



FINAL AGENDA

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

REGULAR MEETING
APRIL 9, 2007
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

Days of Remembrance: April 15-22, 2007

Community Development Week: April 9 - 15, 2007

PRESENTATIONS:

07066 Cross Connection and Fats, Oils and Grease Programs Presentation

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

07067 Traffic Commission Issue No.:

TC 611: Stop Control on Public Driveways in Peterkort Village Subdivision

TC 612: Revisions to Traffic Enhancement Fund Project Allocations

TC 613: Revised Traffic Calming Project Rankings for 2007

TC 614: Parking Restrictions on Public Driveways in Peterkort Village Subdivision

CONTRACT REVIEW BOARD:

07068 Selection of Primary Vendors for the City Wide Expansion and Support of Voice over Internet Protocol (VoIP) Project

07069 Contract Change Order - Construction Engineering and Inspection Services - Summer Creek (Murray Boulevard) Bridge Project No. 3229

07070 Bid Award - Summer Creek Bridge (Murray Boulevard Extension), CIP Project
No. 3229

PUBLIC HEARING:

07071 Oulman Ballot Measure 37 Claim for Compensation M37 2006-0006

**WORK SESSION &
ACTION ITEM:**

07072 Economic Gardening Pilot Program and Transfer Resolution (Resolution No.
3895)

ORDINANCES:

First Reading:

07073 An Ordinance Amending Beaverton Code Section 8.02.015(A) and Repealing a
Portion of Beaverton Code Section 8.02.015(E) and Declaring an Emergency.
(Ordinance No. 4434)

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,

the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program has operated since 1975 to provide local governments with the resources required to meet the needs of person of low- and moderate-income, and CDBG funds are used by thousands of neighborhood-based, non-profit organizations throughout the nation to address pressing neighborhood and human service needs; and

WHEREAS,

the Community Development Block Grant program has had a significant impact in assisting low- and moderate-income individuals and families with home repair, fire and life safety, public and community services, and public facilities construction; and

WHEREAS,

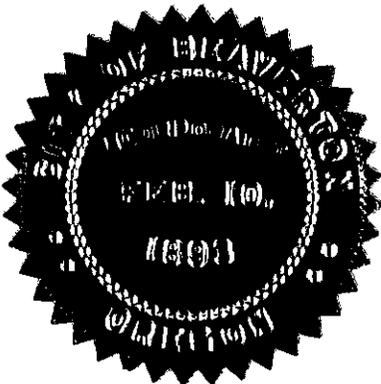
Beaverton, Oregon, USA and other local governments have clearly demonstrated the capacity to administer and customize the CDBG program to identify, prioritize and resolve pressing local problems.

NOW, THEREFORE,

I, ROB DRAKE, MAYOR, City of Beaverton, Oregon, do hereby proclaim the week of **April 9 – April 15, 2007**, as:

COMMUNITY DEVELOPMENT WEEK

in Beaverton, Oregon, and urge all citizens to join us in recognizing the Community Development Block Grant program and the important role it plays in our community.



Rob Drake
Mayor

PROCLAMATION
OFFICE OF THE MAYOR
CITY OF BEAVERTON



WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. Jews were the primary victims – six million were murdered; Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, we the people of the City of Beaverton should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

WHEREAS, we the people of the City of Beaverton should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the City of Beaverton to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

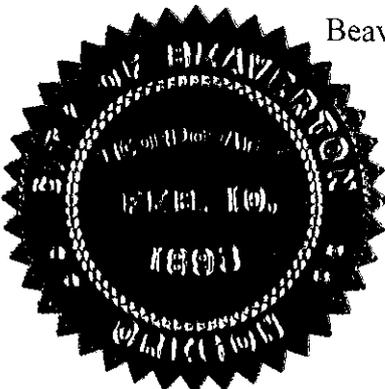
WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, April 15 through Sunday, April 22, 2007 including the Day of Remembrance known as *Yom Hashoah*, April 15;

NOW, THEREFORE, I, Rob Drake, Mayor of the City of Beaverton, Oregon, do hereby proclaim as the week of Sunday, April 15 through Sunday, April 22, 2007 as:

DAYS OF REMEMBRANCE

in memory of the victims of the Holocaust, and in honor of the survivors, as well as the rescuers and liberators, and further proclaim that we, as citizens of the City of Beaverton, should strive to overcome intolerance and indifference through learning and remembrance.

Rob Drake
Mayor



AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Cross Connection and Fats, Oils and Grease Programs Presentation

FOR AGENDA OF: 04-09-07 **BILL NO:** 07066

Mayor's Approval: *Bob Decker*

DEPARTMENT OF ORIGIN: Public Works *[Signature]*

DATE SUBMITTED: 04-03-07

CLEARANCES: City Attorney *AR*

PROCEEDING: Presentation

EXHIBITS:

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

Cross Connection is a system management function performed in conjunction with the Fats, Oil and Grease inspections; by Public Works employees. The goal is to protect the safety and integrity of the public water system from cross connections to other utilities by enforcement of the Beaverton Code and Oregon Department of Human Services Administrative Rules, which require the installation, inspection, operation, maintenance, and annual testing of backflow devices. This activity is funded through the Water Fund.

INFORMATION FOR CONSIDERATION:

The City's domestic potable water system must be free of any connection to any other utility in order to provide safe drinking water. Occasionally during the course of construction activities a water supply pipe can be mistakenly and inadvertently connected in way that could allow contamination into a small part of the system. When new construction is planned and submitted for permit review proposed connections are confirmed to be satisfactory and to include the necessary devices to protect the integrity of the drinking water system. Subsequent site inspections verify the installations as consistent with approved plans. Irrigation systems can provide a means through which contamination can be introduced into the water system mostly at individual residences and businesses. To prevent such a possibility, city codes require the installation of an approved backflow prevention device. As backflow prevention devices can malfunction, all such devices must be inspected annually and certified to be functioning properly. Following the creation of the Public Works Department it was possible to combine the Fats, Oils and Grease Program with the Cross Connection Program since site visits to the same locations were common and two services could be delivered jointly.

RECOMMENDED ACTION:

Listen to the presentation.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issue No. :
• TC 611: Stop Control on Public Driveways in Peterkort Village Subdivision
• TC 612: Revisions to Traffic Enhancement Fund Project Allocations
• TC 613: Revised Traffic Calming Project Rankings for 2007
• TC 614: Parking Restrictions on Public Driveways in Peterkort Village Subdivision

FOR AGENDA OF: 4-09-07 **BILL NO:** 07067

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Public Works

DATE SUBMITTED: 4-02-07 *[Signature]*

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

PROCEEDING: Consent

- EXHIBITS:**
1. Vicinity Map
 2. City Traffic Engineer's reports on Issues TC 611-614
 3. Final Written Orders on TC 612-614
 4. Draft minutes of the meeting of March 1, 2007 (excerpt)

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On March 1, 2007, the Traffic Commission considered the subject traffic issues. The staff reports are attached as Exhibit 2.

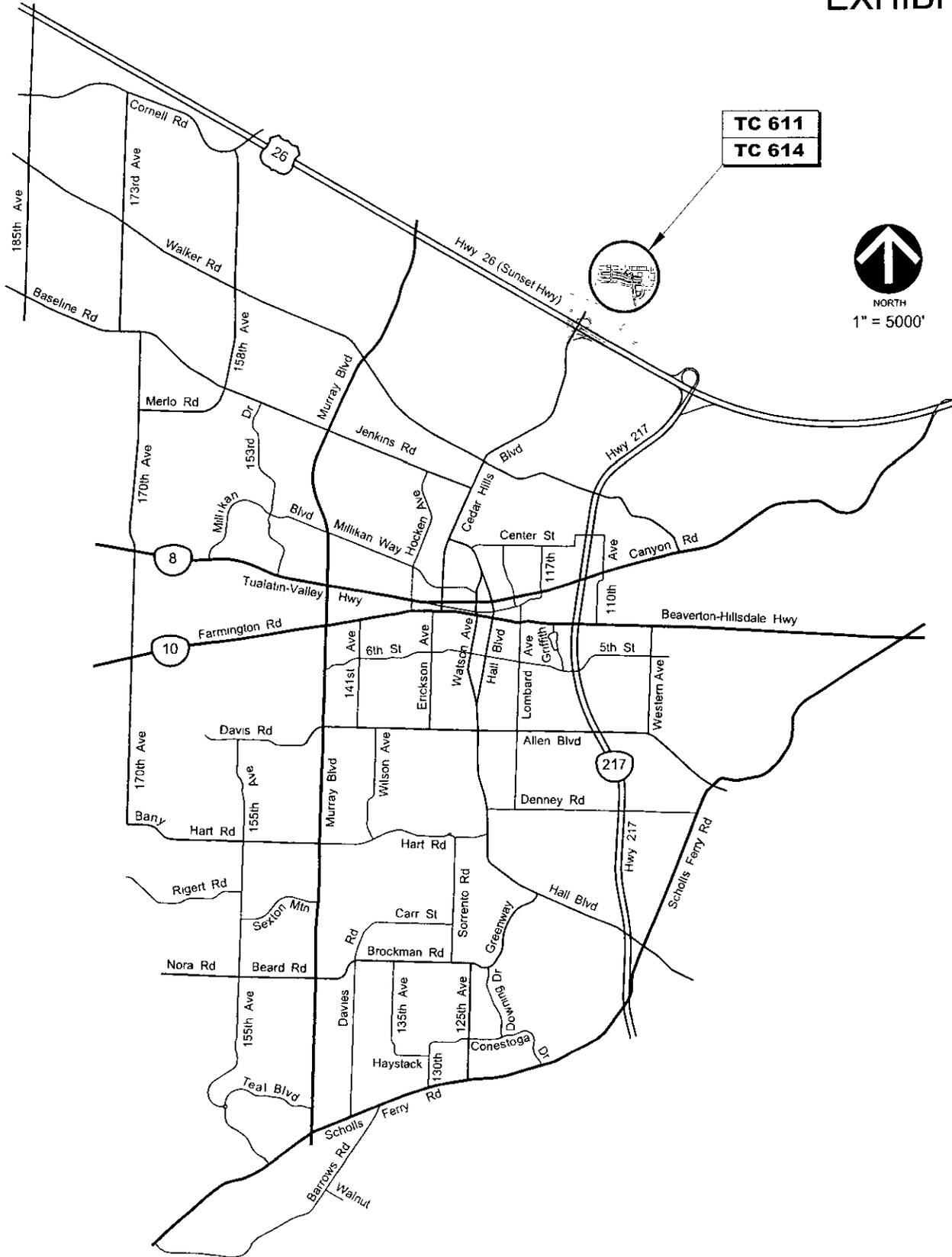
INFORMATION FOR CONSIDERATION:

The Commission removed Issue TC 611 from its consent agenda and accepted public testimony on the issue. Following discussion, the Commission voted to deny the TC 611 request.

The Commission held public hearings on Issues TC 612, 613 and 614. Following the hearings, the Commission voted to support the staff recommendations on all three issues.

RECOMMENDED ACTION:

Approve the Traffic Commission recommendations on Issues TC 611 through 614.



Y:\Traffic\Drawings\TC Vicinity Map\VICINITY MAP TC 611 and 614 3-1-07.dwg



Vicinity Map for March 2007
 TC Issues: 611 and 614

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

Drawn By: MC Date: 2/12/07
 Reviewed By: _____ Date: _____
 Approved By: _____

1

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 611

Stop Control on Public Driveways in Peterkort Village Subdivision

February 12, 2007

Background Information

Within the Peterkort Village Subdivision, there are several unnamed narrow roadways that function as shared driveways to serve the adjoining residences. These narrow roadways are located within public rights of way and are, therefore, public roadways. It is not clear to the City Traffic Engineer whether these roadways should be considered as streets or driveways or alleyways under the applicable vehicle codes. This report will refer to the roadways as "public driveways."

Currently, there are no stop or yield signs on the public driveways. The City Traffic Engineer proposes to install stop signs on each public driveway where it intersects a street.

During review of Issue TC 614, staff noted that the east-west streets in the Peterkort Subdivision have stop signs at each cross street. However, the public driveways have no control. While most drivers do stop at the entrances to the cross streets, the legal requirement is unclear. Due to fences and other obstructions, sight distance is limited. For safety, it is important that all vehicles stop before crossing the sidewalk and entering the cross street. Posting of stop signs will provide clarity to all drivers.

Existing Law

State law (ORS 811.505) requires a driver "*to stop when emerging from an alley, building, private road or driveway in a business or residence district...*" Under State law, "*Alley means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic.*" State law does not define driveways. The public driveways in Peterkort Subdivision, in some locations, are the primary access to residences. Therefore, the public driveways may not strictly fit the definition of alleys.

Formal action by the Traffic Commission and Council will eliminate any legal questions. After signs are posted, there should be no question that traffic on the public driveways is required to stop before crossing the sidewalk and entering the cross street.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

- 1a (provide for safe vehicle, bicycle and pedestrian movements)

- 1g (carry anticipated traffic volumes safely).

Conclusions:

The installation of stop signs will assure that there is no question of legal requirements for vehicles to stop before entering a cross street from a public driveway. Due to limited sight distance, a full stop is necessary for the safety of pedestrians and cross traffic. Therefore, the recommended action satisfies Criteria 1a and 1g.

Recommendation:

Install stop signs on the unnamed public driveways in the Peterkort Subdivision, requiring all traffic on the public driveways to stop before entering SW 111th Avenue, SW 110th Avenue, SW Valeria View Drive, and SW 105th Terrace.

TC 611



NORTH
1" = 250'



PROPOSED STOP
SIGN LOCATIONS



PROPOSED AFFECTED
DRIVEWAYS

Y:\1 Cad Services\1 Drawings\1 2007\1 07-01 Peterkort Village Parking Restrictions (TC 614).dwg



City Of Beaverton

Stop Control On
Public Driveways in Peterkort Village Subdivision

**PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
TRANSPORTATION SECTION**

Drawn By: JR Date: 2/12/07

Reviewed By: _____ Date: _____

Approved By: _____

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: February 28, 2007
TO: Randy Wooley
FROM: Jim Monger
SUBJECT: TC 611 & 614

I concur with the recommendation as outlined in the City Traffic Engineer's Reports dated February 22, 2007 to restrict parking as outlined in TC 614 and to install stop signs as detailed in TC 611.

CITY TRAFFIC ENGINEER'S REPORT ISSUE NO. TC 612

(Revisions to Traffic Enhancement Fund Project Allocations)

February 12, 2007

Background Information

Funding for the Traffic Enhancement Program was part of the tax base measure approved by the voters in 1996. The funds are to be used for improvements to the traffic signal system and neighborhood traffic relief. In 1997 the City Council directed staff to work with the Traffic Commission to develop recommendations for specific projects to be funded under the Program.

In past actions, the Traffic Commission and the City Council have approved allocation of Traffic Enhancement Program funds to 31 projects. Most of these projects have been completed. Attachment A shows revised cost estimates for the 31 projects. Those marked with an asterisk are final costs for completed projects. Attachment A includes proposed revisions as discussed below.

No additional revenues are expected in future years except for any interest that may accrue to the fund.

Proposed Revisions

General: Additional projects have been completed. Final costs are known on these projects. Most have been completed below the original cost estimate, providing additional funding for other projects.

Project #26 (Signal Software): This item was to upgrade the software that allows staff to remotely monitor signal timing and signal performance. The intent was to replace obsolete software and to prepare for future connection to a regional system of signal coordination. Recently we learned that there is a way to use the software and license that have been purchased by City of Portland, at no cost to Beaverton. The catch is that we need a connection to the regional fiber optic system in order to take advantage of the opportunity. The fiber optic connection raises the cost but it also substantially advances the goal of being able to participate in the regional system in the future. In order to take advantage of this opportunity, staff is recommending that the funding for Project #26 be increased from \$30,000 to \$70,000.

Project #27 (Canyon Road Signal Timing): Potential consultants have submitted proposals for this project and costs are better known. It is proposed to expand the scope of this project to include better coordination between the signals on Canyon and the

signals on Farmington, with the goal of reducing the frequency of cross-street backup from Farmington signals causing a blockage at Canyon intersections, especially at Cedar Hills and at Watson. Staff proposes to increase the funding for this project from \$50,000 to \$60,000 in order to include the additional engineering work.

Project #29 (Mid-Block Pedestrian Safety Improvements): This project was intended to cover projects at two locations. Costs of those projects are running much lower than estimated. Staff proposes to add two additional improvements under this category. One is the curb extensions and pedestrian crossing on SW 6th Street at Westbrook Club House, approved under Issue TC 600 in October. The other is a curb extension on Sexton Mountain Drive at SW 152nd Avenue, intended to improve sight distance for both pedestrians and motorists attempting to cross a curved section of Sexton Mountain Drive. To cover the additional work, staff proposes to increase the allocation from \$25,000 to \$35,000.

Project #31 (Traffic Calming Reserve): Previously, it was intended that any savings from other projects would go into this reserve fund. As a result, this reserve potentially has much more money than is needed for the current projects. Also, there was previously concern that the reserve would run out and there would be no new funding for future traffic calming projects. We are now assured that road funds will be available in the future to fund additional traffic calming projects if needed. Therefore, staff proposes to reduce the traffic calming reserve to \$100,000 which appears to be adequate for all of the projects mentioned in Issue TC 613. This proposal frees up funding to cover the increases proposed for Projects #26, 27 and 29.

Applicable Criteria

1c (meet the overall circulation needs of the City);

1g (carry anticipated traffic volumes safely);

3 (all decisions shall comply with officially approved policies of the City Council).

Conclusions:

- Each of the proposed projects is intended to improve traffic circulation or to improve traffic safety or both, satisfying Criteria 1c and 1g.
- The Traffic Commission is following the funding process established by the Council in 1997, satisfying Criterion 3.

Recommendation:

- Approve the revised project allocations for the Traffic Enhancement Program as shown in Attachment A and detailed in this report.

Attachment A
Traffic Enhancement Program
Projected Expenditures
01/22/2007

<u>Project</u>	<u>Previous Budget</u>	<u>Cost to Date</u>	<u>Estimated Total Cost</u>
1. Traffic Calming Phase 1 (Waterhouse, Canyon Ln., 130th, Conestoga, Haystack/135th)	\$75,157	\$75,157	\$75,157 *
2. School Zone Flashing Beacons	217,073	217,073	217,073 *
3. Expert Panel	3,248	3,248	3,248 *
4. Signal Detection Improvements	323,817	323,817	323,817 *
5. Protected/Permitted Signal Mod.	50,000	41,239	42,000
6. Signal Modifications (Brockman/Bridletrail, Denney/King, 5th/Lombard, 5th/Hall)	177,774	177,774	177,774 *
7 New Signal at Murray & 6th	259,278	259,278	259,278 *
8. New Signal at Scholls Ferry & Davies	0	0	0 *
9. Traffic Calming Phase 2 (Bel Aire, 152nd)	88,747	88,747	88,747 *
10. In-house Engineering Costs (Surveying and other staff time outside Transportation Division)	20,000	17,031	20,000
11. Traffic Calming Phase 3 (Laurelwood/Birchwood/87th, Sorrento, Davies)	187,960	187,960	187,960 *
12. Traffic Calming Phase 4 (Erickson/17th, 141st, Fieldstone, Nora, 6th)	34,566	34,566	34,566 *
13. New Signals			
Cedar Hills/Fairfield	210,779	210,779	210,779 *
Farmington/Erickson	144,081	144,081	144,081 *
(To be determined)	225,000	0	225,000
14. Pedestrian Countdown Signals	13,816	13,816	13,816 *
15. Traffic Calming Phase 5 (Heather Lane; 170th Dr.)	29,612	29,612	29,612 *

16. Signal Revisions at B-H & Griffith	36,428	36,428	36,428 *
17. Traffic Calming Phase 6 (Indian Hill, 6th, Davies, 155th)	7,240	7,240	7,240 *
18. Accessible Pedestrian Signals	9,540	9,540	9,540 *
19. Advance Street Name Signing	0	0	0 *

NEW PROJECTS

20. Beacons at Southridge & Sunset	20,000	17,150	17,150 *
21. Upgrade Controls for Ex. Beacons	20,000	14,026	14,026 *
22. Ped Countdown Signals Phase 2	20,000	16,645	16,645 *
23. Accessible Ped Signals Reserve	15,000	0	15,000
24. Signal Interconnect on Hall & Millikan	30,000	4180	30,000
25. Detect. Replace. at Allen & Erickson	35,000	18,694	35,000
26. Signal Software Upgrade	30,000	0	70,000
27. Canyon Road Signal Timing	50,000	0	60,000
28. Signal Revisions at Hall & Nimbus	50,000	0	50,000
29. Mid-Block Ped Safety Improvements	25,000	2,783	35,000
30. Traffic Counting Equipment	13,688	13,688	13,688 *
31. Traffic Calming Reserve	144,112	0	104,291
Estimated Totals	2,566,916	1,964,552	2,566,916

** Asterisk indicates that the project is complete and that cost shown is final cost.*

CITY TRAFFIC ENGINEER'S REPORT

ISSUE NO. TC 613 (Revised Traffic Calming Project Rankings for 2007)

February 12, 2007

Background Information

The City's adopted traffic calming procedures provide that each year the Traffic Commission will consider the ranking of eligible traffic calming projects for funding. To be eligible, projects must meet the established eligibility criteria and the applicants must submit a petition demonstrating that at least 51 percent of the residents want the City to consider traffic calming for their street. The hearing on project rankings is also the time for the Commission to hear any appeals of the City Traffic Engineer's determination of eligibility.

In October of 2006, the Commission reviewed the 2007 rankings under Issue TC 601. During the hearing on TC 601, the Commission heard an appeal of staff determination that SW 6th Street in the Westbrook neighborhood was not eligible for traffic calming. The Commission continued TC 601 and asked staff to collect new speed data on SW 6th Street following completion of a proposed new pedestrian crossing on the street. The pedestrian crossing has not yet been constructed; therefore, the new data on 6th Street has not yet been collected.

In October 2006, Laurelwood Avenue was the only other street considered for ranking. In 2004, under Issue TC 568, Laurelwood Avenue between Beaverton-Hillsdale Highway and Scholls Ferry Road was ranked as the only eligible project for 2005. Staff did not recommend any funding for the Laurelwood project because the adjoining properties are located outside the city limits and do not contribute to the Traffic Enhancement Fund, which funds the traffic calming program. Residents have been unsuccessful in finding other funding sources. Consequently, the project has not proceeded and remains on the eligible list.

Recently, three additional petitions have been received. Staff is asking the Commission to rank these new projects so that the work with the neighborhoods can proceed. Attached Table 1 shows the proposed rankings. The Laurelwood project remains on the list but is not recommended for funding. After new data is available on 6th Street, staff will bring the new data to the Commission to determine whether 6th Street should be added to the rankings.

The Traffic Enhancement Fund has adequate funding to cover the proposed new projects plus 6th Street (if needed). Therefore, staff is recommending that the three new projects be funded now and that 6th Street be funded later if it is determined to be eligible.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

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

Conclusions:

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

Recommendation:

- Approve the project rankings shown in Table 1 as the Neighborhood Traffic calming project ranking for 2007.
- Approve funding for traffic calming on the projects shown in Table 1, except for the Laurelwood project, using funding allocated for traffic calming in the Traffic Enhancement Program.
- Direct staff to schedule the rankings for additional discussion after new traffic data is available regarding 6th Street.

Table 1

TRAFFIC CALMING RANKING LIST FOR 2007

LOCATION	FUNCTIONAL CLASS *	BASE SPEED (MAX. 40 POINTS)	PERCENT OVER SPEED LIMIT (MAX. 30 POINTS)	TRAFFIC VOLUME (MAX. 30 POINTS)	COLLISIONS (NO POINT LIMIT)	SIDEWALKS (MAX. 5 POINTS)	SCHOOL PROXIMITY (MAX. 5 POINTS)	MAJOR PEDESTRIAN CROSSING (MAX 5 POINTS)	TOTAL SCORE	RANK
Weir Rd./170th Ave. between Red Rock Way & Mount Adams Dr.	C	20	24	30	0	0	0	0	74	1
Menlo Dr. between Farmington Rd. & Allen Blvd.	N	20	15	30	1	0	0	0	66	2
Laurelwood Ave. between Beaverton Hillsdale Hwy. & Scholls Ferry Rd.	N	10	12	30	0	5	0	0	57	3
110th Ave. between Cabot St. & Center St.	C	0	15	21	0	0	0	0	36	4

FUNCTIONAL CLASS

* A = Arterial

* C = Collector

* N = Neighborhood Street

**CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 614**

Parking Restrictions on Public Driveways in Peterkort Village Subdivision

February 12, 2007

Background Information

Within the Peterkort Village Subdivision, there are several unnamed narrow roadways that function as shared driveways to serve the adjoining residences. These narrow roadways are located within public rights of way and are, therefore, public roadways. It is not clear to the City Traffic Engineer whether these roadways should be considered as streets or driveways or alleyways under the applicable vehicle codes. This report will refer to the roadways as "public driveways".

Mr. Nick Bennett inquired about parking regulations in the public driveways near his home. In response, staff reviewed applicable codes and asked the Fire Marshall to review parking in all of the Peterkort public driveways. The Fire Marshall indicates that the public driveways are fire lanes and that parking should be prohibited in order to provide for emergency access.

Because the roads in Peterkort are public, the Fire Marshall lacks authority to regulate parking on the public driveways. However, emergency access is one of the criteria to be considered by the Traffic Commission.

Staff has also heard verbal comments from residents that parking is needed in the public driveways, as it is the only convenient location for loading or unloading for some of the homes.

Existing Law

State law does not address parking in alleys. City Code (Section 6.02.310 B) prohibits parking of "*a vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.*" City Code does not define an alley. However, the State Vehicle Code defines the term as follows: "*Alley means a street or highway primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular traffic.*" The public driveways in Peterkort Subdivision, in some locations, are the primary access to residences. Therefore, the public driveways may not strictly fit the definition of alleys, and it is not clear how the State definition applies to the City Code requirement.

The public driveways have a paved width of 16 to 18 feet. Current city design standards provide for no on-street parking on a street of this width.

If parking is to be prohibited, as requested, formal action by the Traffic Commission and Council will eliminate any legal questions. After signs are posted, there should be no question that parking is prohibited.

Staff proposes to treat the public driveways as alleys for purposes of parking control. Parking would be prohibited but brief stops for loading or unloading would be allowed.

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);
- 1e (assure safe access and reasonable response times for emergency vehicles).

Conclusions:

Prohibition of parking in the public driveways will assure adequate space for emergency response and adequate width for residents to maneuver at garage entrances. Allowing for brief stops for loading and unloading will help to satisfy the needs of residents. A time limit on the loading/unloading stop will assure that the vehicle operator is nearby and could move the vehicle, if needed, in an emergency. Therefore, the recommended action satisfies Criteria 1d and 1e.

Recommendation:

- Except as provided below, prohibit parking in the unnamed public roadway located south of SW Adele Drive and north of SW Washington Street and extending from SW 105th Terrace on the east to SW 111th Avenue on the west.
- Except as provided below, prohibit parking in the unnamed public roadways in the area bounded by Valeria View Drive on the west, SW 105th Terrace on the east and SW Washington Street on the north.
- In the unnamed streets described above, allow parking for the expeditious loading or unloading of persons or materials, but no case for a period in excess of 30 consecutive minutes.

TC 614



NORTH
1" = 250'



Y:\ Cad Services \ Drawings \ 2007 \ 07-01 Peterkort Village Parking Restrictions (TC 614).dwg



City Of Beaverton

Parking Restriction On
Public Driveways in Peterkort Village

**PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
TRANSPORTATION SECTION**

Drawn By: JR Date: 2/12/07

Reviewed By: _____ Date: _____

Approved By: _____

RECEIVED

DEC 26 2006

ENGINEERING DEPT.

December 19, 2006
Nicholas Bennett
268 SW Valeria View Dr.
Portland, OR 97225

TC 614

Attn: Randy Wooley, Public Works
City of Beaverton
PO Box 4755
4755 SW Griffith Dr.
Beaverton, OR 97076

Mr. Wooley:

I am writing to obtain the specific traffic guidelines for the alleyway behind my residence at 268 SW Valeria View Dr.(see attached Map). Our neighborhood was built in 2002 and has no signage to designate the alleyway as a fire lane or no parking area. The alley is not wide enough to have vehicles parked and allow for other vehicles mainly emergency, to pass by.

Recently, many new neighbors have taken it upon themselves to park in the alley overnight causing congestion from other residents driving to their garages as well as the garbage trucks in the morning. I see this as a hazard to any emergency vehicles wanting to make passage to any residence in the area.

Is it possible to have someone come and/or write a letter that explains the traffic flow guidelines for the alleyways in and around our neighborhood? I appreciate your time and information on this issue.

Sincerely,

Nick Bennett
(503) 644-9239

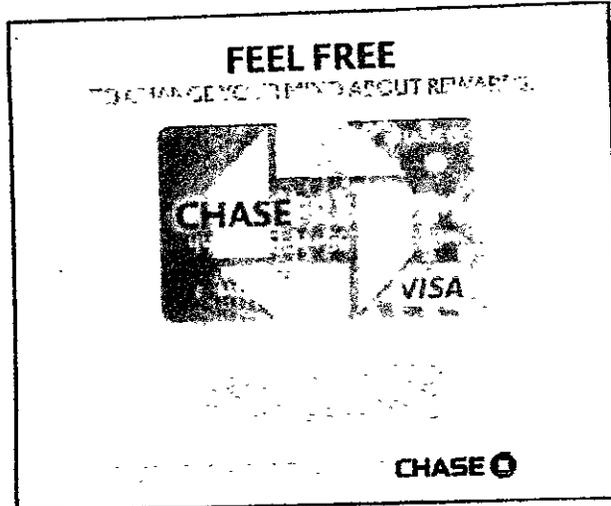
TC 614/Bennett

MAPQUEST

268 Sw Valeria View Dr
Portland OR
97225-6974 US

Notes:

[Empty rectangular box for notes]

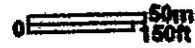


MAPQUEST

SW 180th Ave

Sw Adele Dr

Sw 106th Pl



Sw 104th Ave

Sw Washington St

Sw Celeste Ln

ALLEY

PARK

ALLEY

Sw 105th Ter

Sw Valeria View Dr

Sw Taylor St

© 2006 MapQuest, Inc.

©2006 NAVTEQ

All rights reserved. Use Subject to License/Copyright

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

TC 614

Randy Wooley

From: Dalby, John K. [John.Dalby@tvfr.com]
Sent: Friday, January 19, 2007 2:32 PM
To: Randy Wooley
Subject: RE: Peterkort alleys

Hi Randy,

I surveyed the property and noted there are designated parking places within the public roadway. The private roadways (alleys) are required fire apparatus access and therefore not approved for vehicle parking.

John K. Dalby, Deputy Fire Marshal II
Tualatin Valley Fire & Rescue, North Division
14480 SW Jenkins Road
Beaverton, OR 97005-1152
503-356-4723

From: Randy Wooley [mailto:rwooley@ci.beaverton.or.us]
Sent: Tuesday, January 16, 2007 11:36 AM
To: Dalby, John K.
Subject: Peterkort alleys

John,

Have you had a chance to look at parking in the alley driveways serving many of the homes in Peterkort Subdivision? Do they serve as fire access lanes? Does parking need to be prohibited in these roadways?

Randy Wooley

City of Beaverton.

Randy Wooley

From: Sue Nelson on behalf of Mailbox Citymail
Sent: Thursday, March 01, 2007 9:36 AM
To: Randy Wooley
Subject: FW: Issue TC 614 Parking Restrictions on Public Driveways in Peterkort Village

RECEIVED

MAR - 1 2007

ENGINEERING DEPT.

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

From: Jamie Varblow [mailto:jvarblow@hotmail.com]
Sent: Thursday, March 01, 2007 8:41 AM
To: Mailbox Citymail
Subject: Issue TC 614 Parking Restrictions on Public Driveways in Peterkort Village

I am writing in favor of parking restrictions on public driveways in Peterkort Village subdivision. I am a resident of Peterkort Village and have witnessed and been affected by residents parking in the alleys behind their homes. The neighbor behind my house consistently parks in the alley in order to leave their garage open for their children to play. We have asked them several times to not park in the alley, as it makes backing out of our house incredibly difficult, but they still park there. I have also witnessed the garbage trucks struggling to get by without hitting cars parked in the alley. I know that they have left notes asking people to not park in the alley in order that they might pass freely, but the cars remain.

I am concerned that if the garbage trucks have difficulties passing, then certainly an ambulance or fire truck would have the same difficulty.

Thank you very much.
Jamie Varblow
241 SW 105th Terrace
Portland, OR 97225
503-287-4311

Linda Popkin

From: "Linda Popkin" <milee503@comcast.net>
To: <rwooley@cibeaverton.or.us>
Cc: "Charles Wetherell" <butchw1@comcast.net>
Sent: Wednesday, February 28, 2007 9:46 PM
Subject: parking modifacaton

TC 614

We feel that people should not park in the alleys in Peterkort because it makes it impossible to get out of a garage & it presents a safety hazard for emergency vehicles.

Linda & Ron Popkin

Hi Randy,

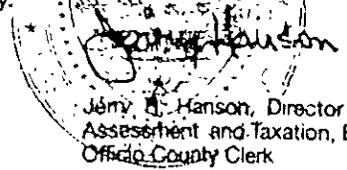
We noticed that there are now NO PARKING-TOW AWAY SIGNS on SW 110TH between Celeste & Adele Dr. We feel they are also needed on Valeria Dr. between Celeste & Adele Dr. Valeria View is a narrow but major street in that section & people use it to access neighborhoods north of 107th as well as Peterkort. There is a red Honda SUV " permanently parked " OR VZW 907 very near the alley between Celeste Adele Dr. his makes it difficult to go into the alley & difficult to see around the vehicle on the way out. It also is not seen when people come around the corner on Adele Dr. to Valeria. The street is not wide enough to accomodate parked vehicles & moving vehicles at the same time.

Please advise us on this issue.

Linda & Ron Popkin

TC 614/M. Troute

I, Jerry R. Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.



Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

Doc : 2001008659.1
Rect: 271747 62.00
02/02/2001 12:37:21pm

AFTER RECORDING RETURN TO:
VENTURE PROPERTIES, INC.
4230 Galewood Street #100
Lake Oswego, Oregon 97035

**COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
PETERKORT VILLAGE**

KNOW ALL MEN BY THESE PRESENTS, that Venture Properties, Inc. (hereinafter "Declarant") hereby declares and records the following covenants, conditions and restrictions pertaining to and binding the following described real property, to wit:

Dated this 2nd day of February 2001, Recorded according to the duly recorded plat of PETERKORT VILLAGE, filed February 2, 2001, in Plat Book 135, Pages 1, 2, 3, 4, 5 & 6, Records of the County of Washington and State of Oregon.

DECLARATION

This Declaration establishes a plan for the private ownership of Lots and buildings constructed thereon. The Declaration further establishes certain restrictions on the various uses and activities that may be permitted in Peterkort Village and further establishes the right of the Declarant to promulgate rules and regulations which may further define and limit permissible uses and activities consistent with the provisions of the Declaration.

NOW, THEREFORE, the undersigned hereby covenants, agrees, and declares that all of Peterkort Village as defined herein and the buildings and structures hereafter constructed thereon are, and will be, held, sold, and conveyed subject to the following covenants, conditions, restrictions. All provisions of this Declaration shall be binding upon all parties having or acquiring any right, title, or interest in

Restrictions indicating a preference, limitation or discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such restrictions violate 42 U.S.C. 3604(a).

Peterkort Village
Covenants, Conditions and Restrictions
January 28, 2001
Page 1 of 8

1-8

Peterkort Village or any part thereof, and shall inure to the benefit of the Owners thereof and are intended to be and shall in all respects be regarded as covenants running with the land.

1. **LAND USE AND BUILDING TYPE** No lot shall be used except for residential purposes. Homes must be constructed of new materials and all homes must be constructed on site. Manufactured and mobile homes are prohibited. Declarant may use residential structures currently constructed and/or constructed in the future as model homes and sales offices for whatever time frame may be designated by Declarant.
2. **DWELLING.** Each dwelling shall have a double car garage except certain town homes located on Lots 40 through 71 which have tandem and single car garages and double wall construction (plywood or equal covered with vinyl, cedar or other siding approved by Declarant) on all four sides. Roofs shall be architectural composition (Firehalt brand name) and have a 25-year guarantee or similar asphalt composition roofing approved by Declarant. The total floor area of the main structure, exclusive of open porches and garages, shall be not less than 1,100 square feet for a one-story or two-story dwelling.
3. **BUILDING LOCATION.** Building locations shall conform to the setbacks per the Annexation Agreement between City of Beaverton and Venture Properties, Inc., dated December 13, 2000, unless otherwise approved by the City of Beaverton or Washington County. Those setbacks are as follows:
 - Front yard setback from back of walk to structure shall be no less than 10' nor greater than 15' on all lots except those lots located adjacent to Celeste Lane or Valeria View which shall have a maximum setback of 20'
 - Corner side yard setbacks shall be 10' from back of sidewalk
 - Front yard setback to garage face shall be no less than 18' from back of sidewalk
 - No interior minimum setbacks are required except as necessary to comply with Washington County Development and CABO codes:
 - 411 Screening and Buffering, which requires a 15 foot rear yard setback on Lots 4-16, 18-22, 26, 27 and 32 through 43.
 - 431 Transit Oriented Design Principles, Standards and Guidelines, which requires that garages be recessed at least 5 feet from the ground floor front of the dwelling or porch.
 - Oregon 1 and 2 Family Dwelling Specialty Code which requires a two (2) foot clearance between the property line and any one (1) foot projection beyond the exterior wall that are not fire rated.

4. **UTILITY EASEMENTS.** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easement, or which may obstruct or retard the flow of water through drainage channels in the easements. After initial sale of each lot, the easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.
5. **IRRIGATION EASEMENT.** Declarant reserves a 12" easement over lots 83 and 84, which runs adjacent to the public utility easement ("P.U.E.") abutting SW 105th Terrace, for the purpose of running irrigation mainline between Open Space Tracts D and E. Those lot Owners shall exercise caution in digging within the easement.
6. **PRIVATE ACCESS EASEMENTS ("PVAE").** Declarant reserves Easements for private driveway access for Lots 156 through 172 which are located adjacent to Celeste Lane and are as shown on the recorded plat and are subject to the recorded Declaration of Private Access Easement and Maintenance Agreement. No Owner shall use the PVAE for storage or parking of vehicles, boats or any other property.
7. **UNDERGROUND SERVICE.** No outdoor overhead wire or service drop for the distribution of electric energy or for telecommunications purposes, nor any pole, tower, or other structure supporting said outdoor overhead wires shall be erected, placed or maintained within this subdivision. All owners of lots or tracts within this subdivision, their heirs, successors, and assigns shall use underground service wires to connect their premises and the structures thereon to the underground electric, cable, or telephone utility facilities provided.
8. **NUISANCES.** No noxious or offensive activity shall be carried out anywhere in Peterkort Village, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
9. **TEMPORARY STRUCTURES.** No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a dwelling either temporarily or permanently. Declarant may use trailer or other temporary structures for sales and/or construction purposes. Accessory uses, including storage sheds, shall be subject to City of Beaverton Development Code.
10. **PARKING.** Parking of boats, trailer RVs and like equipment shall not be allowed on public rights-of-way or in a driveway for more than twenty-four (24) hours, unless enclosed behind

fencing on Lots 1-39. No permanent storage for any of the above is allowed on any Lot, Tracts A, B C, D nor E. No vehicle in disrepair, sitting on blocks, or otherwise appearing inoperable shall be visible from the street for any aggregate period in excess of fourteen (14) days.

11. **SIGNS.** No signs shall be erected on any lot except one (1) sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by Declarant or other builders to advertise the property during the construction and initial sale period. However, Declarant may erect and maintain signs of any size at model homes and Tracts A, B, C, D and E pursuant to City of Beaverton's sign ordinance.
12. **OIL AND MINING OPERATION.** No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.
13. **LIVESTOCK AND POULTRY.** No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept: provided that they are not kept, bred, or maintained for any commercial purpose.
14. **GARBAGE AND REFUSE DISPOSAL.** No lot shall be used or maintained as a dumping ground for rubbish or trash. Declarant may use containers for recycling or construction debris during the build-out of Peterkort Village. Garbage or other waste shall not be kept on any lot except in sanitary containers. All containers for the storage or disposal of such material shall be kept in a clean and sanitary condition. Homes with alleys may have (2) trash containers visible on trash collection days only.
15. **SCREENING AND BUFFERING.** Declarant or its heirs and assigns shall install fencing and landscaping on lots 4-16, 18-22, 26, 27 and 32-43 consistent with the conceptual Screening and Buffering Plan for perimeter lots abutting existing single-family residential neighborhoods as required by Washington County Conditions of approval V.F.4. of Casefile 99-456. Specifically, screening and buffering is as follows:

a. Lots 4-9 shall have a Type 3 Buffer which consists of the following:

- i.) 4 Canopy Trees per 100 feet
- ii.) 4 Understory Trees per 100 feet
- i) 10 Shrubs per 100 feet

Peterkort Village
Covenants, Conditions and Restrictions
January 26, 2001
Page 4 of 8

4

- ii) 6 Foot Site obscuring Fence
- b Lots 10-16, 18-22, 26-27 and 32-43 shall have a Type 2 Buffer which consists of the following
- i.) 2 Canopy Trees per 100 feet
 - ii) 4 Understory Trees per 100 feet
 - iii) 5 Foot (or greater) Wood/Cyclone Barrier Fence

16. HOME AND YARD MAINTENANCE. The maintenance, upkeep and repair of individual homes shall be the sole responsibility of each individual Owner. Owners shall maintain their Lots and homes and all appearances thereto at all times. All lawns shall be adequately watered and kept mowed and properly trimmed. Each Owner shall be obligated to maintain all landscaping (including lawn) on Owner's Lot in a healthy and attractive state and in a manner comparable to that on the other Lots in Peterkort Village. Each Owner is responsible for the operation, repair and maintenance including winterization and spring start-up of their own private front yard sprinkler system installed by Declarant during home construction. Lot Owners are responsible for watering and maintaining the street trees in front of their lots and guarantee the survival and replacement of approved street trees for one (1) year after planting. Lot Owners shall comply with all erosion and drainage regulations regarding all property within Peterkort Village, including streets and sidewalks, promulgated by any city, county or state agency with jurisdiction over the property within Peterkort Village.

17. ATTACHED HOME MAINTENANCE. The maintenance, upkeep and repair of each attached home (Duets and Town Homes) shall be the sole responsibility of each individual Owner and in accordance with Section 16 above. Owners of attached homes shall strive to jointly cooperate with each other during the maintenance, repair or replacement of the exterior of an adjoining home. Each home may be painted a separate but complementary color. Owners of each attached home may repaint their home a different color than the color originally painted by Declarant subject to approval of the Architectural Control Committee. Repair or replacement of siding must be with the type originally installed by Declarant unless both adjoining homeowners agree to replace all the siding on each adjoining home with a different type of siding. All roofing must be repaired or replaced with the type and color of roofing originally installed by Declarant unless both adjoining homeowner agree to replace all roofing on each adjoining home with another type and/or color of roofing subject to approval of the Architectural Control Committee.

18. PRIVATE WATER LINE EASEMENTS. Private water line easements on Tracts D and E are for the benefit of Lots 80, 81, 82, 85 and 86. Repair and maintenance of the private water lines within the easements shall be by the respective Lot Owner.

19. **TRACTS A, B, C, D and E.** Tracts A, B, C, D and E shall initially be owned by Declarant. Declarant, its heirs and assigns will furnish, install and maintain public accessways located on Tracts B and C, and the park areas located on Tracts A, D and E. Improvements to each of the park areas shall include at least two (2) of the amenities required by Washington County Development Code Section 431-7.3B(1).
20. **ROCK WALLS.** Engineered boulder rock walls have been installed on or between lots during the development of Peterkort Village. Homeowners shall not add additional rock to or alter these existing walls without the prior written approval of Declarant and the applicable governing jurisdiction.
21. **SLOPE AREAS.** Declarant has developed a storm drainage system that addresses water run-off for the entire property as opposed to run-off between individual lots. This means that unfiltered surface water and sediment can traverse other lots before reaching a public storm water facility, with the understanding that prior to reaching a gutter, street or storm water facility, the water will be filtered. Silt fencing has been installed in conjunction with the final site grading, in areas designated on the construction documents that meets the local storm water agency's guidelines for surface erosion control. Usually, the normal location for silt fencing is on or adjacent to the property line to protect rear and side sloping areas and adjacent to the curb to protect front sloping areas. It should be noted that the purpose of silt fencing is to control erosion only, and that storm water and some sediment can be expected to travel downhill from higher elevation lots through lower elevation lots to its final destination in a public storm water facility. No structure, planting or other material shall be placed or permitted to remain or other activities undertaken which may damage or interfere with the grading plan developed by the Declarant. This includes altering the defined slope areas, attempting to change the storm water direction or performing any action that creates erosion. Once the Declarant has conveyed title to any subsequent purchaser, either to a Homeowner or other Homebuilder, the established sloping areas of each lot and all improvements on each lot shall be maintained continuously by the Owner of the lots to preserve Declarant's designed drainage and grading plan, except for those improvements for which a public authority or utility company is responsible.
22. **SIGHT DISTANCE AT INTERSECTIONS.** No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between three (3) and ten (10) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty (20) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within ten

(10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

23. **HOME OWNER ASSOCIATION.** No home owner association exists at Peterkort Village. Upon completion of initial construction of all of the homes in Peterkort Village, individual lot owners may vote to form a Home Owner Association. In the event that 51% of the voting Owners favor the formation of a Home Owner Association, an Association shall be formed by the Owners. Each Lot shall receive one vote.
24. **ARCHITECTURAL CONTROL.** Architectural control of houses and accessory structures shall be by Declarant. All plans, specifications and exterior color of houses or accessory structures must be approved by Declarant in writing prior to start of construction. Any modifications to approved plans shall be approved by Declarant in writing as well. After initial construction of homes on all lots in the subdivision, architectural control by Declarant shall cease. Upon the vote of 51% of the Owners in favor of continued Architectural Control, such control shall pass to an Owner's Committee consisting of five (5) Owners elected by a vote of the Owners.
25. **HOME OFFICES.** No business venture shall be conducted on a Lot or in or about any property in Peterkort Village except for one-room offices which are not designated by exterior sign(s) and which do not become an undo burden on or nuisance to the Peterkort Village neighborhood.
26. **ENTRANCE SIGN.** In the event an entrance monument is erected on any Lot or Tract within Peterkort Village, such monument shall be maintained and repaired by the homeowners, and costs shared equally by all homeowners in the subdivision. The Declarant has no responsibility in the maintenance or repair of any monument.
27. **ANTENNAS AND SATELLITE DISHES.** No antennas, aerals or satellite dishes shall be permitted on any part of a lot or residence, except for "mini" satellite dishes which do not exceed two (2) feet in diameter and are not located in the front yard.
28. **TERM.** These Covenants, Conditions and Restrictions shall run with the land and shall be binding on all owners of the described property and all persons claiming under them for a period of thirty (30) years from the date these Covenant are recorded after which time said Covenants shall be automatically extended for successive periods of ten (10) years unless an

instrument signed by a majority of the then Owners of the Lots has been recorded, agreeing to rescind or change said Covenants in whole or in part.

29. **ENFORCEMENT.** Enforcement shall be by proceedings at law or in equity by any property Owner or Declarant against any person or person violating or attempting to violate any Covenant, Condition or Restriction, either to restrain violation or to recover damages. Neither Declarant nor Declarant's successors or assigns shall be liable to any Owner, Occupant, or to any other person for its enforcement or failure to enforce any provision of this Declaration.
30. **SEVERABILITY.** Invalidation of any one of these Covenants, Conditions or Restrictions by judgment or court order shall not in any way affect any of the other provisions, which shall remain in full force and effect.
31. **AMENDMENT.** These Covenants, Conditions and Restrictions may be amended by an instrument signed by a majority of the current lot owners and recorded with the County Recorder, agreeing to change said Covenants in whole or in part; provided however, that if Declarant owns at least one lot, these covenants cannot be amended without Declarant's written consent. Declarant reserves the right, as long as it owns at least one lot, to amend these Covenants, Conditions and Restrictions in any way without approval of any lot owners.

DECLARANT:

Venture Properties, Inc.

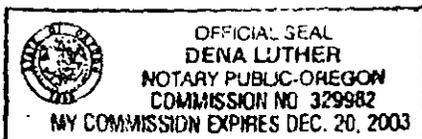
By: Christy Wiegel

Christy Wiegel, President

Dated 1-30-2001

STATE OF OREGON, County of Clackamas) ss.

Personally appeared Christy Wiegel who, being duly sworn, did say that she is the President of Venture Properties, Inc. and that said instrument was signed on behalf of said corporation by authority or its board of directors, and acknowledge said instrument to be its voluntary act and deed.



Dena Luther
Notary Public for Oregon
My Commission Expires: 12/20/03

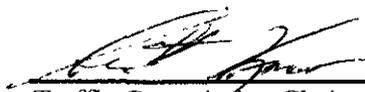
Peterkort Village
Covenants, Conditions and Restrictions
January 26, 2001
Page 8 of 8

8

CITY OF BEAVERTON
 FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION
 REGARDING ISSUE NUMBER TC 612
 (Revisions to Traffic Enhancement Fund Project Allocations)

1. A hearing on the issue was held by the Traffic Commission on March 1, 2007.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1c (meet the overall circulation needs of the City);
 - 1g (carry anticipated traffic volumes safely);
 - 3 (all decisions shall comply with officially approved policies of the City Council)
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The City Council previously directed staff to work with the Traffic Commission to develop recommendations for specific projects to be funded under the Traffic Enhancement Program.
 - The Traffic Commission and City Council have previously approved allocation of the Traffic Enhancement Program funds to 31 projects.
 - The City Traffic Engineer has recommended revisions to the project allocations to reflect cost savings on some completed projects and the need for increased allocations on other projects.
4. Following the public hearing, the Traffic Commission voted (6 aye, 0 nay) to recommend the following action:
 - Approve the revised project allocations for the Traffic Enhancement Program as shown in Attachment A and as detailed in the City Traffic Engineer's report for Issue TC 612.
 -
5. The Traffic Commission decision was based on the following findings:
 - Each of the proposed projects is intended to improve traffic circulation or to improve traffic safety or both, satisfying Criteria 1c and 1g.
 - The Traffic Commission is following the funding process established by the Council in 1997, satisfying Criterion 3.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 1st DAY OF MARCH 2007


 Traffic Commission Chair

Attachment A
Traffic Enhancement Program
Projected Expenditures
01/22/2007

RECORD COPY

<u>Project</u>	<u>Previous Budget</u>	<u>Cost to Date</u>	<u>Estimated Total Cost</u>
1. Traffic Calming Phase 1 (Waterhouse, Canyon Ln., 130th, Conestoga, Haystack/135th)	\$75,157	\$75,157	\$75,157 *
2. School Zone Flashing Beacons	217,073	217,073	217,073 *
3. Expert Panel	3,248	3,248	3,248 *
4. Signal Detection Improvements	323,817	323,817	323,817 *
5. Protected/Permitted Signal Mod.	50,000	41,239	42,000
6. Signal Modifications (Brockman/Bridletrail, Denney/King, 5th/Lombard, 5th/Hall)	177,774	177,774	177,774 *
7. New Signal at Murray & 6th	259,278	259,278	259,278 *
8. New Signal at Scholls Ferry & Davies	0	0	0 *
9. Traffic Calming Phase 2 (Bel Aire, 152nd)	88,747	88,747	88,747 *
10. In-house Engineering Costs (Surveying and other staff time outside Transportation Division)	20,000	17,031	20,000
11. Traffic Calming Phase 3 (Laurelwood/Birchwood/87th, Sorrento, Davies)	187,960	187,960	187,960 *
12. Traffic Calming Phase 4 (Erickson/17th, 141st, Fieldstone, Nora, 6th)	34,566	34,566	34,566 *
13. New Signals			
Cedar Hills/Fairfield	210,779	210,779	210,779 *
Farmington/Erickson	144,081	144,081	144,081 *
(To be determined)	225,000	0	225,000
14. Pedestrian Countdown Signals	13,816	13,816	13,816 *
15. Traffic Calming Phase 5 (Heather Lane; 170th Dr.)	29,612	29,612	29,612 *

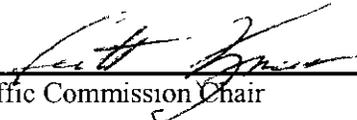
16. Signal Revisions at B-H & Griffith	36,428	36,428	36,428 *
17. Traffic Calming Phase 6 (Indian Hill, 6th, Davies, 155th)	7,240	7,240	7,240 *
18. Accessible Pedestrian Signals	9,540	9,540	9,540 *
19. Advance Street Name Signing	0	0	0 *
NEW PROJECTS			
20. Beacons at Southridge & Sunset	20,000	17,150	17,150 *
21. Upgrade Controls for Ex. Beacons	20,000	14,026	14,026 *
22. Ped Countdown Signals Phase 2	20,000	16,645	16,645 *
23. Accessible Ped Signals Reserve	15,000	0	15,000
24. Signal Interconnect on Hall & Millikan	30,000	4180	30,000
25. Detect. Replace. at Allen & Erickson	35,000	18,694	35,000
26. Signal Software Upgrade	30,000	0	70,000
27. Canyon Road Signal Timing	50,000	0	60,000
28. Signal Revisions at Hall & Nimbus	50,000	0	50,000
29. Mid-Block Ped Safety Improvements	25,000	2,783	35,000
30. Traffic Counting Equipment	13,688	13,688	13,688 *
31. Traffic Calming Reserve	144,112	0	104,291
Estimated Totals	2,566,916	1,964,552	2,566,916

* Asterisk indicates that the project is complete and that cost shown is final cost.

RECORD COPY

- No other projects have satisfied the eligibility and petition requirements for the current year's program.
 - Therefore, Criterion #3 is satisfied.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 15th DAY OF MARCH 2007



Traffic Commission Chair

Table 1

TRAFFIC CALMING RANKING LIST FOR 2007

LOCATION	FUNCTIONAL CLASS *	BASE SPEED (MAX. 40 POINTS)	PERCENT OVER SPEED LIMIT (MAX. 30 POINTS)	TRAFFIC VOLUME (MAX. 30 POINTS)	COLLISIONS (NO POINT LIMIT)	SIDEWALKS (MAX. 5 POINTS)	SCHOOL PROXIMITY (MAX. 5 POINTS)	MAJOR PEDESTRIAN CROSSING (MAX. 5 POINTS)	TOTAL SCORE	RANK
Weir Rd./170th Ave. between Red Rock Way & Mount Adams Dr.	C	20	24	30	0	0	0	0	74	1
Menlo Dr. between Farmington Rd. & Allen Blvd.	N	20	15	30	1	0	0	0	66	2
Laurelwood Ave. between Beaverton Hillsdale Hwy. & Scholls Ferry Rd.	N	10	12	30	0	5	0	0	57	3
110th Ave. between Cabot St. & Center St.	C	0	15	21	0	0	0	0	36	4

FUNCTIONAL CLASS

* A = Arterial

* C = Collector

* N = Neighborhood Street

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

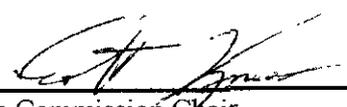
REGARDING ISSUE NUMBER TC 614

Parking Restrictions on Public Driveways in Peterkort Village Subdivision

1. A hearing on the issue was held by the Traffic Commission on March 1, 2007.
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);
 - 1e (assure safe access and reasonable response times for emergency vehicles).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The subject public driveways function as alleys but the City Traffic Engineer finds it unclear whether the driveways qualify as alleys under the definitions of State and local traffic laws. The City Traffic Engineer recommends that parking restrictions be established for the driveways, using the same restrictions imposed on alleys under the City Code.
 - The Fire Marshall has determined that the driveways are fire lanes and that parking should be prohibited.
 - City standards call for no parking on narrow public streets such as the subject driveways.
4. Following the public hearing, the Traffic Commission voted (4 aye, 2 nay) to recommend the following action:
 - Except as provided below, prohibit parking in the unnamed public roadway located south of SW Adele Drive and north of SW Washington Street and extending from SW 105th Terrace on the east to SW 111th Avenue on the west.
 - Except as provided below, prohibit parking in the unnamed public roadways in the area bounded by Valeria View Drive on the west, SW 105th Terrace on the east and SW Washington Street on the north.
 - In the unnamed streets described above, allow parking for the expeditious loading or unloading of persons or materials, but in no case for a period in excess of 30 consecutive minutes.
5. The Traffic Commission decision was based on the following findings:
 - The proposed parking restrictions are needed for safety, especially for emergency vehicle access. The proposed restrictions would allow brief parking for loading and unloading to address the needs of the residents. Therefore, Criteria 1d is satisfied.
 - The proposed parking restrictions will provide for emergency vehicle access as requested by the Fire Marshall, satisfying Criteria 1e.

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

SIGNED THIS 15th DAY OF MARCH 2007



Traffic Commission Chair

DRAFT

City of Beaverton

TRAFFIC COMMISSION

Minutes of the March 1, 2007, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:05 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

ROLL CALL

Traffic Commissioners Scott Knees, Carl Teitelbaum, Ramona Crocker, Kim Overhage, Maurice Troute and Thomas Wesolowski constituted a quorum. Commissioner Sadler was absent by prearrangement. Alternate Member Patrick Reynolds was in the audience to observe.

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

--EXCERPT START--**CONSENT ITEMS**

Chairman Knees reviewed the March consent agenda comprised of the minutes of the December 2006 and January 2007 Traffic Commission meetings, and Issue TC 611 "Stop Control on Public Driveways in Peterkort Village Subdivision."

Regarding Issue TC 611, Commissioner Troute asked Mr. Wooley and Sgt. Monger if state law requires all vehicles to stop at the end of a driveway before entering a street.

Mr. Wooley said that is accurate. As City Traffic Engineer, he had to decide if the unnamed roadways between the garages in Peterkort Village Subdivision are driveways or alleys under Oregon vehicle code. These narrow roadways are located within the public rights of way and are therefore public roadways.

Commissioner Troute asked that Issue TC 611 be removed from the consent agenda for separate consideration.

Commissioner Troute **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve the Traffic Commission meeting minutes for December 2006 and January 2007. There was no discussion.

The **MOTION CARRIED**, unanimously, 6:0. Commissioner Wesolowski abstained from approving the December minutes as he was not at that meeting.

On discussion on Issue TC 611, Commissioner Troute said he lives in the Peterkort Village Subdivision and he opposes installing stop signs at the end of the public driveways. He said vehicles are legally required to stop before crossing a sidewalk. He worries about having too many signs in the neighborhood. The Commissioner reasoned that, if installing stop signs on these public driveways is not necessary by law, the City might save money by not installing stop signs. Commissioner Troute said police enforcement would be enough. He added that he had not observed neighbors "blowing through there" without stopping.

Mr. Wooley said field observations of these public driveways convinced him that it is not clear to drivers that they are about to cross a sidewalk. Fences and landscaping partially block the driver's view of pedestrians. Stop signs would make it clear to drivers that they must stop before crossing the sidewalk and entering the street. Based on his traffic engineering experience, installing stop signs is a reasonable public safeguard at these locations.

Chairman Knees said he counted nine locations that would need stop signs.

Commissioner Troute said he has never observed anyone mistake these public driveways for roads. Most traffic is local, as residents enter and exit the back entry to their homes. He said it is a "curbed driveway" so it looks like a driveway from the sidewalk perspective.

The recording secretary said Ms. Mary Wilhelm had filled out a yellow card and was asking to give testimony on consent item TC 611.

After polling the Commission, Chairman Knees invited Ms. Wilhelm to testify.

Mary Wilhelm, Portland, Oregon, said her home backs on one of the public driveways under discussion. Ms. Wilhelm said she came to testify on TC 614 because she believes restricting parking in the private driveways would help the neighborhood.

Ms. Wilhelm said one of the stop signs proposed in TC 611 would be installed on the corner of her property. She is very watchful about the children who use the sidewalks outside the private driveways. She does not think a stop sign will help because the sign itself might block drivers' view of pedestrians. She pointed out that this neighborhood is built on a hill. Children walk up the hill to the park. When they reach the private driveways, they are at a lower angle. If drivers are looking up at an elevated stop sign, they might not see the children. Ms. Wilhelm suggested painting a stop bar on the pavement as a reminder to drivers.

Chairman Knees thanked Ms. Wilhelm for her observations and invited Commission questions.

Commissioner Overhage suggested painting a stop bar on the pavement in addition to a stop sign. She asked Ms. Wilhelm's opinion on this idea.

Ms. Wilhelm agreed with Commissioner Troute's earlier comments that most residents drive cautiously in the private driveways. She thinks a stop bar painted on the pavement would be a "good reminder." She does not want stop signs

Commissioner Troute asked if she sees people from outside the immediate neighborhood driving in the private driveways.

Ms. Wilhelm said generally not. Home repair vehicles and moving vans also use the private driveways and a stop sign might make them more aware of pedestrians at the end of the private driveway. Still, most driveway users are local.

Chairman Knees asked for staff's opinion of painted stop bars.

Mr. Wooley said a painted stop bar has no legal meaning without a stop sign.

Commissioner Troute asked if the proposed stop signs would be installed in the parking strip or on property belonging to the corner homeowners.

Mr. Wooley said the stop sign post would fit between the fence and the street's curb. Stop signs are placed a regulation seven feet above ground level. The private driveways and the streets are both public rights of way.

Commissioner Troute said the owners of the corner lots have often gone to great effort to landscape these corners attractively.

Mr. Wooley said it should be easy enough to install stop signs there, unless property owners have planted large trees in the public right of way corners.

Commissioner Troute said he has planted three jacquemonti birch trees that will eventually grow to 20-30 feet tall on the corner of his property. Putting a stop sign near these trees would be a problem.

Commissioner Wesolowski said when he drove through these private driveways it occurred to him that stop signs would be a good idea because the line of sight is very limited. It is hard to see traffic passing on the street. He could support painting a stop bar on the pavement. Drivers need some notice to remind them to stop and look before crossing the sidewalk.

Chairman Knees called for a motion.

Commissioner Troute **MOVED** and Chairman Knees **SECONDED** a **MOTION** to reject staff's proposal on Issue TC 611 to install stop control on public driveways in Peterkort Village Subdivision.

On discussion, Commissioner Overhage said two people testified that they did not want stop control on the Peterkort Village private driveways. She said if that is what the neighborhood wants, that is what they should have.

Chairman Knees said most of the people who use these public driveways live in the neighborhood and they know there is limited sight distance.

Commissioner Teitelbaum said putting a stop sign on the street would mean vehicles would have to stop in the middle of the sidewalk. That would be even more dangerous for children walking on the sidewalk because it would encourage drivers to cross the sidewalk without stopping. When he drove through the area, he did notice that these private driveway exits are "blind."

Chairman Knees said earlier discussion had covered that the stop signs would be placed in front of (before) the sidewalk.

Mr. Wooley confirmed that the proposal under discussion was to install stop signs at a point before the private driveways crossed the sidewalk. That is a standard traffic engineering requirement.

Chairman Knees called for a vote.

The **MOTION CARRIED** 5:1. Commissioner Wesolowski voted "nay."

PUBLIC HEARINGS

ISSUE TC 612: REVISIONS TO TRAFFIC ENHANCEMENT FUND PROJECT ALLOCATIONS

Chairman Knees opened the public hearing on Issue TC 612.

Staff Report

Mr. Wooley said the Traffic Enhancement Program was part of the tax base measure approved by voters in 1996 for traffic signal systems and neighborhood traffic calming.

Mr. Wooley said TC 612 contains minor revisions to the Traffic Enhancement Fund allocations. The revisions reserve \$100,000 for traffic calming projects. This funding easily covers all proposed traffic calming projects, including a possible project on SW 6th Street. Money remaining after completion of several other projects was added to the traffic calming fund. City officials have assured him that the City will make funds available for future traffic calming projects.

Item No. 26, Signal Software, is to upgrade the software that allows staff to remotely monitor signal timing and signal performance. This upgrade will enable the City of Beaverton to use software and a license purchased by the City of Portland at no additional cost to Beaverton. Beaverton must connect to the regional fiber optic system to do this. The upgrade is a one-time expenditure of \$40,000.

Mr. Wooley asked the Commission for approval of the project fund reallocations as detailed in the staff report for TC 612.

Commissioner Wesolowski asked about Item No. 29 and the curb extension on Sexton Mountain Drive. Did this project go through the Traffic Commission like the curb extensions proposed for SW 6th Street near Murray Boulevard?

Mr. Wooley said the 6th Street curb extensions came through the Commission process because they were part of a crosswalk request. Under City Code, new crosswalk requests go through the Traffic Commission. The project on Sexton Mountain is only a curb extension. That project did not go through Traffic Commission.

Chairman Knees asked about the \$144,112 in Item No. 31, the Traffic Calming Reserve. The estimated cost is \$104,000. The \$40,000 difference is to be used to fund additional projects; however, the cost of the additional projects is \$60,000. Should the Commission worry that this is not enough?

Mr. Wooley pointed out that the projects marked with an asterisk on Attachment A show final costs. Some of these costs are less than originally estimated. For example, the final costs for Items 20, 21 and 22 are all less than estimated. These savings make up the cost difference.

Commissioner Overhage asked about the source of future traffic calming funding.

Mr. Wooley said the City of Beaverton budget contains an account called the road fund. This is funded mainly from the City's share of state and county motor vehicle fuel taxes. The fund is used mainly for street maintenance, but some funds can be used for street improvements.

Public Testimony

The Commission received no written testimony on this issue.

Jamison Cushman, Beaverton, Oregon, said he wants to make sure that the decision made on this issue will not affect his neighborhood's request for traffic calming on SW 110th Avenue.

Chairman Knees assured him that this decision would not affect the proposed traffic calming rankings in Issue TC 613.

Chairman Knees closed the public hearing on Issue TC 612.

Commission Deliberation

Commissioner Overhage said she likes to see City work done prudently and to a high level of public satisfaction. The projected expenditures in TC 612, Attachment A reflect those values. She supports the revisions proposed by Mr. Wooley.

Commissioner Overhage **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approved staff's proposal on TC Issue 612 as written and the final written order.

The **MOTION CARRIED** unanimously, 6:0.

ISSUE TC 613: REVISED TRAFFIC CALMING PROJECT RANKINGS FOR 2007

Chairman Knees opened the public hearing on Issue TC 613.

Staff Report

Mr. Wooley said that last fall, when the Commission ranked the traffic calming projects for 2007, Laurelwood Avenue was the only qualifying project on the list. Staff did not recommended funding for Laurelwood because the adjoining properties are located outside the City limits and the property owners do not contribute to the Traffic Enhancement Fund, which funds Beaverton's traffic calming program.

In October 2006, as part of a public hearing on Issue TC 601, the Commission heard an appeal of the City Traffic Engineer's determination that 6th Street near Murray Boulevard was not eligible for traffic calming. The Commission continued TC 601 and asked staff to collect new speed data on 6th when the new pedestrian crossing is complete. The crossing will be built later this spring and new traffic data collected soon after.

Mr. Wooley said there are three new petitions from neighborhoods that qualify as traffic calming projects. Instead of making these three wait for nine months until the next project ranking, Mr. Wooley would like the Commission to rank the projects now, so work can move ahead.

The new projects include:

- Weir Road/170th Avenue between Red Rock Way and Mount Adams Drive;
- Menlo Drive between Farmington Road and Allen Boulevard; and
- 110th Avenue between Cabot Street and Center Street.

Mr. Wooley asked the Commission to adopt the rankings shown in Table 1 attached to the TC 613 staff report and to authorize Traffic Enhancement Funding to cover project costs.

Commissioner Wesolowski asked if the total scores on Table 1 are similar to total scores for projects in past years.

Mr. Wooley said they were similar.

Commissioner Wesolowski asked why Laurelwood Avenue was ranked No. 3 out of four potential projects even though the City will not fund the project.

Mr. Wooley said Laurelwood is shown in the rankings because it meets the criteria and it is eligible for traffic calming under the City Traffic Calming Procedures. The City has made a decision not to fund the project. However, if the adjoining property owners found other funding, the project could proceed.

Commissioner Troute noted that Weir Road is designated as a collector street and Menlo Drive is a neighborhood street. Could the ranking be adjusted so a neighborhood street ranks higher than a collector street does?

Mr. Wooley said staff must follow the procedures and scoring adopted by the Traffic Commission.

Commissioner Overhage noted that 110th Avenue has a much lower score than the other three projects. What is the issue on 110th?

Mr. Wooley said the complaints involve speed. Residents complain that nearby auto dealerships use 110th as a test drive route.

Commissioner Overhage asked if two speed humps would solve the problem. If so, that would be an inexpensive project.

Mr. Wooley said the method of traffic calming selected is always decided through neighborhood meetings. The project design and cost depend on each neighborhood's choices.

Chairman Knees asked staff for directions on their next step.

Mr. Wooley said staff must follow the steps laid out in the Traffic Calming Procedures. The Procedures also state that the Traffic Commission can consider other factors before issuing a final ranking, such as information heard during public testimony. Once the projects are ranked, then the Commission should make a recommendation as to whether or not each project is funded.

Chairman Knees asked if Weir Road and 170th Avenue are actually within the City of Beaverton.

Mr. Wooley confirmed that they are.

Chairman Knees asked how many households were polled. There are few driveways entering Weir/170th.

Mr. Wooley said the homeowners in the new Red Rock subdivision started the process. He does not know how many households signed the petition.

Chairman Knees asked if the hill would make the project more difficult.

Mr. Wooley said this would be a challenging project for Mr. Khasho and the neighborhood to develop a plan; however, the neighborhood does meet the program's criteria.

Commissioner Teitelbaum asked if speeding problems on Weir/170th are limited to rush hours. The area appears to be thinly populated.

Mr. Wooley said this is "open road" and it attracts speeders during all days and hours. The 85th percentile speed was 37 mph, which is 12 mph higher than the posted speed.

Commissioner Troute said he does not like seeing a collector street project--that impacts only a few resident--get a higher priority ranking than a project on a residential street that affects day-to-day livability for a whole neighborhood. He said that police enforcement might be a better option for Weir/170th than a traffic calming project.

Mr. Wooley said there is adequate funding for all three projects. Once the ranking and funding are approved, staff will work on all three projects with equal intensity. He reminded the Commission that when the Traffic Calming Procedures were first developed, the project rankings were important because there was a backlog of qualified projects and limited staff time to complete them. Some projects would drop below the ranking line year after year. It was a much more competitive process. At this point, staff is keeping up with the project requests and the ranking list could be dropped.

Commissioner Wesolowski asked if stop signs could be used as a traffic calming method on Menlo.

Mr. Wooley said the federal traffic engineering standard, the Manual on Uniform Traffic Control Devices (MUTCD) makes it clear that stop signs are not intended as speed deterrents. There are many other traffic calming options besides speed bumps, for example median islands, curb extensions and speed cushions.

Commissioner Crocker said she recently read that the City of Beaverton is considering implementing a "user fee" or tax for road maintenance. Is that what will provide these funds?

Mr. Wooley said that at this point, City Council is just beginning discussion on how to fund Beaverton's \$300 million backlog of traffic improvement projects. The discussion focuses on projects larger than typical neighborhood traffic calming. In this case, the phrase "smaller projects" means projects that cost less than \$2 million.

Commissioner Crocker asked if the 125th extension would qualify.

Mr. Wooley said that project is too expensive to qualify.

Commissioner Teitelbaum **MOVED** to change the ranking of the Laurelwood Avenue project from position No. 3 to position No. 4.

Chairman Knees asked Commissioner Teitelbaum to hold the motion be held until after the Commission heard public testimony.

Public Testimony

The Commission received written testimony from Traffic Sgt. Monger on this issue. Written testimony is on file.

Venera Cushman, Beaverton, Oregon, said she initiated the petition for traffic calming on 110th Avenue. Ms. Cushman said this short street has a traffic volume of more than 2000 cars per day. Staff clocked some vehicles traveling 80 miles per hours on this street. Speeding has created an unsafe environment for neighborhood children and pets. She said Carr Subaru and the local BMW dealerships both use 110th to demonstrate vehicle speeds.

Ms. Cushman said the 110th Avenue ranking has no points for school proximity. She pointed out that there are two schools within the neighborhood--a Presbyterian preschool and the local Arts and Communication High School.

Chairman Knees thanked Ms. Cushman and encouraged her to return to the Commission once the neighborhood has worked with City staff and developed a proposed traffic calming plan.

Richard Eyde, Beaverton, Oregon, said he carried the traffic calming petition to 167 homes on Menlo Drive. Of that number, only 11 told him they were happy with the traffic speeds on Menlo. Mr. Eyde said he went to the extra effort of using an interpreter to communicate with some of his neighbors. A new housing development at the end of Hazel and Menlo will likely increase traffic and speeding.

Mr. Eyde said police enforcement and the photo radar van have helped, but permanent traffic calming measures are needed. Speeds continue to be too high for a neighborhood street. He thanked the Commission for their consideration.

Staff Comments

Mr. Wooley reminded the Commission that the Traffic Calming Procedures specify that projects that have been ranked for three years, but never built, drop off the list. Laurelwood Avenue will drop off the list next year. At that point, they can circulate a new petition.

Commissioner Troute wanted confirmation that all ranked projects, except Laurelwood, have funding.

Mr. Wooley confirmed that was correct.

Commissioner Wesolowski asked if staff would work on the projects concurrently even though they are prioritized. If one neighborhood develops a plan more quickly, will staff build that project first?

Mr. Wooley said plan development and construction is limited only by when neighbors are available to meet and how fast they reach consensus.

Chairman Knees closed the public hearing on Issues TC 613.

Commission Deliberation

Commissioner Teitelbaum would like the Commission to rank Laurelwood as project No. 4. That change would make the ranking match the reality.

Commissioner Crocker disagrees. Laurelwood should stay in position No. 3 because it legitimately has enough points and because after this year it will automatically drop off the list if not funded. Consistency is important in the ranking process. Commissioner Crocker said there is always a chance that Laurelwood might find a funding source.

Commissioner Teitelbaum **MOVED** and Commissioner Wesolowski **SECONDED** a **MOTION** to rearrange the Traffic Calming Ranking List for 2007 and move Laurelwood Avenue to position No. 4. There was no discussion.

The **MOTION** was **DEFEATED**, 4:2. Commissioners Teitelbaum and Wesolowski voted "aye." Commissioners Knees, Crocker, Troute and Overhage voted "nay."

Commissioner Troute **MOVED** and Commissioner Overhage **SECONDED** a **MOTION** to accept the staff recommendation on Issue TC 613 "Revised Traffic Calming Project Rankings for 2007" and accept the final written order.

The **MOTION CARRIED** 5:1. Commissioners Knees, Teitelbaum, Overhage, Crocker and Troute voted "aye." Commissioner Wesolowski voted "nay."

**ISSUE TC 614: **PARKING RESTRICTIONS ON PUBLIC DRIVEWAYS
IN PETERKORT VILLAGE SUBDIVISION****

Chairman Knees opened the public hearing on Issue TC 614.

Staff Report

Mr. Wooley said this issue began when Mr. Nicholas Bennett, a Peterkort Village resident, asked what parking laws applied to these alleys or public driveways located within a public right of way. Mr. Wooley said his research did not provide a clear legal definition of owner responsibilities regarding parking. Mr. Wooley brought the issue to the Traffic Commission so they can take public testimony and make a decision.

Because cars parked in the narrow public driveways are potentially a public safety issue, Mr. Wooley asked the Fire Marshal's opinion. Fire Marshal John K. Dalby said the private driveways "are required for fire apparatus access and therefore not approved for vehicle parking." His memo is attached to the staff report.

Mr. Wooley said the Fire Marshal assumed these are private driveways. In many new developments, similar roadways are private and are regulated by the fire code. In Peterkort Village Subdivision the roadways are public driveways or alleyways.

Mr. Wooley said it seems reasonable to allow parking for short periods of time for loading and unloading vehicles in the private driveways. This is a matter of convenience for residents.

Mr. Wooley said they would need to consult with the police to decide how much signing they would need, and how much notice to give neighbors before enforcement begins. Installing one sign at each entry point is most likely enough.

Commissioner Teitelbaum said he saw a cable company truck nearly blocking the private driveway when he drove through doing field research for this issue. The truck was parked several feet out from the curb toward the middle of the roadway. Commissioner Teitelbaum could barely squeeze through the driveway in his sports car. A fire truck or ambulance would have been completely blocked.

Commissioner Troute asked why Mr. Wooley believes these roadways are public, since he cannot say for sure whether they are driveways or alleyways.

Mr. Wooley said it is public because it was dedicated as public right of way on the plat of Peterkort Village.

Public Testimony

The Commission reviewed written testimony submitted for this hearing from Traffic Sergeant Jim Monger of the Beaverton Police, Linda Popkin, Ron Popkin, Jamie Varblow and Nicholas Bennett.

No one came forward to give public testimony.

Staff Comments

Staff had no additional comments.

Chairman Knees closed the public hearing on Issues TC 614.

Commission Deliberation

Chairman Knees noted that Commissioner Troute had distributed copies of the Covenants, Conditions and Restrictions (CCRs) for Peterkort Village. He asked why. (Document is on file.)

Commissioner Troute said he distributed the CCRs to show the Commission that there was nothing mentioned to restrict parking in the public driveways or alleyways. He made clear that he lives in this neighborhood and his opinion is based on his experience. Commissioner Troute said this is an issue that "is not really an issue." He said that, at one point, one of his neighbors began using the public driveway as his primary parking space. Commissioner Troute spoke with him about it and resolved the matter.

Commissioner Troute said each public driveway has two entrances. This means most people pull in from the end nearest their garage. He said most people do not drive more than 5 mph on this roadway.

Commissioner Troute said this is a "good" neighborhood and most people will cooperate if asked. He said his comments apply to the upper portion of the neighborhood; he cannot speak for residents living in the lower portion. As a side note, he observed that as soon as the public hearing notices were posted at the end of each public driveway, the few people who were parking in the driveways stopped immediately.

Commissioner Troute said Peterkort Village lots are very small and the homes are built close together. He believes this is not an emergency access issue because fire fighters always have the option of entering the homes through the front door, not the public driveways. Commissioner Troute said driveway access would only be a legitimate issue if there were multiple fires or multiple emergencies. The odds on that happening are slim. He likes having the option of parking in the public driveway to unload groceries. Utility workers, such a cable installers, typically park their trucks in the public driveways because the utilities are located in the back of the homes.

Commissioner Troute addressed the issue of neighbors using a vehicle to block the private driveway so their children can play with the garage door open, as discussed in the written testimony from Jamie Varblow. He questions the safety of this neighbor's choice; however, if the neighbor is parking on the four-foot-wide driveway pad, other vehicles should be able to pass. If parking is restricted, he hopes the Commission limits the number of no parking signs installed.

Commissioner Teitelbaum said limited short-term parking for delivery vehicles might be fine. He referred to the Peterkort CCRs, Page 3, No. 10 "Parking," where it states: "Parking of boats, trailers, RVs and like equipment shall not be allowed on public rights-of-way or in a driveway for more than twenty-four hours...."

Commissioner Troute said that item applies only to properties on Celeste Lane.

Commissioner Teitelbaum said he is still concerned about fire trucks and ambulances entering the public driveway and then finding that it is blocked and having to back out.

Commissioner Troute said none of the homes have house numbers on the back.

Commissioner Overhage said she has ridden in a fire truck and they use a locating system that does not need house numbers. She supports the staff recommendation because the Peterkort Village private driveways are extremely narrow.

Commissioner Overhage said, if she has to call 911 to bring an emergency vehicle to her home, she believes they should have access to any route that will allow the shortest response time. Fire Marshall Dalby went on record saying parking should not be allowed in these public driveways. Traffic Sergeant Jim Monger is on record saying he agrees with the staff recommendation to prohibit parking longer than 30 minutes. This is purely a safety issue in her mind. She would be willing to prohibit parking completely in these public driveways. The residents already have parking in their garages and in front of their homes.

Commissioner Wesolowski asked about the short driveway aprons that, for some homes, extend out a few feet beyond the garage door. Would these driveway aprons be included in the parking prohibition?

Mr. Wooley said that area is not included.

Commissioner Troute said he has never seen an emergency vehicle enter these public driveways. They always go to the front of the house. He understands and agrees with the safety issue; however, he does not want to be in violation of the law just to unload his groceries. All his neighbors unload their groceries from the public driveways.

Chairman Knees asked what changes the neighborhood would see if parking were restricted in the public driveways.

Mr. Wooley said, depending on what is adopted, some signage would be necessary. Once signs were installed, it would move to a higher level for police parking enforcement. He would expect that the neighbors who support the restriction would begin calling the police asking for parking enforcement when they saw vehicles parked in the driveways.

Chairman Knees asked if the curbs would be painted.

Mr. Wooley said it has been a City of Beaverton policy to avoid painting curbs because of the high maintenance costs.

Commissioner Overhage **MOVED** and Commissioner Crocker **SECONDED** a **MOTION** to approve the City Traffic Engineer's recommendation on Issue TC 614 "Parking Restrictions on Public Driveways in Peterkort Village Subdivision" as written and approve the final written order.

Commissioner Teitelbaum asked to **AMEND** the motion to allow 15 minute parking for the purpose of pick up or delivery.

Chairman Knees asked if Commissioner Overhage accepted the amendment.

Commissioner Overhage **REJECTED** the proposed **AMENDMENT**.

Chairman Knees suggested that Commissioner Teitelbaum make a second motion if Commissioner Overhage's motion carries.

The **MOTION CARRIED** 4:2. Commissioners Teitelbaum, Crocker, Overhage and Wesolowski voted "aye." Commissioners Troute and Knees voted "nay."

Commissioner Teitelbaum **MOVED** and Commissioner Wesolowski **SECONDED** a **MOTION** that the previous motion be **AMENDED** to allow 15 minute parking for purposes of pick up and delivery in the public driveways of Peterkort Village Subdivision.

On discussion, Commissioner Overhage said she could only support the motion if it contained the stipulation that the vehicle driver remain at the wheel. That would make it difficult for one person to load or unload a vehicle.

Mr. Wooley said this motion, if approved, would make it necessary to amend the final written order so that the third bullet under No. 4 would read "15 minutes" instead of "30 consecutive minutes."

Commissioner Teitelbaum said he did not realize the staff report and final written order already included a provision for loading and unloading vehicles in the private driveways. He withdrew his motion.

Commissioner Wesolowski, who seconded the motion, also agreed that it should be withdrawn.

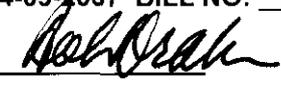
--EXCERPT END--

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Selection of Primary Vendors for the City Wide Expansion and Support of Voice over Internet Protocol (VoIP) Project

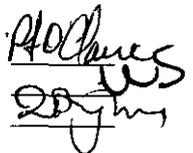
FOR AGENDA OF: 04-09-2007 **BILL NO:** 07068

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Finance 

DATE SUBMITTED: 03-30-07

CLEARANCES: Finance
City Attorney
ISD



PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: Bid Scoring Matrix
Agenda Bill 06048

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$97,000 FY 2006-07	BUDGETED \$97,000*	REQUIRED \$ -0*
\$65,100 FY 2007-08	\$-0**	\$65,100**

* Accounts 603-30-0712-511 and 601-30-0713-317 Information Systems Fund - System Operations and New Projects Programs – Professional Services and Computer Equipment Accounts. The Amount Budgeted represents the amounts included in the FY 2007-08 Adopted Budget.

** The Appropriation Required represents the amount that is proposed to be included in the FY 2007-08 Budget.

HISTORICAL PERSPECTIVE:

The City of Beaverton's telephone system is approximately 20 years old and is at the stage where the majority of spare parts that are required to maintain the system are refurbished. The City will need to replace this system due to its eventual obsolescence. In September 2005, the City initiated a pilot project to evaluate Voice Over Internet Protocol (VoIP) telephony funded mainly by grant funds from the Metropolitan Area Communications Commission (MACC). The pilot project was successful and the City has determined that VoIP is the technology that would be most appropriate to replace the current telephone system. In today's market place, VoIP phones and phone systems are virtually the only technology now being installed as corporations and public agencies move from analog towards digital technology.

On March 20, 2006, the Council awarded a contract to Qwest, of Portland, Oregon, for VoIP equipment and implementation services under the State of Oregon Price Agreement (copy of Agenda Bill 06048 attached). Under this contract, the City completed Phase 1, which was the conversion of the Operations Complex phone system. The remaining phases (phase 2 and the final phase as identified in Agenda Bill 06048) will begin to be implemented following the approval of this agenda bill. The project will include the purchase of 314 phones, consultant services to assist the City in setting up phone-call routing systems, Personal Computer attendant consoles (the ability to control the transfer of calls through a PC), staff training, and the purchase of telephone switches to accommodate the VoIP phone traffic. The estimated cost to complete the remaining phases is:

- Telephone Equipment Costs: \$125,600
- Telephone Switch Costs: \$29,500
- Consultant Service Costs: \$7,000

The current State Price Agreement with Qwest has expired and the State is in the process of completing a new procurement agreement for VoIP services. In addition, City staff has performed

Agenda Bill No: 07068

vendor research and determined that two other vendors could supply the identical equipment and services at a lower cost than was available under Qwest's State Price Agreement. With the expiration of the price agreement and the noted price differences, staff determined it was in the City's best interest to prepare its own Request for Proposal (RFP) for VoIP equipment and implementation services. The intent of the RFP is to select a group of vendors that can provide the equipment and services over a five-year period. At the time that the City requires equipment or services, staff will obtain price quotes from the selected vendor group and will place the order with the vendor that quotes the optimal combination of price, quality, performance, and delivery.

INFORMATION FOR CONSIDERATION:

An RFP was advertised in the Daily Journal of Commerce on February 22, 2007, with a bid response due date of March 8, 2007. Three bids were received and were evaluated for cost, experience, references, and warranty. All three companies met the minimum criteria (80 points) with the following total scores:

- Nexus Integration Services, Incorporated, Wilsonville, Oregon - total score of 97
- Obsidian Technologies of Eugene, Oregon – total score of 95
- Qwest, Incorporated of Denver, Colorado (through the local Portland office) – total score of 81

Staff is recommending that all three vendors be placed on the primary vendor selection list for a one year term with the ability to extend, at the City's option, each vendor annually for up to four additional one-year terms.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, authorize the selection of the three vendors as the City's primary vendors for equipment and services for the VoIP system and authorize the purchase of equipment and services with any of the three vendors based upon the optimal combination of price, quality, performance, and delivery at the time of each order. Funding for the proposed FY 2007-08 purchases in the Budget Impact section above, is contingent upon the final adoption of the FY 2007-08 Budget.

**City of Beaverton
 Proposal Evaluation Matrix
 Responses to VoIP Request for Proposals
 Dated March 8, 2007**

<u>Point Ranking Category</u>	<u>Point Value</u>	<u>Nexus</u>	<u>Obsidian</u>	<u>Qwest</u>
Point Value Assigned to Pricing	60	60	59	44
Company Experience and References	15	14	13	14
Warranty	25	23	23	23
Total Points	<u>100</u>	<u>97</u>	<u>95</u>	<u>81</u>
Price of Equipment and Services as Proposed*		<u>\$155,224</u>	<u>\$157,069</u>	<u>\$190,074</u>

<u>Proposed Pricing Items</u>	<u>Quantity</u>
Cisco Series 7961 Phones	314
Catalyst 3560 48 Port Switches	5
Catalyst 3560 24 Port Switch	1
SMARTnet	1
CSS & Partitions	1
PC Console	1
Configure Call Handlers	1
Interface to PA System	1
4 Hour Response Time Support	20 Hours
48 Hour Response Time Support	20 Hours

AGENDA BILL

B averton City Council
Beaverton, Oregon

SUBJECT: Exemption From Competitive Solicitation - Award Contract for Voice Over Internet Protocol (VoIP) Equipment and Implementation Services Through the State of Oregon Price Agreement Number 1055

FOR AGENDA OF: 03-20-06 **BILL NO:** 06048

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: Finance *PO Chew*

DATE SUBMITTED: 03/03/06

CLEARANCES: Finance
Purchasing
City Attorney
ISD

PO Chew
J. M. Malt
2/13/06
PO Chew

PROCEEDING: Consent Agenda

EXHIBITS: Agenda Bill 05150

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 15,900 FY 2005-06	BUDGETED \$32,000*	REQUIRED \$-0-*
\$ 90,000 FY 2006-07	\$-0-	\$90,000*
\$ 84,300 FY 2007-08	\$-0-	\$83,400*

* Funding for the FY 2005-06 Expenditure Required is available within the General Fund's Non-Departmental Program's existing appropriations in the city-wide communications budget 001-13-0003-341. Funding for the future year's expenditures will be included in subsequent fiscal year budgets subject to the Council's final approval of appropriation for each budget year.

HISTORICAL PERSPECTIVE:

The City of Beaverton's telephone system is approximately 20 years old and is at the stage where the majority of spare parts that are required to maintain the system are refurbished. The City will need to replace this system due to its eventual obsolescence.

In August 2005, the City was awarded \$34,324 in grant funding from the Metropolitan Area Communications Commission (MACC) to purchase core communications equipment that would lay the foundations to provide Voice over Internet Protocol (VoIP) telephony that could eventually replace our current telephone system (refer to Agenda Bill 05150 copy attached). In September 2005, the City initiated a pilot project to evaluate (VoIP) telephony. The pilot consists of 37 telephones at the following locations:

City Hall	15
Operations	1
City Library	1
BPD Property Evidence	5
Emergency Operations Center	15

The pilot project was successful and the City has determined that VoIP is the technology that would be most appropriate to replace the current telephone system. In today's market place, VoIP phones and phone systems are virtually the only technology now being installed as corporation and public agencies move from analog towards digital technology. The City plans to implement the VoIP project in three phases over the remainder of this fiscal year through the next two fiscal years as follows:

Agenda Bill No: 06048

- Phase 1 is to convert the Operations Complex which consists of 32 telephones, 3 fax analog adapters, additional switch gear, and consultant support at an estimated cost of \$15,900. This phase will be completed this fiscal year and the funding is available within the General Fund's Non-Departmental Program's existing appropriations in the city-wide communications budget.
- Phase 2 is to convert the Library Building which consists of 46 telephones, 6 fax analog adapters, additional switch gear and consultant support at an estimated cost of \$32,810. This phase will be completed in FY 2006-07 and the funding will be included in the proposed FY 2006-07 Budget.
- The final phase is to convert the City Hall Building which consists of 296 telephones, 12 fax analog adapters, additional switch gear and consultant support at an estimated cost of \$141,490. This phase is expected to be accomplished over two fiscal years FY 2006-07 and F 2007-08 and the funding will be included in those proposed budgets.

INFORMATION FOR CONSIDERATION:

VoIP equipment and implementation services are available through Qwest located in Portland, Oregon, under Price Agreement Number 1055 through the State of Oregon. Oregon law and the City's Purchasing Code permit an exemption from competitive solicitation if the purchase is made from an existing price agreement with another governmental agency. Staff has reviewed the pricing structure under the Price Agreement and has found the prices competitive in the industry. In addition Qwest has supported the City's existing telephone switch and systems for the past 20 years and this experience will be invaluable as the City converts to the new VoIP system.

RECOMMENDED ACTION:

Council, acting as Council Review Board, authorize the selection of Qwest, of Portland, Oregon, for VoIP equipment and implementation services under the State of Oregon Price Agreement.

AGENDA BILL

**Baverton 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: 08/15/05 **BILL NO:** 05150

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Finance *[Signature]*

DATE SUBMITTED: 08/05/05

CLEARANCES: Finance *[Signature]*
Info. Systems *[Signature]*
City Attorney *[Signature]*

PROCEEDING: Consent Agenda

EXHIBITS: Special Purpose Grant Budget Adjustment Resolution
Grant Award Notification From MACC

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$34,324	BUDGETED \$0*	REQUIRED \$34,324*

The Appropriation Required is funded by a 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 three Metropolitan Area Communications Commission (MACC) grants. 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) \$18,757 PCN (Public Communications Network) Installation at Hanson Well.
- 2) \$6,927 VoIP (Voice over Internet Protocol) Telephony for Police Evidence Building.
- 3) \$8,640 927 VoIP (Voice over Internet Protocol) Telephony for Emergency Operations Center (EOC).

Based upon MACC's Notification Letter (copy attached), the City was awarded all three of the grant requests.

INFORMATION FOR CONSIDERATION:

The following is a further description of the grant requests.

- 1) PCN Installation for Hanson Well – The City's Engineering Water Department plans to move its telemetry equipment from the Operations building to the Hanson Well Site, which will also control the new ASR No. 4 Well (Aquifer Storage and Recovery). To best facilitate these changes, the Hanson Well Site should be connected to the City's PCN network. The PCN network is administered by Comcast and provides data communications between all of the City buildings (City Hall, Library, Operations, and the Community Center).
- 2) VoIP Telephony for Police Evidence Building – The telephones at this facility use leased circuits to connect to the main telephone switch at City Hall. The audio quality of these leased circuits is poor, and they cannot provide many of the features that are available through the City's standard telephone system such as voice mail, transfer and forwarding, and speed dialing. Converting this site to VoIP telephones will eliminate the leased circuit costs and provide the additional features.

Agenda Bill No: 05150

- 3) VoIP Telephony for EOC – The EOC uses a number of CentraNET Telephone lines for voice communications. CentraNET is a service offered by the telephone company that allows a number of standard telephones to act as a group (pseudo telephone switch). CentraNet was chosen because it has the advantages of a telephone switch and would be independent of the main telephone switch that is located at City Hall if it were to fail. The disadvantages are that the City pays monthly charges for a system that is infrequently used and does not readily interact with the main telephone switch. Moving to VoIP will give the City the advantages of CentraNET (autonomous system) with the added advantage of being fully integrated with, yet independent of, the City Hall main telephone switch.

RECOMMENDED ACTION:

Council accept the \$34,324 special purpose grant award from MACC for upgrading the City's network and telephone systems and approve the attached Special Purpose Grant Budget Adjustment Resolution, which appropriates the grant funding.

RESOLUTION NO. 3827

A RESOLUTION APPROVING THE ACCEPTANCE OF A SPECIFIC PURPOSE GRANT AND THE ASSOCIATED APPROPRIATIONS IN THE INFORMATION SYSTEMS FUND OF THE CITY DURING THE FY 2005-06 BUDGET YEAR AND APPROVING THE APPROPRIATIONS FOR THE FUND

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

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

WHEREAS, a Special Purpose Grant from the Metropolitan Area Communications Commission was awarded in the amount of \$34,324, and the Council desires to appropriate the grant award in the Information Systems Fund; now therefore,

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

Section 1. The Finance Director is hereby authorized and instructed to adjust the Information Systems Fund Budget to reflect receipt of the special purpose grant revenue and the associated appropriations:

Information Systems Fund

Revenues:

Intergovernmental Revenue	603-03-0000-329	\$34,324
---------------------------	-----------------	----------

Expenditures:

Computer Equipment	603-30-0713-317	\$18,757
Equipment	603-30-0713-671	\$15,567

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

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

Ayes: _____

Nays _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor

Resolution No. 3827

Agenda Bill: 05150

MACC

METROPOLITAN AREA COMMUNICATIONS COMMISSION

REPRESENTING THE CITY OF BEAVERTON, CLATSOP COUNTY, CLATSOP COUNTY DISTRICT, MULTNOMAH COUNTY, WASHINGTON COUNTY, JOHNSON COUNTY, CLATSOP COUNTY, WASHINGTON COUNTY, JOHNSON COUNTY, CLATSOP COUNTY, WASHINGTON COUNTY, JOHNSON COUNTY
Cable TV Franchise Regulation • Telecommunications Advice and Support • Public Communications Network (PCN)

July 5, 2005

Mr. Brian Douglas
City of Beaverton
PO Box 4755
Beaverton, Oregon 97223-4755

Dear Mr. Douglas:

We are pleased to inform you that the Commission awarded your organization \$ 34,324 for PCN Installation at Hanson Well, VoIP Telephony for Police Evidence Building, and VoIP for the Emergency Operations Center at their meeting on June 22 2005:

Prior to MACC's distribution of these funds, the following conditions must be met:

1. The enclosed PEG/PCN Grant Fund Agreement (hereafter "Agreement") must be signed by the appropriate party and returned to MACC no later than July 31, 2005; and
2. Your organization must provide MACC with all required reports for any previously awarded PEG/PCN Grants.

Note: If you fail to complete the conditions listed above by July 31, 2005, MACC will rescind the grant and return the funds to the MACC PEG/PCN Grant Fund, to be available for applications in the next grant cycle.

Once these conditions are met, we will send a check within fifteen (15) working days. In accordance with Section B of the Agreement, your organization will have 12 months to spend these funds (Section B.1.).

MACC monitors the ongoing use of grant funds, and therefore, may contact you to provide specific information that may include, but is not limited to, budget reports, proposal overviews, and/or other financial and technical information related to grant expenditures. MACC also reserves the right to audit the expenditure of your grant award, including the process used by your organization to select competitive bids for consultants, suppliers, and contractors.

Each grant recipient is required to provide MACC with a final report upon completion of your project and no later than thirty (30) days after the end of the Grant Expenditure Period (Section B.1 of the Agreement). We may also ask for your participation with MACC to promote and publicize the grant awarded your organization at any time.

Thank you for your participation in the PEG/PCN Grant Program. We wish great success for your project and hope that this grant contributes to its success.

Please call Greg, or me, if you have any questions, or if we can assist you further.

Sincerely,



Bruce Crest
MACC Administrator

C: MACC Commissioners
MACC Staff

Encl

1815 NW 169th Place, Suite 0020 • Beaverton, Oregon 97005 4866 • Phone (503) 645-7365 • FAX (503) 645-0999 • Web Site: www.maccor.org

Providing Service Since 1980

PEG/PCN GRANT FUND AGREEMENT

This Agreement is entered into by and between the Metropolitan Area Communications Commission (hereinafter "MACC"), an intergovernmental commission of Oregon local governments, and the City of Beaverton (hereinafter "Recipient").

MACC has obtained funding pursuant to a cable franchise granted to Comcast Cable, which has been used to establish a grant program for the support of Public, Educational, and Government (PEG) programming and to promote the use of the Public Communications Network (PCN); and

The Recipient applied for a grant pursuant to the application process established by MACC and is eligible to be awarded a grant based on its status as a PCN User or Designated Access Provider (DAP); and

The MACC Board of Commissioners has approved a grant award to Recipient subject to compliance with the grant program and signing of this Agreement in the amount of

- \$ 18,757 for PCN Installation at Hanson Well (as described in the Summary of Grant Recommendations).
- \$ 6,927 for VoIP Telephony or Police Evidence Building
- \$ 8,640 for VoIP telephony for Beaverton Emergency Operations Center

Therefore, in mutual consideration of the promises and benefits made and conferred in this Agreement, the parties agree as follows:

I. General Terms and Conditions

- A. Recipient shall comply will all applicable laws, ordinances, rules, regulations, policies, and resolutions under all federal, state, local, and jurisdictional purview.
- B. Recipient shall comply with all applicable guidelines within the purview of the recipient jurisdiction or agency involving purchasing, contracting, professional services agreements, bidding, proposal requests, and any other matter related to the receipt and expenditure of grant proceeds.
- C. Recipient shall agree that these funds will not be used in a way that would benefit those outside the MACC service area.

Grant funds shall not be transferred to another entity, nor used in a manner inconsistent with the purpose(s) expressed in the grant application.

II. Timeline for Expenditure of Funds

- A. The twelve (12) month Grant Expenditure Period of agency's Awarded Grant:
Begins: July 1, 2005 Ends: June 30, 2006

- B. Grants awarded for a single grant cycle must be spent within the Grant Expenditure Period.
- C. Awards for more than one grant cycle must include specific plans for detailed annual expenditures for each fiscal year of the grant. All funds provided in this manner must be spent by the end of the identified grant period.
- D. Recipients requiring additional time beyond the Grant Expenditure Period must submit a request to MACC in the following manner:
 - (1) The written request (no e-mail or fax) must be received by MACC at least sixty (60) days prior to the end of the Grant Expenditure Period. The MACC Commission will consider the request and notify the Recipient at least ten (10) days prior to the Grant Expenditure Period (GEP).
 - (2) The request shall explain:
 - The additional time needed to complete the awarded grant.
 - The reason for the additional time or cause for delay in completion the project.
 - Plans for project completion during the time extension.

III. Financial Report Required - Accounting

- A. Reporting Requirements. Recipient shall report to MACC, in writing, no later than 30 days following the end of the GEP as described in Section B,. The report shall include a specific statement describing each expenditure in sufficient detail to enable MACC to determine compliance with the grant awarded, applicable grant guidelines and legal requirements, and the total amount expended by the recipient.
- B. Reconciliation of actual costs. Grants funds that are awarded, but not used within the required timeline, shall be returned to MACC within 30 days of the end of the Grant Expenditure Period.
 - (1) If actual costs are lower than the amount of the grant awarded, the Recipient must return any and all unused funds to MACC within 30 days of payment of all invoices.
 - (2) If the project is postponed or abandoned:
 - Within thirty (30) days of the earliest of the following:
 - a. The decision to postpone or abandon the project;
 - b. The end of the GEP; or
 - c. All invoices have been paid,

Recipient must:

- i. Return any and all unused funds to MACC;
- ii. Provide MACC with a complete list of all materials purchased with the grant funds;

By signing below, the undersigned acknowledges and accepts all terms and conditions contained in this Agreement, based on the grant application, and applicable grant funding guidelines and legal requirements. The undersigned further represents that he/she is authorized to bind the grant recipient:

Recipient:

DAVID HUGHES
Name (Please Print)

I. S. MANAGER
Title


Signature

7/21/05
Date

Accepted by MACC:

Signature

Date

Metropolitan Area Communications Commission
1815 NW 169th Place, Suite 6020
Beaverton, OR 97006

Web Page Address: www.maccor.org

Telephone Number: (503) 645-7365

FAX (503) 645-0999

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Contract Change Order - Construction
Engineering and Inspection Services –
Summer Creek (Murray Boulevard) Bridge
Project No. 3229

FOR AGENDA OF: 4-9-07 **BILL NO:** 07069

Mayor's Approval: *Linda C. Adland*

DEPARTMENT OF ORIGIN: Public Works *[Signature]*

DATE SUBMITTED: 3-20-07

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

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: 1. CIP Project Data Page
2. Statement of Work
3. Agenda Bill No. 06113

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$152,236	BUDGETED \$177,236*	REQUIRED \$ 0

*Account Number 310-75-3229-683 – Capital Improvement Project Fund - Murray Boulevard Extension Project – Construction Design and Engineering Inspection Account. The amount budgeted is a component of the project's overall budget.

HISTORICAL PERSPECTIVE:

At the Council meeting of June 19, 2006, the City Council awarded the contract for the engineering design and inspection services for the Summer Creek (Murray Boulevard) Bridge to OBEC Consulting Engineers of Eugene, Oregon (OBEC) in the amount of \$166,015(copy of Agenda Bill 06113 attached). This award was made under the "contract specific special procurement" as permitted pursuant of ORS 279B.085 and Beaverton Purchasing Code, section 50-0015. The scope of the contract included construction engineering for inspection services of the bridge, but the awarded amount of \$166,015 only covered the design portion of the scope. At the time of the contract with OBEC, the construction portion of the Summer Creek Bridge had not been fully funded. Due to the on going funding negotiations, it was prudent to only award the design portion of the contract in case full funding could not be secured. The funding for the project has now been secured and OBEC Consulting Engineers has completed the design. The project is out to bid and should begin construction within the next two months.

INFORMATION FOR CONSIDERATION:

In order to ensure that construction of the Summer Creek (Murray Boulevard) Bridge is in accordance with the *Engineering Design Manual and Standard Drawings for the City of Beaverton*, the *Oregon Department of Transportation Design Manual* and the OBEC plans and specifications, it is recommended that a bridge engineering consultant be hired to assist the City of Beaverton during the construction of the Summer Creek Bridge. Staff is recommending OBEC Consulting Engineers of Eugene, Oregon because of their familiarity with the project and as stated in the previous agenda bill, they are considered one the foremost bridge engineering firms in Oregon. OBEC completed the design of the Summer Creek Bridge on time and on budget and performed well. As a result of their performance and high ranking with the

Oregon Department of Transportation, staff recommends that a change order in the amount not to exceed \$152,236 be approved on OBEC's existing contract to provide construction engineering and inspection services as outlined in the attached "Statement of Work" (Exhibit 2). This is in accordance with the City of Beaverton Purchasing Code, section 50-0035.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, approve a change order to the contract with OBEC Consulting Engineers of Eugene, Oregon for an amount not to exceed \$152,236 to provide construction engineering and inspection services for the construction of Summer Creek Bridge.

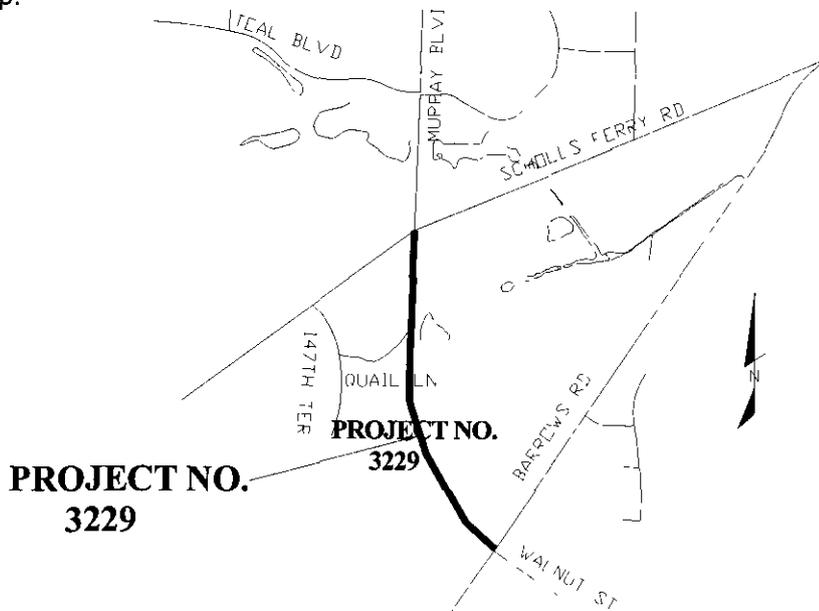
City of Beaverton
2007-2008 CIP

Project Data

Transportation

Project Number: 3229
Project Name: Murray Blvd Extension (Scholls Ferry Rd - Barrows Rd)
Project Description: This project completes the extension of Murray Blvd from Scholls Ferry Rd to Barrows Rd. The project includes two 12-foot wide travel lanes, a 12-foot wide turn lane at Springbrook Ln, two 12-foot wide turn lanes at Barrows Rd, two 10.5-foot wide sidewalks, a 300 foot long bridge, 600 lineal feet of retaining walls, 1700 lineal feet of 8-inch diameter waterline line, 1200 lineal feet of 12-inch storm drain, and landscaping and irrigation.

Map:



Project Justification: The need for the connection and the route location were identified in the 1988 Urban Planning Area Agreement with Washington County and the City of Tigard. The extension of Murray Blvd from Scholls Ferry Rd to Barrows Rd is a condition of approval for the Regional Center development at Progress Quarry. Funding is proposed as a public-private partnership with the developer of the Progress Quarry Regional Center.

Project Status: FY05-06: Complete design. FY06-07: Complete waterline installation and construct the section from the south bridge approach to Barrows Rd. FY07-08: Begin bridge construction.

Estimated Date of Completion: 10/31/2008

Estimated Project Cost: \$4,078,746

First Year Budgeted: FY01/02

Funding Data:

Project No.	Fund No.	Fund Name	Amount	FY
3229	101	Street Fund	\$582,285	FY2007/08
	Grant	Grant	\$925,336	FY2007/08
	MSTIP3-Co	Major Streets Transportation Improvement 3 (County)	\$46,776	FY2007/08
	Other		\$1,277,647	FY2007/08

EXHIBIT A
STATEMENT OF WORK-CE Phase
Summer Creek (Murray Blvd.) Bridge
City of Beaverton, Oregon

Phase II – Construction Engineering

The construction phase of the project will involve all construction engineering and contract administration necessary to meet City standards. Work tasks typically include all project management, surveying, shop drawing review, construction inspection, and quality and quantity assurance documentation necessary for completion of the project. Specific work tasks conforming to Phase II – Construction Engineering will include the following:

Task 1 - Project Coordination

The major objective of this task is to establish the lines of communication and set forth the priorities between the City/consultant and contractor. As the work progresses, the objective will be to keep the City informed of the work progress and aware of changes affecting the scope of work and related costs. Immediately following the signed contract, a Preconstruction Conference will be scheduled for all appropriate participants.

Task 2 - Structures Engineering and Inspection

This task will involve all structural engineering and inspection required to ensure conformance of the bridge with the plans and specifications. The major elements of this task are listed below.

- Perform calculations needed for pile cutoffs, beam seat elevations and deck grades, and set up field books for pile driving and layout.
- Layout and reference bridge centerline and bridge bents and take original ground sections in areas to be excavated.
- Inspect all temporary protection and direction of traffic and signing.
- Inspect foundation excavations, retaining wall construction, and pile driving operations.
- Inspect placement of materials including concrete, reinforcement, prestressed elements, rail elements, and light poles.

Task 3 - Off-Site Engineering and Inspection

This task includes inspection of all precast prestressed concrete elements, steel members, or other materials incorporated into the project.

Task 4 - Grading Engineering and Inspection

This task will involve the required grading engineering and inspection needed to ensure conformance of the project with the plans and specifications. This task will involve the following:

- Provide survey control for the project.
- Inspect temporary protection and direction of traffic, and temporary signing.
- Inspect clearing and grubbing and excavation for subgrade suitability.
- Inspect removal of structures and obstructions.
- Inspect embankment and excavation.
- Inspect waterline pipe installations including trench bedding materials.

- Inspect erosion and sediment control measures.
- Inspect base rock material and placement.
- Inspect asphalt concrete (AC) material and placement.
- Inspect restoration site grading, planting and seeding material and placement.
- Inspect permanent striping and signing material and placement.

Task 5 – Review and Approval of Shop Drawings

This task primarily includes the review of details for bridge superstructure members, rebar, and rail system. Shop drawings are processed in a timely manner so as not to delay the contractor's operations.

Task 6 – General Documentation

The major objective of this and all documentation tasks is to ensure contractor performance of all phases of the project in accordance with the established guidelines of the City as applicable. General documentation includes daily diaries, general daily progress reports, monthly estimates, approving estimates for payment, calendar day charges, notification of commencement and completion dates, and subcontract submittals. This task will continue throughout the project.

Task 7 - Quality/Quantity Assurance Documentation

This task is an ongoing process. The objective is to ensure that all materials furnished and placed on the project conform with the project specifications including work related to fulfilling the quantity assurance portion of the project.

Task 8 - Change Orders and Extra Work

This task includes all work related to revisions or extra work during construction and includes price agreements, extra work orders, and time extensions.

Task 9 - Final Documentation

This task involves all work related to submitting the final estimate, final documentation, preparing "as-built" drawings (one set of full size mylars and one electronic copy in ACAD 2002), and certifying project completion.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Request for Approval of a Contract-Specific Special Procurement

FOR AGENDA OF: 06/19/06 **BILL NO:** 06113

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Public Works *[Signature]*

DATE SUBMITTED: 5/31/06

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

PROCEEDING: Public Hearing
(Contract Review Board)

- EXHIBITS:**
1. CIP Project Description
 2. ODOT Letter
 3. OBEC Project List
 4. Statement of Work

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$166,015	BUDGETED \$1,126,702.00*	REQUIRED \$0

*Account Number 310-75-3229-683 (Murray Road Extension)

HISTORICAL PERSPECTIVE:

In connection with the development of the Town Center at Progress Quarry, Murray Boulevard will be extended to link Scholls Ferry Road and Barrows Road. The extension is a condition of approval of the Town Center at Progress Quarry presently being developed by Polygon NW. The need for the connection and the route for the extension were identified in the 1988 Urban Planning Agreement among Tigard, Beaverton, and Washington County. (For additional project information, see generally exhibit #1: CIP project description.)

The planned extension necessitates the construction of not only traditional roadway, but includes the construction of a 300-foot long bridge over Summer Creek, which is in a wetlands area partly under the jurisdiction of the US Army Corps of Engineers. The City's design and construction responsibilities in connection with the Murray Boulevard Extension are limited. The City is responsible only for the design and construction of the bridge section of the Murray Boulevard extension, not for the design and construction of the new street at the southern end of the bridge. The design and construction of the new street is the responsibility of Polygon NW, in connection with its development of the Town Center at Progress Quarry.

To ensure that construction of the Summer Creek Bridge is in accordance with the Oregon Department of Transportation Design Manual and the City's Engineering Design Manual and Standard Drawings, construction plans and specifications need to be prepared by a professional engineer. Additionally, after the bridge is constructed, it must be inspected before the City accepts responsibility for its future maintenance and repair. The City does not employ an engineer with the specialized knowledge and expertise required to design and inspect a 300-foot bridge. Few if any such structures presently exist in the City. Ordinarily, when the City needs to hire an outside engineer, the City chooses one from a list of engineers who are on

retainer to the City as a result of a competitive solicitation process. In this instance, however, the City has no engineers on retainer who specialize in designing or inspecting bridges.

INFORMATION FOR CONSIDERATION:

In the absence of a suitable engineer available in-house or on retainer to design and inspect a bridge for the City, the City normally would follow a formal request for proposals (RFP) method of procurement to award a professional services contract for engineering design work. After careful consideration, however, the City has determined that it is not in the best interest of the City or the public to follow the traditional procurement process to hire a design engineer for this particular project. Instead, the City believes the Contract Review Board should approve a "contract-specific special procurement" for the purpose of selecting OBEC Consulting Engineers to provide professional engineering services related to the design and inspection of the Summer Creek Bridge. This alternative contracting method is permitted pursuant to ORS 279B.085 and Beaverton Purchasing Code, section 50-0015.

A major reason why the alternative contracting method is proposed is that OBEC is already extremely well familiar with the specific design challenges that must be addressed with this project. OBEC's familiarity with this particular project came about as part of the permitting process Polygon NW went through to obtain permission to develop the Town Center at Progress Quarry. Polygon NW hired OBEC to prepare a preliminary design report with alternative designs for the crossing of the Summer Creek wetlands. When that work was completed, OBEC then assisted Polygon NW in an extensive permitting process with the US Army Corps of Engineers. Currently, OBEC is working with a second engineering firm to design the street portion of the Murray Boulevard Extension for which Polygon NW is responsible.

OBEC is considered to be one of the foremost bridge engineering firms in the state. The Oregon Department of Transportation (ODOT) ranks OBEC number one for on-call Architectural and Engineering Services for Local Agencies in four of the five ODOT regions in the state (exhibit #2: ODOT letter). ODOT ranks the firm second for on-call Architectural and Engineering Services in the remaining ODOT region. The firm has completed dozens of bridge-related engineering projects around the state in recent years, recently including the Minter Road and the Rood Road Bridges in Washington County (see exhibit #3: OBEC Project List).

With their well-developed expertise and extensive familiarity with this particular project, the City believes that OBEC is extremely well-qualified to provide engineering design and inspection services to the City for the Summer Creek Bridge Project. Use of the firm for the City's design and inspection work will also help assure good design coordination between the street Polygon NW is responsible for designing and constructing and the bridge the City is responsible for designing and constructing. Correct design and construction of the Murray Boulevard Extension is imperative to assure that any affected wetlands are protected as mandated by the US Army Corp of Engineers.

OBEC has provided a not-to-exceed estimate for these services in the amount of \$166,015.00 (exhibit #4: statement of work). In the opinion of staff, based on current knowledge of the Portland-metropolitan area marketplace for professional engineering services, that amount is not an unreasonable fee to charge for the described professional engineering design services. The fee also represents a cost savings to the City and to the public given that OBEC is up to date with the Murray Boulevard Extension Project and that a more time-consuming and expensive formal RFP process will not be followed if the requested alternative contracting method is allowed by the Contract Review Board.

Approval of the requested alternative contracting method is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts. The City generally hires consulting engineers through a competitive solicitation process. It is largely because the engineering expertise demanded for this project is so uncommonly required in the City that the City's typical procurement process cannot be followed in this single instance. The rarity of similar circumstances helps to assure that use of an alternative contracting method in this instance will not encourage favoritism or substantially diminish competition in the future.

Pursuant to ORS 279B.085(4), the City of Beaverton's Contract Review Board may approve the City's request for a special procurement if the Board finds that the written request for approval of a special procurement demonstrates that the use of the special procurement as described in the request will (a) be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts and either (b) result in substantial cost savings to the City or to the public or (c) otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with regular purchasing requirements.

Accordingly, the City requests that the Contract Review Board find, based on the information supplied in this agenda bill and its attachments, that under the standards of ORS 279B.085(4) the City is justified in using the alternative contracting method described herein for the purpose of selecting OBEC Consulting Engineers to provide professional engineering services related to the design and inspection of the Summer Creek Bridge.

The City further requests that the Contract Review Board authorize the City to award a contract to OBEC Consulting Engineers of Eugene, Oregon, for an amount not to exceed \$166,015.00 to provide engineering design and inspection services for the Murray Boulevard Extension Project.

RECOMMENDED ACTION:

Council, acting as Contract Review Board:

(1) find, based on the information supplied in this agenda bill and its attachments, that under the standards of ORS 279B.085(4) the City is justified in using the alternative contracting method described herein for the purpose of selecting OBEC Consulting Engineers to provide professional engineering services related to the design and inspection of the Summer Creek Bridge; and

(2) authorize the City to award a contract to OBEC Consulting Engineers of Eugene, Oregon, for an amount not to exceed \$166,015.00 to provide engineering design and inspection services for the Murray Boulevard Extension Project in a form approved by the City Attorney.

City of Beaverton
2006-2007 CIP

Project Data

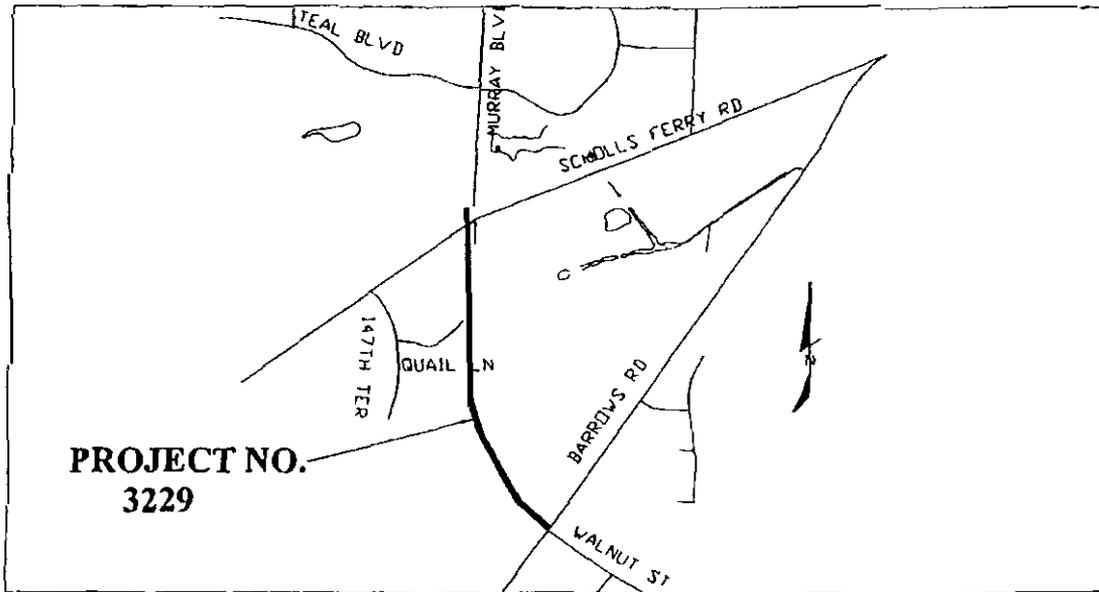
Transportation

Project Number: 3229

Project Name: Murray Blvd Extension (Scholls Ferry Rd - Barrows Rd)

Project Description: This project completes the extension of Murray Blvd from Scholls Ferry Rd to Barrows Rd. The project includes two 12-foot wide travel lanes, a 12-foot wide turn lane at Springbrook Ln, two 12-foot wide turn lanes at Barrows Rd, two 10.5-foot wide sidewalks, a 300 foot long bridge, 600 lineal feet of retaining walls, 1700 lineal feet of 8-inch diameter waterline line, 1200 lineal feet of 12-inch storm drain, and landscaping and irrigation.

Map:



Project Justification:

The need for the connection and the route location were identified in the 1988 Urban Planning Area Agreement with Washington County and the City of Tigard. The extension of Murray Blvd from Scholls Ferry Rd to Barrows Rd is a condition of approval for the Town Center development at Progress Quarry. Funding is proposed as a public-private partnership with the developer of the Progress Quarry Regional Center.

Project Status:

FY05-06: Complete design. FY06-07: Construct the section from the south bridge approach to Barrows Rd and begin bridge construction.

Estimated Date of Completion: 09/30/2008

Estimated Project Cost: \$4,078,746

First Year Budgeted: FY01/02

Funding Data:

<u>Project No.</u>	<u>Fund No.</u>	<u>Fund Name</u>	<u>Amount</u>	<u>FY</u>
3229	101	Street Fund	\$317,715	FY2006/07
	114	TIF Fund	\$808,987	FY2006/07
	3620	Water Extra Capacity Supply	\$235,000	FY2006/07

Total for FY: \$1,361,702



SUPPORT SERVICES SECTION

Purchasing and Contract Management Unit
 455 Airport Rd. SE; Building K
 Salem, OR 97301-5348

Telephone (503) 986-6931
 FAX: (503) 966-6790
 Email: kim.c.rice@odot.state.or.us

January 23, 2006

OBEC Consulting Engineers
 Attn: Gayle Harley
 920 Country Club Rd, Ste 100B
 Eugene, OR 97401

RE: RFP # 22404 /Price Agreement 25313
 On-Call A&E Services for Local Agencies

Congratulations, your firm has been selected for negotiations for the On-Call A&E Services for Local Agencies. The tentative award applies to Regions 1, 2, 3, 4 & 5. Please reference the above Price Agreement (PA) number in all correspondence related to this PA. Marty Andersen (Ph: 503-986-3640) will be the Contract Administrator for this PA. Marty will be the primary contact for negotiating the billing rates and scope of work for the PA.

A PA kick-off meeting to discuss roles, responsibilities, objectives and expectations is scheduled for February 13, 2006 from 1:30 to 3:30. This will be a group meeting with all selected firms and will be held in Salem at 455 Airport Rd, Region 2-Bldg B, Mt Jefferson Room #116.

Evaluation Team Results:

The following table presents the results of the Statement of Proposals evaluations completed by Agency representatives. The shaded rows in each Region table indicate firms selected for the respective Region.

REGION 1 Firms	Ted K	Dave S	Tom W	Darrell N	Michelle L	Jennie S	Score Average Rank
David Evans & Assoc	135	118	180	133	133	110	108.17 8
W&H Pacific	131	131	135	133	133	110	104.33 9
OTAK	189	202	127	133	133	110	104.17 10
URS	111	118	125	91	110	108	103.33 11
Quincy Engineering	107	115	106	77	87	104	99.33 12
WRG	115	110	112	64	96	94	98.60 13
HW Lochner	88	101	100	90	93	91	93.83 14
Exaltch	73	110	103	66	105	71	88.00 15
Capitol Project Consultants	72	82	111	67	87	75	82.33 16

NOTICE: IF THIS DOCUMENT
 IS LESS LEGIBLE THAN THIS
 NOTICE, IT IS DUE TO THE
 QUALITY OF THE ORIGINAL.

REGION 2 Firms	Ted K	Dave S	Tom W	Darrell N	Michelle I	Jennie S	Score	
							Average	Rank
David Evans ASSOC	139	132	132	132	132	132	132.00	1
CH2M Hill	138	135	135	135	135	135	135.00	2
URS	127	127	127	127	127	127	127.00	3
Parametrix	124	124	124	124	124	124	124.00	4
KPFF	98	106	111	74	119	118	103.67	7
HDR	105	113	98	85	104	116	103.50	8
URS	68	119	121	91	110	107	102.67	9
Quincy Engineering	107	115	105	77	87	105	99.33	10
WRG	108	110	104	63	96	91	95.33	11
HW Lochner	89	98	101	88	93	92	93.50	12
Exeltech	74	110	105	66	105	73	88.83	13

REGION 3 Firms	Ted K	Dave S	Tom W	Darrell N	Michelle I	Jennie S	Score	
							Average	Rank
David Evans ASSOC	122	120	120	120	120	120	120.00	1
URS	121	121	121	121	121	121	121.00	2
Parametrix	121	128	128	90	104	99	111.67	5
Jacobs Cml	111	123	112	98	102	86	105.33	7
HDR	104	113	98	85	104	114	103.00	8
URS	68	118	125	89	110	100	101.67	9
Quincy Engineering	105	115	104	75	87	104	98.33	10
HW Lochner	86	97	93	85	93	85	89.83	11
Exeltech	72	110	103	65	105	69	87.33	12

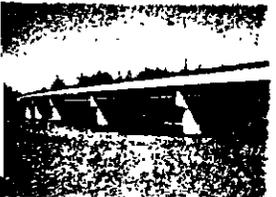
REGION 4 Firms	Ted K	Dave S	Tom W	Darrell N	Michelle I	Jennie S	Score	
							Average	Rank
David Evans ASSOC	135	135	135	135	135	135	135.00	1
URS	127	127	127	127	127	127	127.00	2
CH2M Hill	107	118	132	94	126	103	113.33	5
Parametrix	121	126	127	94	104	100	112.00	6
J-U-B Engineers	125	112	120	80	107	109	108.83	7
HDR	104	113	98	85	104	113	102.83	8
URS	68	116	125	89	110	99	101.17	9
Quincy Engineering	105	115	104	75	85	103	97.83	10
HW Lochner	87	96	98	84	92	88	90.83	11
Project Engineering Consult.	86	75	76	58	82	59	72.67	12
Anderson Engineering	77	72	78	60	62	46	65.83	13

REGION 5 Firms	Ted K	Dave S	Tom W	Darrell N	Michelle I	Jennie S	Score	
							Average	Rank
David Evans ASSOC	125	125	125	125	125	125	125.00	1
URS	112	112	112	112	112	112	112.00	2
Parametrix	122	127	128	91	101	108	112.83	4
J-U-B Engineers	116	112	114	80	102	107	105.17	5
HDR	103	113	98	85	104	111	102.33	6
URS	64	114	117	87	110	95	97.83	7
Quincy Engineering	103	115	103	75	84	102	97.00	8
HW Lochner	83	97	95	82	91	84	88.67	9
Project Engineering Consult.	88	78	84	58	82	60	75.00	10
Anderson Engineering	67	67	74	56	62	46	62.00	11

NOTICE: IF THIS DOCUMENT IS LESS LEGIBLE THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE ORIGINAL

NOTICE: IF THIS DOCUMENT IS LESS LEGIBLE THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE ORIGINAL

TABLE 10

Project Name, Client Reference, Duration and Performance		Surveying & R/W (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
REGION 1 - OREGON PROJECTS								
OTIA Bridge Replacement		Minter Road Bridges, Washington County Todd Watkins, 503.846.7650 PE Duration: 5 months Project Cost: 2.92M PE: \$382K CE 150K • Schedule accelerated to meet OTIA funding • Project completed under budget	•	•	•	•	•	207' single-span segmental post-tensioned girder bridge and a 190' 2-span prestressed girder overflow bridge. The project included 1900' of roadwork. Project responsibilities included: (a) Site survey, DTM and all right of way surveying, mapping and acquisitions (b) 1900' of road approach design including extensive retaining walls (c) Traffic control design (d) Design of 2 replacement structures (e) Comprehensive environmental documentation, permit acquisition and public involvement (f) CE support to the County during construction
HBRR Bridge Replacement		Rood Road Bridge, Washington County Todd Watkins, 503.846.7650 PE Duration: 21 months Project Cost: \$5.12M PE: \$265K CE \$158K • PE Schedule accelerated to meet OTIA funding • Project completed under budget	•	•	•	•	•	680' 6-span prestressed precast concrete girder bridge. The project included 814' of roadwork Project responsibilities included: (a) DTM site survey, R/W mapping, descriptions, and acquisitions (b) Roadway design for 814' of approach roadway (c) Traffic control plans (d) PE & PS&E for 68' bridge replacement (e) Environmental documentation, permits and PI (f) CE support to the County during construction
Roadway Modernization		Hwy. 213/ Beaver Creek Rd., City of Oregon City Nancy Kraushaar, PE 503.657.0891 PE Duration: 21 months Project Cost: \$3.93M PE: \$759K CE: \$695K • PE increased for offsite mitigation design. CE increased for additional utility design • Met original schedule and budget.	•	•	•	•	•	Roadway modernization project for the upgrade of the intersection of Hwy 213 and Beaver Creek Road in Oregon City. Project responsibilities included: (a) DTM site survey, R/W mapping, descriptions, and acquisitions (b) Roadway design for additional lanes, sidewalk improvements, and stormwater runoff; landscape & irrigation plans (c) Traffic signals, temporary traffic control & staging plans, illumination (d) Retaining walls and culvert replacement, including hydraulic analysis (e) Environmental documentation, plans and permits, including detention pond and off-site fish passage mitigation, and public involvement (f) CE including construction inspection and contract administration
HBRR Bridge Replacement		Milton Way Bridge, City of St. Helens Sue Nelson-Mullett, 503.397.6272 PE Duration: 19 months Project Cost: \$634K PE: \$145K CE: \$53K • Met original schedule and budget	•	•	•	•	•	90' single-span precast prestressed slab bridge replacing a 1914 historic steel truss bridge. Project includes 400' of roadwork. Project responsibilities included: (a) DTM site survey, R/W mapping, descriptions, and acquisitions (b) Roadway design for 400' of approach roadwork hydraulics, storm water and erosion control design (c) Traffic control plans (d) Replacement of a historic steel truss bridge with a 90' precast slab bridge with classic rail features (e) Environmental documentation, Historic Section 106 documentation, permit acquisition and PI (f) CE including construction inspection and contract administration



NOTICE: IF THIS DOCUMENT IS LESS LEGIBLE THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE ORIGINAL

TABLE 10

Project Name, Client Reference, Duration and Performance			Surveying & ROW (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
HBRR Bridge Replacement		<p>Salmon River (East Bridge St.) Bridge, Clackamas Co. Mike Bezner, 503.353.4651</p> <p>PE Duration: 17 months Project Cost: \$367K PE: \$162K CE: 36K</p> <ul style="list-style-type: none"> • Scope was changed from rehab. to replacement project • Met revised schedule and budget 	•	•	•	•	•	•	<p>Replacement of timber glu-lam bridge with 120' precast deck bulb tee girder structure</p> <p>Project responsibilities included:</p> <p>(a) DTM site survey, R/W mapping, descriptions, and acquisitions</p> <p>(b) Roadway design for approach roadwork, hydraulics, storm water and erosion control design</p> <p>(c) Traffic control plans</p> <p>(d) PE & PS&E for a 120' single span precast prestressed concrete bridge</p> <p>(e) Environmental documentation, permit acquisition and public involvement</p> <p>(f) CE including construction inspection and contract administration</p>
Bridge Preservation		<p>St. Johns Bridge Rehabilitation, Region 1, ODOT Frank Nelson, 503.986.3324</p> <p>PE Duration: 30 months Project Cost: Ongoing PE: \$282K CE: \$279K</p> <ul style="list-style-type: none"> • Scope was revised to include additional CE services • Met original schedule • CE completed under budget. 				•	•		<p>OBEC assisted ODOT Bridge Section with the rehabilitation design of this historic 2,000' four-lane suspension bridge and viaduct constructed in 1931.</p> <p>Project responsibilities included:</p> <p>(d) Design of main cable and suspender rehabilitation, seismic analysis and design of main cable traction rod seismic restraints, linear and non-linear analysis of the suspension spans for deck replacement staging, design checking of ODOT's deck replacement design</p> <p>(f) OBEC is currently providing construction assistance and construction inspection support to ODOT</p>
Bridge Preservation		<p>Burnside Bridge Bascule Span Rehabilitation, Multnomah County Jon Henrichsen, 503.988.3757, x228</p> <p>PE Duration: 10 months Project Cost: \$7.3M PE: \$1,054K CE: 405K</p> <ul style="list-style-type: none"> • PE phase met original schedule • Project delivered under budget 				•	•	•	<p>OBEC recently completed PE for the rehabilitation of the main bascule span of the historic Burnside Bridge over the Willamette River in Portland</p> <p>Project responsibilities included:</p> <p>(d) Design of bascule span concrete deck and sidewalk replacement using high performance concrete, machinery rehabilitation including gear and bearing rehabilitation, replacement of link arms and counterweight trunnion, minor painting and seismic retrofitting</p> <p>(e) Environmental documentation and permits including ESA consultation, Section 106 SHPO consultation, public involvement and noise variance</p> <p>(f) OBEC is currently providing construction assistance and construction inspection support to the County</p>
OTIA Bridge Replacement	 1st Avenue Bridge	<p>1st Avenue (Necanicum River) & 12th Avenue (Neawanna Cr) Bridges, City of Seaside Neal Wallace, 503.738.5112</p> <p>PE Duration: 11 months Project Cost: \$1.50M PE: 169K CE: \$149K</p> <ul style="list-style-type: none"> • Schedule accelerated to meet in-water work window • Project completed within budget. PE amended for additional geotechnical analysis 	•	•	•	•	•	•	<p>1st Ave. Br. - 192' three-span prestressed concrete slab bridge with 315' of roadwork.</p> <p>12th Ave. Br. - 210' three-span prestressed concrete slab bridge with 470' of roadwork.</p> <p>Project responsibilities included:</p> <p>(a) DTM site survey, R/W mapping and descriptions</p> <p>(b) Roadway design for approach roadwork, hydraulics, storm water and erosion control design</p> <p>(c) Traffic control plans</p> <p>(d) PE & PS&E for two multi-span precast prestressed slab bridges</p> <p>(e) Environmental documentation, permit acquisition and public involvement</p> <p>(f) CE including construction inspection and contract administration</p>

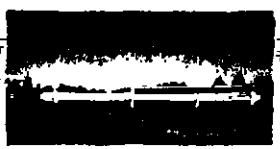
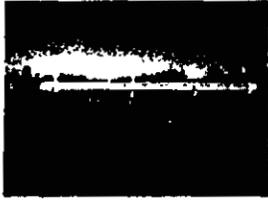


TABLE 10			Surveying & R/W (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	
Project Name, Client Reference, Duration and Performance			Project Description, Type & Size						
OTIA Bridge Replacement		<p>E. Broadway (Neawanna Cr) Br., City of Seaside Neal Wallace, 503.738.5112</p> <p>PE Duration: 8 months Const. Cost: \$587,036 PE: \$72K CE: \$81K</p> <ul style="list-style-type: none"> Schedule accelerated to meet in-water work window Project completed within budget 	•	•	•	•	•	•	<p>147' three-span prestressed concrete slab bridge with approach roadwork.</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for approach roadwork, hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for a three span precast prestressed slab bridges (e) Environmental documentation, permit acquisition and public involvement (f) CE including construction inspection and contract administration
Roadway Modernization		<p>Sandlake Rd. - Galloway Rd., Western Federal Lands Highway Division (WFLHD) John Murphy, 360.619.7700</p> <p>PE Duration: 34 months Const. Cost: \$9.21M PE: \$702K</p> <ul style="list-style-type: none"> Completed within budget Met original schedule 	•	•	•	•	•	•	<p>7.5 miles of Sandlake Road realignment with major utility relocations and a complete environmental assessment. Project received a Project Development Award from FHWA.</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for major alignment improvements, hydraulics, storm water and erosion control design (c) Traffic control plans (e) Environmental assessment, documentation and permit acquisition
Enhancement		<p>Lowell Covered Bridge, Lane County Ollie Snowden, 541.682.6910</p> <p>PE Duration: 23 months Const. Cost: \$2.73M PE: \$291K CE: \$293K</p> <ul style="list-style-type: none"> Completed within budget Met original schedule 	•	•	•	•	•	•	<p>Rehabilitation design for the historic Lowell Covered Bridge including upgrading the existing site to an interpretive center for local tourism.</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (a) DTM site survey (b) Site design for expanded causeway, parking area, and interpretive center (d) Rehabilitation design for a highly deteriorated historic covered bridge (e) Environmental documentation, permit acquisition, Section 106 consultation with SHPO and PI (f) OBEC is currently providing CE including construction inspection and contract administration
OTIA Bridge Replacement	 Meadow Lake Road Bridge Rendering	<p>Meadow Lake Road Bridge, Yamhill County Bill Gille, 503.434.7365</p> <p>PE Duration: 12 months Const. Cost: \$3.71M PE: \$345K CE: \$374K</p> <ul style="list-style-type: none"> Completed under budget Met original schedule within one month due to permit delays 	•	•	•	•	•	•	<p>424' two-span segmental post-tensioned concrete girder replacement structure.</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (a) DTM site survey, R/W mapping, descriptions and acquisition (b) Roadway design for approach roadwork, hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for a 424' two-span precast segmental concrete bridge w/ CIP box girder pier section (e) Environmental documentation, permit acquisition and public involvement (f) OBEC is currently providing all CE including construction inspection and contract administration

NOTICE: IF THIS DOCUMENT IS LESS LEGIBLE THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE ORIGINAL

TABLE 10			Surveying & R/W (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
Project Name, Client Reference, Duration and Performance									
Bridge Preservation		<p>Willamette River (Independence) Bridge Rehab., Marion Co. Bill Worcester, 503.588.5036</p> <p>PE Duration 21 months Const. Cost: \$1.99M PE: \$79K CE: \$323K</p> <ul style="list-style-type: none"> Completed within budget. CE budget increased to perform emergency scour repair during construction Met original schedule 	•	•	•	•	•	•	<p>Rehabilitation of a 2214' critical bridge crossing of the Willamette River in Independence.</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (a) DTM site survey (b) Roadway design for approach roadwork, storm water and erosion control design (c) Traffic management design and traffic control plans (d) PE & PS&E for rehabilitation of the existing bridge including structural concrete deck overlay, seismic retrofit, drainage system installation, rail retrofit and painting (e) Environmental documentation, permit acquisition and public involvement (f) CE including construction inspection and contract administration
Bridge Replacement		<p>Marcola Rd. (Mohawk River) Bridge, Lane County Fred Weller, 541.682.6960</p> <p>Duration: 21 months Const. Cost: \$2.26M PE: \$110K CE: \$182K</p> <ul style="list-style-type: none"> Completed within budget Schedule was delayed due to environmental permits handled by the County 				•	•	•	<p>Design of a 380' three-span prestressed concrete girder bridge with Lane County preparing all roadway plans and environmental documentation and permits.</p> <p>Project responsibilities included</p> <ul style="list-style-type: none"> (e) Design of a 380' three-span precast prestressed girder replacement bridge over the Mohawk River, including hydraulic design and flood plain permit (f) OBEC provided construction assistance and construction inspection for the bridge structure
Enhancement		<p>Rogue River Pedestrian Bridge, Grants Pass Laurel Samson, 541.474.6360</p> <p>PE Duration: 36 months Const. Cost: \$2.29M PE: \$177K CE: \$236K</p> <ul style="list-style-type: none"> Completed within budget Met revised schedule after project was redesigned and rebid for project economy 	•	•	•	•	•	•	<p>ACEC & PCI Award winning project. 658' 3-span stress ribbon bridge. First bridge of its kind to be constructed in the State of Oregon.</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (a) DTM site survey (b) Design for approach path, hydraulics, storm water and erosion control (d) PE & PS&E for award winning multi-span stress ribbon pedestrian bridge with viewing platforms over the scenic Rogue River (e) Environmental documentation, permit acquisition and public involvement (f) CE including construction inspection and contract administration
Roadway Modernization		<p>F Street (Spaulding) Extension, Grants Pass Laurel Samson, 541.474.6360</p> <p>PE Duration: 6 months Const. Cost: \$575K PE: \$74K CE: \$27K</p> <ul style="list-style-type: none"> Completed within budget Met original schedule 	•	•	•			•	<p>Roadway modernization project consisting of a new 1425' 3-lane city street section with curb and gutter, sidewalks and illumination. Included reconstruction of the existing intersection & signals on State Hwy 199</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for additional lanes, sidewalk improvements, and storm water runoff (c) Traffic signals; temporary traffic control & staging plans, illumination (f) OBEC provided construction surveying

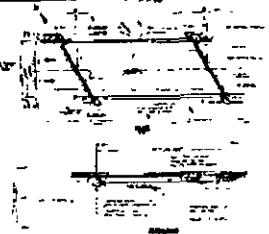
NOTICE: IF THIS DOCUMENT IS LESS LEGIBLE THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE ORIGINAL

TABLE 10

Project Name, Client Reference, Duration and Performance			Surveying & R/W (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
HBRR Bridge Replacement		<p>Beaver Slough (UPRR) Br., Coos County Larry Van Ellsberg, Roadmaster, 541.396.3121</p> <p>PE Duration: 34 months Const. Cost: \$3.73M PE: \$218K CE: \$410K</p> <ul style="list-style-type: none"> Completed under budget Met original schedule, CE extended for plant establishment 	•	•	•	•	•	•	<p>702' six span prestressed concrete girder bridge replacement across sensitive slough and wetlands. Project responsibilities included</p> <p>(a) DTM site survey, R/W mapping and descriptions (b) Roadway design for approach road realignment, hydraulics, storm water and erosion control design (c) Traffic control plans including realignment staging and temporary traffic signals (d) PE & PS&E for a 702' six span precast prestressed concrete bridge (e) Environmental documentation and permit acquisition, including off-site mitigation (f) CE including construction inspection and contract administration</p>
HBRR Bridge Replacement		<p>S. Umpqua R. (Dillard) Br., Douglas County Kerry Werner, 541.440.4483</p> <p>PE Duration: 27 months Const. Cost: \$3.73M PE: \$255K CE: \$329K</p> <ul style="list-style-type: none"> PE completed under budget, CE budget increased for added environmental work Met original schedule 	•	•	•	•	•	•	<p>528', three-span (164'-200'-164'), segmental post-tensioned concrete girder bridge replacement. Project responsibilities included:</p> <p>(a) DTM site survey, R/W mapping and descriptions (b) Roadway design for approach roadwork including over 6' raise in grade, hydraulics, storm water and erosion control design (c) Traffic control plans including temporary detour bridge and roadway (d) PE & PS&E for a 528' three-span precast segmental concrete bridge w/haunched pier section (e) Environmental documentation and permit acquisition (f) CE including construction inspection and contract administration</p>
OTIA Bridge Replacement	 Existing Bridge	<p>West Valley View Bridge, Oak Street Bridge, and Dead Indian Memorial Bridge, Jackson County Mike Kuntz, 541.774.6228</p> <p>PE Duration: 11 months Const. Cost: \$5.5M PE: \$720K CE: \$768K</p> <ul style="list-style-type: none"> PE completed under budget Met original schedule 	•	•	•	•	•	•	<p>Project consists of replacing three bridges and related roadway improvements:</p> <p>W. Valley View Br.: Three-span (198') precast box and slab bridge Oak St. Br.: Single-span (112') precast box bridge Emigrant Cr. Br.: Single-span (130') precast girder</p> <p>Project responsibilities included:</p> <p>(a) DTM site survey, R/W mapping and descriptions (b) Roadway design for approach roadwork including, hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for three precast prestressed concrete bridge replacements (e) Environmental documentation and permit acquisition (f) OBEC is currently providing all CE including construction inspection and contract administration</p>
Bridge Modernization		<p>NW Maple Avenue Bridge, City of Redmond Chris Doty, Dir. Public Works 541.504.2015</p> <p>PE Duration: 12 months Const. Cost: \$8.3M PE: \$440K CE: \$540K</p> <ul style="list-style-type: none"> Completed within budget Met original schedule 	•	•	•	•	•	•	<p>Design of a new 3-span deck arch bridge arches that span the canyon floor with post-tensioned T-beam end spans</p> <p>Project responsibilities included:</p> <p>(d) PE & PS&E for a 780' three-span CIP concrete deck arch bridge w/post-tensioned T-beam end spans, pedestrian overlooks and accent rail lighting (e) Environmental documentation, permit acquisition and public involvement</p> <p>(f) OBEC is currently providing all CE including construction inspection and contract administration</p>

NOTICE: IF THIS DOCUMENT IS LESS LEGIBLE THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE ORIGINAL



TABLE 10			Surveying & RW (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	
Project Name, Client Reference, Duration and Performance			Project Description, Type & Size						
Roadway Modernization		<p>South Century Drive – Oregon Forest Hwy., Western Federal Lands Highway Division Sajid Aftad, 360.619.7895</p> <p>PE Duration 12 months Const. Cost: * PE: \$426K CE: *</p> <ul style="list-style-type: none"> • Phase 1 completed within budget • Met Phase 1 schedule * Not bid yet. Waiting for Phase 2 development. 	•	•	•	•	•	•	<p>Roadway improvements to 6.4 miles of South Century Drive. The project consists of horizontal and vertical realignments to meet current standards.</p> <p>(a) DTM site survey, RW mapping and descriptions (b) Roadway design for 6.4 miles of S. Century Drive including realignment to current standards, storm water and erosion control design, construction of a weir control structure, rockery wall, and upgrading of three trailhead parking areas. Work also includes preparation of final contract plans, SCRs, utility coordination and estimate (c) Traffic control plans (e) Environmental documentation and permit acquisition (f) Survey staking to be included in CE phase</p>
HBRR Bridge Replacement		<p>Canyon Cr. (W. Izee) Br. City of Canyon City, Tammy Bremner, 541.575.0509</p> <p>PE Duration: 16 months Const. Cost: \$224K PE: \$88K CE: \$31K</p> <ul style="list-style-type: none"> • Completed within budget • Met original schedule 	•	•	•	•	•	•	<p>36' single-span prestressed concrete slab bridge with baluster rail and sidewalk, located adjacent to Hwy 395. Project responsibilities included:</p> <p>(a) DTM site survey, RW mapping and descriptions (b) Roadway design for approach roadwork including hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for three precast prestressed concrete slab bridge replacement with classic rail (e) Environmental documentation and permit acquisition (f) CE including construction inspection and contract administration</p>
HBRR Bridge Replacement		<p>10th St – Eastgate (Pendleton) Section, City of Pendleton Tom Caman, 541 963 1360</p> <p>PE Duration 21 months Const. Cost \$8.1M PE: \$738K CE \$107K</p> <ul style="list-style-type: none"> • Completed within budget PE amended for waterline & sanitary sewer engineering services • Met original schedule 	•	•	•	•	•	•	<p>OCAPA Grand Award winning 735' 8-span prestressed concrete Bulb Tee girder bridge. Project responsibilities included:</p> <p>(b) Roadway design for approach roadwork including roadway and intersection realignments, storm water and erosion control design (c) Traffic control plans, traffic staging design, traffic signal, signing and illumination plans (d) PE & PS&E for precast prestressed concrete girder bridge replacing a historic concrete viaduct. Classic architectural details incorporated into the MSE walls and piers, as well as ornamental railing and lighting (f) Construction assistance including submittal reviews and as-built drawings</p>
HBRR Bridge Replacement		<p>Pritchard Creek (Old US 30) Br., Baker County Rick Holden, 541.523.6417</p> <p>PE Duration: 19 months Const. Cost \$330K PE: \$104K CE: \$50K</p> <ul style="list-style-type: none"> • Completed within budget. PE amended for Section 106 documentation • Schedule delayed for HAER documentation requirements 	•	•	•	•	•	•	<p>72' single-span prestressed concrete slab bridge Project length of 728' including roadwork Project responsibilities included:</p> <p>(a) DTM site survey, RW mapping and descriptions (b) Roadway design for approach roadwork including hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for 72' precast prestressed concrete slab bridge replacement of historic steel truss bridge (e) Environmental documentation and permit acquisition with extensive channel realignment and restoration (f) CE including construction inspection and contract administration</p>

NOTICE: IF THIS DOCUMENT IS LESS LEGIBLE THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE ORIGINAL

TABLE 10			Surveying & RW (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
Project Name, Client Reference, Duration and Performance									
HBRR Bridge Replacement		<p>Pine Creek (Pine Cr Rd.) Bridge, Hamey County Tom Carman, 541 963.1360</p> <p>PE Duration: 12 months Const. Cost: \$332K PE: \$117K CE: \$60K</p> <ul style="list-style-type: none"> • Completed under budget • Met original schedule 	•	•	•	•	•	•	<p>71' single-span prestressed concrete slab bridge. Project length of 330' including roadwork. Project responsibilities included:</p> <p>(a) DTM site survey, RW mapping and descriptions (b) Approach roadwork including, hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for 71' precast prestressed slab bridge (e) Environmental documentation and permit acquisition (f) All CE services</p>

NOTICE: IF THIS DOCUMENT IS LESS LEGIBLE THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE ORIGINAL



**EXHIBIT A
STATEMENT OF WORK
Summer Creek (Murray Blvd.) Bridge
City of Beaverton, Oregon**

Project Understanding

It is the intent of the City of Beaverton to provide an extension of S.W. Murray Boulevard from S.W. Scholls Ferry Road to S.W. Barrows Road at the intersection with S.W. Walnut Street. Polygon Northwest and MGH Associates have teamed to provide design and construction of the roadway section between S.W. Barrows Road to the edge of Summer Creek on the south end of the extension. This project section will connect the new south end construction with the existing roadway at S.W. Scholls Ferry Road via a new bridge crossing of Summer Creek. The new bridge and associated approach roadway will be funded by the City, with construction following the typical City competitive bid process. Some funding through ODOT may be available for this project, so project plans should meet ODOT guidelines.

The new bridge will consist of multiple-span prestressed concrete slabs installed on pile-supported foundations. The bridge will likely be 300 feet in length with an out-to-out width of 53'-6" to accommodate two 12-foot traffic lanes, two 5-foot shoulders, and two 8'-6" raised sidewalks. Modified sidewalk-mounted combination bridge rail and standard concrete impact panels will be provided. Roadwork including asphalt will likely extend up to 150 feet from each end of the bridge to match up with previously constructed roadway sections. Subgrade stabilization, including retaining walls at the bridge ends near the existing wetlands, will be a key factor addressed in the design process.

Right-of-way has been purchased for the chosen alignment and should be adequate for this project. Slope easements may be required at the bridge ends for embankment materials with the City acquiring those easements. Underground utilities will consist of one 8-inch waterline to be attached to the bridge, although provisions for conduit in the sidewalk will be provided for future utility needs. Electrical conduit will be provided for the new light poles on the bridge.

Environmental permitting, drainage design, and lighting design are being provided by MGH Associates. Light poles will be included in the bridge plans at the spacing developed by MGH.

Work Tasks to be Performed

Phase 1 – Design Engineering

This phase of the work will include all design engineering required for the new Summer Creek Bridge and the associated approach roadway construction.

Task 1 - Project Coordination

The major objectives of this task will be to establish the lines of communication and set forth the priorities between the City and OBEC; coordinate and attend meetings; and to make sure all contract document preparation is submitted and approved in a timely manner.

Task 2 - Site Survey/Mapping

Initial site surveys have been completed by MGH Associates. Consultant will review the survey data, install the data in our design software, and develop cross sections required to design the bridge and roadway. Additional field work will include verification of final roadway connection locations at each end of this project along with supplementing data around the new bridge abutments.

Task 3 - Environmental Documentation

This task will have been completed by MGH Associates prior to beginning this phase of the project. OBEC will review and include all "terms and conditions" from the approved permits in the project specifications. No other environmental work is anticipated.

Task 4 - Foundation Investigation

Preliminary geotechnical work was provided by GeoDesign, Inc. Attached is their proposal for additional geotechnical investigation of the bridge site. OBEC will work with GeoDesign during the design phase to develop the most cost-effective solutions for bridge foundations and retaining walls.

Task 5 - Hydraulic/Drainage Study

This task will involve review of the existing conditions for both hydraulics and surface drainage. MGH Associates will provide surface drainage design and stormwater detention facilities for this project. The stream hydraulic drainage area is small and no FEMA flood study is available, so the consultant will utilize appropriate information to develop flood flows. The following will be included in the preliminary report:

- Site Hydrology/Flood History Investigation
- Hydraulic Analysis
- Scour Analysis
- Hydraulic Report

Task 6 - Preliminary Structures/Roadway Analysis

OBEC prepared a Bridge Feasibility Report for Summer Creek Bridge on November 20, 2005. This task will involve reviewing those initial alternatives and supplementing with the new environmental and geotechnical information to present to the City the most cost-effective, readily constructible solution for this site. A preliminary report at approximately 30 percent design will be prepared and submitted to the City for review and approval. Structure types and costs as well as approach roadwork and costs conforming to AASHTO and City standard design policy, as applicable, will be addressed. Work items involved in this task include:

- Investigate one alternative structure type taking into account geometric, foundation, hydraulic, environmental, and structural requirements.
- Investigate approach roadway alignments to match existing section.
- Prepare overall plan and elevation drawings on 11"x17" sheets detailing bridge(s) and roadway alignment, typical sections, and unique construction.
- Prepare cost estimates.
- Prepare narrative report with discussion of advantages and disadvantages along with recommendations.
- Two copies of this report will be submitted to the City for review and approval.

Task 7 - Develop Final Plans

This task includes the preparation of detailed plans and profiles of the roadway improvement and the bridge structure. This task includes but is not necessarily limited to the following engineering services:

- Provide all plan drawings including title, summary, typical sections, grading plans, striping plans, temporary protection and direction of traffic, plan and profile, bridge details, drainage details, waterline hanger details, standard details, and other related drawings for submittal to the City for review as applicable.
- Perform independent design check and plan review of all drawings and related quantities.
- Prepare project specifications and special provisions utilizing Oregon Standard Specifications for Construction 2002.
- Furnish half-size plans for submittal to the City.
- Five copies of full-size drawings will be submitted for the site development permit process.
- Make corrections as required by City.
- Prepare final estimate of construction costs.

Task 8 - Preparation of Contract Documents/Bid Letting

This task includes the preparation of final City/ODOT specifications; preparing 30 sets of contract documents for bid letting; and answering prebid questions from contractors. OBEC will assist the City with bidding the project and make recommendations to the City for award.

Phase II – Construction Engineering

The construction phase of the project will involve all construction engineering and contract administration necessary to meet City standards. Work tasks typically include all project management, surveying, shop drawing review, construction inspection, and quality and quantity assurance documentation necessary for completion of the project. Specific work tasks conforming to Phase II – Construction Engineering will include the following:

Task 1 - Project Coordination

The major objective of this task is to establish the lines of communication and set forth the priorities between the City/consultant and contractor. As the work progresses, the objective will be to keep the City informed of the work progress and aware of changes affecting the scope of work and related costs. Immediately following the signed contract, a Preconstruction Conference will be scheduled for all appropriate participants.

Task 9 - Structures Engineering and Inspection

This task will involve all structural engineering and inspection required to ensure conformance of the bridge with the plans and specifications. The major elements of this task are listed below.

- Perform calculations needed for pile cutoffs, beam seat elevations and deck grades, and set up field books for pile driving and layout.
- Layout and reference bridge centerline and bridge bents and take original ground sections in areas to be excavated.
- Inspect all temporary protection and direction of traffic and signing.
- Inspect foundation excavations, retaining wall construction, and pile driving operations.

- Inspect placement of materials including concrete, reinforcement, prestressed elements, rail elements, and light poles.

Task 10 - Off-Site Engineering and Inspection

This task includes inspection of all precast prestressed concrete elements, steel members, or other materials incorporated into the project.

Task 11 - Grading Engineering and Inspection

This task will involve the required grading engineering and inspection needed to ensure conformance of the project with the plans and specifications. This task will involve the following:

- Provide survey control for the project.
- Inspect temporary protection and direction of traffic, and temporary signing.
- Inspect clearing and grubbing and excavation for subgrade suitability.
- Inspect removal of structures and obstructions.
- Inspect embankment and excavation.
- Inspect waterline pipe installations including trench bedding materials.
- Inspect erosion and sediment control measures.
- Inspect base rock material and placement.
- Inspect asphalt concrete (AC) material and placement.
- Inspect restoration site grading, planting and seeding material and placement.
- Inspect permanent striping and signing material and placement.

Task 12 – Review and Approval of Shop Drawings

This task primarily includes the review of details for bridge superstructure members, rebar, and rail system. Shop drawings are processed in a timely manner so as not to delay the contractor's operations.

Task 13 – General Documentation

The major objective of this and all documentation tasks is to ensure contractor performance of all phases of the project in accordance with the established guidelines of the City as applicable. General documentation includes daily diaries, general daily progress reports, monthly estimates, approving estimates for payment, calendar day charges, notification of commencement and completion dates, and subcontract submittals. This task will continue throughout the project.

Task 14 - Quality/Quantity Assurance Documentation

This task is an ongoing process. The objective is to ensure that all materials furnished and placed on the project conform with the project specifications including work related to fulfilling the quantity assurance portion of the project.

Task 15 - Change Orders and Extra Work

This task includes all work related to revisions or extra work during construction and includes price agreements, extra work orders, and time extensions.

Task 16 - Final Documentation

This task involves all work related to submitting the final estimate, final documentation, preparing "as-built" drawings (one set of full size mylars and one electronic copy in ACAD 2002), and certifying project completion.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Bid Award – Summer Creek Bridge (Murray Boulevard Extension), CIP Project No.3229

FOR AGENDA OF: 4-9-07 **BILL NO:** 07070

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Public Works

DATE SUBMITTED: 4-3-07

CLEARANCES: Purchasing *[Signature]*
Finance *[Signature]*
City Attorney *[Signature]*
Engr. Division *[Signature]*
[Signature]

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: CIP Project Data Sheet

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ *	BUDGETED ** \$1,000,000 (06-07)	REQUIRED \$0
	*** \$2,192,600 (07-08)	

* Bid summary, funding plan and bid award recommendation memorandum will be submitted to the Mayor and Council at the Council meeting following bid opening and review of the bids.

** Funding Source: 310-75-3229-682 - Capital Projects Fund – Murray Boulevard Extension Project. The Amount Budgeted represents the available appropriation after a \$98,000 supplemental budget request is approved in the next Supplemental Budget. The \$1,000,000 amount represents the City's estimate of the construction costs that will be incurred on the project for this fiscal year, through June 30, 2007.

*** Funding Sources: 310-75-3229-682 Capital Projects Fund – Murray Boulevard Extension Project \$2,092,600 and 505-75-3620-682 Water Construction Fund – Water Extra Capacity Improvements \$100,000. The Amount Budgeted represents the amount that is recommended to be included in the proposed FY 2007-08 Budget.

HISTORICAL PERSPECTIVE:

This project completes the extension of Murray Boulevard, between Scholls Ferry Road and Barrows Road in southwest Beaverton. The need for the extension of SW Murray Boulevard, from Scholls Ferry Road to its connection with Barrows Road (formerly known as New Scholls Ferry Road), was first identified in the Washington County Transportation Plan in 1970. The arterial extension was included in the Urban Planning Area Agreement in 1986 and reconfirmed in the revised Urban Planning Area Agreement in 1988. The Murray extension was evaluated and included in the Murray-Scholls Town Center Master Plan in 1998, for an area of approximately 325 acres. In 2000, Washington County began acquiring the required rights-of-way for the extension. On April 29, 2002, the Council approved Agenda Bill No. 02117 authorizing funding for the City's one-half obligation of the cost share with Washington County for the remaining parcel (at that time) needed for the rights-of-way connection between Scholls Ferry Road and Barrows Road.

On April 2, 2003, the City approved a land use order to Polygon Northwest, LLC, for the Progress Quarry (now known as Progress Ridge) Planned Unit Development (PUD). The Progress Ridge development is a 110-acre PUD, which upon completion will consist of 688 residential units and approximately 350,000 square feet of commercial building space. Subsequent to land use approval of the PUD, the City and Polygon NW held discussions regarding completion of Murray Boulevard extension to be tied to as a prerequisite to the occupancy of the commercial development in the PUD. The envisioned public-private partnership to construct the Murray Boulevard Extension and the responsibilities of each party were described in an Outline Concept Plan for the Progress Ridge development.

A design review land use order for the Murray Boulevard Extension was issued to Polygon Northwest, dated September 16, 2003, as approved by the Beaverton Board of Design Review. As a result of a lengthy three-year wetland permitting process beginning with the US Army, Corps of Engineers, the City, as the applicant, was required to build a 300-foot long bridge over the wetlands of Summer Creek, which would cross the Murray Boulevard Extension alignment. An amended land use order was approved on October 13, 2006, to include the 300-foot bridge required by the Corps of Engineers federal permit.

As a part of the commitment to the project, Polygon Northwest designed and constructed the southern half of the extension of Murray Boulevard between Scholls Ferry Road and Barrows Road, completed in late fall of 2006. This southern section of the Murray Boulevard extension is now open to traffic.

On March 19, 2007, Council passed Resolution No. 3893 (in Agenda Bill No. 07055), forming the Murray Boulevard Extension Local Improvement District (LID). Formation of the District was requested by Polygon Northwest, current owner of all land to be assessed in the LID. Funds collected by the LID are to be used exclusively for the Murray Boulevard extension project to ensure full funding of the northerly half of the overall project. The LID is estimated to contribute as much as \$411,000, above what is currently budgeted to reimburse the City for the higher cost of constructing a bridge. Originally the project was to utilize a multiple arch culvert system for the wetlands crossing, but the final permit issued by the US Army CORPS of Engineers requires a 300-foot long bridge, which added significant costs to the overall project.

At the June 19, 2006 Council meeting, (Agenda Bill No. 06113) the Council authorized the award of the design of the Summer Creek Bridge and approximately 400 feet of roadway of the Murray Boulevard extension project to OBEC Consulting Engineers of Eugene, Oregon. OBEC completed the design in mid-February 2007, and the project was advertised for bid in the Daily Journal of Commerce on February 28, 2007. A mandatory pre-bid meeting was held for prospective bidders' on March 14, 2007, at which seven (7) general contractors attended

INFORMATION FOR CONSIDERATION:

The bid opening of the Summer Creek Bridge and connecting roadway and potable waterline is scheduled for April 4, 2007, in the Finance Department conference room.

To expedite the bid award and initiation of the construction by a week, staff has prepared the agenda bill in advance of the scheduled bid opening on April 4, 2007 at 2:00 PM. Staff will submit the bid summary, a project funding plan, and bid award recommendation memorandum to the Mayor and Council at the Council meeting following bid opening and review of the bids. The basis of staff recommendation will be the amount of the bid, the qualifications of the lowest apparent bidder, and a check of references from past completed projects of similar nature.

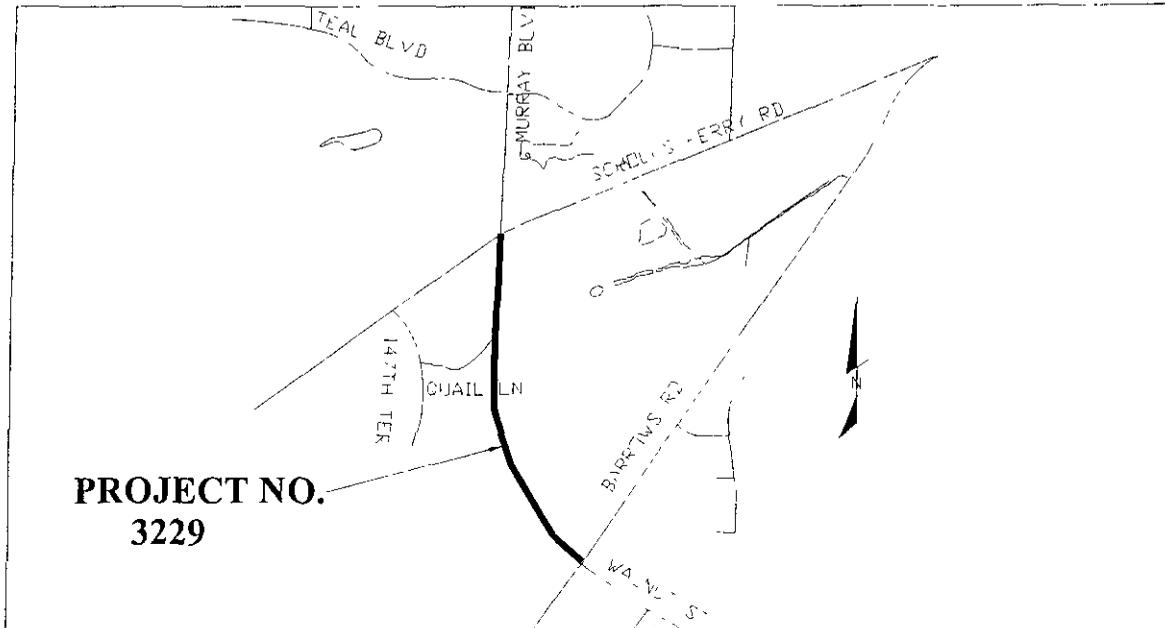
RECOMMENDED ACTION:

Council, acting as Contract Review Board, award a contract to the lowest responsible bidder, submitting the lowest responsive bid as recommended by staff for the Summer Creek Bridge (Murray Boulevard Extension), CIP Project No.3229, in a form approved by the City Attorney. Funding for the proposed FY 2007-07 appropriation in the Budget Impact section above, is contingent upon the final adoption of the FY 2007-08 Budget.

Agenda Bill No: 07070

Project Number: 3229
Project Name: Murray Blvd Extension (Scholls Ferry Rd - Barrows Rd)
Project Description: This project completes the extension of Murray Blvd from Scholls Ferry Rd to Barrows Rd. The project includes two 12-foot wide travel lanes, a 12-foot wide turn lane at Springbrook Ln, two 12-foot wide turn lanes at Barrows Rd, two 10.5-foot wide sidewalks, a 300 foot long bridge, 600 lineal feet of retaining walls, 1700 lineal feet of 8-inch diameter waterline line, 1200 lineal feet of 12-inch storm drain, and landscaping and irrigation.

Map:



Project Justification: The need for the connection and the route location were identified in the 1988 *Urban Planning Area Agreement with Washington County and the City of Tigard*. The extension of Murray Blvd from Scholls Ferry Rd to Barrows Rd is a condition of approval for the Regional Center development at Progress Quarry. Funding is proposed as a public-private partnership with the developer of the Progress Quarry Regional Center.

Project Status: FY05-06: Complete design. FY06-07: Complete waterline installation and construct the section from the south bridge approach to Barrows Rd. FY07-08: Begin bridge construction.

Estimated Date of Completion: 11/15/2008

Estimated Project Cost: \$3,600,000

First Year Budgeted: FY01/02

Funding Data:

<u>Project No.</u>	<u>Fund No.</u>	<u>Fund Name</u>	<u>Amount</u>	<u>FY</u>
3229	114	TIF Fund	\$299,664	FY2006/07
	3620	Water Extra Capacity Supply	\$50,000	FY2006/07
	Other	IGA w/ ODOT	\$925,336	FY2006/07
Total for FY:			\$1,275,000	

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Oulman Ballot Measure 37 Claim for
Compensation M37 2006-0006

FOR AGENDA OF: 4-9-07 **BILL NO:** 07071

Mayor's Approval: *Linda G. Goddard*

DEPARTMENT OF ORIGIN: CDD *Mapa Pro Team 4/27/07*

DATE SUBMITTED: 3-27-07

CLEARANCES: City Attorney *MAD*
Dev. Serv. *AS*

PROCEEDING: Public Hearing

EXHIBITS: -Map
-Staff Report dated 3/27/07 with
exhibits 1 through 5

BUDGET IMPACT

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

The amount of compensation claimed by Oulman is \$350,000 as a result of City zoning regulations affecting the subject property

HISTORICAL PERSPECTIVE:

On December 1, 2006, representatives for Frank and Judith Oulman (Oulman) filed a claim for compensation against the City as authorized by Ballot Measure 37. The claim is for \$350,000. In the claim, Oulman alleges the subject property has been devalued due to zoning regulations. The claim does not state which specific zoning regulations have devalued the property. However, the claim references a desire to develop the property as a nine (9) lot subdivision as a basis of the claim. The subject property is located at 9775 SW Denney Road (also known as TLID# 1S123BD01100).

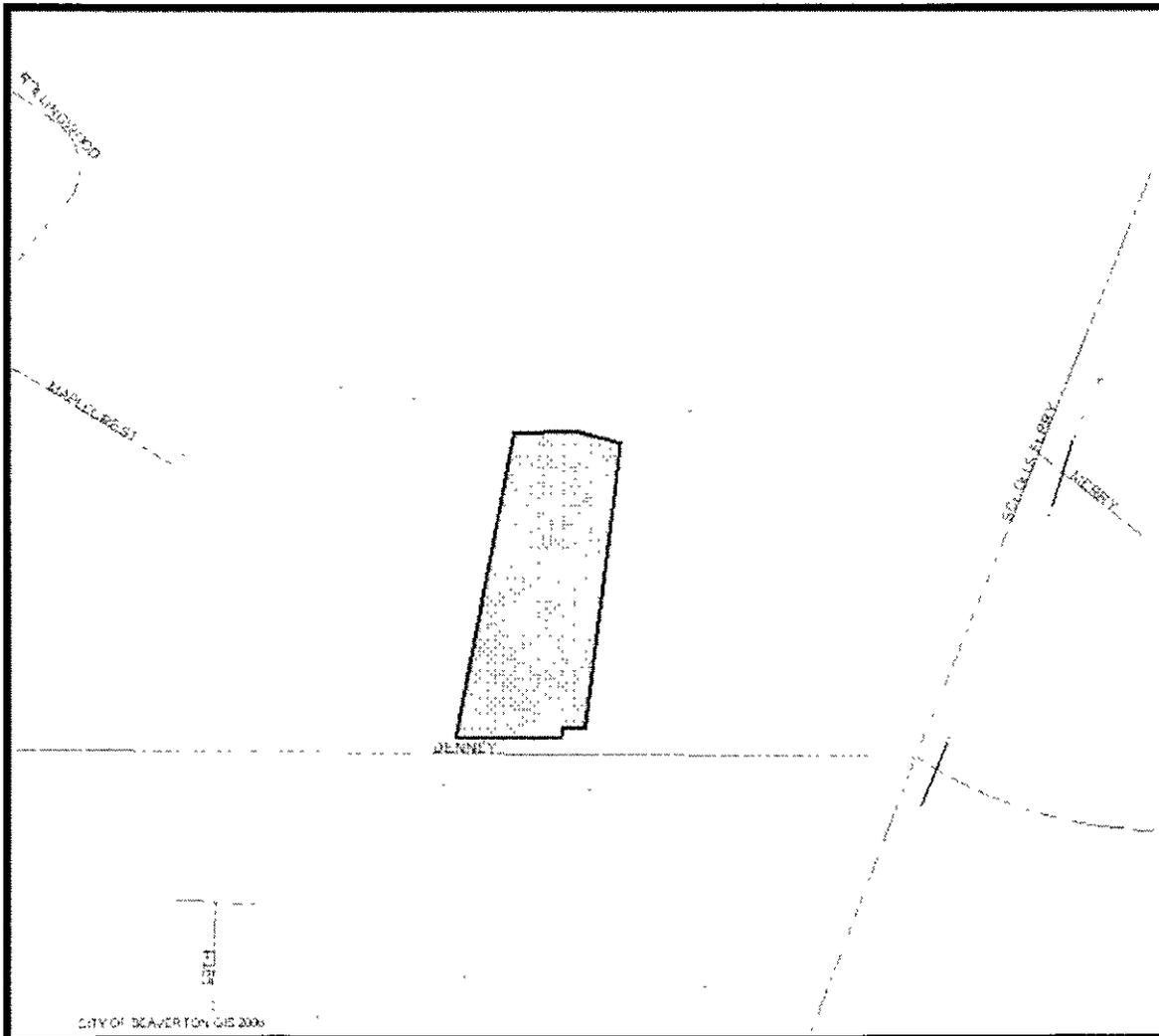
INFORMATION FOR CONSIDERATION:

Attached staff report.

RECOMMENDED ACTION:

Deny the claim for compensation and deny the waiver of the Development Code as identified in the attached staff report.

City of Beaverton - M37 2006-0006 FRANK AND JUDITH OULMAN
COMMUNITY DEVELOPMENT - Development Services



Notes 1S123BD01100
Printed 13-Mar-07 09:15 AM

Legend

Scale 1:1,970
1 in = 164 ft

Measure 37 Claim 2006-0006

Table of Contents

	Page No.
Staff report dated March 27, 2007 responding to Measure 37 Claim	1 - 7
Exhibit 1 Filed Claim dated December 1, 2006 with attachments.	8 - 14
Exhibit 2 Incomplete letter from Steven A. Sparks, AICP, Development Services Manager	15 - 17
Exhibit 3 Staff identified relevant sections of Washington County Code from July 2004.	18 - 29
Exhibit 4 Staff identified relevant sections of current Beaverton Development Code.	30 - 41
Exhibit 5 Ordinance 4314, annexation of 9775 SW Denney Road	42 - 46



CITY of BEAVERTON

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

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Mayor Drake and City Council

STAFF REPORT DATE: Tuesday, March 27, 2007

STAFF: Steven A. Sparks, AICP, Development Services Manager *SA*

SUBJECT: **M37 2006-0006 (Oulman Claim)**

REQUEST: Payment of \$350,000 to Oulman in compensation for the imposition of land use restrictions on the property located at 9775 SW Denney Road or waiver of the zoning current regulations affecting this property.

APPLICANT: **Frank and Judith Oulman (Oulman)**
9775 SW Denney Road
Beaverton OR 97008

APPLICABLE CRITERIA: Municipal Code Section 2.07.030.D.1-3 (City Council Hearing)

HEARING DATE: Monday, April 9, 2007

RECOMMENDATION: **DENIAL** of the claim for payment; **DENIAL** of waiver of Development Code regulations for the affected property.

A. HISTORY

In November 2004, the voters of the State of Oregon passed Ballot Measure 37 which allows property owners to file for claims of compensation against local jurisdictions if that jurisdiction has adopted zoning regulations which has devalued property. Measure 37 provides local jurisdictions an alternative to payment of a claim by allowing a jurisdiction to waive the zoning regulations which have

devalued the property. Measure 37 fails to provide any direction on how to evaluate claims for compensation. The Measure does state that local jurisdictions may establish procedures by which to process any claims, but claimants are under no obligation to follow such procedures.

On November 22, 2004, the Beaverton City Council adopted Ordinance 4333, amending the Municipal Code, which established procedures for the filing, evaluation, and resolution of claims filed pursuant to Measure 37. Representatives for Oulman filed a claim with the City on December 1, 2006. In the claim, Oulman states that imposition of City zoning regulations reduces the value of the property by \$350,000. Pursuant to Section 2.07.015, staff informed Oulman representatives that the materials submitted for the claim were incomplete. The Oulman representatives have declined to submit any additional information requested by staff and have declined to meet with staff concerning their claim.

B. Subject Property

The subject property is located at 9775 SW Denney Road (also known as TLID# 1S123BD01100). The subject property is improved with a residence.

C. Analysis of Claim for Compensation

The December 1, 2006 claim for compensation filed by the Oulman representatives asserts that Oulman took possession of the property on January 1, 1975. No evidence has been submitted to support this assertion. The subject site was annexed to the City on July 13, 2004. The annexation was a voluntary annexation initiated by the Oulmans. Consistent with the Urban Area Planning Agreement, the subject site was rezoned from Washington County R9 to City R5 which became effective on July 22, 2004. Because no evidence of the date of ownership has been provided by Oulman, staff can only analyze the difference between the County R9 zone and the City R5 zone at the time of annexation.

Washington County residential zoning designations identify the number of allowed dwelling units per acre. Therefore, the County R9 zone allows 9 dwelling units per acre. The City's residential zoning designations are different in that the zone identifies the minimum parcel area for a parcel in the zone. The City's R5 zone requires a minimum 5,000 square foot parcel which equates to 8.7 dwellings per acre. When calculating density, the Code rounds the density to the nearest whole number. Therefore, the County R9 and the City R5 allows the same maximum residential density, nine (9) units.

In the December 1, 2006 materials (Exhibit 1), Oulman representatives fail to provide any specific reference to Code sections which allegedly reduce the value of the subject site. The cover letter implies that the City's Code will not allow the Oulmans to build a nine (9) lot subdivision planned unit development with a private street. As described below, this claim is without merit.

As stated above, the minimum parcel area for the R5 zone is 5,000 square feet. The density allowed by the County R9 zone can be allowed in the City's R5 zone. There is no loss of maximum residential density between the two zones. The submitted materials are in error when it states that the City's density requirements are based on net parcel area. Section 20.05.60 (Required Minimum Residential Density) specifies that minimum residential density is based on net parcel area. If the Oulmans wish to develop at maximum density, the City Code allows the maximum density to be based on the gross parcel area. In the case of the subject property, as a one (1) acre site, the maximum density is nine (9) units. Staff met with the Oulmans and their representatives on May 19, 2006 to discuss this very issue. At that meeting, staff informed the Oulmans and their representatives that maximum residential density is based on gross parcel area and that for the subject property, developing a nine (9) lot subdivision would likely be a Land Division and a Planned Unit Development application.

With respect to the private street claim, the City allows private streets to serve development. The claim implies that the private street to be proposed on the subject site would be at a "greatly reduced width". Staff assumes that what was meant was "width". Since the claim does not identify what width of street is desired, staff cannot respond to the claim. Whatever the width of street, that width cannot be less than that required by the Tualatin Valley Fire and Rescue. The width requirement is based on public safety and is not subject to the provisions of Ballot Measure 37.

While the Oulmans can propose to develop a nine (9) lot subdivision planned unit development in the R5 zone, the procedures to propose that type of development may be different in the County than in the City. However, procedural requirements are not a limitation on use; therefore, not a devaluation of property. Prohibition of a use could be a devaluation, but as the Oulman materials indicate, developing the property as planned unit development is not a prohibited use in the R5 zone.

The Oulmans and their representatives have not identified any other provision of the City's Development Code in their claim for compensation.

D. Timeliness of Claim

ORS 197.352(5) requires that a written demand for compensation be made:

1. For claims arising from land use regulations enacted prior to the effective date of Measure 37 (December 2, 2004), within two years of that effective date, or the date the public entity applies the land use regulation as an approval criteria to an application submitted by the owner, whichever is later; or

2. For claims arising from land use regulations enacted after the effective date of Measure 37 (December 2, 2004), within two years of the enactment of the land use regulation, or the date the owner of the property submits a land use application in which the land use regulation is an approval criteria, whichever is later.

Staff Finding: The claim was submitted to the City on December 1, 2006. This date is within two years of the effective date of Measure 37. The claim is based on land use regulations enacted or adopted prior to December 2, 2004. Therefore, the claim is timely filed.

E. Claim Evaluation Criteria

Section 2.07.025.D of the Municipal Code specifies how a claim for compensation will be evaluated by the City Council. The criteria are as follows:

The Council shall determine whether the following criteria have been met:

1. *The application is complete;*

Staff Finding: As identified in the attached letter dated December 15, 2006, staff found the materials submitted by Oulman representatives to be incomplete. Oulman representatives have not responded to the staff's December 15, 2006 letter. Therefore, staff have concluded that Oulman has declined to submit information requested by the City. The City has not deemed the application complete.

2. *The claimant is a qualifying Property Owner under Measure 37 as follows:*
 - a. *The subject property is located within the City and is subject to the ordinance or regulation, which is the basis of the application for claim;*

Staff Finding: The subject property is identified as 9775 SW Denney Road (also known as TLID# 1S123BD01100) and is located within the city limits of the City of Beaverton. The subject property is subject to Ordinance 2050, the Beaverton Development Code. As such, the subject property is subject to current code requirements. Staff has addressed the applicability of the claims for each of these requirements in Section C of this report, above.

- b. *The use which the claimant alleges is restricted under a City regulation and does not constitute a nuisance;*

Staff Finding: The Oulmans state in the December 1, 2006 materials that the City Code will prevent them from developing their property as a nine (9) lot subdivision planned unit development. Nowhere in the materials is there a statement concerning the establishment of a nuisance or requesting relief from regulations that restrict nuisances.

- c. *The City regulation is not required as part of any federal requirement and is not an exempt regulation;*

Staff Finding: None of the regulations concerning the development of the subject site are a part of a federal regulation or are regulations which are exempt from the provisions of Measure 37.

- d. *The owner of the property as shown on the application was the owner of the property prior to the date the regulation was adopted, first enforced or applied;*

Staff Finding: Oulman has submitted a copy of a title plant which indicates that the Oulmans were given a line of credit deed of trust in March 2004. Because no evidence has been submitted in the form of a title report, staff cannot determine the date of acquisition or if there is any other ownership interest on the subject property.

- e. *There is substantial evidence to support the claim of reduction in the fair market value of the subject property;*

Staff Finding: Neither Oulman or their representatives have submitted any evidence demonstrating how the City's Development Code has reduced the value of his properties other than the claim that reduction has occurred. As identified on pages 2 and 3 of this report, the City's Development Code allows the same maximum residential density as the County Code as well as allow private streets.

- f. *The amount of compensation claimed or determined to be potentially due;*

Staff Finding: Oulman has specified a claim of \$350,000 in the materials dated December 1, 2006.

- g. *The availability of public financial resources to pay the claim in consideration of competing priorities in the public interest;*

Staff Finding: The Finance Director, in consultation with the City Attorney, have advised staff that there are no funds appropriated to pay this claim. Additionally, they have advised that a grant of a waiver for any regulation that reduces value is advised over paying any claims.

- h. *The impact of waiving enforcement of the regulation(s) or otherwise permitting the use on other properties and the public interest; and*

Staff Finding: If the Council were to elect to waive the current code and apply the Washington County Development Code provisions, staff recommend waiving the provisions to the County code in effect on July 12, 2004, the day before annexation became effective. Staff recommend that any provisions of the City's Code concerning floodway and floodplain regulations and CWS regulations not be waived as these regulations are federal requirements and designed to protect the public health and safety.

- i. *Such other factors as are determined to be in the interest of the property owner and the public to consider to adjudicate the claim.*

Staff Finding: Staff do not identify any other factors which may be of interest to the property owner or the public.

3. *The cited regulation(s) reduce the fair market value of the property and entitle the Owner to compensation or waiver of enforcement of the regulation pursuant to Measure 37.*

Staff Finding: Staff recommend that Oulman have not provided any evidence that the City's Development Code has reduced the value of their property. In making this recommendation, staff is relying entirely on the statements made in the Oulman December 1, 2006 submittal.

F. Recommendation

Given the fact that the Oulmans voluntarily annexed to the City in 2004, that the City's R5 zone allows the same maximum residential density as the County R9 zone, and that the City allows private streets, staff recommend that no evidence has been submitted which demonstrates that an actual devaluation of the subject property has taken place by the City's Development Code regulations. Therefore, staff recommend that the Council deny the claim for compensation and deny waiving the City Development Code.

If the Council does not concur with the staff recommendation, staff suggest that the Council deny the claim for compensation and waive the use restrictions of the current Development Code and apply the use restrictions contained in the Washington County Development Code in effect on July 12, 2004. This use waiver is in the form of a license as described in BCC 2.07.045 and is non-transferable and is issued to Frank and Judith Oulman. Furthermore, the waiver license shall be construed to mean that upon a land use application for a permit by Frank and Judith Oulman, the City shall waive any land use regulations (as defined by Measure 37 in section (11)(B) as limited by section (3)) that were enacted after July 12, 2004 that the City believes restricts the use of private real property and reduces the value of the property.

G. Exhibits

1. Filed Claim dated December 1, 2006
2. Incomplete letter from Steven A. Sparks, AICP
3. Staff identified relevant sections of Washington County Code in effect on July 12, 2004.
4. Staff identified relevant sections of the current Beaverton Development Code.
5. Ordinance 4314, annexation of 9775 SW Denney Road.



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

RECEIVED
DEC 01 2006
City of Beaverton
Development Services
MEASURE 37 CLAIM FORM

OFFICE USE ONLY	
FILE #:	M 37-2006-0006
FILE NAME:	OULMAN CLAIM
TYPE:	M 37
FEE PAID:	\$1000
SUBMITTED:	12-01-06
LAND USE DESIG:	
RECEIVED BY:	[Signature]
CHECK/CASH:	
LWI DESIG:	
NAC:	DW

PROPERTY OWNER(S): Attach additional sheet if necessary Check box if Primary Contact

COMPANY: Frank Oulman & Judith Oulman Trust
ADDRESS: 9775 SW Denney Road
(CITY, STATE, ZIP) Beaverton, OR 97008
PHONE: 503.641.7816 FAX: _____ E-MAIL: atlasven@comcast.net
SIGNATURE: [Signature] CONTACT: _____
(Original Signature Required)

SIGNATURE: _____ SIGNATURE: _____
(Original Signature Required) (Original Signature Required)

REPRESENTATIVE: Check box if Primary Contact

COMPANY: Blue Sky Planning, Inc.
ADDRESS: 4800 SW Griffith Drive
(CITY, STATE, ZIP) Beaverton, OR 97008
PHONE: 503.644.5339 FAX: 503.646.4696 E-MAIL: hannah@blueskyplanning.net
SIGNATURE: [Signature] CONTACT: Hannah Litscher
(Original Signature Required)

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: 9775 SW Denney Rd.

ASSESSOR'S MAP & TAX LOT #	LOT SIZE	ZONING DISTRICT
<u>1S123BD 01100</u>	<u>1 acre</u>	_____
_____	_____	_____
_____	_____	_____

CONTIGUOUS SITES UNDER SAME OWNERSHIP:		
ASSESSOR'S MAP & TAX LOT #	LOT SIZE	ZONING DISTRICT
_____	_____	_____
_____	_____	_____
_____	_____	_____

PRE-APPLICATION DATE: _____



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

RECEIVED
 DEC 01 2006
 City of Beaverton
 Development Services

MEASURE 37 CLAIM SUBMITTAL CHECKLIST

Submit two (2) copies of the following information:

- A. The names and street addresses of the record owners of property on the most recent property tax assessment roll and within 500 feet of the subject property (Beaverton Code Section 2.07.015.C.3).
- B. A copy of the land use order in which the City enforced its regulations on an application for a use on the property or a copy of the citation for a violation of a land use regulation for activities on the property. (Beaverton Code Section 2.07.015.C.10).
- C. Title Report and Proof of Ownership issued within 30 days of submittal of the Measure 37 claim. The report must include names of all persons or entities with legal, equitable and secure interest in the property and the dates the ownership were established (Beaverton Code Section 2.07.015.C.4).
- D. Identification of the Regulation for which enforcement has occurred and the claim is being made. Identification must be by number of section the law, rule, ordinance, resolution, goal or other enforceable enactment, or a copy of the regulation for which claim is submitted as contained in Measure 37 Ordinance No. 4333 (Beaverton Code Section 2.07.015.C.5).
- E. Written description addressing the approval criteria, including land use that was applied for and the results of that application (Beaverton Code Section 2.07.015.C.6).
- F. Amount of Claim \$ 350,000.00 (Beaverton Code Section 2.07.015.C.7).
- G. Appraisal Report for subject property showing reduction in the fair market value as defined by Measure 37 Ordinance No. 4333 (Beaverton Code Section 2.07.015.C.7).
- H. A statement, including analysis, as to why the regulations are not exempt from application for compensation under Measure 37 (Beaverton Code Section 2.07.015.C.9).
- I. All other documents, information or argument to be relied upon by the claimant in support of the application (Beaverton Code Section 2.07.015.C.11).
- J. Application Fee, as established by the City Council (Beaverton Code Section 2.07.015.C.12).

I have provided all the items required by this one (1) page submittal checklist. I understand that any missing information, omissions or both may result in the application being deemed incomplete, which may lengthen the time required to process the application. The information submitted is true and complete to the best of my knowledge and belief. I hereby waive any claims for regulations not identified herein with this claim.

Hannah Litscher
 Print Name

503.644.5339
 Telephone Number

Hannah Litscher
 Signature

12/1/06
 Date

Blue Sky Planning, Inc

4800 SW Griffith Drive, Suite 209
Beaverton, OR 97005
503.644.5339 phone
503.646.4696 fax

RECEIVED

DEC 01 2006

To: City of Beaverton

From: Mark Dane

City of Beaverton
Development Services

Date: December 1, 2006

Re: Measure 37 Claim Form for Tax lot 1100 of Tax map 1S123BD, City of Beaverton, Washington County, Oregon

Request: Measure 37 Claim

Applicant: Frank and Judith Oulman

Owners: Frank and Judith Oulman, Trustees

Representative: Blue Sky Planning, Inc.

This request is for a Measure 37 Claim in order to do a 9 lot subdivision, Planned Unit Development of the land located at 9775 SW Denney Road, tax lot 1100 of tax map 1S123BD, in the City of Beaverton, Oregon. The parcel fronts onto SW Denney Road and is currently zoned R-5.

The applicant is proposing to develop the one (1)-acre parcel into 9 lots. The current property owners, Frank and Judith, have owned the subject site since January 1, 1975. The site has not been previously developed and contains a single-family residence. The property was recently annexed into the City of Beaverton, and the zoning changed from R9 to R5. This resulted in the overall development density, being greatly reduced, and a significant financial impact imposed on the property owners.

Mr Oulman wished to proceed with the development of the property under the laws that governed the property at the time of annexation. This will permit him to develop the property utilizing a gross acreage (as permitted under the County's legislation) rather than net acreage (which is required under the City's legislation). The County also permits the development of the property with private streets, and a greatly reduced with also not permitted under the City's current rules.

The applicant believes that the difference in development potential is that under current City regulations the applicant would be restricted to the development of 3 lots as well as retaining the house, where as under the County regulations the applicant would be able to develop the property with 8 new lots as well as retaining the existing house.

The applicant is claiming a loss of 5 lots each of which would permit a single family residence. Based upon valuation of the adjacent property it is estimated that each finished lot is worth \$70,000.00 Thus the gross difference is \$350,000.00. This is the amount of the claim.

The applicant is simply requesting that he be allowed to develop the property under development and zoning regulations in place at the time of the annexation.

December 1, 2006

The Oulmans wish to work with the City to formulate a process that will enable them to develop the property in a manner suitable for the property.

Please reach me at 503.644.5339 or mark@blueskyplanning.net if you have any questions or need further information.

Thank you,

BLUE SKY PLANNING, INC

Mark Dane
Principal

Attachments: Measure 37 Claim Form
Preliminary Layout
Deeds

TICOR TITLE INSURANCE COMPANY

STATUS OF RECORD TITLE REPORT

TITLE PLANT

1629 SW Salmon • Portland OR 97205
(503) 224-0550 • FAX: (503) 219-2212

December 1, 2006

Ticor Title Insurance Company
Mica Mizutani
1629 SW Salmon
Portland OR 97205

RECEIVED
DEC 01 2006
City of Beaverton
Development Services

Order Number: 889288
Regarding: Oulman Family Trust (*Borrower*)
Property Address: 9775 SW Denney Road
Beaverton, OR 97008
County: Washington

DATED AS OF: November 24, 2006, 8:00 am

PROPERTY

We have searched our Tract Indices as to the following described real property:

See Attached Legal Description.

VESTING

FRANK P. OULMAN and JUDITH A. OULMAN, TRUSTEES of the OULMAN FAMILY TRUST, DATED JANUARY 29, 2004

RECORDED INFORMATION

Said property is subject to the following on record matter(s):

NOTE: Property taxes **PAID**
Tax Year: 2006-07
Paid Amount: \$2,949.87
Tax Acct Number: R205343, 1S123BD-01100, Code 051.51

1. Rights of the public in and to that portion lying within SW Denney Road.
2. Line of Credit Deed of Trust, including the terms and provisions thereof, given to secure a note,
Amount: \$100,000.00

Executed By: Frank P. Oulman and Judith A. Oulman, Trustees of the Oulman Family Trust, dated January 29, 2004
Trustee: Chicago Title Insurance Company
Beneficiary: Bank of America, N.A.
Dated: March 10, 2004
Recorded Date: May 27, 2004
Recording Number: 2004-060021

3. The terms of the trust agreement under which the vestee herein holds title. Pursuant to ORS Chapter 130 a Certification of Trust must be submitted prior to closing or, alternatively, a copy of the trust agreement must be furnished for approval prior to closing.

THIS REPORT IS TO BE UTILIZED FOR INFORMATION ONLY. Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require payment in an amount equivalent to applicable title insurance premium as required by the rating schedule on file with the *Oregon Insurance Division*.

The liability for TICOR TITLE INSURANCE COMPANY is limited to the addressee and shall not exceed the premium paid hereunder.

TICOR TITLE INSURANCE COMPANY

Lon Guzman
Title Officer

A part of the Thos. Denny Donation Land Claim No. 47, in Township 1 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as:

Beginning at a point on the South line of the said Thos. Denny Donation Land Claim which point is South 88° 45' East 1831.7 feet from the one-quarter section corner on the West line of Section 23, Township 1 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon, and running thence along the South line of said Denny claim South 88° 45' East 143.4 feet; thence North 5° 49' East (at 40.1 feet an iron rod) 373.6 feet to a point in the center of Fanno Creek, from which point an iron pipe bears South 5° 49' West 15 feet; thence following down the center of Fanno Creek with all the meanderings thereof in a Westerly direction a distance of 160 feet, more or less, to a point which bears North 10° 41' East from the point of beginning of the herein described tract; thence South 10° 41' West 381.7 feet, more or less, to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to Washington County by deed recorded July 23, 1998 as Fee No. 98 080565 for road purposes.



CITY of BEAVERTON

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

December 15, 2006

Hannah Litscher
Blue Sky Planning
4800 SW Griffith Drive #209
Beaverton OR 97005

RE: Oulman 37 Claim (M37 2006-06)

Ms. Litscher:

As you have noted in your application materials dated received December 1, 2006, you state that you are claiming compensation on the behalf of your clients, Frank and Judith Oulman, pursuant to Ballot Measure 37. Staff have reviewed the materials and the claim and are not certain as to reasons for the claim. You state in the claim that the Oulman's are prevented by the City's Development Code from developing a nine (9) lot subdivision planned unit development. You go on to state that the City's Development Code will not allow maximum density to be calculated by the gross parcel area and that private streets would not be allowed. When City staff met with Mr. Dane of Blue Sky Planning and the Oulmans on May 19, 2006, we informed the parties that maximum density could be based on gross parcel area. Based on the parcel size and the zoning of the subject parcel, a nine (9) lot subdivision could be proposed as a Planned Unit Development (PUD) application. Furthermore, through the PUD process, private streets may be allowed provided the streets meet fire access standards.

Based on your narrative, it appears that your Measure 37 claim is unnecessary to accomplish the stated development objectives. I recommend that you and your clients arrange to meet with City staff to discuss the City's development regulations concerning the development plan for the subject parcel. It may be possible to resolve your client's concerns without a Measure 37 claim.

Specific to the submitted claim application, staff find the application to be incomplete. To be found complete pursuant to Section 2.07.015 of Beaverton Code, we ask that you submit the following information:

1. A specific and detailed reference to each and every regulation that the claimant asserts will restrict the use of property and has the effect of reducing the value of the Property. The reference shall identify by number or section the law, rule, ordinance, resolution, goal or other enforceable enactment, or a copy of the regulation for which claim is submitted.
2. Evidence that the City has enforced on the subject property a regulation for which the claim has been filed.
3. A written description addressing the approval criteria, including the impact of the specific City regulation on the subject property and the reason(s) why under Measure 37 such regulation restricts the use of the property and impacts the value of the property. The claimant shall describe the land use that was applied for and the results of that application.
4. A title report and proof of ownership issued within 30 days of the date of the application as provided for in the City Code. The report must include the names of all persons or entities with legal, equitable, and secure interest in the property and the dates the ownership were established. If the City is to properly measure the validity of your claim and measure any lost value, a title report is necessary.
5. An itemization of any prior payments made to the Property Owner relating to a claim on the property.
6. An appraisal of the subject property prepared by a certified general appraiser, licensed by the Oregon Appraiser Certification and Licensing Board showing the reduction in the fair market value of the property as that reduction is defined under Measure 37 as described in the City Code.
7. Copies of all appraisals, market studies, economic feasibility studies, development schemes, environmental assessments or similar studies related to the property prepared within the 2-year period prior to submittal of the claim.
8. The names and addresses of all property owners on the most recent property tax assessment roll for the subject site and within 500 feet of the subject property.
9. A copy of all enforcement actions taken by any governmental body as regards the Property.
10. A statement, including analysis, as to why the regulations are not exempt from application for compensation under Measure 37.

Please submit this information by January 16, 2007. If I do not hear back from you by that time it may result in the scheduling a public hearing before the Beaverton City Council for the purposes of reviewing your claim based only on the very limited information you have provided. The lack of this crucial information will make it very difficult for the Council to determine the appropriate response to this claim. Your assistance in helping the City Council make this decision by providing the above information would be appreciated.

Sincerely,



Steven A. Sparks, AICP
Development Services Manager

c Alan Rappleyea, AICP
Joe Grillo, AICP
Frank Oulman

300 INTRODUCTION

Article III of the Washington County Community Development Code consists of the primary and overlay districts which apply to the unincorporated areas of Washington County. These districts are provided to implement the goals and policies of the Comprehensive Plan. In addition to the standards listed in each District, all development is subject to all other applicable provisions of this Code, including Article IV, Development Standards; Article V, Public Facilities; and Article VI, Land Divisions. Additionally, all development is subject to the applicable requirements and standards of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan listed below:

300-1 Intent and Purpose

The intent and purpose of the land use districts is to implement the policies of the Comprehensive Plan and land use designations on the community plan maps and the Rural/Natural Resource Plan. The purpose is to provide for a full range of uses to implement the land use needs set forth in the community plans and the Rural/Natural Resource Plan.

In addition to the standards of the land use districts, all development, including land divisions, shall comply with the following applicable standards and requirements of the community plans, the Rural/Natural Resource Plan, and the Transportation Plan:

300-1.1 Community Plan provisions:

- A. General Design Elements;
- B. Subarea Provisions, including the Design Elements and Area of Special Concern and Potential Park/Open Space/Recreation Requirements;
- C. Significant Natural Resource Designations;
- D. Historic and Cultural Resource Designations;
- E. Mineral and Aggregate Resource Designations (District A and B designations);
- F. Major Bus Stop Designations;
- G. Interim Light Rail Station Overlay Designations;
- H. Transportation Circulation Designations;
- I. Street Corridor, Arterial Access and Pedestrian System Designations;
- J. Parking Maximum Designations;
- K. Local Street Connectivity Lands Designations;
- L. Pedestrian Connectivity Areas; and
- M. Transportation Functional Classification Map.

300-1.2 Rural/Natural Resource Plan Provisions:

- A. Significant Natural Resource Designations;
- B. Historic and Cultural Resource Designations;
- C. Mineral and Aggregate Resource Designations (District A and B designations);
- D. Habitat Protection Plan;
- E. Implementing Strategy E of Policy 10; and
- F. Transportation Functional Classification Map.

300-1.3 Transportation Plan

- A. Policies 6, 7, 8, 10, 12, 14, 15, 22, and 23, including their implementing strategies;
- B. The Functional Classification System Map;
- C. The Lane Numbers Map;
- D. The Special Area Streets Overlay Maps
- E. The Regional Street Design Overlay Map
- F. The Transit System Map;
- G. The Pedestrian System Maps
- H. The Off-Street Trail System Maps
- I. The Planned Bicycle System Map

300-1.4 Comprehensive Framework Plan for the Urban Area

Policy 41, Urban Growth Boundary Expansions

300-2 Residential Density Calculation

To determine the maximum or minimum number of units which may be constructed on a site for residential uses, the site size (in acres) shall be multiplied by the maximum or minimum number of units per acre allowed on the site, as designated on the applicable Community Plan, except as specified otherwise below or by Table C of Section 375.

EXAMPLE

Acres x units per acre = number of units allowed
 $1.6 \times 5 = 8.0$ or 8 units

- 300-2.1 Site size shall include the area of the subject lot(s) or parcel(s), in acres or portions thereof, excluding all areas currently dedicated for public right-of-way.
- 300-2.2 Allowable density shall be as designated on the Community Plan Map or Rural Plan.
- 300-2.3 No portion of the allowable density shall be permitted to be transferred from one land use designation to another land use designation, except as permitted in accordance with the Planned Development provisions of Section 404-4.5.
- 300-2.4 The number of units which may be constructed on the subject site shall be subject to the limitations of the applicable provisions of this Code, including the requirements of Section 300-3 and such other things as landscaping, parking, flood plain, buffering, slopes and other site limitations.
- 300-2.5 When the maximum or minimum number of units allowed on a site results in a fraction of .5 or more, the number of units allowed shall be the next highest whole number, provided all minimum district requirements other than density can be met.
- 300-2.6 Land that is dedicated to a park and recreation provider as public park land may be used to calculate the minimum or maximum density, provided the land is developed for recreational uses, and is not comprised of flood plain, drainage hazard, wetland, slopes over ten (10) percent, or a Significant Natural Resource area.
- 300-2.7 When allowed by a legislative or quasi-judicial plan amendment:
- A. Assisted living units, that are part of a mixed use residential development, may be used to satisfy the minimum density requirement; and
 - B. Land used for a private park, that is available to the general public outside of the residential development the park is located in, may be excluded from the acreage used to calculate the minimum density provided the park is developed for recreational uses, and is not comprised of flood plain, drainage hazard, wetland, slopes over ten (10) percent, or a Significant Natural Resource area.
- 300-2.8 Categories of land listed in Section 300-3.1 may either be excluded from the acreage used to calculate the minimum or maximum density or be used to calculate the minimum or maximum density.

300-3 Density Transfers for Unbuildable Lands

300-3.1 Applicability:

Transfer of density from one area of land to another shall be permitted for any unbuildable portion of a lot or parcel when a portion of the subject lot or parcel is within one of the following areas:

- A. Flood Plain;
- B. Drainage Hazard;
- C. Jurisdictional Wetland;

- D. Slopes over twenty (20) percent;
- E. Significant Natural Resource area;
- F. Power line easement or right-of-way;
- G. Future right-of-way for transitway, designated arterials and collectors;
- H. In transit oriented districts, land within an area identified in A through G above, or land needed for public or private streets, including sidewalks, accessways, greenways, public parks and plazas, and common open space as defined in Section 431-2.3;
- I. Water Quality Sensitive Areas; or
- J. Vegetated Corridors.

300-3.2 Density may be transferred only as follows:

- A. Within a single lot or parcel within the same land use designation; or
- B. To an adjoining lot or parcel that is a subject of the development application provided it is also within the same land use designation as the other lot or parcel.

300-3.3 Density Transfer Calculations:

The number of units which may be transferred shall be calculated as follows:

- A. Determine the total density for the subject lot(s) or parcel(s).
- B. Determine the total number of units in the buildable portion and the unbuildable portion of the total site.
- C. Transfer the density of the unbuildable portion of the site to the buildable portion of the site, provided that the transferred density does not more than double the density allowed on the buildable portion of the site.

300-3.4 For the purpose of this Section, buildable shall mean all portions of the subject lot(s) or parcel(s) not included within a category listed in Section 300-3.1, and unbuildable shall mean all portions of the lot(s) or parcel(s) included in one of the categories in Section 300-3.1.

300-4 Development at Less than Maximum Density

The standards of the applicable district shall apply regardless of whether the proposed development meets the maximum density.

304 R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-1 Intent and Purpose

The R-9 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than nine (9) units per acre and no less than seven (7) units per acre, except as otherwise specified by Section 300-2. The purpose of the R-9 District is to provide areas for detached and attached houses on small lots as well as areas for manufactured homes on individual lots and manufactured dwelling subdivisions and parks.

304-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 304-2.1 Accessory Uses and Structures - Section 430-1.
- 304-2.2 Attached Dwelling Units (duplex on approved duplex lot only).
- 304-2.3 Bus Shelter - Section 430-23.
- 304-2.4 Detached Dwelling Unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot or parcel does not exceed ten-thousand (10,000) square feet in area - Section 430-37.1 A.
- 304-2.5 Expansion of any Type II or III use which meets the following:
 - A. Is exempt from application of public facility standards of Section 501-2;
 - B. Is not in an area of Special Concern as designated on the applicable Community Plan map; and
 - C. Is not a receiving or transmitting antenna or communication tower.
- 304-2.6 Guest House - Section 430-55.
- 304-2.7 Home Occupation - Section 430-63.1.
- 304-2.8 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot or parcel does not exceed ten-thousand (10,000) square feet in area - Section 430-76 and Section 430-37.1 B.(1-3).
- 304-2.9 Parks - Section 430-95.
- 304-2.10 Recycle Drop Box - Section 430-113.
- 304-2.11 Single Family Accessory Dwelling Unit - Section 430-117.1.

304-2.12 Temporary Use - Section 430-135.1.

304-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

304-3.1 Ambulance Service - Section 430-9.1.

304-3.2 Attached Dwelling Units.

304-3.3 Detached Dwelling Unit, not otherwise permitted by Section 304-2.4 - 430-37.1 B.

304-3.4 Flag lot - Section 430-45.

304-3.5 Home Occupation - Section 430-63.2.

304-3.6 Manufactured Dwelling Park - Section 430-77.

304-3.7 Parks - Section 430-97.

304-3.8 Construction of a local street not in conjunction with a development application or within existing right-of-way.

304-3.9 Storage Area for Recreation Vehicles - Section 430-133.

304-3.10 Temporary Use - Section 430-135.2 A.

304-3.11 Zero Lot Line Development - Section 430-147.

304-3.12 Receiving and transmitting antennas and communication towers, with a total maximum power output of 1,000 watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas - Section 430-109.

304-3.13 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed 1,000 watts ERP - Section 430-109.

304-3.14 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

A. Clubhouse.

B. Meeting hall.

- C. Day care center - Section 430-53.2.
 - D. Recreation center.
 - E. Gymnasium.
 - F. Indoor swimming pool.
- 304-3.15 Day Care Facility - Section 430-53.2 I.
- 304-3.16 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 304-3.17 Manufactured Home, not otherwise permitted by Section 304-2.8 - Section 430-76 and Section 430-37.1 B.(1-3)
- 304-3.18 Manufactured Dwelling Subdivision - Section 430-79.

304-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 304-4.1 Access to an existing solid waste disposal site - Section 430-127.3.
- 304-4.2 Boarding House - (Includes Bed and Breakfast) - Section 430-19.
- 304-4.3 Campground - Section 430-25.
- 304-4.4 Cemetery - Section 430-27.
- 304-4.5 Church - Section 430-29.
- 304-4.6 Golf Course (may include Country Club) - Section 430-51.
- 304-4.7 Group Care - Section 430-53.1 through 53.5.
- 304-4.8 Heliport (Personal use only) - Section 430-59.
- 304-4.9 Hospital - Section 430-65.
- 304-4.10 Kennel - Section 430-73.
- 304-4.11 Public Building - Section 430-103.
- 304-4.12 Public Utility - Section 430-105.

304-4.13 Receiving and transmitting antennas and communication towers with a maximum power output of 1,000 watts ERP, to a maximum height of one-hundred (100) feet, not otherwise allowed through a Type II procedure - Section 430-109.

304-4.14 School - Section 430-121.

304-4.15 Special Recreation Use - Section 430-131.

304-5 Prohibited Uses

304-5.1 Structures or uses not specifically authorized by Section 304.

304-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized under Section 304-2.8, 304-2.12, 304-3.5, 304-3.9, or 304-3.17.

304-5.3 Any parking or storage of tractor trailers, semi-trucks or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.

304-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours, except as approved in conjunction with a development.

304-5.5 Keeping of fowl for sale, keeping of swine (except for up to three purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.

304-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

304-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.

304-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.

304-5.9 Auto wrecking yards.

304-6 Density

In the R-9 District, the permitted residential density is no more than nine (9) units per acre and no less than seven (7) units per acre, except as otherwise specified by Section 300-2.

For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

304-7 Dimensional Requirements

304-7.1 Lot Area:

- A. The minimum lot area for detached units shall be two thousand eight-hundred (2,800) square feet per unit except as permitted through a Planned Development. No partitioning or subdividing to less than twenty thousand (20,000) square feet is permitted except when the standards of Section 304-7.4 is met.
- B. The minimum lot area for attached units shall be two thousand four-hundred (2,400) square feet per unit, except as permitted through a Planned Development. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Section 304-7.4 and 420 are met.

304-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. Twelve (12) foot front yard to the front building wall and a nine (9) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with F. below;
- B. Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- C. Ten (10) foot street side yard;
- D. Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have side yards less than five feet (as little as zero (0) feet). Lots or parcels with a side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- E. Fifteen (15) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of F below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setback standards of F below and Section 430-117.2 F.;
- F. A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of the R-9 District that was

in effect on January 1, 1998, plus any screening and buffering setback now required by Section 411;

- G. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- H. Additional setbacks may be required as specified in Sections 411 and 418.

304-7.3 Height:

- A. The maximum height for detached dwelling units and single family attached dwelling units shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. The maximum height for all other structures shall be forty (40) feet, except as modified by other Sections of this Code.
- D. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) and forty (40) foot building height limits to a maximum height of sixty (60) feet.
- E. The height of receiving and transmitting antennas and communication towers is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- F. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

304-7.4 Lot Dimensions:

The minimum dimensions for any new lot or parcel shall be:

- A. For attached units:
 - (1) Lot width - twenty-four (24) feet;
 - (2) Lot depth - sixty (60) feet;
 - (3) Lot width at the street - twenty-four (24) feet, except as may be allowed through Section 430-45 (flag lot); and
 - (4) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

B. For detached units:

- (1) Lot width - thirty (30) feet;
- (2) Lot depth - sixty (60) feet;
- (3) Lot width at the street - thirty (30) feet except as may be allowed through Section 430-45 (flag lot); and
- (4) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

304-7.5 Required Outdoor Yard Area

- A. For detached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of four-hundred and fifty (450) square feet shall be provided on each lot, of which no dimension shall not be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.
- B. For single family attached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of four-hundred (400) square feet shall be provided on each lot, of which no dimension shall not be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

304-8 Building Facade Requirements

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one thousand three hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour:

304-8.1 Garage Frontage

- A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or
- B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or
- C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior of the garage at the garage face) when:

- (1) The garage front is located at least eight (8) feet behind the entire width of the remaining frontage of the dwelling; and
 - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall be not more than a maximum of four (4) feet above the finished exterior grade; and
 - (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- D. The width of an attached garage may exceed the dimensional requirement of A, B, or C above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- E. The above garage frontage standards do not apply to lots on non-through public or private streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

304-9 Parking Requirements

Required off-street and on-street parking shall be provided in accordance with the requirements of Section 413.

304-10 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

20.05.20. Urban Standard Density (R5) District

1. **Purpose.** The purpose of this zone is to allow one dwelling per lot of record. (ORD 3293; November, 1982) The R-5 District is intended to establish standard urban density residential home sites where a minimum land area of 5,000 square feet is available for each dwelling unit and where full urban services are provided. (ORD 3166; April 1980) [ORD 4112; June 2000]
2. **District Standards and Uses.** R-5 districts and uses shall comply with the following:

A. Permitted Uses:

Unless otherwise prohibited or subject to a conditional use, the following uses and their accessory uses are permitted:

1. Detached dwelling. [ORD 4224; August 2002]
2. Mobile Home Parks/Subdivisions (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.) (ORD 3899)
3. Manufactured homes. The placement of a manufactured home is subject to the design and placement criteria found in Section 60.20.20. (See also Special Requirements Chapter, Mobile and Manufactured Home Regulations Section.) (ORD 3899)
4. Guest Houses. (See also Special Use Regulations Section, Accessory Uses and Structures.)
5. Accessory uses and structures normal to a residential environment. (See also Special Use Regulations Section, Accessory Uses and Structures.)
6. Home Occupations.
7. Care facilities accommodating not more than five nonrelated persons, for children and senior citizens.
8. Public sewer and water transmission lines and utility transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)

20.05.20.2.A.

9. Accessory Dwelling Units (See also Special Use Regulations Section, Accessory Dwelling Units, 60.50.03). [ORD 4048; June 1999]
 10. Collocation of wireless communication facilities on an existing wireless communication facility tower [ORD 4248; April 2003]
 11. Installation of wireless communication facilities on streetlights, excluding streetlights on power poles, traffic signal lights, and high voltage power utility poles within public road rights-of-way [ORD 4248; April 2003]
 12. Attachment or incorporation of wireless communication facilities to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes [ORD 4248; April 2003]
 13. Temporary wireless communication facilities structures (See also Temporary Structures – Section 40.80) [ORD 4248; April 2003]
 14. Installation of one (1) replacement wireless communication facility tower on a parent parcel containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals [ORD 4248; April 2003]
- B. Conditional Uses: (Subject to Section 40.15 or Section 40.96 as applicable)

The following uses and their accessory uses may be permitted subject to the approval of a Conditional Use (CU):

1. Planned Unit Developments.
2. Storage Yards.
3. Residential Care Facilities. [ORD 4036; March 1999]

20.05.20.2.B.

4. Hospitals. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
5. Educational institutions, including public, private or parochial academic schools, colleges, universities, vocational and trade schools. (See also Special Use Regulations Section, Uses Requiring Special Regulation - Portable Classrooms.)
6. Public parks, parkways, playgrounds and related facilities.
7. Churches, synagogues and related facilities. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Churches, Hospitals, or other Religious or Eleemosynary Institutions.)
8. Public sewer, water supply, water conservation and flood control installations, other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
9. Public buildings and other structures, such as City Hall, Post Office, Police and Fire substations.
10. Utility substations and related facilities other than transmission lines. (See also Special Use Regulations Section, Uses Requiring Special Regulations - Utilities.)
11. Recreation uses, public and private.
12. Nursery schools, day or child care facility (ORD 3184; July 1980) (See also Special Use Regulations Section, Uses Requiring Special Regulations - Nursery Schools, Day or Child Care Facilities.)
13. Two attached dwellings, only in the Beaverton Regional Center area shown on Figure III-1 in the Comprehensive Plan (ORD 3236) [ORD 4224; August 2002] [ORD 4365; September 2005]

20.05.20.2.B.

14. Cemetery. (See also Section 60.50.25., Uses Requiring Special Regulations, Cemetery, Crematory, Mausoleum, Columbarium.) [ORD 4102; April 2000]
15. Construction of a wireless communication facility tower [ORD 4248; April 2003]
16. Direct-to-home satellite service and satellite antennas greater than one (1) meter in diameter [ORD 4248; April 2003]

C. Prohibited Uses:

1. Schools that are customarily commercial rather than academic in nature, such as business, dancing, karate and other instruction schools are not allowed in the district.
2. Attachment of a wireless communication facility to existing or new non-residential buildings that does not utilize stealth design [ORD 4248; April 2003]

D. Use Restrictions:

reserved (not currently specified in Development Code.)

E. District Requirements:

reserved (not currently specified in Development Code.)

20.05.50. Site Development Requirements.

1. Minimum Land Area Per Dwelling Unit: [ORD 4224; August 2002]

A. Detached Residential Zoning Districts

- RA 5 acres
- R10 10,000 square feet
- R7 7,000 square feet
- R5 5,000 square feet
- R4 4,000 square feet [ORD 4047; May 1999]

B. Attached Residential Zoning Districts

- R3.5 3,500 square feet [ORD 4107; May 2000]
- R2 2,000 square feet [ORD 4107; May 2000]
- R1 1,000 square feet [ORD 4107; May 2000]

2. Minimum Lot Dimensions:
(in feet)

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
A. Width								
1. Corner Lots [ORD 4047; May 1999]	300	90	75	0	40	75	75	110
2. Interior Lots [ORD 4047; May 1999]	300	80	70	0	40	70	70	110
3. R5 Lots that abut property zoned R7 shall have a minimum width of 70 feet. (ORD 3335, ORD 3739) [ORD 4112; June 2000] [ORD 4224; August 2002]								
4. R4 lots that take access from a cul-de-sac, or hammerhead street terminus, or from a flag lot shall be a minimum of 20 feet. [ORD 4047; May 1999] [ORD 4224; August 2002] [ORD 4397; June 2006]								
5. A 24 foot lot width is the minimum required for attached dwellings in the R4 district. [ORD 4047; May 1999] [ORD 4224; August 2002] [ORD 4397; June 2006]								
6. A 18 foot lot width is the minimum required for attached dwellings in the R2 and R1 zoning districts. [ORD 4112; June 2000] [ORD 4224; August 2002] [ORD 4397; June 2006]								

20.05.50.2.

B. Depth: as specified, provided however that no lot depth shall be more than 2 1/2 times the lot width.

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
1. Corner Lots [ORD 4047; May 1999]	0	110	90	0	80	100	100	100
2. Interior Lots [ORD 4047; May 1999]	0	120	100	0	80	100	100	100

3. **Minimum Yard Setbacks:**
(in feet)

Minimum yard setback in feet for all dwellings constructed after November 17, 1978; dwellings in existence on November 17, 1978 which do not meet the following setback requirements shall be exempt from the requirements and may be reconstructed, remodeled, or additions made thereto, providing setback regulations in force and effect on November 17, 1978 are followed and no further encroachment into the setback area required by those regulations takes place. (ORD 3293; November, 1982). [ORD 4224; August 2002]

[ORD 4038; March 1999] For the purposes of this section, garage setbacks shall be measured from the elevation containing the garage door to the property line. For all other garage elevations, the building setback applies.

R-4 lots that abut property zoned R5, R7, R10, or RA shall provide the abutting district setbacks for any setback, which abuts that district. [ORD 4047; May 1999]

20.05.50.

3. Minimum Yard Setbacks - continued

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
A. Front								
1. Dwelling or building [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4112; June 2000]	50	25	20	20	10	10	10	10
2. Garage (ORD 3249; May 1982) [ORD 4047; May 1999] [ORD 4112; June 2000]	50	25	20	20	20	20	20	20
B. Side								
1. One side of dwelling or building [ORD 4038; March 1999] [ORD 4047; May 1999]	20	9	5	5	0* or 5	9	10	10
2. Opposite side of dwelling or building (ORD 3114; April 1979) [ORD 4038; March 1999] [ORD 4047; May 1999]	20	5	5	5	10* or 5	5	10	10
3. Garage [ORD 4038; March 1999] [ORD 4107; May 2000]	20	20	20	20	20	20	20	20

* To qualify for a 0 or 10 foot side yard setback, all dwellings must be detached and meet the requirements of Section 40.30.15.5.C. To qualify for a 0 or 10 foot side yard setback with attached dwellings, the proposal must meet the requirements of Section 40.30.15.5.C. and the requirements of Section 40.15 (Conditional Use). [ORD 4047; May 1999] [ORD 4224; August 2002]

20.05.50.

3. Minimum Yard Setbacks - continued

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
C. Rear								
1. Dwelling or building [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000]	100	25	25	25	15	15	15	15
2. Garage [ORD 4038; March 1999] [ORD 4047; May 1999] [ORD 4107; May 2000] [ORD 4365; September 2005]	20	20	20	20	10*	5	10	10
3. Garage with door elevation facing alley* [ORD 4107; May 2000]	n/a	n/a	n/a	n/a	24	24	24	24

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

D. Reductions to setback standards:

1. Dwellings constructed in the RA, R10, R7, R5, and R4 residential districts may be eligible for the following reduced setbacks, subject to approval of an application for Flexible Setbacks (See Section 40.30). (ORD 3249; May 1982) [ORD 4038; March 1999] [ORD 4107; May 2000] [ORD 4224; August 2002]

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>
a. Front					
1) Dwelling or building	10	10	10	10	10
2) Garage	20	20	20	20	20
b. Side					
1) Dwelling or building	5	5	5	5	5
2) Garage	20	20	20	20	20
c. Rear					
1) Dwelling or building	5	5	5	5	5
2) Garage	20	20	20	20	20
3) Garage with door elevation facing alley*	24	24	24	24	24

20.05.50.3.D.1. - continued

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

- 2. [ORD 4038; March 1999] Dwellings constructed in the R-3.5, R-2, and R-1 residential districts may be eligible for the following reduced setbacks, subject to application for Flexible Setbacks (See Section 40.30). [ORD 4224; August 2002]

a. Side*	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
1) First Story	5	5	5
2) Second Story	7	7	7

* Side yards shall not be reduced adjacent to any lower density district.

- E. Minimum spacing in feet between buildings on the same parcel or in the same development shall be 8 feet. [ORD 4047; May 1999] [ORD 4224; August 2002]

- F. Carports shall meet the same yard setbacks as the dwelling. (ORD 3739)

4. **Maximum Building Height:**
(in feet)

	<u>RA</u>	<u>R10</u>	<u>R7</u>	<u>R5</u>	<u>R4</u>	<u>R3.5</u>	<u>R2</u>	<u>R1</u>
A. Maximum Height without Adjustment	30	30	30	30	40	30	35	60

or Variance, except as provided in subsection B. below. (ORD 3587; Jan. 1988) [ORD 4047; May 1999] [ORD 4224; August 2002]

The method of measuring building height for structures built under this section is set out in Chapter 90, Definitions.

20.05.50.

B.	Maximum building height in feet without an Adjustment or Variance for buildings constructed on lots platted and/or annexed after January 1, 1988 that do not abut existing developed residential lots on two or more sides. (ORD 3587) [ORD 4224; August 2002]	<u>R7</u>	<u>R5</u>
		35	35

The method of measuring building height for structures built under this section is set out in Chapter 90, Definitions.

C.	The maximum height for wireless communication facilities inclusive of antennas in all residential zoning districts shall be eighty (80) feet. The maximum height for at-grade equipment shelters for wireless communication facilities in all residential zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]
----	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5. Open Space Requirements:

The total amount of the required open space, common recreation area, or both shall be within the parent parcel of the proposed development. The minimum common open space, common recreation area, or both is as follows:

		<u>R2</u>	<u>R1</u>
A.	Square feet per dwelling unit [ORD 4047; May 1999] [ORD 4112; June 2000] [ORD 4224; August 2002]	600	300

20.05.55. Supplemental Development Requirements [ORD 4224; August 2002]

In addition to the site development requirements listed in Section 20.05.50, development in residential zoning districts shall be subject to the following supplemental development requirements:

1. Design Features:

All detached dwellings shall utilize at least two (2) of the following design features (ORD 3899) [ORD 4047; May 1999]:

- | | |
|--------------------------|-----------------------------------------------------------------------------------|
| A. dormers | K. off-sets on building face or roof (minimum 12) |
| B. recessed entries | L. a roof with a pitch greater than nominal 8:12 |
| C. cupolas | M. covered porch or entry with pillars or posts |
| D. bay or bow windows | N. garage set at least 10 feet behind the front face of the primary dwelling unit |
| E. tile or shake roof | |
| F. gables | |
| G. attached garage | |
| H. window shutters | |
| I. horizontal lap siding | |
| J. eaves (minimum 6) | |

- 2. Extension of Facilities.** [ORD 4061; September 1999] To provide for orderly development of the adjoining property or to provide an adequate grid of the City system, the City Engineer or designee shall require extension of water lines, sanitary and storm sewer lines through applicant's property to the property line of the adjoining or abutting property. Extension of streets shall conform to the requirements of Section 60.55 Transportation Facilities. Facilities required in accordance with this section shall be consistent with the acknowledged Comprehensive Plan. Where physical or topographic conditions make the extension of a facility or facilities impracticable, the City Engineer or designee may require a cash payment to the City in lieu of the extension of the facility or facilities, the amount of which shall be equal to the estimated cost of the extension(s) under more suitable conditions.

[ORD 4332; November 2004]

20.05.60 Required Minimum Residential Density [ORD 4046; May 1999]

New residential development in the RA, R10, R7, R5, R4, R3.5, R2, and R1 zoning districts must achieve at least the minimum density for the zoning district in which they are located. Projects proposed at less than the minimum density must demonstrate on a site plan or other means, how, in all aspects, future intensification of the site to the minimum density or greater can be achieved without an adjustment or variance. [ORD 4071; October 1999] If meeting the minimum density will require the submission and approval of an adjustment or variance application(s) above and beyond application(s) for adding new primary dwellings or land division of property, meeting minimum density shall not be required. [ORD 4111; June 2000] [ORD 4224; August 2002]

For the purposes of this section, new residential development shall mean intensification of the site by adding new primary dwelling(s) or land division of the property. New residential development is not intended to refer to additions to existing structures, rehabilitation, renovation, remodeling, or other building modifications or reconstruction of existing structures. [ORD 4224; August 2002]

Minimum residential density is calculated as follows: [ORD 4224; August 2002]

1. Refer to the definition of Acreage, Net. Multiply the net acreage by 0.80.
2. Divide the resulting number in step 1 by the minimum land area required per dwelling for the applicable zoning district to determine the minimum number of dwellings that must be built on the site.
3. If the resulting number in step 2 is not a whole number, the number is rounded to the nearest whole number as follows: If the decimal is equal to or greater than 0.5, then the number is rounded up to the nearest whole number. If the decimal is less than 0.5, then the number is rounded down to the nearest whole number.

ORDINANCE NO. 4314

AN ORDINANCE ANNEXING PROPERTY GENERALLY LOCATED AT 9775 SW DENNEY ROAD TO THE CITY OF BEAVERTON: EXPEDITED ANNEXATION 2004-0010

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owners of the property and a majority of the electors have consented to annexation; and
- WHEREAS,** This property is in Beaverton's Assumed Urban Services Area and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** City policy as adopted in Resolution No. 2660, Sections 2 and 4, is to extend City services to properties through annexation; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor.
- Section 2.** The Council accepts the staff report, dated May 14, 2004, attached hereto as Exhibit C, and finds that:
- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City upon this annexation.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The part of the property that lies within the Washington County Urban Road Maintenance District will be withdrawn from the district; and
 - b. The part of the property that lies within the Washington County Street Lighting District #1 will be withdrawn from the district; and
 - c. The part of the property that lies within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
 - d. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall be annexed to or remain within that district; and
 - e. The territory will remain within boundaries of the Tualatin Valley Water District.
- Section 4.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

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

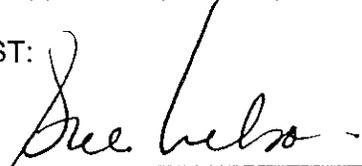
Section 6. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First reading this 14th day of June, 2004.

Passed by the Council this 21st day of June, 2004.

Approved by the Mayor this 22nd day of JUNE, 2004.

ATTEST:



SUE NELSON, City Recorder

APPROVED:

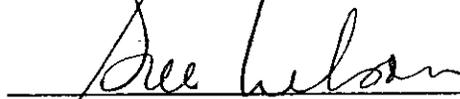


ROB DRAKE, Mayor

STATE OF OREGON,
COUNTY OF WASHINGTON, } ss CERTIFICATION
CITY OF BEAVERTON.

I, Susan A Nelson, Recorder for
City of Beaverton, Washington County, Oregon, certify
that this instrument is a true copy of the original which is
part of the official records of the City of Beaverton, Oregon.

Dated this 23 day of June, 2004

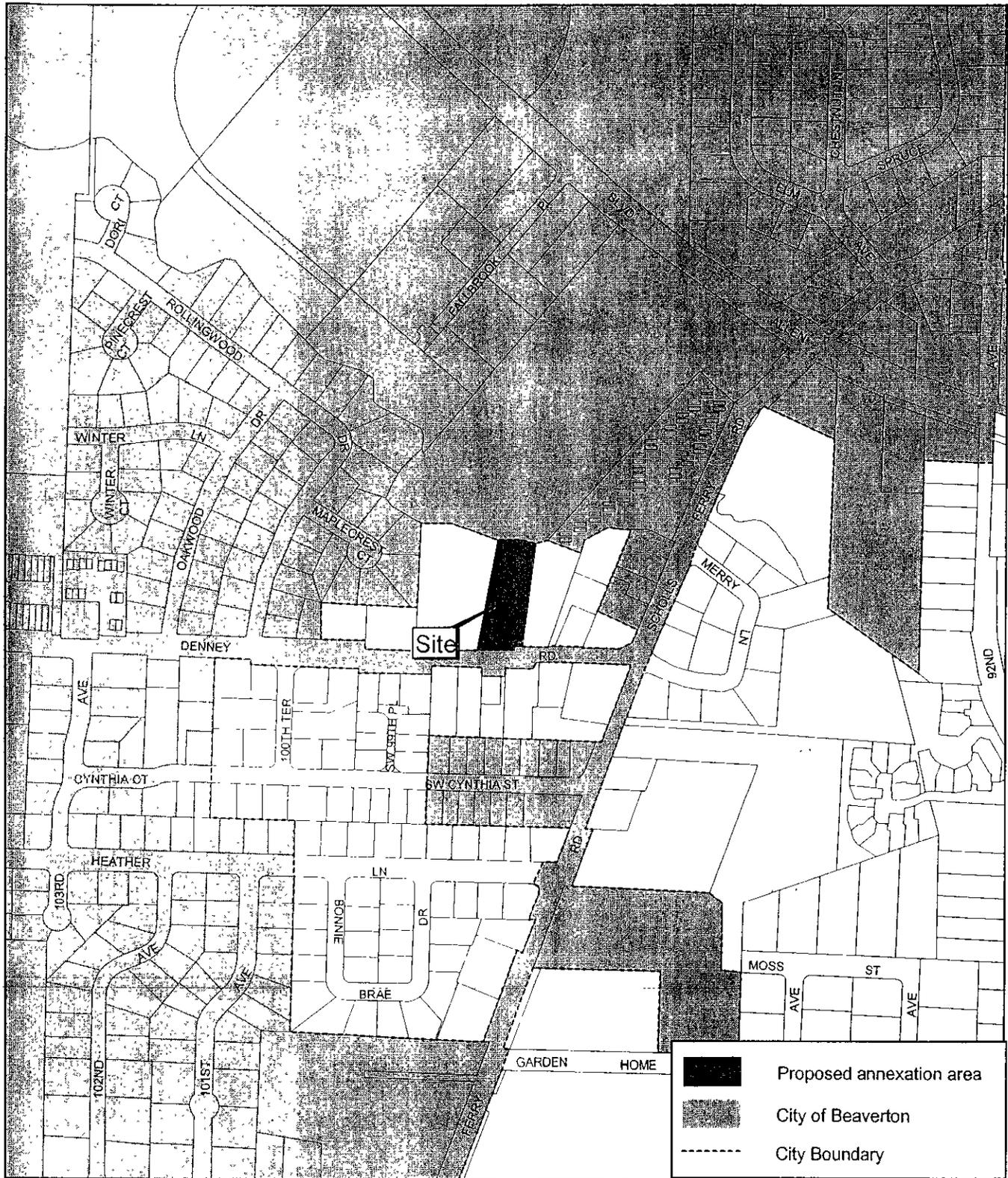


Sue Nelson, City Recorder

ANNEXATION MAP

ORDINANCE NO. 4314

Exhibit "A"



City of Beaverton

9775 SW Denney Road Expedited Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

4/27/04

Map #

1s123bd01100

Application #

ANX 2004-0010





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

PETITION FOR A CONSENT
 ANNEXATION
 PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE FILE NAME: 9775 SW Denney Road Expedited Annexation
 FILE NUMBERS: ANX 2004 - 0010

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

PROPERTY INFORMATION

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
15123BD 01100	9775 SW DENNEY RD	2	2	2

CONTACT PERSON USE MAILING ADDRESS FOR NOTIFICATION

FRANK OR Judy Culman BUSINESS NAME PHONE # 503-641-7816
 PRINT OR TYPE NAME
 4775 SW Denney Rd BEAVERTON OR 97008 ADDRESS

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

FRANK Culman SIGNATURE DATE 7-26-04 OWNER ELECTOR
 PRINT OR TYPE NAME SIGNATURE DATE
 MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

045

JUDITH OULMAN		4-26-04	<input checked="" type="checkbox"/> OWNER <input checked="" type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

			<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS



MEMORANDUM
City of Beaverton
Community Development Department

"make it happen"

To: Mayor Drake and City Council
From: Steven A. Sparks, AICP, Development Services Manager
Date: March 28, 2007
Subject: *M37 2006-0006 Oulman Claim*

Staff received a letter from Frank Oulman, property owner of 9775 SW Denney Road and Measure 37 claimant for the subject property. Staff receive the letter after preparing and distributing the staff report and agenda bill on the submitted claim.

Staff have reviewed the letter and conclude that the letter makes the same points in the claim materials submitted on December 1, 2006. Mr. Oulman makes no new points to which staff should respond. Therefore, staff do not find it necessary to alter the findings and recommendations contained in the March 27, 2007 staff report concerning case file M37 2006-0006.

Attach:
Correspondence dated received March 27, 2007 from Frank Oulman.

March 21, 2007

Development Services Division
PO Box 4755
Beaverton, OR 97076

MAR 27 2007
COMMUNITY DEVELOP DEPT.

RE: Measure 37 Claim - File number M37 2006-0006.

To Whom It May Concern:

My apologies for not being able to be present at the Public Hearing, but my wife and I are on a long-scheduled out of town vacation the first half of April. So, in order to give our input, I am writing this letter, for the record.

My wife and I are the measure 37 claimants. We have lived in our home at 9775 SW Denney Road, Beaverton, OR, since December 1975. We purchased this property because we liked the space, the community, and we thought it a good investment. That this property was one acre was, at that time, not unusual. At the time, we also thought a creek on the northern border was a bonus.

For many years we were in unincorporated Washington County. In fact, the only reason we annexed to the City a short while ago was that our septic system malfunctioned and we had two alternatives. We could repair it or hook up to the available sewer. In investigating hooking up to the sewer, we discovered that just prior, the City of Beaverton had annexed the roadway, making the sewer property of the City. We also were told that we would not be allowed to hook up to the sewer without annexing our property to the City.

To properly make the decision on which way to go we examined and compared costs of each alternative, as well as considering long term implications. While the life of the remedy was obvious, we also wanted to know how annexing to the City would affect our ability to sell and possibly develop our property in the future.

I made an appointment with Mr. Steven Sparks to have him explain the code differences. In a nutshell, I was informed that there were no differences, other than one was designated R9 and the other R5, but that they both were the same density and could be developed the same. According to Mr. Sparks, this difference in designation was merely a difference in semantics. I brought up that the property immediately to the west, and still in the County, was in the midst of being developed and would mine be able to be a continuation (next phase) of the same development. He stated that with the Apartments to the east of me and the development to the immediate west, it would only make sense to allow the same development of my property. I also talked to Mr. Joe Grillo, who confirmed what I'd been told by Mr. Sparks.

Today we hear that there are a number of differences in the codes that could affect our development, depending on interpretation and application of the codes. To name just a few: there is indeed a difference between the County's R9 designation and the City's R5. The County's R9 zoning means there can be 9 units built per gross acre, while the City's R5 designates there must be 5000 square feet per net acre.

This means two things:

- 1) That the county permits 9 homes to be built per acre, while at 5,000 SF per lot the City permits around 6 – 7.
- 2) More importantly in calculating maximum development density the County uses Gross Density, while the City uses Net Density.

Net Density subtracts out any unbuildable area: specifically –

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, tree preservation areas, and Habitat Benefit Areas set aside in conservation easement, separate tract, 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. [ORD 4414; December 2006]

Thus our property containing 1.02 acres if developed in Washington County would be permitted to be developed through a PUD with 9 Homes. In Beaverton, after netting out the proposed Road, wetland, buffer and floodplain the applicant calculates a total permitted density of 4 homes, even through a planned development process.

In addition the development would access an existing private street which is not permitted in the City, but is permitted in the County

I must admit we were not keen on submitting a measure 37 claim, and we have no intention of asking for anything that is unreasonable. We just want to insure that the development of our property is able to progress in the size and manner as we anticipated and were assured, prior to our annexing to the City. We are not asking for reduced oversight or the ability to build in an unsafe manner. We had the intent on developing in phases and we wish to be able to continue doing so. Any deviation from this would greatly impact our costs and make the project become economically unfeasible.

Should you have any questions of us, please address them to Blue Sky Planning and Mark Dane or his associates. They have been working with us on this project and would be happy to go into more detail regarding the project. We have been working closely with this company and we're at a point where they are capable and authorized to answer questions for us.

Sincerely,



Frank Oulman
9775 SW Denney Road
Beaverton, OR 97008

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Economic Gardening Pilot Program and
Transfer Resolution

FOR AGENDA OF: 4-9-07 **BILL NO:** 07072

Mayor's Approval: *Linda C. Adland*

DEPARTMENT OF ORIGIN: Mayor' Office

DATE SUBMITTED: 03-14-07

CLEARANCES: City Attorney *AA*
Finance *P. O. Clarke*
Econ. Dev. *PO*

PROCEEDING: Work Session and Action Item

EXHIBITS: Transfer Resolution
Economic Gardening Pilot
Program Implementation Plan - Draft

BUDGET IMPACT

EXPENDITURE REQUIRED \$95,750*	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$95,750*
-------------------------------------------	--------------------------------	---------------------------------------------

* The expenditure required represents the appropriations necessary to initiate the pilot program in this fiscal year. Funding for the \$95,750 is available from the General Fund's Contingency Account and would be established through the attached Transfer Resolution.

HISTORICAL PERSPECTIVE:

On July 24, 2006, a presentation was made to the Beaverton City Council on an economic development concept called "Economic Gardening". This concept originated in Littleton, Colorado in the late 1980's. The Economic Gardening model is pro-active in that it offers business information services that are typically not available to the local business community. It keys in on the accepted wisdom that 80+% of the new jobs created come from existing, local companies. "Economic Gardening" focuses on helping the community's existing businesses to expand and grow. The heart of this program is mining information from high-powered data bases, GIS, and other information tools to increase the competitiveness and success of local businesses. This concept is a facet of economic development that invests in local, existing small businesses by providing them with access to strategic information, connections to consumers and connections to other business with technology that small business may not otherwise have access to or be able to afford. As a result of the July presentation, staff was asked to develop a plan that would implement an economic gardening program within the City of Beaverton.

INFORMATION FOR CONSIDERATION:

As directed by City Council, staff has developed an implementation plan to initiate an Economic Gardening Pilot Program for the City of Beaverton. (See attached Implementation Plan.) This plan outlines the steps and tools necessary to initiate the Economic Gardening Pilot Program in the City of Beaverton. Upon its implementation, the Economic Gardening Program proposed in this document is intended to be a pilot with minimum one year duration with the option for continuation. Funding is required to acquire the tools and hardware that will need to be in place before services can be offered and to develop the materials to market the services to local businesses. These estimated costs are detailed within the attached document on page 12 and 13. Acquisition of tools and hardware, staff training, and BETA testing of program systems are proposed to occur during this fiscal year. Program marketing is proposed to begin late this year with the Pilot Program launch early in FY 2007-08.

The cost of implementing the pilot program this fiscal year is \$95,750. This amount is available from the General Fund's Contingency Account and the necessary appropriations would be established through the attached Transfer Resolution.

RECOMMENDED ACTION:

Council:

- 1.) Approve Economic Gardening Pilot Program Implementation Plan.
- 2.) Authorize Implementation of Economic Gardening Pilot Program.
- 3.) Approve the attached Transfer Resolution to provide an appropriation totaling \$95,750 to begin implementing the pilot program this fiscal year.

RESOLUTION NO. 3895

A RESOLUTION APPROVING TRANSFER OF APPROPRIATION WITHIN THE GENERAL 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, an additional appropriation of \$95,750 is needed in the Materials and Services Category in the General Fund's Economic Development Program to fund the Economic Gardening Pilot Program, and the expenditure appropriation is available in the Contingency Category of the fund; now therefore,

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

Section 1. The Finance Director is hereby authorized and instructed to transfer the following appropriations:

- \$95,750 out of the Contingency Category of the General Fund into the Materials and Services Category as indicated below:

Materials and Services		
Computer Equipment	001-10-0654-317	\$ 3,150
Computer Software	001-10-0654-318	\$72,600
Professional Services	001-10-0654-511	\$20,000
Contingency	001-13-0003-991	<\$95,750>

Adopted by the Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor

Implementation Plan

Economic Gardening Pilot Program For The City of Beaverton

Winter 2007

TABLE OF CONTENTS

BACKGROUND	1
IDENTIFY RESOURCES AND PARTNERS	2
FUNDING:	2
PARTNERS:.....	3
STAFF EXPERTISE:	3
STAFFING-.....	4
SPACE REQUIRED	6
SPACE:	6
DATA AND RESEARCH TOOLS:.....	6
OTHER RESOURCES:	9
TARGET CLIENTELE.....	9
ECONOMIC GARDENING OPERATIONAL MODEL	10
BUDGET.....	12
DATA TOOLS, SOFTWARE & HARDWARE COSTS:	12
STAFFING COSTS:	12
OTHER EXPENSES:	13
BUSINESS ASSISTANCE PROCESS:	14
MARKETING PLAN	15
TRACKING, FEEDBACK AND EVALUATION MECHANISMS.....	19
METRICS:.....	19
CUSTOMER RELATIONSHIP MANAGEMENT (CRM)	19
E-MAIL EVALUATION SURVEY:	19
FOCUS GROUPS:	19
STAFF AND PARTNER TRAINING:	20
BASIC STAFF TRAINING:	20
PARTNER AGENCY TRAINING:.....	20
RESEARCHER TRAINING:	20
SUMMARY:.....	21
APPENDIX.....	23

**Implementation Plan
Economic Gardening Pilot Program
City of Beaverton
Winter 2007**

BACKGROUND

On July 24, 2006, a presentation was made to the Beaverton City Council on an economic development concept called “**Economic Gardening**”. This concept originated in Littleton, Colorado in the late 1980’s, early 1990’s. The Economic Gardening model is very pro-active in that it offers business information services that are typically not available to the local business community. It keys in on the accepted wisdom that 80+% of the new jobs created come from existing, local companies. Rather than expend resources on trying to recruit new business to the community, “Economic Gardening” focuses on helping the community’s existing businesses to expand and grow. The heart of this program is mining information from high-powered data bases, GIS, and other information tools to increase the competitiveness and success of local businesses

This concept is a facet of economic development that invests in local, existing small businesses by providing them with access to strategic information, connections to consumers and connections to other business with technology that small business may not otherwise have access to or be able to afford.

A concept paper was prepared by staff and two economic development practitioners, one from Littleton, Colorado and one from California State University, Chico were invited to talk to City Council about their experiences with “Economic Gardening”. As a result of this presentation, staff was asked to develop a plan that would implement an economic gardening program within the City of Beaverton.

A. IDENTIFY RESOURCES AND PARTNERS

1) Funding:

Funding is, of course, a critical issue when launching a new program. In most cases, funding for a municipally operated Economic Gardening Program comes from the General Fund, from a specific source such as the sale of surplus property, or possibly a combination of sources. Staff is investigating several alternative funding sources, outside of the usual City funding methodology. While these resources are uncommitted at this point, they may become available at some level and may be able to off-set or leverage against the City's investment in this program.

With this idea in mind, City staff will apply for a Regional Investment Board (RIB) grant to offset the cost for acquisition of data bases, staff capacity building (training), program marketing, and other technology/business research tools used in the Economic Gardening programs. The first cycle of funding through the RIB process has already been completed. The second cycle for funding requests is scheduled to occur in December or January. This is a very competitive process, typically with more projects than there is funding available. Applications for funding are reviewed by the Regional Partners who prioritize, recommend funding amounts and refer to the RIB for approval. The primary eligibility criterion is job creation by business retention and expansion. The Economic Gardening Program would be eligible for consideration by the Regional Investment Board. Lorraine Clarno is a member of the RIB and is supportive of our applying for funding. There is approximately \$190,000 available for all awards in this upcoming cycle.

Staff has explored the possibility of utilizing portions of the City of Beaverton's Community Development Block Grant (CDBG) funds to support the Economic Gardening Program. Because the City's CDBG program currently funds one Economic Development Project Coordinator position, HUD has made two rulings:

First, if the Economic Gardening Program were to focus on Micro-Enterprises (businesses with 1-5 employees) CDBG Program Administration fees (20% of the total CDBG allocation) can support that portion of Economic Gardening Program activities. That means that if the HUD funded staff person's activities includes providing services to Micro-Enterprise businesses as part of the regular CDBG Program Administration, HUD will allow this position funding to support this part of the proposed Economic Gardening Program. This could amount to approximately 20-25% of the CDBG Project Coordinator's time applied to the Economic Gardening Program and paid for by Federal CDBG dollars.

The second HUD ruling indicates that CDBG funds may be used to provide workforce training grants to businesses (any size) that agree to consider hiring low/moderate income workers trained with those funds. By working closely with the region's workforce consortium (Oregon Employment Department, WorkSource Oregon, Work Systems, Inc. PCC) and including a "First Source Hiring Agreement" in our client contract for services, the Economic Gardening Program should be able to meet the L/M Income Jobs criteria for the National Objectives of CDBG. One of our objectives or program metrics would be the creation of new jobs or the retention of existing jobs with a wage of between \$14,250 and \$38,000 by the facilitation of local business expansion or retention

The City should also investigate the possibility of developing this as a pilot program that could be replicated in other communities in Oregon and explore the possibility of funds available from the Governor's Contingency Fund or OECDD.

2) Partners:

Primary among the potential partners is the Beaverton Chamber of Commerce. As an active partner, the Chamber would market the Economic Gardening Program to its membership and refer potential business clients to the City, assist in the client intake and survey process, participate in on-site client calls or survey visits, and perhaps conduct the post-service follow-up and client satisfaction on-line surveys. Opportunities for the Chamber to expand its role in the Economic Gardening Program will evolve as the program matures.

Others who have indicated interest in assisting with an economic gardening program in Beaverton include the Portland Community College SBDC (Small Business Development Center) and SCORE (Senior Corps of Retired Executives). The SBDC and SCORE offer business start-up counseling, business plan development, and other business technical assistance and training programs on a no-fee or minimal cost basis. These programs provide important services to new and existing businesses that would not have to be duplicated by the City of Beaverton. While it appears that direct funding from these potential partners would be minimal, if at all, there is an excellent chance that assistance could take the form of in-kind services such as staffing assistance, and reciprocal referrals. The Beaverton Economic Gardening Program would also be able to support and assist Beaverton based businesses with information and strategic services that would complement the technical work typically done with the SBDC and SCORE programs.

Oregon Economic and Community Development Department has also indicated interest in this program and is a potential source of alternative funding for certain types of business operations. The workforce development agencies have also indicated an interest in working with the City of Beaverton to provide referrals of workers, training for new hires and itinerant workers, as well as referring to the Gardening program employers that may benefit from the services to be offered.

3) Staff Expertise:

To create a successful Economic Gardening Program, the staff will require knowledge of business strategy, marketing and finance as well as the basic tools and techniques used in traditional economic development. In addition, the ability to interact with business owners; the ability to summarize key discussion points and identify actions needed by business clients is also going to be essential.

Staff will to acquire the necessary research and technical skills. These skill sets include in-depth, specialized training in GIS systems, database searching, finance, workforce development, manufacturing and business processes, marketing, and e-commerce/web marketing. Some of this is economic development experience. Some is technical systems or research experience. For the most part, current staff does not have all the skill and experience that will be required to operate an Economic Gardening Program. Staff training to gain new skills, use of consultants that specialize in these skill areas, the recruitment of new/additional staff that possesses these skills or a combination of all three may be necessary to adequately address this potential problem.

This program may involve people from different partner agencies or other City departments, however the primary research and technical skills need to reside primarily within the Economic Gardening Program team. Training and development of these skills will be essential if the service delivered to clients is to be accurate, timely, and useful. Basic program research and technical activities will require at least two levels of training.

Level 1 - Activities involving minimal training in research would include development of marketing lists - Business 2 Business (B2B) and Business 2 Consumers (B2C), development of competitor lists, and development of basic company or industry information.

Level 2 - Activities involving in-depth training in research would include market analysis, industry trends analysis, demographic/psychographic analysis, in-depth company, industry, or financial analysis, identifying best practices/industry standards and web marketing.

In addition to the research and technical skills mentioned above, there is the important need for staff to have the ability to analyze the research results. This involves the capacity to take the data or research developed by the researchers, synthesize it, extract the key points, identify opportunities for the business, and create a usable summary that answers the specific questions and needs of the business. Training of the City staff will take some time, but without a program staff trained in the skills listed above, the program's chances for success will be greatly diminished.

While the basic skill sets are vital, there is some expertise that will be outsourced. This would include issues regarding such things as Intellectual Property (patent, trademark, copyright) due diligence, contract development; Insurance, benefits; and healthcare strategies, business succession planning, financial systems and strategies, obtaining capital, government procurement, outsourcing/offshoring strategies, and other legal issues. Knowledge of these programs does not need to reside within the program staff. Staff, however, does need sufficient understanding of these programs to know when the referrals would be appropriate.

4) Staffing-

The Economic Development program is budgeted at 3.5 FTE's; Program Manager, 2 Project Coordinators and one p/t support person. One Project Coordinator position is primarily focused on the City's CDBG/HOME programs and is funded by CDBG funds. The federal funding limits this person's activities solely to the administration of the CDBG program. The remaining staff are funded from the City's General Fund.

The current Project Coordinator job profiles, while presenting a broad array of elements, do not include many of the specific skill sets that will be required for an Economic Gardening program. One is the ability to do the initial business research, both from database as well as GIS information systems. The second is the ability to take the data results developed, synthesize and analyze it. This ability will allow the Coordinator to create a usable summary that answers the specific questions and needs of the business. The ability to do the research and deliver useable information to the business client is what will make the program successful.

To create the highest probability for the implementation of a successful Economic Gardening program, the staff team will need to be able to accomplish the Level 1 and Level 2 activities mentioned previously. The program will require, at a minimum, one person, staff or consultant, with the necessary GIS and research/analysis skills and a second staff person who can do the client/outreach work and data base maintenance. Given the right people staffing this program, plus the time, commitment, and funding, program staff will be trained to do this work effectively. With the Program Manager filling in where needed, there should be adequate staff capacity to implement a pilot Gardening program.

However, while the existing 3.5 FTE's are adequate to initiate the pilot program, there are two issues remaining. One of the Project Coordinator positions is 100% funded with a federal block grant. As mentioned previously, the City will need a ruling from HUD as to how much, or if, CDBG program funds might be used to support the Gardening program. If HUD decides that the Gardening program is not eligible for Block Grant funds, then we will have a staffing problem. I believe two people might be adequate to move the program through a beta testing phase. However, if the Block Grant funded position cannot be used for the Gardening program, I do not believe that two people can deliver a successful program nor be able to sustain the program for very long.

The second issue is regarding the GIS programming necessary to the program. GIS skills are specialized. Skilled GIS technicians have had special training and experience to gain proficiency. These skill sets currently do not exist within the Economic Development workgroup and are not usually found in the resumes of economic development professionals. One possibility to overcome this shortcoming is to explore sharing an employee from the City GIS workgroup or contract with a GIS specialist until such time as the program can support a dedicated GIS specialist.

Even with the **Program Manager** picking up the slack and filling in where needed, this program has the potential to exceed the current staff's capacity in a very short period of time. For example, the City of Loveland, Colorado (pop. 64,000) initiated an economic gardening pilot program twelve months ago. In that first year, they worked with 96 businesses, providing the full range of strategic services. Loveland has 4 staff working the program. (Littleton, Colorado, pop. 45,000, also has 5 f/t staff) With the time required to train staff and to implement the Gardening program that will have the ability to deliver useful information, some, or all of current ED program projects will need to be reevaluated and/or reprioritized.

Festivals, banners, Flicks-by-the-Fountain and the park kiosk are more closely aligned with the Neighborhood programs. Project management activities such as the "parking study" and Hall/Watson improvements are more closely aligned with Public Works. To be successful, the Economic Development staff will have to focus on the program implementation and service delivery to local business clients.

The following job descriptions are an attempt to describe the program responsibilities for the Gardening Pilot project utilizing the current program staffing.

Economic Development Project Coordinator #1

(75% CDBG/HOME & 25% EG for Micro-Enterprises)

CDBG/HOME daily operations and program coordination; Market Downtown façade renovation program; redirect CDBG programs with stronger emphasis on Economic

Development and job creation for Low/Moderate employees, continue referral of Home Repair and Access programs to PDC or other subcontractors. HUD has indicated that CDBG program administration funds may be utilized to support Beaverton based, micro-enterprises (businesses with 1-5 employees). CDBG funds may also be used to provide workforce training grants to employers to train low to moderate income employees. In Beaverton, this will include workers earning less than \$18.25 per hour. These two activities may allow the federally funded program to partially support the City of Beaverton's Economic Gardening Program.

Economic Development Project Coordinator #2

(75% Client Services & Case Management & 25% Business Research)

Initial Client screening and intake and assessment of needs; Program marketing to potential business clients; Business call program (business surveys) implementation; Client case management, client tracking and client database management; Outreach to business community; Cross-train for business GIS research, business research and data analysis; Cross-train for basic economic development/business development.

Program Manager

(25% Community Outreach, 30% Client Outreach, 45% Prog. Mgmt. & Staff Tng.)

Implement and manage the Gardening program. Utilize experience to train staff in economic development/business development best practices. Become trained in the necessary data research tools and analysis techniques to support program staff, skilled in the summarizing the results of the business research, able to do the client triage and intake, conduct business calls and surveys, follow-up on clients, update client tracking data, and doing everything else in the job description Special Projects as required;

Program Support Specialist II (Part-Time)

(50% Economic Development Support, 25% Central Plant Support)

Provide program support at necessary.

In addition to the above, a GIS specialist/consultant could be contracted to provide GIS mapping support. A business research specialist/consultant could also be contracted to provide additional data research and analytical support. Initial contracting for these services will provide the Economic Gardening Program needed skills from the onset, allow the program to become operational sooner, and provide potential in-house cross-training for the full time program staff.

5) Space Required:

No additional work space is anticipated. Current staff work areas are adequate for the pilot program and possibly for the foreseeable future. However, there is a need for private meeting space/conference room for clients and staff to conduct intake and surveys in City Hall. Some of the client work, such as surveys, intake, and site visits, will also take place outside of City Hall at the business location.

6) Data and Research Tools:

Economic Gardening, based on the model pioneered by Littleton Colorado, utilizes some very sophisticated GIS demographic modeling, client management, and data base research tools. These tools are used to gather data to answer business specific questions for local clients. These tools are what make the Economic Gardening program work.

The Economic Gardening Program will require the acquisition by the City of an initial set of data resources. Over twenty-four data resources that could provide pertinent information for Beaverton businesses have been identified. Not all are necessary, but some are essential and others can be added over time or as needs arise. Below is a listing of nine data resource tools that are considered most critical to the Economic Gardening Program; six are essential and three could be added later to save initial start-up costs.

Some of the most important and useful Gardening tools are the demographic and location analysis tools as well as the property availability components. The City of Beaverton is already using ESRI's ArcGIS and ArcView software. ESRI also provides some very powerful business mapping programs that can be added to the City's existing GIS infrastructure. The one that appears most useful is **ESRI's Business Analyst 9.1**. This product would be easily added to the City's existing GIS tools.

Business Analyst 9.1 includes several useful data sets including sales forecasting models, 2005-2010 detailed demographics and forecasts down to the census tract level, InfoUSA business data and street data. Demographic data is available for both Oregon and Washington. This component can be used to:

- Profile customers and constituents
- Find similar customer and constituent segments
- Craft messages to increase response from targeted customers
- Analyze and select the best locations for expansion
- Perform competitive analyses
- Evaluate store/site performance

CoStar is one of the real estate data sources used by most commercial real estate brokers in the US. Nationally it covers over 33 billion square feet of office, industrial and vacant land space -- the majority of all commercial real estate in the U.S. **CoStar** tracks over 30 billion square feet of available space on a floor-by-floor, bay-by-bay level. **CoStar** includes more than 100 data fields of detailed information, including building characteristics, space availability, property for sale or lease, sales comparables, contact information and historical trends, plus 2.2 million high-resolution digital images. Beaverton does not require national data, but there is a Portland Metro specific option. The Portland Metro section covers Clackamas, Columbia, Deschutes, Lane, Linn, Marion, Multnomah, Washington, Yamhill, counties in Oregon, and Clark, and Cowlitz county in Washington. This is the most comprehensive and up to date commercial real estate data available in our region.

Dun & Bradstreet offers an online database of more than 79 million businesses around the world, including 18 million in the U.S. D&B's Business Industry Report provides an overall profile of a company, including: financial information, payment history and trends, history of a business, ownership detail, operational information, and details on related firms and special events (such as business moves, fires and other disasters, and quarterly performance). Companies could conduct research for planning, search for potential suppliers and business partners, gather financial stress and other competitive intelligence on potential partners and competitors, and identify and link to companies in the U.S. and throughout the world.

Lexis-Nexis “Company Dossier” (Reed Elsevier, Inc.) covers more than 35 million companies, both public and private. Each report includes:

- Business Credit Reports
- Company Description and History
- Key financials (balance sheet, income statements, earning projections, ratio analyses)
- Competitor information
- Executive, subsidiaries, auditor and bank information
- News and press releases
- Pending litigation and docket histories.

City already has a Lexis product. This product would be added to the existing contract.

Marketplace Gold (Dun & Bradstreet) is a DVD list of more than 13 million U.S. businesses. Marketplace allows you to conduct targeted lead generation by type of business (to 8-digit SIC code), geography, number of employees, annual sales, ownership, type of site, and year started. It is also possible to profile customers and conduct in-depth analysis of a business's customer base and market penetration. A variety of reports as well as mailing labels can be created.

The above list of five business information resources is what would appear to be essential to the program at the onset. As was mentioned, there are others that could be useful, but would be better added to the program as the need arises. The following three are resources that would be added in the future:

Dialog PRO provides an interface to more than 500,000 sources of scientific, technical, medical, business, news and intellectual property information. Its 900 databases contain in excess of 800 million records. Dialog provides company and industry intelligence covering nearly a half million companies worldwide as well as market share and sales figures, business directories and financials on 14 million U.S. and international companies.

Hoover's database includes 12 million companies, with in-depth coverage of 40,000 major companies. Hoover's allows you to create targeted contact lists and custom company reports, and to locate hard to reach small businesses. You can search for business information by company name or keyword, industry, news reports or press releases, ticker, stock quote, or executive name.

Dodge Construction Reports is a comprehensive source of information on commercial construction and planning activity. Businesses such as general or sub-contractors, architects, engineers, building products manufacturers, and material suppliers can target bids to projects that meet exact criteria.

Another critical software tool will be the Client Management System (CMS). This tool will provide the necessary client tracking and report generation to verify the actual results of the services being offer by the program.

CRM Solutions for Economic Development is a very sophisticated, customizable, client management software. It is unique in that it is one of the very few client

relation management software programs that has been designed specifically to be used by economic development organizations to track client information, provide project management, and track investor relations. It is compatible and can sync with most all major data base, spreadsheet, e-mail and handheld systems. This program can manage all gathered business information such as contacts, addresses, jobs, building size, visits made, retention survey data, follow-up dates, e-mail and written correspondence, referrals, and appointment calendar are all contained in this single resource. A wide variety of reports can be automatically generated by this program. The reporting mechanism contained in this software can provide the essential metrics needed to measure the progress of the program.

7) Other Resources:

Laptop computers (2) will be useful to input and retrieve information from the CMS data base. This would also be useful when making retention survey visits. Data could be entered into the system in the field and then transferred to the central data location. Client information "Look-up" will also be useful when not in the office to check referrals, project status, and other contact information. With a laptop, client intake and assessment can also be done in the client's location rather than in City Hall. This is much more user friendly and provides an opportunity for the interviewer to visit the business location first hand and can visually ascertain conditions on site that may be having an effect on the client business.

Desktop computer hardware will most likely require upgrades to enable the data resources to function correctly. This upgrades will include desktops with 1 GB of RAMM, CD/DVD RW Drives, 19" flat screen monitors, and other component upgrades that will be determined by ISD and data resource venders.

8) Target Clientele

Companies that are in a growth mode or demonstrate the potential for growth will be the initial target businesses for Economic Gardening Services. The intent of the program would be to provide services to business owners with locations within the city limits of Beaverton. Businesses from any business sector (retail, manufacturing, services, etc.) would be eligible.

Initially, at program start-up, it will be beneficial to set some screening criteria in place to help ensure that staff time would be utilized to the maximum benefit. The list of program eligibility criteria include:

- Be past the startup stage.
- Minimum 2-year business history
- Be facing issues of growth, not survival.
- Completed business plan with clearly stated expansion objectives indicating a growth requirement
- Financials that show at least a breakeven or company profitability
- Be located within the City of Beaverton.
- Demonstrate the intent and capacity to grow based on evidence such as:
 - Employee or sales growth.
 - Exceptional entrepreneurial leadership.
 - Sustainable competitive advantage.
 - Other notable factors that showcase the company's success and special strengths.

Each prospective business client would go through an extensive initial interview to gather company information, and develop a detailed company profile. The profile will contain not only company data, but it will also allow staff to triage clients as to needs and issues being faced by the company. Other business specific information will be needed to determine if the Economic Gardening Program can be of any benefit to the company, or if the company should be referred to another agency that can better serve the issues at hand. A standard intake form has been developed so that company information will be gathered in a consistent manner. (See Appendix F)

Businesses that could not meet the basic criteria for assistance, as well as start-up businesses, would be referred to other agencies that would be better positioned to provide assistance such as the Small Business Development Center (SBDC) and Service Corps of Retired Executives (SCORE). Both SBDC and SCORE are supported by the Small Business Administration to provide services for businesses with an emphasis on business plan development and basic internal operational technical assistance. These agencies are better able to provide these kinds of services. Based on discussions, I anticipate a strong reciprocal referral relationship with both SBDC and SCORE.

9) Economic Gardening Operational Model

The basic operational model will be a One-stop shop in City Hall. Business intake will be by appointment and City staff will initially use existing work cubicles for client discussions if no other conference space is available. Off-site appointments at the client's location will also be encouraged. It is also anticipated that the Chamber of Commerce may also provide some intake and survey services or meeting space on an in-kind basis.

Referrals to partner agencies such as the SBDC, SCORE, and workforce development partnerships would occur after the intake process and needs assessment. From the information initially gathered from the prospective client, it can be determined if they are ready for the City's program or would be better served by another agency. The Economic Gardening Program will track all such referrals and follow-up to be sure the client company is receiving appropriate attention. Referral forms and systems will be developed to ensure Beaverton businesses are clearly identified to partner agencies. It is expected that reciprocal referrals will come from partner agencies as Beaverton businesses complete their programs and are ready for the City's program.

Before the program is ready to accept the first client, the following must be in place;

- Partnerships established and their roles in the process in place,
- Data research tools set up and operational (software & hardware)
- City staff trained and proficient on data research tools to able to deliver services
- City staff roles and responsibilities in process clearly established
- Intake systems in place
- Client process mapped
- Client follow-up systems in place

When these items are in place, the program is ready for the BETA Testing of the system. Several (six to twelve?) potential clients will be identified and put through the program. The objective would be to find business that are interested in expanding their operations or are considering a new location. These would be real clients with real questions or expansion issues. This will be the "shake-down cruise" of the program systems. We would be looking

for the bugs and fixing the problems before we advertise that the City's Economic Gardening Program is open for business.

After a series of successful BETA Tests, we would begin to solicit local businesses to enter into the program. This will be the start of a one year pilot run. Evaluations will occur at six months and one year. Upon completion of the one year pilot, the entire program will be critiqued and a report generated for City Council to include the number of businesses assisted, other relevant information such as what worked and what needs improvement, and, if available, outcomes and success stories.

B. BUDGET (Estimated Start-up Costs)

1) Data Tools, Software & Hardware Costs:

The following group of information resources would make up the backbone of the data resources necessary to implement the Gardening Program:

• <u>ESRI/Business Analyst 9.1</u> (GIS economic modeling) Includes software and first annual updated data set & set-up	\$23,500/1st year *
• <u>CoStar</u> (commercial/industrial real estate)	\$ 4,500/year *
• <u>Dun and Bradstreet</u> (est. 25 comprehensive reports/yr)	\$ 3,500/year *
• <u>Lexis/Nexis "Company Dossier"</u>	\$ 3,800/year *
• <u>Marketplace Gold</u> (quarterly DVD + 1000 meter credits)	\$ 4,000/year *
• <u>Hoover's</u> (comprehensive corporate business data)	\$ 3,000/year *
First Year Initial Cost	\$42,300

Three other data resources would be useful, but can be added later as needs present themselves.

• <u>Dodge Construction Reports</u> (info. on building & planning)	\$ 5,000/year *
• <u>Dialog Pro</u> (industry analysis)	\$ 6,600/year *
• <u>SRDS Marketing List Source</u> (marketing list rental info)	\$ 700/year *
Additional Cost	\$12,300/year

In addition to data resources, there is the client management system.

• <u>CRM for Economic Development Package</u> (4 users w/tng.) Includes installation, setup and staff training.	
Installed Software Cost	\$18,000 *

There is also the need for additional hardware and hardware upgrades.

• 512 MB additional RAM for Computers (4 @ \$75 ea)	\$ 300
• DVD/CD dual Burners for Computers (4@ \$75 ea.)	\$ 300
• Palm type Handheld PDA's (2 @ \$175 ea.)	\$ 350 *
• 19" Flat-screen monitors (3 @ \$250 ea.)	\$ 750
• Desktop computers spec. for program (1 @ \$800 ea.)	\$ 800 *
• Laptop computer w/wireless capability (2 @ \$1,000 ea.)	\$2,000 *
Total Hardware Est.	\$4,500

Subtotal Data Tools, Software and Hardware	\$64,800
Additional Data Tools	\$12,300
Total First Year Estimated Capital Costs	\$77,100

2) Staffing Costs:

Staffing costs should remain within the FY 07-08 Budget allocations during the pilot phase of the Gardening program. However, it is expected that there will be additional costs for GIS and data analysis services during the initial pilot phase of this program. These costs would be in the form of consultant fees rather than personnel overhead. If the pilot is successful additional staff may be required in the future.

3) Other Expenses:

This category will include the cost for development of program marketing and other collateral materials as well as the redevelopment of the City's Economic Development web site. Marketing of the Economic Gardening Program will be important to continually present the benefits of this resource to the Beaverton business community. Based on estimates from three potential vendors the development and implementation of a marketing program to support the City's economic development are as follows:

• Development of Brand Identity and Graphic Standards	\$ 5,000 *
• Development of Collateral Materials	\$ 5,000 *
• Web Site Art Direction and Design by Consultant**	\$10,000 *
• Printing of Collateral Materials	\$ 6,600
• Postage (2 - 3500 piece mailings to business)	\$ 2,800
Estimated Marketing Program Cost:	\$29,400

There is also the potential for costs arising from the possible need for special network systems that would allow better access to the internet and City intranet systems. Meetings with ISD have indicated easy resolution to many of these access issues. There may be network data sharing difficulties as the various data resources are acquired and integrated with existing City information systems. Cost estimates for this activity will be developed as soon as the scope of the work, if any, is determined. A "Data Flow" map has been developed to identify how the City staff will access the data required by the gardening program research. (See Appendix G)

Additional GIS data personnel may be required, depending on the client requests for plotting information. These services, if needed, would be provided by a consultant contract for services. (est. \$20,000)

Local travel costs will be another factor. Because of the need to be able to respond rapidly to clients, and the nature of the City Vehicle reservation process, it may not be feasible to always have the use of City vehicle available. Even with a dedicated City vehicle available to the program, the likely use of personal vehicles will require budgeting of additional mileage reimbursement dollars. (est. \$500) It was suggested that as existing pool cars are being retired, one retired vehicle, in good condition, might be dedicated to the Economic Gardening Program.

* Indicates expenditure on FY 2006-07 and is included in the Transfer Resolution

** City Web Development Team will write the code for the Economic Development site.

C. BUSINESS ASSISTANCE PROCESS:

The process will basically consist of four separate steps. These are the “Initial Consultation”, “Database Research”, “Research Analysis and Deliverables”, and “Follow-up”.

First Step: The “Initial Consultation” or Core Strategy Session will be the first meeting with the business owner(s). This will take place at City Hall or at the business location during a site visit. The primary purpose of this meeting will be to explain the program and triage the prospective client to evaluate if they are ready for the Gardening Program services. Then staff will identify what services are to be provided, conduct the business retention survey, provide any templates, tools of business aids that are appropriate to this client’s case. Referral to a partner agency, if appropriate, would be done during this meeting. Signing of a Service Agreement, Confidentiality Statement, and First Source Hiring Agreement would also take place at this point. After all documents are in place, a summary memo, detailing the scope of work to answer business specific questions, will be created.

Second Step: The “Database Research” is the next step. This will involve identifying the tools that match the client’s needs and then gathering the information that will answer the questions posed by the business. Small businesses will most likely be looking for marketing, demographic, and GIS data. Growing businesses will more likely be interested in business news sources, industry trends, business financial information, market research, financial resources, and consultants with specific business expertise (legal, financial, outsourcing, international, etc.)

Third Step: The real meat of the program is the “Research Analysis and Deliverables”. The researched data must be assembled, reviewed and the key points identified. A concise report or “Summary” will be created that will, 1. Answer the business question, 2. Summarize the data and research results, 3. Identify strategic opportunities, and 4. Offer suggestions or recommendations for next steps. This report is the “Deliverable” that will make or break the program. It has to have value.

Fourth Step: Follow-up is the mechanism that determines the value of the program. Each client will receive a follow-up contact after six months and one year after services have been provided. Thereafter, an annual survey will be sent to each client to continue the business/City relationship and to gather up-to-date information on the company’s progress toward its goals. This is the only way to evaluate how the business intelligence data and information had been utilized. Specific data to gathered will include current number of employees, changes in sales figures from previous years, changes in value of inventories, building expansion, changes in number of customers, changes in products or services offered, number of new markets being served, etc.

D. MARKETING PLAN:

As stated previously, the targeted clients will include businesses located within the Beaverton city limits that meet the basic criteria outlined in the "Targeted Clientele" heading in the previous section. Access to the program will be by appointment with the initial meeting either at City Hall or at the client's location.

After the program is initiated and tested with real clients in a BETA phase, Beaverton's Economic Gardening Program would be announced to general public. Standard information outreach should consist of the usual initial press release announcement, as well as direct mailings to Beaverton Business Licensees and Chamber membership. Newsletters, program update mailings, and website links would also have the potential to attract new clients. However, word-of-mouth referrals from satisfied clients will always be the best marketing.

Collateral materials will be developed to showcase the Economic Gardening program, explain the services offered, describe the process, and provide information on how to access the program. The City's economic development web site will be updated to utilize the current information and data standards for economic development information and to provide the same information on the Gardening program as is provided in the print material. A graphic standard will be developed to ensure all program marketing materials have a similar look and character but still be compatible with other City materials.

The collateral materials, both print and web based, will provide information on the services and information that will be available to local businesses. Initially these services will include:

1.) *Assistance with Developing a Business Plan*

One of the very first steps in starting a new business or expanding an existing business is the development of a business plan. The development of business plans, marketing plans and services related to management issues are provided by Oregon's Small Business Development Centers or SCORE. These two agencies have trained and experienced staff to provide counseling and guidance to prospective entrepreneurs or existing small business owners regarding these kinds of issues. The City of Beaverton would not duplicate these services because both the SBDC and SCORE are interested in a partnership arrangement with the City of Beaverton. For example, SBDC/SCORE would provide plan development counseling and guidance and the City would provide the initial market and location analysis to the prospective entrepreneur. This kind of arrangement would provide the customer better and more comprehensive services and eliminate the duplication of efforts on the part of the service providers.

2.) *Business Start-up Kit*

If a citizen asks about starting a new business, the City of Beaverton has a kit that lists all of the regulatory agencies to contact as well as other useful phone numbers and suggestions. However the Start-up Kit, while very complete and comprehensive, is cumbersome, without clear process, and can be very intimidating. The Gardening program will revise the Start-up Kit information to be more user-friendly and provide a direct referral to SCORE and the SBDC to that potential new business.

The SBDC and SCORE have indicated interest in doing the follow-up to our inquiries for start-up information. They have the resources to personalize the information in the Start-

up Kit and to provide the right kind of assistance to the individuals requesting the information. This would be an excellent opportunity to provide reciprocal referrals between agencies.

When the new business is ready to begin operations, Economic Development staff would personally take the individual to the appropriate departments within City Hall and make sure they get connected with the right people; i.e. business licenses, construction or TI permits, zoning issues, etc.

3.) Assistance with City Procedures

The Economic Gardening Program staff would be in an excellent position to represent the interests of the business community within City Hall. As a part of that service, the Economic Gardening staff could assist business development projects by explaining the project review processes, advocate for the business point of view during policy development and help facilitate resolution to issues that may arise during a business expansion project. The Economic Gardening staff has an ongoing working relationship with the regulatory departments within the City including planning, building inspections, zoning enforcement and sign enforcement. The Economic Development/Economic Gardening team would be a business-friendly resource to the City and be able to help local expanding businesses better understand the City's development processes.

4.) Locating Buildings and Sites for Business

With the CoStar database staff will be able to access current and up to date lists of available office, retail, and light industrial (flex) space as well as vacant properties within the city limits including size of parcel or unit, zoning, owner and current use. Staff will also be able to search current real estate records for surrounding counties. By using the CoStar database, Beaverton could access up to date, available property information in the entire Portland Metro Region. Once a potential location is identified, demographic and other customer/market information can be developed for that site.

5.) Community Information and Demographics

ESRI's Business Analyst and other data resources will provide up to date demographic as well as customer market analysis information via this GIS mapping tool. The information will range from detailed demographic tables and lists of basic business services (attorneys, printers, banks, etc.) to maps and traffic counts. This is the kind of information that the Economic Gardening program would make available to Beaverton business.

6.) Sources of Financing

Offering local lenders the opportunity to become part of the City's Economic Development program and to be referred to the City's ED clients might be a way to foster more goodwill in the business community. Oregon's Community and Economic Development Dept. also offer several excellent funding programs for non-retail businesses. WorkSource Oregon has access to some workforce training funding that may be applicable to Beaverton based business. The Economic Gardening program would be the clearing house and referral agent to access both public and private financial resources for business.

7.) Marketing and Mailing Lists

Finding new customers is one of the primary goals of any marketing plan. The Economic

Gardening Program staff will be able to profile a business' current customers and develop lists of potential customers that have similar profiles or characteristics. This kind of information will be useful to local retailers as well as non-retail businesses that sell in the regional marketplace.

Utilizing the database tools described previously, City staff will also be able to create customized mailing lists for both business-to-business and business-to-consumer marketing. The Economic Gardening Program will also be able to create targeted mailing lists of consumers in the Portland metro area and beyond. A subscription to a major list service such as SRDS Direct Marketing List Source, can direct local businesses to other specialized mailing lists that might be useful in their marketing efforts.

The Economic Gardening Program will be able to gather competitor information for local businesses. Staff would also be able to provide information on about 17 million businesses nationwide to our local businesses. The business intelligence information gathered from the various databases would, for example, identify the number of employees of a firm, annual sales, SIC code, ownership and year the company was started and more.

8.) Geographic Information Systems (GIS)

By adding ESRI's Business Analyst software to the City's existing GIS mapping system, the Economic Gardening Program staff would be able to use this computer mapping and geographic technology to determine demographics, consumer expenditures and lifestyle data for local business. The GIS program can also map current customer and competitor locations. These GIS tools provide an ideal way to visualize and conduct analysis on current and future market areas. These information layers would be integrated with Beaverton's existing GIS mapping capabilities and be available not only local businesses through the Economic Gardening program, but also to other City Departments and local policy makers.

9.) Custom Business Research

The Economic Gardening Program will have access to highly sophisticated information available from commercial online and digital databases. These databases, which offer full-text information from literally thousands of publications, can be searched by word, subject, publication, date or country of origin. Within a few minutes, it is possible to obtain information on:

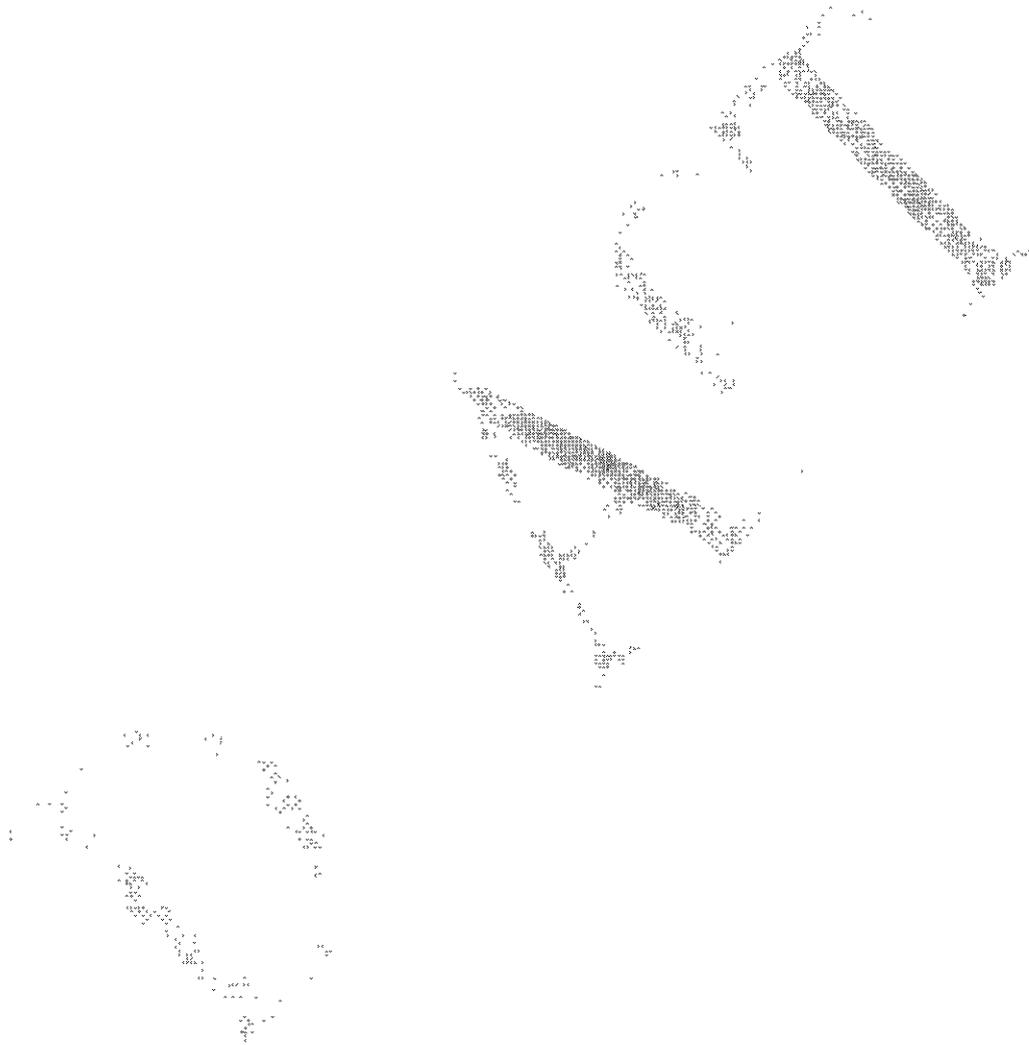
- Local business competitors, including financial information, background on principals, new product releases and company strategies
- Trends within a particular industry
- New local and foreign markets, including market share
- Trademarks, patents, and legislation
- Mail lists

The Economic Gardening program could also provide customized research reports incorporating the latest market research.

10.) Assistance with Brochure Design

The Economic Gardening program has the potential to play a role in the research that

goes into the development of an effective brochure. Before designing any marketing piece, it is important to identify who it is trying to reach with its message. The market research components of the proposed program could help the client business develop a profile of the key customer(s) that are to be targeted, including their income levels, lifestyles, location, etc. Conceivably, staff could then review the brochure design to help get the message to the people most likely to buy the product or use service advertised. The actual brochure design service would be referred to external resources such as Graphic Artists within the community.



E. TRACKING, FEEDBACK AND EVALUATION MECHANISMS:

1.) Metrics:

The development of a series of metrics to measure outcomes of the Economic Gardening program is very important and a bit of a challenge. In other states a primary metric is the increase in sales tax revenue coming back to the community. This is not available in Oregon. Therefore, some other short-term and long-term metrics will more appropriate.

Short-term metrics will be the number of businesses assisted, what information was requested, data resources used, the number of businesses referred to other agencies, and general profile of the businesses assisted. The more long-term metrics are based on outcomes from the data used such as the number of new customers, any increase in sales volume, and finally, the number of new jobs created.

Regular reporting to City Council and other stakeholders will occur initially every six months with a complete evaluation of the program at the end of the first year and every year thereafter. These reports will contain updated statistics and anecdotes in a "stats and stories" format. On-going communications with supporters, stakeholders, partners and clients will be a fundamental part of this program.

2.) Customer Relationship Management (CRM)

The Program will use a Customer Relationship Management (CRM) system for tracking Economic Gardening Program clients, and outcomes. This system will record client information and company demographics. It will list all contacts and work done for the client as well as referrals made to other agencies to assist the client. This system will identify the various follow-up activities and track the results. The system will have the capability to generate reports and other program statistics. The previously identified software program called "*ProActive for Economic Development*" has the capability to serve this function and is listed in the tools and budget sections of this plan.

3.) E-mail Evaluation Survey:

E-mail is an important means of communicating information. The program will create a survey in an on-line survey tool such as "*Survey Monkey*" or "*Zoomerang*". The survey will be designed to gauge a variety of information data sets as listed in the "*Fourth Step*" of Section "C" (*The Business Assistance Process*). The survey will also probe customer satisfaction and client responses to the services offered. The Survey would be sent to clients three to six months after the research work has been completed. A telephone or direct personal follow-up would follow two to three weeks after the surveys are sent out to any non-responders.

Data collected will be summarized and analyzed periodically. This data will be included in the various decision maker and stakeholder reports. The data will also be used as a feedback mechanism to improve the program processes.

4.) Focus Groups:

After the initial BETA test series, the program will conduct focus groups of the selected business clients and partners to gain feedback as to what worked, what didn't work, and look at areas for improvement. Focus groups will be conducted at a minimum annually.

F. STAFF AND PARTNER TRAINING:

1) Basic Staff Training:

The ability of the staff to deliver a quality product to the business client will ultimately determine the success or failure of Economic Gardening in Beaverton. The Program Staff will function as business advisors and therefore will require training in not only the use of the data research tools, but perhaps more importantly, how to conduct the basic core strategy discussions as part of the intake process. To ensure a successful program, the City must be willing to provide a program staff competent in the areas required by the Economic Gardening Program.

The Director of the SCORE office in Portland has offered to allow Beaverton Economic Gardening program staff to attend programs that are used to train SCORE counselors. SCORE will provide the business assessment training and the City will reciprocate with data research training. The objective is to create a program-to-program relationship for the benefit of Beaverton based clients. The SBDC is also interested in assisting our staff in developing business assessment skills. Both SCORE and SBDC have offered to review and comment on the program processes developed by the City. As discussed previously, program staff, properly trained in the skills necessary to properly deliver the services to the business community is critical for the programs success.

The right people with the right skills and abilities are critical for the success of Economic Gardening Program.

2) Partner Agency Training:

Training of the partner agencies such as the Chamber of Commerce, the City Library Business Collection, Work Systems, Inc. etc., on how the program works and what are the potential benefits to business will be necessary for the generation of referrals.

3) Researcher Training:

In addition to program familiarity, City staff that will function as researchers will need specific training on the data systems and the GIS systems that will be used to support the program. Consultants and in-house staff from other City departments may be able to provide some of these services until such time as the Economic Gardening Program develops these capabilities. Opportunities to utilize any in-kind services from partners will have to be explored as well. These determinations will be required prior to the program launch.

G. SUMMARY:

We believe our existing businesses are our best prospects for future growth. The purpose of this program is to help them grow.

Economic Gardening is a strategy that enables a local government to support its business community, expand its potential tax base, support the creation new employment opportunities for its citizens and help facilitate the creation of new wealth within the community. This plan outlines the steps and tools necessary to initiate the Economic Gardening Pilot Program in the City of Beaverton. Upon its implementation, the Economic Gardening Program proposed in this document is intended to be a pilot with a minimum one year duration with the option for continuation. The program will be constantly monitored and evaluated to ensure client needs and community expectations are being met.

The Economic Gardening program is to be focused at Beaverton based businesses that have been in operation for a period of time, are profitable, and have an expansion plan. This initial target will be eligible for strategic information research services, workforce training grants, technical assistance referrals, assistance with financing, and business expansion counseling. These services would, for the most part, be provided to Beaverton businesses at no cost. The primary metric will be the creation of new jobs in Beaverton. Secondary metrics may include the number of clients assisted, the number of business referrals to other agencies, the number of Beaverton residents placed in local jobs, increases in sales by assisted firms, number of new customers to an assisted business, and increased revenue to assisted local businesses.

This program is sponsored by the City of Beaverton in partnership with the Beaverton Chamber of Commerce, Small Business Development Center, SCORE, OECDD, Portland Community College, U.S. Department of Housing and Urban Development, Oregon Employment Department/WorkSource Oregon, and Work Systems, Inc. Through this program the City of Beaverton will strive to gain insight into Beaverton based business operations and provide strategic services that will be best suited to achieve a specific business' goals.

The objectives of the program are to:

- 1) Provide strategic business intelligence to Beaverton based businesses to help make them more competitive
- 2) Demonstrate that the City of Beaverton, as a community, cares about and appreciates it local business firms.
- 3) Identify and help solve problems that Beaverton's businesses may be having
- 4) Identify the business expansion opportunities of Beaverton businesses
- 5) Identify the employment opportunities coming from existing Beaverton businesses.
- 6) Build community capacity to sustain the growth of its local businesses
- 7) Improve the overall business climate within the City of Beaverton.

If the pilot program shows success, and in addition to the initial services to be offered, the City of Beaverton's Economic Gardening will, at some point, need to consider what other services can be offered. Some of theses future services might include:

- Web marketing and paid advertising assistance

- Cross-marketing groups (e.g., small business services, environmental companies, etc.)
- Focus groups and survey development
- Peer networks for second stage growth companies
- Cluster development
- Training programs (marketing, business strategy, customer service)
- Finance Resources

The remaining steps toward implementation are:

- 1) Secure funding commitments
- 2) Acquire data research tools
- 3) Train staff and partners
- 4) Refine processes and BETA test program
- 5) Launch Program

(See Appendix A for the proposed implementation timeline)

APPENDIX

Appendix A

Plan Development and Implementation Timeline

Appendix B

Service Delivery Process

Appendix C

Client Strategy Sessions

Appendix D

Service Agreement

Appendix E

Confidentiality Agreement

Appendix F

First Source Hiring Agreement

Appendix G

Intake Survey Form

Appendix H

Staff Data Access Flow Chart

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Beaverton Code Section 8.02.015 (A) and Repealing a Portion of Beaverton Code Section 8.02.015 (E) and Declaring an Emergency

FOR AGENDA OF: 4-09-07 **BILL NO:** 07073

Mayor's Approval: *Paul Drake*

DEPARTMENT OF ORIGIN: CDD *BCR*

DATE SUBMITTED: 3-22-07

CLEARANCES: City Attorney *AR*

PROCEEDING: First Reading

EXHIBITS: Ordinance
Current Code Language with
Proposed Changes (Information
Only)

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The State Building Code is comprised of four Specialty Codes. Beaverton Code (BC) Section 8.02.015 (A) adopts the State Structural Specialty Code and BC Section 8.02.015 (E) adopts the State Residential Specialty Code.

INFORMATION FOR CONSIDERATION:

As required by ORS 455.010 through 455.895, ORS 447.020, and ORS 479.020, the City has adopted the State Building Code. The State Building Code is amended and/or new editions are adopted from time to time. The adoption of a new State Building Code will cause some of the Beaverton Code to become outdated.

Effective April 1, 2007, the State will adopt a new State Structural Specialty Code. The authority for local jurisdictions to adopt apartment fire sprinkler regulations, formerly found in the Residential Specialty Code, has been removed and is now found in the Structural Specialty Code. In order to continue to require automatic fire sprinkler systems to be installed in new apartment buildings, Appendix AN, Section 109.4.2, Alternate Fire Sprinkler Requirements must be adopted as part of Beaverton Code Section 8.02.015 (A). Adoption of this appendix will continue to require the installation of an automatic fire sprinkler system in all new apartment buildings over one story in height or containing more than 16 units.

The immediate effective date is intended to allow quick implementation of practices now in common use elsewhere in the area.

RECOMMENDED ACTION:

First Reading.

ORDINANCE NO. 4434

AN ORDINANCE RELATING TO THE BUILDING CODE AMENDING BEAVERTON CODE SECTION 8.02.015 (A), AND REPEALING A PORTION OF BEAVERTON CODE SECTION 8.02.015 (E) AND DECLARING AN EMERGENCY

WHEREAS, the City's Building Code (BC) must be compatible with the State Building Code, including the State Structural Specialty Code and the Residential Specialty Code; and

WHEREAS, the State Structural Specialty Code will be amended effective April 1, 2007; and

WHEREAS, the City's Building Code was last amended in 2005 and is in need of minor changes to better comply with the State Building Code; and

WHEREAS, changes in the new State Specialty Codes modifies the specific Specialty Code for adopting requirements for automatic fire sprinkler systems to be installed in newly constructed apartment buildings; and

WHEREAS, the City's Building Code has previously adopted requirements for automatic fire sprinkler systems to be installed in all newly constructed apartment buildings; therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 8.02.015 (A) and (E) are amended to read as follows:

8.02.015 State Codes. The following State Specialty Codes are adopted as part of the Beaverton Code except as otherwise provided in this ordinance:

A. State of Oregon Structural Specialty Code, as adopted by ORS 455.010 through 455.895, OAR 918-460-010 through OAR 918-460-015 including Appendix AN Section 109.4.2 - Alternate Fire Sprinkler Requirements ("Structural Specialty Code");

E. State of Oregon Residential Specialty Code, as adopted by ORS 455.610, OAR 918-480-000 through OAR 918-480-010 ("Residential Specialty Code");

Section 2. Emergency Clause. The Council finds that immediate adoption of building and specialty codes consistent with those in force elsewhere in the state is necessary to the public's safety and welfare. The Council declares an emergency to exist, and this Ordinance shall take effect immediately on its passage.

First reading this ___ day of _____, 2007.

Passed by the Council this ___ day of _____, 2007.

Approved by the Mayor this ___ day of _____, 2007.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor



8.02.015 State Codes. The following State Specialty Codes are adopted as part of the Beaverton Code except as otherwise provided in this ordinance:

A. State of Oregon Structural Specialty Code, as adopted by ORS 455.010 through 455.895, OAR 918-460-010 through OAR 918-460-015 including Appendix N Section AN 109.4.2 Alternate Fire Sprinkler System Requirements ("Structural Specialty Code");

B. State of Oregon Mechanical Specialty Code, as adopted by ORS 455.020, OAR 918-440-010 through OAR 918-440-040 ("Mechanical Specialty Code");

C. State of Oregon Plumbing Specialty Code, as adopted by ORS 447.020(2), OAR 918-750-010 ("Plumbing Specialty Code");

D. State of Oregon Electrical Specialty Code, as adopted by ORS 479.525, OAR 918-305-0100 and delegated to the City by ORS 455.153 ("Electrical Specialty Code");

E. State of Oregon Residential Specialty Code, as adopted by ORS 455.610, OAR 918-480-000 through OAR 918-480-010 ~~including Appendix N Section 109.3 -- Alternate Fire Sprinkler Requirements~~ ("Residential Specialty Code");

F. Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition, by the International Conference of Building Officials ("Dangerous Buildings Code").

G. State of Oregon Regulations for mobile or manufactured dwelling parks, temporary parks, manufactured dwelling installation support and tie down requirements, and park or camp requirements as adopted by OAR 918-500-000 through OAR 918-500-050, OAR 918-520-001 through OAR 918-520-002, OAR 918-650-000 through OAR 918-650-085. [BC 8.02.015, amended by Ordinance No. 3657, 3/20/89; Ordinance No. 3680, 6/12/89; Ordinance No. 3756, 10/15/90; Ordinance No. 3768, 2/11/91; Ordinance No. 3848, 8/16/93; Ordinance No. 3978, 3/31/97; Ordinance No. 4115, 8/7/00; Ordinance No. 4344, 3/28/05]