the testimony; and
  4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.
  5. The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

~~1.3.4.31.4.3~~ ~~Annexation Related Non-Discretionary Map Amendments~~

- ~~a) Notice for hearings on discretionary Quasi-Judicial Annexation Related Map Amendments shall be as follows:~~
- ~~A. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the initial hearing; and~~
  - ~~B. By publication of a notice in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the hearing; and~~
  - ~~C. By posting notice in three conspicuous public places in the City, stating the property is subject to an application for a Plan amendment and the telephone number of the City department to call for further information; and~~
  - ~~D. By mailing notice to the NAC, the CPO, property owners and residents included in the proposed change and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and~~
  - ~~E. By such other notice as the Planning Commission or City Council may deem in the public interest; and~~

~~F. All hearing notices required by B. through D. of this subsection (a) shall be given not less than twenty (20) calendar days prior to the date of the hearing and staff reports shall be available in this time frame.~~

~~b) Notice for hearing on discretionary Legislative Annexation Related Map Amendments shall be as follows:~~

~~A. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty five (45) calendar days prior to the hearing; and~~

~~B. By publication of a notice in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the hearing; and~~

~~C. By mailing notice to the NAC, the CPO and owners of record of the subject property on the most recent property tax assessment roll; and~~

~~D. By posting notice in three conspicuous public places in the City, stating the property is subject to an application for a Plan amendment and the telephone number of the City department to call for further information; and~~

~~E. By such other notice as the Planning Commission or City Council may deem in the public interest; and~~

~~F. All hearing notices required by B. through D. of this subsection (b) shall be given not less than twenty (20) calendar days prior to the date of the hearing and staff reports shall be available in this time frame.~~

Ae) Notice for Non-Discretionary Annexation Related Map Amendments shall be provided as follows:

A1. By publication of a notice with the information specified in 1.4.3 (B) (1), (2) and (3) in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the City Council agenda item; and

2B. By mailing notice with the information specified in 1.4.3 (B) to the Beaverton Neighborhood Office, Chair of the Committee for Citizen Involvement (CCI), NAC, CPO and owners of record of the subject property on the most recent property tax assessment roll; and

€3. By such other notice as the City Council may deem in the public interest By placing notice with the information specified in 1.4.3 (B) on the City's web site..

All notices required by A1. through €3. of this subsection (eA) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda. ~~Staff reports must be available at the time notice is provided.~~

B. Notice required by subsection 1.4.3.(A) shall:

1. Explain the nature of the application;

2. Set forth the street address or other easily understood geographical reference to the subject property, including a map;

3. State the time, date, place, and purpose of the City Council agenda item;

4. Include the case file number, title or both of the proposed ordinance to be considered

at the time of hearing;

5. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained;
6. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
7. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at least seven (7) calendar days prior to the City Council meeting and will be provided at reasonable cost and include the days, times and location where available for inspection;

#### EC. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the final City Council decision on a Non-Discretionary Annexation-Related-Map Amendment, notice of the decision shall be mailed to the owner of record, DLCD, Metro, the Beaverton Neighborhood Office and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

#### 1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.
- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2..
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill [REDACTED] permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

#### 1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules; and
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan; and
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

1.5.2 Criteria for Non-Discretionary Map Amendments

A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) "Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement." Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City's Local Wetland Inventory map involves no discretion.

1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

- 1. Conforms with the purposes of the Beaverton Comprehensive Plan; and

2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history, ; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
  - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
  - b) To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;
  - c) To complement any National Register properties or Historic Districts;
  - d) To stabilize and improve property values in such districts;
  - e) To foster civic pride in the beauty and accomplishments of the past;
  - f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
  - g) To strengthen the economy of the City; and
  - h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

#### C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan; and
2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

**EXPLANATORY NOTE: When feasible the notice for annexations and the related map changes shall be combined.**

~~1.3.4.4 The mailed Notice required by this section shall:~~

- ~~A. Explain the nature of the application and the use or uses which could be~~

authorized;

- ~~B. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;~~
- ~~C. Set forth the street address or other easily understood geographical reference to the subject property;~~
- ~~D. State the date, time and location of the hearing;~~
- ~~E. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and Oregon State Land Use Board of Appeals on that issue;~~
- ~~F. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;~~
- ~~G. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;~~
- ~~H. State that a copy of the staff report will be available for inspection at no cost at least thirty days prior to the hearing and will be provided at reasonable cost; and~~
- ~~I. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.~~

### **1.3.5 — STAFF REPORTS**

~~Comprehensive Plan Amendment staff reports will be available thirty (30) calendar days prior to the Planning Commission public hearing. Similarly, Comprehensive Plan Amendment staff reports prepared for CPA public hearings scheduled by City Council will be available to the public thirty (30) calendar days prior to the hearing. Comprehensive Plan Amendment staff reports for annexation related map amendments will be available at least twenty (20) calendar days prior to their first public hearing or agenda date.~~

### **1.3.6.1.6 HEARINGS PROCEDURES FINAL ADOPTION AND APPEALS**

~~Before the City Council may adopt any amendment to the Comprehensive Plan, the following procedures within this section shall be followed: In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.~~

~~1.3.6.1.6.1. After appropriate notice is given, as provided in section 1.4 as provided in section 1.3.4 the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.~~

- ~~A. At the beginning of the hearing an announcement shall be made to those in attendance that:
  - ~~1. States the applicable approval criteria by Comprehensive Plan section number.~~
  - ~~2. States testimony, arguments and evidence must be directed toward the applicable criteria.~~
  - ~~3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an~~~~

opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.

4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue may preclude an action for damages in circuit court.
  5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.
    - a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
    - b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.
  6. Summarizes the procedure of the hearing.
  7. States that the hearing shall be recorded on audio only or audio and video tape.
  8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.
- B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
- C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's testimony, if the City is not the applicant.
- D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
1. First, evidence or testimony in support of the application.
  2. Second, evidence or testimony in opposition to the application.
  3. Third, evidence or testimony that is neither in support nor in opposition to the application.
- E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
- F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
- G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.

1-3.6.21.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:

- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a

date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.

- B. Deny the application, approve the application, or approve the application with conditions.
1. If the Planning Commission proposes to deny, approve, or approve with conditions, the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.
  2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
  3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
  4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval criteria.

## **1.7. FINAL ADOPTION AND APPEALS**

### **1.7.1 Final Order**

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
1. A listing of the applicable approval criteria by Comprehensive Plan section number.
  2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.
  3. A statement of conclusions based on the facts and findings.
  4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) calendar days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within

ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.

2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
4. A statement of the name and address of the applicant.
5. If applicable, an easily understood geographic reference to the subject property and a map. ~~deliberations the Planning Commission shall forward a recommendation to City Council to approve, approve with modifications or deny the amendment request based on the plan amendment criteria and the evidence and testimony in the record. The Planning Commission shall adopt a final order, either immediately after making its recommendation or at a public meeting within a reasonable time after making the recommendation.~~

~~The final order will consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied upon in rendering the recommendation, and explaining the justification for the recommendation based on the criteria and facts set forth. The Planning Commission's final order is a recommendation, which is forwarded to the City Council for final action.~~

~~1.3.6.3 Notice of the Planning Commission's recommendation shall be sent to the applicant, other persons whose names appear on the application, and to all persons who testified either orally or in writing before the Planning Commission, as applicable. The notice of decision shall:~~

- A. ~~Include the CPA Application number, date, and brief summary of the final decision;~~
- B. ~~Include the name and address of the applicant;~~
- C. ~~Include, if applicable, an easily understood geographic reference to the subject property and map;~~
- D. ~~State that a copy of the final order is available for review, and that a copy can be obtained at cost; and~~
- E. ~~State that the decision is a recommendation, which will be forwarded to the Council for final decision, and that, unless appealed by filing a written Notice of Intent to Appeal with the City Recorder within ten (10) calendar days of the date of the Planning Commission's final order, that the Council will make a~~

~~final decision based on the record and recommendation of the Planning Commission.~~

~~F. The notice shall include the requirements for filing a Notice of Intent to Appeal contained in 1.3.6.4.B, together with the name, address and phone number of the City Recorder.~~

#### 1.3.6.4.1.7.2 Notice of Intent to Appeal

A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and City Recorder within ten (10) calendar days after the signed written order was dated and mailed of the date of the Planning Commission's final written order.

B. A notice of Intent to Appeal shall be in writing and shall contain:

1.i) A reference to the ~~CPA~~ application number and date of the Planning Commission ~~decision~~ order;

2.ii) A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;

3.iii) The name, address, and signature of the appellant or the appellant's representative;

4.iv) An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and

5.v) A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.

C. The ~~City Recorder~~ Community Development Director shall reject the appeal if it

1.i) is not filed within the ten (10) day appeal period set forth in subsection A of this section,

2.ii) is not filed in the form required by subsection B of this section, or

3.iii) does not include the filing fee required by subsection B of this section.

If the ~~City Recorder~~ Community Development Director rejects the appeal, the ~~City Recorder~~ Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the ~~City Recorder~~ Community Development Director rejects the appeal. A decision of the ~~City Recorder~~ Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

D. If a Notice of Intent to Appeal is not filed, or is rejected, ~~the~~ an ordinance shall be prepared for City Council consideration, consistent with the City Charter. Planning Commission's final order will be submitted for approval as a consent item at a subsequent public meeting of the City Council.

~~Following approval by the City Council of the Planning Commission's order the Council will, if the application is approved, adopt an ordinance as provided by the Charter for the City of Beaverton.~~

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in ~~1.3.6.8~~ 1.7.1.

E. Notwithstanding the provisions of this section, ~~and in the absence of a properly and timely filed Notice of Intent to Appeal the Planning Commission decision, the City Council on its own motion, may order a public hearing at the before the City Council level at any time prior to adopting a Council final order or ordinance. This Council hearing may be on the record or de novo at the discretion of the Council.~~

#### ~~1.3.6.5~~ 1.7.3 Notice of Appeal Hearing

A. Written notice of the appeal hearing before the City Council will be sent

1. by regular mail,
2. no later than ~~thirty~~ twenty (320) days prior to the date of the hearing
3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.

B. Notice of the hearing shall:

- ~~i)~~ i)1. Reference the CPA file number or numbers and the appeal number;
- ~~ii)~~ ii)2. Set forth the street address or other easily understood geographical reference to the subject property, if applicable;
- ~~iii)~~ iii)3. State the date, time and location of the hearing;
- ~~iv)~~ iv)4. State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;
- ~~v)~~ v)5. ~~State that Council review is confined to the issues raised by the appellant with sufficient specificity to enable the Council to respond. This portion of the notice will be deleted if the City Council on its own motion calls for a public hearing on the matter and directs that such hearing will be de novo.~~
- ~~vi)~~ vi)6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
- ~~vii)~~ vii)6. State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are

- available for inspection at no cost and can be provided at reasonable cost including the days, times and location where available for inspection; and
- viii)7. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

~~1.3.6.6~~1.7.4 Preparation of the Record; Staff Report; Transcript

A. Following receipt of a Notice of Intent to Appeal filed in compliance with ~~1.3.6.4~~1.7.2, the Community Development Department Director shall prepare a record for Council review containing:

- i)1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
- ii)2. Minutes of the Planning Commission proceedings at which the application was considered;
- iii)3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings on the application; and
- iv)4. the Planning Commission's Final written order.

5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.

B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

~~C. Transcript. A verbatim transcript of the Planning Commission proceedings is not required. Any person who appeared before the hearing body on the application may prepare a certified verbatim transcript of all or part of the Planning Commission's proceedings at that person's own expense. The Community Development Department Director may prepare a certified verbatim transcript of all or part of the Planning Commission's proceedings at the City's expense.~~

~~D. A certified transcript prepared pursuant to this subsection shall be considered to be part of the record of the Planning Commission's proceedings, and, if offered, shall be accepted into evidence and considered by the City Council.~~

1.3.6.71.7.5 Scope of Review

A. ~~Except as provided in subsection B of this section,~~

~~i) The City Council review appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission hearing, limited to the evidence in the record before the Planning Commission. Evidence means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision. No new evidence may be presented at the hearing before the Council and no person may testify before the Council unless that person appeared either orally or in writing before the Planning Commission. No issue may be raised on appeal to the Council that was not raised before the Planning Commission with sufficient specificity to enable the Planning Commission and the parties to respond.~~

ii) B. The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.

iii) ~~The Council may reopen the record and consider new evidence if such a request is made prior to or at the Council hearing by the appellant or any person who testified before the Planning Commission, and the requesting party demonstrates:~~

- ~~1) That the hearing body committed a procedural error that prejudiced the requesting party's substantial rights and that reopening the record is the only alternative to remanding the application to the Planning Commission to correct the error; or~~
- ~~2) That new evidence material to the decision on appeal exists and could not have been presented to the Planning Commission. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence concerns an unanticipated event which occurred after the close of the hearing before the Planning Commission. This exception shall be strictly construed by the Council in order to ensure that all relevant evidence and testimony is submitted to the Planning Commission.~~

~~In the event that no appeal is properly and timely filed and the City Council by motion decides to consider the Comprehensive Plan Amendment, the Council may conduct a de novo public hearing or it may review the matter on the record as described in subsection A of this section. A transcript is not required, however, if all or part of a transcript is offered, then it shall be allowed at the de novo hearing.~~

C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's recommendation

order in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1 (D) and 1.4.2 (D).) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to subsection D of this section, the Council may modify its decision based upon the record or may reopen the hearing.

D. Final Order ~~or Ordinance~~

In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, the Council shall cause the preparation of an Ordinance. The Ordinance or final order adopt a final order either immediately after making its preliminary oral decision or at a public meeting within a reasonable time after making the preliminary oral decision. The final written order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining the justification for the decision based upon the criteria and facts set forth and, if the plan amendment is approved, an ordinance which adopts the proposed amendment. The written final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is adopted by the Council signed by the Mayor.

Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

~~1.3.6.8 Notice of Decision:~~

~~A notice of decision shall be prepared not later than five (5) working days after the final decision. The Plan amendment, findings and notice of decision shall be mailed to the DLCD not later than five (5) working days after the final decision.~~

~~A. In addition, the notice of decision shall be sent by regular mail to:~~

- ~~i) persons who participated in the proceedings leading to adoption of the amendment; and~~
- ~~ii) persons who requested, in writing, to receive the notice of decision.~~

~~B. The notice of decision shall:~~

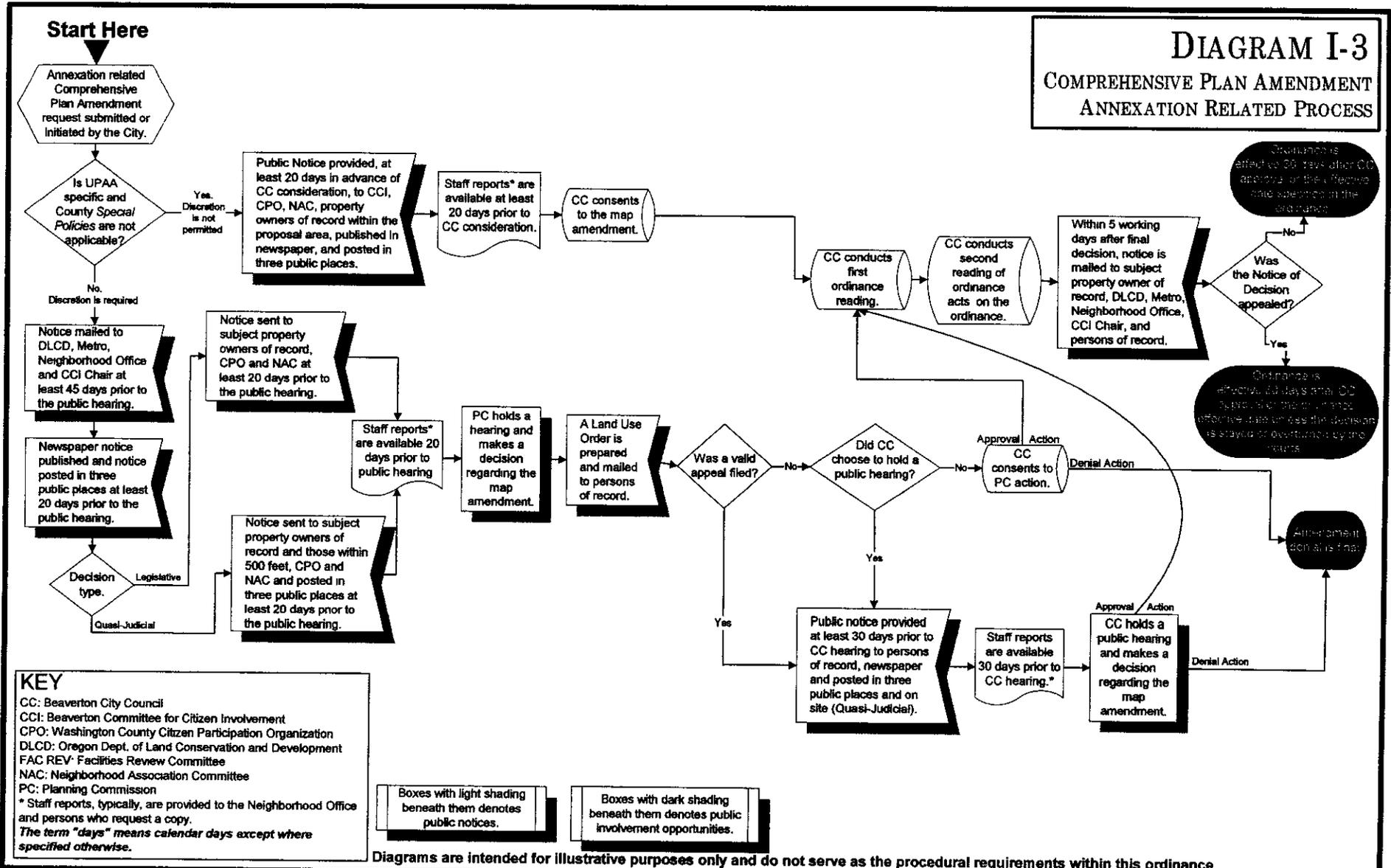
- ~~i) include the CPA and appeal number, date and brief summary of the final decision;~~
- ~~ii) include the name and address of the applicant;~~
- ~~iii) include an easily understood geographical reference to the subject property and a map, if applicable;~~
- ~~iv) State that the decision is available for review, and that a copy can be obtained at cost; and~~
- ~~v) State that the decision may be appealed by filing a written Notice of Intent to Appeal with the Oregon State Land Use Board of Appeals (LUBA) within 21 days of the date of the final decision in accordance with ORS 197.830(8).~~

| The following diagrams, Diagram ~~IA~~ I-1 through I-4G, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1A through I-4G will not require a Comprehensive Plan Amendment.



# DIAGRAM I-3

## COMPREHENSIVE PLAN AMENDMENT ANNEXATION RELATED PROCESS



### KEY

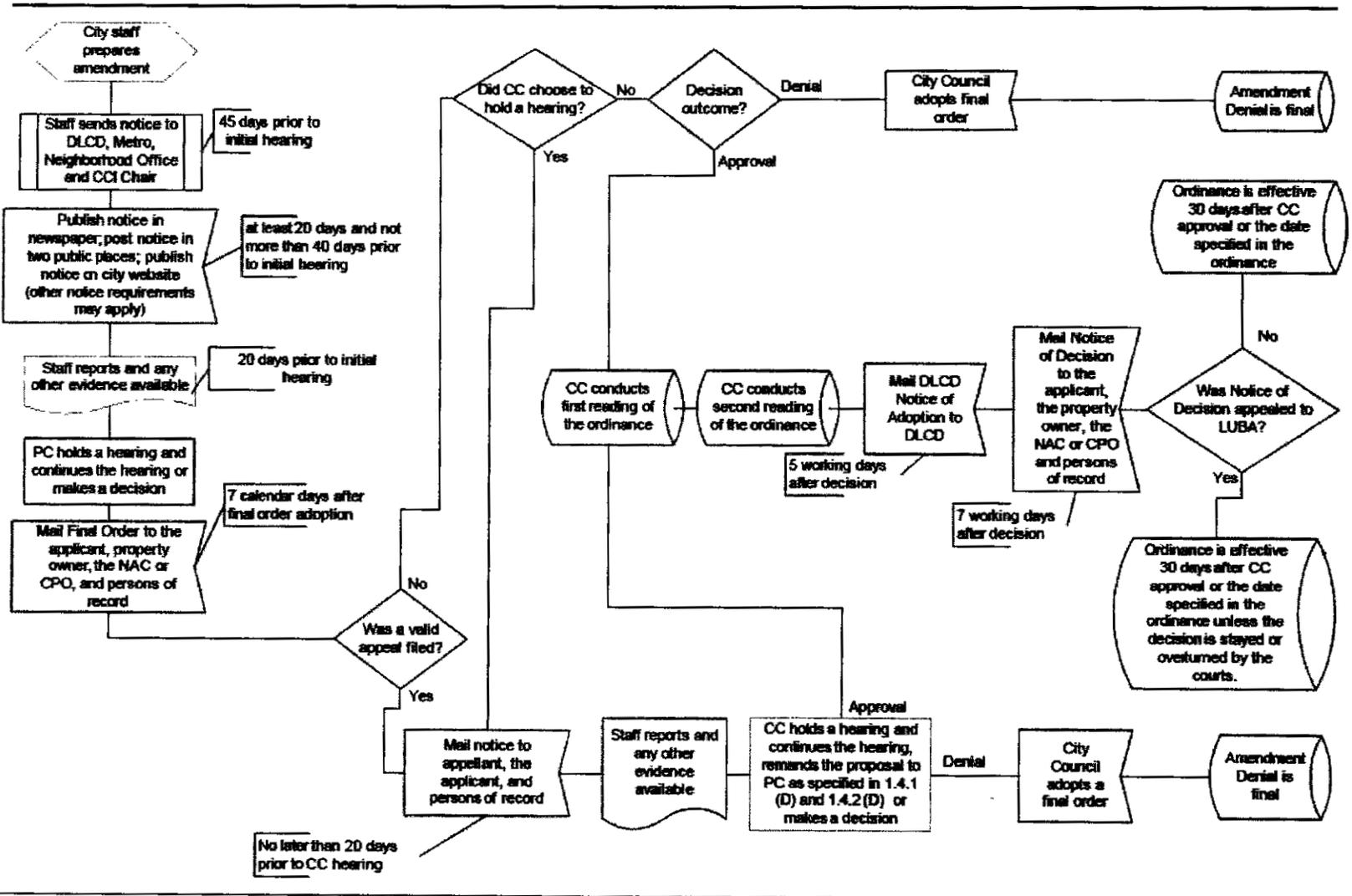
CC: Beaverton City Council  
 CCI: Beaverton Committee for Citizen Involvement  
 CPO: Washington County Citizen Participation Organization  
 DLCD: Oregon Dept. of Land Conservation and Development  
 FAC REV: Facilities Review Committee  
 NAC: Neighborhood Association Committee  
 PC: Planning Commission  
 \* Staff reports, typically, are provided to the Neighborhood Office and persons who request a copy.  
 The term "days" means calendar days except where specified otherwise.

Boxes with light shading beneath them denotes public notices.

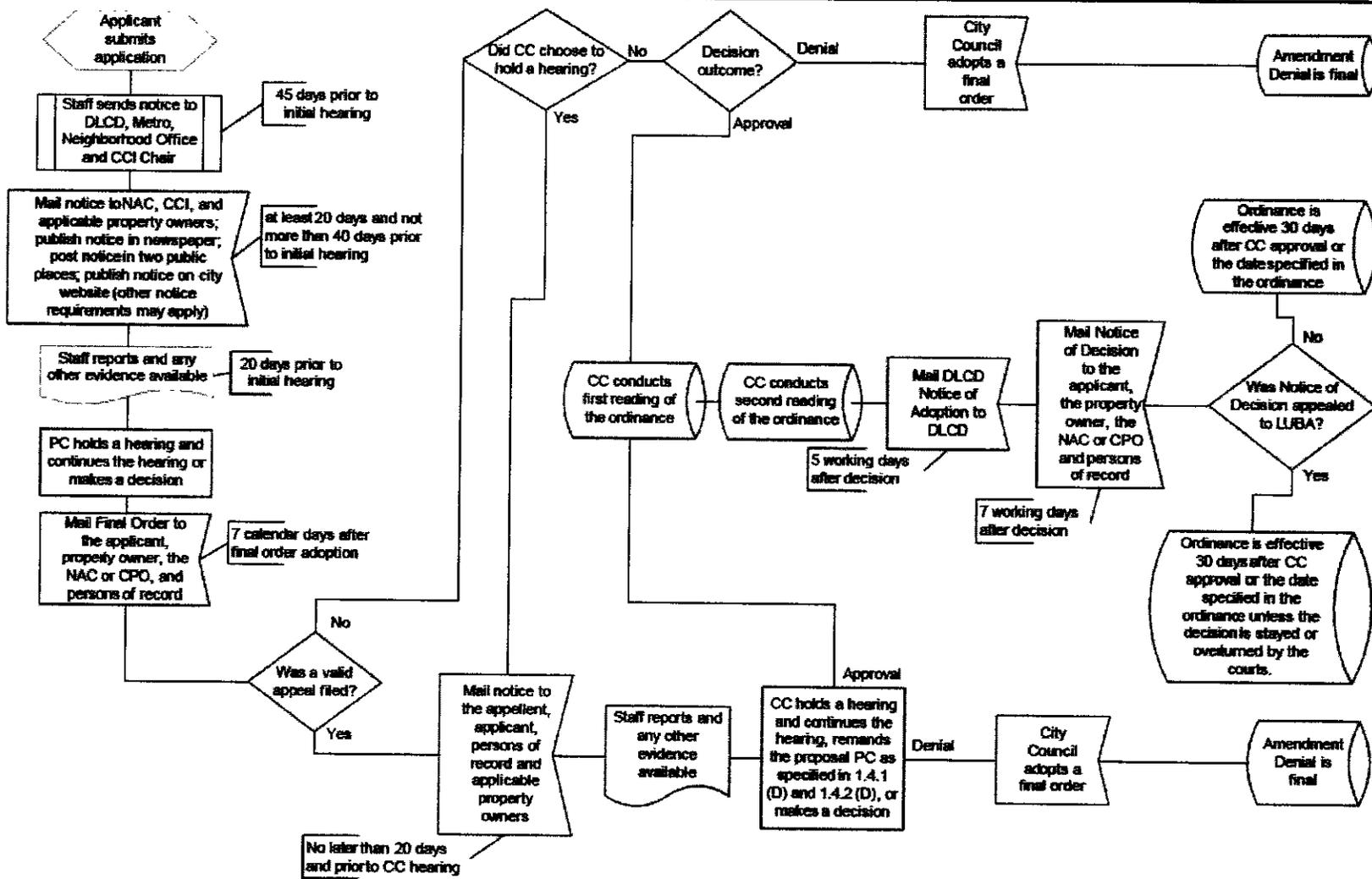
Boxes with dark shading beneath them denotes public involvement opportunities.

Diagrams are intended for illustrative purposes only and do not serve as the procedural requirements within this ordinance.

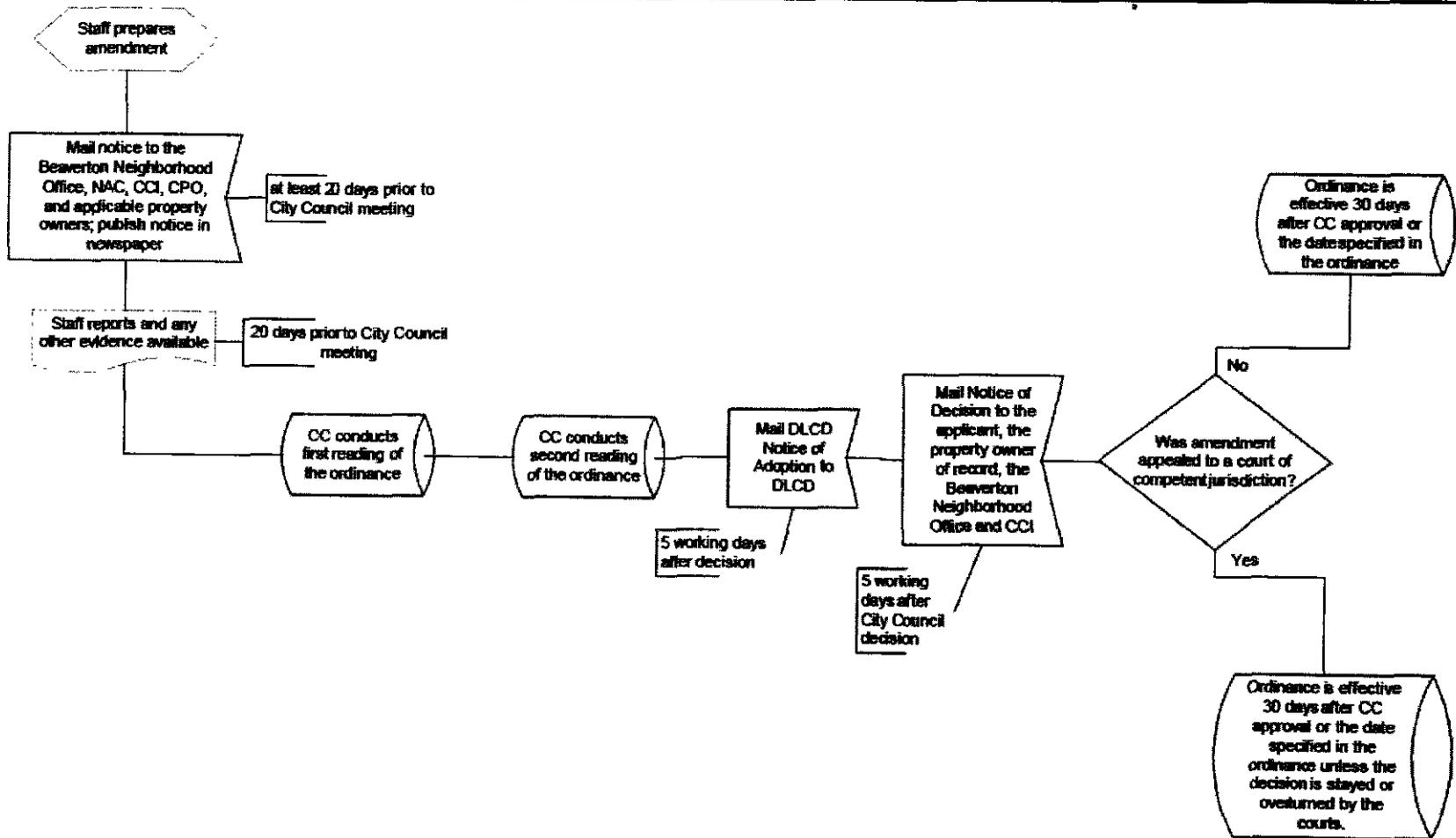
**Diagram I-1  
Legislative Comprehensive Plan Amendments**



**Diagram I-2  
Quasi-Judicial Comprehensive Plan Amendments**

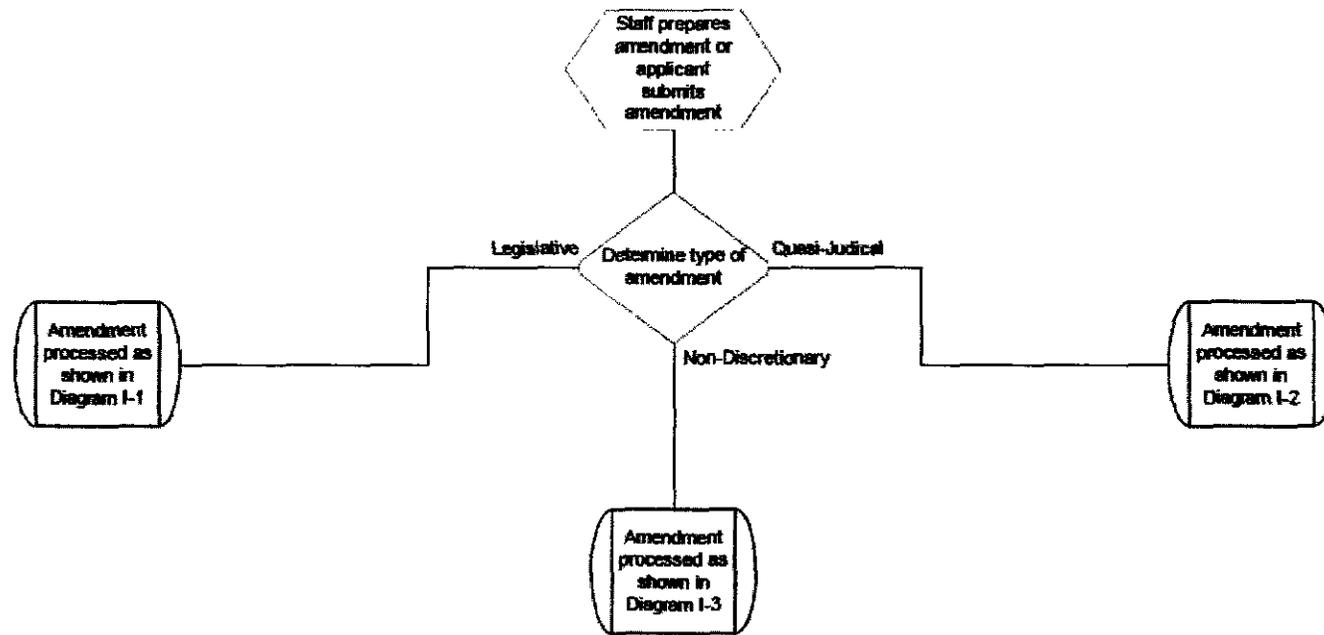


## Diagram I-3 Non-Discretionary Map Comprehensive Plan Amendments



**Diagram I-4**  
**Statewide Planning Goal 5 Inventory Resource Document Volume III**  
**Comprehensive Plan Amendments**

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## **1.8 APPLICATION FEES**

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

# CHAPTER TWO: PUBLIC INVOLVEMENT ELEMENT



## **PUBLIC INVOLVEMENT ELEMENT**

### **2.1 OVERVIEW**

Engaging the public early and often in the decision-making process is critical to the success of any planning effort, especially in relation to land use and transportation issues. In addition, numerous state and federal laws, as well as local policies, require public review and feedback at critical points in public policy development. For example, the federal Intermodal Surface Transportation Efficiency Act of 1991 underscores the need for public involvement, calling on planning agencies to provide the public, affected public and private agencies, and other interested parties “with a reasonable opportunity to comment” on plans and programs.

### **2.2 PUBLIC INVOLVEMENT GOALS**

Oregon’s Statewide Planning Goal 1 charges the governing body with preparing and adopting a comprehensive program for public involvement that clearly defines the procedures by which the general public can become involved in the planning process:

**Goal 1 Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. (Department of Land Conservation and Development, adopted 1974, amended 1988)

The City of Beaverton’s commitment to ensuring an optimum level of public participation is reflected in its public involvement goals:

**City Council Goal:** Enhance citizen involvement and participation.

**Comprehensive Plan Public Involvement Goal:** The Planning Commission, Council, and other decision making bodies shall use their best efforts to involve the public in the planning process.

In response to these goals, the City has developed a Public Involvement program aimed at expanding opportunities for public involvement throughout the planning process.

### **2.2 PUBLIC INVOLVEMENT PROGRAM**

In order to encourage public participation it is critical that issues important to different groups be identified and addressed early in the planning process. The need for and desired desirable level for of public participation should be determined in the early stages of any planning activity.

Public participation provides information and assistance to staff and policy makers in dealing with issues of interest to the public. When the community and its decision-makers

work from a common base of information, an active, rather than reactive program can evolve. Such a program will provide information more suitable to the public's needs.

### **2.3 PUBLIC INVOLVEMENT PROGRAM OBJECTIVES**

- A. To involve a cross section of the community in the community planning process.
- B. To ensure effective two-way communication between the City and the public.
- C. To provide an opportunity for the public to be involved in all phases of the planning process (e.g., scoping, analysis, plan preparation, adoption, implementation, and monitoring).
- D. To ensure that technical information is presented in an understandable form.
- E. To ensure that the public will receive a response from policy-makers.
- F. To ensure appropriate funding for the public involvement program.

### **2.4 PROGRAM IMPLEMENTATION**

#### **2.4.1 CITY-WIDE PUBLIC INVOLVEMENT OUTREACH MECHANISMS**

Several existing mechanisms ensure city-wide public involvement in Beaverton's planning process. The City's primary outreach mechanisms are through:

- A. The Committee for Citizen Involvement, an advisory committee to the City Council;
- B. The Neighborhood Program Office;
- C. The Neighborhood Association Committees;
- D. Specific committees and special interest groups;
- E. *Your City*, a newsletter published six times per year, subject to continued funding, that is designed to keep the public informed and invite participation;
- F. Periodic news releases in area newspapers;
- G. Contact with the local media;
- H. The City's public internet web site;
- I. Public workshops and focus groups; and

## J. Public hearings.

Each public involvement opportunity is tailored to meet the needs and conditions of the outreach effort, and techniques are often combined.

### 2.4.2 PUBLIC INVOLVEMENT IN CITY DECISION MAKING PROCESSES

The City's formal decision making processes include several opportunities for public involvement. The public is invited to present their views at the various City board and committee meetings, including but not limited to City Council, Planning Commission, Traffic Commission, and Board of Design Review, ~~and Historic Resources Review Committee and Facilities Review Committee.~~ Public notices, complete with the hearing date, time, location, and hearing body, are mailed out at least twenty (20) calendar days prior to the date of the public hearing, ~~with thirty (30) calendar days notice given for Comprehensive Plan Amendments.~~ Notices of public hearings are primarily published in the advertisement section of *The Valley Times*. On occasion, public hearing notices are published in *The Oregonian*. Notices are also posted on the City's web site.

Final agendas are posted at least seven calendar days in advance of the meeting at City Hall, located at 4755 S.W. Griffith Drive, ~~the Beaverton post office on SW Betts and Farmington Road,~~ and the Beaverton Library at ~~Allen and Hall Boulevards~~ 12375 SW Fifth Street. Agendas and meeting notices are available upon request from the City. Documents containing the proposals to be considered at the public hearings are available at the Planning Public Counter of the Community Development Department at least seven (7) calendar days in advance of the hearing, at least twenty (20) calendar days for Comprehensive Plan Amendments. ~~When the plan amendment affects a specific parcel or group of parcels, the site in question is also posted with a notice of a pending land use public hearing and a telephone number to call for further information.~~

The public is encouraged to provide staff with written comments or copies of presentations, particularly if the statement is too long to be orally presented in its entirety at a meeting. Individuals unable to attend meetings can submit concerns and ideas in writing to the Community Development Department office prior to the close of the public comment period. Copies of all materials submitted prior to distribution to the appropriate decision making body are included in documentation provided for the hearing deliberation on the matter.

All meetings are held in locations accessible to persons with disabilities. Listening devices or other auxiliary aids, sign language interpreters for people with hearing impairments, and readers for people with visual impairments are provided if requested at least three working days (72 hours) prior to the meeting.

The City may also conduct public meetings, workshops, and focus groups on particular issues to solicit input and involvement in various planning issues. Adopted plans are also available to the public for review at the Community Development Department and the

Beaverton Library, and are posted on the City's internet web site. Copies may be acquired for the cost of duplication at the Community Development Department.

### 2.4.3 CITY-SPONSORED PUBLIC GROUPS

#### 2.4.3.1. Committee for Citizen Involvement (CCI)

Council Resolution 2058 (1978) established the CCI, defining its responsibilities as an advisory committee to the City Council. ~~Ordinance 3557 established~~ The Beaverton Code specifies membership of CCI as five at-large members appointed by the Mayor and confirmed by the Council and one member from each recognized Neighborhood Association Committee. The CCI's role is to assure that the community has a continuous opportunity to exchange ideas and information with the City, and to monitor and evaluate City programs as specified in the Beaverton Code, 1982, as amended (BC 2.03.050 through 2.03.054).

The Citizen Involvement Program, adopted by Resolution 2229 (1980), established a formalized public participation program for the CCI and provided a method by which the committee and other members of the community could communicate their opinions, inquiries, or complaints about City departments, committees, or the Council.

The program also provides for a newsletter (~~the CCI Herald~~) and calendar of City meetings, information flyers, community meetings, and funding for these activities as well as staff support and public hearing notices. The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.

#### 2.4.3.2 Neighborhood Association Committees (NACs)

The Beaverton Code identifies the pProcedures by which residents can form Neighborhood Association Committees, add or delete areas of acknowledged NACs and provides a process for termination of NAC Recognition and NAC Grievances (BC 9.06.010 through 9.06.040) (Ordinance 3120) have been adopted by the City. Additions or deletions of Neighborhood Associations do not require a Comprehensive Plan Amendment. As the City expands, new NACs will be formed in accordance with the provisions of Ordinance 3120. Figure II-1 shows a graphic representation of the general boundaries for the existing NACs. Boundaries of the Neighborhood Association Committees NACs are shown on maps available at City Hall or on the City's website ([www.ci.beaverton.or.us](http://www.ci.beaverton.or.us)).

~~Currently there are thirteen neighborhood association committees in Beaverton:~~

<del>South Beaverton</del>	<del>Greenway</del>	<del>Triple Creek</del>	<del>Vose</del>
<del>West Beaverton</del>	<del>Five Oaks</del>	<del>Denney Whitford</del>	<del>Raleigh West</del>
<del>Central Beaverton</del>	<del>Highland</del>	<del>Sexton Mountain</del>	<del>Raleigh Park</del>

| ~~Neighbors Southwest~~

| NACs provide a forum to identify, discuss, and offer solutions to neighborhood concerns such as traffic, safety, land use, and economic development. Supported by the Neighborhood Program Office, Beaverton's NACs are organized by volunteers, meet regularly, and participate in the public comment process. Monthly agendas and minutes are mailed to active participants. Neighborhood and city-wide issues are usually the main agenda topics.

***Figure II-1 Beaverton Neighborhood Associations***

2.4.3.3. The Beaverton Code (Section 2.03.002 – 2.03.300) identifies other City Boards, Commissions and Committees created by ordinance. Additional committees or review commissions may be established to address special projects, such as the Code Review Advisory Committee. These committees provide input to staff as they develop specific proposals, such as amendments to the Development Code.

**2.4.3.34. Citizen’s Participation Organizations (CPOs)**

Washington County CPOs bordering the City limits are also involved in City planning issues through their newsletters and processes. Each CPO’s newsletter details issues of county, city, and region-wide interest to its readers. ~~Often,~~ Public hearing notices and articles of interest concerning Beaverton issues are often included in the CPO newsletters.

~~2.4.3.4. Other Public Boards and Commissions~~

~~The public may also attend and serve on City boards, commissions, and task forces. Appointments are usually made by the Mayor, the term is usually one year, and special experience is not necessary. Such boards currently include:~~

- ~~B.I.K.E. Task Force~~
- ~~Citizens with Disabilities Advisory Committee~~
- ~~Development Liaison Committee~~
- ~~Planning Commission~~
- ~~Traffic Commission~~
- ~~Historic Resources Review Committee~~
- ~~Board of Design Review~~
- ~~Code Review Advisory Committee~~

**2.4.45 PUBLICATIONS AND MAIL NOTIFICATION**

“Your City” newsletter is ~~published and distributed city-wide,~~ It provides information on current issues to the residents of Beaverton. Published approximately six times per year, subject to available funding, “Your City” includes notification of regularly scheduled Board, Commission, Advisory Committee and Neighborhood Association Committee meetings and hearings, articles of interest to residents, and educational opportunities relating to planning and other community issues. Specific mailings, public notices, flyers, surveys and questionnaires, as well as the City’s web site, cable broadcasts and other media, are used by the City to obtain input and provide information.

~~In addition, if information relates to a specific development proposal, such as for a Design Review Type I, II, III, Administrative or Quasi-Judicial decision, formal notice is provided in accordance with the Beaverton Development Code (ORD 2050).~~

**2.5 OPPORTUNITIES FOR PUBLIC INVOLVEMENT**

Many City planning processes incorporate specific public involvement procedures, which are identified in Chapter I of this Plan and in the City of Beaverton Development Code, Ordinance 2050.

In addition to the City's public participation processes, Metro requires transportation plans and programs to conform with its adopted Local Public Involvement Policy. This policy defines procedures and includes a certification process for projects proposed for federal funding through Metro.

Early public participation is critical to identifying needs and issues, evaluating alternatives, and developing, implementing, and evaluating projects. Opportunities for public involvement are available during the following ~~development preparation and review~~ phases of City plans:

~~2.5.1 Comments and Response to Comments~~

~~Comments received while plans are developed, adopted, implemented, and monitored are during plan preparation and review are also made part of the public record. At public hearings, comments are recorded and responses are noted. Public participation opportunities and public notice requirements for city plan and code revisions and updates are specified in the respective plan or code.~~

~~2.5.2 FINANCIAL SUPPORT~~

~~The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.~~

~~2.5.3 EVALUATION OF THE PUBLIC INVOLVEMENT PROGRAM~~

~~At regular intervals, the City's Public Involvement Program is evaluated to ensure its continued effectiveness. Revisions may be made in portions of the program related to long range planning through the Comprehensive Plan Amendment process outlined in this Plan.~~

~~**2.6 PUBLIC INVOLVEMENT IN COMPREHENSIVE PLAN AMENDMENT PROCESSES**~~

~~Comprehensive Plan Amendments fall into four general categories: (1) Legislative Amendments to the Comprehensive Plan text, Map or both; (2) Quasi-Judicial Amendments (i.e., parcel specific amendments to the Comprehensive Plan Map resulting from privately initiated actions); (3) Annexation Related Map Amendments; and (4) Historic Landmark or District Designation. Diagrams IA through IC, which appear in Chapter One, illustrate the steps in these amendment processes.~~

~~Public participation in Comprehensive Plan Amendments occurs in conformance with the processes described in Chapter One: Comprehensive Plan Amendment Procedures. Site specific map amendments also include posted notification of the action pending on the subject property.~~

~~In addition to statutorily required notice and hearing procedures, and where formally recognized neighborhood association committees (NACs) exist, copies of proposed amendments affecting a neighborhood will be sent to association representatives. At the NAC's request, public information presentations on legislative amendments will be given to these groups prior to public hearings. The Planning Commission and City Council will employ a variety of means to provide information and will seek public participation. In addition, the Planning Commission or City Council may request public agencies and other organizations for recommendations on proposed amendments.~~

~~At times, amendments are accompanied by other development applications such as zone changes, conditional use permits, or land divisions. Public involvement opportunities for comprehensive plan amendments are shown graphically in Diagrams IA through IC in Chapter One and summarized below:~~

#### ~~2.6.1 LEGISLATIVE AMENDMENTS~~

##### ~~2.6.1.1 Comprehensive Plan Text Amendment~~

~~Comprehensive Plan Text Amendments (CPTAs) alter the language in the Comprehensive Plan but do not alter the Comprehensive Plan Map. CPTAs may be accompanied by Development Code text amendments.~~

~~CPTAs follow the process described in Chapter One of the Comprehensive Plan (Ordinance 1800, as amended). Diagram IA in Chapter One illustrates specific procedures and opportunities for public involvement.~~

~~Public involvement is accomplished in the CPTA process through the following means:~~

~~CPTAs are typically City initiated and include public involvement through advisory committees, Neighborhood Association Committees and public meetings.~~

~~CPTAs may be placed on the Facilities Review Committee agenda. If scheduled for the Facilities Review Committee agenda, notice will be provided to NAC chairs at least 15 calendar days in advance of the community input Facilities Review meeting.~~

~~A copy of the required inter-agency DLCD notice will be mailed to DLCD, the neighborhood office and the CCI chair 45 days prior to the Planning Commission hearing.~~

~~All NAC chairs or their designees are sent notice of the Planning Commission hearing at least 30 calendar days prior to the hearing. The staff report is available at least 30 calendar days prior to the hearing. Public comments at the Planning Commission hearing are entered into the public record. Comments are noted and included in the minutes of the meeting.~~

~~At the conclusion of the Planning Commission hearing, the Planning Commission makes a recommendation on the amendment to the City Council. The recommendation may be approval, denial or modification of the request.~~

~~The Planning Commission recommendation is acted on by the City Council on the consent agenda usually without a second public hearing. The City Council may choose to hold a public hearing or, if an appeal is filed, a public hearing is scheduled.~~

~~The public may provide testimony, both written and oral, at the City Council meeting, if the City Council holds a public hearing on the amendment.~~

#### ~~2.6.1.2 Comprehensive Plan Map Amendment~~

~~Legislative Comprehensive Plan Map Amendments are those actions that produce a general rule or policy which is applicable to all parcels within a particular designation. An example of this type of comprehensive plan map amendment would be to change certain industrial lands to a different designation with policies applicable to all parcels with that particular designation.~~

~~CPMAs follow the process in Chapter One of the Comprehensive Plan (Ordinance 1800, as amended). Diagram IA illustrates specific procedures for these amendments and is shown in Chapter One.~~

~~Public involvement is accomplished in this same way as Comprehensive Plan Text Amendments except in the initial stage of staff report development. Prior to Department of Land Conservation and Development notification, staff initiates public meeting(s) with affected parties, takes comments, and, if appropriate, amends the application.~~

#### ~~2.6.2 QUASI JUDICIAL AMENDMENTS~~

~~Quasi-Judicial Comprehensive Plan Amendments are amendments to the map that are limited to specific parcels, interests or situations. This type of~~

~~amendment is typically coupled with a corresponding zone change.~~

~~Quasi-judicial development review applications requiring a public hearing may be processed concurrently with the Quasi-Judicial Comprehensive Plan Amendment. If a public hearing is required before the Board of Design Review, then the Planning Commission hearing on the comprehensive plan amendment will precede the Board of Design Review hearing. Specific development review procedures are contained in the City of Beaverton Development Code (Ordinance 2050). Diagram 1B illustrates specific procedures for these amendments and is shown in Chapter 1.~~

~~Public involvement is accomplished in this process through the following means:~~

~~A neighborhood meeting will be held in accordance with the provisions in Chapter One, Section 1.3.3.~~

~~A copy of the required inter-agency DLCD notice will be mailed to DLCD, the neighborhood office and the CCI chair 45 days prior to the Planning Commission hearing.~~

~~Property owners and NACs are mailed notice of the community involvement meeting with the Facilities Review Committee at least 15 calendar days prior to the meeting. Comments provided at that meeting, either written or oral will be included in the Comment section of the staff report to the Planning Commission.~~

~~Property owners and NAC chairs are mailed notice of the Planning Commission hearing 30 calendar days prior to the hearing. Board of Design Review hearing notice for related applications is mailed pursuant to Ordinance 2050. Public comments at the Planning Commission hearing are entered into the public record. Comments are noted and included in the minutes of the meeting.~~

~~At the conclusion of the Planning Commission hearing, the Planning Commission makes a recommendation on the amendment to the City Council. The recommendation may be approval, denial or modification of the request.~~

~~The Planning Commission recommendation is acted on by the City Council on the consent agenda usually without a second public hearing. The City Council may choose to hold a public hearing or, if an appeal is filed, a public hearing is scheduled.~~

~~The public may provide testimony, both written and oral, at the City Council meeting, if the City Council holds a public hearing.~~

#### ~~2.6.3 ANNEXATION RELATED MAP AMENDMENTS~~

~~Comprehensive Plan Map amendments are required for adoption of appropriate Comprehensive Plan designations for lands annexed into the City of Beaverton. The City has adopted an Urban Planning Area Agreement (UPAA) with Washington County, which identifies City Comprehensive Plan and zoning designation equivalents to those found in the Washington County Comprehensive Plan and Community Development Code. Annexation related map amendments follow the procedures set forth in Chapter One.~~

#### ~~2.6.4 HISTORIC LANDMARK AND DISTRICT DESIGNATION AMENDMENTS~~

~~Some comprehensive plan amendments are required to designate Historic Landmarks and Historic Districts on the Historic Resources Inventory. The Historic Resources Review Committee (HRRC) shall hold a public hearing on the proposed landmark or district designation. The Planning Commission then holds a hearing on the matter and forwards the recommendation to the City Council. See Chapter One for further processing requirements.~~

## GLOSSARY OF COMPREHENSIVE PLAN TERMS

The terms in this Plan embody the legislative intent of the City Council. Terms of ordinary usage are to be given their usual and reasonable meanings. Key words and concepts used in this Plan are explained below.

When the meaning ascribed to a term in this section conflicts with an identical or nearly identical term appearing in a closely-related state, regional, or federal law, the intent under this ordinance shall prevail unless a superior source of law requires a different result.

Where terms are not defined in this section, and a term conflicts with a provision of statewide, regional, or City of Beaverton law, the more restrictive interpretation will prevail unless it leads to an unlawful result.

Definitions of terms used throughout this comprehensive plan rely on applicable statutory definitions when they appear in Oregon law, and are implicit to in the comprehensive plan. Definitions appearing in the City of Beaverton Municipal Code Beaverton Code, 1982 are also incorporated by reference when they are not otherwise defined in this section. In cases where terms are not defined in this section, and the city's Beaverton Municipal Code and state statute law conflict, the more restrictive of the two shall be considered to govern. When defined in this section, the comprehensive plan definition will prevail, unless it explicitly conflicts with definitions appearing in applicable state or federal laws.

Key words necessary to understand the various comprehensive plan elements, which may not be defined by federal, state or local laws, are defined below for the reader's convenience:

**ACCESS** The place, ~~or means or way~~ by which pedestrians, vehicles, or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement. (Beaverton Development Code) to safely enter a site from a roadway and exit a site onto a roadway by pedestrians, bicycles or motorized vehicles.



**ACCESSIBILITY** The amount of time required to reach a given location or service by any mode of travel. (Metro Code 3.07.1010(a)) (Also Metro Regional Framework Plan)

~~ACCESSORY STRUCTURE OR USE~~ **DWELLING UNIT** A use or ~~structured~~ dwelling unit incidental or subordinate to the principal use of a building or project and located on the same site.

ACCESSORY STRUCTURE OR USE A structure or use incidental, appropriate and subordinate to the main structure or use. (Beaverton Development Code)

**ACKNOWLEDGEMENT** An Land Conservation and Development Commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro Urban Growth Management Functional Plan, amendments to Metro planning goals and objectives or amendments to the Metro Urban Growth Management Functional Plan comply with the statewide planning goals. (ORS 197.015(1))

**ACQUIRE OR ACQUISITION** The acquisition of land, by purchase, lease, gift, grant, or devise, construction, installation, reconstruction, repair and alteration, and the equipment, improvement and extension of mass transit facilities. ORS 391.510

**ACRE FOOT** The quantity of water required to cover one acre one foot deep. One acre foot equals 325,850 gallons.

**ACRES, GROSS** The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.

<b>ACRES, NET</b>	The acreage of a site, not including public or private road rights-of-way, other easements, public open space, environmental lands, and floodways.
<b>ACTIONS</b>	With regard to implementation actions identified in this Plan: <u>Direct specific City activities or events, consistent with the Comprehensive Plan goals and policies.</u>
<b>ADJACENT</b>	<del>Near or close. To have property lines or portions thereof in common or facing each other across a right-of-way, street, or alley.</del> <u>Near or close [REDACTED]. For example, an Industrial District across the street from a Residential District shall be considered as "adjacent". (Beaverton Development Code)</u>
<b>ADVERSE IMPACT</b>	<u>A negative consequence, demonstrated through evidence, for to the physical, social, or economic environment resulting from an action or a development project.</u>
<b>AFFORDABLE HOUSING</b>	<u>For the purposes of complying with Metro's Title 7 provisions, affordable housing is defined as housing that is affordable to residents earning less than 50% of the Metro area median income whereby no more than 30% of the household's gross income is expended toward housing costs.</u>
<b>AGRICULTURE</b>	<del>Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on prime or improved pasture land.</del>
<b>AGRICULTURAL LAND</b>	<del>Lands with commercially productive soils and/or in viable agricultural production. All agriculturally zoned land within the city of Beaverton is considered a short-term zone.</del>
<b>AIRPORT CLEAR ZONE</b>	<del>A designated area of land that is subject to peak aircraft noise and on which there is the highest potential of danger from airport operations.</del>
<b>ALLUVIAL</b>	<del>Soils deposited by stream action.</del>
<b>ALTERNATIVE MODES</b>	<u>Alternative methods of travel to the automobile, including public transportation (light rail, bus and other forms of public transportation), bicycles and walking.</u>
<b>AMBIENT</b>	<del>Surrounding on all sides; this term is used to describe measurements of existing conditions with respect to traffic, noise, air and other environments.</del>
<b>APARTMENT</b>	<u>(1) One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose; (2) A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.</u>
<b>APPROACH ROAD</b>	<del>Includes a private road that crosses a state highway or a county road. ORS 374.305</del>

**APPROPRIATE** An act, condition, or state ~~\_\_\_\_\_~~ suitable ~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~.

**AQUIFER** An underground, water bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage.

**AQUIFER RECHARGE** ~~\_\_\_\_\_~~ The replenishment of ground water in an aquifer.

**ARCADE** ~~\_\_\_\_\_~~ A continuously covered area which functions as a weather-protected extension adjacent to a public pedestrian way or sidewalk, with a minimum height of eight (8) feet above finished grade.

**ARCHAEOLOGICAL** Relating to the material remains of past human life, culture, or activities.

**ARCHITECTURAL REVIEW** ~~\_\_\_\_\_~~ Regulations and procedures requiring the exterior design of structures to be suitable, harmonious, and in keeping with the general appearance, historical character, and/or style of surrounding areas. A process used to exercise control over the design of buildings and their settings.

**AREAS AND ACTIVITIES OF METROPOLITAN CONCERN**

~~\_\_\_\_\_~~ A program, area or activity, having significant impact upon the orderly and responsible development of the metropolitan area that can benefit from a coordinated multi-jurisdictional response.

**ARTERIAL STREET** Arterial streets serve to interconnect and support the freeway system. These streets link major areas of the city. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors, neighborhood routes, or local streets in lieu of an arterial street.

**AUTO MALL** ~~\_\_\_\_\_~~ A single location that provides sales space and centralized services for a number of automobile dealers, which may include related services.

**AWNING** A roof like structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection. (Beaverton Development Code)

**BALANCED CUT AND FILL** ~~\_\_\_\_\_~~ No net increase in fill within the floodplain.

**BASE WASTEWATER FLOW (BWF)** ~~\_\_\_\_\_~~

~~\_\_\_\_\_~~ Refers to the amount of sewage incoming for treatment.

**BEAVERTON CODE** The Beaverton Code, 1982, as amended.

**B**

**BEAVERTON DEVELOPMENT CODE** Development Code of the City of Beaverton, Ordinance 2050, as amended, is an ordinance establishing the zoning standards, regulations and procedures, providing related development requirements and providing penalties and otherwise implementing this Plan.

**BEAVERTON ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS** A compilation of resolutions and ordinances setting forth the technical engineering standards that implement the City's Site Development Ordinance.

**BELOW MARKET RATE (BMR) HOUSING**

Any housing unit specifically priced to be sold or rented to very low, low or moderate income households for an amount less than the fair market value of the unit.

**BENEFICIAL USE STANDARDS** Under Oregon law, specific uses of water within a drainage basin deemed to be important to the ecology of that basin as well as to the needs of local communities are designated as "beneficial uses." Hence, "beneficial use standards" are adopted to preserve water quality or quantity necessary to sustain the identified beneficial uses.

**BICYCLE LANE (BIKE LANE)** Bicycle lane means the area within the street right-of-way designated specifically for use by bicyclists. The same area may also be referred to as a "bike lane." Bicycle lanes are striped and accommodate only one-way travel. (Beaverton Development Code)

**BIKEWAY** Bikeway means any path or roadway facility that is intended for and suitable for bicycle use. (Beaverton Development Code)

**BLIGHTED AREA** An area where there are a substantial number of slum, deteriorated, or deteriorating structures and conditions that endanger life or property by fire or other causes or one or more of the following factors that substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use: predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of the site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; and/or diversity of ownership or defective or unusual conditions of title that prevent the free alienability of land within the deteriorated or hazardous area.

**BOD<sub>5</sub>** (5-DAY BIOCHEMICAL OXYGEN DEMAND)

is a measure of the "strength" of sewage. It refers to the amount of oxygen required to stabilize the organic waste in 5 days.

**BOULEVARD DESIGN**

A design concept that emphasizes pedestrian travel, bicycling and the use of public transportation, and accommodates motor vehicle travel.

**BUFFER ZONE**

An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

**BUILDABLE LANDS**

Lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. Buildable lands includes both vacant land and developed land likely to be redeveloped. (ORS 197.295(1))

**BUILDING, MAXIMUM HEIGHT**

The vertical distance from the average elevation of the finished grade to the highest point of the structure.

**BUILDING; BUILD-OUT**

Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.

**BULK ELECTRIC TRANSMISSION CORRIDORS**

Rights of way and associated easements used for the placement of an interconnected group of electric lines and associated equipment for the movement or transfer of electricity in bulk between points of supply and points of delivery, where the transmission voltage is 230 KV or above.

**BULK RETAIL USE**

A retail or wholesale to the public use that sells primarily institutional sized or multi-pack products in bulk quantities.

**BUS**

A motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons. (ORS 184.674675(6))

**C**

**CALCULATED CAPACITY**

The number of dwelling units and jobs that can be contained in an area based on the calculation required by the Metro Functional Plan.

**CAMPUS DEVELOPMENT**

A development which meets the following criteria:

(1) ~~is located on a lot or contiguous lots within the Industrial or Institutional districts that total at least five acres in size; and~~

(2) ~~includes multiple buildings, which are interrelated in a common business or educational activity or process, and share a common infrastructure such as pedestrian ways and spaces, parking and vehicular accessways.~~

~~CAPITAL BUDGET~~ — A portion of each local government's budget that reflects capital improvements scheduled for a funded fiscal year.

~~CAPITAL IMPROVEMENT~~ — Physical assets constructed or purchased to provide, improve or replace a public facility and that are large in scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.

### ~~CAPITAL IMPROVEMENTS PROGRAM (CIP)~~

~~A multi-year (usually five or six) schedule of capital improvement projects, including cost estimates and priorities, budgeted to fit financial resources. The CIP, is administered by a city or county government and reviewed by its planning commission. It, schedules permanent improvements needed in the future, taking into consideration the projected fiscal capability of the local jurisdiction. The CIP is generally reviewed annually for conformance to and consistency with the comprehensive plan. In Beaverton, the CIP is called the Capital Improvements Plan.~~

~~CAPACITY EXPANSION~~ — Constructed or operational improvements to the regional motor vehicle system that increase the capacity of the system.

~~CARBON DIOXIDE~~ — A colorless, odorless, non-poison gas that is a normal part of the atmosphere.

~~CARBON MONOXIDE~~ — A colorless, odorless, highly poisonous gas produced by automobiles and other machines with internal combustion engines that imperfectly burn fossil fuels such as oil and gas.

### ~~CENTRAL BUSINESS DISTRICT (CBD)~~

~~————— The major commercial downtown center of a community.~~

~~CENTRAL CITY~~ — The downtown and adjacent portions of the city of Portland. See the Growth Concept map and text.

~~————— Downtown Portland is the Central city, which serves as the major regional center, an employment and cultural center for the metropolitan area. An average of 250 persons per acre are recommended.~~

~~CITY STREET~~ — Any street located within the city or city and county, except a freeway, state highway, or county highway. ORS 376.705

**CLUSTER DEVELOPMENT** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

~~**CLUSTERING** The practice of grouping permitted types of residential uses close together rather than distributing them evenly throughout a site while remaining at/or below the permitted density.~~

**COLLECTOR STREET** Collector streets provide both access and circulation within major areas of the city. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive access control, and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.

~~**COMMERCIAL PARKING FACILITY** A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.~~

**COMMERCIAL USES** Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services.

**COMMUNITY DEVELOPMENT DIRECTOR** The Director of Community Development for the City of Beaverton, Oregon, or designee.

**COMMUNITY PLAN** Volume V of the Comprehensive Plan. These documents describe policies and action statements and map designations specific to a particular geographic location.

~~**COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)**~~

~~A 24-hour energy equivalent level derived from a variety of single noise events, with weighting factors of 5 and 10 dBA applied to the evening (7:00 to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 am) periods, respectively, to allow for the greater sensitivity to noise during these hours.~~

**COMPATIBLE** Capable of existing together without ~~conflict or ill effects~~ discord or disharmony.

~~**COMPREHENSIVE** All inclusive, both in terms of geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. ORS 197.015~~

**COMPREHENSIVE PLAN** A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. (ORS 197.015(5))

<del>CONCURRENCY</del>	<del>A regulation specifying that before a development permit can be issued, what public facilities must be provided to the proposed development, when these facilities will be provided, and who will pay for them.</del>
CONDOMINIUM	A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units.
<del>CONGESTION</del>	<del>Occurs when traffic demand nears or exceeds the available capacity of the system.</del>
<del>CONGREGATE LIVING FACILITY</del>	<del>Any building(s), section of a building, residence, private home, boarding house, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding twenty-four hours, housing, food services and one or more personal care services to persons not related to the owner or operator by blood, marriage, or adoption. Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. For purposes of this comprehensive plan, congregate living facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential facilities; or nursing convalescent and extended care facilities.</del>
CONNECTIVITY	The degree to which the local and regional street systems in a given area are interconnected. <u>(Metro Code 3.07.1010(j))</u>
CONSERVATION <u>EASEMENT</u>	<del>The management of natural resources to prevent waste, destruction or neglect. <u>An easement specifically written to maintain or protect a natural resource.</u></del>
<del>CONSERVATION USES</del>	<del>Activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities and wildlife habitats.</del>
<del>CONVENIENCE GOODS</del>	<del>Retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location. Because these goods cost relatively little compared to income, they are often purchased without comparison shopping.</del>

~~COORDINATED PLAN~~ When the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. ORS 197.015

**CORRIDORS** While some corridors may be continuous, narrow bands of higher-intensity development along arterial roads, others may be more 'nodal,' that is, a series of smaller centers at major intersections or other locations along the arterial that have high-quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. As long as the average target densities and uses are allowed and encouraged along the corridor, many different development patterns--nodal or linear--may meet the corridor objective. (Metro Regional Framework Plan)

Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities. (Metro Code 3.07.130) An average of 25 persons per acre is recommended. (Metro Code 3.07.170)

**CRITICAL PUBLIC FACILITIES** Critical public facilities and services shall include public water, public sanitary sewer, storm water system (including storm water quality and quantity facilities), transportation, and fire protection. (Engineering Design Manual and Standard Drawings Proposed Definition)

**CULTURAL RESOURCES** Areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs, and social forms. For example, an archaeological site, such as an Indian burial ground could be an important cultural site.

**dB** Decibel; a unit used to express the relative intensity of a sound as it is heard by the human ear.

**dBA** The "A-weighted" scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness, though the noise is actually ten times more intense.

**DBH** The diameter of a tree measured at breast height (4 feet).

**DECISION, DISCRETIONARY** An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project. (See *Decision, Quasi-Judicial*)

**DECISION, LEGISLATIVE** A decision of a local official or entity based upon the decision-maker's perception of the best course of action. The city typically employs legislative decisions in adopting an ordinance or resolution establishing a basic principle or policy. Examples are decisions to adopt a comprehensive plan, apply a plan designation to a large number of properties, or decisions which affect a large geographic area or number of persons. A decision

D

made by elected officials of a local, state, or federal government based on their perception of the best course of action. No evidence must be present in the record to support the decision, and findings of fact based on the record are therefore not required. Legislative decisions typically occur when the city is adopting an ordinance or resolution, or establishing a basic principle or policies, such as during adoption of a comprehensive plan

**DECISION, QUASI-JUDICIAL** Refers to "judicial" acts by agencies and authorities that are not really constituted as courts of law, and which must make findings of fact based on the record and substantial evidence as part of their decision making process. For example, a ruling by the Planning Commission is a quasi-judicial decision, which must be based on findings of fact. Quasi-judicial decisions bear different aspects than legislative decisions. For example, requests of quasi-judicial decisions usually must actually result in a decision; quasi-judicial decisions are bound to apply pre-existing criteria to concrete facts; and they are customarily directed at a closely-circumscribed factual situation or small number of persons. The more a local government decision bears these emblems, the more it is a quasi-judicial decision.

**DEDICATION** The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses are often made conditions for approval of development.

**DENSITY** The ratio of dwelling units or employees per unit of area (square feet, acre, square mile, etc.). Density generally refers to residential uses. A measure of the intensity of the development generally expressed in terms of dwelling units (du) per acre (i.e., less than 7.5 du per acre = low density; 7.5 to 15 du per acre = medium density, etc.) It can also be expressed in terms of population density (people per acre). It is useful for establishing a balance between potential local service use and service capacities.

**DENSITY BONUS** The allocation of development rights that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is planned or zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location. *(See Development Rights, Transfer of)*

**DENSITY CREDIT** The transfer of development density rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other

lands that should not be developed, as defined in this comprehensive plan, may be entitled to a density credit.

**DENSITY, GROSS**

The number of dwelling units per gross acre. Gross acreage is the total amount of raw land, including all developable and undevelopable portions.

**DENSITY, NET**

The number of dwelling units allowed on per net developable acre (the total acreage of developable portions of the site) (net developable acre) within a given land area.

**DENSITY, RESIDENTIAL**

The number of permanent residential dwelling units per acre of land. Densities specified in the comprehensive plan may be expressed in units per gross acre or per net developable acre (See Gross Acres and Net Acres, Acres, Gross and Acres, Net).

~~**DENSITY TRANSFER**~~

~~A way of retaining open space by concentrating densities, usually in compact areas adjacent to existing urbanization and utilities, while leaving unchanged historic, sensitive, or hazardous areas. In some jurisdictions, for example, developers can buy development rights of properties targeted for public open space and transfer the additional density to the base number of units permitted in the zone in which they propose to develop.~~

**DESIGN PLAN**

A plan for a defined geographic area in a single or multiple ownership that is consistent with the Comprehensive Plan and includes, but is not limited to, a land use and circulation plan, development standards, design guidelines, an open space plan, utilities plans and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the Design Review process. (Beaverton Development Code)

~~**DESIGNATED BENEFICIAL WATER USES**~~

~~The same as the term as defined by the Oregon Department of Water Resources, which is: an instream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stockwater and wildlife uses.~~

**DESIGN TYPE**

The conceptual areas described in the Metro 2040 Growth Concept text and map in Metro's regional goals and objectives, including central city, regional centers, town centers, station communities, corridors, main streets, inner and outer neighborhoods, industrial areas, and employment areas. (Metro Code 3.07.1010(m))

~~**DEVELOPABLE LAND**~~

~~Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.~~

**DEVELOPER**

An individual who or business that prepares ~~land~~ land for the construction of buildings or causes to be built physical space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

**DEVELOPMENT**

~~Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. In addition, any other activity that results in removal of more than 10% of the existing vegetated area on the lot is defined as development, for the purposes of Title 3 (of the Regional Functional Plan).~~

~~Exceptions:~~

~~a. Stream enhancement or restoration projects approved by cities or counties.~~

~~b. Agricultural activity.~~

~~c. Replacement, additions, alternations and accessory uses for existing structures and development that do not encroach into the Water Quality and Flood Management Area more than the existing structure or development.~~

~~The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetation cover (with the exception of agricultural activities). The making of any material change in the use of any building or other land is development, while routine repair and maintenance activities are not. Generally, any man-made change to existing or proposed use of real property. Development activities include: land divisions, lot line adjustments, construction or alteration of structures, construction of roads and any other accessway, establishing utilities or other associated facilities, grading, deposit of refuse, debris or fill, and clearing of vegetative cover. Does not include routine acts of repair or maintenance.~~

**DEVELOPMENT APPLICATION** ~~An application for a land use decision, limited land use decisions including expedited land divisions, but excluding partitions as defined in ORS 92.010(7) and ministerial decisions such as a building permit.~~

**DEVELOPMENT PHASING** ~~The process by which a large scale project is built in stages over a period of time, concurrent with market conditions or the provision of public facilities.~~

**DEVELOPMENT RIGHTS, TRANSFER OF (TDR)**

Also known as "Transfer of Development Credits," a program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the "donor" site) to another ("receiver") site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts.

**DISABLED (HANDICAPPED)** — A person determined to have a physical impairment or mental disorder expected to be of long or indefinite duration. Many such impairments or disorders are of such a nature that a person's ability to live independently can be improved by appropriate housing conditions.

**DRIVE THROUGH FACILITIES** — A building or use where the primary method of selling or servicing of goods or services is designed to allow drivers to remain in their vehicles before and during an activity on the site.

**DWELLING UNIT** — A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long term basis.

A structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. (ORS 90.010(9))

**EARTHQUAKE HAZARDS** — Ground shaking, landslides, liquefaction and amplification are all earthquake hazards that can cause damage to structures and infrastructure. (Beaverton Natural Hazards Mitigation Plan)

**EASEMENT** — A form of nonpossessory Usually the right to use property owned by another for specific purposes or to gain access to some portion of another's property. For example, utility companies often have easements on the private property of individuals in order to install and maintain utility facilities.

**E**

**ECONOMIC OPPORTUNITIES ANALYSIS**

An "economic opportunities analysis" is a strategic assessment of the likely trends for growth of local economies in the state consistent with OAR 660-09-015. Such an analysis is critical for economic planning and for ensuring that the land supply in an urban area will meet long-term employment needs.

**EDUCATIONAL USES** — Activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities, including the areas of buildings, campus open space, dormitories, recreational facilities and parking.

<b>EFFLUENT</b>	Wastewater leaving a treatment plant.
<b>ELDERLY HOUSING</b>	Typically one and two bedroom apartments designed to meet the needs of persons 62 years of age or older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them. (See <i>Congregate Living Facility</i> )
<b>EMPLOYMENT AREAS</b>	Areas of mixed employment that include various types of manufacturing, distribution and warehousing uses, commercial and retail development as well as some residential development. Retail uses should primarily serve the needs of people working or living in the immediate employment area. Exceptions to this general policy can be made only for certain areas indicated in a functional plan. <u>Commercial uses are to be limited.</u>
	Various types of employment and some residential development are encouraged in employment areas with limited commercial uses. Recommended density is 20 persons per acre.
<b>ENCLAVE</b>	A geographical area that is surrounded partially or totally by land managed by another jurisdiction, and for which the management of that area by the governing jurisdiction is impeded because of its inaccessibility.
<b>ENCROACHMENT AREA</b>	Areas in floodplains and floodways where development is restricted due to potential impacts on natural hydrologic characteristics. Development or raising of the ground level (e.g., to avoid flood damage) in encroachment areas will obstruct flood water flows, raising the water surface level. Demand to build structures in the flood plain, regardless of potential flooding dangers, is common in urban areas. Reasons typically include lack of suitable land or lower flat land development costs compared to building on steeper gradients.
<b>ENDANGERED SPECIES</b>	A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. <u>(See Title 50 of the Code of Federal Regulations)</u>
<b>ENGINEERING DIRECTOR</b>	<u>The director of the Engineering Department of the City of Beaverton, Oregon, or designee.</u>
<b>ENHANCE</b>	To improve existing conditions by increasing the quantity or quality of beneficial uses.
<b>ESSENTIAL PUBLIC FACILITIES</b>	<u>Essential facilities and services shall include schools, transit improvements, police protection, and public pedestrian and bicycle facilities.</u>
<b>ESTABLISHED NEIGHBORHOOD</b>	A neighborhood where platted lands are at least eighty percent developed and occupied, and where substantial deterioration since development has either not occurred or been reversed.

**EQUIVALENT DWELLING UNITS (EDU's)**

The standard unit of measurement for determining wastewater system capacity, which indexes all wastewater system generation and use to the amount used by an average dwelling unit.

**EXCEPTION** An exception is taken for land when either commitments for use, current uses or other reasons make it impossible to meet the requirements of one or a number of the statewide planning goals.

**EXPANSIVE SOILS** Soils that swell when they absorb water and shrink as they dry.

**EXPRESSWAY** A divided multi-lane arterial highway for through traffic with full or partial access control and (generally) grade separations at major intersections.

**FAIR SHARE** A proportionate amount by local jurisdiction. Used in the context of affordable housing in this document. "Fair share" means that each city and county within the region working with Metro to establish local and regional policies that will provide the opportunity within each jurisdiction for accommodating a portion of the region's need for affordable housing.

**F**

**FAMILY** (1) Two or more persons related by birth, marriage or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a *bona fide* single family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club or other group of persons occupying a hotel, lodging house or institution of any kind.

**FAMILY WAGE JOB** A permanent job with an annual income greater than or equal to the average annual covered wage in the region. The most current average annual covered wage information from the Oregon Employment Division shall be used to determine the family wage job rate for the region or for counties within the region.

**FEASIBLE** Capable of being done, executed, or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s).

**FINANCE OF FINANCING** The issuance of revenue bonds pursuant to ORS 391.570 by the authority for the purpose of providing financial assistance to districts. ORS 391.510

**FINANCIAL ASSISTANCE** Providing of methods of financing of costs of mass transit facilities under ORS 267.227 and 391.500 to 391.660. ORS 391.510

**FIRE HAZARD ZONE** An area where, due to slope, fuel, weather, or other fire-related conditions, the potential loss of life and property from a fire

necessitates special fire protection measures and planning before development occurs.

**FIRM YIELD** — The amount of water a supply source can provide on a continuous basis, without deficit, under a full range of hydrological conditions (may be based on records of previous 40 or 50 years.) Since that is a worse case scenario, supply is sometimes measured by a percentage of time a particular yield can be supplied.

**FISCAL TAX EQUITY** — The process by which interjurisdictional fiscal disparities can be addressed through a partial redistribution of the revenue gained from economic wealth, particularly the increment gained through economic growth.

**FISH AND WILDLIFE HABITAT CONSERVATION AREA** —

The area defined on the Metro Water Quality and Flood Management Area Map to be completed and attached to the Urban Growth Management Functional Plan. These include all Water Quality and Flood Management Areas that require regulation in order to protect fish and wildlife habitat. This area has been mapped to generally include the area 200 feet from top of bank of streams in undeveloped areas with less than 25% slope, and 100 feet from edge of mapped wetland on undeveloped land.

**FLOOD PLAIN****FLOODPLAIN** Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events. — The floodplain includes the land area identified and designated by the United States Army Corps of Engineers, the Oregon Department of State Lands, FEMA, or Washington County that has been or may be covered temporarily by water as a result of a storm event of identified frequency and the area along a watercourse enclosed by the outer limits of land that is subject to inundation in its natural or lower floodway fringe, and equal to the FIRM designation of an area of special hazard.

**FLOODWAY FRINGE** — Areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an "A" Zone or "V" Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps. The area of the flood plain, lying outside the floodway, which does not contribute appreciably to the passage of flood water, but serves as a retention area.

**FLOODWAY** The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.

**FLOOR AREA RATIO (FAR)** The amount of gross floor area in relation to the amount of net site area, expressed in square feet. (Beaverton Development Code)

**FLOOR AREA RATIO (FAR) CREDIT**

The transfer of development intensity rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other areas that should remain undeveloped, may be entitled to an intensity credit.

**FREEWAY**

Freeways provide the highest level of connectivity. These roadways generally span several jurisdictions and are often of statewide importance.

**FREIGHT MOBILITY**

The efficient movement of goods from point of origin to destination.

**FRONTAGE YARD**

The yard between a building and a street or public right-of way or easement for public travel.

**FUNCTIONAL CLASSIFICATION OR MAP** Street Functional Classification

**FUNCTIONAL PLAN**

A limited purpose multi jurisdictional plan for an area or activity having significant district wide impact upon the orderly and responsible development of the metropolitan area that serves as a guideline for local comprehensive plans consistent with ORS 268.390. in the context of the Comprehensive Plan, Functional Plan means the Metro Urban Growth Management Functional Plan. Metro's Urban Growth Management Functional Plan is one of several Metro Functional Plans.

**FUNCTIONS AND VALUES OF STREAM CORRIDORS**

Stream corridors have the following functions and values: water quality retention and enhancement, flood attenuation, fish and wildlife habitat, recreation, erosion control, education, aesthetic, open space and wildlife corridor.

**GATEWAY**

A point along a roadway entering the city at which a motorist gains a sense of having left the environs and of having entered the city.

**GENERAL NATURE**

A summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. ORS 197.015

**GEOLOGIC REVIEW**

The analysis of geologic hazards, including all potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, and the potential for erosion and sedimentation.

**GOAL**

The mandatory state wide planning standards adopted by LCDC pursuant to ORS Chapters 195, 196 and 197. ORS 197.015 A general, long term aim or end toward which programs or activities are ultimately directed.

G

<b>GOALS</b>	<u>The mandatory statewide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS chapters 195, 196, and 197. (ORS 197.015(8)) (OAR 660-018-0010(10))</u>
<b>GREENBELT</b>	An open space area surrounding an urbanized community; sometimes defined as an open space buffer separating one community from another. A greenbelt is generally composed of different types of open space: parks, agricultural land, land with other important natural resource values, and land that is left open to protect the public health and safety.
<b>GROSS ACRES</b>	<u>The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.</u>
<b>GROUNDWATER</b>	Water under the earth's surface, often confined <del>in</del> <i>in</i> aquifers, capable of supplying wells and springs.
<b>GROUNDWATER RECHARGE</b>	<del>The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water holding rocks that provide underground storage (See Aquifer).</del>
<b>GROWTH CONCEPT</b>	<u>As defined in the Metro Regional Framework Plan, the Growth Concept is Aa concept for the long-term growth management of our region stating the preferred form of the regional growth and development, including where and how much the UGB should be expanded, what densities should characterize different areas, and which areas should be protected as open space.</u>
<b>GROWTH CONCEPT MAP</b>	<u>The conceptual map demonstrating the 2040 Growth Concept design types attached to the Urban Growth Management Functional Plan Appendix and adopted as Metro Code 3.07.1010(z).</u>
<b>GROWTH MANAGEMENT</b>	A method to guide development in order to minimize adverse environmental and fiscal impacts and maximize the health, safety, and welfare benefits to the residents of the community.
<b>GUIDELINES</b>	<del>Suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines shall be advisory and shall not limit state agencies, cities, counties and special districts to a single approach. ORS 197.015</del>



# H

**HABITAT**

Any area where there is naturally occurring food and cover for wildlife.

~~**HARD SURFACED HIGHWAYS**~~

~~Any state road or highway constructed and surfaced or to be constructed and surfaced with such materials or combinations of materials as to produce what is commonly known or styled "pavement", and not such construction or surfacing as is commonly known as "macadam". ORS 366.015~~

**HAZARDOUS MATERIALS**

Materials described as hazardous by Oregon Department of Environmental Quality.

~~Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.~~

Hazardous material or substance includes but is not limited to a substance designated under 33 U.S.C. §1321 (b)(2)(A), any element, compound, mixture, solution or substance designated under 42 U.S.C. §9602, any hazardous waste having characteristics identified under or listed under 42 U.S.C. §6921, any toxic pollutant listed under 33 U.S.C. §1317 (a), any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action under 15 U.S.C. §2606, and any residue classified as hazardous waste pursuant to ORS 466.020(3). (CWS Design and Construction Standards)

**HIGH CAPACITY TRANSIT**

Transit routes that may be either a road designated for frequent bus service or for a light-rail line. (Metro Regional Framework Plan definition)

**HIGH OCCUPANCY VEHICLE (HOV)**

~~Any vehicle other than a driver-only automobile~~single occupancy vehicle (e.g., a vanpool, a bus, or two or more persons to a car).

**HIGHWAY**

High speed, high capacity, limited access transportation facility serving regional and countywide travel. Highways may cross at a different grade level.

**HILLSIDE AREAS**

Land that has an average percent of slope equal to or exceeding fifteen percent.

**HISTORIC**

An historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.

~~**HISTORIC PRESERVATION**~~

~~The preservation of historically significant structures and neighborhoods in order to facilitate restoration and rehabilitation of the building(s) to a former condition.~~

**HISTORIC BUILDINGS OR STRUCTURES RESOURCES**

Also known as Historic Resources, these are aAll areas, districts or sites containing properties listed on the city of Beaverton List of Historic Properties, or the State Historic Preservation Office, or the National Register of Historic Places.

**HOUSEHOLD**

All those persons, related or unrelated, who occupy a single housing unit. (See *Family*)

**HOUSING AFFORDABILITY**

The availability of housing such that no more than 30 percent (an index derived from federal, state and local housing agencies) of the monthly income of the household need be spent on shelter. (Metro Regional Framework Plan definition)

**HOUSING UNIT**

The place of permanent or customary abode of a person or family. A housing unit may be a single family dwelling, multifamily dwelling, condominium, modular home, mobile home, cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep. (See *Dwelling Unit, Family, and Household*)

# I

**IMPACT**

The effect of any direct manmade actions or indirect repercussions of manmade actions on existing physical, social, or economic conditions.

**IMPACT FEE**

A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise unmitigated impacts the project will produce.

~~**IMPLEMENTING REGULATIONS**~~

~~Any city or county land use regulation as defined by ORS 197.015(11) which includes zoning, land division or other~~

ordinances which establishes standards for implementing a comprehensive plan.

**INDUSTRIAL**

The manufacture, production, assembly, processing, or storage of consumer goods. Industrial is often divided into "heavy industrial" uses, such as construction yards, quarrying, and factories; and "light industrial" uses, such as research and development and less intensive warehousing and manufacturing. Activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, distribution and research and development. Industrial uses may have unique land, infrastructure and transportation requirements. Industrial uses tend to have external impacts on surrounding uses and cluster in traditional or new industrial areas where they are segregated from other non-industrial activities. (OAR 660-009-0005(2))

**INDUSTRIAL AREAS**

An area set aside for industrial activities. Supporting commercial and related uses may be allowed, provided they are intended to serve the primary industrial users. Residential development shall not be considered a supporting use, nor shall retail users whose market area is substantially notably larger than the industrial area be considered supporting uses. (Metro Regional Framework Plan)

Industrial areas would be set aside primarily for industrial activities. Other supporting uses, including some retail uses, may be allowed if limited to sizes and locations intended to serve the primary industrial uses. They include land intensive employers, such as those around the Portland International Airport, the Hillsboro Airport and some areas along Highway 212/224. Areas of high agglomerative economic potential, such as the Sunset Corridor for electronic products and the Northwest Industrial sanctuary for metal products, shall be supported with transportation planning and infrastructure development designed to meet their needs. Industrial areas are expected to accommodate 10 percent of regional employment and no households. Retail uses whose market area is substantially larger than the employment area shall not be considered supporting uses.

The siting and development of new industrial areas would consider the proximity of housing for all income ranges provided by employment in the projected industrial center, as well as accessibility to convenient and inexpensive non auto transportation. The continued development of existing industrial areas would include attention to these two issues as well.

Industrial area are set aside primarily for industrial activities with limited supporting uses. Average recommended density is 9 employees per acre. Retail uses larger than 60,000 square feet of gross leasable area per building or business are prohibited in Industrial Areas designated on the Metro Employment and Industrial Areas Map.

**INDUSTRIAL PARK**

See City of Beaverton Development Code

<b>INFILL</b>	New development on a parcel or parcels of less than one contiguous acre located within the Urban Growth Boundary.
<b>INFILL DEVELOPMENT</b>	Development on scattered vacant sites within the urbanized area of a community.
<b>INFLUENT</b>	Wastewater coming into a treatment plant.
<b>INFRASTRUCTURE</b>	<p>Component of a functioning, orderly urban fabric, such as roads, water systems, sewage systems, systems for storm drainage, telecommunications and energy transmission and distribution systems, bridges, transportation facilities, parks, schools and public facilities developed to support the functioning of the developed portions of the environment. Areas of the undeveloped portions of the environment such as floodplains, riparian and wetland zones, groundwater recharge and discharge areas and Greenspaces that provide important functions related to maintaining the region's air and water quality, reduce the need for infrastructure expenses and contribute to the region's quality of life. (Metro Regional Framework Plan definition)</p> <p>Those manmade structures serving the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; revetments; causeways; marinas; navigation channels; bridges; roadways; and streets.</p>
<b>INNER NEIGHBORHOODS</b>	<p>Areas in Portland and the older cities that are primarily residential, close to employment and shopping areas, and have slightly smaller lot sizes and higher population densities than in outer neighborhoods. (Metro Regional Framework Plan) Beaverton's Land Use Designation Neighborhood Residential identifies its Inner Neighborhoods.</p> <p>Inner neighborhoods include areas such as Portland, Beaverton, Milwaukie and Lake Oswego, and would include primarily residential areas that are accessible to employment. lot sizes would be smaller to accommodate densities increasing from 1990 levels of about 11 people per acre to about 14 people per acre. Inner neighborhood would trade smaller lot sizes for better access to jobs and shopping. They would accommodate about 28 percent of new households and 15 percent of new employment. (Some of the employment would be home occupations and the balance would be neighborhood-based employment such as schools, daycare and some neighborhood businesses).</p> <p>Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods. Average recommended density is 14 persons per acre.</p>

<b>INTERMODAL</b>	The connection of one type of transportation mode with another.
<b>INTERMODAL FACILITY</b>	A transportation element that accommodates and interconnects different modes of transportation and serves the statewide, interstate and international movement of people and goods.
<b>INSTITUTIONAL</b>	(1) Privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools; (2) churches and other religious institutions; and (3) other nonprofit activities of an education, youth, welfare, or philanthropic nature that cannot be considered a residential, commercial or industrial activity (4) <u>academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations;</u> and (5) <u>facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.</u>
<b>INTENSITY</b>	A measure of land use activity based on density, use, mass, size, and/or impact.
<b>INTERCHANGE</b>	A system of interconnecting roadways in conjunction with one or more grade separations, providing for the interchange of traffic between two or more roadways on different levels.
<b>INTERIOR YARD</b>	The yard between a building and a lot line that does not abut a street or public right of way or easement for public travel.
<b>INTERIM USE</b>	Any use permitted conditionally for a fixed period of time not to exceed five years, at which time the interim use shall be eliminated unless extended through the conditional use permit process for a specified time not to exceed three years.
<b>INTERSECTING STREET</b>	Any street which meets or crosses a pedestrian mall at a mall intersection but includes only those portions thereof on either side of a mall intersection which lie between the mall intersection and the first intersection of the intersecting street with a public street or highway open to vehicular traffic. ORS 376.705
<b>JOBS/HOUSING BALANCE</b>	The relationship between the number, type, mix and wages of existing and anticipated jobs balanced with housing costs and availability so that non-auto trips are optimized in every part of the region.
<b>JOBS/HOUSING RATIO</b>	Numerical ratio of number of employment positions to dwelling units, where 1 is a balanced community >1 is a job rich community and ≤1 is a job poor community.

J

K

~~KEY OR CRITICAL PUBLIC FACILITIES AND SERVICES~~

~~Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including transportation, water supply, sewage, parks, schools and solid waste disposal.~~

L

L

LANDSCAPING

~~Planting, including trees, shrubs, and ground covers, suitably designed, selected, installed, and maintained so as to enhance a site, street, or roadway permanently.~~

The combination of natural elements such as trees, shrubs, ground covers, vines and other living organic and inorganic material which are installed for purposes such as creating an attractive and pleasing environment and screening unsightly views. Other improvements that promote an attractive and pleasing environment that may be included as landscaping includes features such as fountains, patios, decks, fences, street furniture and ornamental concrete or stonework areas. (Beaverton Development Code)

LANDSCAPE STRIP

The portion of public right-of-way located between the sidewalk and curb. (Metro Code 3.07.1010(ee))

LAND USE

The occupation or use of land or water area for any human activity or any purpose defined in ~~the~~ a comprehensive plan.

LAND USE CATEGORY

~~A classification used to designate, geographically on a map and/or in text form, what activities are permitted within the area designated.~~

LAND USE DECISION (a) Includes:

~~(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:~~

- ~~(i) The goals;~~
- ~~(ii) A comprehensive plan provision;~~
- ~~(iii) A land use regulation; or~~
- ~~(iv) A new land use regulation; or~~

~~(B) A final decision or determination of a state agency other than LCDC [REDACTED] is required to apply the goals; and~~

~~(b) Does not include a decision of a local government:~~

~~(A) Which is made under land use standards which do not require interpretation or the exercise of policy or legal judgment;~~

~~(B) Which approves or denies a building permit issued under clear and objective land use standards;~~

~~(C) Which is a limited land use decision; or~~

~~(D) Which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; and~~

~~(e) Does not include a decision by a school district to close a school. ORS 197.015~~

~~**LAND USE ELEMENT** — A long range development guide in a comprehensive plan to coordinate the various functional plans related to the physical development of the community, which also guide future growth and development.~~

**LAND USE MAP (SERIES)** — The graphic aid(s) intended to depict the spatial distribution of various land uses by land use category, subject to the goals, policies, implementation measures; and the exceptions and provisions of the Land Use Element text and applicable land development regulations.

**LAND USE REGULATION** — Any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. (OR~~D~~ 197.015(11))

~~**LAND DEVELOPMENT REGULATIONS** — Ordinances enacted by local governing bodies for the regulation of any aspect of development, including any local government zoning, rezoning, subdivision, building construction or sign regulations or any other regulations controlling the development of land.~~

~~**LATERALS** — The sewer lines that connect users to sewer mains.~~

~~**L<sub>dn</sub> (Day-Night Average Sound Level)** —~~

~~The A-weighted average sound level for a given area (measured in decibels) during a 24 hour period with a 10 dB weighting applied to nighttime sound levels. The L<sub>dn</sub> is approximately~~

numerically equal to the CNEL for most environmental settings.

**LEVEL OF SERVICE (LOS)** An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service generally indicates the capacity per unit of demand for a public facility.

~~LIGHT INDUSTRIAL LAND USE DISTRICT (LI)~~

See City of Beaverton Development Code.

**LIGHT RAIL TRANSIT (LRT) STATION SITE**

Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail transit station. The station site may include station platforms, park and ride lots, bus stops, and other similar facilities. (Beaverton Development Code)

~~LIMITED ACCESS FACILITY~~ A roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

~~LIMITED LAND USE DECISION~~ A final decision or determination made by a local government pertaining to a site within an urban growth boundary which concerns:

(a) The approval or denial of a subdivision or partition, as described in ORS Chapter 92.

(b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review. ORS 197.015

~~LINEAR RETAIL~~ Areas characterized by free standing retail and office uses lining high volume roads, which experience decreased operating speeds as a result of the multiple curbeuts, signage and other site design factors associated with such uses. This type of development pattern is also referred to as strip commercial.

~~LIQUEFACTION~~ The transformation of loose water saturated granular materials (such as sand or silt) from a solid into a liquid state. A type of ground failure that can occur during an earthquake.

~~LIVE/WORK FACILITIES~~ Facilities combining Residential use types with Commercial or Limited Light Industrial use types.

~~LOCAL ACCESS ROAD~~ A public road that is not a county road, state highway or federal road. ORS 368.001

**LOCAL STREET**

Local streets have the primary function of providing access to adjacent land. Service to through-traffic movement on local streets is deliberately discouraged by design. Residential local streets serve a traffic function as well as being important to neighborhood identity.

**LOCAL TRIP**

A trip of 2½ miles or less in length.

**LOT OF RECORD**

A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Washington County Surveyor; or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the County Surveyor, provided such lot met the minimum dimensions for lots in the zoning district in which it was located at the time of recording, or was recorded prior to the effective date of zoning in the area where the lot is located and met the requirements of any subdivision regulations in effect at the time of the recording.

**LOT**

A single unit of land such as a tract, lot, block or parcel. A continuous area owned or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street, alley, or other ownership. An abutting "platted lot, or property described by metes and bounds, in the same ownership, shall be considered part of such 'lot'."

**LOW INCOME HOUSEHOLD (FAMILY)**

A household with an annual income usually no greater than 80% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

**MAJOR AMENDMENT**

A proposal made to the Metro Council for expansion of the Urban Growth Boundary of 20 acres or more, consistent with the provisions of the Metro Code.

**MAJOR PEDESTRIAN ROUTE**

Any pedestrian way in a public right-of-way or easement which assists access to a light rail station or transit stop leading to a light rail station or transit stop, that is presently used or is likely to be used by pedestrians to access public transportation service including light rail or transit stations. (Beaverton Development Code)



**MAIN STREETS**

Neighborhood shopping areas along a main street or at an intersection, sometimes having a unique character that draws people from outside the area. Northwest 23rd Avenue and Southeast Hawthorne Boulevard are current examples of main streets. Beaverton's main streets generally include two nodes on Allen Boulevard 1) between Hall Boulevard and Murray Road, and 2) at Olson Road.

	<del>Main streets typically will serve neighborhoods and may develop a regional specialization — such as antiques, fine dining, entertainment or specialty clothing — that draws people from other parts of the region. — Main S</del>
	<del>Neighborhoods will be served by main streets with retail and service developments served by transit. An average of 39 persons per acre is recommended</del>
<hr/>	
<del>MAJOR TRANSIT STREET</del>	<del>A street whose functions include providing vehicular access to a LRT station, other transit stops, or transit serving parking or serves as a major route for transit vehicles. All such routes are designated in the Beaverton Comprehensive Plan.</del>
<del>MAIN TRAVELED WAY</del>	<del>The through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps. ORS 377.605</del>
<del>MAINTAIN, V.</del>	<del>To keep in an existing state. (See <i>Preserve, v.</i>)</del>
<del>MALL INTERSECTION</del>	<del>Any intersection of a city street constituting a part of a pedestrian mall with any street, which intersection is itself part of the pedestrian mall. ORS 376.705</del>
<del>MAN MADE WATER BODIES</del>	<del>For the purposes of determining permitted density, these shall be defined as those water covered lands, either existing or to be created as part of a proposed development including land excavation and lake creation as defined in applicable development regulations, which do not satisfy the definition of "Water Bodies" as defined in this section.</del>
<del>MANUFACTURED HOME</del>	<del>A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. (ORS 446.003(26)(a)(C)(i))</del>
<b>MASS TRANSIT</b>	Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rapid rail transit, light rail transit, fixed guideway transit, express bus, and local fixed route bus.
<del>MASS TRANSIT FACILITY OR FACILITIES</del>	<del>Any or all property constituting a mass transit system, or any portion thereof, in any manner owned, used, leased or operated by a district and which is located wherever a district is authorized to operate. — ORS 391.510</del>
<del>MASS TRANSIT SYSTEM</del>	<del>The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide for the movement of people, including park and ride stations, transfer stations, parking lots, malls, and skyways.</del>

provided that nothing contained herein shall limit the power of a city to exercise its general powers over or provide such stations, lots, malls, or skyways. ORS 267.010

**MASTER PLAN**

A plan for a defined geographic area in single or multiple ownership that is consistent with the Comprehensive Plan and includes a land use and circulation plan, land use regulations, development standards, design guidelines, open space plan, utilities plans, and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the land use review process, pursuant to the City of Beaverton Development Code. (Beaverton Development Code)

**MEDIAN**

The center portion of public right of way, located between opposing directions of motor vehicle travel lanes. A median is usually raised and may be landscaped, and usually incorporates left turn lanes for motor vehicles at intersections and major access points.

**METRO**

~~The Metropolitan Service District for the Portland Metropolitan Area regional governmental agency, responsible for coordinating the provision of transportation services and developing the region's priorities for expenditure of State and Federal transportation funding, responsible for regional planning and regional service provision. (ORS 195)~~

**METRO**

The regional government of the metropolitan area, the elected Metro Council as the policy setting body of government. The Metropolitan Services District of the Portland metropolitan area, a municipal corporation established and existing pursuant to Section 14 of Article XI of the Oregon Constitution, ORS Chapter 268 and the Metro Charter. (Metro Code 1.01.040(e))

**METRO BOUNDARY**

The jurisdictional boundary of Metro, the elected regional government of the metropolitan area.

**METRO PLANNING GOALS AND OBJECTIVES**

The land use goals and objectives that a metropolitan service district is required to adopt under ORS 268.380. (1). The goals and objectives do not constitute a comprehensive plan. (ORS 197.015(15))

**METRO REGIONAL FRAMEWORK PLAN**

The regional framework plan and implementing ordinances required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan. (ORS 197.015(16))

**METRO URBAN GROWTH BOUNDARY**

The urban growth boundary as adopted and amended by the Metro Council, consistent with state law. Also referred to as "UGB". (Metro Code 3.07.1010(kk))

Means the Urban Growth Boundary for Metro pursuant to ORS 268.390 and 197.005 through 197.430. (Metro Code 1.01.010(v))

#### **METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

The functional plan that implements regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. (Metro Code 3.07.010)

**METROPOLITAN AREA** The area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties (ORS 268.020(3))

~~The regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan. ORS 197.015~~

#### **METROPOLITAN HOUSING RULE**

A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro UGB. This rule establishes minimum overall net residential densities for all cities and counties within the UGB, and specifies that 50 percent of the land set aside for new residential development be zoned for multi-family housing.

~~**SERVICE DISTRICT (METRO)** The Portland Metropolitan Area regional governmental agency, responsible for coordinating the provision of transportation services and developing the region's priorities for expenditure of State and Federal transportation funding, responsible for regional planning and regional service provision. (ORS 195)~~

#### **METROPOLITAN SIGNIFICANCE**

Having major or significant district-wide impact. ORS 268.020  
An issue or action with major or significant impact throughout the metropolitan area.

**MINERAL RESOURCE** Land on which known deposits of commercially viable mineral or aggregate deposits exist. This designation is applied to sites determined by the State Division of Geology and Mines as being a resource of regional significance, and is intended to help maintain quarrying operations and protect them from encroachment of incompatible land uses.

**MINIMIZE, v.** To reduce or lessen, but not necessarily to eliminate.

~~(e) MITIGATE, V. To ameliorate, alleviate, or avoid to the extent reasonably feasible.~~

**MIXED USE**

Comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

Properties on which various uses, such as office, commercial, institutional and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. Land uses, which when combined constitute mixed or multiple uses, exclude parks, golf courses, schools, and public facilities (fire stations, utility substations, etc.).

Mixed-use development is a type of multiple-use in which one or more structures on a lot or contiguous lots in common ownership, accommodate any of the following combinations of uses

(1) Residential Mixed-Use Project with residential units occupying a minimum of 25 percent of the total floor area and the remaining floor area occupied by retail, office, light industrial, community service or other residentially compatible uses or combinations thereof;

(2) Non-Residential Mixed-Use Project consisting of office retail, light industrial, community service or other compatible uses or combination thereof with retail space or other pedestrian oriented commercial uses occupying a minimum of 60% of the street level building frontage.

A building or groups of buildings under one ownership, to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses.

~~MOBILITY The speed at which a given mode of travel operates in a specific location.~~

**MOBILE HOME**

A structure, transportable in one or more sections, built on a permanent chassis and designed for use as a single family dwelling unit and that (1) has a minimum of 400 square feet of living space; (2) has a minimum width in excess of 102 inches; (3) is connected to all available permanent utilities; and (4) is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobile home park under a lease with a minimum period of one year. If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

**MODERATE INCOME HOUSEHOLD (FAMILY) —**

A household with an annual income between the lower income eligibility limits and 120 percent of the area median family income adjusted by household size, usually as established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program. (See *Low Income Household*)

**MODE SPLIT TARGET**

The individual percentage of public transportation, pedestrian, bicycle and shared ride trips expressed as a share of total person-trips.

**MOTOR VEHICLE**

Automobiles, vans, public and private buses, trucks and semi-trucks, motorcycles and mopeds.

**MULTI-FAMILY DWELLING UNITS**

Three or more attached dwelling units either stacked vertically above one another and/or attached by both side and rear walls.

Means attached housing where each dwelling unit is not located on a separate lot. (OAR 660-007-0005(11))

**MULTI-MODAL**

Transportation facilities or programs designed to serve many or all methods of travel, including all forms of motor vehicles, public transportation, bicycles and walking. (Metro Code 3.07.1010(rr))

**MULTI-MODAL ARTERIALS**

These represent most of the region's arterials. They include a variety of design styles and speeds, and are the backbone for a system of multi-modal travel options. Older sections of the regional are better designed for multi-modal travel than new areas. Although these streets are often smaller than suburban arterials, they carry a great deal of traffic (up to 30,000 vehicles

a day), experiences heavy bus ridership along their routes and are constructed in dense networks that encourage bicycle and pedestrian travel. The RTP shall identify these multi-modal streets and develop a plan to further encourage alternative travel modes within these corridors.

Many new streets, however, are designed to accommodate heavy auto and freight traffic at the expense of other travel modes. Multiple, wide lanes, dedicated turning lanes, narrow sidewalks exposed to moving traffic, and widely spaced intersections and street crossings create an environment that is difficult and dangerous to negotiate without a car. The RTP shall identify these potential multi-modal corridors and establish design standards that encourage other modes of travel along these routes.

Some multi-modal arterials also carry significant volumes of freight. The RTP will ensure that freight mobility on these routes is adequately protected by considering freight needs when identifying multi-modal routes, and in establishing design standards intended to encourage alternative modes of passenger travel.

**MULTI PURPOSE PROJECT** — A structure(s) that contains more than one use, but that lacks either part or all of the integration, scale, and diversity of mixed use developments.

**MULTI-USE OR SHARED-USE PATH**

Multi-use or Shared-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

**MULTIPLE USE DEVELOPMENTS** A building or groups of buildings under one ownership designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, light industrial, and other miscellaneous uses. (Beaverton Development Code)

**NATURAL AREA**

Any landscape unit substantially without any human development that is substantially in a native and unaffected state and may be composed of plant and animal communities, water bodies, soil and rock and mitigated

N

habitat. Natural areas must be identified in a city, county or special district open space inventory or plan. (Metro Code 3.01.010(h))

Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees. (Beaverton Development Code)

~~NATURAL AQUIFER RECHARGE~~ — The replenishment of ground water in an aquifer.

~~NARROW STREET DESIGN~~ — Streets with less than 46 feet of total right-of-way and no more than 28 feet of pavement width between curbs.

**NEEDED HOUSING** — Housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" also means:

(a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated dwelling subdivisions. (ORS 197.303(1))015 (OAR 660-007-00005(12))

~~NEIGHBORHOOD CENTER~~ — Retail and service development that surrounds major MAX stations and other major intersections, extending out for one-quarter to one-half mile.

~~NEIGHBORHOOD CITIES~~ — Cities such as Sandy, Canby and Newberg that are outside Metro's jurisdiction but will be affected by the growth policies adopted by the Metro Council or other jurisdictions, such as North Plains, Estacada or Scappoose, which may be affected by Metro actions.

**NEIGHBORHOOD ROUTE** — A street that is usually long relative to local streets and provides connectivity to collectors or arterials. Neighborhood routes generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide or large area circulation.

**NET DEVELOPABLE ACRE** — An area measuring 43,560 square feet which excludes:

1) — any developed road rights-of-way through or on the edge of the land; and

2) — environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected under

statewide planning Goal 5 in the comprehensive plans of cities and counties in the region, slopes in excess of 25 percent and wetlands requiring a Federal fill and removal permit under Section 404 of the Federal Clean Water Act, as amended. These excluded areas do not include land for which the local zoning code provides a density bonus or other mechanism which allows the transfer of the allowable density or use to another area or to development elsewhere on the same site; and

3) ~~all publicly owned land designated for park and open space uses. The net developable acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net developable acreage:~~

- 1) Street dedications and those areas used for private streets and common driveways; and
- 2) Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas and tree preservation areas set aside in separate tracts or dedicated to a public entity, and
- 3) Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes.  
(Beaverton Development Code)

**NET BUILDABLE LAND** See Net Developable Acre.

**NET DEVELOPED ACRE** Consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses.  
(Metro Code 3.07.1010(vv))

Consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas. (OAR 660-0007-0005(1))

~~**NEW LAND USE REGULATION** A land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land use regulations acknowledged under ORS 197.251. ORS 197.015~~

**NEWSPAPER** A newspaper of general circulation, published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news, made up of at least four pages of at least five columns each, with type matter of a depth of at least 14 inches, or, if smaller pages, then comprising an equivalent amount of type matter, which has bona fide subscribers representing more than half of the total distribution of copies circulated, or distribution verified by an independent circulation auditing firm, and which has been established and regularly and uninterrupted published at least once a week during a period of at least 12 consecutive

months immediately preceding the first publication of a public notice. (ORS 193.020101(2))

**NEXUS** — A "connection" or "linkage." Generally referred to in regards to Assembly Bill 1600 that requires jurisdictions show a reasonable nexus between the fees charged new development and the cost of providing new services to the development.

**NITROGEN OXIDE(S)** — A reddish brown gas that is a byproduct of combustion and ozone formation processes. Often referred to as NOX, this gas gives smog its "dirty air" appearance.

**NODE** — A focal point within the context of a larger, contiguous area surrounding it. A node is an area of concentrated activity that attracts people from outside its boundaries for purposes of interaction within that area.

**NOISE CONTOUR** — A line connecting points of equal noise level as measured on the same scale. Noise levels greater than the 60 L<sub>dn</sub> contour (measured in dBA) require noise attenuation in residential development.

**NOTICE** — Any notice that is required by law to be published. (ORS 193.310(2))

# O

**OBJECTIVE** — A specific, measurable, intermediate end that is achievable and marks progress toward a goal. An objective should be achievable and, where possible, should be measurable and time specific.

**OFFICE** — A structure for conducting business, professional, or governmental activities in which the showing or delivery from the premises of retail or wholesale goods to a customer is not the typical or principal activity. Office uses include general business offices, medical and professional offices, administrative or headquarters offices for large wholesaling or manufacturing operations, and research and development.

**OPEN SPACE** — Publicly and privately-owned area of land, including parks, natural areas and areas of very low density development inside the UGB. Open spaces may include active or passive recreation. (Metro Regional Framework Plan)

Any parcel or area of land or water that is unimproved and suitable for purposes of (1) preservation of natural resources;

~~(2) managed production of resources, (3) outdoor recreation, and/or (4) public health and safety.~~

~~OPERATING AGREEMENT~~ — ~~An agreement for the operation or maintenance on behalf of the Department of Transportation of all or part of a public transportation system, but does not include agreements by which the department provides only financial or technical assistance or transportation facilities or equipment and which do not control routes, rates or levels of service, or agreements under which such control is exercised by the Federal Government through the Department. ORS 184.675~~

~~OUTER NEIGHBORHOOD~~ — ~~Areas in the outlying cities that are primarily residential, farther from employment and shopping areas, and have larger lot sizes and lower population densities than inner neighborhoods.~~

~~Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods. Average recommended density is 13 persons per acre.~~

~~OUTFALL~~ — ~~The natural or manmade stormwater conveyance system that drains the land.~~

~~OVERLAY~~ — ~~A land use designation on a land use map, or a zoning designation on a zoning map, which modifies the basic underlying designation in some specific manner.~~

~~OZONE~~ — ~~A tri-atomic form of oxygen (O<sub>3</sub>) created naturally in the upper atmosphere by a photochemical reaction with solar ultraviolet radiation. In the lower atmosphere, ozone is a recognized air pollutant that is not emitted directly into the environment, but is formed by complex chemical reactions between oxides of nitrogen and reactive organic compounds in the presence of sunlight, becoming a major agent in the formation of smog.~~

~~PARATRANSIT~~ — ~~Transportation services that operate vehicles (e.g., buses, jitneys, taxis, and vans) in a curb-to-curb, demand/response mode.~~

~~PARCEL~~ — ~~A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.~~

~~PARK~~ — ~~Open space land on which the primary purpose is recreation. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district.~~

~~PARK-AND-RIDE LOT~~ — ~~Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage car pooling for purposes of commuting that is owned or operated either by Tri-Met or by another entity with the concurrence of Tri-Met.~~

P

<b>PARK AND RIDE</b>	<u>A parking facility near a transit station or stop for the purpose of parking motor vehicles by transit riders. (Beaverton Development Code)</u>
	<u>A mode of travel usually associated with movements between work and home that involves use of a private auto on one portion of the trip and a transit vehicle (i.e., a bus or a light-rail vehicle) on another portion of the trip. A park-and-ride trip could consist of an auto trip from home to a parking lot, and transfer at that point to a bus in order to complete the work trip. (Metro Regional Transportation Plan Definition)</u>
<b>PARKING RATIO</b>	The number of parking spaces provided per employee or per 1,000 square feet of floor area (e.g., 2:1 or "two per thousand").
<b>PARKING STRUCTURE</b>	A parking garage located above or underground consisting of two (2) or more levels.
<b>PARKWAY</b>	<del>An expressway or arterial designed for noncommercial traffic only, usually located within a strip of landscaped park or natural vegetation.</del>
<b>PEAK HOUR/PEAK PERIOD</b>	For any given roadway, a daily <u>hour/ or longer period of time period</u> during which traffic volume is highest, usually occurring during morning and evening commute times. Where "F" Levels of Service exist, the "peak hour" may stretch into a "peak period" of several hours duration.
<b>PEAK SENSITIVE LANDS</b>	<del>Outfalls with inadequate flow.</del>
<b>PEDESTRIAN MALL</b>	<del>One or more city streets, or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel. ORS 376.705</del>
<b>PEDESTRIAN ORIENTED DESIGN</b>	<u>Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic. (Adapted from the Model Development Code and User's Guide for Small Cities, Funded by the Transportation and Growth Management Program of the Oregon Department of Transportation and Oregon Department of Land Conservation and Development)</u>
<b>PEDESTRIAN ORIENTED DEVELOPMENT</b>	

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Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas.

**PEDESTRIAN ORIENTED FRONTAGE**

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Building Frontage devoted to uses which stimulate pedestrian activity. Uses are typically sidewalk-oriented and physically or visually accessible by pedestrians from the sidewalk. Uses which compose pedestrian-oriented frontage include, but are not limited to, specialty retail stores, groceries, drugstores, shoe repair shops, cleaning establishments, floral shops, beauty shops, barber shops, department stores, hardware stores, apparel shops, travel agencies and other services, restaurants, and theaters. Banks and financial institutions are not pedestrian-oriented uses.

**PEDESTRIAN SCALE**

An urban development pattern where walking is a safe, convenient and interesting travel mode. It is an area where walking is at least as attractive as any other mode to all destinations within the area. The following elements are not cited as requirements, but illustrate examples of pedestrian scale: continuous, smooth and wide walking surfaces; easily visible from streets and buildings and safe for walking; minimal points where high-speed automobile traffic and pedestrians mix; frequent crossing; storefronts, trees, bollards, on-street parking, awnings, outdoor seating, signs, doorways and lighting designed to serve those on foot; well integrated into the transit system and having uses that cater to people on foot. Site and building design elements that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering. Examples include ornamental lighting no higher than twelve feet; bricks, pavers or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance.

**PEDESTRIAN SENSITIVE DEVELOPMENT**

Development which is designed with an emphasis on pedestrian access to the site and building, rather than on auto access and parking areas.

**PEDESTRIAN SPACE**

An area or plaza on public or private property which is directly accessible to the public. Features which compose pedestrian spaces include, but are not limited to, seating areas, awnings or other overhead weather protection designs, pedestrian-scale outdoor lighting, landscaped areas (an outdoor area providing visually or physically accessible space for tenants of the development of which it is part), water features (a fountain, cascade, stream, water sculpture, or reflection pond), public art, kiosks, and outdoor eating areas and/or food vendors.

<b>PEDESTRIAN WAY</b>	Any paved public or private route intended for pedestrian use, including a multi-use path and esplanade, regardless of use by other transportation modes. A general term used to describe any sidewalk or walkway that is intended and suitable for pedestrian use. (Beaverton Development Code) "Paved" can include any Americans with Disability Act approved surface including pavements and surfaces that are pervious.
<del>PERENNIAL STREAMS</del>	<del>All primary and secondary perennial water ways as mapped by the U.S. Geological Survey.</del>
<del>PERFORMANCE MEASURE</del>	<del>A measurement derived from technical analysis aimed at determining whether a planning policy is achieving the expected outcome or intent associated with the policy.</del>
	<b>PERSON</b> <u>A natural or artificial person, including but not limited to, a human, corporation, partnership, unit of government, an agency, a trust or descendant's estate, or other legal entity whatsoever. The United States or any state or any department or agency of any of the above, or any nonprofit corporation or entity or any other individual, corporation or entity, either public or private. ORS 184.674</u>
	<del>Any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. ORS 197.015</del>
	<del>The state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity. ORS 268.020</del>
<del>PERSONS TO DWELLING UNIT CONVERSION FACTOR</del>	<del>The impacts of certain groups of people (e.g., the elderly) on land and supporting infrastructure vary widely from the average. A person-to-dwelling unit conversion factor is a method that assigns weights to these groups of people so that their impacts can be objectively assessed in comparison to groups of people whose impacts approximate the average.</del>
<b>PEOPLE OR PERSONS PER ACRE</b>	This is a term expressing the intensity of building development by combining residents per net acre and employees per net acre. (Metro Code 3.07.1010(zz)) (Metro Regional Framework Plan definition)
<del>PERSON TRIPS</del>	<del>The total number of discrete trips by individuals using any mode of travel.</del>
<del>PLANNING COMMISSION</del>	<del>The Planning Commission of the City or any subcommittee thereof. (Beaverton Development Code)</del>
<del>PLANNED</del>	<del>A future project, event, or land area use that has been anticipated and prepared for, usually with a site plan, a land use plan and/or the Capital Improvement Program and Budget.</del>

<del>PLANNING ACTIVITIES</del>	<del>Planning Activities cited in the RUGGOs are not regulatory by contain implementation ideas for future study in various stages of development that may or may not lead to RUGGO amendments, new functional plans, functional plan amendments, or regional framework plan elements. Planning activities for any given year will be subject to Metro Executive Officer budget recommendations and Metro Council budget adoption.</del>
<del>PLAZA</del>	<del>A continuous open space which is readily accessible to the public at all times, predominately open above and designed specifically for use by people as opposed to serving as a setting for a building.</del>
<b>POLICY</b>	The way in which programs and activities are conducted to achieve an identified goal. A general direction that a governmental agency sets to follow, in order to meets its goals through implementation measures or action programs. (See <i>Program</i> )
<del>POUNDS PER SQUARE INCH (PSI)</del>	<del>A unit of pressure, usually employed in measurements of water system capacity.</del>
<b>PRACTICABLE</b>	Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose. <u>Capable of being accomplished after taking into consideration barriers both existing and reasonably foreseeable.</u>
<del>PRESERVE, V.</del>	<del>To keep safe from destruction or decay; to maintain or keep intact. (See <i>Maintain</i>)</del>
<del>PRIMARY TRANSIT SUPPORTIVE SYSTEM</del>	<del>Those facilities upon which or adjacent to which the mass transit and transportation district physically operates. ORS 267.300</del>
<del>PRIMARILY DEVELOPED</del>	<del>Areas where less than 10% of parcels are either vacant or underdeveloped.</del>
<del>PRIVATE ROAD CROSSING</del>	<del>A privately owned road designed for use by trucks which are prohibited by law from using state highways, county roads or other public highways. ORS 374.305</del>
<b>PRINCIPLE</b>	An assumption, fundamental rule, or doctrine that will guide comprehensive plan policies, proposals, standards and implementation measures.
<b>PROGRAMMED</b>	A facility that has been officially scheduled for construction in <u>the a Capital Improvements Program, and/or Budget, or other local, state, or federal funding document.</u>
<del>PROTECT, V.</del>	<del>To maintain and preserve beneficial uses in their present condition as nearly as possible. (See <i>Enhance</i>)</del>

**PUBLIC BUILDINGS AND GROUNDS**

Structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

**PUBLIC NOTICE AUTHORITY** Any legal publication which requires an affidavit of publication as required in ORS 193.070, or is required by law to be published. ORS 193.010

**PUBLIC FACILITIES** A public facility includes water, sewer and transportation facilities.

**PUBLIC RIGHT-OF-WAY** Land that by deed, conveyance, agreement, easement, dedication, usage or process of law is conveyed, reserved for or dedicated to the use of the general public for street, road or highway purposes, including curbs, gutters, parking strips, pedestrian ways, and sidewalks and bicycle trails. (BC 5.05.015)

**PUBLIC AND QUASI-PUBLIC FACILITIES**

(1) Institutional, academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations; or (2) Facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.

**PUBLIC ROAD** The entire right of way of any road over which the public has the right of use or any right of way held by the state or a political subdivision of the state for road purposes that is not open for public use. ORS 376.150

A road over which the public has a right of use that is a matter of public record. ORS 368.001 Every public way, road, highway thoroughfare and place including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. (BC 6.02.030)

**PUBLIC TRANSPORTATION ENTITY**

Includes a city, county, transportation district, mass transit district, metropolitan service district or private nonprofit corporation operating a public transportation system. ORS 184.674

**PUBLIC TRANSPORTATION SYSTEM**

Any form of passenger transportation system, whether or not for hire, including but not limited to air, rail, other fixed guideway, bus, jitney, taxi and dial-a-ride passenger transportation systems within, between and outside of urban and urbanized areas, and including related passenger terminal facilities and motor vehicle parking facilities. ORS 184.674

# R

<b>RARE OR ENDANGERED SPECIES</b>	A species of animal or plant listed in Title 50, Code of Federal Regulations, Section 17.11 or 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.
<b>RECREATION</b>	The pursuit of leisure time activities occurring in an indoor or outdoor setting.
<b>RECREATION, ACTIVE</b>	A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.
<b>RECREATION, PASSIVE</b>	A type of recreation or activity that does not require the use of organized play areas, and which may function as a view shed <u>(an elevation in the earth's surface from which a view may be seen.)</u> , etc. (See <i>Open Space</i> )
<b>RECYCLE</b>	<del>The process of extraction and reuse of materials from waste products.</del>
<b>REDEVELOPABLE LAND</b>	Land on which development has already occurred which, due to present or <del>expected future</del> market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period. ( <u>Metro Code 3.07.1010(ddd)</u> )
<b>REDEVELOPMENT</b>	<u>Development of land that replaces previous development, usually to achieve a higher return on the owner's investment. Redevelopment may occur due to market forces if the value of land equals or exceeds the value of improvements on that land. A local government may assist in redevelopment by means such as paying for certain on or off-site facilities (e.g. streets or parking structures), assembling small parcels to create a larger site, reducing or deferring up-front development fees, or reducing property taxes over a certain time period. For purposes of the City's commercial and industrial, and residential, buildable lands inventories (Volume II of the Comprehensive Plan) any parcel with a land value to improvement value ratio of 1.25: 1 or greater is assumed to have development or redevelopment potential.</u> <del>A process used in developed areas to rehabilitate and infill underused areas more efficiently and/or replace blighted areas by changing the types of uses, intensities or densities of the land uses, usually to achieve an economically higher and better use of the land.</del>
<b>REGIONAL</b>	Pertaining to activities or economies at a scale greater than that of a single city, county, or combination thereof, and affecting a broad, related area. ( <u>Metro Regional Framework Plan definition</u> )

**REGIONAL CENTER**

Areas of mixed residential and commercial use that serve hundreds of thousands of people and are easily accessible by different types of transit. Examples include traditional centers such as downtown Gresham and new centers such as Clackamas Town Center. (Metro Regional Framework Plan)

Nine-Seven regional centers will become in the Metro region are the focus of compact development, redevelopment and high-quality transit service and multi-modal street networks. (Metro Code 3.07.130, updated) An average of 60 persons per acre is recommended. (Metro Code 3.07.170)

REGIONAL FRAMEWORK PLAN Required of Metro under the Metro Charter, the Regional Framework Plan must address nine specific growth management and land use planning issues (including transportation), with the consultation and advice of the Metropolitan Policy Advisory Committee.

REGIONAL TRANSPORTATION PLAN The official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. (Metro Framework Plan definition)

REGIONAL URBAN GROWTH GOALS AND OBJECTIVES The land use goals and objectives that Metro is required to adopt under ORS 268.380(1). (Metro Code 3.07.1010(eee))

An urban growth policy framework that represents the starting point for the agency's long-range planning program. (Metro Regional Framework Plan definition)

REGIONAL THROUGH ROUTES These are routes that move people and goods through and around the region, connect regional centers to each other and to the Central City, and connect the region to the statewide and interstate transportation system. They include freeways, limited access highways and heavily traveled arterials, and usually function as through-routes. As such, they are important not only because of the movement of people, but as one of the region's major freight systems. Since much of our regional economy depends on the movement of goods and services, it is essential to keep congestion on these roads at manageable levels. These major routes frequently serve as transit corridors but are seldom conducive to bicycles or pedestrians because of the volume of auto and freight traffic that they carry.

With their heavy traffic and high visibility, these routes are attractive to business. However, when they serve as a location for auto-oriented businesses, the primary function of these routes, to move regional and statewide traffic, can be eroded. While they serve as an appropriate location for auto-oriented businesses, they are poor locations for businesses that are designed to serve neighborhoods or sub-regions. These are better located on multi-modal arterials. They need the highest levels of access control. In addition, it is important that they

not become barriers to movements across them by other forms of travel, auto, pedestrian, transit or bicycle. They shall focus on providing access to centers and neighbor cities, rather than access to the lands that front them.

**REGULATION**

A rule or order prescribed for management of government.

**RESIDENTIAL USE**

Activities within land areas used predominantly for housing.

**RESIDENTIAL, MULTIPLE FAMILY**

Usually three or more dwelling units on a single site, that may be in the same or separate buildings. See Multi Family Dwelling Unit

**RESIDENTIAL, SINGLE FAMILY** A single dwelling unit on a building site.

**RETAIL**

Activities which include the sale, lease or rent of new or used products to the general public or the provisions of product repair or services for consumer and business goods. ~~Hotels or motels, restaurants or firms involved in the provisions of personal services or office space are not considered retail uses.~~

**RIDGELINE**

~~A line connecting the highest points along a ridge and separating drainage basins or small scale drainage systems from one another.~~

**RIGHT-OF-WAY**

Land in which the state, a county, or a municipality owns the fee simple title or ~~has~~ holds an easement or dedication dedicated or required for a transportation or utility use. A strip of land over which transportation and public use facilities are built, such as roadways, railroads, and utility lines.

**RIPARIAN**

A zone of transition from an aquatic ecosystem to a terrestrial ecosystem as defined in ORS 541.351(10). (OAR 141-085-0010(188))

**RIPARIAN AREA**

A zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone's existing or potential soil-vegetation complex the influence of such surface or subsurface water. A riparian area may be located adjacent to a lake, reservoir, estuary, pothole, spring, bog, wet meadow, muskeg or ephemeral, intermittent or perennial stream. (ORS 541.351(10)) (OAR 690-300-0010(44))

**RIPARIAN CORRIDOR**

The water influences area adjacent to a river, lake or stream consisting of the area of transition from an ~~hydrie~~ aquatic ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics. (Metro Code 3.07.1010(iii))

	<u>A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (OAR 660-023-090(1)(c))</u>
<b>RIPARIAN LANDS</b>	Lands comprised of vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near fresh water.
<b>RISK</b>	The danger or degree of hazard or potential loss.
<b>ROAD</b>	The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to: <ul style="list-style-type: none"> <li>(a) Ways described as streets, highways, throughways or alleys;</li> <li>(b) Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and</li> <li>(c) Structures that provide for continuity of the right of way such as bridges. (ORS 368.001(6))</li> </ul> <p>Includes necessary bridges and culverts, and city streets, subject to such restriction and limitations as are provided. ORS 366.010</p>
<b>RUNOFF</b>	That portion of rain or snow precipitation that does not percolate into the ground and is instead discharged into streams.
<b>SANITARY SEWER FACILITIES (SEWERAGE)</b>	The structure or systems designed for the collection, transmission, treatment, or disposal of sewage, and this includes trunk mains, interceptors, treatment plants and disposal systems.
<b>SCALE</b>	Generally refers to relative size or extent.
<b>SCENIC VIEWS AND SITES</b>	<u>Lands that are valued for their aesthetic appearance. (OAR 660-023-230(1))</u>
<b>SECOND UNIT</b>	A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. Sometimes called a "Granny Flat."

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<b>SECONDARY TRANSIT SUPPORTIVE SYSTEM</b>	<del>The remainder of those facilities, beyond primary facilities, that constitute the surface transportation system, but over which the mass transit and transportation district's operation or facilities are not physically present.</del> ORS 267.300
<b>SEISMIC</b>	Caused by or subject to earthquakes or earth vibrations.
<b>SENIOR HOUSING</b>	<del>See <i>Elderly Housing</i>.</del>
<b>SENIORS</b>	<del>Persons age 62 or older.</del>
<b>SETBACK</b>	The distance between the property line and any structure.  <u>The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required dedication, or a special or reservation line if one is required pursuant to this ordinance. (Beaverton Development Code)</u>
<b>SHALL, MUST OR MAY</b>	<u>"Shall and must" are mandatory and "may" is permissive. (BC)</u>
<b>SHALL (WILL), V.</b>	A directive verb signifying the action is obligatory or necessary.
<b>SHARED-RIDE</b>	<del>Private passenger vehicles carrying more than one occupant.</del>
<b>SHARED ROADWAY</b>	A shared roadway is a street that is recommended for bicycle use but does not have a specific area designated within the right-of-way. <u>(Beaverton Development Code)</u>
<b>SHOPPING CENTER</b>	<del>A group of commercial establishments, planned, developed, owned or managed as a unit, with off street parking provided on site.</del>
<b>SHARED-USE OR MULTI-USE PATH</b>	<u>Shared-use or Multi-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Shared-use paths accommodate two-way travel. (Beaverton Development Code)</u>
<b>SHOULD, V.</b>	A directive verb signifying the action is to be carried out unless circumstances make it <u>impracticable</u> impossible.
<b>SIGNIFICANT NATURAL RESOURCES</b>	<u>Areas identified on the City's Statewide Planning Goal 5 Inventories, Volume III of the Comprehensive Plan. (Beaverton Development Code)</u>
<b>SSINGLE FAMILY ATTACHED DWELLINGS</b>	A structure containing two or more single family dwelling units with both side walls (except end units of building) attached from ground to roof. This type of dwelling is sometimes referred to as a <i>duplex</i> when no more than two units are joined (See <i>Townhouses</i> ).

**SINGLE FAMILY DETACHED DWELLING**

A single family dwelling with open space on all sides.

A dwelling unit that is free standing and separate from other dwelling units. (OAR 660-007-0005(4))

**SINGLE FAMILY DWELLING**

A structure containing one or more single family units with each unit occupying the building from ground to roof.

~~**SINGLE FAMILY SEMI-DETACHED DWELLING**~~

~~A structure containing two single family dwellings attached by a common side or rear wall.~~

**SINGLE OCCUPANT VEHICLE (SOV)**

Private passenger vehicles carrying one occupant. (Metro Code 3.07.1010(000)) (Metro Regional Framework Plan definition)

**SITE**

Any tract, lot or parcel of land or combination of tracts, lots or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

**SITE AREA**

~~The total square footage or acreage of a lot or contiguous lots proposed for a development, excluding existing or required rights-of-way.~~

**SLOPE**

Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.

**SOIL**

The unconsolidated material on the immediate surface of the earth created by natural forces that serves as natural medium for growing land plants.

**SOLID WASTE**

~~A general category that includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes and wood. Organic wastes and paper products comprise about 75 percent of the typical urban solid waste stream. "Solid Waste" shall have the same meaning as given that term under Beaverton Code section 4.08.030.~~

**SPECIAL DISTRICT**

Any unit of local government, other than a city, county, metropolitan service district formed under ORS Chapter 268 or an association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute and includes but is not limited to: Water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts. (ORS 197.015(19))

Any "district" formed under ORS 198.

**SPECIFIC PLAN** ————— A legal tool for detailed design and implementation of a defined portion of the area covered by a general plan. A specific plan may include detailed regulations, conditions, programs and/or proposed legislation that may be necessary or convenient for the systematic implementation of a general plan element(s).

**STANDARDS** (1) A rule or measure establishing a level of quality or quantity that must be complied with or satisfied.

**STANDARD METROPOLITAN STATISTICAL AREA** —————  
An area designated and published by the United States Bureau of the Budget as a standard metropolitan statistical area. ORS 227.010

**STATE IMPLEMENTATION PLAN**  
A plan for ensuring that all parts of Oregon remain in compliance with federal air quality standards.

**STATEWIDE PLANNING GOALS** The mandatory state-wide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS Chapters 195, 196 and 197. (ORS 197.015(8))

**STATION COMMUNITIES** That area generally within a ¼ - to ½ - mile radius of light-rail stations or other high-capacity transit that is planned as a multi-modal community of mixed uses and substantial pedestrian accessibility improvements. (Metro Regional Framework Plan)

————— Nodes of development centered around a light rail or high-capacity transit station that feature a high-quality pedestrian environment. They provide for the highest density outside centers. The Station communities would encompass an area approximately one-half mile from a station stop. The densities of new development would average about 45 persons per acre.

Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment. (Metro Code 3.01.130)  
An average of 45 persons per acre is recommended. (Metro Code 3.01.170)

**STORM WATER** ————— The water that runs off only from impervious surfaces during rain events. (CWS Design and Construction Standards)

**STRAIGHT-LINE DISTANCE** ————— The shortest distance between two points.

**STREAM** ————— Means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment. (Metro Code 3.01.1010(qqq)).

**STREAM CHANNEL**

~~The area continuously covered with flowing. The width of the stream channel is the distance between the tops of the stream bank. The location of each stream bank top is determined by defining the exact location that is the division point between the relatively steep gradient of a channel side and the relatively flat gradient of the land surface adjacent to that channel side.~~

A natural (perennial or intermittent stream) or human made (e.g. drainage ditch) waterway of perceptible extent that periodically or continuously contains moving water and has a definite bed and banks that serve to confine the water. (OAR 141-085-0010(22))

**STREET**

(1) means a public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures used or intended for use of the general public for pedestrian, bicycle, and vehicular travel as a matter of right, or

(2) when used with the word "private" as a modifier, means a non-public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures, exclusively used or intended for the exclusive use of the underlying property owner or, other persons, for pedestrian, bicycle, and vehicular travel. (Proposed Engineering Design Manual and Standard Drawings Definition)

**STREET FUNCTIONAL CLASSIFICATION**

The assignment of streets into categories according to the character of service they provide in relation to the total street network. Basic functional categories in Beaverton include freeways, arterials, collectors, neighborhood routes, and local streets. Functional classification reflects mobility, access needs, and connectivity. Where appropriate, the levels may be further grouped into urban and rural categories.

**STREET FURNITURE**

Those features associated with a street that are intended to enhance its physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, newspaper racks.

**STEWARDSHIP**

A planning and management approach that considers environmental impacts and public benefits of actions as well as public and private dollar costs.

**SUBDIVISION**

The division of a tract of land into defined lots, parcels, tracts, or other divisions of land as defined in applicable State statutes and local land development regulations, subdivided lots which can be separately conveyed by sale or lease, and ~~which can be altered, or developed.~~

**SUBREGION**

~~An area of analysis used by Metro centered on each regional center and used for analyzing jobs/housing balance.~~

**SUBURBAN** Generally, development on the periphery of urban areas, which is predominantly residential in nature and has most urban services available. The intensity of suburban development is usually lower than in urban areas.

**SURFACE WATER** ~~Water that comes from lakes, reservoirs, and rivers, as opposed to wells that draw water out of the ground.~~

Water that drains from the landscape via overland flow or ground water resurgence. Surface water flows can and often do include storm water runoff. (CWS Design and Construction Standards)

**SYSTEM DEVELOPMENT CHARGE** Means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities. (ORS 223.299(4)(a))

**TARGET CAPACITIES** ~~The capacities in Table I (Metro Urban Growth Management Functional Plan) required to be demonstrated by cities and counties for compliance with Title I, Section 2.~~

**TARGET DENSITIES** The average combined household and employment densities established for each design type in the Regional Urban Growth Goals and Objectives 2040 Growth Concept. (Metro Code 3.07.1010(ttt))

**THROUGHWAY** ~~A highway or street especially designed for through traffic, over from or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air or view, by reason of the fact that their property abuts upon the throughway or for any other reason. ORS 374.010~~

**TOP OF BANK** ~~Means the same as "bankfull stage" defined in OAR 141 85-010(2).~~

**TOWN CENTERS** Areas of mixed residential and commercial use that serve tens of thousands of people. Examples include the downtowns of Forest Grove and Lake Oswego. (Metro Regional Framework Plan)

Town centers provide local shopping, employment and cultural and recreational opportunities within a local market area. They are designed to provide local retail and services, at a minimum. They would also vary greatly in character.

~~Local retail and services will be provided in town centers with compact Compact development and transit service. (Metro~~

	<del>Code 3.01.130) should be provided in town centers. An average of 40 persons per acre is recommended. (Metro Code 3.07.170)</del>
<b>TOWNHOUSES</b>	Two or more attached single family dwelling units within a structure having common side walls, front and rear yards, and individual entryways. (See Single Family Attached Dwellings)
<b>TRAFFIC CALMING</b>	<del>Street design or operational features intended to maintain a given motor vehicle travel speed.</del>
	A traffic management program usually designed to address safety and aesthetic issues related to automobile use in residential areas, and which reduces the operating speed of motor vehicles. Features includes through, landscaping, walkways, speed swales, roadway narrowing and/or increasing the width of bicycle lanes and sidewalks.
<b>TRAFFIC INTENSIVE USES</b>	A land use that attracts or generates a relatively high level of traffic activity. A non exhaustive list of such uses would include drive through facilities, supermarkets, and most retail shopping centers. The ITE Trip Generation manual shall be the city's primary reference source for determining whether a particular proposed use is traffic intensive or not.
<b>TRANSIT</b>	<del>The conveyance of persons or goods from one place to another by means of a local, public transportation system.</del>
<b>TRANSIT-ORIENTED DEVELOPMENT</b>	<del>Development which has a mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit oriented development shall include: (a) a mixed use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area; (b) high density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD; (c) a network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.</del>
<b>TRANSIT, PUBLIC</b>	<del>A system of regularly scheduled buses and/or trains available to the public on a fee per ride basis. Also called "Mass Transit." For the purposes of the Comprehensive Plan, this term refers to publicly funded and managed transportation services and programs within the urban area, including light-rail, regional rapid bus, frequent bus, primary bus, secondary bus, minibus, paratransit and park-and-ride. (Metro Regional Transportation Plan definition)</del>
<b>TRANSIT STOP</b>	<del>Improvements and facilities at selected points along transit routes for passenger pickup, drop off, and waiting. Facilities and improvements may include shelters, benches, sign structures,</del>

and other improvements to provide security, protection from the weather and access to nearby services.

**TRANSIT STREET** — Any street that is an existing public transit route, or any street that is likely to be a public transit route.

**TRANSIT SUPPORTIVE SYSTEM** — Those facilities in any county in which a district operates that constitute the surface transportation system in the county, including highways, roads, streets, roadside rest areas, park-and-ride stations, transfer stations, parking lots, malls and skyways. ORS 267.300

**TRANSIT SUPPORTIVE USES** — Uses which reinforce the transit system and support ridership growth and, by their nature and location, promote pedestrian traffic to and from the use and transit facilities.

**TRANSPORTATION OR TRAVEL DEMAND MANAGEMENT (TDM)**

A strategy or action for reducing demand on the road system by reducing the number of vehicles using streets and roads, and/or increasing the number of persons per vehicle. Typically, TDM attempts to reduce the number of persons who drive alone during peak commute periods and to increase the number of people commuting via carpools, vanpools, buses and trains, walking, and biking.

**TRANSPORTATION PLANNING RULE** — The implementing rule of statewide land use planning Goal #12 dealing with transportation, as adopted by the State Land Conservation and Development Commission. (Metro Framework Plan definition)

**TRANSPORTATION SYSTEM PLAN** — A plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas. (Metro Regional Framework Plan definition) (OAR 660-012-0005(32))

**TREES, LANDMARK** — Trees whose size, visual impact, or association with a historically significant structure or event have led the city to designate them as landmarks.

**TREES, STREET** — Trees strategically planted, usually in parkway strips, medians, or along streets, to enhance the visual quality of a street.

Any tree located within public or private right of way or an easement for vehicular access, or associated public utility easements. (Beaverton Development Code)

**TRIP GENERATION** — The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local

transportation system. Trip generations of households are correlated with destinations that attract household members for specific purposes.

<b>TRUCK ROUTE</b>	A path of circulation required for all vehicles exceeding set weight or axle limits. A truck route usually follows arterials through commercial or industrial areas, avoiding residential areas.
<b>TRUCK STOP</b>	Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, which includes as a primary function the dispensing of motor fuel or other petroleum products directly into motor vehicles and which may include the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities for the use of truck crews.
<b>TURBIDITY</b>	A measure of water agitation. The higher the turbidity of water, the more difficult it is to process for potable water purposes.
<b>UNDERDEVELOPED PARCELS</b>	Those parcels of land with less than 10% of the net acreage developed with permanent structures.
<b>URBAN</b>	Generally, an area having the characteristics of a city, with intensive development and a full or extensive range of public facilities and services.
<b>URBAN FORM</b>	The net result of efforts to <u>preserve</u> environmental quality, <u>coordinate</u> the development of jobs, housing and public services and facilities, and <u>interrelate</u> the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another. <del>Urban form</del> therefore, describes an overall framework within which regional urban growth management can occur. <del>Clearly stating objectives for urban form and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.</del>
<b>URBAN GROWTH BOUNDARY</b>	An acknowledged urban growth boundary contained in a city or county comprehensive plan or an acknowledged urban growth boundary that has been adopted by a metropolitan service district council under ORS 268.390 (3). (ORS 195.060(2))
<b>URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN</b>	See Metro Urban Growth Management Functional Plan.
<b>URBAN PLANNING AREA</b>	A geographical area within an urban growth boundary. (OAR 660-003-0005(6))
<b>URBAN SERVICES</b>	The term includes the following services and facilities: a public sanitary and storm sewer system, a public water supply, a

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street system, police and fire protection, public schools, public parks and library services. (Beaverton Development Code)

**URBAN SERVICE AREA** — The area for which the City is the appropriate and agreed-upon long-term provider of municipal services except for those services that are to be provided by a special or county service district. (Beaverton – Washington County Intergovernmental Agreement Interim Urban Services Plan)

**URBAN SERVICE BOUNDARY** — The boundary establishing the extent of the City's direct interest and involvement in planning for and coordination of public facilities and services and the extent of the City's annexation interest.

**URBAN RESERVE AREA** — An area adjacent to the present UGB defined to be a priority location for any future UGB amendments when needed. Urban reserves are intended to provide cities, counties, other service providers, and both urban and rural landowners with a greater degree of certainty regarding future regional urban form. Whereas the UGB describes an area needed to accommodate the urban growth forecasted over a 20-year period, the urban reserves plus the area inside the UGB estimate the area capable of accommodating the growth expected for 50 years.

**URBAN SPRAWL** — Uncontrolled and untimely expansion and/or dispersal of an urban community into outlying rural areas. Urban sprawl is also sometimes referred to as *suburbanization*.

**UNDEVELOPABLE** — Specific areas where topographic, geologic, and/or surficial soil conditions indicate a significant danger to future occupants, and a potential liability to the city, which justify their designation as undevelopable.

**UNIFORM BUILDING CODE (UBC)**

A national standard building code that sets forth minimum standards for construction.

**USE** — The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged as per the city's land development regulations and general plan.

The main or primary purpose of which land or a structure is designed, arranged or intended or for which it is occupied or maintained. (Beaverton Development Code)

**USE PERMIT** — The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.

**UTILITY RIGHTS-OF-WAY** — Land dedicated to a public authority for community services, including but not limited to, electricity, telephone, water supply, gas, and wastewater disposal.



VACANT	Lands or buildings that are not actively used for any purpose.
VACANT LAND	Land identified in the Metro or local government inventory as undeveloped land. ( <u>Metro Code 3.07.1010(zzz)</u> )
VARIANCE	A discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property. ( <u>Metro Code 3.07.1010(aaaa)</u> )
VEGETATIVE CORRIDOR	A corridor adjacent to a water quality sensitive area that is preserved and maintained to protect the water quality functions of the water quality sensitive area. ( <u>CWS Design and Construction Standards</u> )
<del>VEHICLE-RELATED SERVICES</del>	<del>A building or use primarily engaged in the service or repair of automobiles, trucks, and motorcycles, including gas service stations, tire sales and installation, drive-up oil service, automobile or similar light vehicle washing, body and fender shops, wheel and brake shops, vehicle dismantling and salvage, vehicle storage, and commercial parking facilities.</del>
<del>VEHICLE SALES AND RENTALS</del>	<del>A building or use for the sale or rental of automobiles, motorcycles, trucks, and similar equipment, including storage and incidental maintenance.</del>
<del>VERY LOW INCOME HOUSEHOLD (FAMILY)</del>	<del>A household with an annual income usually no greater than fifty percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.</del>
<del>VIABLE</del>	<del>Capable of surviving and/or growing; workable.</del>
VIEW CORRIDOR	The line of sight, identified as to height, width and distance, of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewers' attention.
VOLUME-TO-CAPACITY RATIO	A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the roadway or intersection is operating at its designed capacity. Abbreviated as "v/c". At a v/c ratio of 1.0, the roadway or intersection is operating at capacity. If the ratio is less than 1.0, the traffic facility has additional capacity. Although ratios slightly greater than 1.0 are possible, it is more likely that the peak hour will elongate into a "peak period." (See <i>Peak Hour</i> and <i>Level of Service</i> )

**VOLUME SENSITIVE LANDS** — Lands that drain into areas without a positive outfall. Positive outfall is the condition when the natural or manmade stormwater conveyance system that drains the land is functioning adequately. This includes manmade swales, waterways or other means of conveyance systems, but does not include sheet flow.

**WATER QUALITY AND FLOOD MANAGEMENT AREA** —

An area defined on the Metro Water Quality and Flood Management Area Map, to be attached to the Metro Urban Growth Management Functional Plan. These are areas that require regulation in order to mitigate flood hazards and to preserve and enhance water quality. This area has been mapped to generally include the following: stream or river channels, known and mapped wetlands, areas with floodprone soils adjacent to the stream, floodplains, and sensitive water areas. The sensitive areas are generally defined as 50 feet from top of bank of streams for areas of less than 25% slope, and 200 feet from top of bank on either side of the streams of areas greater than 25% slope, and 50 feet from the edge of a mapped wetland.

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**WAREHOUSING USE** — A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

**WAREHOUSE** — A structure that is primarily used for storage and distribution facilities.

**WATER BODIES** — For the purpose of determining density credits on sites, these are defined to include river, stream, lake, or pond beds and any other permanently or historically water covered land that occurs naturally at the site up to the mean high water level.

**WATER QUALITY SENSITIVE AREA**

or "sensitive area" A) shall include the following:

1. Existing or created wetlands;
2. Rivers, streams, and springs, whether flow is perennial with year round or intermittent flow;
3. Natural lakes, ponds and instream impoundments (including natural lakes and ponds) with average water in the summer of one acre foot or more, or with an average depth of three feet or more;

B) Sensitive areas shall not include:

1. Stormwater infrastructure
  - 1. treatment ponds or swales;
  - 2. Stormwater treatment wetlands;
  - 3. Detention ponds;
2. A vegetated corridor (a buffer) adjacent to the sensitive area;
3. An off-stream recreational lake, lagoon, fire pond or reservoir; and/or

4. Drainage ditches constructed in uplands solely for the purpose of draining roads, lots, and outfalls of storm drains. (CWS Design and Construction Standards)

**WATERSHED**

The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a lake, or reservoir.

The entire land area drained by a stream or system of connected streams such that all stream flow originating in the area is discharged through a single outlet. (ORS 541.351(14))

**WAY OF NECESSITY**

(a) A road established under ORS 376.150 to 376.200 to provide motor vehicle access from a public road to land that would otherwise have no motor vehicle access; or

(b) A route established under ORS 376.150 to 376.200 to provide utility service access from an existing service location to a service point that would otherwise have no utility service access. ORS 376.150

**WETLANDS**

Transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. Wetlands are statutorily defined in Presidential Executive Order 11990 as; those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does, or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds.

Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. ORS 197.015  
Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Categories of wetlands include:

a) Created Wetlands: those wetlands developed in an area previously identified as non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

b) Constructed Wetlands: those wetlands developed as a storm water facility, subject to change and maintenance as such. These areas must be clearly defined or separated from existing or created wetlands. Constructed wetlands shall be regulated as created wetlands only if they serve as wetland mitigation.

c) Existing Jurisdictional Wetlands: jurisdictional wetlands as determined by the Department of State Lands (DSL) or the US Army Corps of Engineers (COE). (CWS Design and Construction Standards)

# Z

**WILDLIFE REFUGE** — An area maintained in a natural state for the preservation of both animal and plant life.

**ZONE, TRAFFIC** In a mathematical traffic model the area to be studied is divided into zones, with each zone treated as producing and attracting trips. The production of trips by a zone is based on the number of trips to or from work or shopping, or other trips produced per dwelling unit.

**ZONED CAPACITY** — The highest number of dwelling units or jobs that are allowed to be contained in an area by zoning or other city or county jurisdiction regulations.

**ZONING** In general, the demarcation of an area by ordinance (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential, type of residential) and the location, bulk, height, shape, use, and coverage of structures within each zone.

**ZONING CONFORMANCE** — The process by which zoning in areas is maintained or changed to carry out the specific intent of the land use plan categories as defined by the Land Use Element and adopted zoning conformance matrix illustrating where specific zoning classifications are allowed. State law requires that in general law cities all land development regulations must be in conformance with the specified and implied intent of the comprehensive general plan.

**ZONING, INCLUSIONARY** Regulations that increase housing choice by requiring construction of more diverse and economical housing to meet the needs of low income families. Such regulations often require a minimum percentage of housing for low and/or moderate income households in new housing developments.

## Comprehensive Plan Amendment 2006-0001

### Objective:

Consistency with other codes

### Affected:

Comprehensive Plan

Chapter 1: Plan Amendment Procedures

Chapter 2: Public Involvement Program

Glossary: Definitions

## Basis for Changes

- Over time various definitions were updated
- Previously some issues were not covered, e.g., Quarterly Review, Statewide Planning Goal 5
- In 1998 Measure 56 notice requirements were instituted
- 2002 and 2005 Development Code Type 3 and Type 4 processing and noticing requirements changed

## Amendment Process

- Reviewed  
Comprehensive Plan, City Code, Development Code, Engineering Design Manual, and state law
- Identified  
requirements and definition inconsistencies
- Drafted  
amendment proposal and reviewed internally
- Presented  
proposal to CCI for review

## Proposed Amendments - Chapter 1

- Eliminate quarterly review section
- Modify historic amendment criteria
- Add Statewide Planning Goal 5 amendment criteria
- Add and delete Metro from notice requirements as appropriate

## Proposed Amendments - Chapter 1

- Delete residents from quasi-judicial notice for annexation related map amendments
- Clarify notice content and distribution
- Add hearings procedures

## Proposed Amendments - Chapter 1

- Refine final adoption and appeal process
- Add remand section
- Update flowcharts

## Proposed Amendments - Chapter 2

- Simplify chapter
- Delete neighborhood association map
- Refer reader to Chapter 1 for public involvement process

## Proposed Amendments - Glossary

- Eliminate most unused word definitions
- Update definitions
- Clarify terms for consistency with City codes, City engineering and Clean Water Services standards, Metro Code and State law

## CCI Issues & Responses at 2/28/06 CCI Meeting

- Issue: Circular logic in Section 1.3 regarding Statewide Planning Goal 5 Inventory Resource Document Amendment

Response: Staff concur, changes made

- Issue: Section 1.7.2.E and Section 1.7.5.B conflict with one another

Response: Staff concur, changes made

## CCI Issues & Responses at 2/28/06 CCI Meeting

- Issue: Flowcharts are difficult to read due to type face

Response: Staff concur, changes made

- Issue: Section 2.5.2 Staff proposed deletion of the Title "Financial Support" resulted in unrelated text within the paragraph

Response: Staff concur, changes made

## CCI Issues & Responses

at 3/10/06 CCI Land Use Subcommittee Meeting

- Issue: Reducing staff report availability from 30 days to 7 days does not provide enough time for review. Suggest 14 days.

Response: Retaining 7 days, as proposed, consistent with the Development Code.

- Issue: Requested appeal hearings "de novo" in all cases.

Response: Staff concur, changes made.

## CCI Issues & Responses

at 3/10/06 CCI Land Use Subcommittee Meeting

- Issue: Recommend that the Neighborhood Review Meeting be retained for Zoning Map Amendments and Comprehensive Plan Land Use Map Amendments.

Response: Removed Neighborhood Review Meeting as originally proposed and consistent with the Development Code.

## Planning Commission Review and Approval

- Issue: At March 15 public hearing, Commission concurred with all changes as staff proposed except they wished to retain some of the deleted definitions (mobile home, pedestrian scale) and define adverse impact.

Response: Staff concurred.

- One person testified (Mr. Kane). His written testimony was generally positive.
- Planning Commission recommended approval 7-0.

## City Attorney Review prior to First Reading

- Made minor clarifications to a few definitions
- Added text related to Local Wetland Inventory and Removal Fill permit laws

## Next Steps

- First Reading Sept. 11
- Second Reading Sept. 18
- Effective 30 days after adoption

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties in Northwest Beaverton; CPA2006-0007/ZMA 2006-0010 (11845 and 11915 SW Walker Road)

**FOR AGENDA OF:** 08/14/2006 **BILL NO:** 06149

**Mayor's Approval:** *Bob Drake*

**DEPARTMENT OF ORIGIN:** CDD *JMG*

**DATE SUBMITTED:** 07/19/2006

**CLEARANCES:** City Attorney *AP*  
Planning Services *HB*

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Staff Report

**BUDGET IMPACT**

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

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning designations for the subject properties, replacing the Washington County land use designations.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for the parcels thus no public hearing is required. The appropriate Land Use Map designation for properties 1S1 10 BD 11700 and 1S1 10 BD 11600 is Neighborhood Residential – Standard Density (NR-SD) and the appropriate Zoning Map designation is Residential – 7,000 square foot minimum land area per dwelling unit (R-7). The City land use designations will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

First Reading

**ORDINANCE NO.** 4401

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR TWO PROPERTIES LOCATED IN NORTHWEST BEAVERTON; CPA2006-0007/ZMA2006-0010

**WHEREAS,** The two properties were annexed under Ordinance 4358 and 4367, effective in August 2005, and October 2005, respectively, thus the property is being redesignated in this ordinance from the County's land use designation to the closest corresponding City plan and zoning designations as specified by the Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Since the UPAA is specific on the appropriate designations for this parcel, this is not a discretionary land use decision and, therefore, no public hearing is required; and

**WHEREAS,** The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Barbara Fryer, dated July 19, 2006, attached hereto as Exhibit B; now, therefore,

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

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties on Map and Tax Lots 1S1 10 BD 11600 and 1S1 10 BD 11700 Neighborhood Residential - Standard Density on the City of Beaverton Comprehensive Plan Land Use Map, as shown on Exhibit "A" and in accordance with the UPAA.

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate properties on Map and Tax Lots 1S1 10 BD 11600 and 1S1 BD 11700 Residential - 7,000 square foot per dwelling unit on the City of Beaverton Zoning Map, as shown on Exhibit "A" and in accordance with the UPAA.

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

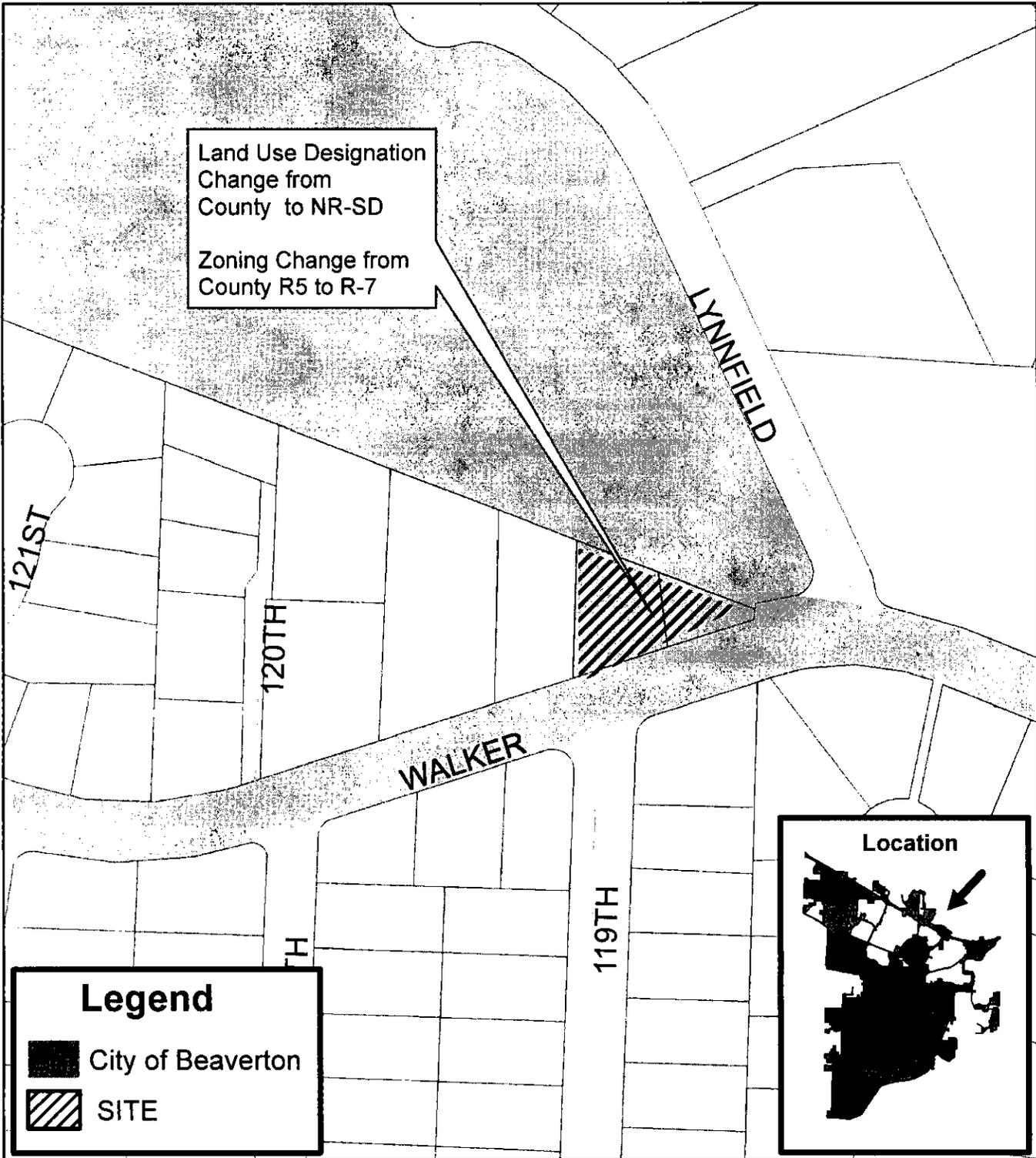
\_\_\_\_\_  
SUE NELSON, City Recorder

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

# VICINITY MAP

ORDINANCE  
NO. 4401

# EXHIBIT "A"



CITY OF BEAVERTON

**CPA 2006-0007 ZMA 2006-0010**

**COMMUNITY DEVELOPMENT DEPARTMENT**  
Planning Services division

6/23/06

N

1S110BD11600  
1S110BD11700



11915, 11845  
SW Walker Rd

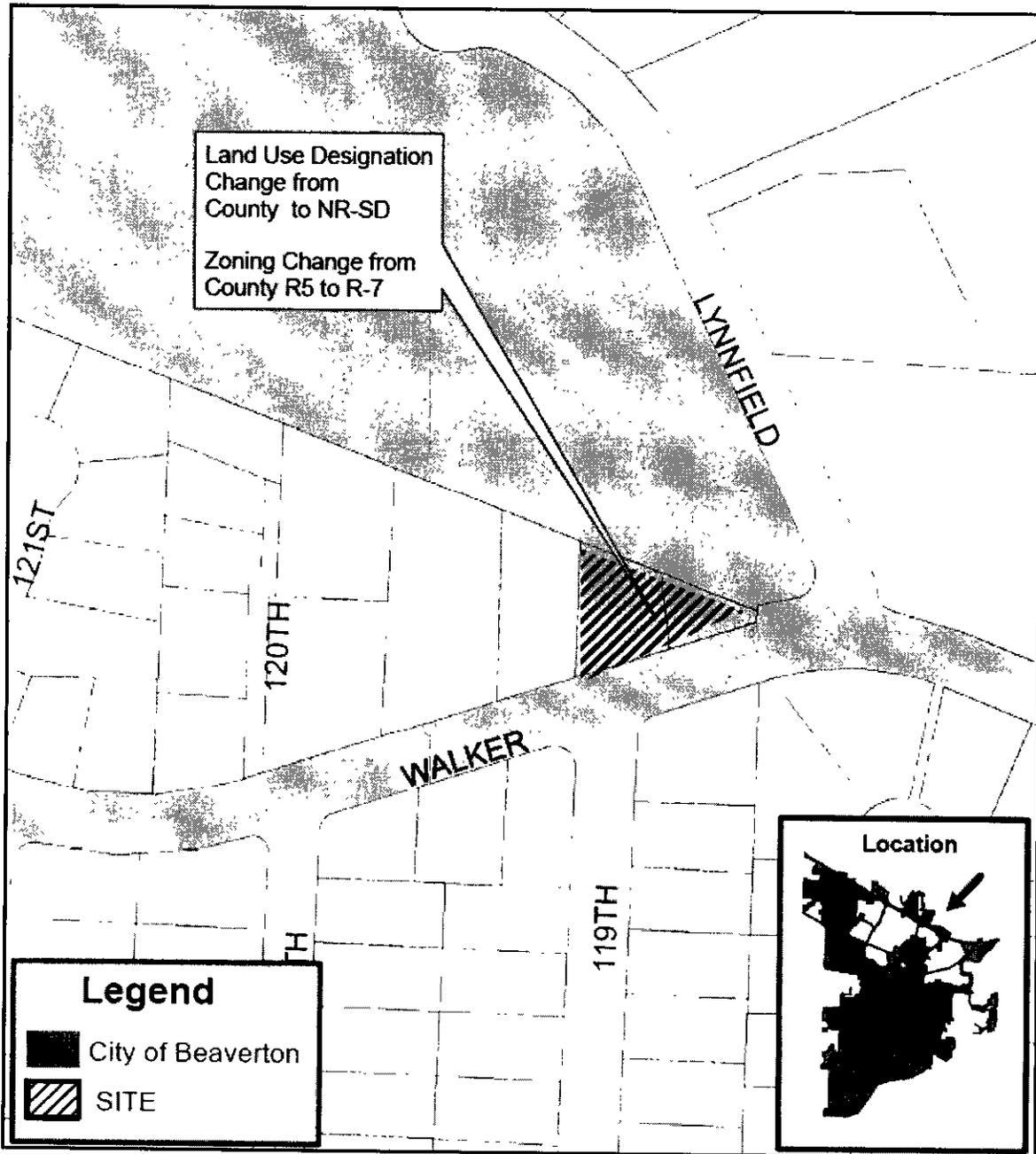
**EXHIBIT "B"****STAFF REPORT****TO:** City Council**AGENDA DATE:** 08/14/06**REPORT DATE:** 07/19/2006**FROM:** Barbara Fryer, AICP, Senior Planner  
Community Development Department**SUBJECT:** To assign City Land Use (CPA2006-0007) and zoning (ZMA2006-0010) designations for two properties (1S1 10 BD 11600 and 1S1 10 BD 11700) located in northwest Beaverton annexed into the City by separate action. Annexation of 1S1 10 BD 11600 became effective on August 11, 2005 and annexation of 1S1 10 BD 11700 became effective on October 19, 2005.**ACTIONS:** Amend the City's Comprehensive Plan Land Use Map to show Neighborhood Residential - Standard Density and the Zoning Map to show Residential - 7,000 square feet minimum land area per dwelling unit (R-7).**APPLICANT:** City of Beaverton**APPROVAL CRITERIA:** Comprehensive Plan Section 1.3.1 and the Development Code Section 40.97.15.3.C**SUMMARY AND RECOMMENDATION**

The properties are designated R-5 by Washington County. The City assigns Comprehensive Plan and Zoning designations to property being annexed into the City as prescribed by the Washington County – Beaverton Urban Planning Area Agreement (UPAA). The UPAA is specific about the appropriate City Land Use Map designation and zoning district as Neighborhood Residential – Standard Density and R-7 for the properties designated R-5 by the County.

Pursuant to Section 1.3 of the Comprehensive Plan and Section 40.97.15.3.B. of the Development Code, no public hearing is required because the UPAA is specific as to the Comprehensive Plan Land Use Map and Zoning Map designations. This decision does not qualify as a land use decision under ORS 197.015(10)(b)(A) because it is made under land use standards, which do not require interpretation or the exercise of policy or legal judgment.

**Staff recommends the City Council adopt an ordinance applying the Neighborhood Residential -Standard Density land use designation and R-7 zoning district to the parcels, effective 30 days after the Mayor's signature.**

# VICINITY MAP



 CITY OF BEAVERTON	<b>CPA 2006-0007 ZMA 2006-0010</b> COMMUNITY DEVELOPMENT DEPARTMENT Planning Services division	<b>6/23/06</b>	
		1S1108D11600 1S1108D11700	
		<b>11915, 11845          SW Walker Rd</b>	

## EXISTING CONDITIONS

The two parcels total approximately 0.32 acres. The property information includes:

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S1 10 BD 11600	11845 SW Walker Road	0.22	SFR
1S1 10 BD 11700	11915 SW Walker Road	0.10	SFR

## COMPREHENSIVE PLANNING AND ZONING

### Cedar Hills – Cedar Mill Community Plan

The properties depicted on the map are located in Washington County's Cedar Hills – Cedar Mill Community Plan Area. The properties are designated R-5 by the County. The Urban Planning Area Agreement is specific that the appropriate City Comprehensive Plan Land Use Map designation for R-5 is Neighborhood Residential – Standard Density. The City zoning district for the properties would be R-7 (Residential – 7,000 square feet per dwelling unit) for the R-5 properties.

Special Policy II.A. of the UPA states in part "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.

Staff has reviewed the text of the Cedar Mill – Cedar Hills Community Plan and has determined there are no general design elements in the Plan and no design elements for the Cedar Hills Subarea of the Plan that are applicable to this property.

## CRITERIA FOR APPROVAL

### COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.3.1 states: "Affirmative findings relative to all of the following criteria are the minimum required for a Plan Amendment (non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement.)"

Findings related to the Comprehensive Plan Amendment criteria are not necessary because this map amendment is a non-discretionary annexation related map amendment that is not a land use decision.

## ZONING MAP AMENDMENT CRITERIA

Adoption by the City Council of an amendment to the Zoning Map must be supported by findings of fact based on the evidence provided by the applicant demonstrating the criteria of the Development Code Section 40.97.15.3.C (Non-Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) have been met. The City Council may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings to the following criteria are the minimum requirements for Zone Map amendments.

**40.97.15.3.C.1.      *The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.***

There are two threshold requirements with the first requiring that “The change of zoning to a city zoning designation be the result of annexation of land to the City”. Ordinance 4358 annexed 11845 SW Walker Road, effective on August 11, 2005. Ordinance 4367 annexed 11915 SW Walker Road, effective on October 19, 2005. Thus, the first threshold requirement has been met.

The second threshold requires that the UPAA be specific as to the City zoning designations to be applied and does not allow for discretion. The UPAA is specific for the proposed amendment:

- Washington County R-5, 5 units to the acre, is equivalent to R-7, Residential – 7,000 square foot per dwelling unit.

No discretion is required; therefore this proposal meets the second threshold.

***FINDING: Staff finds that the proposed request satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.***

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

The City Council elected to not establish a fee for a Non-Discretionary Annexation Related Zoning Map Amendment application. No fee has been collected.

***FINDING: Staff finds that this criterion is not applicable.***

**40.97.15.3.C.3.      *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.***

The UPAA is specific for the proposed amendment:

- Washington County R-5, 5 units to the acre, goes to R-7, Residential – 7,000 square foot per dwelling unit.

No discretion is being exercised in assigning a zoning designation.

The UPAA requires the City to review the appropriate Community Plan and in this case it is the Cedar Hills – Cedar Mill Community Plan. The subject properties are not in an Area of Special Concern, do not have general or specific design elements applicable to them, and are not

identified on the County's Significant Natural and Cultural Resources Map as containing significant resources.

***FINDING:*** *Staff finds that the approval criterion is met since the proposed zoning designation is specified by the UPAA and is, therefore, consistent with the UPAA.*

**40.97.15.3.C.4.** *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The City processes Land Use Map and Zoning Map Amendments (CPA/ZMA) for property being annexed into the City and there are no further City approvals related to this request other than City Council and Mayor's approvals of this CPA/ZMA. The property owners may, in the future, submit a request to the City for development of the properties, but that is not related to this request.

***FINDING:*** *Staff finds that there are no proposals related to this request that will require further City approvals and, therefore, no additional applications or documents are required.*

## PROCESS

**Submission Requirements:** An application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. A valid annexation petition has been submitted and approved under Ordinances 4358 and 4367.

**Public Notice:** Section 1.3.4.3(c) of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice on non-discretionary annexation related CPA's must be provided not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice will be published in the Beaverton Valley Times on July 20, 2006
2. Notice will be mailed to the Central Beaverton Neighborhood Association Committee, Cedar Hills – Cedar Mill Citizen Participation Organization, Beaverton Neighborhood Office, and Chair of the Committee for Citizen Involvement (CCI) on or before July 20, 2006
3. Notice will be mailed to the property owners by certified mail on or before July 20, 2006.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above, but notice and this staff report will be posted on the City of Beaverton's public Web site. The notice requirements for this CPA/ZMA will be met.

## CONCLUSION

Based on the findings in this report, staff concludes amending the Land Use Map to show the City Neighborhood Residential Standard Density Land Use Designation and the Zoning Map to show the R-7 Zoning District for 1S1 10 BD 11600 and 1S1 10 BD 11700 is appropriate.

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Two Properties in Northeast Beaverton; CPA2006-0008/ZMA 2006-0011  
(Tax Lots 1S1 10 DA 01800 and 01802)

**FOR AGENDA OF:** 08/14/06 **BILL NO:** 06150

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

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

**DATE SUBMITTED:** 07/20/2006

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

**PROCEEDING:** First Reading

**EXHIBITS:** Ordinance  
Exhibit A - Map  
Exhibit B - Staff Report

**BUDGET IMPACT**

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

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning designations for the subject property, replacing the Washington County land use designations.

The Urban Planning Area Agreement (UPAA) is specific on the appropriate Land Use Map and Zoning Map designations for the parcels thus no public hearing is required. The appropriate Land Use Map designation for properties 1S1 10 DA 01800 and 1S1 10 DA 01802 is Neighborhood Residential - Medium Standard Density (NR-SD) and the appropriate Zoning Map designation is Residential - 7,000 square foot minimum land area per dwelling unit (R-7). The City land use designation and zoning district will take effect 30 days after Council approval and the Mayor's signature on this ordinance.

**INFORMATION FOR CONSIDERATION:**

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

**RECOMMENDED ACTION:**

First Reading

**ORDINANCE NO. 4402**

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR TWO PROPERTIES LOCATED IN NORTHEAST BEAVERTON; CPA2006-0008/ZMA2006-0011

**WHEREAS,** The two properties were annexed under Ordinance 4370 in November 2005, and are being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations as specified by the Urban Planning Area Agreement (UPAA); and

**WHEREAS,** Since the UPAA is specific on the appropriate designations for these parcels, this is not a discretionary land use decision and, therefore, no public hearing is required; and

**WHEREAS,** The Council adopts as to criteria applicable to this request and findings thereon the Community Development Department staff report by Senior Planner Barbara Fryer, dated July 19, 2006 attached hereto as Exhibit B; now, therefore,

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

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties on Map and Tax Lots 1S1 10 DA 01800 and 1S1 10 DA 01802 Neighborhood Residential – Standard Density, as shown on Exhibit "A" and in accordance with the UPAA.

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate properties on Map and Tax Lots 1S1 10 DA 01800 and 1S1 10 DA 01802 Residential – 7,000 square foot per dwelling, as shown on Exhibit "A" and in accordance with the UPAA..

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

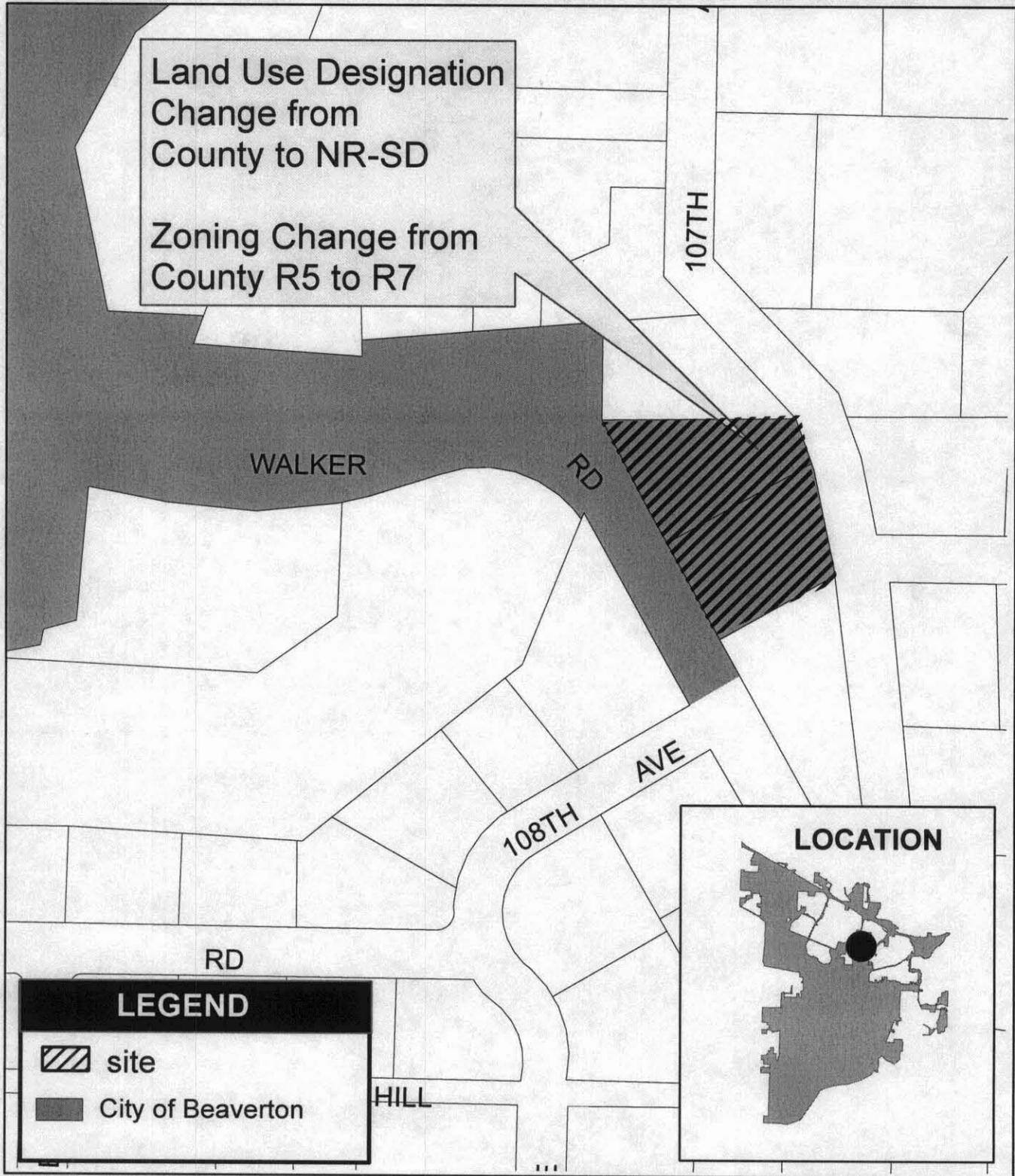
\_\_\_\_\_  
SUE NELSON, City Recorder

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

# VICINITY MAP

ORDINANCE  
NO. 4402

# EXHIBIT A



City of Beaverton

## CPA 2006-0008 ZMA 2006-0011

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

7/18/06



Application #  
CPA 2006-0008  
ZMA 2006-0011

002

**STAFF REPORT**

**TO:** City Council

**AGENDA DATE:** 08/14/06 **REPORT DATE:** 07/19/06

**FROM:** Barbara Fryer, AICP, Senior Planner  
Community Development Department

**SUBJECT:** To assign City Land Use (CPA2006-0008) and zoning (ZMA2006-0011) designations for two properties (1S1 10 DA 01800, 1S1 10 DA 01802) located in northeast Beaverton annexed into the City by separate action. The annexation became effective November 17, 2005.

**ACTIONS:** Amend the City's Comprehensive Plan Land Use Map to show Neighborhood Residential - Standard Density and the Zoning Map to show Residential - 7,000 square feet minimum land area per dwelling unit (R-7).

**APPLICANT:** City of Beaverton

**APPROVAL CRITERIA:** Comprehensive Plan Section 1.3.1 and the Development Code Section 40.97.15.3.C

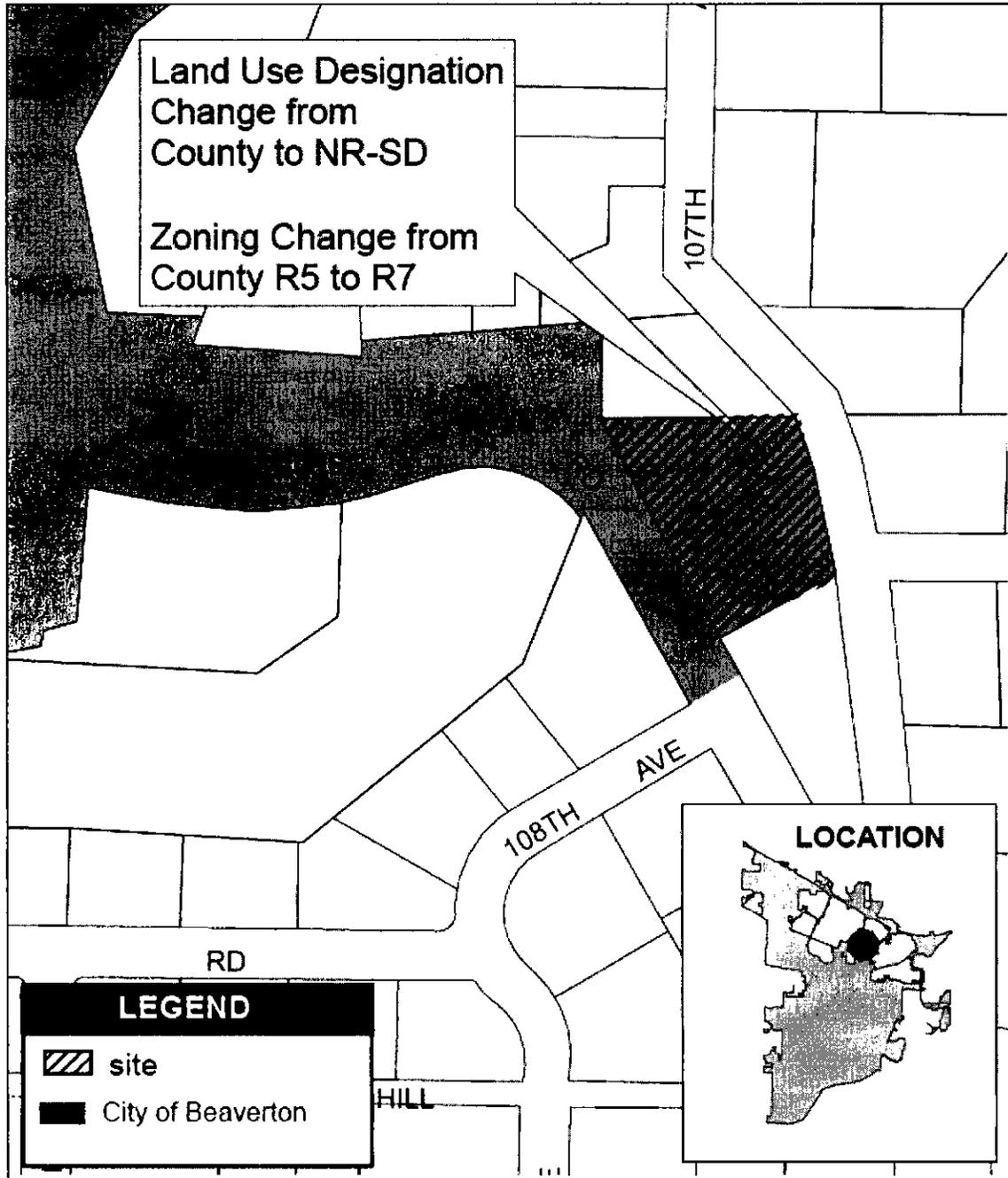
**SUMMARY AND RECOMMENDATION**

These two properties are designated County R-5. The City assigns Comprehensive Plan and Zoning designations to property being annexed into the City as prescribed by the Washington County - Beaverton Urban Planning Area Agreement (UPAA). The UPAA is specific about the appropriate City Land Use Map designation and zoning district as Neighborhood Residential - Standard Density and R-7 for the properties designated R-5 by the County.

Pursuant to Section 1.3 of the Comprehensive Plan and Section 40.97.15.3.B. of the Development Code, no public hearing is required because the UPAA is specific as to the Comprehensive Plan Land Use Map and Zoning Map designations. This decision does not qualify as a land use decision under ORS 197.015(10)(b)(A) because it is made under land use standards, which do not require interpretation or the exercise of policy or legal judgment.

**Staff recommends the City Council adopt an ordinance applying the Neighborhood Residential - Standard Density land use designation and R-7 zoning district to two parcels, effective 30 days after the Mayor's signature.**

# VICINITY MAP



City of Beaverton

**CPA 2006-0008 ZMA 2006-0011**

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

7/18/06  
Map



Application #  
CPA 2006-0008  
ZMA 2006-0011

08/14/06 Agenda Date

## **EXISTING CONDITIONS**

The two parcels total 0.80 acres, with 1S1 10 DA 1800 at 0.41 acres and 1S1 10 DA 1802 at 0.39 acres. Existing use of 1S1 10 DA 1802 is a single family dwelling, while the other property is vacant.

## **COMPREHENSIVE PLANNING AND ZONING**

### **Cedar Hills – Cedar Mill Community Plan**

The properties are located in Washington County's Cedar Hills – Cedar Mill Community Plan Area. The property is designated on the Community Plan map as Residential – 5 units to the acre (R-5). The Urban Planning Area Agreement is specific that the appropriate City Comprehensive Plan Land Use Map designation for R-5 is Neighborhood Residential – Standard Density. The City zoning districts for the properties would be R-7 (Residential – 7,000 square feet per dwelling unit) for the R-5 properties.

Special Policy II.A. of the UPAA states in part "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area. Staff has reviewed the text of the Cedar Mill – Cedar Hills Community Plan and has determined that there are no general design elements in the Plan and no design elements for the West Slope Subarea of the Plan that are applicable to this property.

## **CRITERIA FOR APPROVAL**

### **COMPREHENSIVE PLAN AMENDMENT CRITERIA**

Comprehensive Plan Section 1.3.1 states: "Affirmative findings relative to all of the following criteria are the minimum required for a Plan Amendment (non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement)..."

Findings related to the Comprehensive Plan Amendment criteria are not necessary because this map amendment is a non-discretionary annexation-related map amendment that is not a land use decision.

### **ZONING MAP AMENDMENT CRITERIA**

Adoption by the City Council of an amendment to the Zoning Map must be supported by findings of fact based on the evidence provided by the applicant demonstrating the criteria of the Development Code Section 40.97.15.3.C (Non-Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) have been met. The City Council may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings to the following criteria are the minimum requirements for Zone Map amendments.

**40.97.15.3.C.1.      *The proposal satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.***

There are two threshold requirements with the first requiring that “The change of zoning to a city zoning designation be the result of annexation of land to the City.” Ordinance 4370 annexed the subject property to the City, effective on November 17, 2005. Thus, the first threshold requirement has been met.

The second threshold requires that the UPAA be specific as to the City zoning designations to be applied and does not allow for discretion. The UPAA is specific for the proposed amendment:

- Washington County R-5, 5 units to the acre, is equivalent to R-7, Residential – 7,000 square foot per dwelling unit.

No discretion is required; therefore, this proposal meets the second threshold.

**FINDING: *Staff finds that the proposed request satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.***

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

The City Council elected to not establish a fee for a Non-Discretionary Annexation Related Zoning Map Amendment application. No fee has been collected.

**FINDING: *Staff finds that this criterion is not applicable.***

**40.97.15.3.C.3.      *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.***

The UPAA is specific for the proposed amendment:

- Washington County R-5, 5 units to the acre, goes to R-7, Residential – 7,000 square foot per dwelling unit.

No discretion is being exercised in assigning a zoning designation.

The UPAA requires the City to review the appropriate Community Plan and in this case it is the Cedar Hills – Cedar Mill Community Plan. The subject properties are not in an Area of Special Concern, do not have general or specific design elements applicable to them, and are not identified on the County’s Significant Natural and Cultural Resources Map as containing significant resources.

***FINDING:*** Staff finds that the approval criterion is met since the proposed zoning designation is specified by the UPAA and is, therefore, consistent with the UPAA.

**40.97.15.3.C.4.** Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

The City processes Land Use Map and Zoning Map Amendments (CPA/ZMA) for property being annexed into the City, and there are no further City approvals related to this request other than City Council and Mayor's approvals of this CPA/ZMA. The property owners may, in the future, submit a request to the City for development of the properties, but that is not related to this request.

***FINDING:*** Staff finds there are no proposals related to this request that will require further City approvals and, therefore, no additional applications or documents are required.

## PROCESS

**Submission Requirements:** An application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. A valid annexation petition has been submitted and approved under Ordinance 4370.

**Public Notice:** Section 1.3.4.3(c) of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice on non-discretionary annexation-related CPAs must be provided not less than twenty (20) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice will be published in the Beaverton Valley Times on July 20, 2006
2. Notice will be mailed to the West Slope Neighborhood Association Committee, Cedar Hills – Cedar Mill Citizen Participation Organization, Beaverton Neighborhood Office, and the Chair of the Committee for Citizen Involvement (CCI) on or before July 20, 2006
3. Notice will be mailed to the property owners by certified mail on or before July 20, 2006.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above, but notice and this staff report will be posted on the City of Beaverton's public Web site. The notice requirements for this CPA/ZMA will be met.

## CONCLUSION

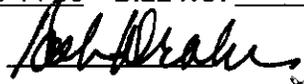
***Based on the findings in this report, staff concludes amending the Land Use Map to show the City Neighborhood Residential Standard Density Land Use Designation and the Zoning Map to show the R-7 Zoning District for IS1 10 DA 01800 and IS1 10 DA 01802, is appropriate.***

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Section  
6 02.390 of the Beaverton Code  
Relating to the Downtown Permit  
Parking District

**FOR AGENDA OF:** 8-14-06 **BILL NO:** 06151

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Public Works 

**DATE SUBMITTED:** 8-1-06

**CLEARANCES:** Transportation   
City Attorney 

**PROCEEDING:** First Reading

**EXHIBITS:** 1. Proposed Ordinance

**BUDGET IMPACT**

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

Under Issue TC 595, the Traffic Commission has recommended a revision to the locations where permit parking is allowed in the Downtown Permit Parking District. A Code revision is required to implement the recommendation. Information on TC 595 is presented under a separate Council agenda item.

**INFORMATION FOR CONSIDERATION:**

The attached ordinance will implement the Traffic Commission recommendation.

**RECOMMENDED ACTION:**

First reading.

**AN ORDINANCE AMENDING SECTION 6.02.390 OF  
THE BEAVERTON CODE RELATING TO THE DOWNTOWN  
PERMIT PARKING DISTRICT.**

Whereas, on August 14, 2006, the City Council approved a Traffic Commission recommendation to allow parking permits to be used on portions of SW 1st Street, and to implement that recommendation requires an amendment to Beaverton Code provisions that describe the Downtown Permit Parking District, now, therefore,

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

BC 6.02.390B is hereby amended to read as follows:

"B. A vehicle parking permit for a specified residential permit parking district allows parking of a permitted vehicle in excess of the posted parking time limit in the specified residential permit parking districts authorized by BC 6.02.080. In the Beaverton Downtown Permit Parking District, a vehicle parking permit allows parking of a permitted vehicle in excess of the posted parking time limit along the following City streets and in the following city-owned parking lots:

1. S.W. Broadway between S.W. Watson Avenue and S.W. Cedar Hills Boulevard,
2. S.W. 2nd Street between S.W. Hall Boulevard and S.W. Lombard Avenue,
3. S.W. 2nd Street between S.W. Watson Avenue and S. W. Angel Avenue,
4. The west side of S.W. Main Avenue between S.W. 1st Street and a point 125 feet south of S.W. 1st Street,
5. The south side of S .W. 1st Street between S .W. Stott Avenue and S.W. Main Avenue,
6. The west side of S.W. Rose Biggi Avenue between S.W. Beaverdam Road and S.W. Millikan Way,
- 7. The south side of SW 1st Street between Tucker Avenue and Hall Boulevard,**
8. City-owned parking lots:
  - a. Angel Avenue and Farmington Road
  - b. Betts Avenue and Farmington Road
  - c. At the corner of Broadway and Canyon Road, east of Tax lot 1S115BA00900
  - d. Chapman Street between 1st Street and 2nd Street
  - e. Beaverton-Hillsdale Highway between Broadway and Lombard Avenue.

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

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

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

**AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** ZMA2006-0005 Butler Rezone; an Ordinance Amending Ordinance No. 2050, the Zoning Map, as to a Specific Parcel, from Urban Standard Density Residential (R-7) to Urban Standard Density Residential (R-5) (3600 SW 110th Avenue)

8/14/06  
**FOR AGENDA OF:** ~~8-7-06~~ **BILL NO:** 06137

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

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

**DATE SUBMITTED:** 7-24-06

**CLEARANCES:** Devel Serv *[Signature]*  
City Attorney *[Signature]*

**PROCEEDING:** ~~First Reading~~  
Second Reading and Passage

**EXHIBITS:** Ordinance  
Zoning Map Exhibit A  
Land Use Order No. 1874

**BUDGET IMPACT**

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

On June 14, 2006, the Planning Commission held a public hearing to consider an application to amend Ordinance No. 2050, the Zoning Map, by redesignating the site located at 3600 SW 110<sup>th</sup> Avenue from Urban Standard Density Residential (R-7) to Urban Standard Density Residential (R-5).

The zoning map amendment will affect all of Tax Lot 2900 (approximately 0.51 acres).

The Planning Commission has recommended approval of the request to rezone the property from Urban Standard Density Residential (R-7) to Urban Standard Density Residential (R-5) on the Zoning Map.

**INFORMATION FOR CONSIDERATION:**

The site of the zoning map amendment is specifically identified as Tax Lot 2900 on Washington County Assessor's Tax Map 1S1-10DD, which is generally located on the east side of SW 110<sup>th</sup> Avenue north of SW Canyon Road. The property totals approximately 0.51 acres in size.

Since no City Council hearing is required and no appeal was filed from the Planning Commission's decision, this ordinance making the appropriate change to the Zoning Map is being presented for first reading at this time.

**RECOMMENDED ACTION:**

~~Conduct First Reading~~  
Second Reading and Passage

SS:lk

ORDINANCE NO. 4400

AN ORDINANCE AMENDING ORDINANCE NO. 2050,  
THE ZONING MAP, AS TO A SPECIFIC PARCEL, FROM URBAN STANDARD DENSITY  
RESIDENTIAL (R-7) TO URBAN STANDARD DENSITY RESIDENTIAL (R-5)  
ZMA2006-0005

**WHEREAS**, on June 14, 2006, the Planning Commission conducted a public hearing to consider an application to amend Ordinance No. 2050, the Zoning Map, redesignating the site located at 3600 SW 110<sup>th</sup> Avenue from Urban Standard Density Residential (R-7) to Urban Standard Density Residential (R-5); and

**WHEREAS**, the Planning Commission received testimony and exhibits and recommended approval of this zone change; and

**WHEREAS**, no appeals were filed with the City; and

**WHEREAS**, the Council adopts as to criteria applicable to this request and findings thereon Development Services Division Staff Report dated June 6, 2006 and Planning Commission Land Use Order No. 1874. Now, therefore,

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

**Section 1.** Ordinance No. 2050, the Zoning Map, is amended to redesignate approximately 0.51 acres, located at 3600 SW 110<sup>th</sup> Avenue from Urban Standard Density Residential (R-7) to Urban Standard Density Residential (R-5).

**Section 2.** The property affected by this ordinance is depicted in the attached map marked Exhibit "A" and incorporated herein. The property is more specifically described on the records of the Washington County Department of Assessment and Taxation as Tax Lot 2900 of Washington County Assessor's Map 1S1-10DD, Beaverton, Washington County, Oregon.

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

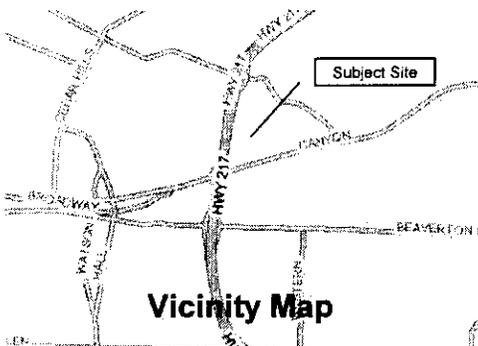
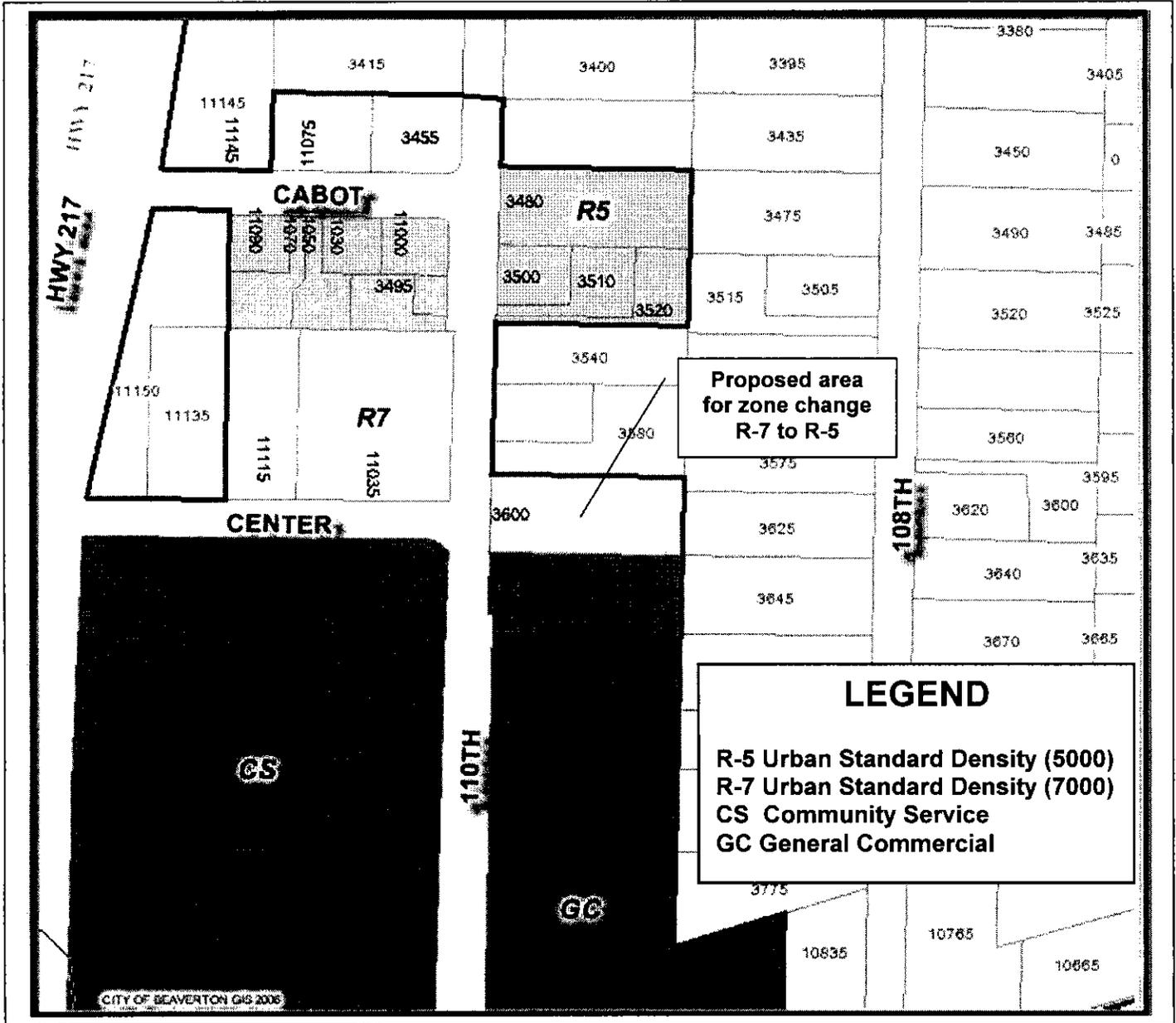
ATTEST:

APPROVED:

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

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

# EXHIBIT A



## BUTLER REZONE ZMA2006-0005