



FINAL AGENDA

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

REGULAR MEETING
AUGUST 13, 2007
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATION:

07162 Presentation on the Drive Less Save More Program

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Special Meeting of May 24, the Regular Meetings of June 18, July 9 and July 23, and the Special Meeting of July 30, 2007

07163 Liquor Licenses: Change of Ownership and Greater Privilege – Decarli Restaurant; Change of Ownership – Thai Cabin Restaurant; New Outlet – Maiko Japanese Restaurant, Café Murrayhill

07164 Traffic Commission Issue No. TC 618: School Speed Zone on SW 5th Street at Beaverton High School between SW Main Avenue and Erickson Avenue

07165 Authorization to Sell Property at 6670 SW Hall Boulevard to Non-Profit Entity for Development as Affordable Housing

07166 Expansion of Current Neighborhood Association Committee (NAC) Boundaries to Include all Land in the City of Beaverton in an Existing NAC

Contract Review Board:

07167 Ratify Change Order for Court-Appointed Attorney Services Contract

07168 Contract Extension of Janitorial Services at City Buildings

07169 Waiver of Sealed Bidding – Purchase One Backhoe/Loader From the State of Oregon Price Agreement

07170 Exemption from Competitive Bids and Authorize a Sole Source and a Brand Name Purchase of a New TYMCO Model 600 Street Sweeper

07171 Bid Award - Purchase One (1) New Hydraulic Tracked Excavator

ACTION ITEM:

07172 A Resolution Expressing the City of Beaverton's Opposition to Using Urban Renewal and Tax Increment Financing to Pay for Needed Infrastructure Improvements in North Bethany and Other Urban Expansion Areas (Resolution No. 3906)

ORDINANCES:

First Reading:

07150 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation and Ordinance No. 2050, the Zoning Map, to Apply the City's R-7 Zone to Property Located at 12730 SW Fairfield Street CPA 2007-0013/ZMA 2007-0013 (Ordinance No. 4444)

07173 An Ordinance Adding Chapter 8.07 of the Beaverton Code, Regarding Residential Property Maintenance (Ordinance No. 4448)

07174 An Ordinance Amending Ord. 4187 Figure III-1 the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Medium Density (NR-MD) Plan Designation and Ord. 2050 the Zoning Map to Apply the City's R-2 Zone to One Property Located in Northeastern Beaverton CPA 2006-0009/ZMA 2006-0012, City of Beaverton Applicant (10925 SW Fifth Street) (Ordinance No. 4449)

07175 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located on the North and East Side of SW Merlo Drive Between SW 170th Avenue and SW Merlo Road, and South of the Westside Light Rail Transit Line; CPA 2007-0012/ZMA 2007-0011 (Ordinance No. 4450)

07176 ZMA 2007-0015 Greenway Park Zoning Map Clean-Up (Ordinance No. 4451)

Second Reading:

07151 An Ordinance Amending Beaverton Code Chapter 6 Relating to Parking Zone Additions (Ordinance No. 4445)

07159 An Ordinance Amending Ord. 4187 Figure III-1 the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation to Three Properties and Ord. 2050 the Zoning Map to Apply the City's R-7 Zone to One Property Located in Northeastern Beaverton CPA 2006-0006/ZMA 2006-0009 (Laurel St/Kennedy St/103 Ave) (Ordinance No. 4446)

07160 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation and Ordinance No. 2050, the Zoning Map, to Apply the City's R-5 Zone to Property Located at 4980 SW Laurelwood Avenue; CPA 2007-0014/ZMA 2007-0014 (Ordinance No. 4447)

EXECUTIVE SESSION:

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

ADJOURNMENT:

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Presentation on the Drive Less Save More Program

FOR AGENDA OF: 08/13/07 **BILL NO:** 07162

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor

DATE SUBMITTED: 07/31/07

CLEARANCES:

PROCEEDING: PRESENTATION

EXHIBITS:

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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INFORMATION FOR CONSIDERATION:

Metro Councilor Kathryn Harrington will do a presentation on the Drive Less Save More Program.

RECOMMENDED ACTION:

Listen to presentation.

DRAFT

BEAVERTON CITY COUNCIL
SPECIAL MEETING
MAY 24, 2007

CALL TO ORDER:

The Special Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Second Floor Conference Room at City Hall, 4755 SW Griffith Drive, Beaverton, Oregon, on Thursday, May 24, 2007, at 7:51 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce Dalrymple, Dennis Doyle and Cathy Stanton. Also present were Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Assistant Finance Director Shirley Baron Kelly, and Recording Secretary Joanne Harrington.

PUBLIC HEARING:

05092 A Resolution Adopting a Supplemental Budget (#S-07-2) for the Fiscal Year Commencing July 1, 2006, and Making Appropriations Therefrom. (Resolution No. 3899)

Mayor Drake asked if there had been any changes to the Supplemental Budget since the Budget Committee acted upon it and the City Council reviewed the document.

Finance Director Patrick O'Claire replied there were no changes.

Mayor Drake opened the public hearing and asked for public comment.

There was no one present who wished to speak.

Mayor Drake closed the public hearing.

Coun. Doyle **MOVED, SECONDED** by Coun. Bode that the City Council approve Agenda Bill 07096, A Resolution Adopting a Supplemental Budget (#S-07-2) for the Fiscal Year Commencing July 1, 2006, and Making Appropriations Therefrom, as amended. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting **AYE**, the **MOTION CARRIED** unanimously. (5:0) (Resolution No. 3899)

Coun. Doyle **MOVED, SECONDED** by Coun. Stanton that Council set a public hearing date of June 18, 2007, to consider the Fiscal Year 2007-08 Budget, as adopted by the Budget Committee, and the proposed uses of State Revenue Sharing Funds.

Coun. Stanton asked if the public hearing on the Capital Improvements Plan would also be held at that meeting.

Mayor Drake confirmed that it would.

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

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:55 p.m.

Joanne Harrington, Recording Secretary

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JUNE 18, 2007

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, June 18, 2007, at 6:40 p.m.

ROLL CALL:

Present were Mayor Drake, Counc. Catherine Arnold, Bruce S. Dalrymple, Dennis Doyle and Cathy Stanton. Coun. Betty Bode was excused. Also present were City Attorney Alan Rappleyea, Finance Director Patrick O'Claire, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Captain Ed Kirsch, Principal Planner Hal Bergsma, City Engineer David Winship, Senior Engineer Peter Arellano and City Recorder Sue Nelson.

PRESENTATIONS:

07123 Beaverton Green Power Challenge

Thor Hinckley, Portland General Electric (PGE), said they were proud to welcome the City of Beaverton as the newest 100% renewal power customer for all of its facilities and they were pleased to engage in the Green Power Challenge with the City. He said they were eager to discuss the growth of renewable energy in Oregon with Beaverton residents and businesses. He presented a PowerPoint presentation about PGE's Renewable Power Program and the Green Power Challenge in Beaverton.

Hinckley said PGE had offered renewable energy to all of its customers for six years and was No. 1 in the country for the sale of residential "green" power. He said PGE currently had over 54,000 customers and more than 7% of residential customers participated in Green Power. He said the City had chosen to purchase 100% renewal power for all of its facilities and they admired the City for taking this stand. He said PGE set a goal to add 250 new residential and business customers to the Green Power Program during the Challenge. He said PGE was promoting the Challenge on its Web site, in the newspapers and utility bill inserts, and at community events. He concluded that renewable power was highly valued by PGE and they were proud to work with the City on this Challenge.

Mayor Drake thanked him for the presentation. He proclaimed June 18 to September 15, 2007, as the Beaverton Green Power Challenge. He said during this time there would be an effort to sign up new customers and a community celebration would be held as part of the Beaverton Celebration Parade on September 15, 2007. He presented the Beaverton Green Power Challenge Proclamation to Hinckley.

Coun. Doyle said he had participated in PGE's renewable energy program since it was first offered.

07124 Presentation by Kathryn Harrington, Metro Councilor

Metro Councilor Kathryn Harrington, District 4, gave a Power Point presentation on Metro activities for the second quarter of 2007 (in the record). She reviewed in detail the Natural Areas Bond Measure that was approved by the voters in November 2006. She said Beaverton would receive \$2.6 million dollars from the bond measure and she reviewed the local and regional projects to be funded through the bond (in the record). She said Metro would hold eight open houses to receive input on the regional park improvements. She said there were two open houses for this area: June 20, 6:00 p.m. to 8:00 p.m., at the St. Johns Community Center and June 26, 6:00 p.m. to 8:00 p.m., at the Forest Grove Community Auditorium.

Coun. Dalrymple asked if there would be an opportunity to acquire easements for trails rather than purchasing property to make the funding dollars go further.

Harrington said they were actively pursuing conservation easements for that reason.

Harrington said this was the first time that all of the local governments in this area had gotten together and crafted a Metro Regional Legislative Agenda. She reviewed the three issues on the agenda. She said the first issue was House Bill 2051 which would expand the Urban Growth Boundary (UGB) evaluation cycle. She said this was a one-time, two-year extension of the current five-year UGB review cycle; the bill passed both Legislative houses and was going to the Governor for signature. The second issue was Senate Bill 1011 which would reaffirm the jurisdictions' ability to utilize urban reserves and define and designate rural reserves. She said this bill passed both houses and was going to the Governor for signature. She said once the bill was signed, the rule-making process would begin and potential reserve areas would be identified and designated.

Coun. Stanton noted that Senate Bill 1011 established authority for Metro and the counties to designate urban and rural reserves. She asked if the cities would be part of the process.

Harrington said the cities would be part of the process, but per the statutory authority Metro was the entity responsible for developing the proposal and obtaining approval from all of the cities for the urban reserves; and the County had similar authority for the rural reserves. She said the way the bill was written they were dependent on one another and it would be a collaborative effort.

Coun. Stanton said she appreciated the collaborative effort but she would be more concerned if the City did not have Mayor Drake looking out for its interests as he served on many of the regional committees. She said she would trust Harrington to look out for the interests of all of her constituents.

Harrington said the third issue was transportation funding. She said the region's needs had outpaced its financial resources. She said additional funding was needed to maintain existing roadways, build and expand new roads and highways, and

improve public transit. She urged the Council to remain in contact with the State Legislators to stress the need for additional funding.

Coun. Stanton asked if there were any legislative bills for transportation funding.

Harrington said discussions were occurring and there were proposals in the Ways and Means Committee, but there were no specific bills yet. She said the Legislature was in its last two weeks of session which would be an interesting period.

Coun. Doyle asked if there were any specific proposals that Metro was considering or had submitted other than her previous response to Coun. Stanton.

Harrington said no specific proposals were given to the Legislature; Metro had indicated that there was a need to focus on transportation funding.

Harrington thanked Coun. Stanton for attending the “Get Centered” in Vancouver B.C.; and noted there would be a recap roundtable of this trip on July 11. She reviewed upcoming programs on building infrastructure and system development charges and said times and locations were available on the Metro on-line calendar.

Mayor Drake thanked Harrington for being very accessible and reporting on a regular basis was helpful. He said they appreciated her personal efforts.

Coun. Doyle noted that Metro had several significant tasks scheduled for this summer in its draft Road Map for Regional Choices. He asked what methodology Metro was going to use to accomplish these tasks and if the City could help in that process.

Harrington said they were doing several tasks including, identifying the stakeholders to ensure they were all engaged in these projects; taking these projects through the Metro Policy Advisory Committee and the Metro Technical Advisory Committee, so cities will be kept informed on what is occurring; and assessing the projects to ensure that they provide the cities with key points of engagement on potential projects. She confirmed that the cities and the public will be involved in this process.

Coun. Dalrymple said his concern was transportation and anything that could be done to get outside assistance to obtain funding to improve the region’s transportation system would be appreciated. He said this meant going beyond light rail and included looking at automobile transportation.

Coun. Stanton said SW 125th Avenue was an incomplete road that runs between a regional center and a town center. She said this project had been in the books for 35 years and there was no funding to construct the road. She asked at what point a case could be made to Metro that a road connection that would link two major arterials (Hall Boulevard and Scholls Ferry Road) to a regional center and town center should be approved for funding. She said this went beyond thinking of the road extension as a connection of a local arterial.

Harrington said 125th Avenue was a good example of a road that may be considered for regional mobility. She said City staff had worked with Metro to identify the roads and connections that were linked to regional mobility. She said she knew this project was close to Coun. Stanton's heart.

Coun. Stanton asked if a case could be made for completing the extension between two arterials that connect a regional and town center. She stressed this road was needed to take the pressure off the surrounding streets that were not built to handle that much traffic.

Harrington thanked her for putting this on her radar screen. She said one issue being considered for the Washington County Transportation Plan was a grid system to accomplish these types of projects. She said conclusions had not yet been reached.

Coun. Arnold noted the Road Map referred to *adopting a regional infrastructure strategy and fund and regional agreement on recalibrating capacity expectations*. She asked if the recalibrating capacity expectations referred to the number of people.

Harrington said this meant recalibrating the capacity in terms of how healthy communities were being built within the existing UGB and in the ability to meet those needs given the infrastructure funding opportunities; and given new investment strategies, how might there be different results. She noted on the Road Map it showed *regional agreement on investment strategy and funding* in the latter part of 2007, and then taking those ideas and applying them at the end of 2008 to see what would be affected if they applied different models. She said this was not the numbers evaluation that Coun. Arnold was referring to with the urban growth report; that would be a subsequent step.

Coun. Arnold said this sounded like a very different approach; previously the City had identified and prioritized its needs.

Harrington said this would focus on investments; downtowns, main streets, etc.

Mayor Drake said that in MPAC and JPAC meetings he has stated that the region needs \$10 billion for the next 20 years and only \$4 billion has been identified. He said he was frustrated for it seemed that because the gap was so large, they had given up and decided to narrow the focus to town and regional centers including downtown Portland. He said if the region was going to grow and attract quality employers and people they needed to be far-reaching and have a strong vision. He said Metro helped craft a strong vision for the centers but the region was woefully short on funding for long-identified needs including the 125th Avenue Extension. He said he continued to hope that the needed funding could be found.

Coun. Doyle said he shared the Mayor's observation and that was why he had asked if Metro submitted any ideas at the current legislative session. He said he sensed the lack of any action on this issue and he felt the Legislature should provide leadership. He said this was a state-wide problem and the solution has to be crafted state-wide. He said they could not fix the major connectors.

Harrington said that was why the regional directors put transportation funding on the Regional Legislative Agenda; to ensure the Legislators know the regions are depending on them to focus on this problem. She said Metro would continue to seek additional funding from all sources.

Mayor Drake said that the Portland-Vancouver-Beaverton region received an Award of Excellence and was rated No. 3 in the list of cities as the best place to live in 2007.

07125 Beaverton Arts Commission - 2007 Annual Art Awards

Nancy Moyo, President Beaverton Arts Commission (BAC), presented the 2007 Annual Awards, as follows:

Volunteer of the Year – Jeanette Pilak
Business of the Year – Herzog-Meier Auto Center
Member of the Year – Barbara Mason
President's Award – Heather Humelbaugh, Urban Rhythms Coffee Company
Art Leadership Award – Dawn Holt, WA County Arts, Heritage and Humanities Coalition
Art in the Marketplace Award – Amy Saberian, Ava Rosteria
Outstanding Achievement in the Arts by an Elementary School Student – Christian Broberg, Scholls Heights Elementary School.
Outstanding Achievement in the Visual Arts by a High School Student – Maisha Foster-O'Neal, Westview High School.
Outstanding Achievement in the Performing Arts by a High School Student – Jameson Tabor, Westview High School
Outstanding Performing Art Educators – Jeff Hall and Elaine Kloser, Jesuit High School
Outstanding Visual Art Educators – Deborah Teeter, Beaverton High School, and Tamara Ottum, Aloha High School

Coun. Doyle thanked Moyo for her work and Herzog Meier for its support of the BAC. He congratulated all the new members of the BAC.

Coun. Stanton reminded everyone that the local high schools produce fabulous concerts, plays and art shows every year.

VISITOR COMMENT PERIOD:

Henry Kane, Beaverton, displayed a circuit board that he said was one of many found on the 167th Avenue site of the Beaverton School District Bus Barn. He said the boards were found by the neighbors and were given to the District, and the District had not acted on this matter. He suggested that the Council adopt a resolution requesting the Seattle Office of the U.S. Environmental Protection Agency (EPA) to conduct an environmental hazards investigation of the proposed bus barn facility and report the findings to the City, the District and the public. He said the Council had a letter from Hal Oien, Concerned Citizens of Beaverton, asking that the City take action on this issue. He said that site was contaminated and the contaminants were leaching into Willow Creek and adjacent property. He stressed it was time to take action for the District had failed to do so and this issue was first raised in 2002.

Mayor Drake said the City Attorney had followed up on a similar request made by Dave James and asked that he had briefed Council on the issue.

City Attorney Alan Rappleyea said when the issue was raised previously he discussed it with the School District's attorney asking if he was aware of the circuit board issue. He said the District's attorney said they were aware of the issue and they had seen a few of the boards. The School District's attorney said they had done the site analysis, environmental testing and Phase 1 of Environmental Review, and the site came up clean, so further testing was not required. He said it was in the District's interest to be sure the property was clean because if problems were found later on it would be more difficult to resolve. He said the Department of Environmental Quality (DEQ) was the appropriate agency to handle this issue, not the City's Code Enforcement division. He said the DEQ strongly enforced cleanup and imposed fines on such complaints and this site was not identified as a problem site. He said the EPA would not help since the DEQ implemented Federal law.

Coun. Stanton asked if the Phase 1 Environmental Review was an EPA review.

Rappleyea said Phase 1 was the standard in the industry for real estate purchases. He said this involved researching the property use, walking the site and testing. He said if anything was found that was worrisome, a Phase 2 analysis would be done which was a more elaborate analysis.

Coun. Stanton said she remembered other environmental problems (Three-Mile Island; Lake Erie burning) and she wanted some assurance because seepage into the creek could occur from this site. She said she wanted assurance that all due diligence was done and there would be no consequences.

Rappleyea said the District's attorney assured him Phase 1 was conducted and that required due diligence. He said the City could ask for additional testing but that was not typically done through the land use process. He said he could not imagine why the District would not remedy the situation because it would only get worse.

Coun. Stanton asked if the District sent a copy of the Phase I Environmental Review to the Concerned Citizens of Beaverton and other interested parties for the report could allay their fears.

Rappleyea said he did not know if that had happened but he could find out.

Coun. Dalrymple said there had to be a reason the Phase 2 analysis was not required and the City did not have the authority to require that the District do more than what it had already done. He said this was the School District's personal business, but it would be good to have the report available. He said if the Council was concerned, it could urge the District to do additional study but compliance by the District would be voluntary.

Mayor Drake said he faxed Oien's and Kane's letters to the District this evening. He said he thought if the citizens requested this information the District would supply it.

COUNCIL ITEMS:

Coun. Doyle said that June 28th was the first Picnic in the Park at Autumn Ridge Park.

Coun. Stanton said that tomorrow night was the Annual Volunteer Recognition Dinner at the Library and she invited everyone to come.

STAFF ITEMS:

There were none

CONSENT AGENDA:

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

PULLED - Minutes of the Regular Meeting of June 4, 2007
(Pulled for potential revision. To be brought back at meeting of July 9, 2007)

07126 Liquor License - New Outlet: Mario's Deli

07127 Compensation Changes

07128 Intergovernmental Agreement (IGA) with Tualatin Hills Park and Recreation District Transferring Control of the Barrows Park Property to the District

07129 Withdrawal for Reconsideration of the Decision on the Pointer Road Subdivision, R. K. Wilson v. City of Beaverton, LUBA No. 2007-0075

07130 A Resolution Certifying that the City of Beaverton Provides Certain Services Necessary to be Eligible to Receive State-Shared Revenues Under ORS 221.760 (Resolution No. 3902)

Contract Review Board:

07131 Selection of Primary Vendors for Computer Units, Network Devices, and Replacement Parts

07132 Contract Award - Retainer Agreement for Hydrogeologist of Record for FY 2007-08

07133 Bid Award - Seismic Upgrade Construction Project for City Hall

07134 Bid Award - Neptune and Sensus Water Meters "Or Equal" Requirements Contract

07139 Exemption From Competitive Solicitation - Authorization of a Sole Seller to Provide Web-based Social, Economic, Environmental Information Technology for the Community Visioning Project

Coun. Stanton referred to Agenda Bill 07134 and asked why the models were called out by name if the "Or Equal" stipulation was being used.

Public Works Director Gary Brentano said those two brands were the meters primarily used in the city. He said if there were no meters available, they would look for a similar model from another brand. He said for efficiency and simplicity, it was best to stay with the two brands.

Coun. Stanton asked if the "Or Equal" referred to specific specifications.

Brentano said there were specifications for those models and other brands had to meet those basic standards and a certain level of quality. He said he was aware of only one other brand that met those standards.

Question called on the motion. Couns. Arnold, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

RECESS:

Mayor Drake called for a brief recess at 8:00 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:15 p.m.

PUBLIC HEARINGS:

07135 Capital Improvements Plan for Fiscal Years 2007/08 through 2008/09 for Transportation, Water, Sewer, and Storm Drain Projects

Coun. Stanton asked if anything new had been added or removed since the Budget Committee hearing.

Brentano said the only new item was the CIP supplement that was in the Council packet. He said there were no changes in that document; only the format was different.

Mayor Drake opened the public hearing.

Eric Johansen, Beaverton, said he was speaking as a citizen and there were resources available to fund needed transportation projects. He asked that the City come back in one year with a fully-funded financial package for the completion of 125th Avenue. He said twenty years ago he and a group of neighbors asked the City Council to prioritize, fund and construct the 125th Avenue Extension. He said he left that meeting believing something would be done; however, nothing had happened since that time. He said he recognized that this was an expensive project at \$11 million and that the City did not have that in the budget. He said the City would never have that much in discretionary funds to construct this project. He said the project would not be funded until the Council and Mayor make it a priority and ensure that it is funded over a reasonable time frame. He said there were many funding sources available including MSTIP, MTIP, TIF, gas tax revenues, etc. He said a combination of these sources could get this project constructed.

Coun. Doyle asked for suggestions about what the City would not fund.

Johansen said he knew there were other needs, but over the last 20 years there had always been other projects that were being funded ahead of 125th Avenue. He asked that the Council keep this project at the top of the priority; there would always be other needs but it was time that this project be funded for it has waited long enough.

Coun. Dalrymple said he reviewed the CIP Program thoroughly at the Budget Committee hearings. He said after his review, he asked himself what projects have to be done, which ones were good to do, which ones should be done and which ones do not have to be done. He said he concluded that 125th Avenue was a project that needed to be done and he brought that up at the Budget Committee meeting. He said the consensus was to come back with a funding package to construct that road. He said he was hopeful that the Mayor and staff would return with a package soon.

Mayor Drake said that staff would return by the end of summer with suggestions for funding packages. He said he was a new City Councilor 20 years ago when Johanssen lived on Sorrento and made this request. He said there was more traffic going through south Beaverton today than ever before. He said one of the difficulties was that the needs outpace the available funding and combining funding sources was likely to occur. He said one of the short-term concerns he had regarding funding 125th Avenue with Beaverton citizen funds only would be that a lot of traffic that would use that road were coming from Tigard, Sherwood and Yamhill County.

Coun. Dalrymple said he would like to see 125th Avenue completed before the City turns its visioning focus to other areas. He said when they turn away from the south side of the city and start visioning for the core of the city that is another level of work. He said if they were to start focusing the dollars on the core now, it's possible that the City would not be able to finish 125th Avenue for a long time. He stressed he wanted to see 125th Avenue completed for he hoped they would develop a funding plan to get that project done but he did not see this as a long-term effort.

Coun. Doyle said staff had a challenge to come up with a plan that was palatable and would not stifle the growth in other areas of the city. He wished them luck for it was a real dilemma.

Mayor Drake closed the public hearing.

Coun Doyle MOVED, SECONDED by Coun. Dalrymple that Council adopt the Capital Improvements Plan for Fiscal Years 2007/08 through 2008/09 for Transportation, Water, Sewer and Storm Drain Projects, and direct staff to distribute copies of the final CIP as outlined in Agenda Bill 07135.

Coun. Stanton said that hopefully 125th Avenue would be improved in the near future for the residents in the southeast corner of the city substantially support the City financially and have looked for this road to be completed. She said she remembered that the City fronted the money to the County for the Hart Road improvements and she asked if the reimbursement funds could go to 125th Avenue. She said she thought there was consensus about that but those funds did not go toward 125th Avenue. Stanton said that six years ago the Mayor said that 125th Avenue could be

done once Murray Boulevard, Scholls Ferry Road and Hall Boulevard were done. She said those projects were completed and it was time to look at 125th Avenue. She said she hoped by the end of summer they see a fully-funded package to construct this project. She stressed this project has to proceed for the residents in that area were dying. She said she would support the CIP.

Question called on the motion. Coun. Arnold, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

07136 A Resolution Adopting a Budget for Fiscal Year Commencing July 1, 2007
(Resolution No. 3903)

Finance Director Patrick O'Claire said this public hearing was on the adoption of the Budget for the Fiscal Year commencing July 1, 2007, and for the use of the proposed State Revenue Sharing Funds. He said the budget was reviewed and adopted by the Budget Committee with amendments, which he reviewed (in the record).

Coun. Stanton asked if there was money in the budget for the 125th Avenue Extension.

O'Claire said there was not but staff would bring to Council alternative methods for funding that project.

Mayor Drake opened the public hearing.

No one wished to testify.

Mayor Drake closed the public hearing.

Coun. Doyle MOVED, SECONDED by Coun. Arnold, that the Council approve Agenda Bill 07136, A Resolution Adopting a Budget for Fiscal Year Commencing July 1, 2007, including the amendments described by the Finance Director.

Coun. Stanton explained the budget to the audience and said it was available on the City's Web site. She added that for the past 19 years the City had received awards for its budget presentation.

Coun. Arnold said there would be a budget summary in the *Council Corner* of the next *Your City* newsletter.

Coun. Dalrymple said he thought the budget was well prepared and well presented. He thanked staff for their good work through the budget process this year.

Question called on the motion. Couns. Arnold, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

WORK SESSION:

07137 Stormwater Permit and Management Strategies

Public Works Director Gary Brentano introduced City Engineers Peter Arellano and David Winship. He reviewed the history of the City's relationship with Clean Water Services (CWS). He said CWS has suggested that a more regionalized approach to stormwater management was an appropriate next step for CWS as an agency. He said CWS reached that conclusion because: 1) Regulatory bodies are seeking a higher level of conformance to clean water standards relative to discharges into streams and creeks; and 2) Even though the cities are partners with CWS in stormwater management activities, all of the cities' procedures are a bit different and CWS believes procedural uniformity was needed for reporting purposes.

Brentano said CWS has suggested that certain activities, such as construction of stormwater and sewer systems, should be regionalized and prioritized by CWS, with cities' assistance. He said the City has performed to the maximum letter of the intergovernmental agreement (IGA) with CWS and the City's level of service has been identical to or better than that provided by CWS. He said staff believed it was time to discuss having the City become a co-permittee with CWS for stormwater management in Beaverton.

Brentano said that the City would not separate itself from CWS and the partners because the broad permit issued to CWS was a watershed permit which meant it was directly related to the Tualatin River and everything associated with the river and its basin. He said staff recognized the City's regional obligations to CWS and the partners; none of what was recommended would alter those obligations.

Peter Arellano presented a PowerPoint presentation on the Stormwater Permits and Management Strategies. He said as a co-permittee the City would have more direct responsibility for stormwater management within the city limits and it could streamline the plan review process. He reviewed the benefits of becoming a co-permittee in detail (in the record).

Coun. Stanton said there was a MS 37 Claim where the claimant was suing the City and CWS because the City could not act without a Service Provider Letter and CWS would not provide the letter. She asked if under this scenario the City would be the only party sued, for it would be the agency issuing the Service Provider Letter.

Arellano said he believed that was correct.

City Attorney Alan Rappleyea said the defense used on that case was that this was a Federally-mandated program involving clean water so it was excluded from M37. He said with M37 going back to the voters that might be less of an issue. He said another defense was that districts were not included in M37 and the City would not be a district any longer.

Coun. Stanton asked if the National Marine Services Fisheries Services 4D Rule would still apply.

Rappleyea said per M37 this was the same issue of Federal legislation.

Brentano said one problem developers faced was the 25-foot buffer requirement. He said there were alternate strategies that provide the necessary protection and still enable development. He said those tools were available to explore.

Coun. Stanton asked if the Tualatin River Basin Goal 5 Coordinating Committee had come up with a buffer zone.

Hal Bergsma said the Tualatin River Program was adopted by the Coordinating Committee and Mayor Drake serves on that Committee. He said that Committee was formed in response to Metro's effort to protect significant natural resources in the region. He said Metro adopted regulations under Title 13 of the Metro Urban Growth Management Functional Plan and the Tualatin Basin Program was recognized as the response of the local governments in the Tualatin Basin to the requirements of Title 13. He said that included cooperation with the other cities and CWS, as well as implementation of CWS's Healthy Streams Plan. He said as co-permittee the City's relationship might change a little bit but he did not think it would jeopardize the City's compliance with Title 13; the City would have to be aware of this as it pursued this matter. He confirmed for Coun. Stanton that Title 13 also involved Goal 5, EPA and the National Marine Fisheries Services compliance.

Coun. Stanton asked if the Coordinating Committee had established a minimum standard for the stream buffer.

Bergsma said Title 13 required a 50 foot buffer on each side of the stream and CWS construction standards allowed a decrease of the buffer to 25 feet. He said if the City deviated from those standards, that could raise questions regarding the City's compliance with Title 13. He said the City would have to review carefully any changes to the CWS standards.

Coun. Arnold asked if the buffer could be changed to ten feet.

Brentano said that would have to be done in a way that validated the strategy as a way to provide the same level of water quality and protection for stream banks that the 25-foot buffer provides. He said much of the re-developable area adjacent to the streams did not meet those standards, for the standards did not exist when the property was developed. He said there was a conflict between an expanded buffer and the land owner's ability to use the property as it had been used historically. He said strategies were needed to meet these requirements to aid redevelopment.

Mayor Drake said the City had to work with the State's and Metro's Goal 5 Plans. He said there was no hard and fast rule; for example, there were filters in the system that could treat stormwater in lieu of a bio-filter and this could maximize land use which was good in a Regional Center. He said this would help prompt redevelopment. He said the City would still be a co-permittee and there would be efficiencies in the process that would make redevelopment easier.

Arellano said a third benefit to being a co-permittee was that design and construction standards could be improved to better meet the City's needs. He said currently CWS standards were suited for new development on raw land. As a co-permittee, the City could potentially offer credit for low-impact development designs and reduce the

reliance on the standard water quality treatment ponds and swails. He said it would also permit use of proprietary water quality treatment devices and sensitive area buffer standards could be created for re-development. He said potentially this would open the door to using low-impact development standards to infiltrate the water into the ground where it would filter through natural processes rather than having it run-off into the streams.

Coun. Stanton asked where the potential was if the City still had to use the same standards.

Arellano said this presentation was the first step to introduce the Council to this idea. He said negotiations would be needed with CWS and DEQ on the Stormwater Management Plan and the resulting permits. He said until the City goes through that process, it would not be certain of what it would be able to do.

Mayor Drake said this was a policy decision so staff was seeking authorization to explore the benefits of this change.

Arellano said as a co-permittee, the City could recapture a portion of the stormwater charges currently remitted to CWS and the City would control the budgeting and spending. Also, the City could choose a maintenance schedule that maximizes efficiency with other public works functions, thus improving maintenance through better resource utilization than that provided by CWS.

Coun. Stanton asked if CWS would not agree to amend the IGA with the City to meet the City's maintenance needs.

Brentano said the City and CWS handle post-development line inspections differently. He said the City requires that developers clean the lines and then the City inspects them; CWS instead asks the developer to provide them video footage of the lines.

Coun. Stanton repeated her question regarding amending the IGA.

Brentano said they could discuss that with CWS, but experience has shown that CWS tended to be prescriptive, as opposed to permissive, because of its relationship with all of the cities. CWS does not tailor the program to the needs of the individual cities and treating the cities uniformly was not always the best for Beaverton.

Arellano said the final benefit was that the City would control reporting, potential sampling and monitoring requirements. He said under a City-created Stormwater Management Plan, the City could report data that closely tracked City efforts.

Coun. Stanton confirmed DEQ criteria issues would still have to be met.

Arellano said there were two potential issues: 1) The EPA has shifted its focus to municipal permit compliance and was aggressively auditing MS4 permits; and 2) The City may be more prone to third-party legal action for failure to enforce the permit requirements. He said it was felt that the liability would not be that much greater, though there is liability if the City did not follow the conditions of the permit.

Mayor Drake said the City has strongly supported and would be sensitive to environmental issues. He said this was an opportunity to learn from environmental stewards. He said this was a great positive opportunity.

Coun. Arnold asked if the City would not be linked to CWS.

Arellano said the City would be covered by the same permit but its status would be elevated from co-implementer to co-permittee, which was more of an equal rather than a subordinate. He said that would allow the City to create its own Stormwater Management Plan tailored to meet the City's needs.

Coun. Arnold asked if the City would still pay for activities that CWS would perform, such as the water monitoring.

Arellano said the responsibilities of CWS would have to be negotiated; at this time the only service that CWS would provide would be water quality monitoring.

Brentano said there were preliminary discussions with DEQ three years ago and DEQ would look to the City to do the same activities as CWS to support water quality. He said DEQ would look to the City as being the primary responsible agency in the geographic area of the city for these activities. He said the City's permit would be much like CWS's permit; and the City would implement the permit in a way that was most appropriate to the City and to the satisfaction of the DEQ.

Coun. Arnold asked how many other jurisdictions have done this.

Brentano said the CWS model was unique in Oregon; most cities are co-permittees under a county umbrella, as is the case in Clackamas and Multnomah counties.

Coun. Arnold asked if it was common to change from one process to another.

Brentano said this issue was not raised for the cities in Clackamas County that have always had co-permittee status. He said to his knowledge in other counties no one has suggested that there should be one regional agency over all of the cities.

Winship said CWS had been the sanitary sewer service agency since 1970 and became involved in the stormwater management in 1990. He said the City had its stormwater utility in 1989, and its sanitary sewer system since 1893, so the City has been in this business a long while.

Coun. Stanton asked if there were any co-permittees in Washington County.

Arellano said there were none.

Coun. Dalrymple asked if CWS was encouraging cities to become co-permittees.

Brentano replied CWS has not. He said the City would maintain a relationship with CWS for it was an important relationship. He said he spoke several times with CWS staff advising them of the City's likely intention to proceed and no one had disparaged that action. He said CWS preferred that the City not do so, but it recognized that

Beaverton was more unique than the other cities for various reasons. He said CWS trusts the City would maintain its relationship as a full partner. He said he believed CWS would recognize that having Beaverton as a co-permittee was not bad for CWS.

Coun. Dalrymple asked if this process would improve the development review process verses having to work separately with the City and CWS for different permits.

Brentano said yes it would improve the process for the City would be responsible for the service provider letters and other coordination currently handled by CWS.

Coun. Dalrymple asked if there would be any level of duplication.

Brentano said there would be no duplication.

Coun. Dalrymple said he understood that CWS was not a fan of the system filters. He asked if the City favored the filters because it wished to be more supportive of redevelopment, especially in areas where there was not a lot of space.

Arellano said that was one reason and there was ample evidence showing that the filters outperform the biological systems preferred by CWS.

Brentano said the City was the only entity in the County that has used and maintained these filters broadly and has data to support its findings. He said the City's experience has been remarkably good.

Coun. Dalrymple asked if the City would continue its current practice of having the vendor install and maintain the filters through the warranty and then the City would take over maintenance.

Brentano said that was correct.

Coun. Dalrymple asked if this would lengthen the development process.

Arellano replied this would put the City in control of the timeline.

Coun. Dalrymple asked if they had determined how many additional FTE employees would be needed to implement the program.

Arellano said that analysis had not yet been done.

Brentano said CWS had one biologist and it was not known if the City would need a full-time biologist or if it could buy the services as needed.

Coun. Arnold said she had some concerns though she understood the advantages. She asked if this would look like the City was playing turf games; trying to take turf away from the County.

Brentano said the City has always performed the tasks that they were proposing with exception of the issuance of the service provider letters, management of 1200C Permits and reporting requirements. He said the City was already doing the majority

of the work and still paying CWS for the services. He said if the decision was made to regionalize priorities, Beaverton's priorities would have to compete with priorities from other areas and it would be penalized for system improvements that the City has already done.

Mayor Drake said that after the 1996 floods the Council approved a rate increase to retrofit the system to eliminate the flooding that had occurred in the community. He said that had been very effective and the areas that usually flooded, no longer do so. He said the City was currently maintaining all of the lines up to 24 inches. He said as the systems are replaced, the City would respond faster and more effectively. He said CWS has done a nice job and been a good partner. He said the community has grown in size and the staff was highly qualified, making the City a nimble efficient agency. He said it was part of the plan for the City to deal with the whole package.

Coun. Arnold said she knew CWS does a great deal of scientific research. She said she assumed since the City would not have a biologist it would not do that type of work, though currently it does contribute to the work as a member.

Brentano said he was not sure that that type of research was performed by a biologist. He said a biologist would examine the effects on fish habitat and adjacent property. He said neither CWS nor the City had examined what happens to streamflows as result of detention that may not exist in the volume that it may need to in some places. He said as a co-permittee, the City would have the opportunity to examine those issues from a policy perspective.

Arellano reviewed the dates for key action points in detail (in the record).

Coun. Dalrymple asked what the cost would be for consultants to do the Stormwater Management Plan.

Arellano said the cost would range from \$50,000 to \$100,000.

Brentano said Council approved \$50,000 in this year's budget for that purpose.

Coun. Doyle said he would give his questions to staff in writing to prepare a response to share with the entire Council.

Coun. Stanton asked what the next steps would be.

Brentano said staff was seeking Council's informal consent, so they could advise CWS of the City's intentions and begin discussions with DEQ. He said if the City were to find this was too onerous a task, it could always turn back. He said staff would then return in August or September to update Council on the status.

Mayor Drake advised Council that Brentano had been talking to DEQ for quite a while doing reconnaissance to get a basic look at the situation. He said this would not surprise the County. He said he and Brentano spoke with CWS General Manager Bob Cruz and Deputy Manager Bill Gaffi, and he talked with the County Commission Chair Tom Brian, to let them know they would be discussing this with Council.

Coun. Doyle said he was glad to hear this would not be a surprise to anyone. He said he liked that this would speed up the development process, improve efficiencies and provide better wastewater cleanup. He said he was not averse to having staff initiate formal discussions.

Coun. Dalrymple said he was very comfortable with proceeding on this matter and if this resulted in a more cost effective development process, that would be great.

Coun. Stanton said she agreed with the two previous comments though she needed to see the cost benefit ratio. She said she wanted to ensure it was cost effective for she saw the City gaining substantial responsibilities if this goes forward.

Coun. Arnold asked if CWS and the County were aware of this and it would not be a surprise.

Brentano said they all know about this informally and this week a formal letter would be sent to these agencies. He said no one could say the City had not raised this issue; they have talked about this option for several years. He said they worked diligently within the confines of the group to come to a conclusion that may not have put them on this course. He said staff felt it was time to look into this change.

Coun. Arnold asked if a resolution was needed to pursue this.

Mayor Drake said a resolution was not needed. He said the City could pursue this as part of a general work plan but what the staff was trying to do was to apprise Council that the City was at the point where this needs to be studied. He said staff felt the City could better direct those services and in the long run it would be in the better interest of the City to be a co-permittee. He said "co" meant joint, so the City was not proposing to go out on its own. He said CWS was currently proposing to take over many of these services within the cities effective July 1, 2008. He said the cities were not happy with this recommendation for there were basic services that cities should provide to be a full-service city and to be responsive to the citizens. He said that was why staff felt this was the time to discuss this with Council.

Coun. Arnold asked if CWS was proposing to take over services that are currently performed by the cities.

Mayor Drake said that was a broader discussion that was occurring; it would be effective July 1, 2008. He said in talking informally with mayors and managers from other cities, they felt CWS was headed in the wrong direction.

Coun. Arnold said this was a bigger political issue than she had realized. She said since this was a work session, she had not realized she would be asked to approve proceeding and she did not feel comfortable with agreeing to that.

Coun. Dalrymple said he felt it was important to take the next step and perform due diligence to get the necessary information, and that was the proper way to proceed in the public process. He asked Coun. Arnold to reconsider, for this was needed in order to make an intelligent decision.

Coun. Arnold said she was not convinced that this was not a surprise action and she did not want to find out after the fact that this was a surprise to anyone.

Mayor Drake reiterated that he had spoken to the Washington County Commission Chair and to County Commissioner Roberts about this recently. Also, he and Brentano have discussed this multiple times with the CWS Manager and Deputy Manager. He stressed they had discussed this with the top people in these agencies.

Coun. Arnold said that was the Mayor and staff talking to a few people. She said the same thing happened with the annexation issue when the resolution was passed and then it turned out to be a surprise to many people. She said she did not want the same kind of surprise again and she felt this had that potential. She said she did not want to hear that the County Commissioners or CWS were not aware of this. She said she was not comfortable with action and she would prefer more time to think about this and talk to other people before she acts on this matter.

Coun. Stanton said she was comfortable with this first step for it would allow the City to have a conversation with CWS regarding funding issues. She said sending the formal notice would give CWS the opportunity to reassess how it has worked with the partners and to possibly add flexibility to its program to meet the needs of the urban area. She said she believed CWS puts more of its energy into rural, agricultural and forest lands than the urban core which has different issues. She said this would give CWS the opportunity to adjust how it does business with all the jurisdictions.

Coun. Dalrymple MOVED, SECONDED by Coun. Doyle that Council authorize the staff to proceed with due diligence and have discussions with CWS and DEQ to explore having the City apply for co-permittee status for the NPDES permit and then report back to Council.

Coun. Arnold said she did not want this to be perceived as the City going forward and that this was what the City wanted to do.

Mayor Drake explained that the NPDES permit for CWS expires in 2009 and that covers the City. He said there were others who were co-permittees and this would allow staff to explore the possibilities of being a co-permittee. He stressed this was not something that would be done overnight.

Coun. Arnold said her comfort level was not high for she was not certain this would not be a political issue or a surprise to others. She said she could not support the motion.

Question called on the motion. Couns. Dalrymple, Doyle and Stanton voting AYE, Coun. Arnold voting NAY, the MOTION CARRIED. (3:1)

ORDINANCES:

Coun. Doyle MOVED that the rules be suspended, and that the ordinances embodied in Agenda Bill 07138 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council.

Mayor Drake noted that Coun. Stanton had questions regarding this ordinance. He asked staff to address her concerns before the ordinance received first reading.

Coun. Stanton said in looking at the text on page 4, this text amendment dealt with operations centers for entities and utilities. She asked if that was correct.

Bergsma confirmed that was correct.

Coun. Stanton said she would have to vote no because it looked as if this ordinance would add uses to the bus barn site. She said she had not had the chance to review this in light of the consequences for all of the uses in the city.

Bergsma said the lead staff person on this matter was not at the meeting and he could not answer detailed questions at this time.

Mayor Drake asked if Coun. Stanton could submit her questions after the first reading and staff could respond later.

Coun. Stanton said she was not comfortable doing that. She reiterated her concern that this ordinance allowed more uses at the bus barn site. She said if staff could not assure her that this did not apply to either bus barn site owned by the Beaverton School District she would vote no on the first reading.

Rappleyea said for the bus barn application that was currently in process they could not use a revised Code. He said an application had to be reviewed under the Code that was in effect when the application was submitted. He said a new application could be filed to take advantage of a Code revision. He reminded Council that if the vote to suspend reading of the ordinance was not unanimous, the ordinance would have to be read in full.

Coun. Stanton said she preferred to pull the ordinance for she needed more time for review and she was concerned how this would affect other parts of the city.

Mayor Drake asked that Coun. Stanton to submit her questions in writing. He noted this ordinance went through an extensive review process and was considered by the Planning Commission with all proper notification. He said this request came from someone not related to the bus barn, nor was it a public agency.

Coun. Stanton said she felt this was important for there could be consequences that would affect the city. She asked that the Council allow her to pull this ordinance.

Coun. Doyle withdrew his motion. The ordinance was pulled and did not receive first reading.

07138 PULLED - TA 2007-0002 (Operations Center 2007) (Ordinance No. 4443)

Second Reading:

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

07122 An Ordinance Amending Ordinance No. 2050, the Zoning Map to Apply the City's Office Commercial Zone to Two Properties Located in Northern Beaverton ZMA 2007-0012 (Tax Lots 1S102DC04304 and 1S102DC05300) (Ordinance No. 4442)

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the ordinance embodied in Agenda Bill 07122 now pass. Roll call vote. Couns. Arnold, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:55 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day ,2007.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JULY 9, 2007

POLICE DEPARTMENT HOLDING FACILITY INSPECTION:

At 6:10 p.m. Police Lieutenant Dean Meisner toured the Police Holding Facility with the Mayor and City Council for the Annual Inspection. Present at the inspection were: Mayor Rob Drake, City Councilors Bruce Dalrymple, Dennis Doyle and Cathy Stanton, and Deputy City Recorder Catherine Jansen.

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, July 9, 2007, at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce Dalrymple, Dennis Doyle and Cathy Stanton. Also present were Assistant City Attorney William Scheiderich, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, Principal Planner Hal Bergsma, Senior Planners Colin Cooper, Barbara Fryer and Margaret Middleton, and Deputy City Recorder Catherine Jansen.

PRESENTATIONS:

07140 Senior Issues – Long Range Planning for Oregon Communities

Delores Raymond, Governor's Commission on Senior Services (GCSS), gave a presentation on senior issues. She said the mission of the GCSS was to enhance and protect the quality of life for older Oregonians through cooperation with other organizations and advocacy. She said the GCSS works to ensure that seniors have access to services that provide choice, independence and dignity. She said the three most important issues for senior citizens were housing, transportation and health care. She said her work was focused on housing issues and she belonged to a housing supportive services network that was dedicated to ending homelessness. She said every night in Washington County there were 1,000 homeless people. She summarized the Legislature's work this year pertaining to senior issues and programs.

Raymond reviewed other issues that affect seniors including population growth, tax issues, education, social security, socialized medicine, financial protection and the sustainability of Medicare and Medicaid. She distributed three senior resource pamphlets to Council: *Riding the Wave (Long-Term Care in Oregon and Long-Range Planning for Oregon's Communities)*; *Preventing and Responding to Senior Financial Abuse in Oregon*; and *Being Prepared (A Resource Guide for End-of-Life Decisions and Planning)* (in the record).

Coun. Stanton referred to the recommendations listed on page 16 of the *Riding the Wave* and asked if these recommendations were from the GCSS and if they went to the Governor. She also asked how these recommendations would be implemented and if the task force would be responsible for the implementation.

Raymond said there was a group that meets monthly to look at the future of long-term care. She said Oregon's home and community-based long-term care system saves a great deal of money compared to states that offer only nursing home care. She said she did not know how these recommendations would be implemented.

Coun. Bode said that Beaverton had a large retired population for retirees were not leaving the state for sunnier climates. She thanked Raymond for coming.

Raymond said the population explosion that was occurring in Oregon was changing the character of the state and she was not sure how we would fare under this growth.

Coun. Arnold asked how many senior citizens lived in manufactured home parks.

Raymond said there were many manufactured home parks in Cornelius and Forest Grove. She said she hated to see people losing their homes as these park properties were sold and there had been stress-related deaths from these closures. She said people buy these homes because they are affordable; and those families and children were ending up homeless. She said not many seniors were in homeless shelters for they have other resources; however, there were many children. She said she would like to see that change.

Coun. Doyle thanked Raymond for her efforts. He said he felt the grade for this year's Legislative Session, in terms of what was done for seniors and veterans, was a "D." He said the failure to fully fund the Oregon Independence Project though the program was a tremendous cost saver was sad. He urged her to keep up the good work.

Mayor Drake thanked Raymond for the presentation.

07141 Transportation Improvement Projects: Looking at a Systems Development Charge

Public Works Director Gary Brentano said at its April 23rd meeting Council directed staff to determine what methodologies might be used to establish a System Development Charge (SDC) for new development to pay for small transportation improvement projects and to also consider methodologies for a street utility fee for capacity and safety improvements. He said since that meeting staff had determined that this work required expertise that was not available through city staff. He said Don Ganer was an expert in this field and was hired to assist staff preliminarily in developing these fees.

Don Ganer, Don Ganer & Associates, Portland, said he worked with the City of Sherwood, which was the first city in Washington County to adopt a SDC to complement the Washington County Traffic Impact Fee (TIF). He said he used that work to put together the information in the Council packet. He said Washington County was unique in the state for having a County wide TIF. He said the County TIF was never designed to cover 100% of the cost of growth; currently the TIF covers about 15% of the cost of growth. He said the SDC Act that was adopted in 1989 allows cities to recover the cost of growth. He said the City has the authority to adopt a separate fee and since there were restrictions on the TIF that makes city fees an attractive option. He said the TIF can only be spent on County-approved projects and cities are required to spend at least half the TIF that they collect on arterial roads as opposed to collectors. He said some cities, like Sherwood, have a greater need for collectors than arterials, which was why a city fee was needed. He said the TIF has a cap on what can be charged to development; the cap was based on the Institute of Traffic Engineers (ITE) Trip General Manual that was used to determine how many trips could be charged on the County fee. He said due to the cap, larger developments may not be paying for the full impact they create on the transportation system. He cautioned that there were some developments that were sensitive to any type of fee and may choose to develop elsewhere.

Ganer reviewed State law requirements for SDCs: 1) SDCs can only be used for projects that deal with growth and the relationship to growth has to be shown; 2) SDCs can only be used for capital improvements and not for maintenance or operations; 3) The City could fund up to 100% of the growth cost of all the City improvements when the City and County fees are combined; 4) Having a funding source available to build transportation facilities could give the City an advantage in attracting businesses and individuals who are sensitive to transportation facilities; 5) The SDC could collect less than 100% of the growth costs by placing a cap on the fee. He said the advantage to that would be lower rates; the disadvantages were that existing businesses and residences would be subsidizing growth and other needs in the City would not be built for lack of funding.

Ganer said if Council preferred an SDC that was less than 100% of the growth costs, he recommended two options. He said the first would be to select a specific list of projects in the Transportation System Plan (TSP) and setup a fee to collect 100% of the growth cost for those specific projects. He said the advantage was that the high-priority projects would be funded, though the low-priority projects would not be. He said the second option was to place a cap on the SDC to collect a percentage of the money needed for the projects on the list and not limit the project list. He said the advantage was that this would maintain the project list and up to 100% of the funds for any one of the projects could be spent. He said the disadvantages were that it would create problems with prioritizing projects and there was insufficient funding to build all of the projects so a subsidy would be needed from another source.

Ganer said the total that the City could collect from the City SDC and the County TIF could not exceed 100% of the growth required cost. He said he would recommend that the City also look at pass-by trips and trip lengths. He said SDCs could be used on any transportation facilities not just road trips. He concluded by reviewing the development process and schedule (in the record).

Coun. Dalrymple said he worked with Ganer when he served on the Tualatin Hills Park & Recreation District Board (THPRD) in establishing the District's SDC. He said the THPRD adopted the methodology report and a SDC to recover 65% of the growth cost. He asked if the City could establish the desired recovery rate but the methodology report would identify what the 100% value would be.

Ganer said that was one option. He said the Council could establish an SDC that covers all the projects at 100% and adopt the entire report at a different percentage. He said the down side was that the City would end up with several projects that would not be funded as was the case at THPRD. He said an alternate option was to determine what projects would be included on the project list prior to determining the methodology and then adopt an SDC that would be sufficient to fund all of the growth costs.

Coun. Dalrymple asked how this would work as time passed and there was a need to add projects.

Ganer said that State law allows the City to add projects to the list at any time and the SDC rate could be modified to accommodate the added projects. He said revising the SDC rate was not considered a revision of the methodology. He said adding projects to the list was done through a public hearing process, but the hearing had a limited scope for this was not a change to the methodology.

Coun. Dalrymple said as the THPRD projects were completed, the project list evolved and new projects were added. He said he wanted to be sure the City would be able to do that. He said the THPRD also was able to incorporate an annual inflationary increase if it chose to do so. He asked if the City would be able to do that.

Ganer replied the City could also have that feature.

Mayor Drake asked if the THPRD used a construction index versus regular inflation.

Ganer said the District used the construction cost index.

Coun. Dalrymple noted that developers in Washington County could receive credits for some of the transportation work that was done within the right-of-ways. He asked if that would apply with this SDC.

Ganer said the credits provisions would be the same for certain types of projects required under conditions of development approval.

Coun. Dalrymple noted that SDCs were placed on a variety of services (parks, water, etc.). He asked if there was a cap in the County on the total amount of SDCs that anyone could charge within the region or County.

Ganer said there was no limit or caps on the total SDCs, however, the SDCs were limited to water, sewer, transportation, stormwater and parks.

Coun. Dalrymple said he knew the City was looking at other funding options and, in relation to this issue; he was looking for a measured balanced approach.

Coun. Doyle asked what the reaction was from the user community in Sherwood.

Ganer said the Home Builders Association did not oppose it and no one spoke in opposition at the public hearing. He said following adoption of the fee, some issues arose and the City was considering modifying the rate structure for some categories. He said Sherwood was also considering placing limits or exemptions on certain classes of development.

Coun. Doyle asked if the Council would see a realistic outlook on what projects could be done over a ten-to-25-year period, depending on the rate selected. He said he wanted to do this correctly and thoroughly, and added this would not solve the complete issue of providing funding for transportation needs.

Ganer reiterated the SDC could only address the growth needs.

Mayor Drake said that the Sherwood ordinance included a provision that if the County increased the TIF, Sherwood would reduce its SDC a like amount.

Ganer said that was correct

Mayor Drake asked if this fee was based on new development and not existing development.

Ganer replied that was correct; this was a one-time fee paid only when new development occurs to defray the cost for transportation improvements needed due to the new development.

Coun. Dalrymple asked if a developer would pay the SDC for each lot when he builds the subdivision and if the builder would have to pay the SDC again when he builds the house.

Ganer said the fee would only be charged one time, when the building permit application for construction would be submitted. He said if a developer was seeking subdivision approval there would be requirements that he would have to meet to obtain that approval; the developer would be eligible for a credit for those improvements and the credit would be applied at the time the building permits were pulled for the houses.

Coun. Dalrymple said he wanted to be sure that the public understood that this fee would not be charged twice.

Coun. Arnold reconfirmed with Ganer that the SDC would be charged one time for new development and that if the developer made an improvement to help alleviate the traffic congestion created by this development, the cost of that improvement would be offset from the SDC. She asked if that would go against the County or City's portion.

Ganer said it depended on the type of road; it would go against the City's portion if it was a collector road that was not on the County's approved list. He said the credit would be applied against the total fee; it would not matter if it was the County's or City's portion.

Coun. Arnold noted there was a cap on the ITE number of trips that can be generated. She asked what percentage of construction hit that cap.

Ganer said there was a limit of 100 trips per unit of development. He explained that some developments, such as convenience markets, generate around 750 trips for every 1,000 square feet. He said under the County's TIF the limit was imposed by only charging for 100 trips for every 1,000 square feet. He said Sherwood was reviewing its SDC because some developments had a large trip generation number and the fee was higher than expected.

Coun. Arnold asked if the SDC could be used for structured parking.

Ganer said some cities offer a waiver or decrease on the SDC for facilities that reduce traffic impact on the transportation system. He said he would need to check to see if structured parking was one of those facilities. He said cities also provided exemptions for developments that they wanted to attract, such as industrial development. He said the task force could look at this if Council desired.

Coun. Arnold asked how long Sherwood's process took and if there was a task force.

Ganer said Sherwood did not have Task Force it was handled by an internal staff committee and was then reviewed by the Home Builders Association.

Mayor Drake recommended that Council ask staff to review the current TSP list and return with a list of project options, percentages and costs that could go out for public hearing and comment. He said this would provide ample opportunity for interest groups and citizens to comment on the proposal.

Ganer said the process in Sherwood took about eight months from start to finish.

Coun. Stanton asked if the SDC would apply for redevelopment.

Ganer said the SDC would apply to the increase in the number of trips that would be generated by the new development versus the older development, assuming the redevelopment would generate more trips. He said there could be situations where the redevelopment would generate fewer trips. To determine trip generation numbers for the older development, he recommended using the current edition of the ITE Manual and looking at the most intensive use of that property in the last 18 months. He said different standards such as two to five years, could be used to cover situations where properties had been vacant for a while.

Coun. Stanton asked if SW 125th Avenue was on the County-approved list of projects.

Brentano indicated that it was included on that list.

Coun. Stanton asked if the SDC would only cover anticipated growth and not mitigation of on-going growth or previous impact.

Ganer said it would cover to any growth from the time the SDC was adopted and forward; it would not apply to growth that had occurred in the past.

Coun. Bode asked if SW 125th Avenue would fall into this category.

Coun. Stanton said she did not think it would fall under this program because it was a new road.

Brentano confirmed it would be a new road to be constructed based upon the City's TSP and would have to be funded by some other means than the SDC. He said if Council desired SW 125th Avenue could be included on the SDC project list and funding would depend on the priority for it would be competing with other projects.

Brentano summarized that at this point Council would like staff to return with a list of projects to frame a potential SDC so that Council could have a frame of reference for discussion as this matter proceeds. He added that Ganer has recommended beginning with the SDC and then moving to the street utility fee and the fee for safety improvements as they logically fall in that order. He said the other items would come forward as this moves forward.

Mayor Drake noted staff was also seeking authorization to proceed with the contract for Don Ganer & Associates and approval of funding for the same.

Coun. Stanton stressed she wanted SW 125th Avenue on that list and if it was not included she wanted clear reasons why it was omitted.

Brentano responded that on August 20th a work session would be held on the SW 125th Avenue Extension and staff would present up-to-date estimates and additional information so this project could be discussed in depth. He said he guaranteed that this project would be on the project list.

Coun. Dalrymple noted that Sherwood took eight months to develop and adopt its SDC plan. He added that the Council was embarking on its visioning process for Beaverton. He said as part of the visioning process, there could be another arterial or road that has not yet come to light. He said going through the SDC process and handling the vision process would give Council time to look to the future to see if there was something else the Council wanted to include.

Mayor Drake said that was correct and the public process to add projects to the SDC list was simple.

Ganer clarified that it was not difficult to add projects to the SDC list but the projects do have to be included in the TSP before it could be added to the list.

Coun. Arnold clarified that the Council would be appropriating \$19,500 for the contract with Ganer. She said she was confused about the recommendation and asked if that would include proceeding with the task force.

Mayor Drake said that was Ganer's recommendation though he had not discussed it yet with Ganer. He said this would authorize work to begin with Ganer and at a staff level. He said they would then return with a broad package for the Council review and Council would then instruct staff on how it wished to proceed.

Coun. Doyle MOVED, SECONDED by Coun. Bode that Council authorize staff to enter into a personal services contract with Don Ganer & Associates, Inc., for a Street SDC methodology report with a recommended capital improvements program in an amount not to exceed \$19,500 and in a form acceptable to the City Attorney, and direct the Finance Director to include the funding for the contract in the next Supplemental Budget; and that staff seek public input and ensure that public information is shared, and return with a narrowed list of options, covering Options 1 and 2 as outlined in the Ganer report attached to Agenda Bill 07141. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

VISITOR COMMENT PERIOD:

Richard Eyde, Beaverton, acknowledged the successful return of Coun. Stanton from the Discovery Days Mayor Race where she represented the City. He said over 200 people attended the Discovery Days activities and there were many canoes and kayaks in the water. He said Coun. Stanton did not finish first or last, but she stayed dry the entire race. He told the Councilors that anytime they wished to go out on the river the Tualatin Riverkeepers would be happy to escort them.

Coun. Stanton added that it was a lovely day with clear, cool weather. She said this was an opportunity to appreciate the work that was done collectively in cleaning up the Tualatin River over the last 25 years. She said the cleanup was funded by a sewer utility charge that was paid by everyone. She confirmed the event was held downriver from the sewage treatment plant and the water was clean.

COUNCIL ITEMS:

Coun. Arnold said this Thursday would be the first Picnic in the Park at City Park at 6:00 p.m. She said this was for the Central Beaverton, Denney Whitford, Raleigh West and West Slope neighborhoods.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

Minutes of the Regular Meetings of June 4 and 11, 2007

07142 A Resolution Expressing the City of Beaverton's Election to Receive Distribution of a Share of Certain Revenues of the State of Oregon for Fiscal Year 2007-2008, Pursuant to ORS 221.770 (Resolution No. 3904)

07143 Acceptance of Grant Award from the Metropolitan Area Communications Commission and Authorize Appropriations Through a Special Purpose Grant Budget Adjustment Resolution (Resolution No. 3905)

07144 Management COLA

Contract Review Board:

07145 Ratification of Beaverton Central Plant Contract Award for Boiler/Chiller Installation

07146 Contract Award – Administration of the Adapt-A-Home Program

07147 Contract Award – Administration of the Mend-A-Home Emergency Program

07148 Retainer Agreements for Professional Services in Support of the FY 2007/08 and 2008/09 Capital Improvements Plans

Coun. Stanton said she had minor revisions to the minutes that she gave to the City Recorder.

Coun. Stanton referred to Agenda Bill 07143, acceptance of the grant from the Metropolitan Area Communications Commission (MACC), and noted she was the City's representative to MACC. She said MACC has an extensive grant process for the PCN grants and all 13 cities and every service district in the County compete for the grants. She said the City was able to get everything it wanted, though it did not get everything it asked for. She said the City received \$52,000 from the grant funds. She said the grant funds come from a \$1.00 charge that was included on everyone's cable bill.

Coun. Doyle asked where the public could obtain information on the Adapt-a-Home and Mend-a-Home Programs (Agenda Bills 07146 and 07147).

Chief of Staff Linda Adlard said people could access the information from the City's Web site (www.beavertonoregon.gov) or by calling the City at 503-526-2497. She said these programs were administered by the City's Economic Development Program.

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

RECESS:

Mayor Drake called for a brief recess at 8:06 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:19 p.m.

WORK SESSION:

07149 Planning for Beaverton's Part of the Washington Square Regional Center

Senior Planner Barbara Fryer presented a PowerPoint presentation on past and future planning for Beaverton's portion of the Washington Square Regional Center (WSRC) (in the record). She reviewed the WSRC boundary adopted in 1999 and said though this was a large area, not all of that area was intended for high-density development. She

said the Regional Center areas score higher for Federal pass-through funds that come through Metro; by having a larger area, the transportation improvements needed for the full length of Hall Boulevard or Scholls Ferry Road could potentially be funded. She said these improvements were in the Regional Transportation Plan (RTP) but were unfunded.

Fryer reviewed the 1997 and 1999 Visions, the Compliance Report, the zoning and the 2002 Comp Plan for the WSRC. It was noted that currently the County zoning remains in place for those areas within the WSRC that have been annexed to the City. She reviewed the 2004 Implementation Study in detail (in the record).

Mayor Drake asked (in reference to the Implementation Study) if the property owners in the entire regional center were contacted or if only the owners for the retail section that faced Highway 217 were contacted.

Fryer said the owner for the retail section facing Highway 217, the area north of Hall Boulevard and the Nimbus area between Hall Boulevard and Scholls Ferry Road were contacted. She said it was anticipated that these three areas would be rezoned into a more intense use.

Mayor Drake confirmed the market analysis was done by E. D. Hovee & Company. He asked if Hovee received a response from every property owner.

Principal Planner Hal Bergsma said responses were received from the key property owners, though one major property owner in the Nimbus area recently changed.

Coun. Stanton asked if the urban village north of Hall Boulevard extended from Nimbus Avenue up to the creek on the west.

Fryer confirmed it would extend up to the creek. She said the Mercer property would be out of the study area. She clarified that the urban village would consist of row houses, condominiums, apartments, office buildings, mixed use of retail/lofts and retail/office, and a Tanasbourne-style shopping center. She reviewed the redevelopment assumptions and concepts from the 2004 market analysis for the WSRC (in the record).

Mayor Drake noted that the proposed location for the overpass set down was on a sensitive wetland area.

Fryer said the overpass would set down on Gemini Drive with the intent that Gemini Drive would continue to Nimbus Avenue. She said this was preliminary and the details of the overpass were not at the point of engineering study.

Coun. Stanton asked what the assumptions were for Highway 217 in the Study.

Fryer said the Study assumed that the financially constrained RTP would be built.

Mayor Drake noted that Highway 217 was not in the RTP and ODOT had yet to accept Highway 217 into any redevelopment. He said it was through Metro/JPACT that the environmental impact statement was funded.

Fryer reviewed in detail the transportation needs that have yet to be resolved in the WSRC area including the disconnected network, intersection improvements needed beyond those in the Transportation System Plan (TSP), the Highway 217 overpass, transit service and relocation of the commuter rail station.

Fryer said the question before Council was whether the WSRC boundary should be changed. She said the City had two regional centers (downtown Beaverton and Washington Square), there was a lack of funding for needed transportation improvements in the WSRC and this area was not ready to meet Regional Center densities, staff felt the urban village concept should proceed even if the Regional Center designation was removed and the overpass was too expensive for the overall benefit.

Bergsma reviewed the area of the WSRC that was annexed into the City in 2005. He said that area was currently zoned County Transit Oriented (County TO).

Fryer said the second question before Council was whether or not to consider new zoning for the WSRC. She reviewed the zoning recommendations including the urban village, commercial zoning along Highway 217, Mixed Use Employment and Mixed Use Commercial.

Coun. Stanton asked why there was no minimum building height for the Mixed Use Employment.

Fryer said the intent was that redevelopment would occur over time and putting in an artificial building height would suppress the market or require that redevelopment occur at a certain level for which the market was not ready.

Bergsma said this was an optimistic assumption of what might happen with some fairly aggressive development standards, since there was a desire to see a lot of redevelopment occurring. He said the question was whether this was realistic.

Coun. Arnold asked how the urban village would be zoned to ensure the density and type of housing.

Fryer said she anticipated using the David Evans & Associates Study to identify the three pod areas that would be required to have a minimum number of condominiums, apartments and row houses. She said this area was primarily under one ownership, so they would work with the owner to determine what that area would look like. She said that the density would not necessarily be the one in the David Evans Study but the density and mix would be identified.

Bergsma said the City could enter into a development agreement with the property owner to create zoning unique to a particular property. He said form based zoning that defines the size and mass of a building could be used.

Mayor Drake said Tigard asked the City to take the next step and zone the WSRC. He said this appeared the City may be recommending doing less than more in the short run. He said he knew the City needed to do what was best for Beaverton and asked if this was discussed with Tigard.

Bergsma said he has discussed this with Tigard's Planning Manager and he has received copies of all of this material so he is aware of the discussions that have taken place. He said they agreed that once staff had discussed this with Council and the Planning Commission, they would have further discussions with Tigard.

Coun. Stanton asked why this was being considered now, other than because Tigard wanted Beaverton to reconfirm its commitment to the 1999 Plan.

Bergsma said in 2003 David Evans & Associates was retained to look at the WSRC for there had been changes in the assumptions since the 1999 Plan, including a change in the location of the station. He said that work was delayed because the station location was uncertain and other projects had priority. He said they were now looking at the WSRC because a legal issue has arisen. He said the City now had a Baker conflict (*Baker vs. City of Milwaukie*); the Baker ruling states that the Comprehensive Plan and the zoning have to be consistent. He said zoning needs to be created for a Regional Center designation and since the City was now beginning an update of all of the zoning districts (Code Chapter 20), this was the opportunity to look at the zoning for this area. He said with the Mayor's concurrence, staff was starting the process to discuss how to proceed; should the Regional Center designation be maintained and zoning applied that is consistent with that designation or should there be a different designation and zoning.

Bergsma said this was considered by the Planning Commission and its response was: 1) Keep the Regional Center designation to receive Federal funding; 2) Change the zoning to allow increased intensity in the Gemini/Nimbus loop, Scholls Ferry/Hall and Cascade Plaza areas; 3) Maintain the urban village area; 4) Let the market dictate intensity and development and do not set minimum standards; 5) There was concern with intensifying the use when needed transportation infrastructure had not yet been constructed; 6) There was concern that if Mixed Use development was allowed, that no single use be allowed to dominate; 7) There was support for pursuing the 1999 Regional Center Task Force's idea of a people mover to connect the Nimbus/Cascade area with the WSRC area to the east of Highway 217; 8) There was concern about the marketability of office space and the provision of affordable housing so that the people who work in that area could live there. He said that was why it was now before Council.

Coun. Dalrymple said he did not support the WSRC designation and he did not want it to dilute the focus from the downtown core area. He said if the WSRC designation was maintained, the City would be in competition with itself in terms of the visioning for the downtown. He said this would also stratify the City by moving the business environment to the City's borders rather than in the central core. He added he was not yet certain the central core was the best location but that could be determined through the visioning process. He said he felt the City needed to look at the downtown Regional Center location very carefully before it stratified or diluted what the City could have in the downtown. He said anything that the City does outside of that would be a plug in the process of doing additional development that could be very beneficial for the community.

Coun. Bode said she would support maintaining the WSRC designation and the zoning that would be current for a Regional Center. She said the transportation issue was huge and rail would probably be an option in the next 20 to 40 years. She said there was a slow shift from huge regional downtown cities to having people work and live in the same area. She said that was something the City might want to look at, so she did not want to

close that door. She said she also wanted to bring in Federal funds for transportation. She said the urban village concept was interesting for it provides another choice, however, in her tenure when she thought the affordable subdivisions were being constructed, by the time the subdivisions were completed they were not affordable. She said she would like to see true affordable housing. She said the City would need to look at who would support the employment effort in the business corridor and they would not all be high-tech, high professional employees. She said the City needs to offer affordable transportation and affordable housing for low, middle and high incomes, and it seems the urban village would be more middle-income. She noted major transportation infrastructure was needed and State and Federal support was needed to build those facilities.

Mayor Drake said the reality was that because it was a growing city, Beaverton was fighting a war on many fronts, not just downtown. He said Coun. Dalrymple was correct that by concentrating on the Washington Square area west of Highway 217 it does some diversion of energy and potential dollars. He said the reality was that currently the Federal funds (MTIP) was not a large pot only \$30 million for a whole region that was focused on a few projects. He said right now no one was willing to accept responsibility for Highway 217. He said the City also had other areas that were growing rapidly, including the Teuffel Project, the Murray/Scholls Town Center and other corridor work that needs to be done in the City. He said he believed the focus needed to be in the downtown. He said he wants to be a good partner with Tigard, though he would prefer keeping things as they are and not go with anything too intense as this time because a lot of funding needs to be found before they can start talking about huge densities that will take decades to receive in the Washington Square area.

Bergsma clarified that the Mayor's preference was to maintain the current zoning and remove the Regional Center designation.

Mayor Drake said he preferred to potentially remove the Regional Center designation but he did not want to do was to harm Tigard's success for the WSRC for that would impact Beaverton. He said if he were voting he would not change the short-term zoning because he does not think much would happen west of Highway 217 in the short term. He said the infrastructure needs were so great in the short term that the City would be remiss in starting a process that has no chance of finding funding for Highway 217 or the constrained funding package. He said he thought the urban village was less problematic because it was somewhat isolated and the potential there was huge for housing near the Fanno Creek Park area. He said he did not think the City should take too big a bite in the short run.

Coun. Stanton said she saw not point in removing the WSRC designation to replace it with something else that was an unknown. She said she could not imagine that all of the components of the employment and corridor requirements were not met under the Regional Center designation. She said she was content to leave the designation intact and she did not see the need to come up with a new designation.

Bergsma said one option would be to change the Regional Center designation to an employment designation, at least in the Halls/Scholls Ferry area as it is predominantly employment with a corridor designation.

Coun. Stanton asked why that has to be done now. She said she remembered that one of the things the City did with the Regional Center designation was to load it with the housing and jobs requirements from Metro's last targets in the late 1990's.

Bergsma said the City did not suggest that there would be a lot of development in this area in its Compliance Report of 1997; it was assumed most of the development would be in the downtown Regional Center. He said the Regional Center was mainly applied because of the work that Tigard did in 1999. He said that was not completed yet when the 1997 Compliance Report went to Metro; it was primarily an employment area and the targets to Metro were reflective of that. He said the other compelling reason was the legal issue of Baker vs. City of Milwaukie, which says the zoning has to follow the designation. He said the definition of Regional Center under the Metro Urban Growth Functional Plan was that it should achieve an average of 60 people per acre. He said to achieve that density, the zoning has to be fairly aggressive; more aggressive than the current zoning in that area.

Coun. Stanton said Beaverton was a piece of the WSRC; it is not incumbent on the City to take the biggest hit on this.

Scheiderich said the problem will arise if someone comes in with a development application within that area. He said the mismatch with the Comprehensive Plan will be a problem if that development proposal was opposed.

Bergsma said there have been developments in that area and staff has heard of other potential developments along Cascade. He said some of that would not be consistent with the Regional Center designation. He said that may come to the City's attention fairly soon; possibly less than two years.

Coun. Stanton said that did not mean she had to make a decision at this meeting.

Coun. Arnold asked how the institutional zoning fit into the need to meet Regional Center requirements.

Bergsma said the Red Tail Golf Course was zoned institutional and the County retained that use reflective of the long-term use of the property as a golf course. He said most of the other properties that were unincorporated received a County transit oriented employment and retail commercial designation. He said most of the uses did not meet that designation; most of it was low density development.

Coun. Arnold asked if an applicant wished to redevelop that property, what could be developed on that site.

Bergsma said if an application was received tomorrow it would be subject to the County zoning currently in place including the maximum development standards for the transit oriented zone which was fairly high.

Coun. Arnold said she was concerned about the legal issue, for the City has been in that position before between County and City zoning. She said it would be nice to have everything under City zoning. She asked if having the Regional Center designation meant the entire area would have a density of 60 people per acre.

Bergsma responded it would be 60 people per acre on average though certain areas could have higher and lower densities. He said the 1999 Plan called for the highest densities on the east side of the freeway and moderate densities on the west side of the freeway.

Coun. Arnold said she was concerned about the legal issue and asked what the likelihood would be if that happened.

Mayor Drake said that the City was beginning an update on Chapter 20. He said the legal opinion may be conjecture, until a better analysis is received. He said the Council might want to have City staff process this information and take a better look at the legal question, and then come back with another work session.

Coun. Arnold said she did not want to make a decision at this meeting.

Coun. Doyle said he would like to know if there was any indication that having two Regional Centers would negatively impact the Downtown Regional Center. He said staff did not need to respond to that right now. He said if that becomes an issue, then Council needs to revisit this matter. He said due to lack of funding, the chances of any transportation improvements for that area was minimal. He said he had no problem with two Regional Centers in the city as that was a positive opportunity. He said he thought the concept of an urban village in that area was dynamic. He said he looked forward to seeing what comes back to Council and the Planning Commission.

ORDINANCES:

Mayor Drake explained the Council would only be considering Agenda Bill 07138. He said Agenda Bill 07150 would be renoticed and Agenda Bill 07151 would be postponed until to the next meeting.

Coun. Doyle **MOVED, SECONDED** by Coun. Bode, that the rules be suspended, and that the ordinance embodied in Agenda Bills 07138, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting **AYE**, the **MOTION CARRIED** unanimously. (5:0)

First Reading:

Scheiderich read the following ordinance for the first time by title only:

07138 TA 2007-0002 (Operations Center 2007) (Ordinance No. 4443)
(Carried over from Council meeting of June 18, 2007)

07150 **PULLED** - An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation and Ordinance No. 2050, the Zoning Map to Apply the City's R-7 Zone to Property Located at 12730 SW Fairfield Street; CPA 2007-0013/ZMA 2007-0013 (Ordinance No. 4444) *(Rescheduled to the meeting of August 13, 2007)*

07151 PULLED - An Ordinance Amending Beaverton Code Chapter 6 Relating to Parking Zone Additions (Ordinance No. 4445) (*Rescheduled to the meeting of July 23, 2007*)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:37 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JULY 23, 2007

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, July 23, 2007, at 6:40 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Bruce Dalrymple, Dennis Doyle and Cathy Stanton. Coun. Catherine Arnold was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop and City Recorder Sue Nelson.

PRESENTATIONS:

07152 Bicycle Friendly Community Award 2007 Renewal by the League of American Bicyclists

Jay Graves, owner Bike Gallery, representing the League of American Bicyclists, said Beaverton had been awarded the Bicycle Friendly Community Bronze Award. He said this award was given only to communities with strong commitments to bicycling. He said the reviewers were impressed with the City's progress in its efforts to close the gaps in the bike network and to improve law enforcement as seen in the 2006 bike theft sting operations. He said he joined the League in recognizing the work done by the City to make Beaverton a bicycle-friendly community. He presented the award to Mayor Drake.

Mayor Drake thanked Graves for the award. He acknowledged the City's bicycle community members and staff liaison Margaret Middleton who worked hard to make bicycling understood and accessible in the community, and to advocate for bicycling.

Coun. Bode referred to the recent tragedy when bicyclist Tim O'Donnell was killed while bicycling. She asked Graves if he had any comments regarding the work of the Legislature regarding automobile/bicycle accidents.

Graves said that legislation that was just adopted was the result of an accident last year in Forest Grove where a couple was killed while bicycling. He said this was a progressive law that should make drivers think twice about driving carelessly around bicyclists. He said bicycling had increased over the last two years due to high gas prices and healthier lifestyles.

Coun. Doyle asked how Oregon compared to neighboring states in terms of legislation that might help reduce fatalities.

Graves said the newest law was one of the toughest in the western states and Oregon would be able to get a lot accomplished with this law. He said Oregon was heading in the right direction.

07153 Presentation on *Emerging Trends and Issues, Aging in Our Community*

Rod Branyan, Acting Director, Health and Human Services Department (HHS), Washington County, introduced himself and Chris Larsen, Senior Program Coordinator, Disability, Aging and Veteran Services (DAVS) for Washington County.

Branyan presented a PowerPoint presentation on *Emerging Trends and Issues, Aging in Our Community*. He said the DAVS was conducting its five-year update of its Strategic Plan 2007. He said in January 2006 the first of the baby-boom generation turned 60. He said counties and cities nation had begun testing their aging readiness to determine what was needed to create communities that would allow the baby boomers to live as independently as possible. He said they were meeting with citizen groups and agencies to obtain feedback on the Strategic Plan. He said the information they were collecting would be useful to the County Commissioners and city councils for future planning.

Branyan reviewed aging statistics for the next 20 years. He said in 2005, 68,000 Oregonians reached age 85; by 2025 more than 95,000 Oregonians would be 85 or older. He said this was an increase of almost 40 percent. He said 100 years ago the average life expectancy was 47 years; today the average life expectancy was 77 years. He said in 2004 there were 88,289 people in the United States that were age 100 years or older. He said these changes affect senior services now and in the future.

Branyan reiterated that people were living longer due to medical advances and healthier lifestyles. He said the Strategic Planning process would help identify the services needed for the aging population. He said as people age, the focus would be on maintaining health and vitality, and decreasing the need for health care and supportive services. He said needed programs would focus on health education, disease prevention, physical fitness and nutrition.

Branyan said that in the United States family caregivers provided over 75% of the care for aging adults. He said programs that provide counseling, training, tools and support programs would be needed for these caregivers. He said that retirement practices would change for the baby boomers would work into their later years and would want job flexibility, retraining, social involvement and learning. He said programs would be needed to recruit and retain older workers, along with volunteer opportunities that tap into the skills, talents and experience of older adults.

Branyan noted that according to the American Association of Retired People, a livable community would have affordable and appropriate housing, supportive community features and services, and adequate mobility options to facilitate independent living. He said key components of a livable community included: transportation, walkability, safety and security; shopping; housing; health services; recreation and cultural activities; and a caring/supportive community. He concluded that the baby boomers would change the

way society ages; and new images, models and approaches to aging would be needed to transform communities into good places to grow up and grow old. He said once the Strategic Plan was completed, copies would be distributed to the cities.

Coun. Bode asked if DAVS was sought out by the Builder's Association as the latest in urban design was considered.

Larson said they were trying to get the Builder's Association to listen to DAVS. She said that they had published brochures on universal design to influence builders on what was needed in the way of housing and services for an aging population. She said the Association has not sought out the advice or opinion of DAVS.

Coun. Stanton suggested that DAVS ask the Builder's Association to be part of the strategic planning process.

Coun. Dalrymple said that the National Association of Homebuilders has a very strong senior housing council and they have a tremendous amount of information that DAVS could access.

Branyon said there was some movement in the area of housing with the trend to smaller homes and lots, which were beneficial for seniors and first-time home buyers.

Coun. Doyle thanked them for coming. He asked if they would explain to the public about Oregon Project Independence (OPI). He said this was an impressive program though it was not well funded by the State. He said many people could benefit from this Program and it would save the taxpayers a great deal.

Larsen said OPI was a State-funded program and its purpose was to help people stay independent in their own homes by providing help and service in the home. She said the OPI provided aides that come into the home to provide housekeeping and shopping services, or personal care services. She said the Program had a great success rate in helping people remain in their homes and not have to go to assisted health care facilities. She said the Program was administered by DAVS.

Coun. Doyle asked what the Program cost was for a typical client.

Larsen said the typical cost was a few hundred dollars per month to keep them in their own home, whereas nursing homes can cost \$3,000 to \$4,000 per month.

Coun. Stanton asked if there was a program for family caregivers to get reimbursement for their caregiving expenses.

Larsen said there was a family caregivers support program to provide respite care. She said respite care was for caregivers who have a 24-hour/seven day a week schedule. She said respite allows them to have someone else come in and take care of their family members for a few hours or a weekend, so that they can get away and take care of their own personal needs. She said there was also a relative adult foster home program for those who qualify for Medicaid; the caregiver could apply to be paid as a relative foster home provider for their relative. She said this was for low-income people.

Coun. Stanton said she did not understand why the State had not figured out that it was better to have a family member be a caregiver for a parent and that it was cheaper and better to pay the family member for that service, rather than someone from the outside.

Larsen said that was correct. She said DAVS gets about \$130,000 annually for its Family Caregivers Support Program. She confirmed that this was a small amount for this Program.

Coun. Dalrymple asked if OPI was comparable to what home health and home care agencies were currently doing.

Larsen said they contract with a home care agency to provide OPI. She said the difference was that rates for the OPI were based on a sliding scale; this helps the middle-income population who cannot afford the high rates of a private agency.

Coun. Dalrymple said it seemed the biggest issue was funding and not the program and services. He said it will be hard to fill the gap between the low-income who can qualify for Medicaid and the middle-income.

Branyon said programs and funding were both important. He said more education was needed on what factors lead to healthy aging and the opportunities available for people to age in a healthy way in their homes. He said studies show that if people take care of themselves in their younger years they will have fewer problems as they become older. He said a combination of programs and funding needs to take place.

Coun. Stanton said that there were 359,000 caregivers in Oregon and \$130,000 coming through the State for respite care; that equaled \$0.36 cents per caregiver. She said that funding was woefully inadequate.

Coun. Doyle said that was the point he was trying to make regarding costs and funding. He urged private donors to give to this County program for respite care. He said the community needed to be educated, for this was coming down the line and it was a frightening reality. He said he was glad they were trying to plan for the future.

VISITOR COMMENT PERIOD:

Bruce Buffington, Police Chief's Advisory Board Member and NW Bicycle Safety Council, congratulated the City, the Police Department, and Planner Margaret Middleton on receiving the Bicycle Friendly Community Award and said it was well deserved.

Henry Kane, Beaverton, said he filed a motion to appeal the Commuter Rail Project to LUBA. He said these monsters do not belong on city streets; they are dangerous and if they are on city streets the standard safety equipment should be installed. He said the commuter trains should not inconvenience traffic on Canyon Road and Farmington Road. He said when MAX opened three high school students were killed. He suggested that staff answer the issues about safety. He said the street between the intersections was less than 100 feet (between Farmington Road and Broadway, and Broadway and Canyon Road). He said two trains were 170 feet long and he did not know if ten miles per hour was slow enough to make a sudden stop. He asked that these issues be addressed before the line opens.

COUNCIL ITEMS:

Coun. Bode said at the July 19 Picnic in the Park at Hiteon Park, over 748 hot dogs were served and she was impressed by the number of people who attended from the surrounding neighborhoods. She said as the City proceeds in its visioning process, the consideration of neighborhoods was important. She said the next picnic would be July 26 at Ridgecrest Park from 6:00 p.m. to 8:00 p.m. and she welcomed all those who wished to attend.

Coun. Stanton said State Representative Tobias Reed would be speaking at the Library on the Legislative Session's achievements and Oregon's future. She said additional information was on the City's Web site.

Coun. Dalrymple referred to the Hart Road repaving project and asked if the speed bumps would be reinstalled.

Public Works Director Gary Brentano said a new style of speed humps, that are easier for emergency vehicles to maneuver through, would be installed on Hart Road.

Mayor Drake asked the Library Director to talk about the speaker who will be at the Library on August 2, 2007.

Library Director Ed House said Mr. Richard Brenne would be speaking on "The Truth About Everything" on August 2 in the Library Auditorium. He said Brenne was a 1974 graduate of Beaverton High School; he has worked in Hollywood with many well known people and won the Jack Nicholson Screenwriting Award. He said Brenne has since moved to Boulder, Colorado and has become interested in sustainability. Brenne will be speaking on sustainability and has invited experts in the fields of glaciology, peak oil and population growth to join him in a panel discussion of these issues. He said the discussion will start at 7:00 p.m. in a town-hall format and it should be very interesting. He encouraged everyone to attend.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

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

07154 Liquor Licenses: New Outlets – Pastini Pastaria; Gerald's

Contract Review Board:

07155 **PULLED** - Procurement Process Relating to the Hiring of Outside Legal Counsel
(Considered separately - see below)

07156 Bid Award – Allen Boulevard (Hall-Alice) Utility Improvement Project

Question called on the motion. Couns. Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

07155 Procurement Process Relating to the Hiring of Outside Legal Counsel

City Attorney Alan Rappleyea said this would change the policy under which the City Attorney's Office has worked. He said the existing Code was not being changed; the Code requires that Council approve the retention of any outside legal counsel. He said when a request to retain outside counsel goes before Council, a funding amount is included in the request. He said he noticed that they were having to go back and forth to Council for small funding amounts, whereas the Purchasing Code allows authorization for funding up to \$50,000. He said to avoid the repetition, staff proposed to change the office practice so that they would be able to expend up to \$50,000 without specific approval as allowed by the Purchasing Code. He stressed that all requests for outside counsel would still go to the City Council for approval, along with all requests for funding over \$50,000. He said he understood there was concern from some Councilors that the \$50,000 limit was too high.

Coun. Stanton said this was a policy change in the procurement policy and she did not feel a policy change should be on the Consent Agenda. She said she felt \$50,000 was a high dollar amount; she said that was the limit in the Purchasing Code because staff uses many consultants from approved lists for consultants. She said while the \$50,000 limit would be the same as that set by the Purchasing Code, the Council would not know who would be hired. She said there was nothing in the agenda bill that said the Council would be apprised of outside legal counsel when it was less than \$50,000. She said she wanted to know when outside counsel was hired; it was Council's fiduciary and moral responsibility to pay attention to these matters and to know legal issues in which the City was involved. She said she was comfortable suggesting that the \$50,000 be changed to \$10,000 and she would like to be sure that the City Council was apprised every time legal counsel was engaged.

Rappleyea assured Coun. Stanton that Council would still be apprised every time outside legal counsel was retained; that provision was not being changed.

Coun. Bode read from the Agenda Bill that "the City Council must pre-authorize the hiring of all outside legal counsel in all instances. This is true regardless of the expected cost of services." She said she interrupted that to mean that the Council would pre-authorize the hiring of all outside legal counsel. She said she thought \$10,000 was satisfactory.

Coun. Stanton said when she read that she saw it as past practice and to her it did not say that practice would continue. She said it did not say that the Council would approve hiring counsel when it was less than \$50,000.

Mayor Drake said per the Code, staff was required to seek Council approval and that was not being changed with this amendment. He said the only change was in the funding amount. He said he wanted Council to know that this was not his request and he was fine with either the \$5,000 or \$10,000.

Coun. Bode asked what was pushing this change.

Rappleyea said that staff had to keep returning to Council for small funding increases. He said that they brought the hiring of all outside counsel to Council for pre-authorization and that would not change. He said the reason the recommendation was for \$50,000 was because that was what was currently in the Purchasing Code for legal services. He said past practice has been that Council approved all funding for outside legal services, but recently there had been several smaller amounts that were going back and forth.

Coun. Dalrymple said he would not suggest changing the Code. He said he agreed with Coun. Stanton that policy changes should not be placed on the Consent Agenda. He said there were two parts to this issue: the subject matter and the cost associated with the administrative process to fulfill Code requirements. He said he would expect the Council to be brought up to date on legal issues, whether it be in executive session or during a public meeting. He said he could support any range from \$5,000 to \$10,000 maximum.

Coun. Stanton quoted from the Rules of the Council, Office of the City Attorney – Responsibilities and Duties: “H. Subject to prior approval by the Council, select and retain all outside legal counsel employed by the City. She said that the City Attorney was required to get Council approval for hiring outside counsel and she wanted to retain that provision.

Rappleyea repeated that no change was being made to that requirement.

Coun. Bode said she saw no evidence of the need to change the current policy or current amount.

Mayor Drake reiterated that Council was not being asked to change policy. He said the only request was to change the funding limit to \$50,000 to match the Purchasing Code. He said if Council preferred \$10,000, that should be included in the motion.

Coun. Doyle said he was comfortable with \$10,000 limit. He said he did not want to get into micro-managing small dollar amounts. He said the safeguards in the Charter were still in effect.

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that Council approve the Procurement Process Relating to the Hiring of Outside Legal Counsel as proposed in Agenda Bill 07155.

Coun. Stanton said she would be voting no on her motion as she had no compelling reason for making the change. She said she felt it was incumbent on the Council to be involved every time the City needs to go outside of its own legal staff.

Coun. Bode said she would support Coun. Stanton and not support the motion. She said transparency in what the Council does was important and she saw no particular need to change the process.

Question called on the motion. Couns. Bode, Dalrymple, Doyle and Stanton voting NAY, the MOTION FAILED unanimously. (0:4)

Coun. Stanton said if the City Attorney wanted to resubmit this issue with a different limit on the funding and an explanation as to why it would be valuable, including data on what a break point would be from the last two years, she would be pleased to review it.

RECESS:

Mayor Drake called for a brief recess at 7:50 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:05 p.m.

WORK SESSION:

07157 Ordinance to Adopt Procedures for Reviewing Candidate Statements in City Voter's Pamphlet

Rappleyea said the proposed ordinance would adopt procedures to enforce City Charter provisions that require that if there was a material misstatement of fact in the Voters' Pamphlet, that the City Council nullify the election. He said the Council previously considered two versions of a proposed ordinance; in the first version the Council would make the determination if there was a material misstatement of fact and in the second version the Circuit Court would make that decision. He said the reasoning behind the second version was that something as important as nullifying an election would go to Circuit Court anyway and the Court would be able to handle the factual determination regarding a misstatement of fact for the Court was familiar with that process and standard, making this a more efficient process. He said the Council would make the final determination on the nullification of the election. He said the County and State used the Circuit Court process for misstatements in their voters' pamphlets.

Coun. Doyle noted that the Charter requires that if someone questions the statements in the Voters' Pamphlet, that the Council has to act upon that concern. He added if the Council did not approve this ordinance, Council would still have to meet the Charter requirement to act on this matter.

Rappleyea confirmed that was correct and said with this ordinance they were trying to avoid an ad hoc decision.

Coun. Doyle asked if the Charter provision to nullify an election was commonplace in all city charters.

Rappleyea said it was an uncommon provision and he had not seen it in any other charter. He said that was why the proposal was to mirror State law and follow this through State statute.

Coun. Doyle asked if there was any historical documentation to show why this was in the Charter, since it was not common place.

Rappleyea said there was some discussion about that but he did not recall the details and the record was not explanatory. He said he read old minutes regarding this issue but they did not shed much light on the matter.

Coun. Doyle asked what other cities do in this situation.

Rappleyea said if it was from the County Voters' Pamphlet the State law was followed (ORS 260.532, False Publications Regarding a Candidate Measure and 260.715, Publications Related to Voting a Ballot). He said these State statutes were cited in the proposed ordinance as a remedy. He said there was nothing under the City election laws that states false statements cannot be made; the proposed ordinance provided a remedy in that it requires an affidavit swearing to the truth of the statements.

Coun. Doyle asked if they could remove that section from the City Charter and indicate the City would follow State law.

Rappleyea replied that they could do that, for the Circuit Court has the ability to nullify an election. He said if the City did not have this Charter provision and someone wrote a false statement in the Voters' Pamphlet, a citizen could file a Circuit Court action stating a false statement was made in the pamphlet and requesting that the election be nullified.

Coun. Doyle said he was struggling with the fact that the City was unique in this matter and he did not want to stand out for this reason. He said perhaps the Council should consider coming in line with everyone else.

Coun. Dalrymple said he would support Coun. Doyle's suggestion of coming in line with the State regulations in relationship to what other local cities do. He said he would not support this ordinance for he felt it was the result of an emotionally charged period. He said he thought if it were a different time, the Council would not have discussed this issue. He said he would not support this document; however, he would consider supporting Coun. Doyle's position.

Coun. Bode asked for clarification of Coun. Doyle's position.

Coun. Doyle said his position was to remove that section from the Charter so that the City would follow the normal litigated practice that has been established by the State.

Coun. Bode reviewed the history of how this issue evolved through a citizen's request. She said she was not certain that the Council should make a decision to remove a section from the Charter when this topic was initiated by a citizen and it was not a County-wide concern, it was a City concern

Coun. Stanton asked how this section was written into the Charter and if Beaverton was the only city in the state that has this provision.

Rappleyea replied that he researched this issue when the matter was first raised and the information available did not shed any light on why this provision was placed in the Charter. He said he checked with his professional network and with the League of Oregon Cities and no one had any experience with this provision.

Coun. Stanton suggested that in the future the Council should discuss establishing a Charter review committee. She reviewed how this matter came before Council and noted this was the second work session the Council has had on the proposed ordinance. She said her position had not changed from when this was first considered in April 2007 and she was still not comfortable with having the matter go to Circuit Court because this was the Council's responsibility. She said this ordinance may be more than what was needed but she liked the idea of a signed statement by the candidate agreeing to provide supporting information if requested.

Coun. Bode asked if the supporting information would be submitted when and if there was a question about a possible misstatement.

Rappleyea confirmed that was correct; staff would request that documentation only if a complaint was received regarding a misstatement in the Voters' Pamphlet.

Mayor Drake said this was an interesting conversation and each Councilor had a unique perspective. He said the City embarked in a different direction in 1980 when the community elected a strong mayor form of government and the Charter was changed. He said Beaverton had always been a unique community. He said Beaverton has Home Rule Authority; the State allows the City to adopt its own rules and ordinances as long as they do not abridge or circumvent State law. He said the Charter provision regarding misstatements in the Voters' Pamphlet dealt with creating a false perception of a candidate and candidates should be held accountable for their statements. He said he was comfortable with that provision because it was a strong statement by the Beaverton voters in 1980; they wanted the elected officials to be honest.

Mayor Drake said he understood everyone's comments, but he questioned what would happen if at some point State law was watered down and not as strong as the citizens wanted it to be. He said that was why he was comfortable with the Charter provision and why he disagreed with the Councilors. He said that Charter provision was important and it was a strong statement. He said in the first draft of the ordinance, the Council was the judge and jury; that was awkward because the Council hires the City Attorney and it would not work well if the City Attorney had to investigate a sitting Councilor. He said he was comfortable with this provision and the ordinance, for if a statement was false a citizen would have an official means to present their concerns and this was a statement that the citizens want their elected officials to be a "notch above." He said he saw nothing wrong with the citizens making this important statement in the Charter. He said he would not vote unless there was a tie, and if there was a tie he would support this second version to default to State law after making a statement.

Coun. Bode asked Mayor Drake to explain the process for a Charter change.

Mayor Drake said citizens can initiate a Charter change through a petition process or Council can refer a Charter change to the voters. He said Charter provisions can only be considered in General Elections and November 2008 was the next General Election.

Rappleyea confirmed that was correct.

Coun. Bode said as an elected official, to be true to the community she did not feel she could take any other position than to support the requirement that candidates sign the form agreeing to provide proof of accuracy of their candidate's statement.

Coun. Doyle said he felt there was a problem in the current Charter with this provision because the sitting Council would serve as judge and jury, and he felt that was the categorically incorrect way to solve this problem. He said he would consider going forward with the ordinance that would take this to the Circuit Court (second version of the ordinance). He said he felt the Council had to fix this flaw.

Coun. Stanton said that any citizen who had a concern regarding a misstatement, would bring that to Council. She said from previous discussions she thought the Council would not pursue this matter in Circuit Court; that would be done by the person who filed the complaint. She said she thought because of the Charter provision, that Council would consider this first and could make a determination if the statement was true. She asked if the matter would then go to Circuit Court.

Rappleyea said the Council could make a determination as to whether there was a material misstatement of fact, but to nullify an election and remove someone from office, the Circuit Court would have to make a ruling that it was a material misstatement of fact. He said this was required by the ordinance. He said without the ordinance the Charter would stand as is and Council would make the determination of what was a material misstatement of fact, including due process with hearings, notice, etc. He said it was a fairly elaborate process as noted in the first version of the ordinance.

Coun. Stanton said she still felt the Council has to make a determination.

Rappleyea added that the ultimate decision of whether or not a person would be removed from office would have to be made by the Council per the Charter. He said the Circuit Court could make the determination that there was a material misstatement of fact through a court hearing and then the Council would still have to make the determination regarding removing that person from office. He said the Circuit Court could nullify an election under State law.

Coun. Dalrymple said he was leaning toward using the current Charter provision and he was fine with adopting an affidavit for signature. He said he would want honesty and he felt there was nothing wrong in asking candidates to sign a statement saying that they would tell the truth. He said beyond that he was not willing to support this ordinance.

Coun. Doyle said the affidavit was a critical piece in running for office and he was comfortable with that section. He said the rest of the ordinance was procedural in nature and he was not sure what was being discussed in terms of process.

Rappleyea said the process was that a person could file a request for information regarding a material misstatement of fact; the City would obtain that information, give it to the individual filing the complaint and they could take it to Circuit Court. He said that was the intent and that was how it was handled at the County and State level. He said that still gave the City sufficient flexibility if it wished to make its own determination. He repeated that the ultimate decision on a material misstatement of fact was the Circuit Court and the Council would make the decision regarding nullification of an election.

Mayor Drake said there could be a time when a Councilor would want to keep distant from this decision; if an incumbent Councilor was defeated by a candidate who made a false statement, that Councilor would have a vested interest in proving or disproving that fact. He said the Circuit Court would provide that distance for the Councilor and staff, and would ultimately determine if the statement was truthful; it could also nullify the election if needed. He said the Council could keep the strong statement that it wants integrity but the process provided the person follow through on their complaint so they could take this to court. He said this would keep the Council sanitized and would protect the City Attorney.

Coun. Doyle said Section I was the heart of the current discussion; Sections 2 and 3 were legal language. He said he thought the Council was saying that it wished to add a little more teeth to what the City currently has, and not require a Charter amendment.

Rappleyea said he thought Section 1 of the ordinance would be a great deterrent, especially the provision for the affidavit.

Coun. Doyle said he was comfortable with the ordinance before the Council.

Coun. Bode said she agreed with Section I. She asked for clarification on Sections 2 and 3.

Rappleyea said Section 2 stated this ordinance would not displace any other legal remedy available to a citizen. He said Section 3, the Severability Clause, provided that if any part of the ordinance was found to be unconstitutional, the rest of the ordinance would still be valid.

Coun. Bode said she would support this ordinance.

Coun. Stanton asked if Sections 2.06.488 and 2.06.489 had to be in the ordinance.

Rappleyea explained that Section 2.06.488 was important for it stated that under ORS 260.715 a person may not make a known false statement under oath or affidavit when it was required by election laws. He said if Section 2.60.489 was removed then the Charter provision that the Council makes the ultimate decision would be unstated.

Coun. Stanton noted under Section 1 there were subsections 2.05 and 2.06 and she asked staff to check on the numbering. She asked if Section 260.489 could be removed.

Rappleyea said that would leave unstated who would make the determination of material misstatement of fact. He said that meant someone could demand that the Council make that determination since it is required by the Charter. He said the intent was that the next time this issue arose, there would be clear direction on where people would go in the process. He said if it was removed staff would have to ask Council if it wanted to make the determination or if there was an alternate preference.

Mayor Drake said this would put the Council back in the same loop that occurred last year. He said leaving this out would require going through several hoops to get back to Council, including determining material misstatement.

Coun. Stanton repeated she felt this was her responsibility as an elected official.

Coun. Bode said this could involve an incumbent Councilor and that would create the conflict with the Council and City Attorney. She said having the Circuit Court rule on the material misstatement of fact provided the needed separation. She said she agreed with how the ordinance was written.

Coun. Stanton said when the Charter was revised citizens wanted the Council to make that determination rather than having to pay to go to Circuit Court.

Coun. Bode said that if a citizen brought an issue as serious as this to Council, the Council had the option to take it to Circuit Court. She said that could be preferable.

Coun. Doyle said he was comfortable with that section for it provided neutral judgment with full due process. He said without that provision, the ordinance was flawed.

Coun. Bode MOVED, SECONDED by Coun. Doyle, that the proposed draft ordinance to adopt procedures for reviewing candidate statements in the City's Voters' Pamphlets come back to Council in the form of an ordinance for first reading within a month or so.

Coun. Dalrymple asked what ORS 260.532 referred to.

Rappleyea explained that ORS 260.532 prohibited false publications relating to a candidate or measure and provided for damages. He said that was not limited to the voters' pamphlet but included any advertising media. He said that section also provided the authority for the Circuit Court to make the determination that an election was null and void. He confirmed for Coun. Dalrymple that the Charter does not refer to any of the ORS sections cited in the draft ordinance.

Mayor Drake said the flaw in the Charter was that there was no vehicle for this action.

Coun. Stanton said she would not support the motion and she read from the Beaverton Charter the Section 30.B that stated that if the Council found there was a material misstatement of fact that the nomination or election of that candidate was nullified. She said this was put in the Charter by citizens who wanted the Council to make that determination. She said she saw no compelling reason for moving this from the City into Circuit Court where it would cost a minimum of \$360. She said a person should not have to go to Circuit Court when they have recourse through the City Council.

Question called on the motion: Couns. Bode, Doyle and Mayor Drake voting AYE, Couns. Dalrymple and Stanton voting NAY, Mayor Drake voting AYE, the MOTION CARRIED. (3:2)

Mayor Drake noted this was the fourth time he had had to vote in 15 years as Mayor.

PUBLIC HEARING:

07158 Residential Property Maintenance Ordinance

Code Services Manager George Fetzer said the Council considered this proposed Property Maintenance Ordinance at a work session on May 2, 2007. He said this ordinance was developed using property maintenance codes from the cities of Gresham, Tigard, Portland and Salem, and a model International Property Maintenance Code. He said the objective of this ordinance was to preserve the housing stock and the quality of life in the community, and reduce the possibility of deterioration and blight. He said the ordinance would establish standards for the maintenance of residential structures and prevent overcrowding by limiting the number of people allowed to live in a residential dwelling. He said the City did not currently have these standards.

Fetzer said since that work session he had made a few revisions to the ordinance, as follows: Formatting changes were incorporated; the Table of Contents and annotations were deleted; minor revisions were made to the section on windows as recommended by the Building Department; the overcrowding section was simplified and made clearer as explained in the staff report (in the record). He presented a brief PowerPoint presentation showing the types of problems that this ordinance would address and he reviewed the standards established in the ordinance in detail (in the record).

Coun. Bode referred to one of the pictures showing a car parked on grass and asked how long a car could park on the grass before it was in violation.

Fetzer explained that as soon as a car parks on the grass it was in violation, for the City does not allow parking on unpaved surfaces including the front or side yards.

Coun. Dalrymple asked if a car was parked in the driveway with two flat tires and it was clear it had not been moved and was not in operable condition, was that dealt with in the ordinance.

Fetzer said if the vehicle had current plates and registration, he would not have reason to know it had not been moved. He said if the plates were expired and the tires flat, it would fall under the City's current Code for discarded vehicles. He said just having a flat tire would not make a car inoperable.

Mayor Drake referred to a picture that showed an algae-laden swimming pool. He noted that the County and cities had led an effort to prevent West Nile Virus. He said this looked like fertile breeding ground for the virus and asked if that was correct.

Fetzer said that was true and that was why the neighbors call about these problems. He said that was not the standard that the City was seeking and that was why it was included in this ordinance.

Mayor Drake said that some homes may have conditions or uses that have been grandfathered in and were allowed to continue. He asked that Fetzer speak to that situation.

Fetzer said there were some parts of town where there were no curbs and gutters, or they have gravel driveways. He said generally speaking, vehicles are required to park on a paved surface. He said the City does not try to go back to the older sections of

town and tell people they have to pave their driveway. He said SW 141st Avenue was an example of this type of neighborhood. He said in this case they encourage the residents to keep their vehicles on the traditional driveway area from the garage to the street. He said in this situation he would not write a citation to someone for parking on the grass when their driveway was grass.

Mayor Drake said the City did not currently prohibit the number of people who could live in a residence. He said if the people could prove they had lived at a residence for while and if the ordinance was adopted, would the resident be able to stay in the home if they had lived there in advance of the ordinance.

Fetzer said they could not continue to live in the home; the residents would have to follow the new Code. He said they had no vested land use rights to violate the standards of the Code just because it was done in the past.

Coun. Stanton referred to Section 8.07.300, Overcrowding, asked if that meant ten people could live in a 1500 square foot home. She asked what constituted habitable space.

Fetzer said the habitable space was the living, sleeping, eating and cooking areas; it did not include attics, bathrooms, halls, laundry rooms, storage space, toilet or utility rooms. He said the habitable space would have to be measured.

Coun. Stanton asked if this meant to eliminate situations where a family could live in one bedroom and another family in a second bedroom, with a communal kitchen.

Fetzer said that was correct.

Coun. Doyle asked if the civil penalties were a reflection of the State Code that the City adopted.

Fetzer said that was based on the current Beaverton City Code.

Mayor Drake opened the public hearing.

Rita McCormick, Beaverton, thanked the Council for considering this ordinance. She said she has been a Central Beaverton resident for over 40 years and a member of the Central Beaverton Neighborhood Association Committee (NAC) since 1988. She said in the past the NAC has discussed problems with properties that were not being maintained. She said she and Mayor Drake have discussed this in the past and he said the City would look into this. She said she and the NAC read the proposed ordinance and the NAC agreed that it was a reasonable document and that it would be a benefit to the residents to have set standards within the community. She said enactment of the Code would help people live in, enjoy and be proud of their neighborhoods. She said this would help keep Beaverton beautiful. She thanked the City for working on this ordinance.

Milt Wear, Beaverton, said he supported the City's efforts in this direction. He said he was from a neighborhood that had typical violations under this new Code, some serious violations that need to be addressed. He said his neighbors supported this Code and

some were in the audience. He said some property owners were trying to improve their properties and this new Code would help improve the livability of the neighborhood.

Mayor Drake asked Fetzer to speak to the issue of empty houses.

Fetzer said the City has a vacant building ordinance that the City adopted last year. He said there was a vacant house on Beech Street and he was working with the owner and his attorney to keep the home in a satisfactory condition. He said the City was working on this case.

Mayor Drake closed the public hearing.

Coun. Doyle MOVED, SECONDED by Coun. Bode, that Council direct staff to bring back the draft ordinance contained in Agenda Bill 07158 for the normal process of a first and second reading.

Coun. Doyle said he would support his motion for the existence of the situations that this ordinance addressed have been thoroughly demonstrated over the years. He said he was pleased with the ordinance and he thought it was a step in the right direction. He thanked staff for all the time and effort to develop this fair ordinance.

Coun. Bode thanked the residents who came for this issue. She said the impressive community participation speaks to the citizens concerns for livability in Beaverton. She said this was a good and positive ordinance that sends out the correct message. She thanked those who worked on the ordinance.

Coun. Stanton said she lived in a beautiful neighborhood but there were a couple of problem homes and it only takes one or two abused homes to impact an entire neighborhood. She said she was very appreciative of this ordinance.

Coun. Dalrymple said when he was running for election he went to many home door-to-door and visited a lot of neighborhoods. He said he was surprised at the condition of some of the homes and how some were not maintained. He said he appreciated this ordinance and he would support it.

Question called on the motion. Couns. Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the rules be suspended, and that the ordinances embodied in Agenda Bills 07151, 07159 and 07160, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

Rappleyea read the following ordinances for the first time by title only:

07151 An Ordinance Amending Beaverton Code Chapter 6 Relating to Parking Zone Additions (Ordinance No. 4445)

07159 An Ordinance Amending Ord. 4187 Figure III-1 the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation to Three Properties and Ord. 2050 the Zoning Map to Apply the City's R-7 Zone to One Property Located in Northeastern Beaverton CPA 2006-0006/ZMA 2006-0009 (Laurel St/Kennedy St/103 Ave) (Ordinance No. 4446)

07160 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation and Ordinance No. 2050, the Zoning Map, to Apply the City's R-5 Zone to Property Located at 4980 SW Laurelwood Avenue; CPA 2007-0014/ZMA 2007-0014 (Ordinance No. 4447)

Second Reading:

Rappleyea explained there were some minor amendments to the text for Ordinance 4443, Agenda Bill 07138. He read the ordinance title for the second time and pursuant to the requirements of the Charter he read the amendments to the ordinance in full.

07138 TA 2007-0002 (Operations Center 2007) (Ordinance No. 4443)

Coun. Stanton MOVED, SECONDED by Coun. Bode, that the ordinance embodied in Agenda Bill 07138 now pass.

Coun. Dalrymple asked questioned the timing on the amendments and why it would come during the second reading versus the first reading.

Rappleyea said it was a provision of the Charter that if any amendments were made between the first and second reading, the amendments have to be read in full at the second reading.

Coun. Stanton said when this ordinance was initially on the agenda it was withdrawn so that she could discuss it with staff. She said when the ordinance came before Council for first reading, there was a page that highlighted two sections stating that this would be added at the second reading and the two sections would be read in their entirety since they were not part of the full ordinance considered during first reading.

Question called on the motion. Roll call vote. Couns. Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

RECESS:

Mayor Drake called for a brief recess at 9:30 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 9:40 p.m.

EXECUTIVE SESSION:

Coun.Doyle **MOVED, SECONDED** by Coun. Stanton, that Council move into 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)(d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Couns. Bode, Dalrymple, Doyle and Stanton voting **AYE**, the **MOTION CARRIED** unanimously. (4:0)

The executive session convened at 9:45 p.m.

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

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

ADJOURNMENT:

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

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
SPECIAL MEETING
JULY 30, 2007

CALL TO ORDER:

The Special Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the third floor Mayors Conference Room, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, July 30, 2007, at 4:05 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Betty Bode, Bruce Dalrymple, Dennis Doyle (through telephone conference call) and Cathy Stanton. Coun. Catherine Arnold was excused. Also present were City Attorney Alan Rappleyea, Assistant City Attorney Bill Scheiderich, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Police Chief David Bishop and City Recorder Sue Nelson.

CONSENT AGENDA:

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

07161 Ratify Tentative Contract Agreement with SEIU Local 503

Coun. Doyle thanked staff and the Union for coming to an agreement and avoiding possible tumult within the City. He said he was very appreciative of that and he would support the motion.

Coun. Stanton asked if it was correct that under Kaiser Insurance, the City was providing fully-paid medical insurance for employees and their dependents.

Assistant City Attorney Bill Scheiderich indicated that was correct.

Coun. Bode said this agreement was good for the employees and the City. She said everyone needed to be aware of the continuing rise in medical insurance premiums; she said making this equitable and fair, within the City's available budget, would be a challenge for everyone in the future. She said she supported this settlement.

Coun. Dalrymple said that he was pleased to see, from a public standpoint in terms of the negotiations for the health care issues, that the public sector was able to get the kinds of insurance rates that they were able to achieve as compared to the private sector. He said it was outstanding that the City was able to achieve such good results for health care. He said he would support the motion.

Coun. Stanton confirmed this was a two-year contract. She asked if there would always be two-year contracts.

Mayor Drake said this time it just worked out this way. He said this contract would dovetail with the Police Association contract and both would need to be negotiated again in two years. He said the length of the contract was always negotiable.

Coun. Stanton said she was glad the City expanded the list of relatives covered by the agreement.

Mayor Drake said the City was not an island; it was part of a much bigger health care issue in this country for working families, the poor and the elderly. He said some of the challenges faced with this contract involved working within that framework. He said as he looked at his fellow elected officials, they were all getting closer to retirement and they would become part of the post-war baby boom that would swell the need for senior care. He said this would not be the last time the City wrestled with this issue. He said the system needs to be fixed for the entire country and as the City negotiates with the employees, these are difficult issues because the City was reflective of society as a whole.

Question called on the motion. Couns. Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (4:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 4:15 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2007.

Rob Drake, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: LIQUOR LICENSES FOR AGENDA OF: 08/13/07 BILL NO: 07163

CHANGE OF OWNERSHIP AND GREATER PRIVILEGE
Decarli Restaurant
4545 SW Watson Ave

CHANGE OF OWNERSHIP
Thai Cabin Restaurant
16165 SW Regatta Dr. #300

NEW OUTLET
Maiko Japanese Restaurant
10053 SW Nimbus Ave.
Café Murrayhill
14500 SW Murray Scholls Dr. #103

MAYOR'S APPROVAL: *[Signature]*
DEPARTMENT OF ORIGIN: Police
DATE SUBMITTED: 07/31/07

PROCEEDING: Consent Agenda EXHIBITS: None

BUDGET IMPACT

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

Background investigations have been completed and the Chief of Police finds that the applicants meet the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license requests.

INFORMATION FOR CONSIDERATION:

Tara Thais House, formerly licensed by the OLCC to Gold Min Rest, Inc., is undergoing a change of ownership and requesting to change from a Limited On-Premises Sales License to a Full On-Premises Sales License. Decarli Restaurants, LLC, has made application for a Full On-Premises Sales License under the trade name of Decarli Restaurant. The establishment will serve Italian food. It will operate Tuesday through Thursday from 5:00 p.m. to 10:00 p.m., and Friday and Saturday from 5:00 p.m. to 11:00 p.m. There will be no entertainment offered. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business.

Thai Orchid, formerly licensed by the OLCC to Thai Orchid, Inc., is undergoing a change of ownership. Thai Cabin, Inc. has made application for a Limited On-Premises Sales License under the trade name of Thai Cabin Restaurant. The establishment will serve Thai food. It will operate seven days a week,

Agenda Bill No: 07163

from 11:00 a.m. to 9:30 p.m. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

Kinuko Thompson and Toyoko Rickert, have made application for a Limited On-Premises Sales License under the trade name of Maiko Japanese Restaurant. The establishment will serve Japanese food. It will operate Monday through Friday, from 11:00 a.m. to 9:00 p.m., and Saturday and Sunday from 4:00 p.m. to 9:00 p.m. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

Fivespice, LLC, has made application for a Limited On-Premises Sales License under the trade name of Café Murrayhill. The establishment will serve American food. It will operate Monday through Friday, from 10:00 a.m. to 9:00 p.m., and Saturday and Sunday from 7:00 a.m. to 9:00 p.m. There will be no entertainment offered. A Limited On-Premises Sales License allows the sale of malt beverages, wine, and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go.

RECOMMENDED ACTION:

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Traffic Commission Issue No. TC 618
School Speed Zone on SW 5th Street
at Beaverton High School between SW
Main Avenue and Erickson Avenue.

FOR AGENDA OF: 8-13-07 **BILL NO:** 07164

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Public Works *[Signature]*

DATE SUBMITTED: 8-1-2007

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

PROCEEDING: Consent

- EXHIBITS:**
1. Vicinity Map
 2. City Traffic Engineer's report on Issue TC 618
 3. Final Written Order on TC 618
 4. Excerpt of draft minutes of the meeting of July 5, 2007

BUDGET IMPACT

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

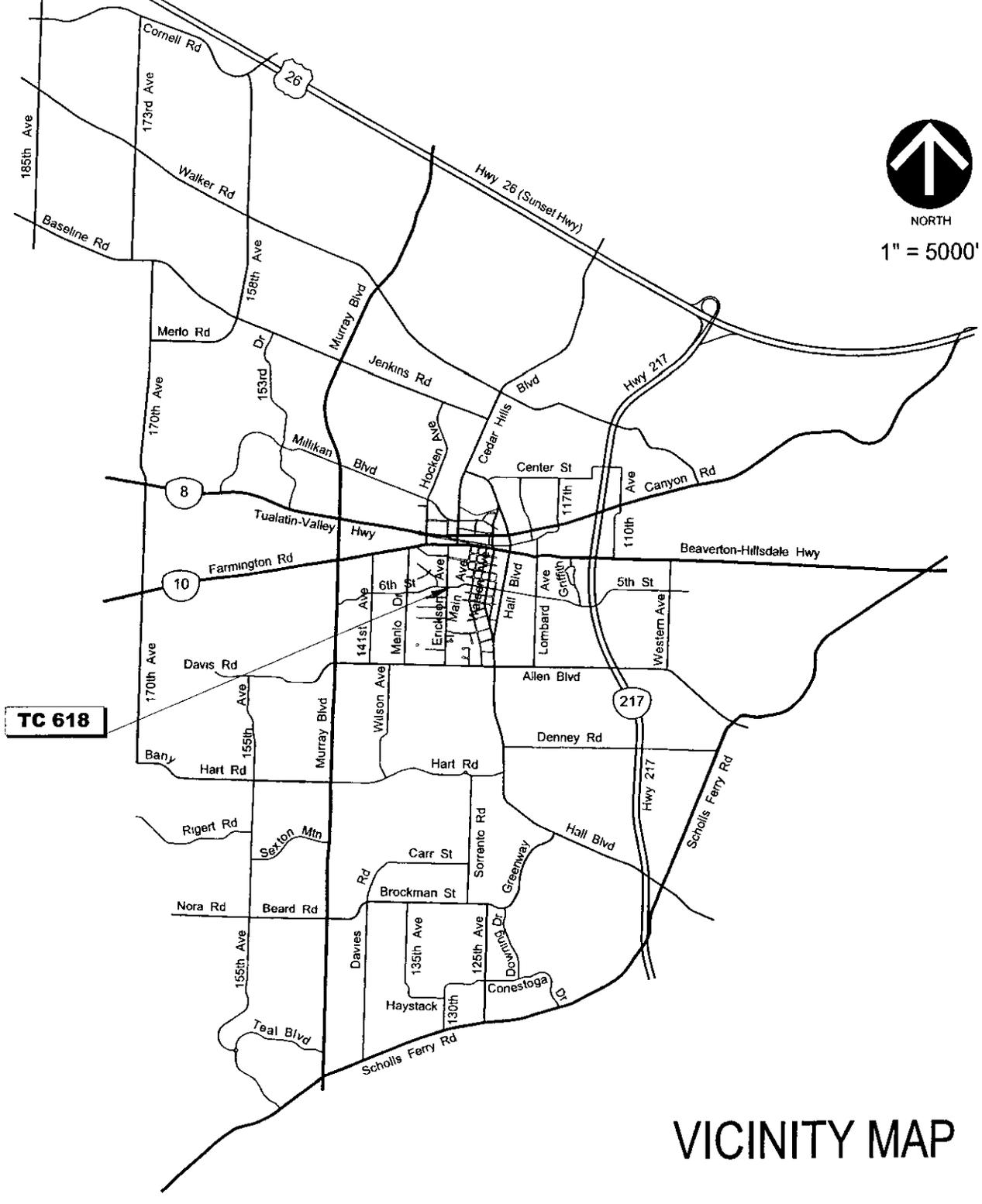
On July 5, 2007, the Traffic Commission considered the subject traffic issue. The staff report is attached as Exhibit 2.

INFORMATION FOR CONSIDERATION:

A hearing was held on Issue TC 618. Following the hearing, the Commission voted to support the staff recommendation to establish a 20 mph school zone during school days between 7 AM and 5 PM on SW 5th Street between Main Avenue and Erickson Avenue.

RECOMMENDED ACTION:

Approve the Traffic Commission recommendation on Issue TC 618.



NORTH

1" = 5000'

VICINITY MAP

Y:\Traffic\Drawings\TC\VICINITY MAP\VICINITY MAP TC 618 6-07.dwg



City Of Beaverton

VICINITY MAP for July 2007
TC ISSUE: 618

PUBLIC WORKS DEPARTMENT
Transportation Section

Drawn By: JM Date: 6/25/07

Reviewed By:

Approved By:

**CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 618**

(School Speed Zone on SW 5th Street at Beaverton High School between SW Main Avenue and SW Erickson Avenue)

June 13, 2007

Background Information

Randy Kayfes, Beaverton School District Security and Safety Director, requested establishing a school zone on SW 5th Street between Main Avenue and Erickson Avenue. Mr. Kayfes indicated that there are many of students who walk to and from school in that area.

Currently there is a marked school crosswalk on 5th Street at Beaverton High School between Main Avenue and Erickson Avenue. The crosswalk connects an existing pathway that runs between 3rd Street and 10th Street. The pathway is a major pedestrian access route to Beaverton High School and Beaverton Swim Center. This school crosswalk does not have a school speed zone.

Fifth Street between Main Avenue and Erickson Avenue is a residential, two-lane, collector street with bike lanes and parking on the south side of the street. It carries approximately 4300 vehicles per day. The posted speed limit on 5th Street is 25 mph.

At high schools adjacent to residential roadways, where the speed and the traffic volume are low and where there is no pedestrian or bicycle traffic, a school zone is established with warning signs to indicate the presence of a school area. A school speed zone is typically not used.

The increasing number of students using the school crosswalk on 5th Street, the bicycle lanes and the multiuse pathway, appears to warrant posting 5th Street between Main and Erickson as a school speed zone.

As per the Oregon Revised Statutes, in areas adjacent to a school, the school speed zone can have one of two options. The first option would be a school speed of 20 mph school days, 7 AM to 5 PM. The second option would be a school speed 20 mph when flashing.

On streets with low approach speeds (30 mph or less) and particularly on residential streets, the choice between "when flashing" or time of day tends to have little effect on school speed compliance.

Staff is proposing to establish a 20 mph school speed zone, school days, 7 AM to 5 PM on 5th Street between Main Avenue and Erickson Avenue.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

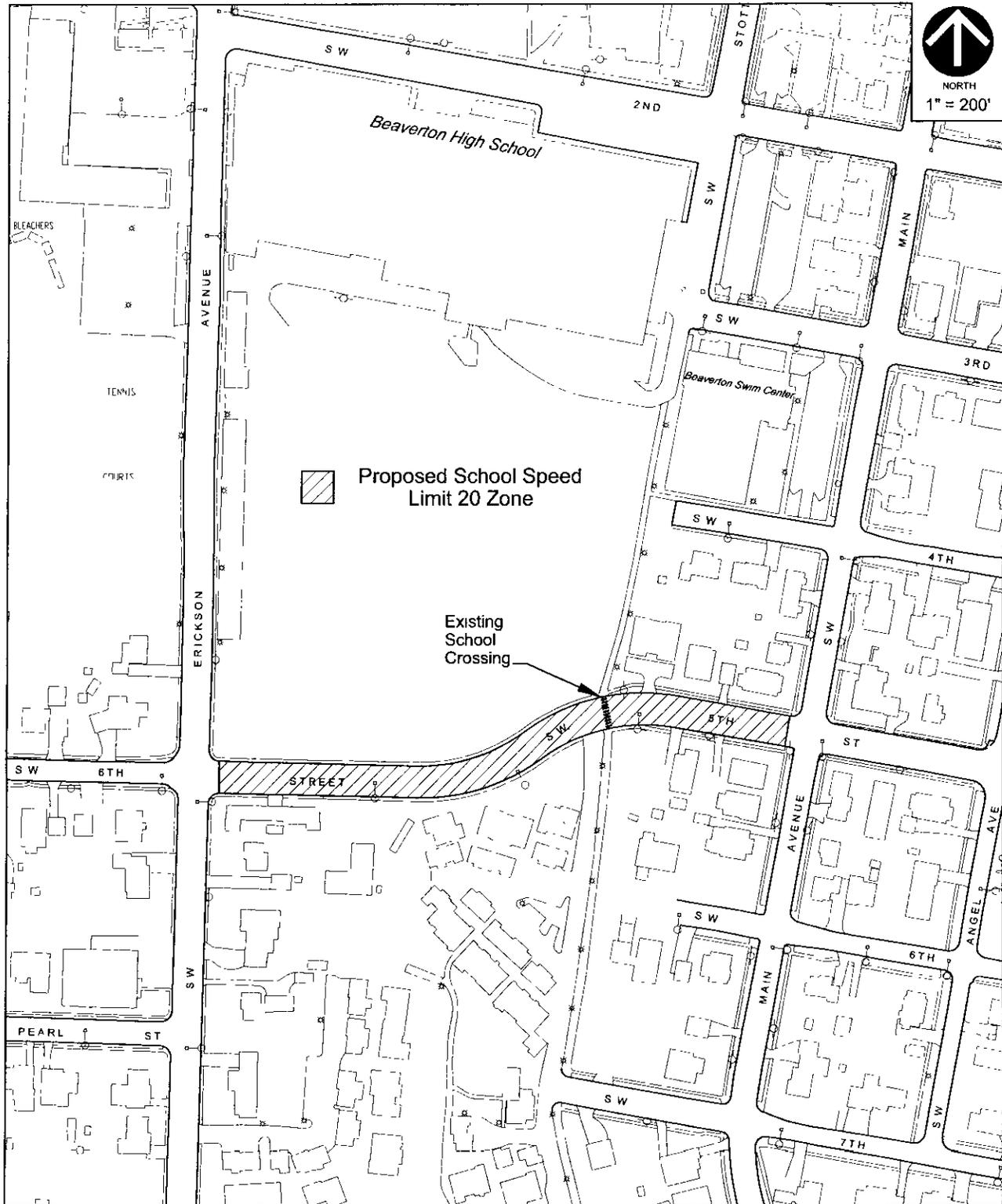
- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

Conclusions

1. Establishing a 20 mph school speed zone on 5th Street between Main Avenue and Erickson Avenue would provide safe and predictable movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a and 1b.
2. Establishing a 20 mph school speed zone on 5th Street would comply with State regulations, satisfying Criterion 1h.

Recommendation

Approve the request to establish a 20 mph school zone during school days between 7AM and 5 PM on 5th Street between Main Avenue and Erickson Avenue.



Y:\Traffic\Drawings\2007\07-53 5th St Proposed School Speed TC 618.dwg



City Of Beaverton

School Speed Zone
On SW 5th Street at Beaverton High School
Between SW Main Avenue and SW Erickson Avenue.

PUBLIC WORKS DEPARTMENT
TRANSPORTATION SECTION

Drawn By: JM Date: 6/13/07

Reviewed By:

Approved By

MEMORANDUM

Beaverton Police Department



Chief David G. Bishop

DATE: June 20, 2007
TO: Jabra Khasho
FROM: Jim Monger
SUBJECT: TC 618

I concur with the recommendation as outlined in the City Transportation Engineer's report dated June 14, 2007 to approve the request to establish a 20 mph school zone during school days between 7AM and 5PM on 5th Street between Main Avenue and Erickson Street.

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 618

(School Speed Zone on SW 5th Street at Beaverton High School between Main Avenue and SW Erickson Avenue)

1. A hearing on the issue was held by the Traffic Commission on July 5, 2007.
2. The following criteria were found by the City Traffic Engineer to be relevant to the issue:
 - 1a (provide for safe vehicle, bicycle and pedestrian movements);
 - 1b (help ensure orderly and predictable movement of vehicles, bicycles and pedestrians);
 - 1h (comply with Federal and State regulations).
3. In making its decision, the Traffic Commission relied upon the following facts from the staff report and public testimony:
 - The existing school crosswalk on 5th Street does not have a school speed zone and there are many students who walk to and from school in the area.
 - The existing school crosswalk connects a major pedestrian pathway to Beaverton High School and Beaverton Swim Center.
 - The increasing number of students using the existing school crosswalk, the bicycle lane and the multiuse pathway warrants posting 5th Street between Main Avenue and Erickson Avenue as a school speed zone.
 - The Beaverton School District requested establishing the school speed zone.
 - Per Oregon Revised Statutes, in areas adjacent to a school, the school zone can be 20 mph, school days, 7 AM to 5PM.
4. Following the public hearing, the Traffic Commission voted (___ aye, ___ nay) to recommend the following action:
 - Establish a 20 mph school speed zone, school days, 7 AM to 5 PM on 5th Street between Main Avenue and Erickson Avenue.
5. The Traffic Commission decision was based on the following findings:
 - Establishing a 20 mph school speed zone on 5th Street between Main Avenue and Erickson Avenue would provide safe and predictable movement of vehicles, bicycles and pedestrians satisfying Criterion 1a and 1b.
 - Establishing a 20 mph school speed zone on 5th Street would comply with State regulations, satisfying Criterion 1h.
6. The decision of the Traffic Commission shall become effective upon formal approval of the City Council.

SIGNED THIS 5th DAY OF JULY 2007



 Traffic Commission Chair

DRAFT

City of Beaverton

TRAFFIC COMMISSION

Minutes of the July 5, 2007, Meeting

CALL TO ORDER

Chairman Scott Knees called the meeting to order at 7:08 p.m. in the Forrest C. Soth City Council Chamber at Beaverton City Hall, Beaverton, Oregon.

ROLL CALL

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

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

EXCERPT START

PUBLIC HEARING

ISSUE TC 618: SCHOOL SPEED ZONE ON SW 5TH STREET AT BEAVERTON HIGH SCHOOL BETWEEN MAIN AVENUE AND ERICKSON AVENUE.

Chairman Knees opened the public hearing on Issue TC 618.

Staff Report

Mr. Khasho said this request for a school speed zone came from Mr. Randy Kayfes, Safety and Security Director for the Beaverton School District. He requested a 20-mph school zone on 5th Street along the south end of the school's playing fields. Mr. Kayfes explained that many high school students use the mid-block crosswalk on SW 5th Street when walking to school.

Mr. Khasho said, typically, such areas are marked as school zones, not school speed zones. Because the crosswalk is heavily used, he believes this location warrants a 20-mph speed zone. He said this mid-block crosswalk connects to a paved pathway that runs from SW 3rd and Stott Streets, to 10th Street. The

pathway connects several apartment and condo complexes with the high school, playing fields and swim center.

Mr. Khasho said Oregon Revised Statutes offer two options for a school speed zone on 5th Street. One option is to have a school speed of 20-mph on school days between 7 a.m. and 5 p.m. The second option is to post a school speed 20-mph when lights are flashing. Mr. Khasho believes drivers would comply with either choice. Mr. Khasho recommends establishing a school speed zone with 20-mph on school days between 7 a.m. and 5 p.m.

Commissioner Trout asked if staff recorded traffic counts.

Mr. Khasho said the average daily traffic (ADT) is about 4300 vehicles per day.

Commissioner Troute asked if the majority of these 4300 vehicles were obeying the existing 25-mph speed limit.

Mr. Khasho said staff did not test vehicle speeds. He said the road is configured in a "S" curve and this road geometry limits traffic speeds to 25-mph or less.

Commissioner Troute asked if this location has a history of vehicle crashes or pedestrian accidents.

Mr. Khasho answered that it does not.

Chairman Knees thought that Oregon's school zone laws were being revised.

Mr. Khasho said changes were adopted in July 2006. Nothing has changed since then.

Commissioner Sadler asked about the cost difference between installing flashing lights and posting signs showing school zone hours.

Mr. Khasho said installing flashing school zone lights would cost about \$10,000. The cost to install two new signs is about \$350 each.

Commissioner Wesolowski asked why this section of 5th Street was not previously marked as a school zone.

Mr. Khasho said high school students often do not cross at crosswalks. This crosswalk was striped and marked with warning signs. It is also located on a low-speed residential street. For all these reasons, the Beaverton School District never previously requested a school speed zone on 5th Street.

Commissioner Crocker asked if two flashing lights are required.

Mr. Khasho said they are installed in pairs and cost about \$10,000 a pair.

Public Testimony

The Commission reviewed written testimony for this hearing from Traffic Sergeant Jim Monger. (*Written testimony is on file.*)

Randy Kayfes, Beaverton School District representative, thanked the Commission for hearing this issue. He said the Beaverton High School Resource Officer (SRO) brought this issue to his attention.

Mr. Kayfes said not all high school boundaries warrant a school speed zone of 20-mph. School advance signs and schoolhouse signs are often used instead of school zones. For example, it would be inappropriate to install a 20-mph school speed zone on the north side of this campus on Farmington Road (State Road 10). Warning signs are sufficient.

Mr. Kayfes said the "S" curve provides a degree of safety because it slows traffic. On the other hand, this curve removes advance crosswalk visibility, thus increasing the likelihood of pedestrian/vehicle collisions.

Mr. Kayfes said lowering the speed to 20-mph would increase pedestrian safety in this low-visibility zone. The School District also agrees with the City Transportation Engineer that installing school speed 20-mph signs with posted hours is the best solution. They agree that flashing lights would add only "marginal protection" at this location.

Mr. Kayfes noted that this section of street is adjacent to the football field, track and swim center. Students have a variety of school schedules, so the crosswalk is used throughout the day. He believes a 7 a.m. to 5 p.m. school speed zone would be more effective than flashing lights for 20 minutes in the morning and 20 minutes in the afternoon. This recommendation would provide more protection during non-standard hours. It would also help student drivers control their speed when they leave school. Lowering speed by 5-mph can make a vast difference in safety.

Commissioner Wesolowski asked how late school activities run in the evening. Perhaps extending the time to 7 p.m. would cover more school activities.

Mr. Kayfes said Oregon Revised Statutes does not allow cities to shorten or lengthen school zone times. Most athletic practices are over by 5 p.m. He believes 7 a.m. to 5 p.m. is adequate for most students.

Commissioner Overhage asked if the SRO mentioned how many students use the crosswalk every day.

Mr. Kayfes said he did not. The SRO did state that the number of students walking from nearby neighborhoods had increased. Mr. Kayfes said student populations within neighborhoods change over time. Currently, the neighborhood surrounding Beaverton High School has many young people who walk to school.

Commissioner Overhage said she is always glad to see students walk to school because of the health benefits.

Commissioner Overhage asked if the pavement near the crosswalk could be painted with the words "School Zone."

Mr. Kayfes asked Mr. Khasho to answer that question.

Mr. Khasho said painted markings on roadways require a great deal of maintenance. This is a low speed area and the extra notice is not needed.

Staff Comments

Staff had no further comments.

Chairman Knees added that Sgt. Monger's written testimony concurred with staff's recommendation.

Chairman Knees closed the public hearing on Issues TC 618.

Commission Deliberation

Commissioner Overhage said it is always good to increase the level of school zone safety and pedestrian safety. She supports staff's recommendation.

Commissioner Trout **MOVED** and Commissioner Overhage **SECONDED** a **MOTION** to approve the City Transportation Engineer's recommendation as written for Issue No. TC 618 "School Speed Zone on SW 5th Street at Beaverton High School between Main Avenue and Erickson Avenue," and the final written order.

There was no further discussion.

The **MOTION CARRIED** 6:0.

EXCERPT END

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorization to Sell Property at 6670 SW
Hall Boulevard to Non-Profit Entity for
Development as Affordable Housing

FOR AGENDA OF: 08-13-07 **BILL NO:** 07165

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: MAYOR'S OFFICE *[Signature]*

DATE SUBMITTED: 07-26-07

CLEARANCES: Eco. Dev *[Signature]*
City Attorney *[Signature]*
Finance *[Signature]*

PROCEEDING: Consent Agenda

EXHIBITS: Agenda Bill 06221

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$1,470	BUDGETED \$-0-	REQUIRED \$1,470*

* See explanation under the Information for Consideration and Recommended Action sections to establish the estimated \$1,470 additional appropriation.

HISTORICAL PERSPECTIVE:

The Council authorized the City to acquire an unimproved 0.33 acre parcel of land for the purpose of holding the parcel and then selling the parcel to a local not-for-profit affordable housing developer. At the November 16, 2006 meeting, the Council approved Agenda Bill 06221 allocating \$235,000 to purchase the property (copy of AB 06221 is attached). As indicated in the agenda bill, the City recorded the \$235,000 transaction in its general ledger system as a receivable due from another governmental agency. In addition to the cash outlay to acquire the property, the purchase price was adjusted in escrow by \$12,716.66 to pay off various liens, (three local improvement district assessments and two nuisance abatements) that the seller owed the City. The parcel is located at 6670 SW Hall Boulevard and is legally described as the Washington County tax lot 1S122BC00500.

INFORMATION FOR CONSIDERATION:

ORS 271.330 (2)(a) provides any political subdivision the authority to sell any property they own to a qualified not-for-profit for the purpose of developing affordable housing. The City acquired the above described parcel with this authority in mind, to assist West Willamette Habitat for Humanity (WWHFH) secure this parcel giving them time to assemble their financing.

WWHFH will use US Department of Housing and Urban Development (HUD) funds to pay a portion of the purchase price. The City secured an appraisal to establish the fair market value. That appraisal plus one reappraisal established the value at \$225,000 (if developed as five single-family house lots). The City and WWHFH reviewed options available to WWHFH that would allow them to acquire the parcel and the city to maximize their recouping their original outlay to acquire the property. WWHFH proposes to acquire the property for \$230,000 (using a combination of \$225,000 in HUD funds and \$5,000 of their reserves) and reimburse the City for two property appraisals totaling \$3,530, which will result in net sale proceeds estimated at \$233,530. Since the net proceeds from the sale of the property is expected to be less than the recorded \$235,000 in the accounts receivable account, the City will need to appropriate the difference (estimated at \$1,470) in the next Supplemental Budget as a contribution towards the project. The purchaser will be directly responsible for any other closing costs.

Agenda Bill No: 07165

Using Federal funds will require that a fifteen year affordability restriction be recorded that runs with the land, requiring future homeowners be households with income under 80 percent of area median income at initial eligibility, maintain the house as their primary residence during this period of affordability and agree to allow WWHFH first right of refusal at a point of sale during this initial fifteen year period to allow a qualified low/mod income household the ability to acquire the house offered for sale at that future date.

RECOMMENDED ACTION:

Direct the City to enter a purchase and sale agreement with West Willamette Habitat for Humanity to sell property located at 6670 SW HALL BLVD for \$230,000 plus the value of two appraisals and closing costs, with appropriate provisions requiring development of the property for affordable housing, in a form approved by the City Attorney. Further, direct the Finance Director to include the necessary budgetary appropriation in the next Supplemental Budget for the difference between the \$235,000 recorded in the accounts receivable account and the amount of the net proceeds from the sale of the property.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Authorization to Assist Low Income Housing Agency With Property Purchase **FOR AGENDA OF:** 11/16/06 **BILL NO:** 06221

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Mayor *[Signature]*

DATE SUBMITTED: 11/15/06

CLEARANCES: Finance *[Signature]*
City Attorney *[Signature]*
Mayor's *[Signature]*

PROCEEDING: Consent Agenda

EXHIBITS:

BUDGET IMPACT

EXPENDITURE REQUIRED \$-0-*	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED \$-0-
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* No appropriation is required as the City will not retain the property. The \$235,000 required to assist with the property purchase will be recorded in the City's General Ledger as a receivable that is due from another Governmental Agency

HISTORICAL PERSPECTIVE:

One of the City's partners that provides low income housing units in Beaverton is in need of immediate assistance to purchase property in the City of Beaverton. The to-be-purchased property will be used by the agency to increase the stock of affordable housing in Beaverton. The ultimate funding source for the property's purchase will be Beaverton's Federal Block Grant HOME Funds that are administered by Washington County. In total, there are sufficient funds in Beaverton's HOME program to cover the property purchase; however, a portion (approximately \$33,000) is currently budgeted in other HOME programs and not immediately available for the property's purchase. Beaverton, the agency, and Washington County are currently working on an amendment to the Beaverton's HOME program funds to re-allocate the \$33,000 towards the property purchase. The re-allocation also has to proceed through a Federal Government approval process. Staff is assured that the re-allocation will be approved. The process is expected to take approximately four to six weeks.

INFORMATION FOR CONSIDERATION:

The assistance that the agency needs is bridge funding to immediately place \$235,000 in escrow to purchase the property. After Beaverton's HOME funds are re-allocated for the property purchase, the City will be reimbursed the \$235,000 bridge funding.

RECOMMENDED ACTION:

Authorize the City to fund escrow in the amount of \$235,000 with the City to be later reimbursed through Beaverton's Block Grant HOME funds administered by Washington County.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

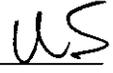
SUBJECT: Expansion of Current Neighborhood Association Committee (NAC) Boundaries to Include all Land in the City of Beaverton in an Existing NAC.

FOR AGENDA OF: 8/13/07 **BILL NO:** 07166

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office 

DATE SUBMITTED: 7/2/2007

CLEARANCES: City Attorney 

PROCEEDING: Consent Agenda

- EXHIBITS:**
1. Existing map of NAC boundaries depicting areas not currently within a NAC, but within the City
 2. Map of proposed boundary changes.

BUDGET IMPACT

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

There are several areas of Beaverton that are currently not within the boundaries of an existing Neighborhood Association Committee (NAC) as depicted in Exhibit 1 (attached). The residents and businesses in these areas are not able to participate in the activities and functions of the existing NACs. To remedy this issue the Neighborhood Program proposed to expand the boundaries of Central Beaverton, Five Oaks/Triple Creek, West Beaverton, Greenway, Denney Whitford/Raleigh West, and West Slope. The proposed boundary changes are depicted on Exhibit 2 that is attached.

INFORMATION FOR CONSIDERATION:

Neighborhood Program staff visited each of the NACs with proposed boundary changes during the months of March, April, and May 2007 in order to gather comments and ask for each NAC to vote on whether or not they could accept these proposed changes. All of the NACs affected by the changes accepted the proposed boundary adjustments as depicted on Exhibit 2. Other requests that resulted from these conversations with the NACs are included below:

1. **Five Oaks/Triple Creek NAC** – The Five Oaks/Triple Creek NAC have been meeting together and acting as one NAC for many years. Conversations to expand their boundaries also resulted in the NAC voting to officially combine the two NACs, which would be depicted on any future NAC maps that are created.
2. **Denney Whitford/Raleigh West NAC** – The Denney Whitford NAC and the Raleigh West NAC began to hold joint meetings as of February 2007. Boundary changes to this NAC does include adding the Garden Home area to Denney Whitford. An invitation was mailed to each Garden Home resident in February 2007 to invite them to attend all future Denney Whitford/Raleigh

West meetings. The Denney Whitford/Raleigh West NAC also voted to officially combine the two NACs, which would be depicted on any future NAC maps that are created.

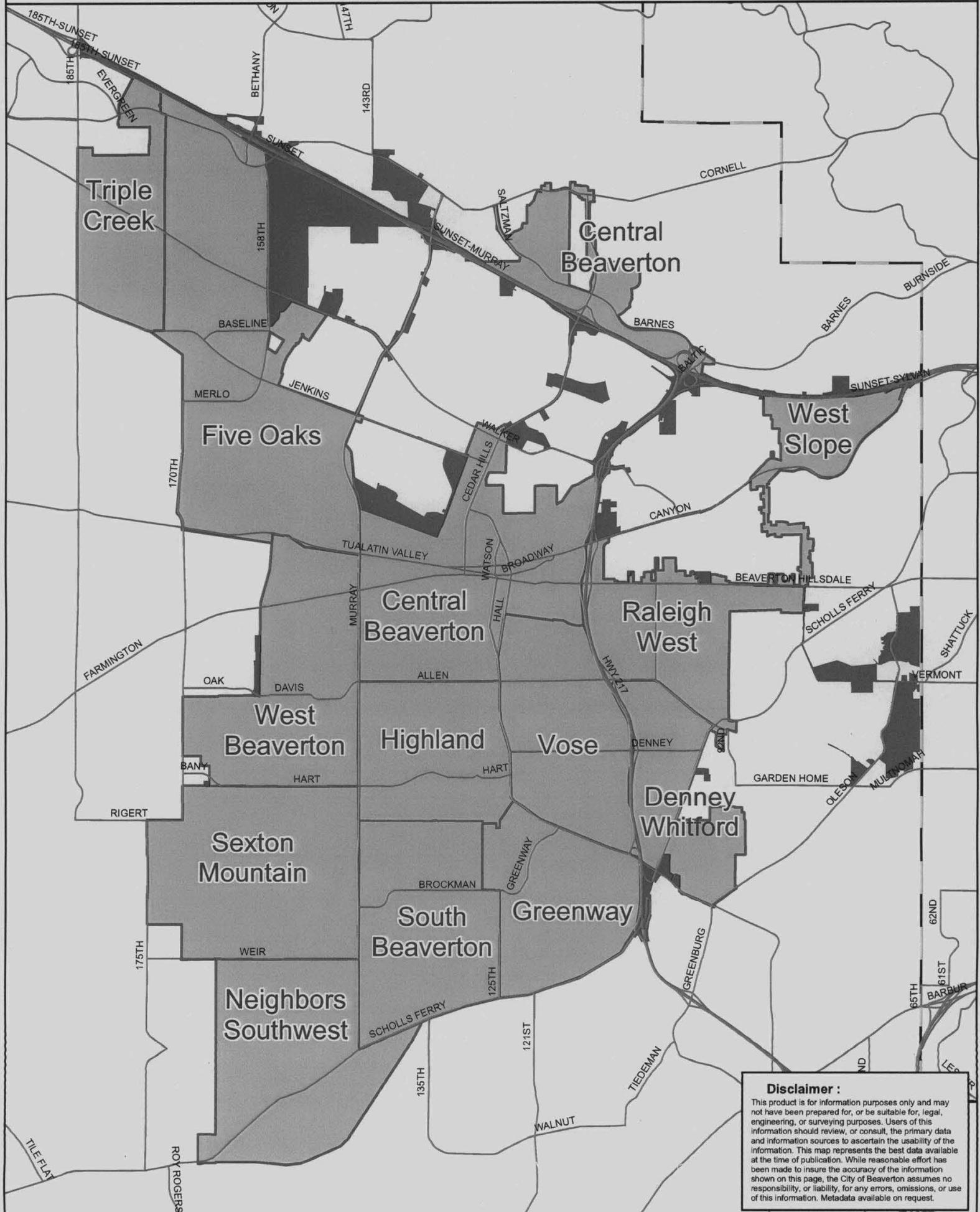
RECOMMENDED ACTION:

1. Approve the recommended NAC boundary changes as they are depicted on Exhibit 2.
2. Approve Five Oaks/Triple Creek NAC's request to be formally joined as one NAC, which would alter the current NAC map to depict the two as one NAC. Once approved the NAC would work to meld their bylaws to reflect this, which would be reviewed and approved by the City Attorney.
3. Approve Denney Whitford/Raleigh West NAC's request to be formally joined as one NAC, which would alter the current NAC map to depict the two as one NAC. The NAC has begun to work on melding their bylaws to reflect this, which will be reviewed and approved by the City Attorney.



■ Areas of the City Not Currently Within A NAC

Exhibit #1

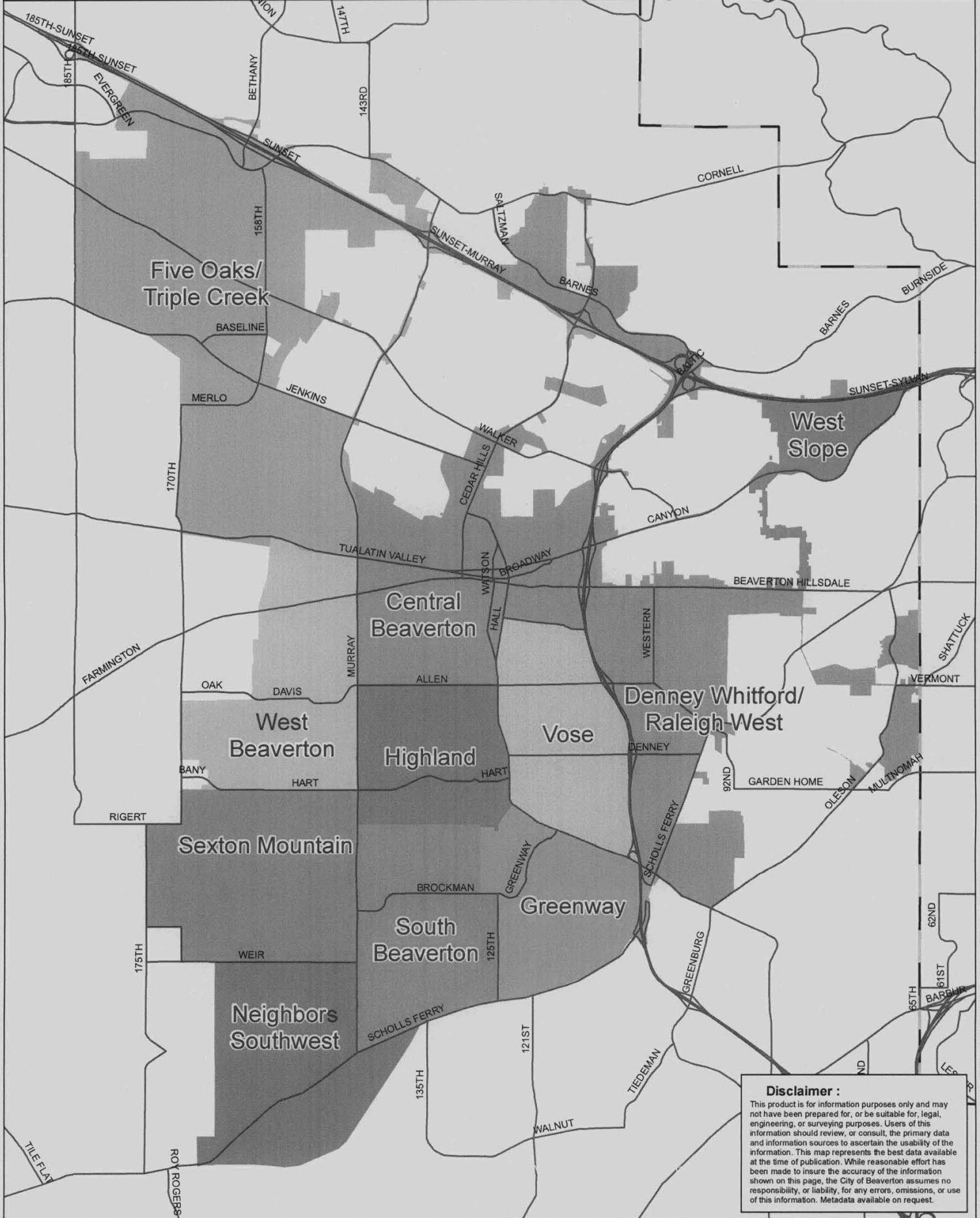


Disclaimer :
 This product is for information purposes only and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review, or consult, the primary data and information sources to ascertain the usability of the information. This map represents the best data available at the time of publication. While reasonable effort has been made to insure the accuracy of the information shown on this page, the City of Beaverton assumes no responsibility, or liability, for any errors, omissions, or use of this information. Metadata available on request.



Recommended NAC Boundaries Changes

Exhibit #2



Disclaimer :
 This product is for information purposes only and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review, or consult, the primary data and information sources to ascertain the usability of the information. This map represents the best data available at the time of publication. While reasonable effort has been made to insure the accuracy of the information shown on this page, the City of Beaverton assumes no responsibility, or liability, for any errors, omissions, or use of this information. Metadata available on request.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Ratify Change Order for Court-Appointed
Attorney Services Contract

FOR AGENDA OF: 08-13-07 **BILL NO:** 07167

Mayor's Approval: Lida G. Adland

DEPARTMENT OF ORIGIN: HR meb

DATE SUBMITTED: 08-03-07

CLEARANCES: City Attorney
Finance

JS
R. W. [unclear]

PROCEEDING: Consent Agenda – Contract Review
Board

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$27,298*	BUDGETED \$93,111*	REQUIRED \$

*Account Number 001-45- 0571-511 General Fund, Municipal Court Program – Professional Services Account. The Expenditure Required is the amount of the services expected to be performed by the court appointed attorney over the contract's current \$50,000 amount. The funding is available from the remaining appropriation in the professional services account as of June 30, 2007.

HISTORICAL PERSPECTIVE:

The Beaverton Municipal Court is required to appoint attorneys to represent indigent defendants in criminal cases. The City maintains a roster of attorneys available for court appointments, and in 2006 that number was seven attorneys. During the 2006-2007 year, three persons on the court-appointed attorney list discontinued their services: one filled the vacant pro-tem judge position one resigned for medical reasons, and one took a leave of absence. These resignations required assigning the workload to the other attorneys on the roster.

INFORMATION FOR CONSIDERATION:

Normally court-appointed attorney contract work amounts to less than \$50,000 per firm per year. In FY 2006-07 additional cases assigned as above to the firm of Ravelo, Johnson, & Nguyen caused the contract amount to exceed \$50,000 level. The Council acting as the Contract Review Board must approve a change order to permit the payment of the additional services over the \$50,000 amount.

RECOMMENDED ACTION:

Council, acting as the Contract Review Board, ratify a change order to the court-appointed attorney contract with Ravelo, Johnson, & Nguyen, PC of Beaverton, Oregon in the amount of \$27,298 for services performed in FY 2006-07.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Contract Extension of
Janitorial Services at City Buildings

FOR AGENDA OF: 08-13-07 **BILL NO:** 07168

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Public Works 

DATE SUBMITTED: 07-2-07

CLEARANCES: Purchasing 
Finance 
City Attorney 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: Funding Plan
Agenda Bill 06152

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 324,251*	BUDGETED \$316,342*	REQUIRED \$7,909*

* Please refer to the attached Funding Plan, which, for each building, details the current amount budgeted in the FY 2007-08 Budget and the additional appropriation required.

HISTORICAL PERSPECTIVE:

In August of 2006 Council approved a one year contract with Portland Habilitation Center (PHC) to commence on September 1, 2006, with a six month formal review period in February (copy of Agenda Bill 06152 attached). At the end of the six months the services of PHC were evaluated by staff and found to be satisfactory. The contract provides for up to three successive one-year renewals by mutual agreement

INFORMATION FOR CONSIDERATION:

Now that PHC is nearing their first year of service, City staff requests that Council approve renewing the contract with PHC for three more years. PHC is a "Qualified Rehabilitation Facility" (QRF) and as such will fulfill the City's compliance with the State mandate for using QRF's. PHC's renewal proposal includes an increase of 2.5% for the period from 9/1/07 through 8/31/08 as a result of an increase in wages and benefits agreed to in PHC's labor contract with SEIU Local 49.

The cost increase will require a slight adjustment (\$7,909) to the FY 2007-08 Budget as detailed in the attached Funding Plan. The additional appropriation is available from each Fund's Contingency Account and is recommended to be included in the next Supplemental Budget.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, authorize a one-year renewal of the janitorial services contract with Portland Habilitation Center of Portland, Oregon, in the amount of \$324,250 for Fiscal Year 2007-08, direct the Finance Director to include the additional \$7,909 appropriation in the next Supplemental Budget, and authorize City staff to exercise the option to annually extend the contract for the two subsequent years subject to Council's approval of the future FY 2008-09 and FY 2009-10 Budgets.

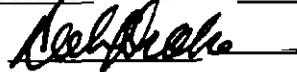
City of Beaverton
 FY 2007-08 Funding Plan for Janitorial Services
 Provided by Portland Habilitation Center (PHC)

	Budgeted Monthly Costs for PHC	Budgeted Annual Costs for PHC	Revised Annual Costs for PHC Reflecting Cost Increase	Additional Appropriation Required
General Fund - Non-Departmental				
City Hall	\$ 9,490.26	\$ 113,883.12	\$ 116,730.20	\$ 2,847.08
Community Center	1,982.41	23,788.92	24,383.64	594.72
City Park	521.96	6,263.52	6,420.11	156.59
Subtotal Non-Departmental (001-13-0003-511)	<u>\$ 11,994.63</u>	<u>\$ 143,935.56</u>	<u>\$ 147,533.95</u>	<u>\$ 3,598.39</u>
General Fund - Resource Center (001-13-0003-352)	\$ 2,325.11	\$ 27,901.32	\$ 28,598.85	\$ 697.53
General Fund - Police Harvest Court (001-60-0621-511)	\$ 202.99	\$ 2,435.88	\$ 2,496.78	\$ 60.90
Library Building (115-35-0551-511)	\$ 9,624.71	\$ 115,496.52	\$ 118,383.93	\$ 2,887.41
Operations Complex (605-85-0681-511)	\$ 2,214.39	\$ 26,572.68	\$ 27,237.00	\$ 664.32
 Total Janitorial Services	 <u>\$ 26,361.83</u>	 <u>\$ 316,341.96</u>	 <u>\$ 324,250.51</u>	 <u>\$ 7,908.55</u>

AGENDA BILL

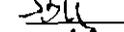
**Beaverton City Council
Beaverton, Oregon**

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

Mayor's Approval: 

DEPARTMENT OF ORIGIN:
Public Works Dept/Operations Division 

DATE SUBMITTED: 08-09-06

CLEARANCES: Purchasing 
Finance 
City Attorney 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: Agenda Bill 05180
Vendor Evaluation
Funding Plan

BUDGET IMPACT

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

Please see attached Funding Plan

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

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

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

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

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

HISTORICAL PERSPECTIVE:

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

INFORMATION FOR CONSIDERATION:

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

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

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

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

RECOMMENDED ACTION:

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

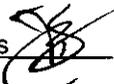
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

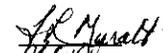
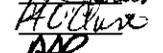
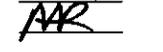
SUBJECT: Waiver of Sealed Bidding – Purchase
One Backhoe/Loader From the State
of Oregon Price Agreement

FOR AGENDA OF: 8-13-07 **BILL NO:** 07169

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Public Works 

DATE SUBMITTED: 7-16-07

CLEARANCES: Purchasing 
Finance 
City Attorney 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$93,951	BUDGETED \$95,000*	REQUIRED \$

*Account number 101-85-0732-671 Street Fund, Street Maintenance Capital Equipment Account. This account has a total budget appropriation of \$95,000 for the purchase of a backhoe/loader.

HISTORICAL PERSPECTIVE:

The FY 2007-08 Budget includes funding to replace one backhoe/loader for the Street Maintenance section in the Public Works Department. The Public Works Department has four existing backhoe/loaders, a 2004 Caterpillar, a 1999 John Deere and two 1991 Case. One of the 1991 Case backhoe/loaders will be sold through the State of Oregon surplus auction. The Oregon State Price Agreement incorporates the low bids from numerous vendors, which were obtained through the sealed bid process.

INFORMATION FOR CONSIDERATION:

The FY 2007-08 Budget includes \$95,000 from the Street Maintenance Capital Equipment Account to purchase a replacement backhoe/loader. Oregon law and the City's Purchasing Code permits an exemption from competitive solicitation if the purchase is made from an existing price agreement with another governmental agency. The Caterpillar 430E backhoe/loader is currently available from Halton Tractor of Portland, Oregon, for immediate purchase from the State of Oregon Price Agreement No. 2176.

RECOMMENDED ACTION:

Council, acting as Contract Review Board, waive the sealed bidding requirements and authorize the Finance Department to issue a purchase order to Halton Tractor of Portland, Oregon, as the respective vendor for purchase of a Caterpillar 430E backhoe/loader described above in the amount of \$93,951 from the State of Oregon Price Agreement No. 2176.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Exemption from Competitive Bids and
Authorize a Sole Source and a Brand Name
Purchase of a New TYMCO Model 600
Street Sweeper

FOR AGENDA OF: 08-13-07 **BILL NO:** 07170

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Public Works

DATE SUBMITTED: 07-16-07

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

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$140,890	BUDGETED \$170,000*	REQUIRED \$0

*Account Number 513-85-0734-671 Storm Drain Fund – Maintenance Program – Equipment Account

HISTORICAL PERSPECTIVE:

This Agenda Bill seeks authority to purchase a new TYMCO Model 600 street sweeper to replace a 1999 model that has become unreliable on account of its age.

The City currently operates a 2003 model and a 2004 model TYMCO cabover sweeper on a regular basis. The 2003 street sweeper is no longer reliable for everyday use, but will be kept as surplus for limited use during the leaf collecting season and also for backup to the other sweepers. The 1999 model now kept for backup is also used for about one to one and a half months during leaf season.

Since 1986, no other brand except TYMCO sweepers has been purchased by the City. The Operations division thus has 21 years of experience operating, maintaining and repairing TYMCO sweepers. The operators and mechanics have had several hundred hours of training on the TYMCO sweepers and are extremely familiar with control location and daily maintenance issues. There is also a substantial inventory of repair and maintenance parts that would be usable for a new model of TYMCO sweeper.

There is only one local supplier of TYMCO brand sweepers.

INFORMATION FOR CONSIDERATION:

When compared to other brand names that are available, the TYMCO sweeper proposed for purchase has a 6000 pound heavier payload, requiring fewer trips to Operations facilities to dump the load. TYMCO has a superior dust separator that results in a longer lifespan for the blower fan, blower housing, and pickup head. These facts, together with City staff's familiarity with the brand and the time and money invested in training and in maintaining an inventory of consumable and repair parts, should result in significant cost savings should the Contract Review Board authorize staff to purchase this name brand of sweeper from the sole supplier.

The City Purchasing Manual provides that the Contract Review Board may authorize a purchase from a sole source and a purchase of a brand name product if it finds in writing that efficient use of existing resources requires the purchase of a compatible product or (as to a brand name) that there is only one manufacturer of the quality, performance or function required. The Contract Review Board also may find that the purchase of the TYMCO Model 600 should not substantially diminish competition in that there are no competitive brands offering equivalent quality, the result will be substantial cost savings, and there is only one local supplier of TYMCO brand sweepers. Finally, Operations staff has negotiated a trade in of the 1999 model for a credit of \$18,000 towards the purchase price of the new model (the net purchase price is shown above) if the CRB approves the new purchase.

RECOMMENDED ACTION:

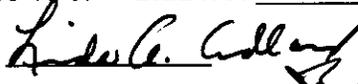
Council, acting as Contract Review Board, accept the findings proposed above that a sole source and brand name exemption are justified, declare an exemption from the competitive bidding and authorize the purchase of a new 2007 TYMCO Model 600 street sweeper from Clyde-West, Incorporated, of Portland, Oregon for the net price, after trade-in, of \$140,890.

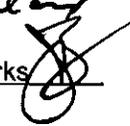
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

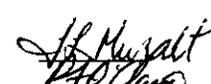
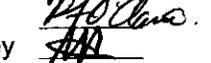
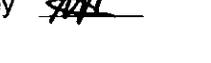
SUBJECT: Bid Award - Purchase One (1)
New Hydraulic Tracked Excavator

FOR AGENDA OF: 08-13-07 **BILL NO:** 07171

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Public Works 

DATE SUBMITTED: 07-31-07

CLEARANCES: Purchasing 
Finance 
City Attorney 

PROCEEDING: Consent Agenda
(Contract Review Board)

EXHIBITS: Bid Summary

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$161,360	BUDGETED \$200,000*	REQUIRED \$-0-

*Account number 502-85-0757-671 Sewer Fund- Sewer System Construction Program Capital Equipment Account. The Excavator will be shared between the Sewer Fund (60%) and Storm Drain (40%) and the FY 2007-08 Budget includes a contribution from the Storm Drain Fund to the Sewer Fund for its share of the acquisition costs.

HISTORICAL PERSPECTIVE:

The FY 2007-08 Budget includes funding for the purchase of one hydraulic excavator for the Sewer Construction section in the Public Works Department. The City of Beaverton currently rents various sized excavators when a Sewer/Storm project requires such equipment. The cost to rent an excavator has increased over the past four years to the point that it has been deemed practical to purchase an excavator of our own. In calendar year 2003 we paid \$14,365, 2004 - \$29,945, 2005 - \$37,205 and in 2006 - \$58,225.

INFORMATION FOR CONSIDERATION:

Invitation for bid was advertised in the Portland Daily Journal of Commerce on July 13, 2007. Three bids were received and opened on July 27, 2007 at 2:00 PM in the Finance Department conference room. The low bid was received from Papé Machinery of Portland, Oregon in the amount of \$161,360. The machine was evaluated by Public Works staff and has been determined to meet the needs of the City.

The invitation to bid asked for a base price with separate pricing for three additional options. The three options were a 48" heavy duty bucket, a 68" ditch cleaning bucket and a one year extended warranty that covers the powertrain and hydraulic systems. The budgeted amount for this piece of equipment will allow the City to purchase the additional three options. The purchase amount of \$161,360 includes the base price of \$151,200, a 48" heavy duty bucket for \$4,500, a 68" ditch cleaning bucket for \$4,800 and the extended warranty for \$860.

RECOMMENDED ACTION:

Council, acting as the Contract Review Board, award the low bid and authorize the Finance Department to issue a purchase order to Papé Machinery of Portland, Oregon in the amount of \$161,360 for the purchase of one (1) new Hydraulic Excavator with the options listed above.

BID SUMMARY

CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on **JULY 27, 2007** at **2:00PM** in the **FINANCE DEPARTMENT**

For: ONE (1) NEW CATERPILLAR 321C LCR HYDRAULIC TRACKED EXCAVATOR "OR EQUAL", BID #2108-08

Witnessed by: **CRAIG CRAWFORD**

	VENDOR NAME CITY, STATE	VENDOR NAME CITY, STATE	VENDOR NAME CITY, STATE
	Pape Machinery Portland, OR	Halton Company Portland, OR	Feenaughty Machinery Portland, OR
DESCRIPTION/MANUFACTURER	John Deere 225C RTS	Caterpillar 321 CLCR	2007 Kobelco 235 SRLC
	<u>BID AMOUNT</u>	<u>BID AMOUNT</u>	<u>BID AMOUNT</u>
<u>BID ITEM 1:</u> One (1) New Caterpillar 321C LCR, "OR EQUAL"	\$ 151,200.00	\$ 169,315.00	\$169,976.00
<u>BID OPTIONS:</u>			
1. HD 1.50 cu yd 48" Bucket with six teeth, pins included.	\$ 4,500.00	\$ 7,765.00	\$ 4,371.00
2. 1.50 cu yd 68" ditch cleaning bucket (no teeth), pins included.	\$ 4,800.00	\$ 8,214.00	\$ 2,993.00
Extended Warranty – Additional one year coverage for Powertrain and Hydraulic system.	\$ 860.00	\$ 985.00	\$ 2,500.00
Grand Total	\$161,360.00	\$186,279.00	\$179,840.00

The Purchasing process has been confirmed.

Signed: *Jerry L. Murast*
Purchasing Division-Finance Dept.

The above amounts have been checked: YES NO

Date: 7/27/07

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Resolution Expressing the City of Beaverton's Opposition to Using Urban Renewal and Tax Increment Financing to Pay for Needed Infrastructure Improvements in North Bethany and Other Urban Expansion Areas

FOR AGENDA OF: 08-13-07 **BILL NO:** 07172

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 08-02-07

CLEARANCES: City Attorney US

PROCEEDING: Action Item

EXHIBITS:

1. Proposed Resolution
2. Letter from THPRD Chair Joe Blowers

BUDGET IMPACT

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

The recitals in the proposed resolution provide background.

INFORMATION FOR CONSIDERATION:

Washington County is currently conducting an analysis to consider whether to form an urban renewal district to fund major infrastructure improvements in the Bethany area. The approximately 800 acres of land north of Springville Road and west of the Multnomah County line were brought into the Regional Growth Boundary in 2002. If the County decides to establish an urban renewal district encompassing the North Bethany area in 2008, the County's consultants estimate that the Beaverton School District would receive only \$61,000 in revenue annually from the frozen tax base to serve students from the area. Tualatin Valley Fire and Rescue (TVR&R) would receive \$44,000 in revenue to serve development in the area. In order to pay off bonds sold to finance area infrastructure improvements, it is likely the urban renewal district would remain in place for at least 20-25 years, meaning the frozen tax base would not increase over that time.

At a July 31, 2007 meeting of the Taxing District Advisory Group formed by the County to provide input on the formation of a North Bethany Urban Renewal District, Chief Jeff Johnson of TVF&R expressed serious concerns about impacts on his district, including a potential reduction of the district's insurance rating, and indicated the district may need to consider deannexing the area if it becomes an urban renewal district.

Joe Blowers, President of the Tualatin Hills Park and Recreation District Board of Directors, has written a letter (Exhibit 2) on behalf of his Board expressing their "...serious concern over the possible creation of an Urban Renewal District to provide funding for the infrastructure needs in the North Bethany planning area." At the July 31 meeting, Board of Directors member Larry Pelatt said the district may not annex the area if an urban renewal district is formed.

RECOMMENDED ACTION:

Adopt the proposed resolution.

RESOLUTION NO. 3906

**A RESOLUTION EXPRESSING THE CITY OF BEAVERTON'S
OPPOSITION TO USING URBAN RENEWAL AND TAX INCREMENT
FINANCING TO PAY FOR NEEDED INFRASTRUCTURE
IMPROVEMENTS IN NORTH BETHANY AND OTHER URBAN
EXPANSION AREAS**

- WHEREAS,** In 2002 approximately 800 acres of land north of NW Springville Road and west of the Multnomah County line, generally known as the North Bethany area, were brought within the Regional Urban Growth Boundary by Metro; and
- WHEREAS,** In the past few years Washington County has been engaged in the process of planning for the North Bethany area as required by Title 11 of the Metro Urban Growth Management Functional Plan; and
- WHEREAS,** The preliminary results of the North Bethany planning process, which aspires to create a "Community of Distinction", indicate that the cost of needed infrastructure improvements (e.g., roads, schools, parks, sewer and water lines, etc.) will range from 275-300 million dollars; and
- WHEREAS,** Washington County has determined that existing available sources of revenue, such as from systems development charges, are inadequate to pay for these needed infrastructure improvements, particularly road improvements; and
- WHEREAS,** Washington County has contracted with consultants to consider the legality and financial feasibility of forming an Urban Renewal District encompassing North Bethany so a Washington County Urban Renewal Agency could derive property tax revenues from the increment between the assessed value of property at the time the district is established and the annual assessed value over time as the area develops, which can be used to finance bonds to pay for need infrastructure improvements; and
- WHEREAS,** Washington County has convened a "Taxing District Advisory Group" including representatives of local districts that would serve the North Bethany area such as the Beaverton School District (BSD), the Tualatin Hills Park and Recreation District (THPRD) and the Tualatin Valley Fire and Rescue District (TVF&R), as well as representatives of the cities of Beaverton and Hillsboro, to consider the consultants' findings; and
- WHEREAS,** The consultants preliminary findings are that North Bethany could be considered a "blighted" area as the term is defined by State Statute, which is a precondition for establishing an urban renewal district, and tax increment revenues from a North Bethany urban renewal district would be sufficient to finance bonds to cover about half the estimated cost of needed infrastructure improvements; and
- WHEREAS,** Representatives for the BSD, THPRD and TVF&R have expressed serious reservations about the fiscal impacts of establishing a North Bethany urban renewal district on their operating revenues, inasmuch as they would be receiving

minimal revenues from the frozen tax base for the area while providing services to an area that is projected to grow over time to a population of approximately 12,000; and

WHEREAS, A recent newspaper article suggests the County may use the same funding solutions for infrastructure needs in the Bull Mountain urban expansion areas as are used in North Bethany; and

WHEREAS, In anticipation of an August 21, 2007 meeting where the Board of County Commissioners will be asked to accept an Urban Renewal Feasibility Study for North Bethany and direct preparation of an Urban Renewal Plan, representatives of the BSD, THPRD and TVF&R have asked for the City's support of their opposition to establishment of an urban renewal district encompassing North Bethany,

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

The Council hereby directs that the Mayor convey to the Board of County Commissioners our opposition to formation of an urban renewal district encompassing the north Bethany area or any other urban expansion area. The Council believes such areas are not truly blighted, and the cost of infrastructure needed to serve their development should be borne by area property owners and developers, not by taxpayers from the larger community.

Furthermore, it is the Council's position that if urban renewal and tax increment financing are to be used in Washington County, it should be in centers designated on the Metro 2040 Growth Concept Map or other areas more appropriate.

Adopted by Council this _____ day of _____, 2007.

Approved by the Mayor this _____ day of _____, 2007.

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor



Serving Beaverton and the westside since 1955

**TUALATIN
HILLS PARK &
RECREATION
DISTRICT** ADMINISTRATION OFFICE

15707 S.W. Walker Rd • Beaverton, Oregon 97006 • (503) 645-6433 • FAX (503) 629-6303
www.thprd.org

Doug Menke
General Manager

BOARD OF DIRECTORS

Joseph Blowers
John Griffiths
Bill Kanable
Larry Felatt
Bob Scott

July 30, 2007

Joe Dills, Project Manager
Otak
17355 SW Boones Ferry Road
Lake Oswego, OR 97035-5217

Brent Curtis, Manager
Washington County Land Use and Transportation Department
Planning Division
155 N. First Avenue, Suite 350, MS 14
Hillsboro, OR 97124

Members of the North Bethany Technical Advisory Committee and Stakeholders Work Group

Re: Urban Renewal District and Financing Plan Options

Brent and Joe:

On behalf of the Tualatin Hills Park and Recreation District (THPRD) Board of Directors, I want to express our serious concern over the possible creation of an Urban Renewal District to provide funding for the infrastructure needs in the North Bethany planning area. While we recognize that many taxing jurisdictions will be impacted by the creation of an Urban Renewal District, THPRD will be particularly hard hit by the loss of tax dollars. Population projections for the North Bethany planning area estimate that approximately 12,000 new residents will live in this area once it is fully developed. This represents a 6% increase in the population of THPRD, an impact that cannot be absorbed without the corresponding growth in operating funds through property taxes.

THPRD has taken several steps over the last few years to ensure our financial sustainability. We have recently implemented a significant user fee increase to ensure that our programs and operations do not operate at a deficit and do not result in an increasing maintenance backlog. We are also reviewing our System Development Charge (SDC) methodology to ensure that THPRD's growth related capital needs will be adequately funded through costs assessed on new development. For THPRD to assume a significant new service area without any corresponding operating funds will negate much of what we have accomplished and not demonstrate goodwill with our existing residents.

Through our participation in the Taxing District's Advisory Committee of the Urban Renewal Feasibility Study, we have expressed many of these same concerns. We have repeatedly been assured that Urban Renewal was only one of many tools being examined as part of the North Bethany Financing Plan. To date, however, no other tools have been discussed at either the North Bethany Technical Advisory Committee (TAC) or Stakeholders Work Group (SWG). We would request that these other tools be shared with the TAC and the SWG so that all available financing options can be considered before any single option, such as Urban Renewal, is moved forward.

Sincerely,

A handwritten signature in cursive script that reads "Joe Blowers". The signature is written in black ink and is positioned above a horizontal line that extends to the right.

Joe Blowers, President
Board of Directors
Tualatin Hills Park and Recreation District

cc: THPRD Board of Directors
Doug Menke, THPRD General Manager
Washington County Board of Commissioners

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

08/13/07

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation and Ordinance No. 2050, the Zoning Map to Apply the City's R-7 Zone to Property Located at 12730 SW Fairfield Street; CPA2007-0013/ZMA2007-0013

FOR AGENDA OF: ~~07/09/07~~ **BILL NO:** 07150

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 07/02/07

CLEARANCES: City Attorney *AAQ*
Planning Services *HTB*

PROCEEDING: First Reading

EXHIBITS: 1. Proposed Ordinance with Exhibit A
2. Staff Report

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The property located at 12730 SW Fairfield Street shown on Exhibit "A" was annexed under Ordinance No. 4421 in March 2007 and is being redesignated in this ordinance from the County's R-5 land use designation to the closest corresponding City designations under the terms specified in the Washington County – Beaverton Urban Planning Area Agreement (UPAA).

INFORMATION FOR CONSIDERATION:

The UPAA is specific as to the appropriate Land Use Map and Zoning Map designations that are to be assigned to the property. Discretion is not necessary in this case under the terms of the agreement. Per the agreement, the appropriate Land Use Map designation for the subject parcel is Neighborhood Residential-Standard Density (NR-SD) and the appropriate Zoning Map designation is Urban Standard Density Residential (R-7). Under the terms of the Comprehensive Plan and the Development Code, these amendments can be processed through a non-discretionary process which does not require a public hearing.

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4444

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR A PROPERTY LOCATED AT 12730 SW FAIRFIELD STREET; CPA2007-0013 / ZMA2007-0013

- WHEREAS,** The property was annexed to the City of Beaverton under Ordinance 4421 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA); and
- WHEREAS,** Since the UPAA is specific on the appropriate Land Use Map and Zoning Map designations for this parcel, this is not a discretionary land use decision, and no public hearing is required; and
- WHEREAS,** The Council incorporates herein by reference the Community Development Department staff report on CPA2007-0013/ZMA2007-0013 by Associate Planner Jeff Salvon, dated July 2, 2007 ; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance No. 4187, (Figure III-1) the Comprehensive Plan Land Use Map is amended to designate the subject property as shown on Exhibit "A", located at 12730 SW Fairfield Street, Neighborhood Residential-Standard Density (NR-SD) in accordance with the Washington County – Beaverton Urban Planning Area Agreement (UPAA).
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1, as shown on Exhibit "A", Urban Standard Density Residential (R-7) in accordance with the UPAA.

First reading this _____ day of _____, 2007.

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

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

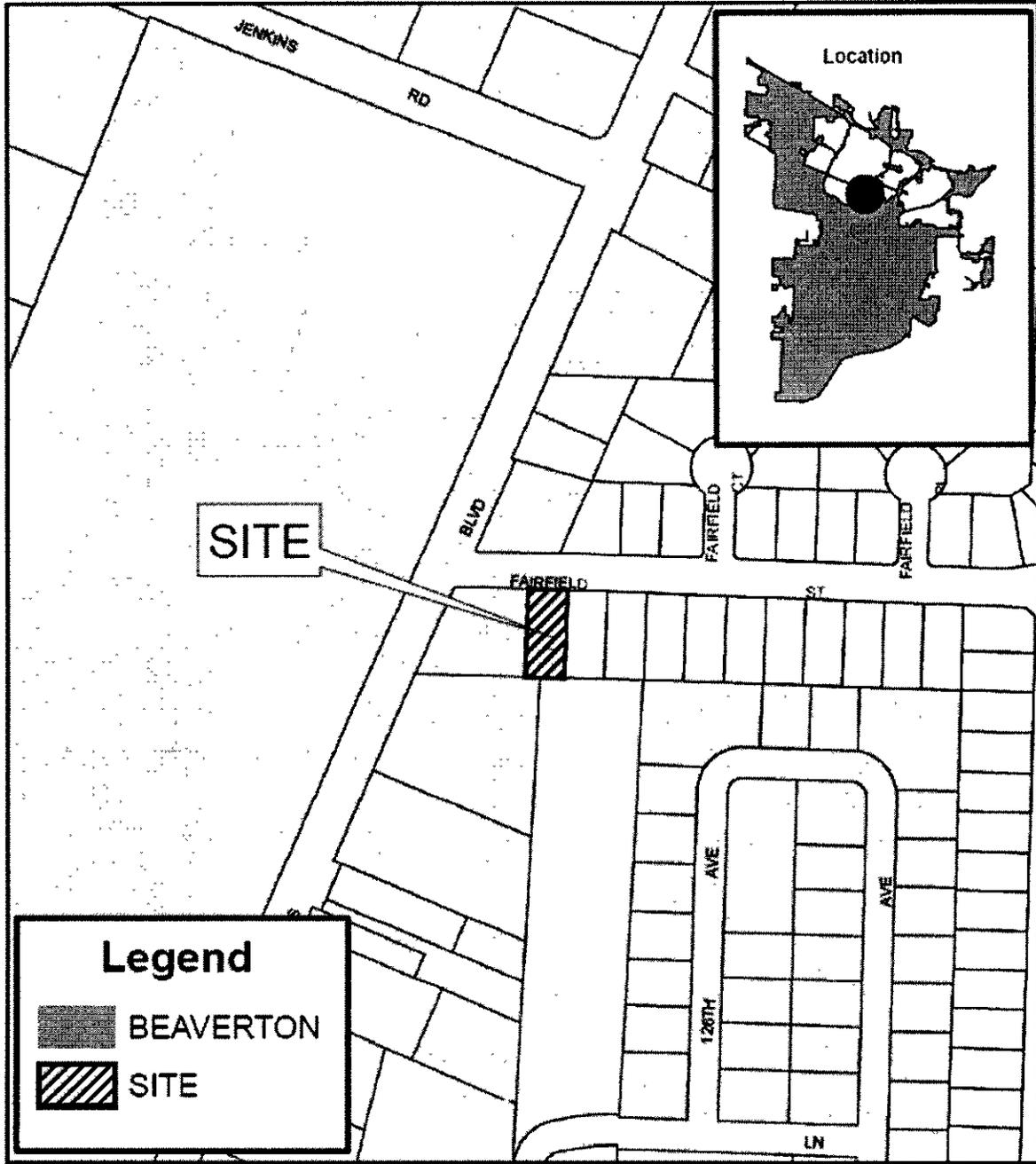
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



 CITY OF BEAVERTON	CPA2007-0013 / ZMA2007-0013	5/17/07 Tax Lot #'s 1S109DA02900	N ↑
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	12730 SW FAIRFIELD ST	



CITY of BEAVERTON

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

STAFF REPORT

TO: City Council

AGENDA DATE: July 9, 2007 **REPORT DATE:** July 2, 2007

FROM: Jeff Salvon, Associate Planner

APPLICATION: CPA2007-0013
 (12730 SW Fairfield Street Land Use Map Amendment)
 ZMA2007-0013
 (12730 SW Fairfield Street Zoning Map Amendment)

LOCATION: SW Fairfield Street approximately 110 feet East of SW Cedar Hills Boulevard, on the south side of Fairfield Street. The parcel is identified as 1S109DA02900.

NEIGHBORHOOD ASSOCIATION: Central Beaverton Neighborhood Association Committee

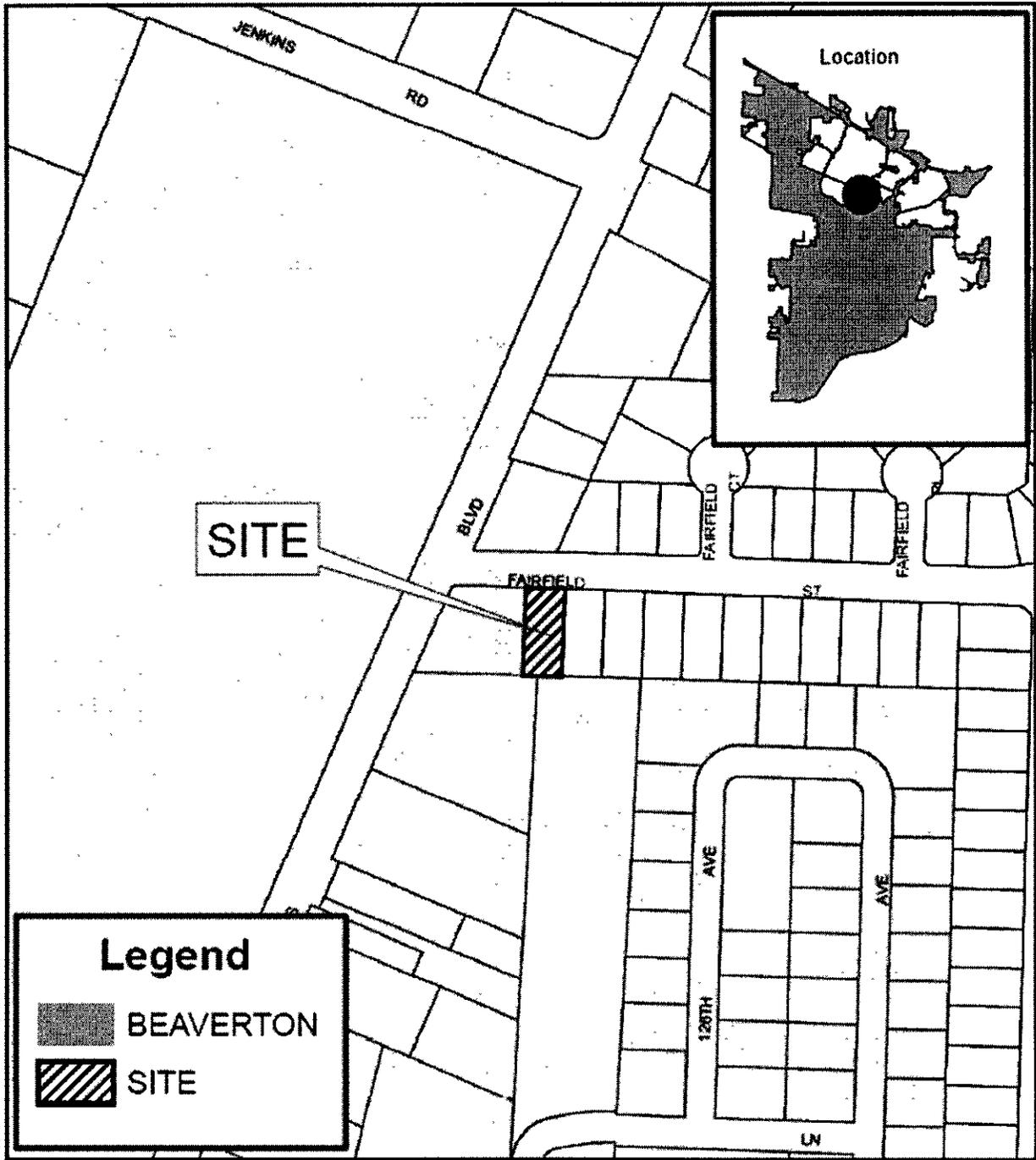
REQUEST: Apply the City's Neighborhood Residential-Standard Density (NR-SD) land use designation and the City's Urban Standard Density Residential (R-7) zoning designation to the subject parcel.

APPLICANT: City of Beaverton Community Development Director

APPROVAL CRITERIA: Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

RECOMMENDATION: Staff recommends the City Council adopt an ordinance applying the Neighborhood Residential-Standard Density (NR-SD) land use designation and the Urban Standard Density Residential (R-7) zoning designation to the subject parcel effective thirty days after the Mayor's signature.

VICINITY MAP



Legend

-  BEAVERTON
-  SITE



CITY OF BEAVERTON

CPA2007-0013 / ZMA2007-0013

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

5/17/07

Tax Lot #'s

1S109CA02900

N



12730 SW
FAIRFIELD ST

BACKGROUND

CPA2007-0013 proposes amendment of the Land Use Map and ZMA2007-0013 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning for the subject parcel annexed in March, 2007. The parcel currently carries the Washington County R-5 (Residential 5 Units per Acre) designation, as depicted on the County's Cedar Hills - Cedar Mill Community Plan Map.

EXISTING CONDITIONS

Uses. Staff performed a field survey of the site and observed the parcel to be vacant with no above ground structural improvements on the site.

Character. The subject parcel is located on the edge of a residential subdivision adjacent to a newly constructed commercial development. Remnants of a building footprint provided evidence that a residential dwelling was recently demolished making the site primed for redevelopment.

Natural Resources. Washington County's *Cedar Hills – Cedar Mill Community Plan* map does not depict any significant natural resources in the area of the subject parcel.

ANALYSIS

COMPATIBILITY OF DESIGNATIONS

City of Beaverton Neighborhood Residential- Standard Density land use designation. Section 3.13 of the Land Use Element of the *Comprehensive Plan for the City of Beaverton* details the City's residential land use designations. One goal is identified for the Standard Density Residential designation, as follows:

"3.13.3 Goal: Establish Standard Density Residential areas to provide moderate sized lots for typical single family residences with private open space."

The policies of Section 3.13.3 include a directive that the City "[a]pply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix to allow a variety of housing choices." The proposal is to apply the City's Neighborhood Residential – Standard Density plan designation and to apply the appropriate zone for the property consistent with the Zoning District Matrix.

APPLICABLE ZONING DISTRICTS

The implementing zoning districts for the City's Neighborhood Residential-Standard Density (NR-SD) Comprehensive Plan designation are R-5 and R-7. The zoning of properties around the subject parcel includes the City's R1 and CS zones and the Washington County R-5 zone. Determination as to which zone designation is most

suitable for the parcel will be dictated by the Urban Planning Area Agreement between the City and Washington County.

Washington County R-5 District designation. The subject parcels are designated R-5 on the County's Cedar Hills – Cedar Mill Community Plan. Section 302-1 of the *Washington County Community Development Code* states that,

“The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five (5) units per acre and no less than four (4) units per acre, except as specified otherwise by Section 300-2, Section 300-5, or Section 302-6.

The UPAA excerpt, below, specifies that the County's R-5 designation is equivalent to the City's R-7 zoning designation.

<i>WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT</i>		
<i>EXHIBIT "B"</i>		
<i>CITY – COUNTY LAND USE DESIGNATION EQUIVALENTS</i>		
<u>COUNTY</u>	<u>BEAVERTON</u>	
<u>Plan/Zoning</u>	<u>Plan</u>	<u>Zoning</u>
R-5	NR-SD	R-7

Summary. The UPAA specifies a City NR-SD Plan designation and R-7 Zone for the subject parcel. The designations specified in the UPAA are consistent with the City's Planning goals and policies and conforms with specifications in the Comprehensive Plan and Zoning District Matrix.

COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A. of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.

PROCESS

THRESHOLD

The subject property is designated on the County's *Cedar Hills – Cedar Mill Community Plan Map* as R-5, which, in a non-discretionary process, requires implementation of the City's R-7 zoning designation under the *Urban Planning Area Agreement (UPAA)*.

Comprehensive Plan Process. Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Non-Discretionary Amendment per *Comprehensive Plan* Section 1.3.

Development Code Process. Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which that states, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

1. "The change of zoning to a City zoning designation as a result of annexation of land into the City."
2. "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."

SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.3.D. "an application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement". The annexation of the subject property was owner initiated with consent of the property owner and elector (which does not apply in this case due to the fact that the property is vacant) under ORS 222.125, and an annexation petition for annexation was submitted. This annexation was approved under Ordinance No. 4421.

PUBLIC NOTICE

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) and not more than forty (40) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on July 19, 2007.
2. Notice was mailed to the Central Beaverton Neighborhood Association Committee, Cedar Hills – Cedar Mill Citizen Participation Organization (CPO 1), Chair of the Committee for Citizen Involvement (CCI), and to the subject property owner on July 12, 2007.
3. Notice was posted on the City's website on July 12, 2007.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA have been met.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.5.2.A specifies that non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement. Findings to address Comprehensive Plan sections which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.

ZONING MAP AMENDMENT CRITERIA

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"In order to approve a Non-Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:"

1. *The proposal satisfies the threshold requirements for a Non Discretionary Annexation Related Zoning Map Amendment application.*

Section 40.97.15.3.A. Threshold, states:

"An application for Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:

1. The change of zoning to a City zoning designation as a result of annexation of land into the City.
2. The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."

The zone change is requested in order to apply City land use and zoning for the subject parcel annexed in March, 2007. The parcel carries the Washington County R-5 (Residential 5 Units per Acre) designation, as depicted on the County's Cedar Hills – Cedar Mill Community Plan map.

As noted in the Process section of this report, the UPAA specifies a City R-7 designation for the County R-5 designation. Therefore, no discretion is required in determining the appropriate zoning designation.

Finding: Staff finds that the request satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.

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

The City is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

Finding: Staff finds that this criterion is not applicable.

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

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." The subject property was petitioned with the owners' consent under ORS 222.125. This City-initiated annexation was approved under Ordinance 4421.

Finding: Staff finds that the request satisfies the application submittal requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.

4. The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.

The UPAA is specific for the proposed amendment:

- Washington County Residential – 5 units per acre, goes to R-7, Residential – 7,000 square feet per principal dwelling unit.

No discretion is being exercised in assigning the zoning designation.

The UPAA requires the City to review the appropriate Community Plan which in this case is the Cedar Hill – Cedar Mill Community Plan. The subject property is not in an Area of Special Concern, and has no specific design elements applicable to it.

Finding: The R-7 designation is specified by, and is therefore consistent with, the Washington County - Beaverton UPAA.

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

No further applications and documents are required of this request.

Finding: Staff find that this criterion is not applicable.

CONCLUSION

Based on the facts and findings in this report, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Neighborhood Residential-Standard Density (NR-SD) land use designation and amending the City's Zoning Map to depict the City's Urban Standard Density Residential (R-7) zoning district is appropriate for the subject parcel.

AGENDA BILL
Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Adding Chapter 8.07 of the Beaverton Code, Regarding Residential Property Maintenance

FOR AGENDA OF: 08-13-07 **BILL NO:** 07173

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Code Services 

DATE SUBMITTED: 07-27-07

CLEARANCES: City Attorney 

PROCEEDING: First Reading

EXHIBITS: Ordinance Adding Chapter 8.07 of the Beaverton Code Regarding Residential Property Maintenance

BUDGET IMPACT

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

The City receives numerous complaints about inadequate maintenance of residential buildings in neighborhoods throughout the city each year. Residential buildings that are not adequately maintained may adversely affect property values and the quality of life in neighborhoods. Inadequate maintenance of residential buildings may lead to deterioration of the housing stock, increased vacancy rates, and urban blight.

The City Council reviewed an informational presentation on this subject at its May 7, 2007, meeting. Council held a public hearing on July 23, 2007, to receive public input on this ordinance, after which staff was directed to place the ordinance on a future Council agenda for a first reading.

INFORMATION FOR CONSIDERATION:

The purpose of this ordinance is to protect the health, safety and welfare of Beaverton residents, to prevent deterioration of existing housing, to preserve and enhance the quality of life in residential neighborhoods, and to prevent or reduce urban blight by establishing minimum residential property maintenance standards. Once enacted, the provisions of this ordinance will apply to all residential property within the City of Beaverton except for an existing dwelling designated as a historic building when such dwelling is judged by the code official to be safe and its continued maintenance in historic condition to be in the public interest.

This ordinance declares that a violation is a public nuisance and may be enjoined or abated:

1. by repair in accordance with the provisions of BC 5.05.200 to 5.05.260, or
2. as provided by the Uniform Code for the Abatement of Dangerous Buildings, or
3. a court of competent jurisdiction may appoint a receiver pursuant to the Oregon Housing Receivership Act, ORS 105.420 to 105.455, to perform an abatement.

This ordinance also provides penalties for violations as follows:

- Except as otherwise provided, violations are a Class 1 civil infraction punishable upon conviction by a fine of not more than \$250 per day.
- Violation of section 8.07.205 or 8.07.380 is a Class 2 civil infraction punishable upon conviction by a fine of not more than \$150 per day.
- Violation of section 8.07.225 is a Class 3 civil infraction punishable upon conviction by a fine of not more than \$50 per day.
- Violation of sections 8.07.110, 8.07.210, 8.07.310, 8.07.360 or 8.07.510 is a Class C misdemeanor, punishable upon conviction by a fine of not more than \$6,250 and/or imprisonment not to exceed 30 days.

In addition to the model code called the "International Property Maintenance Code", many cities have adopted residential property maintenance codes, including:

- Gresham
- Portland
- Salem
- Tigard

All of the foregoing were used in preparing Beaverton's property maintenance ordinance.

There are other related sections in the Beaverton Code, including section 5.05.081 *Vacant Buildings*, and 8.03.010 *Dangerous Buildings*, but neither were designed to address occupied buildings that are not being adequately maintained.

RECOMMENDED ACTION:

First reading.

ORDINANCE NO. 4448

AN ORDINANCE ADDING CHAPTER 8.07 OF THE BEAVERTON CODE,
REGARDING RESIDENTIAL PROPERTY MAINTENANCE

WHEREAS, the City receives numerous complaints about inadequate maintenance of residential buildings within the city limits; and

WHEREAS residential buildings that are not adequately maintained may lead to deterioration of the housing stock, increased vacancy rates, and urban blight; and

WHEREAS, inadequate maintenance of residential buildings may adversely affect property values and the quality of life in neighborhoods; now, therefore,

BE IT ORDAINED BY THE CITY OF BEAVERTON,

Section 1. The Beaverton Code is amended in Chapter 8 by adding the following sections.

PART 1 – GENERAL

8.07.010 Short Title.

A. BC 8.07.010 - .450 shall be known and may be cited as the "Residential Property Maintenance Code" and may be referred to herein as "this code."

8.07.020 Purpose.

This code is enacted to protect the health, safety and welfare of Beaverton residents, to prevent deterioration of existing housing, to preserve and enhance the quality of life in residential neighborhoods, and to prevent or reduce urban blight by establishing minimum residential property maintenance standards.

8.07.030 Scope, Conflict with State Law.

A. The provisions of this code shall apply to all residential property within the City of Beaverton.

B. If a provision of this code conflicts with a provision of the building code as adopted by the City of Beaverton, the provision of the building code shall apply to the exclusion of the conflicting provision of this code.

C. Except as provided otherwise by state or federal law, if a provision of this code conflicts with a residential property maintenance law, rule or regulation promulgated by a state or federal authority having jurisdiction over residential property in the City of Beaverton, the provision of the state or federal law, rule or regulation shall apply to the exclusion of the conflicting provision of this code.

8.07.040 Application of Other Laws.

Any repair, alteration, or addition to and change of occupancy in an existing building, or any change of use of residential property, shall be made in accordance with all applicable provisions of law, including, but not limited to, the building code, the Beaverton Code and the Beaverton Development Code.

8.07.050 Definitions; Generally.

Terms, words, phrases and their derivatives used, but not defined, in this code shall have the meanings defined in the Beaverton Development Code or in Chapters 8 or 9 of the Beaverton Code, or, if not defined therein, shall have their commonly accepted meanings. If a conflict exists between definitions in the Beaverton Code or the Beaverton Development Code and this code, the definition provided in this code shall apply to actions taken pursuant to this code.

8.07.060 Definitions.

As used in this code, unless the context requires otherwise, the following mean:

Approved - Meets the standards set forth by the Municipal Code, the Community Development Code, the Building Code, or other standards referenced in those codes, or is approved by the code official.

Bathroom - A room containing plumbing fixtures including a bathtub or shower.

Bedroom - Any room or space used or intended to be used for sleeping purposes.

Building code - The combined specialty codes described at ORS 455.010, as adopted and as may be amended by the City.

Code official - The Code Enforcement Officer, Chief Building Official or other person authorized by the Mayor to enforce the provisions of this code.

Courtyard - An open space bounded on three or more sides by walls of a building.

Dwelling - Any structure containing a dwelling unit, including the following dwelling classifications:

A. Accessory dwelling unit. An additional dwelling unit within an attached or detached single family dwelling.

B. Apartment. Any building or portion of a building containing three or more dwelling units that is intended to be occupied for residential living purposes by renting, leasing, letting, or hiring out, including condos.

C. Manufactured dwelling. including manufactured homes, mobile homes, and residential trailers.

D. Rowhouse. An attached single-family dwellings unit as defined by the State Building Code.

E. Single-family dwelling. A structure containing one dwelling unit, including adult foster care homes.

F. Single-room occupancy. A one-room dwelling unit provided for human habitation in which some or all sanitary or cooking facilities are shared with other occupants.

G. Social care facilities. Any building or portion of a building that is designed, built, rented, leased, let, hired out or otherwise occupied for group

residential living purposes. Such facilities include, but are not limited to, retirement homes, assisted living facilities, residential care facilities, half-way houses, youth shelters, and homeless shelters.

H. Townhouse. An attached single-family dwellings unit as defined by the state building code.

I. Two-family dwelling. A structure containing two dwelling units, also known as a duplex.

Dwelling unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Hotels used exclusively for transient occupancy are excluded from this definition of dwelling unit.

Exit - A continuous, unobstructed means of egress from a dwelling to the exterior of the building and to a public way.

Floor area - The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.

Habitable - Suitable for human habitation.

Habitable space - The area inside a structure available for living, sleeping, eating or cooking, not including attics, bathrooms, closets, garages, halls, laundry rooms, storage spaces, toilet rooms, or utility rooms.

Hazardous materials - Materials defined by the current fire code adopted by the Tualatin Valley Fire and Rescue District as hazardous.

Human habitation - The use of a structure, portion of the structure, or space, in which any person remains for a continuous period of two or more hours per day, or for periods which will accumulate to four or more hours in a day.

Occupant - Any individual living or sleeping in a dwelling, or having possession of a space within a dwelling.

Residential property - Real property and all improvements thereon including edifices, structures, buildings, dwelling unit or part thereof used or intended to be used for residential purposes including single-family, duplex, multifamily structures and mixed-use structures which have one or more dwelling units. Hotels used exclusively for transient occupancy are excluded from this definition of residential property. [ORS 105.425/Tigard]

Structure - A building constructed for any use.

8.07.070 Severability.

The sections and subsections of this code are severable. If any part of this code is held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the unconstitutional or invalid part; or

B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

PART 2 - STANDARDS

8.07.100 Housing Maintenance Requirements; Generally.

A. A dwelling shall be constructed, altered or repaired in accordance with the standards of the applicable building code in effect at the time of construction, alteration or repair.

B. No person shall maintain or permit to be maintained any dwelling or residential property that does not comply with the requirements of this code.

C. An existing dwelling that does not comply with the provisions of this code and that does not comply with the standards of the applicable building code then in effect at the time of construction or subsequent alteration or repair shall be altered or repaired to provide a minimum level of public health, safety and maintenance as required herein.

D. The provisions of this code shall not be mandatory for an existing dwelling designated as a historic building when such dwelling is judged by the code official to be safe and its continued maintenance in historic condition to be in the public interest.

8.07.110 Minimum Standards for Human Habitation.

No dwelling shall be habitable unless provided with current service for:

- A. Electricity,
- B. Water,
- C. Sanitary Sewer, and
- D. Weekly removal and disposal of trash.

Temporary interruptions of service for routine maintenance or emergency repairs shall not constitute a violation of this section.

8.07.115 Vacant Dwellings.

A. A vacant dwelling shall meet the standards of this code to be habitable.

B. Measures taken to secure a vacant dwelling from unauthorized entry, including boarding of windows and nailing or screwing doors into door frames, shall be removed before a vacant dwelling may be inhabited.

8.07.120 Roofs.

A. The roof and flashing of a dwelling shall be structurally sound, tight, and have no defects that admit water.

B. Roof drainage of a dwelling shall channel water into approved receivers and shall be adequate to prevent water buildup or ponding from causing dampness in the walls or interior portion of the building. Roof drains, gutters and down spouts of a dwelling shall be free from obstructions and maintained in good repair, so as not to be plugged, overflowing, or in a state of deterioration. Any building or structure having originally been designed for and fitted with gutters and downspouts shall continuously be maintained with such devices, in sound condition and good repair.

C. In any two year period, tarps, tar paper or other similar materials shall not be exposed to weather on the exterior of a structure for a cumulative period of more than three months.

8.07.130 Chimneys.

A. Every chimney, stovepipe and vent pipe of a dwelling shall remain adequately supported, free from obstructions, and shall be maintained in sound condition and good repair, so as to assure there will be no leakage or back-up of noxious gases.

B. Every chimney, stovepipe and vent pipe of a dwelling shall be reasonably plumb.

C. Any loose chimney brick or block shall be rebounded, and any loose or missing mortar shall be replaced.

D. Unused openings in the interior of the structure for chimneys, stovepipes and vent pipes shall be permanently sealed using appropriate, durable materials.

8.07.140 Foundations and Structural Members.

A. A foundation shall adequately support its structure and be free of rot, crumbling, or similar deterioration.

B. All supporting structural members of a foundation shall show no significant evidence of deterioration or decay that would substantially impair the ability of a foundation to carry imposed loads.

8.07.150 Exterior Walls and Exposed Surfaces.

A. Every exterior wall and weather-exposed exterior surface of a dwelling shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions likely to admit water or dampness to the interior portions of the dwelling.

B. All exterior wood surfaces of a dwelling shall be made substantially impervious to the adverse effects of weather by periodic application of a protective coating of weather-resistant preservative such as paint or stain and be maintained in good condition, substantially free from peeling or flaking.

C. Exterior metal surfaces of a structure shall be protected from rust and corrosion.

D. Every section of exterior brick, stone, masonry, or other veneer of a structure shall be maintained in sound condition and good repair and be adequately supported and tied back to its supporting structure.

E. In any two year period, tarps, tar paper or other similar materials shall not be exposed to weather on the exterior of a structure for a cumulative period of more than three months.

8.07.160 Stairs and Porches.

Every stair, porch, and attachment to stairs or porches shall be:

- A. Safe to use and capable of supporting the loads to which it is subjected.
- B. Be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers so there is no excessive wear and no broken, warped, or loose parts.

8.07.170 Handrails and Guardrails.

A. Every flight of stairs having more than four risers shall have a handrail on at least one side. Handrails shall be between 30 and 38 inches high, measured from the tread or floor of the landing or walking surface. Handrails shall be continuous the full length of the stairs.

B. Every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface, that is more than 30 inches above the floor or grade below, shall have guardrails. Guardrails shall not be less than 36 inches high. Guardrails shall have intermediate rails or ornamental closures which will effectively exclude the passage of an object four inches or more in diameter.

C. Every handrail and guardrail shall be firmly fastened, maintained in sound condition and good repair, and capable of supporting the loads to which it is subjected.

8.07.180 Windows.

A. Every habitable space shall have at least one window facing an exterior yard or courtyard or shall be provided with approved artificial light. The minimum total window area for each habitable space shall be eight percent of the floor area of the space, except for a habitable space in a basement, where the minimum shall be five percent of the floor area of the space.

B. Every habitable space shall have at least one openable window or openable skylight for ventilation purposes unless equipped with mechanical ventilation.

C. Every bathroom and toilet compartment shall comply with the light and ventilation requirements for a habitable space except that no window shall be required in a bathroom or toilet compartment if the bathroom or toilet compartment is equipped with artificial lighting and a mechanical ventilation system that discharges to the outdoors.

D. All windows of a dwelling unit that are openable and that are within ten feet of the exterior grade shall be able to be both opened and locked from the inside without the use of a key or any special knowledge or effort.

E. All windows of a dwelling unit that are openable and are accessible from the outside, regardless of height from the exterior grade, such as a balcony window or a fire escape

window, shall be able to be both opened and locked from the inside without the use of a key or any special knowledge or effort.

F. Every window of a dwelling shall be kept in sound condition and good repair, substantially weathertight, and shall comply with the following:

1. Every window sash shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.

2. Every window sash shall be in sound condition and good repair and fit weather-tight within its frame.

3. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude wind and rain from entering the dwelling.

8.07.190 Doors.

A. Every dwelling shall have at least one exit door leading to the exterior, or in the case of a duplex or apartment, to the exterior or to an approved exit. Exit doors shall be able to be opened from the inside without any special knowledge or effort. Screen doors and storm doors must be able to be opened from the inside without any special knowledge or effort.

B. In apartments, duplexes, single-room occupancies and social care facilities, exit doors in common corridors or passageways shall be able to be opened from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of any special knowledge or effort.

C. Every door to the exterior of a dwelling shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.

D. Every exterior door of a dwelling shall comply with the following:

1. The door hinge, door lock, and strike plate shall be maintained in sound condition and good repair.

2. When closed, the door shall fit reasonably well within its frame and be weather-tight.

3. Every door frame shall be constructed and maintained in relation to the adjacent wall construction so as to substantially exclude wind and rain from entering the dwelling.

E. Every interior door shall fit reasonably well within its frame by being properly and securely attached to jambs, headers or tracks and shall be capable of being opened and closed.

8.07.200 Interior Walls, Floors, and Ceilings.

A. All interior surfaces of a dwelling shall be maintained in sound condition and good repair, so to permit the interior to be kept in a clean and sanitary condition. Walls, floors, ceilings, windows, cabinets and doors shall be free of holes larger than four inches in diameter and cracks wider than one-half inch.

B. Peeling, chipping, flaking, or abraded paint in a dwelling shall be repaired, removed or covered. Cracked or loose plaster or wall paper, decayed wood and other defective surface conditions shall be repaired or replaced.

C. Every toilet compartment, bathroom, and kitchen floor surface of a dwelling shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

8.07.205 Street Addresses.

No person shall occupy or allow occupancy of a dwelling unless a street number assigned pursuant to BC 9.02.010-.070 is displayed in accordance with the requirements of BC 9.02.040.

8.07.210 Cleanliness and Sanitation.

A. The interior of every dwelling shall be maintained in a clean and sanitary condition free from the accumulation of rubbish, garbage and any material that:

1. Provides a breeding place for insects, rodents or vermin, or
2. Produces dangerous or offensive gases, odors or bacteria, or
3. Blocks exits, hallways or corridors.

B. An occupant of a dwelling shall be responsible for keeping that part of the dwelling he or she occupies or is in control of in a clean and sanitary condition.

C. The owner of any residential property with shared or common areas, including apartments, single-room occupancies, social care facilities, mobile home parks, trailer parks and manufactured home parks, shall be responsible for maintaining the shared or common areas of the property in a clean and sanitary condition at all times.

8.07.220 Interior Dampness.

Every dwelling, including its basement and crawl space shall be maintained reasonably free from dampness so as to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

8.07.225 Standing Water.

A. No person shall cause or permit water to stand outdoors on property the person owns or controls in containers or objects that have not been emptied within seven days.

B. No person shall allow or cause containers or objects that collect water, including buckets, pots and unmounted tires, to be left outdoors for more than seven days on property the person owns or controls.

8.07.230 Insect and Rodent Harborage.

A. Every dwelling shall be kept free from insect and rodent infestation. Infestations of insects or rodents shall be promptly exterminated by methods that will not be injurious to

human health. After extermination, proper precautions shall be taken to prevent reinfestation.

B. The owner of any residential property shall be responsible for extermination within any structure prior to any occupancy thereof.

C. The occupant of a single-family dwelling shall be responsible for extermination within the dwelling during the occupancy thereof.

D. The owner of a structure containing two or more dwelling units shall be responsible for extermination within the structure.

8.07.240 Bathroom Facilities.

A. Except as otherwise noted in this code, every dwelling unit shall contain within its walls in safe, clean and sanitary working condition:

1. A toilet located in a room that is separate from the habitable space and that allows privacy;
2. A lavatory basin; and
3. A bathtub or shower located in a room that allows privacy.

B. In single-room occupancies and social care facilities where private toilets, lavatories, or baths are not provided, there shall be at least one toilet, lavatory, and bathtub or shower provided for every twelve residents or less. Toilets, bathtubs, and showers shall be in a room, or rooms, that provide privacy.

8.07.250 Kitchen Facilities.

A. Every dwelling shall contain a kitchen sink apart from the lavatory basin required under section 8.07.240, with the exception of single-room occupancy, which shall comply with section 8.07.390 and social care facilities complying with section 8.07.250(C).

B. Except as otherwise provided for in sections 8.07.250(C) and 8.07.390, every dwelling shall have approved service connections and facilities for refrigeration and cooking.

C. A social care facility may be provided with a community kitchen with facilities for cooking, refrigeration, and washing utensils.

8.07.260 Plumbing Facilities.

A. Every plumbing fixture or device within a structure shall be properly connected to a public or an approved private water system and to a public or an approved private sanitary sewer system.

B. Sinks, lavatory basins, bathtubs and showers within a dwelling shall be supplied with both hot and cold running water. Every dwelling shall be supplied with water heating facilities for each dwelling unit. Water heating facilities within a dwelling shall be

capable of heating an adequate amount of water to provide water at a temperature of at least 120 degrees Fahrenheit at each hot water outlet for at least ten minutes.

C. In every dwelling, all plumbing or plumbing fixtures shall be:

1. Properly installed, connected, and maintained in good working order;
2. Kept free from significant obstructions, leaks, and defects;
3. Capable of performing the function for which they are designed; and
4. Installed and maintained so as to prevent structural deterioration or health hazards.

8.07.270 Heating Equipment and Facilities.

A. Every dwelling shall have a permanently installed heat source capable of maintaining a temperature of 68 degrees Fahrenheit at a point three feet from the floor and two feet from any wall in all habitable spaces, bathrooms and toilet rooms.

B. All heating devices or appliances shall be listed, approved, and properly vented. No cooking appliance, inverted flame heaters or open flame heaters may be used as a heating source in a dwelling.

C. All heating equipment in a dwelling, including equipment used for cooking, water heating and clothes drying shall be:

1. Maintained in sound condition and good repair,
2. Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
3. Capable of performing the function for which they are designed.

8.07.280 Electrical System, Receptacles, and Lighting.

A. Electric power to any structure shall be from an approved source; receptacles and fixtures shall be safely connected to an approved electrical system. The electrical system within a structure shall not constitute a hazard by reason of inadequate service, deterioration, damage, improper fusing, improper wiring or installation.

B. In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this code, the following receptacles and lighting fixtures are required in a dwelling:

1. Every habitable space shall contain at least two operable electric receptacles or one receptacle and one operable electric light fixture.

2. Every toilet compartment, bathroom, laundry room or other wet location shall contain at least one operable electric light fixture and one grounded electrical receptacle or a receptacle with a ground-fault interrupter.

3. Every furnace room and all similar nonhabitable spaces in a dwelling shall have one operable electric light fixture.

4. Every public hallway, corridor, and stairway in apartments, single-room occupancies and social care facilities shall be adequately lighted at all times with an average intensity of illumination of at least one foot candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways,

landings of stairs and exit doorways, and at least one-half foot candle at other points. Measurement of illumination shall be taken at points not more than four feet above the floor.

8.07.290 Bedroom Requirements.

- A. Every bedroom in a dwelling shall be a habitable space.
- B. Every bedroom in a dwelling shall have at least one emergency exit for escape or rescue, either an openable window or exterior door.
- C. Windows in a dwelling provided to meet emergency exit requirements in bedrooms shall have a sill height of no more than 44 inches above the floor or a permanently installed step. The step must not be more than 12 inches higher than the floor and must be at least 20 inches wide and at least 12 inches deep.
- D. Windows in a dwelling that are provided to meet emergency exit requirements in bedrooms shall have a minimum net clear opening at least 20 inches wide, at least 22 inches high, and, if constructed after July 1, 1974, at least five square feet in area.
- E. Windows in a dwelling provided for emergency exit in bedrooms shall be opened from the inside without the use of a key or any special knowledge or effort and be held open by window hardware.

8.07.300 Overcrowding.

- A. No dwelling unit shall be overcrowded. A dwelling unit is overcrowded if there are more occupants than one, plus one additional occupant for every 150 square feet of floor area of the habitable space in the dwelling unit.
- B. If a dwelling has three, four or five occupants, the dwelling must have a dining room and living room with a combined area of not less than 200 square feet, plus kitchen space of not less than 50 square feet. If a dwelling has six or more occupants, it must have a dining room, and living room with a combined area of not less than 250 square feet, plus kitchen space of not less than 50 square feet.

8.07.310 Emergency Exits.

- A. Every habitable space shall have at least one openable window or exterior door approved for emergency escape or rescue. Emergency exit windows must be openable from the inside without special knowledge, effort or tools. Windows used to meet this requirement shall meet the size and sill height requirements described in 8.07.290. All below grade windows used to meet this requirement shall have a window well the full width of the window, constructed of permanent materials with a three-foot clearance measured perpendicular to the outside wall. The bottom of the well may not be more than 44 inches below grade.

B. Required exit doors and windows in a structure shall be free of encumbrances or obstructions that block access to the exit.

C. All doorways, windows and any device used in connection with exits in a structure shall be kept in sound condition and good repair.

D. In addition to other exit requirements, all fire escapes and stairways, stair platforms, corridors or passageways that may be used as a means of emergency exit from an apartment, single-room occupancy or social care facilities:

1. Shall be kept in sound condition and good repair.
2. Shall be kept free of encumbrances or obstructions of any kind.
3. Shall not be used for storage of flammable or combustible materials.

E. Where doors to stair enclosures in a structure are required by a building code or other applicable law to be self-closing, the self-closing device shall be maintained in sound condition and good repair. No person shall wedge or hold open a self-closing door to stair enclosures except by means of an approved magnetic device connected to a functioning fire alarm system.

F. Windows and doors in a structure leading to fire escapes shall be secured against unwanted entry with approved devices that permit opening from the inside without the use of a key or any special knowledge, effort or tool.

G. Apartments, single-room occupancies, and social care facility shall have directional signs visible throughout common passageways to indicate the way to exit doors and fire escapes. Emergency exit doors and windows in apartments, single-room occupancies, and social care facilities shall be clearly labeled for their intended use as emergency exits.

8.07.320 [Intentionally Omitted]

8.07.330 Hazardous Materials.

A. Residential property shall be free of dangerous levels of hazardous materials, contamination by toxic chemicals, or other materials that would render the property unsafe.

B. No person shall keep in an unreasonably dangerous manner any highly combustible or explosive materials or any materials that may be dangerous or detrimental to life or health. No residential property shall be used for the storage or sale of paints, varnishes or oils used in the making of paints and varnishes, except as reasonably needed to maintain the dwelling in sound condition and good repair.

8.07.340 Maintenance of Facilities and Equipment.

A. In addition to other requirements for the maintenance of facilities and equipment described in this code:

1. All required facilities in every dwelling shall be constructed and maintained to properly and safely perform their intended function.

2. All non-required facilities or equipment present in a dwelling shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

8.07.350 [Intentionally Omitted]

8.07.360 Illegal Residential Occupancy.

Human habitation of a tent, camper, motor home, recreational vehicle, or other similar structure or space that is not intended for permanent residential use is prohibited, unless

- A. Authorized by a declaration of local emergency; or
- B. Limited in any three month period to a cumulative period of not more than 14 days.

8.07.370 Fences.

Fences, whether built as part of a subdivision or added thereafter, shall be maintained in sound condition and good repair. Fence posts shall be kept in a vertical position, and rails shall be kept in a horizontal position. Fence posts and rails with evidence of significant rot or deterioration must be replaced to keep the fence safe and prevent catastrophic failure. Fence posts and rails that lean or sag more than 15 degrees will be considered to be in violation of this section. Missing fence boards must be replaced within 30 days, unless dogs are kept inside a fenced yard, in which case missing boards must be replaced immediately. Fences of weather-resistant wood, such as redwood or cedar, need not be painted or stained, but if paint or stain is applied, it must be maintained free of peeling, bubbling or flaking.

8.07.380 Swimming Pools.

A. Swimming pools shall comply with the provision of Sections 8.05.005 through 8.05.100 of the Beaverton Code.

B. Special pools and swimming pools that hold or are capable of holding water exceeding 24 inches in depth at any point must be maintained so that the water does not become green, brown or black.

C. Special pools and swimming pools that hold or are capable of holding water exceeding 24 inches in depth at any point must be maintained so that the water is not stagnant and does not provide a habitat for amphibians, mosquitoes or other insect pests.

8.07.390 Special Standards for Single-Room Occupancy Housing Units.

In addition to meeting requirements for dwellings described elsewhere in this code, single-room occupancies shall comply with the following:

1. Either a community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided on each floor, or each single room occupancy shall have facilities for cooking, refrigeration and washing utensils. In addition, facilities for community garbage storage or disposal shall be provided on each floor.

2. Where cooking units are provided in single-room occupancies, they shall conform to these requirements:

a. The Mechanical Specialty Code shall be used for installation standards for cooking appliances. Cabinets over cooking surfaces shall be 30 inches above the cooking surface, except that this distance may be reduced to 24 inches when a non-combustible heat shield with one inch airspace and extending at least six inches horizontally on either side of the cooking appliance is provided. Cooking appliances shall be located with at least a six inch clear space in all directions from the perimeter of the cooking element or burner;

b. All cooking appliances shall be installed so as to provide a minimum clear space in front of the appliance of 24 inches.

PART 3 - ENFORCEMENT

8.07.500 Penalties.

A. Except as otherwise provided in this section, violation of a provision of this code is a Class 1 civil infraction to be processed in accordance with the provisions of BC 2.10.010 to 2.10.050 punishable upon conviction by a fine of not more than \$250. Each day of continuing violation shall be considered a separate offense.

B. Violation of BC 8.07.205 or 8.07.380 is a Class 2 civil infraction to be processed in accordance with the provisions of BC 2.10.010 to 2.10.050 punishable upon conviction by a fine of not more than \$150. Each day of violation shall be considered a separate offense.

C. Violation of BC 8.07.225 is a Class 3 civil infraction to be processed in accordance with the provisions of BC 2.10.010 to 2.10.050 and punishable upon conviction by a fine of not more than \$50. Each day of violation shall be considered a separate offense.

D. Violation of BC 8.07.110, 8.07.210, 8.07.310, 8.07.360 or 8.07.510 is a Class C misdemeanor, punishable upon conviction by a fine of not more than \$6,250 and/or imprisonment not to exceed 30 days. Each day of violation shall be considered a separate offense.

8.07.510 Prohibited Habitation.

A. No person shall inhabit, remain in, or enter a dwelling or structure that has been duly posted with a notice to vacate or with an order forbidding occupancy pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the City; provided, however, the building official may grant a person express written permission to enter said dwelling or structure for purposes reasonably related to repair or demolition.

B. No person shall remove or deface any notice to vacate or order forbidding occupancy duly posted on a dwelling or structure pursuant to the Uniform Code for the Abatement of Dangerous Buildings as adopted by the City until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.

8.07.520 Additional Remedies.

A. Any penalty or remedy imposed pursuant to this code is in addition to, and not in lieu of, any other civil, criminal or administrative penalty, sanction or remedy otherwise authorized by law.

B. A violation of this code is a public nuisance and may be enjoined or abated by repair in accordance with the provisions of BC 5.05.200 to 5.05.260.

C. A violation of this code is a public nuisance and may be enjoined or abated in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings. For purposes of the Uniform Code for the Abatement of Dangerous Buildings, this code shall be deemed a housing code.

D. A court of competent jurisdiction may appoint a receiver pursuant to the Oregon Housing Receivership Act, ORS 105.420 to 105.455, to perform an abatement of residential property found in violation of this code. For purposes of the Oregon Housing Receivership Act, this code shall be deemed a housing code.

E. A citation for a violation of this code shall not relieve the responsible party of the duty to maintain residential property in accordance with this code. The abatement of a violation pursuant to this code does not prejudice the right of any person to recover damages arising out of or related to the violation.

F. If a citation alleging a violation of sections 8.07.110, 8.07.210, 8.07.310 or 8.07.320 is issued, and if the affected dwelling unit is or becomes vacant, no person shall reoccupy or permit re-occupancy of the dwelling unit until all repairs have been made by the responsible party and inspected by the code official.

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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

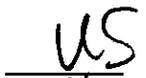
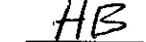
SUBJECT: An Ordinance Amending Ord. 4187 Figure III-1 the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Medium Density (NR-MD) Plan Designation and Ord. 2050 the Zoning Map to Apply the City's R-2 Zone to One Property Located in Northeastern Beaverton CPA 2006-0009/ZMA 2006-0012, City of Beaverton Applicant (10925 SW Fifth Street)

FOR AGENDA OF: 08/13/07 **BILL NO:** 07174

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 08/02/07

CLEARANCES: City Attorney 
Planning Services 

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B – Staff Report
Exhibit C – Planning Commission Order
Exhibit D – Letter from Metro

BUDGET IMPACT

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

This ordinance is before the City Council to amend the City's Comprehensive Plan Land Use Map from Industrial to Neighborhood Residential – Medium Density and to amend the City's Zoning Map from Industrial Park (IP) to R-2 on one property (Map 1S115AC tax lot 05200) located at the northesast corner of Fifth Avenue and Maple Avenue. The property is developed with apartments.

The Planning Commission held a hearing on July 18, 2007. Metro submitted a letter indicating that the proposed action "appears to meet the requirements of the applicable titles of Metro's Urban Growth Management Functional Plan." Additionally, Metro staff will initiate an amendment to Metro's Title 4 Employment and Industrial Areas map following ordinance adoption and expiration of any possible appeals. Planning Commission Order No. 1989 (Exhibit C) along with the Planning Commission Notice of Recommendation was mailed to the property owner. No appeals have been filed.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4449

AN ORDINANCE AMENDING ORD. 4187 FIGURE III-1 THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S NEIGHBORHOOD RESIDENTIAL MEDIUM DENSITY (NR-MD) PLAN DESIGNATION TO ONE PROPERTY AND ORD. 2050 THE ZONING MAP TO APPLY THE CITY'S R-2 ZONE TO ONE PROPERTY LOCATED IN NORTHEASTERN BEAVERTON CPA 2006-0009/ZMA 2006-0012

WHEREAS, the purpose of CPA2006-0009/ZMA2006-0012 is to amend Figure III-1, Ordinance 4187, from Industrial to Neighborhood Residential – Medium Density and the Zoning Map, Ordinance 2050, from Industrial Park (IP) to Residential – 2,000 square feet per dwelling unit (R-2) on Washington County Assessor's Tax Map 1S1 15AC tax lot 05200 (10925 SW Fifth Street); and

WHEREAS, pursuant to Ordinance 4187 Section 1.4.2 and Ordinance 2050 Section 50.45, written notice was mailed to the property owners subject to the amendment, the Neighborhood Association Chair, and owners of property within 500 feet of the proposal, notice was published in the Beaverton Valley Times, notice was posted on site, at Beaverton City Hall and Beaverton City Library and on the Beaverton City web site; and

WHEREAS, pursuant to Ordinance 4187 Section 1.5.1 and Ordinance 2050 Section 50.45, the Beaverton Planning Services Division, on July 11, 2007 published a written staff report and recommendation a minimum seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on July 18, 2007; and,

WHEREAS, pursuant to Ordinance 4187 Section 1.5.1 and Ordinance 2050 Section 40.97.15.1.C, the Planning Commission conducted a public hearing on July 18, 2007, and considered testimony and exhibits on the subject proposal, and at the conclusion of the hearing, the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Comprehensive Plan Map (Figure III-1) and Zoning Map based on the criteria, facts and findings set forth in the Community Development Department staff report by Senior Planner Barbara Fryer dated July 11, 2007, and attached hereto as Exhibit "B" and Planning Commission Order No. 1989 attached hereto as Exhibit "C";

WHEREAS, no written appeal pursuant to Ordinance 4187 Section 1.7.2 and Ordinance 2050 Section 50.75 was filed by persons of record for CPA2006-0009/ZMA2006-0012, following the issuance of the Planning Commission Order No. 1989; and,

WHEREAS, the City Council adopts as to criteria, facts and findings described in Planning Commission Order No. 1989 dated July 26, 2007 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute adequate factual basis for this ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties on Map and Tax Lots 1S1 15 AC 05200 Neighborhood Residential – Medium Density, as shown on Exhibit “A”.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the property on Map and Tax Lot 1S1 15 AC 05200 Residential – 2,000 square feet per dwelling unit (R-2), as shown on Exhibit “A”.

First reading this _____ day of _____, 2007.

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

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

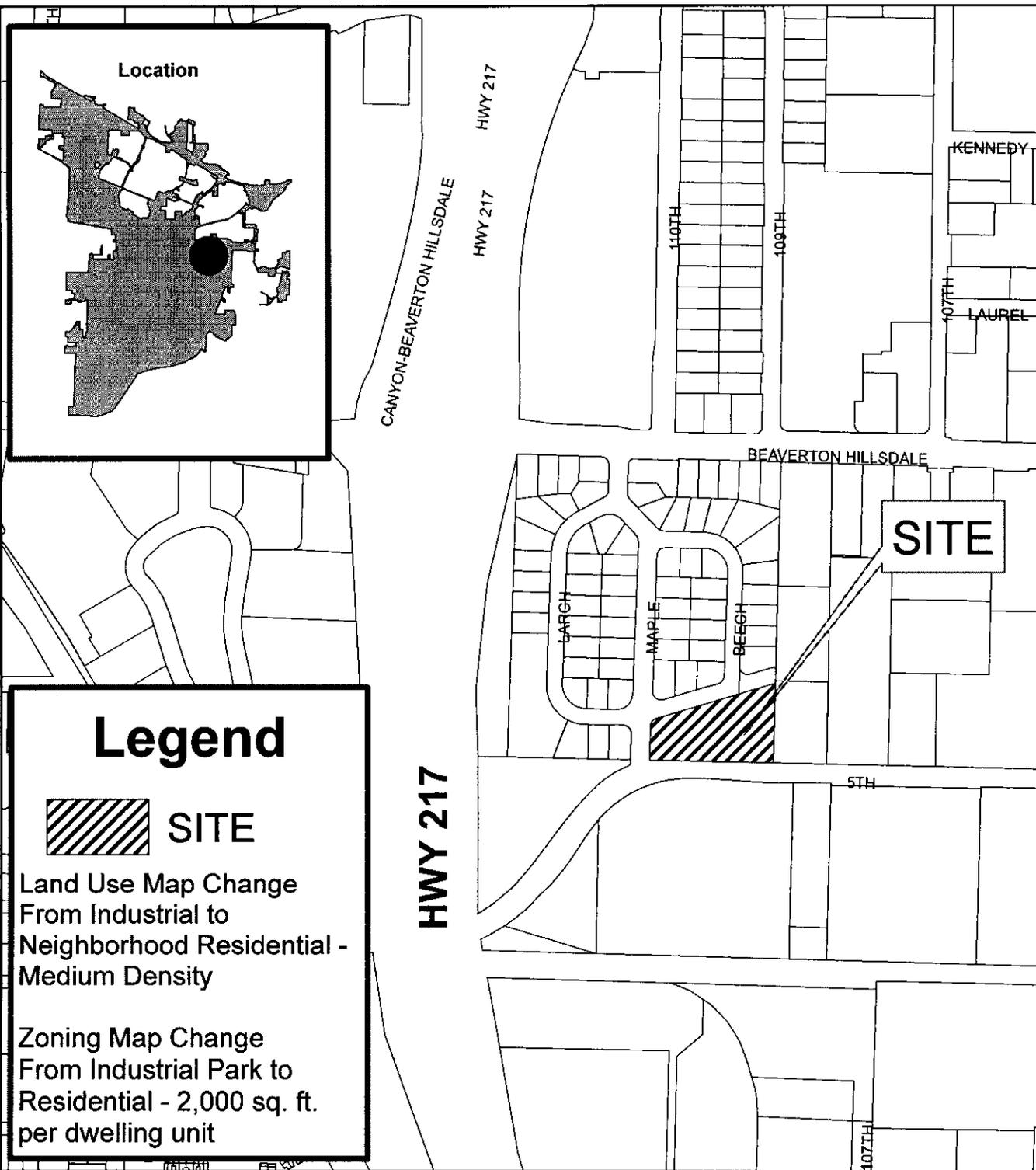
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE
NO. 4449

EXHIBIT "A"



CITY OF BEAVERTON

CPA2006-0009/ZMA2006-0012

10925 SW Fifth Street

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

06/01/07 N

Tax Lot #'s
1S115AC05200

10925 SW
Fifth Street

ORDINANCE NO. 4449**STAFF REPORT**

TO: Planning Commission

AGENDA DATE: July 18, 2007 **REPORT DATE:** July 11, 2007

FROM: Barbara Fryer, AICP, Senior Planner 

APPLICATION: CPA2006-0009 (10925 SW Fifth Street: Industrial to Neighborhood Residential – Medium Density)
ZMA2006-0012 (10925 SW Fifth Street: IP to R-2)

LOCATION: The parcel is located north of Fifth Street, east of Highway 217 and Larch Lane, and south of Beech Drive. The parcel is identified on Tax Map 1S115AC as Tax Lot 05200.

NEIGHBORHOOD ASSOCIATION: Raleigh West, CPO # 3

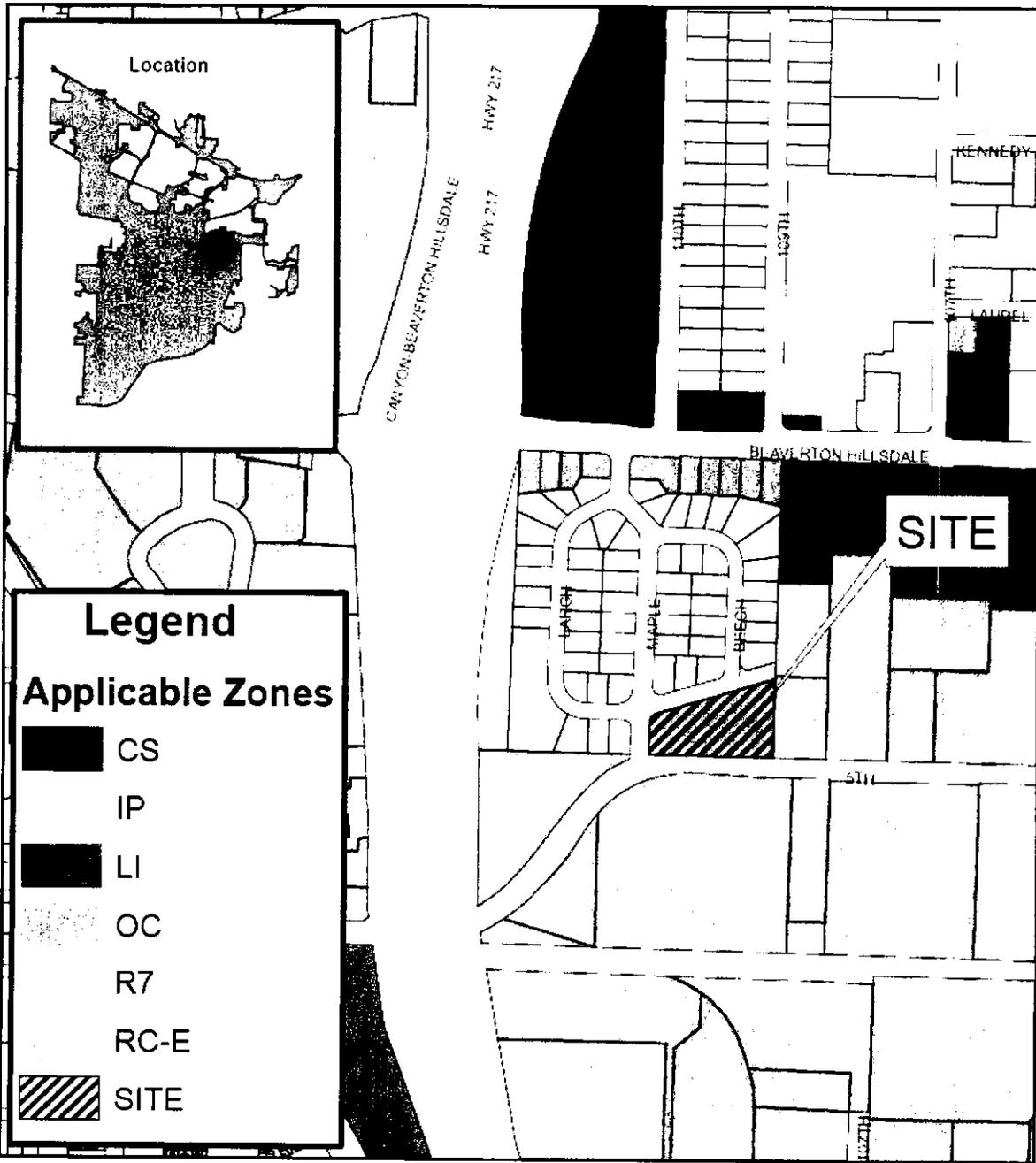
REQUEST: Amend the City's Comprehensive Plan Land Use Map from Industrial to Neighborhood Residential – Medium Density and amend the City's Zoning Map from Industrial Park (IP) to Residential – 2,000 sq. ft. per dwelling unit (R-2) on tax lot 05200.

APPLICANT: City of Beaverton Community Development Director

APPROVAL CRITERIA: Comprehensive Plan Section 1.3.1 and Development Code Sections 40.97.15.1.C.

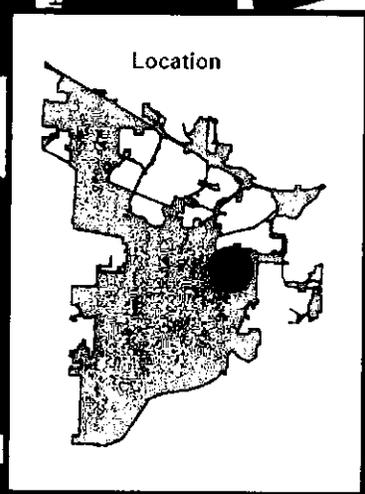
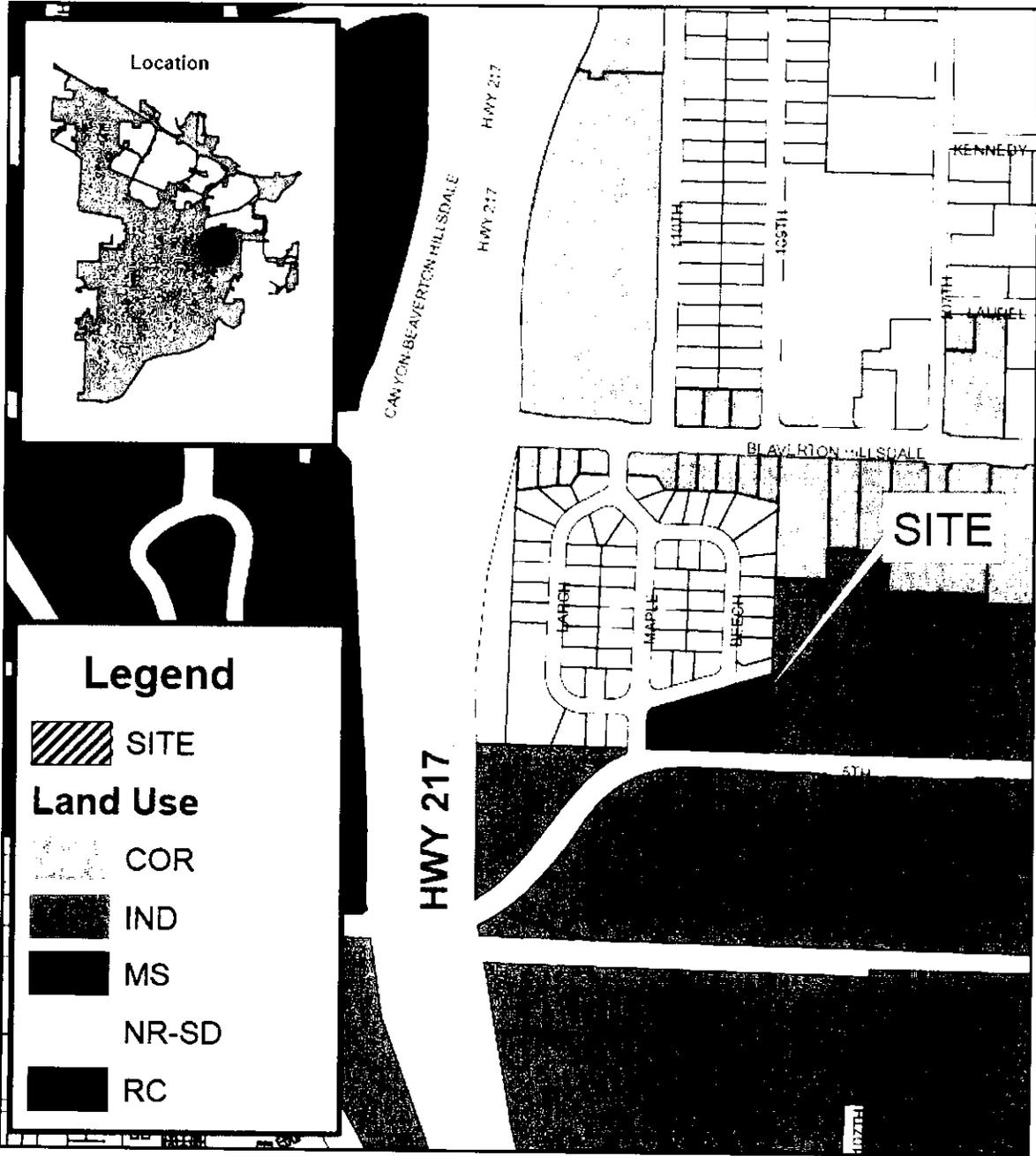
RECOMMENDATION: **Adopt a final order recommending that City Council adopt an ordinance applying the Neighborhood Residential – Medium Density (NRMD) land use designation (CPA2006-0009) and the R-2 zoning district (ZMA2006-0012) to the subject property.**

EXISTING ZONING MAP



 CITY OF BEAVERTON	CPA2006-0009/ZMA2006-0012 10925 SW Fifth Street	06/01/07 N Tax Lot #'s 1S115AC05200
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	10925 SW Fifth Street

EXISTING LAND USE MAP



Legend

 SITE

Land Use

 COR

 IND

 MS

 NR-SD

 RC



CPA2006-0009/ZMA2006-0012
 10925 SW Fifth Street
COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

06/01/07 N
 Tax Lot #'s
 1S1154C05200
 10925 SW
 Fifth Street

BACKGROUND

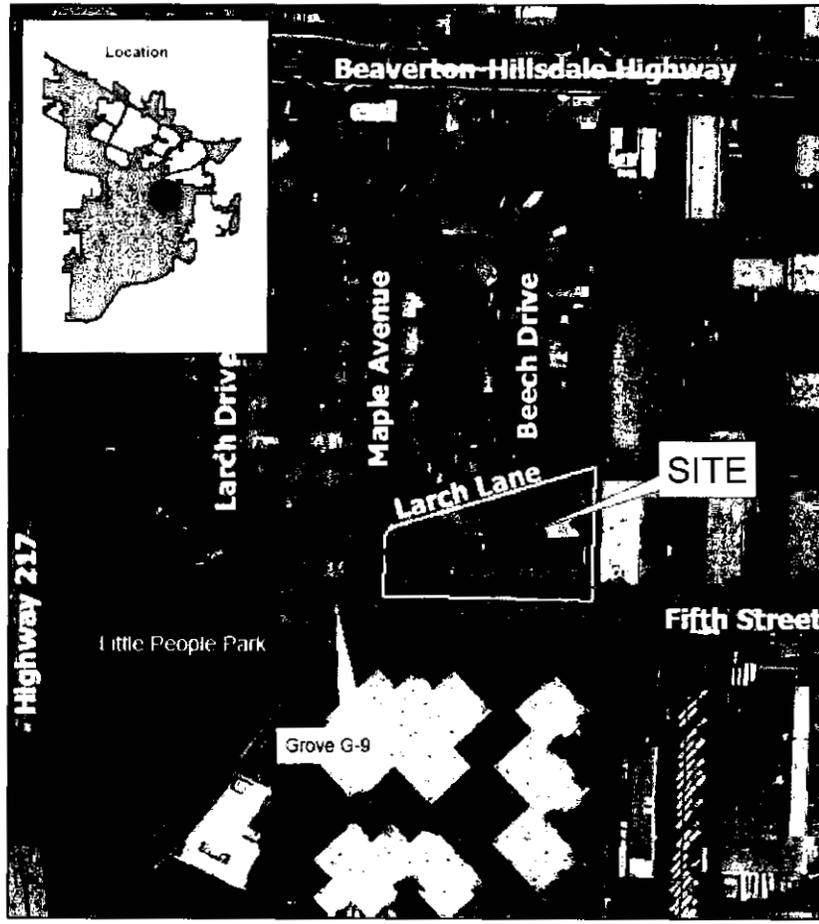
EXISTING CONDITIONS

Uses. The existing use of the property is a 34-unit apartment complex constructed in 1969. The tax lot is 1.66 acres.

Character. Properties surrounding the site to the north and west are single family residential and townhomes. Industrially developed property lies to the east and south of the property.

Natural Resources. According to the City's 1991 Significant Tree Inventory, approximately 20 Oregon white oak trees measuring greater than 30" DBH comprise Grove G-9. Grove G-9 occurs along the frontage of SW Fifth Street and extends eastward one property and westward to Little People Park.

1999 Significant Tree Inventory



 CITY OF BEAVERTON	CPA2006-0009 ZMA2006-0012	07/02/07 N <small>To Lot #5 10118AC0200C</small>
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	10925 SW 5th STREET

PROCESS

THRESHOLD

The subject properties are designated as Industrial on the City's Comprehensive Plan Land Use Map and Industrial Park on the Zoning Map. The proposal is to amend both the Comprehensive Plan Land Use Designation and the Zoning District on the property to Neighborhood Residential – Medium Density land use designation and R-2 zoning district (2,000 square feet per dwelling unit).

Comprehensive Plan Process. Quasi-judicial amendments are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations. This proposal, as noted above, proposes to amend the Land Use designation on one property. Consequently, this amendment is a quasi-judicial amendment per *Comprehensive Plan* Section 1.3.

Development Code Process.

Zoning Map The threshold to apply a quasi-judicial zoning map amendment to property is as follows:

- “1. The change of zoning for a specific property or limited number of specific properties.”

The proposal applies to one property (Tax lot 5200 on Tax Map 1S115AC), thus qualifying as a limited number of specific properties.

PROCEDURE TYPE

The Type 3 procedure and process applies to Quasi-Judicial Map Amendment applications as described in Section 1.3 of the Comprehensive Plan and Quasi-Judicial Zoning Map Amendment applications per Section 40.97.15.1.B of the Development Code.

SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.1.D. an application for a Quasi-Judicial Zoning Map Amendment shall be made by the owner of the subject property, or the owner's authorized agent, the City Council, Mayor or their designee on a form provided by the Director. All Quasi-Judicial Zoning Map Amendment applications shall be filed with the Director and shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

However, Section 50.20.1 states:

“With the exception of an application filed by the City, a pre-application conference shall be required for all proposals which require Type 2, Type 3, or Type 4 applications.”

This city-initiated application contains all necessary application information.

PUBLIC NOTICE

Section 1.4.2 of the Comprehensive Plan prescribes the notice requirements for Comprehensive Plan Quasi-Judicial Map Amendment applications. Notice must be mailed to the State Department of Land Conservation and Development (DLCD), Metro, Washington County, the Chair of the applicable Neighborhood Association Committee or Citizen Participation Organization, and the Chair of the Beaverton Committee for Citizen Involvement at least 45 days prior to the initial hearing. At least 20 and not greater than 40 days from the hearing, notice must be mailed to the affected property owners and surrounding property owners within 500 feet, posted at the Beaverton City Library and Beaverton City Hall, published in a newspaper of general circulation, and posted on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186) shall be mailed to property owners whose property is rezoned by a local government. This latter type of notice shall be mailed to the property owner in question. Additionally, the City Charter and Development Code Section 50.45.5.A requires mailing notice of the public hearing by certified mail to all owners of record of the subject parcels at least 30 days in advance for a Zoning Map Amendment.

Development Code Section 50.45.8 requires at least one signboard be posted in a conspicuous place not less than 20 calendar days before the hearing.

In response to these requirements:

1. On June 4, 2007 notice was mailed to DLCD, Metro, Washington County Land Use and Transportation, the Chair of the Raleigh West Neighborhood Association Committee and the Chair of the Beaverton Committee for Citizen Involvement (CCI).
2. On June 18, 2007 notice was mailed, by certified mail, to the owner of the subject property and the property owner's attorney as required by the City Charter.
3. On June 28, 2007 notice was mailed to owners of surrounding properties within 500 feet of the subject parcels, CCI Chair, CPO3 Chair, Denney Whitford/Raleigh West NAC Co-Chair, and Washington County DLUT, posted at the Beaverton City Library and Beaverton City Hall, and posted on the City's web site.
4. On June 28, 2007 legal notice was published in the Beaverton Valley Times.
5. On June 29, 2007 two signboards were posted on site.

The notice requirements for this CPA/ZMA have been met.

CRITERIA FOR APPROVAL

COMPREHENSIVE PLAN AMENDMENT CRITERIA

Section 1.5.1 of the Comprehensive Plan outlines the minimum criteria for quasi-judicial and legislative amendment decisions, as follows:

1.5.1.A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;

Of the 19 Statewide Planning Goals, One, Two, Nine, Ten, Eleven and Twelve are applicable to the proposed map amendment.

GOAL ONE: PUBLIC INVOLVEMENT

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

This proposed amendment is subject to the public notice requirements of the City Charter, Comprehensive Plan, and Zoning Code as described in the previous section of this report on process.

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The amendment procedures outlined in Comprehensive Plan Section 1.4, and Development Code Sections 50.45 (Type 3 Procedures) and 50.50 (Type 4 Procedures) allow for proper notice and public comment opportunities on the proposed Comprehensive Plan and Development Code amendments as required by this Statewide Planning Goal. As noted above, these procedures have been followed.

Finding: Staff finds that the City, through its Charter, Comprehensive Plan, Development Code and adherence to State statutes, has created proper procedures to insure citizens the opportunity to provide input into the proposed Comprehensive Plan Land Use Map and Zoning Map amendments and that the City has complied with those procedures.

GOAL TWO: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps in a three-part report (Ordinance 1800) along with implementation measures, including implementation of the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan,

including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before adoption. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003. The land use planning processes and policy framework described in the Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments.

Finding: Staff finds that in applying the state acknowledged Comprehensive Plan provisions and the Development Code processes to this proposal, the requirements of Goal 2 have been met.

GOAL NINE: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 specifies that comprehensive plans for urban areas shall; "...[p]rovide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies". Goal 9 also specifies that comprehensive plans for urban areas shall "[l]imit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses."

The property currently has an Industrial land use designation and is zoned Industrial Park. Approximately 1,050 acres are designated industrial in the City, of that approximately 214 are zoned Industrial Park. This property, 1.66 acres, is less than 0.8% of the total property zoned Industrial Park in the City. The property has been functioning as a 34-unit apartment complex since 1969. The property is directly south of a residential neighborhood and serves to buffer that neighborhood from the Industrial uses immediately south of the property across SW Fifth Street.

Finding: Staff finds that in losing the potential of 0.8% land built with industrial uses is less important than retaining the property as residential to serve as a buffer between the residential uses to the north and the industrial uses to the south of this site.

GOAL TEN: HOUSING

To provide for the housing needs of citizens of the state.

Oregon Administrative Rules (OAR) Chapter 660, Division 7 provides guidelines to the Portland Metropolitan Area with regard to compliance with Goals Ten and Fourteen, referred to as the Metropolitan Housing Rule. The statement of purpose for this rule is as follows: "The purpose of this rule is to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs. OAR 660-007-0030 through

660-007-0037 is intended to establish by rule regional density and mix standards to measure Goal 10 Housing compliance for cities and counties within the Metro urban growth boundary, and to ensure the efficient use of residential land within the regional UGB consistent with Goal 14 Urbanization.” The rule requires in OAR 660-007-0035 that new development in Beaverton achieve an overall density of ten or more dwelling units per net buildable acre.

OAR660-0007-0060(2) states “For plan and land use regulation amendments which are subject to OAR 660, Division 18, the local jurisdiction shall either: (a) Demonstrate through findings that the mix and density standards in this Division are met by the amendment; or (b) Make a commitment through the findings associated with the amendment that the jurisdiction will comply with provisions of this Division for mix or density through subsequent plan amendments.”

The proposal acknowledges the current 34-unit multi-family development on site. Retaining the existing housing stock is an important component to compliance with the mix and density of appropriate housing stock in the city.

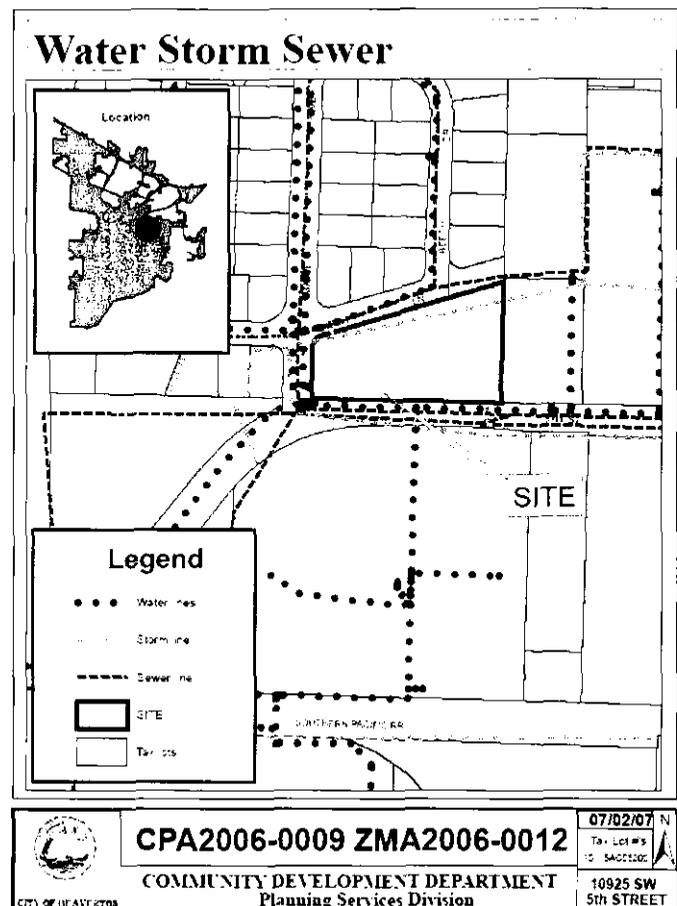
Finding: Staff finds that applying the City’s Neighborhood Residential – Medium Density Land Use Map Designation and R-2 Zoning District to the subject parcel will result in retention of multi-family housing stock.

GOAL ELEVEN: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

This site, already developed with a 34-unit apartment complex is well-served by water, sewer and storm facilities, as shown by the adjoining map.

Finding: Staff finds that applying the City’s Neighborhood Residential – Medium Density Land Use Map Designation to the subject parcel will not compromise the City’s ability to implement Goal 11.



GOAL TWELVE: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

OAR 660-012-0060 requires local governments to assess whether proposed amendments would significantly affect an existing or planned transportation facility.

660-012-0060 A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:**
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or**
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

The proposed amendment allows the use that currently exists on the site to be designated so as to become a conforming use. The 34-unit apartment complex is an existing use and would be the permitted use through the proposed amendment, so no change of traffic is expected if the proposal is approved.

Finding: Staff finds that applying the City's Neighborhood Residential – Medium Density Land Use Map Designation to the subject parcel would not affect the compliance with Oregon's Goal 12 and the Oregon Administrative Rules implementing the goal.

Remaining Goals

GOAL 3: AGRICULTURAL LANDS

GOAL 4: FOREST LANDS

These goals apply to rural unincorporated areas. The property is urban and within the incorporated city limits of the City of Beaverton, therefore, the goals are not applicable.

GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

The proposal area includes a Significant Tree Grove; however, the significance of the grove is not based on Goal 5 resources or procedures. The site is fully developed and is not within an area subject to natural disasters or hazards.

GOAL 8: RECREATION NEEDS

The subject parcels do not include areas planned to serve the recreational needs of the citizens. Generally, the recreational needs of the citizens are provided through Tualatin Hills Park and Recreation District (THPRD), which provides park facilities within the larger area.

GOAL 13: ENERGY CONSERVATION

The proposal does not anticipate changes in the land use on site, therefore; energy conservation is not an issue.

GOAL 14: URBANIZATION

The proposal does not include a request to establish or change the Urban Growth Boundary. Therefore, this goal is not applicable.

GOAL 15: WILLAMETTE GREENWAY

This goal applies to lands along the Willamette River. The Willamette River is not within, or adjacent to, the City of Beaverton, thus, this goal is not applicable to the proposal.

GOAL 16: ESTUARINE RESOURCES,

GOAL 17: COASTAL SHORELANDS,

GOAL 18: BEACHES AND DUNES,

GOAL 19: OCEAN RESOURCES

Apply to oceanic or coastal resources. The City of Beaverton is over 80 miles from coastal resources; therefore, these goals do not apply in the City of Beaverton.

Finding: Staff finds that Goals Three through Eight, and Thirteen through Nineteen are not applicable to this application.

Summary Finding:

Staff finds that the proposed amendment is consistent and compatible with Goals One, Two, Nine, Ten, Eleven, and Twelve as required in Criterion 1.5.1.A.

1.5.1.B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and Regional Transportation Plan;

Title 1: Requirements of Housing and Employment Accommodation

Section 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

“For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area,

determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...” The 2040 Growth Concept Plan map designates the parcels included in this proposal under the Industrial Areas design type. Section 3.07.130 of the UGMFP describes Industrial Areas as follows: “Industrial areas are set aside primarily for industrial activities with limited supporting uses.” Staff suggests that the appropriate 2040 Growth Concept Plan designation is Inner Neighborhood. Section 3.07.130 of the UGMFP describes Inner Neighborhoods as follows: “Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.”

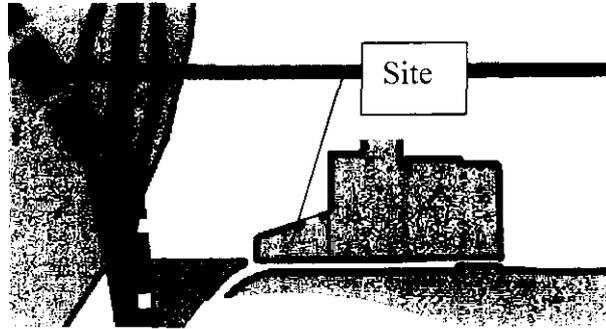


Figure 1 Metro 2040 Growth Concept Map

Title 2: Regional Parking Policy

The City has an established minimum and maximum parking ratio related to zones A and B. The subject property is within Parking Zone A. Consequently, the Maximum Permitted Parking Spaces per Zone A applies to the subject property.

Title 3: Water Quality and Flood Management Conservation

In concert with other local governments in Washington County, the City partnered with Clean Water Services to enact legislation acknowledged to comply with Title 3.

Title 4: Industrial and Other Employment Areas

The City and Metro established long-term Industrial and Employment Areas on the Title 4 map. This area is shown as Industrial Area on the Metro Title 4 Industrial and Employment Areas Map (Figure 2 to this staff report). “...Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas.”

Metro allows a local jurisdiction to change the designation upon meeting certain criteria.

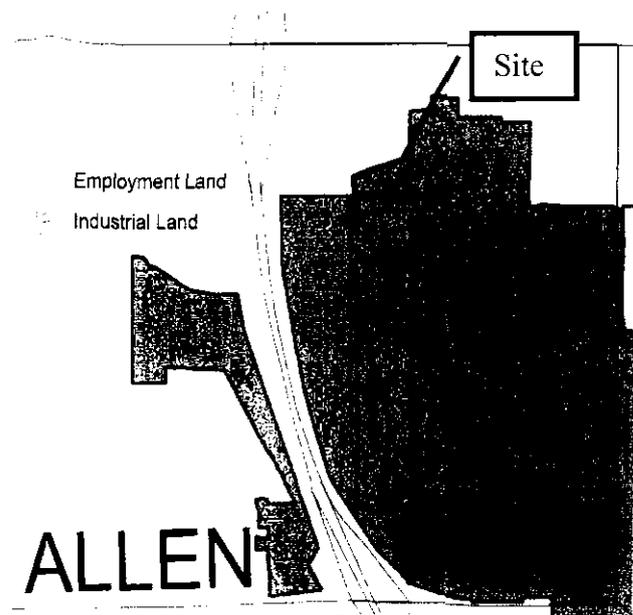


Figure 2 Metro Title 4 Industrial and Employment

The criteria are found in Metro Code 3.07.450.C 1 through 6 and are addressed in the following text:

3.07.450.C.1 The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;

The property abuts land designated as Industrial Area and is across the street from land designated as Industrial Area. The land to the north and west is designated residential.

The proposal meets this test – it is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two.

3.07.450.C.2 The amendment will not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan, or the amount of the reduction is replaced by separate and concurrent action by the city or county;

The property is developed and has been for 38 years. It is not identified on the City's buildable land inventory, meaning it is not deemed to have redevelopment potential. Therefore, it offers no jobs capacity. The property is a total of 1.66 acres. Metro Code 3.07.170 A. recommends Industrial Areas as having an average density of 9 people per acre. Based on that density assumption, if the subject property was developed with industrial uses it would yield approximately 14 employees. Table 3.07-1 assigns 21,368 jobs to the City of Beaverton. Potentially losing 14 employees, or 0.07% of the jobs in the City, is insignificant. However, because there is no jobs capacity associated with the subject property, this small theoretical loss need not be replaced.

3.07.450.C.3 If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;

The subject property is designated Industrial Area, not Regionally Significant Industrial Area, therefore; this criterion does not apply.

3.07.450.C.4 The amendment would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System map below standards in the Regional Transportation Plan (RTP), or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;

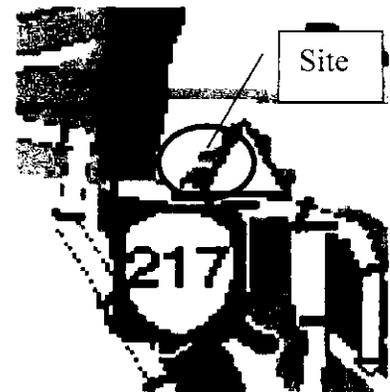


Figure 2 2004 Regional Freight System Map

SW Fifth Avenue is not designated as a Major Roadway Route or a Roadway Connector on the 2004 Regional Freight System map. No changes in traffic are expected with the proposed amendment as it acknowledges the current use on the site.

3.07.450.C.5 The amendment would not diminish the intended function of the Central City or Regional or Town centers as the principal locations of retail, cultural and civic services in their market area; and

The proposed amendment, as noted throughout the report, is to acknowledge the existing apartment complex and to make it a conforming use on the site. The amendment would not diminish the function of the Regional Center or Town Centers as the principal locations of retail, cultural or civic services.

3.07.450.C.6 If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is 10 acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated as Employment Area, the property subject to the amendment is 40 acres or less.

The proposed amendment is designated as an Industrial Area on the Metro Title 4 Map and is 1.66 acres, well below the 20 acre minimum.

Title 5: Neighbor Cities and Rural Reserves

Title 5 concerns Neighbor Cities and Rural Reserves. The proposal is within the City of Beaverton; therefore, this Title does not apply.

Title 6: Central City, Regional Centers, Town Centers and Station Communities

Title 6 predominantly focuses on local government strategies to improve implementation of Centers. As noted earlier in this report, the subject property is not within the Central City, a Regional Center, Town Center or Station Community, therefore; this title is inapplicable to the proposed amendment.

Title 7: Affordable Housing

The intent of Title 7 is to enact a "fair share" housing strategy for each jurisdiction which includes a diverse range of housing types, specific goals for low- and moderate-income housing, housing densities consistent with the regional transportation system, and a balance of jobs and housing. The City adopted Comprehensive Plan Chapter Four to comply with this Metro Title.

Goal 4.2.1.1 states "Maximize use of buildable residential land in the City." Action items applied to implement this goal have been implemented. Goal 4.2.2.1 states "Provide an adequate variety of quality housing types to serve Beaverton's citizenry." The City is working in partnership with the Washington County Housing Authority to preserve the Housing Authority's portfolio of federally assisted housing at rent levels affordable to extremely and very low-income households. Goal 4.2.3.1 states "Promote the retention

of existing affordable housing stock in the City.” This amendment retains existing older housing stock in the City suitable as affordable housing. Units in the complex range from 1 to 3 bedrooms and rent for \$400 to \$1500 per month. According to the US Housing and Urban Development web site, 50% of median income should spend no more than \$673/month for a 1 bedroom, \$772/month for 2 bedrooms, \$1123/month for 3 bedrooms and \$1355/month for four bedrooms. Thus, the rental rate of the apartment complex is on the scale of 2007 50% median income, which would qualify as affordable housing. Additionally, the City continues to support affordable housing programs through the Community Development Block Grant and HOME programs, the Citywide Housing Rehabilitation Loan Program, and partnership with local non-profit service providers. Goal 4.2.3.2 states “Promote the production of new affordable housing units in the City.” Participation in local non-profit efforts to develop affordable housing, providing an ombudsman to assist in the development review process, developing revolving loan funding, exploring land banking and employer sponsored affordable housing, supporting alternative funding for affordable housing, and continuing to explore tools and strategies to encourage affordable housing development are actions to implement Goal 4.2.3.2. These goals and actions comply with Title 7.

Title 8: Compliance Procedures

Information about the proposal was sent to the Chief Operating Officer on June 4, 2007, 45 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820. Metro staff requested a copy of this staff report as soon as it is available for public review. It will be emailed to Metro staff on the 11th of July for staff review.

Title 9: Performance Measures

Title 9 directs Metro to measure the progress of the region in implementing the Urban Growth Management Functional Plan. This title is not relevant to the proposal.

Title 10: Functional Plan Definitions

Title 10 provides definitions for use in the UGMFP and is, therefore, irrelevant to the compliance of this proposal to the UGMFP.

Title 11: Planning for New Urban Areas

Title 11 concerns planning for new urban areas. This proposal is within the Urban Growth Boundary and is within the corporate limits of the City of Beaverton. This Title does not apply to the amendment.

Title 12: Protection of Residential Neighborhoods

Protection of residential neighborhoods is a key to success of the 2040 Growth Concept. Existing development on the subject property is a multi-family residential neighborhood. Through this amendment, redevelopment occurring on the property, would retain the moderately dense neighborhood and remain as a buffer between the single-family residential neighborhood to the north and the industrial development to the east and south.

Title 13

The City, as a member of the Tualatin Basin Coordinating Committee, complies with Title 13.

Regional Transportation Plan

Section 6.4.4 Transportation System Analysis Required for Local Plan Amendments:

“This section applies to city and county comprehensive plan amendments or to any local studies that would recommend or require an amendment to the Regional Transportation Plan to add significant single occupancy vehicle (SOV) capacity to the regional motor vehicle system, as defined by Figure 1.12. This section does not apply to projects in local TSPs that are included in the 2000 RTP. For the purpose of this section, significant SOV capacity is defined as any increase in general vehicle capacity designed to serve 700 or more additional vehicle trips in one direction in one hour over a length of more than one mile. This section does not apply to plans that incorporate the policies and projects contained in the RTP.”

SW Fifth Street is designated as a Collector on the City’s TSP. The City’s TSP is part of the RTP, therefore; this section of the RTP does not apply to this proposal.

Finding: The Neighborhood Residential – Medium Density land use map designation is compatible with the UGMFP Titles and the RTP. Criterion 1.5.1.B is satisfied.

1.5.1.C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans;

Chapters One and Two - Procedures and Public Involvement Elements, respectively

As noted under the Process section of this report, the proposal complies with the Comprehensive Plan Amendment Procedures of Chapter One. In complying with the procedures, the amendment provides the opportunity for public involvement as noted in Chapter Two.

Chapter Three – Land Use Element

3.13.1 Goal: Provide for the establishment and maintenance of safe, convenient, attractive and healthful places to live.

Policies:

- a) *Regulate residential development to provide for diverse housing needs by creating opportunities for single and multi-family development of various sizes, types and configurations.*
- b) *Encourage a variety of housing types in residential areas, by permitting or conditionally permitting any housing type (one, two or more, family dwellings) within any zoning district so long as the underlying residential density of the zoning district is met. Accessory dwelling units shall not be considered in the calculation of the underlying housing density.*
- d) *Apply Residential Neighborhood designations (Low Density, Standard Density,*

Medium Density and High Density) consistent with the Metro 2040 Growth Concept Map and the City's housing target implementing strategy.

This property, developed in 1969, provides an established residential service to the City in providing for housing in the moderate income range. Maintaining this area as a safe, convenient, attractive and healthful place to live is important to providing diverse housing implementing the City's housing target strategy.

3.13.4 Goal: Establish Medium Density Residential areas to allow for single family attached and detached, and multiple-family developments.

Policies:

- b) *Medium Density Residential zoning is located generally in areas with good access to arterial streets, good transit service, commercial service, and public open space, or should be designed in a coordinated manner to provide such amenities in the immediate vicinity.*

This property is located within ¼ mile of a frequent bus route along Beaverton-Hillsdale Highway with connections to Beaverton Transit Station offering bus and light rail connections. The site is within approximately ½ mile of Target and Fred Meyer shopping opportunities. So the site is well connected to commercial service. The site contains a play structure for residents and is within 1/8 mile of Little Peoples Park offering additional play structures and nature viewing. These amenities, within the immediate vicinity of the site, make the site uniquely situated as an ideal housing location.

Chapter Four - Housing

Goal 4.2.1.1 "Maximize use of buildable residential land in the City."

Goal 4.2.2.1 "Provide an adequate variety of quality housing types to serve Beaverton's citizenry."

Goal 4.2.3.1 "Promote the retention of existing affordable housing stock in the City."

Goal 4.2.3.2 "Promote the production of new affordable housing units in the City."

As noted earlier, this amendment proposes to bring an existing 34-unit apartment complex into conformance with its zoning district, thereby, retaining affordable housing stock in the city as described in earlier discussions.

Chapter Five – Public Facilities and Services Element

Goal 5.3.1 "Ensure long-term provision of adequate urban services within existing City limits and areas to be annexed in the future."

Goal 5.4.1 "Ensure long-term provision of adequate storm water management within existing city limits and areas to be annexed in the future."

Goal 5.7.1 "Cooperate with the Beaverton School District in its efforts to provide the best possible educational facilities and services to Beaverton residents."

The proposed amendment will not affect the ability for the City to provide public facilities

and services to the site, as noted in the Goal 11 discussion.

Chapter Six – Transportation Element

Discussion under Goal 12 assists in the understanding of the applicability of the Transportation Element and the policies and actions found therein to this amendment. The amendment does not affect any of the text found in Chapter 6 or implement a change to the physical landscape of any property. Proposed and existing transportation facilities in the TSP, and the tables and figures within Chapter 6 of the Comprehensive Plan remain unaffected by this amendment. SW Fifth Street is designated as Collector on the Functional Classification Map.

Chapter Seven

Significant Natural or Cultural Resources do not occur on site, therefore, the policies in this chapter are inapplicable to the subject property.

Chapter Eight

Goal 8.2.1 “Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources.”

Regardless of the designation, natural resource protection and habitat friendly development practices would apply to the property. Any development of the property would need to comply with the City’s *Development Code, Engineering Design Manual and Standard Drawings*, the *City of Beaverton Code*, and *Clean Water Services Design and Construction Standards*.

Applicability with other local plans

No other local plans apply to this property.

Finding: This amendment is consistent with the policies of Chapters 1 through 8 of the Comprehensive Plan and is not subject to any other local plan; therefore, Criterion 1.5.1.C is met.

1.5.1.D If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

Designating this property Neighborhood Residential satisfies the need to make the existing use, established in 1969, a conforming use.

Finding: Due to the need to make the existing use a conforming use, Criterion D has been met.

CONCLUSION

Based on the facts and findings presented, staff conclude that the proposed amendment to the Comprehensive Plan Land Use Map is consistent with all the Quasi-Judicial Comprehensive Plan amendment approval criteria of Section 1.5.1.A through D. Therefore, staff recommend the Planning Commission **APPROVE** CPA 2006-0009 to depict the City's Neighborhood Residential – Medium Density land use designation at the July 18, 2007 regular Commission hearing.

ZONING MAP AMENDMENT CRITERIA

Development Code Section 40.97.15.1.C., which contains Quasi-Judicial Zoning Map Amendment Approval Criteria, states:

"In order to approve a Quasi-Judicial Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:"

- 1. The proposal satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.***

Section 40.97.15.1.A. Threshold, states, "The change in zoning designation for a specific property or limited number of specific properties." The proposed change in zone is limited to one specific property, Tax Map 1S1 15 AC Lot 05200.

Finding: Staff finds that the request satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.

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

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

Finding: Staff finds that this criterion is not applicable.

- 3. The proposal conforms with applicable policies of the City's Comprehensive Plan.***

See the responses to Comprehensive Plan Amendment Criterion 1.5.1.C.

Finding: Staff finds that the proposal conforms to applicable policies of the City's Comprehensive Plan.

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

A companion amendment to the Comprehensive Plan has been bundled with this application. No other applications are necessary at this time.

Finding: Applications have been submitted in the proper sequence.

5. All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.

Chapter 90 of the Development Code defines “critical facilities” to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

Water Service is provided to the site through an existing City water line located in Larch Lane (4 inch), Maple Avenue (10 inch) or Fifth Street (10 inch).

An 8 inch sanitary line is located within the Larch Lane right-of way, a 12 inch sanitary line is located within Maple Avenue and 10 Inch and 18 inch sanitary lines are located within Fifth Street.

Storm water in this area flows into a 48 inch pipe through the northern edge of the property. An additional 12 inch storm sewer is located in both Maple Avenue and Fifth Street.

Specific connection to the storm, sanitary and water systems and provision of stormwater detention and water quality facilities would be provided at the time of future development on the subject property.

Fire protection is provided to the site by Tualatin Valley Fire and Rescue Department (TVF&R). Station 65 – West Slope serves this area. TVF&R is required to review final engineering plans prior to the issuance of the site development permit assuring the Department’s satisfaction with any development proposal.

A traffic analysis was not required of this application. The trip generation of the proposed zone is not great enough to meet the threshold requirement for a traffic analysis (Development Code Section 60.55.20.2 Traffic Analysis). SW Larch Lane, Maple Avenue and Beech are all classified as a *Local Street*. SW Fifth Street is designated as a Collector. Future development may require improvements to meet the City’s standards.

Finding: Staff find that this criterion is met.

6. Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.

Chapter 90 of the Development Code defines “essential facilities” to be services that include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way.

The City of Beaverton is served by the Tualatin Hills Park and Recreation (THPRD). Little Peoples Park is within 1/8 mile of the subject property.

The City of Beaverton Police serve the subject property.

The Beaverton School District serves the subject property.

The subject property is within ¼ mile of high capacity transit along Beaverton-Hillsdale Highway.

The subject property is bordered on the north by Larch Lane and to the south by Fifth Street. Bike lanes are provided on both sides of Fifth Street.

Finding: Staff find that this criterion is met.

7. *The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).*

Development Code Section 20.05.35 .1 states the purpose of “the R-2 zoning district is intended to establish sites for medium density residential development where a minimum land area of 2,000 square feet is available for each dwelling unit.”

Tax Lot 1S1 15A 05200 is proposed to be rezoned from Industrial Park to R-2. The current use of the 1.66 acre property is a 34-unit apartment complex. Attached dwellings are permitted uses in the R-2 zoning district (20.05.35.2.A.2). The lot width is 389 feet wide by 105 feet in depth at the corner, meeting the minimum width of 75 feet and depth of 100 feet for corner lots. Development Code Section 20.05.50.3 states “...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 take place.” Therefore, it doesn’t matter if the existing apartment complex meets the setback standards as long as it meets the appropriate setbacks as of 1978.

Finding: Staff find that this criterion is met.

8. *In addition to the criteria stated in Section 40.97.15.1.C.1 through 4, above, the following criteria shall apply to Quasi-Judicial Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.*

The proposal to R-2 does not apply to this criterion.

Finding: Staff find that this criterion is inapplicable to this proposal.

9. ***The proposal shall include a Traffic Impact Analysis that meets the requirements of 60.55.20. The analysis shall demonstrate that the development allowed under the proposed zoning can meet the requirements of 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development.***

The proposal is to modify the zoning from Industrial Park to R-2 to allow the existing use to be a conforming use. No new traffic that is not already traveling on Fifth, Maple, Larch and Beech would result from the amendment.

Finding: Staff find that this criterion is met.

10. ***As an alternative to 40.97.15.1.C.6, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning.***

The proposal is to modify the zoning from Industrial Park to R-2 to allow the existing use to be a conforming use. No new traffic, which is not already traveling on Fifth, Maple, Larch and Beech, would result from the amendment.

Finding: Staff find that the proposed zoning district of R-2 generates the same amount of traffic as currently generated by the existing use.

11. ***In cases where the Comprehensive Plan identifies more than one zone to implement the applicable Land Use Map designation, the applicant is to demonstrate how the proposal conforms with applicable District Requirements of the zone subject to Quasi-Judicial Zoning Map Amendment consideration.***

There are no District Requirements identified for the three Neighborhood Residential – Medium Density implementing zones: R-4, R-3.5 and R-2.

Finding: Staff find that this criterion is inapplicable to the proposed amendment.

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

Development Code Section 50.25.1 specifies the information to be provided for an application to be accepted as “complete”. This application is a city-initiated application, so completeness doesn’t apply.

Finding: Staff find that this criterion is inapplicable to the proposed amendment.

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

The proposal has been submitted with a corresponding amendment to the Comprehensive Plan.

Finding: Staff find that this criterion is met.

CONCLUSION

Based on the facts and findings presented, staff conclude that the proposed amendment to the Zoning Map is consistent with all the zoning map amendment approval criteria of Section 40.9715.1.C.1-13. Therefore, staff recommend the Planning Commission **APPROVE** ZMA2006-0012 to depict the City's R-2 zoning district on the subject property at the July 18, 2007 regular Commission hearing.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST TO AMEND THE)	
CITY'S COMPREHENSIVE PLAN LAND USE MAP)	ORDER NO. 1989
FROM INDUSTRIAL TO NEIGHBORHOOD)	APPROVING REQUEST
RESIDENTIAL - MEDIUM DENSITY AND THE)	
ZONING MAP FROM INDUSTRIAL PARK (IP) TO)	
RESIDENTIAL - 2,000 SQUARE FEET PER)	
DWELLING UNIT (R-2) ON TAX MAP 1S115AC TAX)	
LOT 05200 (10925 SW FIFTH STREET). CITY OF)	
BEAVERTON, APPLICANT. CPA2006-)	
0009/ZMA2006-0012)	

The matter came before the Planning Commission on July 18, 2007, on a request for an amendment to the City Comprehensive Plan Land Use Map from Industrial to Neighborhood Residential - Medium Density and the Zoning map from Industrial Park (IP) to Residential - 2,000 square feet per dwelling unit (R-2). The property is located north of Fifth Street, east of Highway 217 and Larch Lane, and south of Beech Drive and is more specifically identified as Tax Lot 05200 on Washington County Tax Assessor's Map 1S115AC (10925 SW Fifth Street).

Pursuant to Ordinance 4187 (Comprehensive Plan) Section 1.5.1 and Ordinance 2050 (Development Code) Section 40.97.15.1.C, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Planning Commission adopts the Staff Report dated July 11, 2007, as to applicable criteria contained in Sections 1.5.1 of the Comprehensive Plan and Section 40.97.15.1.C of the Development Code.

IT IS HEREBY ORDERED that CPA2006-0009 is **APPROVED**, based on the facts, findings, and conclusions found in the Staff Report dated July 11, 2007.

Motion **CARRIED**, by the following vote:

AYES: Winter, Platten, Bobadilla, Johansen, and Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: San Soucie and Stephens.

IT IS HEREBY ORDERED that ZMA2006-0012 is APPROVED, based on the facts, findings, and conclusions found in the Staff Report dated July 11, 2007.

Motion CARRIED, by the following vote:

AYES: Winter, Platten, Bobadilla, Johansen, and Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: San Soucie and Stephens.

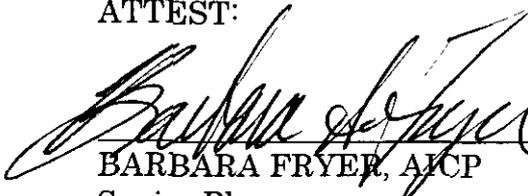
Dated this 26th day of July, 2007.

To appeal the decision of the Planning Commission, as articulated in Order No. 1989, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 5:00 p.m. on August 6th, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:


BARBARA FRYER, AICP
Senior Planner


DAN MAKS
Chairman


HAL BERGSMAN
Planning Services Manager



METRO

RECEIVED
JUL 17 2007
COMMUNITY DEVELOP. DEPT.

July 16, 2007

Barbara Fryer
Community Development Department
Planning Services Division
City of Beaverton
P.O. Box 4755
Beaverton, OR 97076

Dear Ms. Fryer:

Re: Metro Title 4 map amendment – your reference # CPA2006-009, ZMA2006-0012

Thank you for forwarding the City's staff report for the above cited amendments. We have reviewed the report and found that the proposed action appears to meet the requirements of the applicable titles of Metro's Urban Growth Management Functional Plan.

The designation of the property as Industrial on Metro's Title 4 Employment and Industrial Areas Map appears to be an error. The City of Beaverton's proposed amendments recognize a residential use that predates Metro's Urban Growth Management Functional Plan. Once the Beaverton City Council adopts the final ordinance, please send a copy to Metro. We will then revise the Title 4 Employment and Industrial Areas Map to conform to Beaverton's amendment within 30 days after notification by the City that no appeal of the amendment was filed pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.

If you have further questions on this matter, please feel free to contact me.

Sincerely,

Ted Reid
Assistant Regional Planner
reidt@metro.dst.or.us
(503) 797-1768

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map for Property Located on the North and East Side of SW Merlo Drive Between SW 170th Avenue and SW Merlo Road, and South of the Westside Light Rail Transit Line; CPA2007-0012 / ZMA2007-0011.

FOR AGENDA OF: 08/13/07 **BILL NO:** 07175

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 07/23/07

CLEARANCES:

City Attorney 
Planning 

PROCEEDING: First Reading

EXHIBITS: Ordinance
Exhibit A – Vicinity Map
Exhibit B – Land Use Order No. 1983
Exhibit C – Land Use Order No. 1984
Exhibit D – Staff Report

BUDGET IMPACT

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

The eight properties as depicted on Exhibit A were annexed through Ordinance No. 4338 in March 2005. They retain a County Transit Oriented Employment (TO:EMP) land use designation. Pursuant to the 1989 Washington County – Beaverton Urban Planning Area Agreement (UPAA), in applying its land use and zoning designations to the subject properties, the City must apply those designations that are most similar to the County's designation.

INFORMATION FOR CONSIDERATION:

The proposed ordinance will replace the County land use designation with City land use and zoning designations. The UPAA does not specify which City land use and zoning designations to apply in this situation; discretion is necessary in determining the most similar City land use and zoning designations. The Planning Commission recommends the City Council adopt an ordinance applying the Station Community (SC) land use designation and the Station Community – Employment (SC-E) Sub Area 1 zoning district. The adoption of this ordinance will make the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading

ORDINANCE NO. 4450

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP, AND ORDINANCE NO. 2050, THE ZONING MAP, FOR PROPERTIES LOCATED ON THE NORTH AND EAST SIDE OF SW MERLO DRIVE BETWEEN SW 170TH AVENUE AND SW MERLO ROAD, SOUTH OF THE WESTSIDE LIGHT RAIL LINE; CPA2007-0012 / ZMA2007-0011

WHEREAS, the subject properties were annexed under Ordinance 4338 in March 2005 and are being changed in this ordinance from a Washington County land use designation to City land use and zoning designations; and

WHEREAS, the Washington County – City of Beaverton Urban Planning Agreement (UPAA) requires application of City land use and zoning designations to annexed properties that are most similar to the land use designation(s) applied by the County, but does not specify which City designations to apply in this situation requiring discretion in their application; and

WHEREAS, on June 13, 2007, the Planning Commission conducted a public hearing to consider the application on the subject properties to amend Ordinance No. 4187, the Comprehensive Plan Figure III-1 to a Station Community designation and Ordinance No. 2050, the Zoning Map, to the Station Community – Employment Sub Area 1, 2 or 3 zoning designations; and

WHEREAS, the Planning Commission received testimony and considered exhibits at the June 13, 2007 hearing and then recommended approval of the proposed comprehensive plan amendment and a change to the Station Community – Employment Sub Area 1 zoning designation; and

WHEREAS, no appeals were filed with the City; and

WHEREAS, the Council incorporates by reference the Community Development Department staff report of CPA2007-0012 / ZMA2007-0011 by Associate Planner Tyler Ryerson, dated June 6, 2007, attached hereto as Exhibit D” and Planning Commission Order Nos. 1983 and 1984, attached hereto as Exhibits “B” and “C” as to facts and findings supporting the adoption of this ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties located on the north and east side of SW Merlo Drive between SW 170th Avenue and SW Merlo Road, south of the Westside Light Rail Line, as depicted on Exhibit “A”, Station Community on the Comprehensive Plan Land Use Map.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the subject properties located as described in Section 1 and as depicted on Exhibit “A”, Station Community – Employment Sub Area 1 on the Zoning Map.

First reading this _____ day of _____, 2007.

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

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

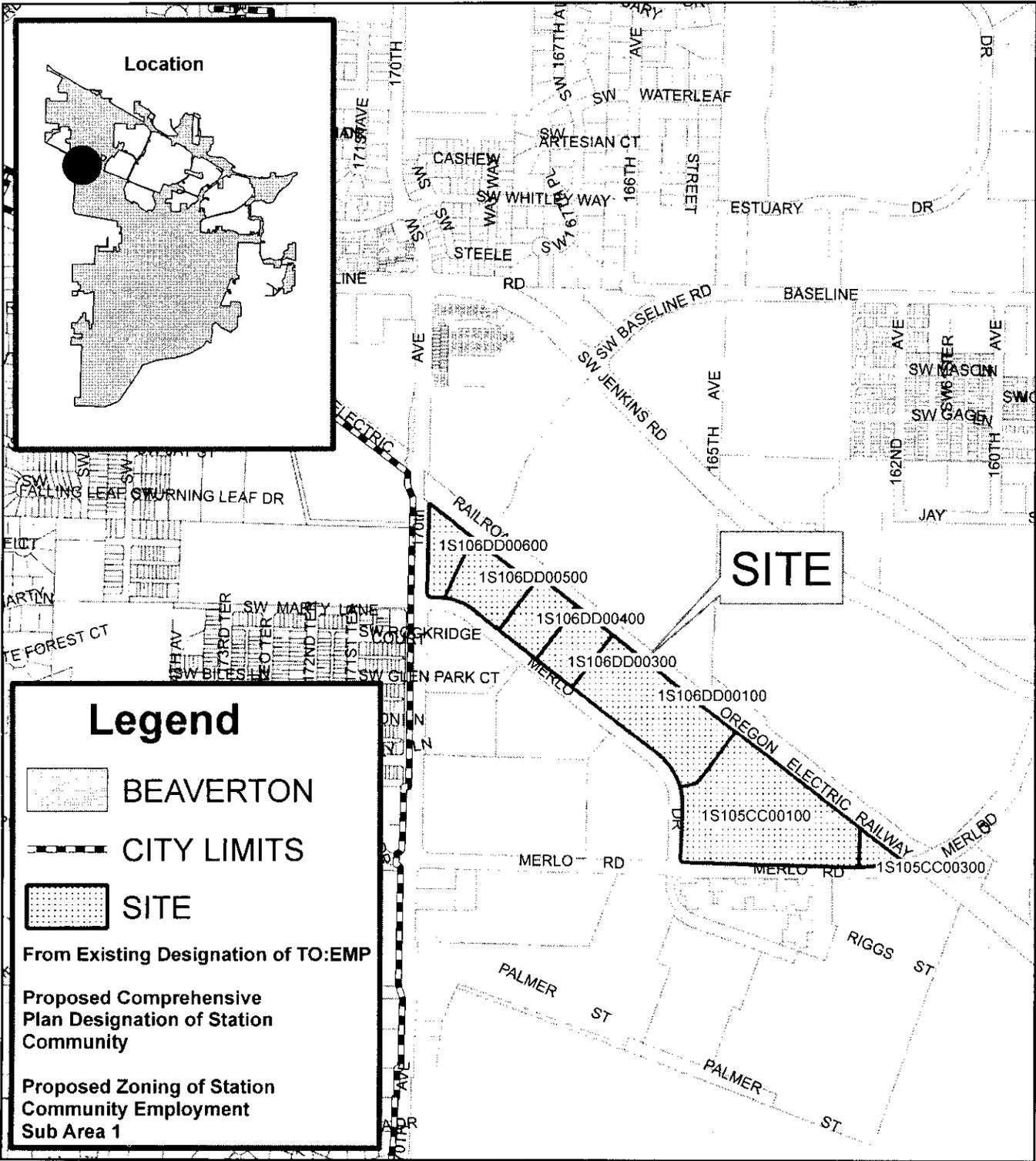
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE
NO. 4450

EXHIBIT "A"



Legend

-  BEAVERTON
-  CITY LIMITS
-  SITE

From Existing Designation of TO:EMP

Proposed Comprehensive Plan Designation of Station Community

Proposed Zoning of Station Community Employment Sub Area 1



CPA2007-0012 / ZMA20070-011

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

4/16/07
Tax Lot #'s
SHOWN
ON SITE



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

EXHIBIT B

IN THE MATTER OF CPA2007-0012, A REQUEST)
TO AMEND THE COMPREHENSIVE PLAN LAND)
USE MAP APPLICABLE TO SEVEN RECENTLY)
ANNEXED PROPERTIES LOCATED ON SW)
MERLO DRIVE AND SW MERLO ROAD EAST OF)
SW 170TH AVE. CITY OF BEAVERTON,)
APPLICANT)

ORDER NO. 1983
APPROVING REQUEST.

The matter came before the Planning Commission on June 13, 2007, on a request for an amendment to the City's Comprehensive Plan Land Use Map from Washington County Station Community (SC) to City of Beaverton Station Community (SC) land use designation for seven properties specifically identified as Washington County Tax Assessor's Map 1S105CC00100, 1S105CC00300, 1S106DD00100, 1S106DD00300, 1S106DD00400, 1S106DD0500, and 1S106DD00600.

Pursuant to Ordinance 4187 (Comprehensive Plan), Section 1.6.1 the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated June 6, 2007, as the applicable criteria contained in Section 1.5.1 of the Comprehensive Plan and findings thereon; now, therefore:

IT IS HEREBY ORDERED that CPA2007-0012 is **APPROVED** consistent with staff's recommendation, based on the facts and findings of the Planning Commission hearing on June 6, 2007.

Motion CARRIED, by the following vote:

AYES: Platten, San Soucie, Bobadilla, Stephens, Winter, and
Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: Johansen.

Dated this 22nd day of June, 2007.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1983, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 5:00 p.m. on Monday, July 2nd, 2007.

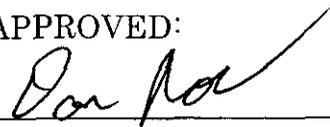
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



TYLER BYERSON
Associate Planner

APPROVED:



DAN MAKS
Chairman



HAL BERGSMAN
Planning Services Manager

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

EXHIBIT C

IN THE MATTER OF ZMA2007-0011, A REQUEST)
TO AMEND THE CITY ZONING MAP APPLICABLE)
TO SEVEN RECENTLY ANNEXED PROPERTIES)
LOCATED ON SW MERLO DRIVE AND SW MERLO)
ROAD EAST OF SW 170TH AVENUE. CITY OF)
BEAVERTON, APPLICANT)

ORDER NO. 1984
APPROVING REQUEST.

The matter came before the Planning Commission on June 13, 2007, on a request for an amendment to the City's Zoning Map from Washington County Transit Oriented Employment District (TO:EMP) to a City of Beaverton Station Community – Employment (SC-E) zoning designation for seven properties specifically identified as Washington County Tax Assessor's Map 1S105CC00100, 1S105CC00300, 1S106DD00100, 1S106DD00300, 1S106DD00400, 1S106DD0500, and 1S106DD00600.

Pursuant to Ordinance 2050 (Development Code), Section 50.55, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated June 6, 2007 as to facts and findings relating to background, existing conditions and compliance with process requirements. The Commission adopts the facts and findings in Exhibit 1 to this Order No. 1984 as to Zoning Map Amendment criteria in Development Code Section 40.97.15.C.

IT IS HEREBY ORDERED that ZMA2007-0011 is **APPROVED** with a zoning designation of Station Community – Employment Sub Area 1, based on the facts and findings of the Planning Commission on June 6, 2007.

Motion CARRIED, by the following vote:

AYES: San Soucie, Winter, Bobadilla, Platten, and Stephens.
NAYS: Maks.
ABSTAIN: None.
ABSENT: Johansen.

Dated this 22nd day of June, 2007.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1984, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 5:00 p.m. on Monday, July 2nd, 2007.

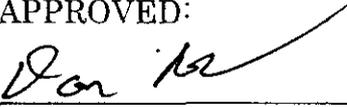
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



TYLER RYERSON
Associate Planner

APPROVED:



DAN MAK
Chairman



HAL BERGSM
Planning Services Manager

Planning Commission Analysis and Findings Supporting Application of SC-E Sub Area 1 to the properties that are the subject of ZMA2007-0013:

The Planning Commission agrees with staff that SC-E is the appropriate zoning designation for the subject properties, but the majority finds that the properties should be placed in Sub Area 1 rather than Sub Area 3 at this time for the following reasons:

1. Consistent with approval criteria 3 and 4 for discretionary annexation related zoning map amendments (Development Code Section 40.97.15.C) Sub Area 1 most closely approximates the density, use provisions, and development standards of the current County TO:EMP designation because:
 - a. There is no maximum floor area ratio (FAR) in the TO:EMP district, and the maximum FAR under the SC-E Sub Area 1 designation would be the highest density possible of the three SC-E sub areas, at 2.0.
 - b. The minimum FAR for development in SC-E Sub Area 1, at 0.5, is the same as the minimum for the TO:EMP district, while the minimums for sub areas 2 and 3 are lower at 0.35 and zero respectively.
 - c. The allowed and conditional uses in SC-E Sub Area 1 are more consistent with uses permitted in the TO:EMP district. Specifically storage facilities and activities are generally not allowed as primary uses within one-quarter mile of a light rail station in Sub Area 1 nor the TO:EMP district, while they are allowed in Sub Area 3.
 - d. The allowed maximum building height by right in SC-E Sub Area 1, at 100 feet, is closest of the three sub areas to the TO:EMP district height maximum of 80 feet.
2. Although the TO:EMP district requires that for "...development in excess of the minimum FAR standard, the applicant shall demonstrate that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic...", Development Code Section 60.55.20, *Traffic Impact Analysis*, which requires a traffic impact analysis when proposed land use change or development will generate greater than 200 vehicle or more per day in average weekday trips, has an effect equivalent to the County's requirement. Hence applying the SC-E Sub Area 1 zone to the properties in question would not meaningfully change the way in which the potential impact on traffic of proposed development is addressed.

3. Of the three SC-E sub areas, only Sub Area 1 assures, consistent with the purpose statement for the SC-E zone (Development Code Section 20.20.25.1, paragraph 3) that "...the most intense development will occur adjacent to a light rail station or along a Major Pedestrian Route." Consistent with the purpose statement description for the location of Sub Area 1, the subject properties are all located "...within one quarter mile of a light rail station." Additionally, the properties are located along a Major Pedestrian Route.

4. Applying SC-E Sub Area 1 zone mostly closely meets the intent and language of Comprehensive Plan policies 3.5.1.a, 3.8.1.a, and 3.8.2.a; Merlo Station Community Plan Goal 1; and the 2040 Growth Concept. This zone provides the best support for our investment in light rail, for denser development in station communities, for economic development, for transit ridership, and for reduction in land devoted to parking lots in the Merlo Station area.

Therefore, for the above reasons, the Planning Commission majority finds that SC-E Sub Area 1 is the most appropriate City zone to apply to the subject properties.



STAFF REPORT

TO: Planning Commission

AGENDA DATE: June 13, 2007 **REPORT DATE:** June 6, 2007

FROM: Tyler Ryerson, Associate Planner 

APPLICATIONS: CPA2007-0012 (Merlo Drive and 170th Avenue)
ZMA2007-0011 (Merlo Drive and 170th Avenue)
TA2007-0004 (Merlo Drive and 170th Avenue) – Withdrawn

LOCATION: Subject parcels are located on the north and east side of SW Merlo Drive between SW 170th Avenue and SW Merlo Road. Westside Light Rail Transit Line abuts subject properties on the northeastern property lines. The parcels are specifically identified as Washington County Assessor's Map 1S1 05CC Tax Lots 100 and 300, and 1S1 06DD Tax Lots 100, 300, 400, 500, and 600.

NEIGHBORHOOD ASSOCIATION: Five Oaks

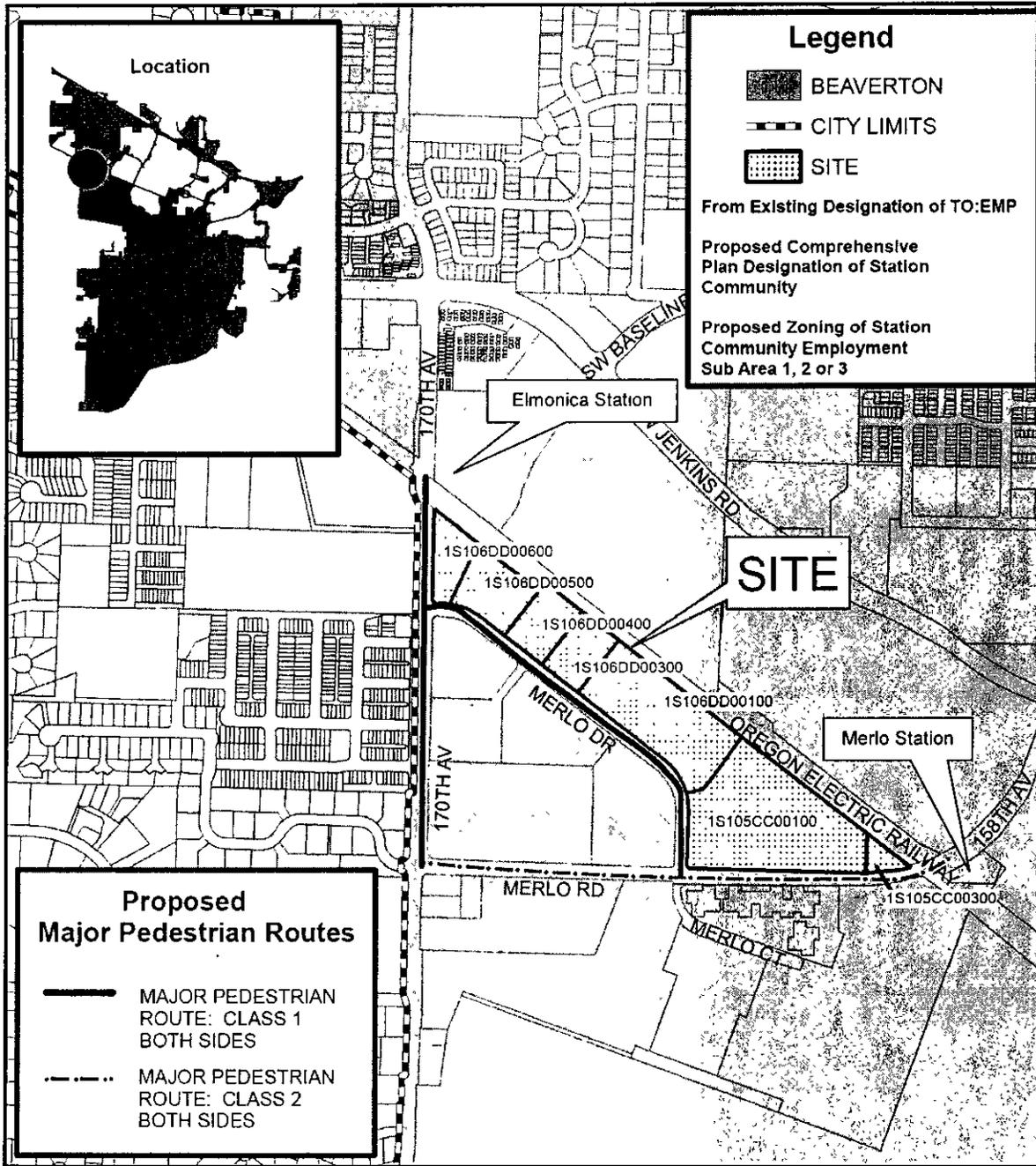
REQUEST: To amend the Comprehensive Plan Land Use Map, Figure III-1 and the Zoning Map for seven (7) parcels from Washington County Station Community and Transit Oriented Employment District to City of Beaverton Station Community Comprehensive Plan designation and Station Community – Employment Sub Areas 1, 2, or 3 zoning. A Text Amendment proposal to modify the City's Major Pedestrian Routes for the Merlo Station Community was withdrawn.

APPLICANT: City of Beaverton Community Development Director

APPROVAL CRITERIA: Comprehensive Plan Section 1.5.1 and Development Code Section 40.97.15.4.C

RECOMMENDATION: **Adopt a final order recommending that City Council adopt an ordinance applying the Station Community (SC) land use designation and the Station Community – Employment (SC-E) Sub Area 3 zoning district to subject parcels.**

VICINITY MAP



CPA2007-0012 / ZMA2007-0011
TA2007-0004

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

4/16/07
Tax Lot #'s
SHOWN
ON SITE



MERLO DR &
170TH AVE

Figure 1 Vicinity Map

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Exhibits Attached to End of Report:	
Exhibit 1 Email Correspondence, Rita Fung, Controller, Standard Bag Manufacturing Company	
Exhibit 2 Comprehensive Plan – Merlo Station Community	
Exhibit 3 Zoning Map – Merlo Station Community	
Exhibit 4 Washington County CDC Section 375 Tables A, B, & C	
Exhibit 5 SC-E Permitted Uses; Beaverton’s Development Code Section 20.20.25.2	
Exhibit 6 Metro’s Regional 2040 Growth Concept Plan	
Exhibit 7 Washington County Comprehensive Framework Plan Station Community	
Exhibit 8 Washington County Sunset West Community Plan	
Exhibit 9 Metro’s Regional Transportation Plan	

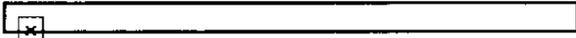


Figure 2 Aerial Photograph

SUMMARY

The Comprehensive Plan Amendment (CPA) and Zoning Map Amendment (ZMA) will apply City Land Use and Zoning Designation to the subject properties located in close proximity to the Elmonica and Merlo Light Rail Stations. CPA2007-0012 is a proposal to amend the City of Beaverton's Land Use Map for seven (7) recently annexed properties primarily located along SW Merlo Drive between SW 170th Avenue and SW Merlo Road, including a parcel located on the north side of SW Merlo Road abutting the Tri-Met Light Rail Line and adjacent to the Merlo Station. ZMA2007-0011 is a proposal to amend the Zoning Map for the same parcels to a City designated zone. Originally proposed Text Amendment, TA2007-0004, was to amend the Merlo Station Community Major Pedestrian Route Map of Development Code Section 60.05.55.4, however with the recent approval of Text Amendment TA2007-0003 *Merlo Station Community: Major Pedestrian Route Map Amendment*, the proposed modifications associated with TA2007-0004 have been adopted. Therefore TA2007-0004 has been withdrawn.

BACKGROUND

The subject parcels associated with the CPA and ZMA applications are located on the northern side of SW Merlo Drive between SW 170th Avenue and SW Merlo Road and abutting SW Merlo Road south of the Light Rail Line. All but one of the properties was created through the Merlo Station Subdivision, platted in 1978 as eight (8) parcels. The one parcel not created by the Merlo Station Subdivision is located on the north side of SW Merlo Road at the Light Rail Line. Two (2) parcels, Lots 4 and 5, were consolidated after the platting of the subdivision creating the existing Standard Bag Manufacturing Company parcel. In addition, two (2) lots, Lots 6 and 7 were consolidated creating the Triax Metal parcel.

The identified parcels and right-of-way annexed into the City in March 2005, as ordained through Ordinance No. 4338. Pursuant to Development Code Section 10.40.1, after annexation the subject properties have retained County zoning until changed by the City. The City Council has asked staff to move forward with applying City Comprehensive Plan and Zoning designations to properties currently with County designations.

The subject parcels were a part of the Washington County Sunset West Community Plan adopted in 1983. In 1997, the County amended this Community Plan in an effort to comply with Metro's 2040 Growth Concept. This work culminated with a Regional Planning Implementation Policy (Comprehensive Framework Plan - Policy #40) and the application of Station Community design type boundaries around the Elmonica and Merlo Light Rail Stations. The County also devised a series of Transit Oriented (TO) districts and assigned these designations to individual properties located within the Station Community boundaries.

Washington County's Comprehensive Framework Plan designated the subject parcels as *Station Community* (Washington County Ordinance 561) with a Community Plan

Designation of *Transit Oriented – Employment* (TO:EMP). The CPA and ZMA proposals are to establish City Land Use and Zoning designations in conformance with the Station Community designation established by Washington County's Comprehensive Framework Plan and incorporate City Zoning which is equivalent to Washington County's adopted plan designation.

Staff has evaluated the County's long term vision for the subject properties so that the intent of the Washington County – Beaverton Urban Planning Area Agreement (UPAA) would be fulfilled. After assessing the County's planning for the area, staff proposes the following amendments associated with the seven (7) parcels recently annexed into the City:

- CPA2007-0012 proposes to amend the Comprehensive Plan Land Use Map from Interim Washington County to City of Beaverton Station Community.
- ZMA2007-0011 proposes an amendment to the Zoning Map reflecting City of Beaverton Station Community Employment Sub Area 1, 2 or 3. Through the findings and analysis below, staff recommends Station Community Employment Sub Area 3 zoning district to be implemented on all seven (7) properties.

COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP AMENDMENTS ASSESSMENT

The proposed Comprehensive Plan and Zoning Map Amendments involve applying the City of Beaverton's Comprehensive Plan and Zoning designations to the subject properties. In assessing applicable City Land Use and Zoning designations most directly reflecting Washington County's intent for the subject properties and established Land Use and Plan Designations staff has evaluated the following:

1. Existing conditions of the properties determining the suitability of proposed designations with the current site uses;
2. The role of Metro's Station Community Design Type played in the planning of the area for both Washington County and the City of Beaverton;
3. Consistencies and discrepancies between Washington County's Station Community Plan designation and Transit Oriented Employment (TO:EMP) planning districts applied to the subject properties and Beaverton's Station Community Plan designation and Station Community Employment Sub Areas 1, 2, and 3 zoning districts, in determining which City land use and zoning designations are most appropriate for the subject parcels;
4. Review of Washington County Sunset West Community Plan for Areas of Special Concern and other applicable provisions; and
5. Property owner response to the proposal.

EXISTING CONDITIONS

Site Area Description. SW 170th Avenue, SW Merlo Drive, SW Merlo Road, and the Tri-Met Light Rail Line border the subject properties. Two (2) properties, Standard Bag Manufacturing Company and Triax Metal Products are developed with an industrial character consisting of large manufacturing / warehouse buildings, off-street parking and loading docks, and with minimal landscaping. A common area / drainage parcel owned by the Merlo Station Partners, is the western most parcel of the subject properties. The lot includes a Significant DSL Wetland, drainage facility, and grass, brush and trees. Minimal maintenance is occurring on the parcel. At the eastern end of the properties, Portland General Electric (PGE) owns the parcel that includes a grove of fir trees. The remaining vacant properties comprise of undeveloped land with grass, brush, and small trees enclosed by cyclone fencing. The Merlo Light Rail Station is directly across SW Merlo Road from the PGE parcel and the Elmonica light rail station is across the light rail line from the Merlo Station Partners common area and drainage parcel. Based on aerial, subdivision plat, and assessor map measurements between the Merlo and Elmonica station platforms and the subject parcels, all of the subject parcels are within one-quarter mile of one of the stations.

The south side of SW Merlo Drive includes Beaverton School District's Merlo Station School, Tualatin Valley Water District's office and equipment storage yard, and outdoor recreation fields maintained by Tualatin Hills Park and Recreation District. The south side of SW Merlo Road includes Tri-Met's Regional Bus Facility, Clean Water Services maintenance facility, Beaverton School District offices, and a site on which construction is under way for apartments being built for Tualatin Valley Housing Partners. On the west side of SW 170th Avenue, Arbor Homes is constructing the Arbor Station development. Undeveloped properties are between Arbor Station and the light rail line. On the north side of the light rail line, development includes the Elmonica Station Park and Ride, Elmonica Light Rail Maintenance Facility, and a large PGE substation.

Uses. The following Existing Site Conditions, Table 1, includes Assessor Map and Tax Lot identification, addresses, lot sizes, and primary existing uses with business name:

EXISTING SITE USES			
Map and Tax Lot	Site Address	Lot Size in acres	Uses – Business Name
1S1 05CC 100	1880 SW Merlo Dr.	7.56	Manufacturing - Triax Metal Products
1S1 05CC 300	n/a	0.40	Vacant
1S1 06DD 100	1800 SW Merlo Dr.	5.08	Manufacturing / Warehousing - Standard Bag Manufacturing Company
1S1 06DD 300	n/a	1.45	Vacant
1S1 06DD 400	n/a	1.51	Vacant
1S1 06DD 500	n/a	1.96	Vacant
1S1 06DD 600	n/a	1.21	Drainage and Common Area as approved with the Merlo Station Subdivision
Total Acres		19.17	

Table 1 Merlo Drive Existing Uses

Two properties have existing development:

- Triax Metal Products located at 1880 SW Merlo Drive, specifically described as Washington County Assessor Map 1S1 05CC Tax Lot 100; and
- Standard Bag Manufacturing Company at 1800 SW Merlo Drive, specifically 1S1 06DD Tax Lot 100.

Both businesses include manufacturing, warehousing, and distribution components. Standard Bag Manufacturing Company contains approximately 30 percent warehousing at the facility.

The current Washington County plan designation of Transit Oriented: Employment (TO:EMP) (Section 375 Table A of Washington County Community Development Code (CDC)) permits *manufacturing* and *warehousing* through a County Type II process, Exhibit 4. If a use does not follow the minimum design standards of Section 431 of the Washington County CDC, then the use would be reviewed as a Type III application. Warehouses are permitted *only if used for storing materials or products needed in or a product of a manufacturing process occurring on site, or in the maintenance and operation of on-site facilities* (CDC 375-7(16)). The existing uses are permitted by Washington County's TO:EMP plan designation, either through the Type II or III process.

Tax lot 600 of 1S1 06DD, (no address) was platted with the Merlo Station subdivision as a *Drainage and Common Area*, to be owned and maintained by the Merlo Station Partners. The parcel includes a small drainage facility and an identified *Significant DSL Wetland* based upon the City's Local Wetland Inventory (figure 3), and has a vegetative consistency of grass, brush, and small trees. The parcel does not appear to be maintained.

The remaining parcels are vacant.

Natural Resources. Along the northern property line of parcel 600 of 1S1 06DD, on the east side of SW 170th Avenue and south of the light rail crossing, the City of Beaverton's Local Wetland Inventory identifies *BV3 - Significant DSL Wetland*, Local Wetland Inventory figure 3. BV3 is the drainage basin area of Beaverton Creek totaling approximately four (4) acres, although the area on the site does not include all four (4) acres, the area does include drainage near SW 170th Avenue, the light rail line, and southwest to SW Marty Lane. The wetland is predominantly an emergent vegetation community of common rush (*Juncus effusus*) and cattail (*Typha Latifolio*) bordering a three (3) to five (5) foot ditched creek bisecting fields on the west side of SW 170th Avenue. The area is not identified as being within a FEMA designated floodplain.

A stand of mature fir trees are located throughout parcel 300 of 1S1 05CC and along the southern right-of-way line of tax lot 100 of 1S1 05CC. The trees are not designated as a *Significant Grove* in the City's Significant Tree Inventory nor are the trees identified as a *Significant Natural Resource Area*.

ANALYSIS

COMPATIBILITY OF DESIGNATIONS

Washington County Station Community Design Type

The subject properties are within Washington County's Station Community Boundaries as illustrated in *Policy 40, Regional Planning Implementation of the Washington County Comprehensive Framework Plan for the Urban Area*, Exhibit 7. The County states that their policy is to assist in formulating and locally implementing Metro's regional growth management requirements in a manner which will best serve existing and future residents and businesses. Metro's 2040 Growth Concept Plan depicts the subject areas as Station Community and Station Community Core areas. Washington County's Policy 40 describes Station Community design type as:

Station Communities generally include areas that are adjacent to, or within easy walking distance of light rail stations. Along with Regional Centers and Town Centers, Station Communities are home to the most intensive land uses. These are generally designated for higher density transit supportive uses. The primary uses include retail and service businesses, offices, mixed-use projects, higher density housing, and rowhouses. Station Communities will evolve into higher intensity areas that are focal points of public transit.

City of Beaverton Station Community Land Use Designation

The City also has adopted Metro's Growth Concept Plan providing the basic concepts adopted as directives in the Urban Growth Management Functional Plan (Functional Plan). Section 3.2, Planning Context, of Chapter 3 of the City of Beaverton's Comprehensive Plan, the Land Use Element, states:

The city must comply or substantially comply with the directives found within the Functional Plan or justify an exception to the directives. The 2040 Growth Concept provided a general approach to approximately where and how much the urban growth boundary should expand, the mix of uses and range of densities to accommodate projected growth within the boundary.

Specifically, section 3.07.130 of the Functional Plan requires the following:

"For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map:

Station Communities – Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment."

The Land Use Element, Section 3.8 *Station Community Development*, of the City's Comprehensive Plan describes the Station Community land use designation as follows:

The Station Community land use designation is a mixed use designation. Each mixed use designation must comply with the policies and actions set forth in Section 3.5 as well as those promulgated for the individual designation.

Two goals are listed in Section 3.8:

- 3.8.1 *Goal: Station Communities that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.*
- 3.8.2 *Goal: Develop Station Communities with sufficient intensities to generate light rail ridership and around-the-clock activity.*

Washington County and City Station Community designations are consistent with Metro's 2040 Growth Concept Plan for development near light rail stations. The Urban Planning Area Agreement (UPAA) does not include a specific Washington County *Station Community* designation; therefore a City of Beaverton equivalent designation is not identified.

Applicable Zoning Designations

The subject parcels have a Washington County plan designation of Transit Oriented: Employment (TO:EMP). City of Beaverton zoning designations being analyzed for the Zoning Map Amendment are Station Community - Employment Sub Areas 1, 2, and 3.

City of Beaverton Station Community – Employment Sub Area Zoning Districts	
Sub Area	Location Description
Sub Area 1	Generally located within one quarter (1/4) mile of a light rail station
Sub Area 2	Generally located along a Major Pedestrian Route within one half (1/2) mile of a light rail station
Sub Area 3	Generally applies to land that is not adjacent to a light rail station and is developed with uses that are generally industrial in character but may have redevelopment potential.

Table 2 Station Community – Employment Sub Area Zoning Districts

The Station Community – Employment zoning district includes three (3) Sub Areas based upon the general location of the property to light rail stations, location of the property in relation to Major Pedestrian Routes, and location of land that is not adjacent to light rail stations and if there are existing industrial uses that have redevelopment potential.

The subject properties are all within one-quarter ($\frac{1}{4}$) mile of either the Elmonica or Merlo Stations. With the recent approval of Text Amendment TA2007-0003 *Merlo Station Major Pedestrian Route Map Amendment*, all properties about a Major Pedestrian Route. Two properties have existing industrial uses, Standard Bag Manufacturing and Triax Metal Products.

Staff identifies options which should be considered in rendering a decision of a Station Community Employment Sub Area. These options are identified below:

Option 1: Station Community Employment – Sub Area 1

Parcel 100 of 1S1 06DD, Standard Bag Manufacturing Company is approximately 1,150 feet from Merlo Station and approximately 950 feet from the Elmonica Station. Standard Bag is within $\frac{1}{4}$ mile or under 1,320 feet from either station. All other subject properties are closer to the stations than within $\frac{1}{4}$ mile or 1,320 feet of either the Elmonica or Merlo Stations. Triax Metal and Standard Bag are permitted uses in the SC-E Sub Area 1 district. Because the existing uses are permitted in the City's SC-E Sub Area 1 and are within $\frac{1}{4}$ mile of the light rail station and that all properties are within $\frac{1}{4}$ mile of the stations, one option is to zone all properties Station Community – Employment SC-E Sub Area 1. An email correspondence was received on June 1, 2007, Exhibit 1 from a representative of Standard Bag, indicating that they support the SC-E Sub Area 1 designation. The owner, Paul Lin, owns multiple properties located on SW Merlo Drive.

Option 2 Station Community Employment – Sub Area 2

With the approval of Text Amendment TA2007-0003 Major Pedestrian Routes all seven (7) properties are now located on a Major Pedestrian Route and are within $\frac{1}{2}$ mile of a light rail station. All subject properties could implement the Station Community – Employment Sub Area 2 zoning district.

Option 3 Station Community Employment – Sub Area 1 & 3

Only the Standard Bag Manufacturing Company and Triax Metal sites are developed with industrial type of use, have the potential to redevelop, and are not adjacent to the light rail stations to be zoned SC-E Sub Area 3. Therefore, the third option is to zone all the vacant properties Station Community – Employment Sub Area 1 with the Standard Bag and Triax sites zoned Station Community – Employment Sub Area 3.

Option 4 Station Community Employment – Sub Area 3

Washington County's Community Development Code requires a minimum 0.5 floor area ratio (FAR) for TO:EMP designated properties within 1,300 feet of a Station Platform but indicates "None" for the maximum FAR (see Table 7 of this report). However, a footnote for the maximum FAR requirements does not allow the minimum FAR to be exceeded for non-residential or mixed-use development, without the applicant demonstrating, "*that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.*" Because the City will not be providing a Traffic Analysis for the potential allowance of a FAR greater than 0.5, as allowed in SC-E Sub Area 1 (maximum 2.0 FAR) and Sub Area 2 (maximum 1.0), this

option would establish SC-E Sub Area 3 zoning of all seven properties. Sub Area 3 does not have a minimum Floor Area Ratio and has a maximum 0.5 FAR. Because all properties are under 1,300 feet or less than ¼ mile of a station the Sub Area 3 district would meet both the City and County designations for minimum and maximum FAR requirements while not triggering a traffic analysis as required by the County's TO:EMP footnote. The submittal of a specific development application, such as Design Review, Conditional Use Permit or a Subdivision Section 60.55.20.2.A of the Development Code contains the requirements and thresholds for submittal of a traffic impact analysis at the time of a development application.

A decision to establish a zone designation on the subject properties by the Planning Commission will be based upon these four (4) options or a combination of these options. Based upon the analysis of the options and reviewed further below, staff recommends implementing the SC-E Sub Area 3 zoning district.

Existing Uses and Building Conformance

Existing Use and Building Conformance Analysis								
Site	Existing Building (Sq ft.)	Existing Use(s) Allowed under Washington County TO:EMP Designation	Permitted Use(s) with City Proposed Zone Designation			Building Conforms with City Site Development Standards SC-E**		
			Sub Area 1	Sub Area 2	Sub Area 3	Sub Area 1	Sub Area 2	Sub Area 3
Standard Bag Mfg Co	92,000*	Permitted Manufacturing and Warehousing	Yes	Yes	Yes	Yes	Yes	Yes
Triax Metal Products	64,000**	Permitted Manufacturing	Yes	Yes	Yes	Yes	Yes	Yes
Vacant Properties	None	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 3 Existing Use and Building Conformance Analysis

- * Based upon submitted pre-application materials of PA2005-0047 *Standard Bag and Manufacturing Addition*
- ** Based upon Washington County Assessment and Taxation Records
- *** Refer to Table 4 Site Development Standards and Table 6 FAR minimum and maximums

The two existing uses on the subject properties are permitted by Washington County's TO:EMP district and are also permitted uses in all three City Station Community Employment zones – Sub Areas 1, 2, and 3 (Development Code Section 20.20.25.2, as listed in Exhibit 5.) The other properties are vacant; therefore use conformance between Washington County and the City is not relevant. As zoning is implemented individual proposals on the vacant properties would be evaluated on a case by case basis for conformance to the City's permitted and conditional uses of the Development Code.

Site Development Requirements

Station Community – Employment (Sub Areas 1, 2, and 3) Site Development Requirements §20.20.50.B												
Site	Minimum and Maximum Lot Size	Minimum Lot Dimensions		Minimum and Maximum Yard Setbacks			Building Height					
		Width	Depth	Front	Side	Rear	Minimum Sub Area			Maximum* Sub Area		
							1	2	3	1	2	3
Standard Bag Mfg. Co.	None	None	None	None	None	None	24 ft.	24 ft.	0 ft.	100 ft.	60 ft.	45 ft.
Triax Metal Products	None	None	None	None	None	None	24 ft.	24 ft.	0 ft.	100 ft.	60 ft.	45 ft.
Vacant Properties	None	None	None	None	None	None	24 ft.	24 ft.	0 ft.	100 ft.	60 ft.	45 ft.

Table 4 Station Community – Employment Sub Areas 1, 2, and 3 Site Development Requirements

- Maximum height without an Adjustment or Variance, except as provided by Section 60.50.10 of the Development Code.

Washington County §375 Table B Dimensional Requirements for Transit Oriented Districts Transit Oriented: Employment											
Site	Min/Max Lot Area	Minimum Average Lot Dimensions		Minimum and Maximum Yard Setbacks			Building Height				
		Width	Depth	Front	Side	Rear	Minimum		Maximum*		
							Within 1300 ft. of station platform	Beyond 1300 ft. of station platform			
Standard Bag Mfg. Co.	None	None	None	None	None	None	None	None	80 ft.		
Triax Metal Products	None	None	None	None	None	None	None	None	80 ft.		
Vacant Properties	None	None	None	None	None	None	None	None	80 ft.		

Table 5 Washington County Dimensional Requirements for Transit Oriented Districts

- * Where a building fronts on a pedestrian street, a ten (10) foot setback from the front façade is required for all floors above the third. Normal building appurtenances and projection such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may extend above the height limit. Building height may be limited pursuant to Washington County Development Code Section 431-8.

The Standard Bag Manufacturing Company and Triax Metal buildings currently conform to the Washington County Dimensional Requirements for the TO:EMP District, Table 5.

There are no lot area requirements, no lot dimensional standards, and no minimum or maximum yard setback requirements. Neither building exceeds the maximum building height of 80 feet.

The City of Beaverton's Site Development Requirements do not require specific minimum or maximum lot size, lot dimensions, or yard setbacks, Table 4. The City does require minimum building heights: Sub Areas 1 and 2 of 24 feet and none for Sub Area 3. Maximum building heights are to be no greater than 100 feet in Sub Area 1, 60 feet in Sub Area 2, and 45 feet in Sub Area 3. The building height dimensional requirements and restrictions are different from Washington County's requirements of no minimum requirement and maximum 80 foot building height for all TO:EMP developments.

Floor Area Ratio

City of Beaverton Floor Area Ratio (FAR) Station Community – Employment §20.20.50.B.5							
Site	Distance to Light Rail Station	City SC-E FAR Minimum			City SC-E FAR Maximum		
		Sub Area 1	Sub Area 2	Sub Area 3	Sub Area 1	Sub Area 2	Sub Area 3
Standard Bag Mfg. Co.	~ 950 ft.	0.5	0.35	None	2.0	1.0	0.5
Triax Metal Products	~ 385 ft.	0.5	0.35	None	2.0	1.0	0.5
Vacant Properties	Varies - all under 1200 ft.	0.5	0.35	None	2.0	1.0	0.5

Table 6 Station Community – Employment FAR Requirements

Washington County §375 Table C Density Requirements for Transit Oriented Districts Floor Area Ratio (FAR)					
Site	Washington County TO:EMP FAR Minimum			Washington County TO:EMP FAR Maximum*	
	Within 1300 ft. of station platform	Between 1300 and 2600 ft. of station platform	Beyond 2600 ft. of station platform	Within 1300 ft. of station platform	Beyond 1300 ft. of station platform
Standard Bag Mfg Co	0.5	0.35	0.35	None*	None*
Triax Metal Products	0.5	0.35	0.35	None*	None*
Vacant Properties (all within 1300 ft of station platform)	0.5	0.35	0.35	None*	None*

Table 7 Transit Oriented: Employment FAR Requirements

*If non-residential or mixed-use development is proposed in excess of the minimum FAR standard, the applicant shall demonstrate that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.

General thresholds of Floor Area Ratio (FAR) requirements for Washington County and the City of Beaverton are slightly varied. Washington County's requirement is based upon the distance from the site to the light rail station platform with thresholds of 1,300 feet and 2,600 feet distances with minimum FAR of 0.5 for sites within 1,300 feet to the station platform, 0.35 for sites between 1,300 and 2,600 feet, and the same for sites beyond 2,600 feet. There are no maximum FAR requirements for any of the three thresholds, but any development proposing an FAR beyond the minimum must address the above footnote.

The City's FAR minimum and maximum requirements are dependent upon the particular Sub Area designation, and the Sub Areas, as described previously, are generally based upon: distance from the light rail station; if located on a Major Pedestrian Route; and if there is developed industrial property, Table 2. Based upon the City's FAR requirements, all subject properties are located within the County's 1,300 foot threshold. Thereby the City's SC-E Sub Areas are consistent with the County's minimum FAR of not exceeding 0.5 FAR. Although the County has "None" noted for the maximum FAR in the TO:EMP district, the minimum 0.5 FAR can not be exceeded without demonstrating, *"that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's level of service standard."* Therefore, the City initiated zone change can not exceed Sub Area 3 zoning district unless a transportation impact analysis is prepared demonstrating compliance with certain provisions of the State Transportation Planning Rule, as it is the only zone that does not have a maximum FAR over 0.5, consistent with the County's TO:EMP requirement. Sub Areas 1 and 2 allow 2.0 and 1.0 maximum FAR respectively.

Standard Bag Manufacturing and Triax Metal were constructed prior to the County's implementation of the TO:EMP plan designation. The Triax Metal site is approximately 7.5 acres in size and was created through the consolidation of lots 6 and 7 of the Merlo Station subdivision. The building is approximately 64,000 square feet, thereby not meeting the County's or City's current minimum FAR requirement of 0.5. Standard's site is approximately 5 acres in size with an approximately 92,000 square foot building which is approximately 17,000 square feet below the County's minimum FAR requirement and the City's maximum FAR requirement. If SC-E Sub Area 3 was adopted, both buildings could build up to 0.5 FAR. The current vacant parcels could also build up to a maximum 0.5 FAR. Unlike the County's TO:EMP district, the SC-E Sub Area 3 zone designation would allow for less than 0.5 FAR down to zero, while Sub Area 1 and 2 have minimum FAR requirements of 0.5 and 0.35.

Washington County Sunset West Community Plan

Section II.A of the Urban Planning Area Agreement states that "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.

Staff has reviewed Washington County's Sunset West Community Plan and finds that there are no Areas of Special Concern, no specific local street connection requirements, no pedestrian connectivity requirements, and no Significant Natural and Cultural Resources, except for the identification of a Water Area and Wetland at the northwestern corner of the subject parcels. As previously noted, the City's Local Wetland Inventory, figure 3, identifies this water area as a Significant DSL Wetland. SW Merlo Drive is designated as a Commercial Street in the Community Plan's Special Area Street map. Through Text Amendment TA2007-0003, this Commercial Street has been approved as a Major Pedestrian Route. Staff has not identified any other identified features or requirements.

Based upon the Floor Area Ratio analysis; existing and permitted uses; site development requirements; distance of properties to the Merlo and Elmonica light rail stations; and lack of direction from the UPAA and the Sunset West Community Plan; the most appropriate zone designation conversion from Washington County TO:EMP to City Zoning is the Station Community – Employment Sub Area 3 designation. The implementation of the SC-E Sub Area 3 would allow the existing buildings to be in conformance with the zoning district's uses, site development requirements, and required FAR.

PROCESS

THRESHOLDS

The subject properties currently have a Washington County Station Community Comprehensive Plan designation and a Washington County Community Plan designation of Transit Oriented Employment (TO:EMP). The proposal is to amend both the Comprehensive Plan land use designation and the Zoning district on seven properties located on and near SW Merlo Drive. The following Comprehensive Plan and Development Code thresholds are applicable:

Comprehensive Plan Threshold.

Quasi-Judicial Amendments: The threshold to apply a Quasi-Judicial Amendment to the subject properties is as follows:

Quasi-Judicial Amendments are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations.

This Comprehensive Plan Amendment proposes to change the Land Use designation on seven properties. The amendment meets the threshold for a Quasi-Judicial Amendment per Comprehensive Plan Section 1.3.

Development Code Threshold.

Zoning Map Amendment The threshold to apply a Discretionary Annexation Related Zoning Map Amendment to property is as follows:

- 1. The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation.*

The Discretionary Annexation Related Zoning Map Amendment proposal applies to seven properties, thus qualifying as a limited number of specific properties. The amendment meets the threshold for Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.997.15.4.A.1.

PROCEDURE TYPE

The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to the application for the Comprehensive Plan Amendment and Discretionary Annexation Related Zoning Map Amendment. The Type 3 procedure and process applies to Quasi-Judicial Map Amendment applications as described in Section 1.3 of the Comprehensive Plan and Development Code Section 40.97.15.4.B for Discretionary Annexation Related Zoning Map Amendment application. The decision making authority for both applications is the Planning Commission.

SUBMISSION REQUIREMENTS

According to Development Code Section 40.97.15.4.D. an application for a Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. This city-initiated application contains all necessary application information.

PUBLIC NOTICE

Section 1.4.2 of the Comprehensive Plan prescribes noticing requirements for the Comprehensive Plan Quasi-Judicial Map Amendment application.

Section 50.45 of the Development Code stipulates noticing requirements for the Zoning Map Amendment application.

Code Requirement	Noticing Requirements	Noticing Completed
At least forty-five (45) calendar days prior to the initial hearing:		
Comp. Plan 1.4.2.A.1 (CPA)	Mailing required inter-agency DLCD notice to DLCD, Metro, and Washington County.	Mailed on April 27, 2007 to DLCD, Metro, and Washington County.
Comp. Plan 1.4.2.A.2 (CPA) Dev. Code 50.45.2.B (ZMA) (NAC Chair Only)	Mailing required inter-agency DLCD notice to the chair(s) of the Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization whose boundaries include the property for which the change is contemplated, and the Chair of the Committee for Citizen Involvement.	Mailed on April 27, 2007 to Five Oaks Chair and Chair of the Beaverton Committee for Citizen Involvement.
Not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing:		
Comp. Plan 1.4.2.A.3 (CPA) Dev. Code 50.45.4 (ZMA)	Publication of a notice in a newspaper of general circulation within the City	Published in Beaverton Valley Times on May 10, 2007
Comp. Plan 1.4.2.A.4 (CPA)	Posting notice at Beaverton City Hall and the Beaverton City Library	Posted at the Beaverton City Hall and Beaverton Library on May 9, 2007.
Comp. Plan 1.4.2.A.5 (CPA) Dev. Code 50.45.2.A (ZMA)	Mailing notice to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated.	Sent by Certified Mail Ballot Measure 56 Notice to affected property owners on May 9, 2007. Sent by mail to property owners within 500 feet of the affected area on May 9, 2007.
Comp. Plan 1.4.2.A.6 (CPA)	Placing notice on the City's website.	Posted on the City's website on May 14, 2007
Not less than 30 days prior to the public hearing:		
Dev. Code 50.45.5.A (ZMA)	Mailing notice via certified mail to the owner of the properties which are subject of the proposed zone change.	Sent by Certified Mail Ballot Measure 56 Notice to affected property owners on May 9, 2007.

In response to these requirements, the public noticing requirements for this Comprehensive Plan Amendment and Zoning Map Amendment have been met.

ANALYSIS AND FINDINGS FOR COMPREHENSIVE PLAN AMENDMENT CRITERIA

Section 1.5.1 of the Comprehensive Plan outlines the minimum criteria for quasi-judicial and legislative amendment decisions, as follows:

1.5.1.A The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;

Staff identifies Statewide Planning Goals 1, 2, 5, 6, 7, 9, 11, 12, and 13 as applicable to the proposed Comprehensive Plan Map Amendment. These goals are addressed below:

GOAL 1: CITIZEN INVOLVEMENT

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

This proposed amendment is subject to the public notice requirements of the City Charter, Comprehensive Plan, and Zoning Code as described in the previous section of this report on process. These requirements have been acknowledged by the State Department of Land Conservation and Development (DLCD) as complying with Statewide Planning Goal 1.

The Planning Commission will consider written comments and oral testimony at the public hearing prior to a final decision on the project. The Comprehensive Plan Amendment and Zoning Map Amendment procedures are outlined in Comprehensive Plan Section 1.4, and Development Code Sections 50.45 *Procedures - Type 3* providing proper notice and public comment opportunities on the proposed Comprehensive Plan and Development Code amendments as required by Statewide Planning Goal 1. The procedures have been followed.

Finding: Staff finds that the City, through its Charter, Comprehensive Plan, Development Code and their adherence to State statutes and Goals, has created proper procedures to ensure citizens the opportunity to provide input into the proposed Comprehensive Plan Land Use Map Amendment and Zoning Map Amendment. The City has complied with the established procedures therefore the requirements for Goal 1 has been met.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps in a three-part report (Ordinance 1800) along with implementation measures, including implementation of the Development Code (Ordinance 2050) in the late 1980's. The City adopted the most recent Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The Plan, including the Land Use Map, was the subject of numerous public hearings and considerable analysis before adoption. The current Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval Orders from DLCD, the last of which was issued on December 31, 2003. The land use planning processes and policy framework described in the Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments.

Washington County's Comprehensive Framework Plan designated the subject parcels as *Station Community* (Washington County Ordinance 561) as shown in Exhibit 7 to this report. The proposal to designate the parcels Station Community on the City's Land Use Map will be consistent with Washington County's designation on the County's Framework Plan. The County's Plan implemented Metro's Regional 2040 Urban Growth Concept Map. Exhibit 6 illustrates the 2040 Growth Concept Map specific to the subject area, with the Elmonica and Merlo Light Rail Stations identified. The subject parcels are identified as either Station Community or Station Community Core designations.

Exhibit 2, from the Merlo Station Community Plan of the City's Comprehensive Plan, depicts surrounding properties near the Merlo and Elmonica Light Rail Stations as primarily Station Community designations. Properties further from the stations also have Station Community plan designations. Applying a Station Community designation to the subject properties will be consistent with Metro's 2040 Urban Growth Concept Map, Washington County's Comprehensive Framework Plan, and the City's previous application of the Station Community designation to parcels within the Merlo and Elmonica Stations area. Therefore, staff finds the most appropriate City land use designation for the seven parcels to be Station Community.

Finding: Staff finds that in applying the state acknowledged Comprehensive Plan provisions and the Development Code processes to this proposal, the requirements of Goal 2 have been met.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

The City of Beaverton's Local Wetland Inventory identifies *BV3 - Significant Division of State Lands (DSL) Wetland*, Local Wetland Inventory, figure 3, located on Washington County's Assessor Map 1S1 06DD tax lot 600. The DSL identifier of 91-0058 on the site included mitigation on the western side of SW 170th Avenue, BV3 M. BV3 is within

the drainage basin area of Beaverton Creek and totals approximately four acres. Although the area on the site does not include all four (4) acres, it does include the drainage area near SW 170th Avenue and light rail line.

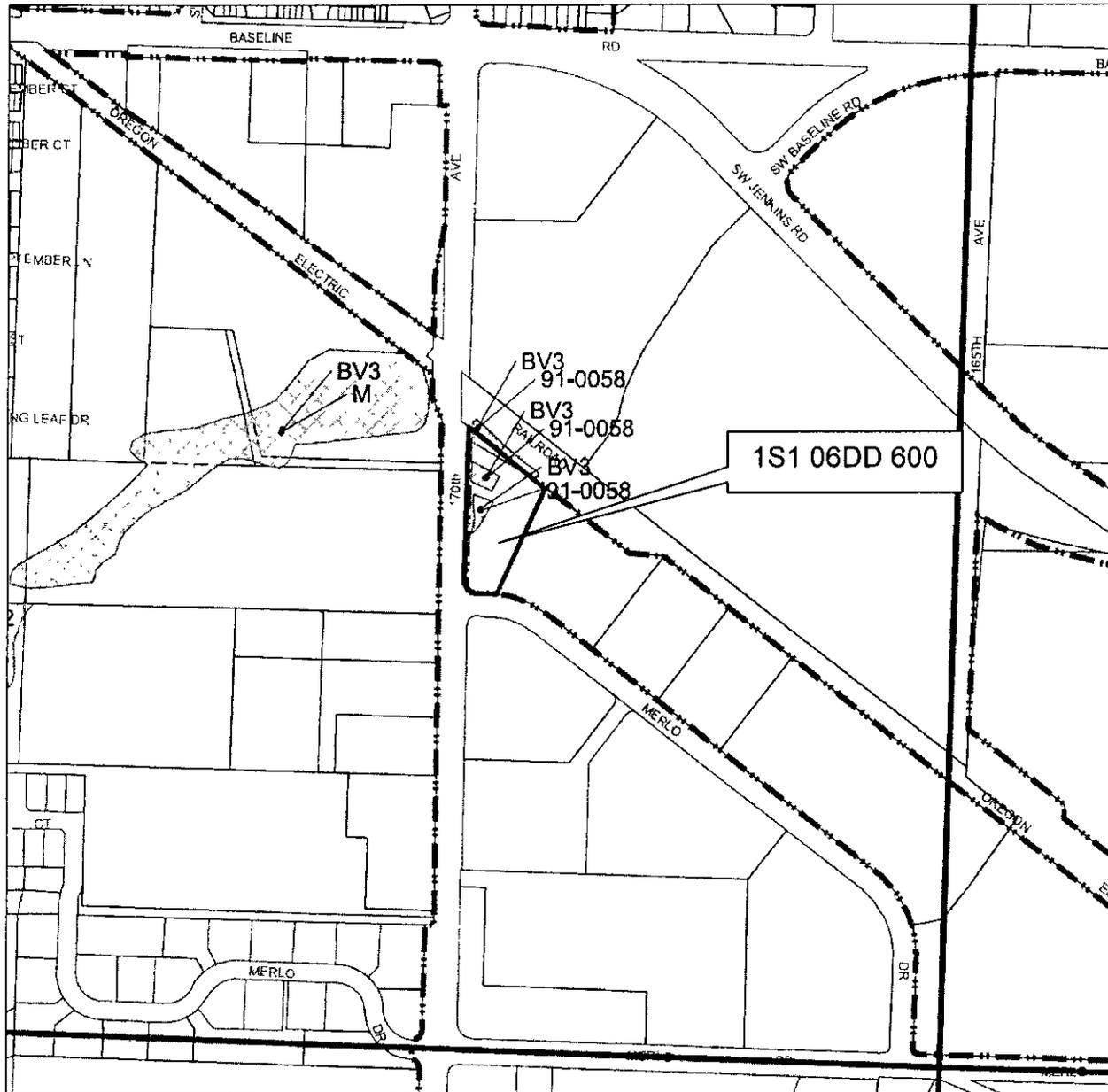


Figure 3 City of Beaverton's Local Wetland Inventory

Tax lot 600 was created through the 1978 Merlo Station subdivision plat. The plat identifies this approximately 1.21 acre site as a *Drainage and Common Area*, to be owned and maintained by the Merlo Station Partners. In the late 1970s, parcels were commonly created during subdivision plats to provide water detention prior to entering the stream, but the facilities did not typically address water quality needs. The Merlo

Station facility is likely this kind of facility. The DSL analysis of 1991 may have included a portion of the drainage area incorporated by the Merlo Station subdivision plat.

Metro's Nature in the Neighborhoods Program became effective in May 2006. The Metro program requires local governments to implement a program to:

- Conserve, protect, and resource a continuous ecologically viable streamside corridor system, from the stream's headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and
- Control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

The local governments in the Tualatin River Basin collaborated to develop a voluntary, incentive-based program to achieve the goals of the Metro Program. In January 2007, City implementing ordinances became effective providing voluntary incentive-based tools for complying with the City's water quality, water quantity and landscape standards.

Existing regulations within the *City of Beaverton Code*, *Beaverton Development Code* and *Clean Water Services Design and Construction Standards for Sanitary Sewer and Surface Water Management* (CWS D&C Standards) may apply if a development proposal was on the property. The Department of Homeland Security's Federal Emergency Management Agency report *The Flood Insurance Study for the City of Beaverton* does not denote any area designated as Floodplain within the proposal's parameters.

CWS D & C Standards require a vegetated corridor at least twenty-five feet from the edge of a sensitive area when redevelopment affects 10% or more of the impervious area on site. Thus, existing regulations such as the *City of Beaverton Code* Site Development regulations, *Development Code* floodplain regulations and CWS Vegetated Corridors regulations may limit development near the resource. Incentives are provided for development that preserves habitat benefit areas or uses low impact development techniques.

If the parcel is left in its current state, a Drainage and Common Area, no modifications to the site would be required. However, if the Merlo Station Partners elected to modify the lot and perhaps provide a water quality enhancement associated with development, redevelopment, or water quality retrofitting requirements on other parcels within the Merlo Station Subdivision, then CWS D&C Standards will apply. It may be possible to use low impact development techniques associated with modifications to this site.

Finding: Staff finds that the Significant DSL Wetland as identified on the City's Local Wetland Inventory will be adequately protected through CWS, City, and State regulations thereby protecting the natural resource through appropriate wetland review and meeting the intention of Goal 5.

GOAL 6: AIR, LAND, AND WATER QUALITY

To maintain and improve the quality of air, water and land resources of the state.

While the proposed amendment does not physically alter the landscape, there is a drainage area to Beaverton Creek that is located on the northern portion of tax lot 600 of Washington County Assessor Map 1S1 06DD. As noted in Goal 5, any future changes to that parcel will need to comply with the *Beaverton Development Code*, the *Beaverton Engineering Design Manual and Standard Drawings*, the *Beaverton Municipal Code*, and the *Clean Water Services Design and Construction Standards* regarding development near the identified DSL Wetland. Thus, this Statewide Planning Goal is implemented through the City's development processes.

Finding: Staff finds that the proposed amendment does not change the landscape or the mechanisms to implement this goal, thus compliance with this goal is unaffected by the proposal.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect people and property from natural disasters and hazards.

The proposed amendment does not physically affect the landscape. The City, as noted in under Goal 5, none of the subject sites are identified as a FEMA floodplain. The proposed amendment will not affect the measures cited above.

Finding: Staff finds that the proposed amendment does not change the landscape or any implementation measure for this goal, thus compliance with this goal is unaffected by the proposal.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 specifies that comprehensive plans for urban areas shall; "...[p]rovide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies". Goal 9 also specifies that comprehensive plans for urban areas shall "[l]imit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses."

Finding: Staff finds that in establishing Station Community planning standards, the City of Beaverton provides adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. This amendment complies with Goal 9 of the Statewide Goals.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City of Beaverton is located within the Urban Growth Boundary (UGB) for the Portland metropolitan region. Metro is the regional governing body that determines the regional need for UGB expansions and in doing so, works with local governments to determine the highest and best use of lands within the UGB in order to reduce the need for UGB expansion into rural lands. The establishment of light rail throughout the region and the location of higher intensity uses near light rail stations is an attempt to reduce UGB expansions and provide for, "a timely, orderly and efficient arrangement of public facilities and services," as stated in Goal 11. The planning and development of Tri-Met's Light Rail Line abutting all the subject properties and the construction of the Merlo and Elmonica Stations were essential steps in the implementation of Metro's 2040 Growth Concept Station Community designation, Washington County's Policy 40 Station Community designation and development of the City's Comprehensive Plan Merlo Station Community Plan.

The proposed amendment will not affect the ability for the City or service providers, such as Tualatin Valley Water District, to provide public facilities and services to the site. The CPA will not affect the existing public services to the site, as the change from Washington County to City of Beaverton Station Community will not be significantly different.

Finding: Staff finds that applying the City's Station Community Land Use Map Designation to the subject parcels satisfies the provisions and will not compromise the City's ability to implement Goal 11.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

The subject parcels are located within one-quarter mile of the Merlo and Elmonica Light Rail Stations. With the public investment in constructing the infrastructure of the light rail line forming the Station Community land use designation concept is an essential component in supporting the system. Comprehensive Plan policy 3.8.1.a *Regulate new development in Station Communities to maximize the public infrastructure investment in light rail* and Policy 3.8.1.B *Apply the Station Community land use designation generally within one mile of light rail station platforms* are intended to provide direction in establishing Station Community land use designation. The light rail line provides and encourages a safe, convenient and economic transportation system for development occurring within its area.

Oregon Administrative Rules (OAR) 660-012-000 through 660-012-0070, referred to as the Transportation Planning Rule (TPR), provide guidance on compliance with Statewide Planning Goal 12. A Transportation System Plan (TSP), adopted pursuant to

OAR Division 12, fulfills the requirements for public facilities planning required under Oregon Revised Statutes (ORS 197.712(2)(e)), Goal 11 and OAR Chapter 660, Division 12 as they relate to transportation facilities. Volume 4 of the Comprehensive Plan contains the City's adopted TSP, effective June 6, 2003. OAR 660-012-0060 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities. This section is cited as follows:

A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:*
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in five volumes. The first volume includes a Chapter on transportation planning in City.

The proposal to change land use designation from Washington County Station Community to City Station Community will be consistent with the planned County designation and the City's Station Community area surrounding the subject parcels and the Merlo and Elmonica Light Rail Stations. In association with the Comprehensive Plan Amendment proposal to apply a City Station Community designation, a Zoning Map Amendment is proposed to establish a Station Community – Employment (SC-E) designation in place of the County's Transit Oriented: Employment (TO:EMP) district. Through the SC-E designation three Sub Areas of The SC-E zone are being evaluated: Sub Area 1, 2, or 3.

The change will implement the City's Station Community designation replacing the County's Station Community designation. No increase in potential traffic levels will be generated from this land use designation change if SC-E Sub Area 3 zoning district is approved. Sub Area 3 does not allow a Floor Area Ratio greater than 0.5. Sub Areas 1 and 2 allow FAR up to 2.0 and 1.0 respectively. The Sub Area 3 zoning district will be consistent with the TO:EMP minimum and maximum FAR without providing an analysis demonstrating that the transportation system serving the properties has adequate planned capacity to accommodate additional site generated traffic, consistent with the County's adopted level of service standard. Adopting Sub Area 1 or 2 would potentially

allow development to exceed levels of development over 0.5 FAR. Without an analysis of the impacts of added traffic that might be caused by development exceeding 0.5 FAR, staff recommends approval of Station Community with a zone change to SC-E with Sub Area 3. Therefore, the amendment to Station Community and SC-E Sub Area 3 will not allow uses or levels of development that are not currently allowed or that are inconsistent with the functional classification of a transportation facility, will not reduce the performance standard identified in the TSP or Comprehensive Plan, or worsen the performance of an existing or planned transportation facility.

Finding: Staff finds that applying the City's Station Community Land Use Map Designation to the subject parcels satisfies the provisions expressed in Oregon's Goal 12 and the Oregon Administrative Rules implementing the goal if the appropriate implementing zone is also applied.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

The location of these parcels encourages use of public transportation by residents, potential employees and visitors due to the accessibility of the Merlo and Elmonica Light Rail Stations within ¼ mile of the parcels. Also, the City's Station Community land use designation provides opportunities for higher intensity redevelopment of the parcels, through implementing zones which have no yard setback requirements, minimum Floor Area Ratios, and increased building heights. Coupled together, the light rail stations and the land use designation provide the following opportunities for energy conservation:

- use of public transportation in support of uses that locate in the subject area reduces auto-dependency,
- potential higher and better use of the subject parcels results in a higher level of transit use further reducing auto-dependency,
- potential increase in the intensity of development upon the subject parcels reduces the need to expand the Urban Growth Boundary and provide public services and utilities to areas that are currently not served, and
- as redevelopment occurs upon the parcels, the City's development review process will look toward opportunities to improve the energy efficiency of each site, whether regulatory or voluntary.

Remaining Goals

GOAL 3: AGRICULTURAL LANDS

GOAL 4: FOREST LANDS

These goals apply to rural unincorporated areas. The property is urban and within the incorporated city limits of the City of Beaverton, therefore, the goals are not applicable.

GOAL 8: RECREATION NEEDS

The subject parcels do not include areas planned to serve the recreational needs of the citizens. Generally, the recreational needs of the citizens are provided through Tualatin Hills Park and Recreation District (THPRD), which provides park facilities within the larger area.

GOAL 10: HOUSING

The subject parcels currently do not provide housing opportunities. The proposed implementing zoning district Station Community – Employment, does not allow for the construction of new housing in any of the three (3) Sub Areas. Therefore, there will be not a net gain or loss of housing and Goal 10 is not applicable.

GOAL 14: URBANIZATION

The proposal does not include a request to establish or change the Urban Growth Boundary. Therefore, this goal is not applicable.

GOAL 15: WILLAMETTE GREENWAY

This goal applies to lands along the Willamette River. The Willamette River is not within, or adjacent to, the City of Beaverton, thus, this goal is not applicable to the proposal.

GOAL 16: ESTUARINE RESOURCES,

GOAL 17: COASTAL SHORELANDS,

GOAL 18: BEACHES AND DUNES,

GOAL 19: OCEAN RESOURCES

Apply to oceanic or coastal resources. The City of Beaverton is over 80 miles from coastal resources; therefore, these goals do not apply in the City of Beaverton.

Finding: Staff finds that Goals 3, 4, 8, 10, 14 through 19 are not applicable to the Comprehensive Plan Amendment application.

Summary Finding: Staff finds that the proposed amendment is consistent and compatible with Goals 1, 2, 5, 6, 7, 9, 11, 12 and 13, as required in Criterion 1.5.1.A.

1.5.1.B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and Regional Transportation Plan;

Title 1: Requirements of Housing and Employment Accommodation

Section 3.07.830 of the UGMFP requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. Section 3.07.130 of the UGMFP states:

For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map...

The 2040 Growth Concept Plan map designates the parcels included in this proposal under the Station Community design type. Section 3.07.130 of the UGMFP describes Station Communities as follows:

Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.

The subject parcels are all within one-quarter mile of either the Merlo or Elmonica Light Rail Stations. Major Pedestrian Routes have been adopted through TA2007-0003, which through Design Review will provide a higher quality pedestrian environment along the frontage of the subject properties.

Title 2: Regional Parking Policy

The City has an established minimum and maximum parking ratio related to Zones A and B. The subject properties are within Parking Zone A. The subject properties are within one-quarter (¼) mile distance of the Merlo and Elmonica Light Rail Stations, which have light rail service to Hillsboro, Gresham, and areas within Portland, including downtown, Portland International Airport, north Portland, and bus transit connection opportunities throughout the metro region. *Required* and *Maximum* Parking Spaces identified under Multiple Use Zones per Zone A apply to the subject properties.

Title 3: Water Quality and Flood Management Conservation

In concert with other local governments in Washington County, the City partnered with Clean Water Services to enact legislation acknowledged to comply with Title 3.

Title 4: Industrial and Other Employment Areas

The subject parcels are not designated as Employment or Industrial Land on the Title 4 Industrial and Employment Land Map, probably because they are within a Station Community area. The CPA proposal will not affect the City's ability to provide for industrial or other employment areas.

Title 5: Neighbor Cities and Rural Reserves

Title 5 concerns Neighbor Cities and Rural Reserves. The proposal is within the City of Beaverton; therefore, this Title does not apply.

Title 6: Central City, Regional Centers, Town Centers and Station Communities

Title 6 predominantly focuses on local government strategies to improve implementation of Centers. The subject properties are designated Station Community and Station Community Core on the 2040 Growth Concept Map. Local jurisdictions are given the latitude to determine where the boundaries for each design type should be located. The Station Community designation surrounds the subject properties on all sides. In many cases, the Station Community designation goes beyond the abutting properties.

This Title requires local governments to develop strategies to enhance Centers in their jurisdictions. This strategy is to include analysis of physical and regulatory barriers to development, an accelerated review process, analysis of incentives to encourage development, a schedule for implementation of Title 6, an analysis of the need to identify one or more Neighborhood Centers within or close proximity to Inner and Outer Neighborhoods to serve as a convenient location of neighborhood commercial services, and a work plan to implement the findings in the analysis.

Title 7: Affordable Housing

The intent of Title 7 is to enact a “fair share” housing strategy for each jurisdiction which includes a diverse range of housing types, specific goals for low and moderate income housing, housing densities consistent with the regional transportation system, and a balance of jobs and housing. The City adopted Comprehensive Plan Chapter Four to comply with this Metro Title.

Title 8: Compliance Procedures

Information about the proposal was sent to the Chief Operating Officer on April 27, 2007, at least 45 days prior to the first evidentiary hearing as required by Metro Code Section 3.07.820.

Title 9: Performance Measures

Title 9 directs Metro to measure the progress of the region in implementing the Urban Growth Management Functional Plan.

Title 10: Functional Plan Definitions

Title 10 provides definitions for use in the UGMFP and is, therefore, irrelevant to the compliance of this proposal to the UGMFP.

Title 11: Planning for New Urban Areas

Title 11 concerns planning for new urban areas. This proposal is within the Urban Growth Boundary and is within the corporate limits of the City of Beaverton. This Title does not apply to the amendment.

Title 12: Protection of Residential Neighborhoods

As noted, the surrounding uses are primarily employment, industrial, or public services, with the exceptions being the under construction developments of Arbor Station, west of SW 170th Avenue, and Tualatin Valley Housing Partners' apartments south of SW Merlo Road. The protection of residential neighborhoods will not substantially be affected by implementing a Station Community plan designation.

Title 13

As noted under the Goal 5 discussion of this report, the City, as a member of the Tualatin Basin, complies with Title 13.

Regional Transportation Plan

Section 6.4.4, Transportation System Analysis Required for Local Plan Amendments, states:

"This section applies to city and county comprehensive plan amendments or to any local studies that would recommend or require an amendment to the Regional Transportation Plan to add significant single occupancy vehicle (SOV) capacity to the regional motor vehicle system, as defined by Figure 1.12. This section does not apply to projects in local TSPs that are included in the 2000 RTP. For the purpose of this section, significant SOV capacity is defined as any increase in general vehicle capacity designed to serve 700 or more additional vehicle trips in one direction in one hour over a length of more than one mile. This section does not apply to plans that incorporate the policies and projects contained in the RTP."

The proposed amendments are to apply City plan and zoning designations to the subject properties. The proposal will not alter the number of existing trips and if the zoning of SC-E Sub Area 3 is ultimately approved, trips will not exceed the number expected by the County's TO:EMP designation, as described in the Analysis of the FAR of this report.

Finding: The Regional Center land use map designation is compatible with the UGMFP Titles and the RTP. Criterion 1.5.1.B is satisfied.

1.5.1.C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans;

Chapters 1 and 2 - Procedures and Public Involvement Elements, respectively

As noted under the Process section of this report, the proposal complies with the Comprehensive Plan Amendment Procedures of Chapter One. In complying with the procedures, the amendment provides the opportunity for public involvement as noted in Chapter Two.

Chapter 3 – Land Use Element

3.5.1 Goal: *Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.*

Policies:

a) Regulate new development in Regional Centers, Town Centers, Station

Communities and Main Streets (see Figure III-1, Comprehensive Plan Land Use Map) to ensure compact urban development.

Amendments to the City of Beaverton's Development Code have established minimum and maximum floor area ratios, eliminated yard setbacks, placed minimum and maximum building heights, and through Design Review implemented building design standards and guidelines including requirements along Major Pedestrian Routes.

- b) *Allow a mix of complementary land use types, which may include housing, retail, offices, small manufacturing or industry, and civic uses to encourage compact neighborhoods with pedestrian oriented streets in order to promote:*
- *Independence of movement, especially for the young and elderly to enable them to conveniently walk, cycle, or ride transit;*
 - *Safety in commercial areas, through round-the-clock presence of people;*
 - *Reduction in auto use, especially for shorter trips;*
 - *Support for those who work at home, through the nearby services and parks;*
 - *A range of housing choices so that people of varying cultural, demographic, and economic circumstances may find places to live.*

This proposal would designate the properties with one of a possible three Station Community – Employment zoning Sub Areas which would provide for a land use types typically found in industrial or employment zoning designations. The proximity to the Merlo and Elmonica Light Rail Stations will provide employees and customers the opportunity to use the existing transit system which is within one-quarter mile of all subject properties. Through the recently approved Text Amendment TA2007-0003 Major Pedestrian Routes (MPR) were adopted along SW Merlo Drive, SW Merlo Road, and SW 170th Avenue. The MPR designation will assist in obtaining the goal of pedestrian oriented streets.

- c) *Design streets and adjacent buildings within mixed use land use designations to ensure a setting that is attractive and accessible to multiple transportation modes, including pedestrians, bicyclists, transit riders and motor vehicles.*

As noted above, the Major Pedestrian Route designation was approved through TA2007-0003 for SW Merlo Drive, SW Merlo Road, and SW 170th Avenue. The MPR designation will apply design standards and guidelines to the properties through Design Review as they develop addressing building articulation, massing, siting, and scale as viewed from the street, and encouraging pedestrian movement and activity along the street.

- d) *Incorporate pedestrian and bicycle connections into an area-wide network of public and private open spaces.*
- e) *Promote pedestrian safety by designing streets and pedestrian areas that encourage pedestrian use both day and night, reflect local access functions and use land efficiently.*
- f) *Regulate the design and construction of streets, intersections, and parking facilities to ensure pedestrian safety and convenience.*

- g) *Promote use of multiple level parking structures with ground floor storefront design to accommodate parking needs while avoiding dispersal of commercial activities and discontinuity of retail activities.*
- h) *Improve designated pedestrian oriented streets and intersections to stimulate safe, enjoyable walking.*
- i) *Provide usable open spaces throughout mixed use areas, acknowledging such open spaces will generally be smaller and more intensively developed through open spaces in a more suburban setting.*

The adoption of TA2007-0003 provides Major Pedestrian Route designation for SW Merlo Drive, SW Merlo Road, and SW 170th Avenue. Through Design Review, minimum sidewalk widths, building scale and massing, parking lot orientation, will be reviewed with the expectation that pedestrian movement will be encouraged. Structured parking is not required. If provided, ground floor space fronting on the Major Pedestrian Routes must be pedestrian friendly. Design standards provide for open space within the mixed use area.

3.8 Station Community Development

The Station Community land use designation is a mixed use designation. Each mixed use designation must comply with the policies and actions set forth in Section 3.5 as well as those promulgated for the individual designation.

3.8.1 Goal: Station Communities that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

Policies:

- a) *Regulate new development in Station Communities to maximize the public infrastructure investment in light rail.*

New development will be regulated on the subject properties, as development or re-development occurs. Floor Area Ratios, yard setbacks, building height, minimum parking standards, Design Review Standards and Guidelines are adopted and will be reviewed at the time of project submittals. The Development Code standards were in part established to assist in maximizing the public infrastructure investment in light rail.

- b) *Apply the Station Community land use designation generally within one mile of light rail station platforms.*

All subject properties are within one-quarter mile of either the Merlo or Elmonica Light Rail Stations.

- c) *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*

An adoption of a zoning district of Station Community – Employment (SC-E) will implement the requirements of subsection 3.14 Comprehensive Plan and Zoning District Matrix, as SC-E is an implementing zone for the Comprehensive Plan designation

Station Community. The SC-E zoning district was added to the Comprehensive Plan and Zoning District Matrix through Ordinance No. 4383.

- d) *Adopt Community Plans identifying Comprehensive Plan Policies applicable to Station Community Areas to provide community vision.*

Comprehensive Plan Action Items state that the City should identify the Merlo Station Community Plan Area as the area in the vicinity of the Merlo Road/158th Avenue intersection and identify the Elmonica Station Community Plan Area as the area in the vicinity of the Baseline Road/170th Avenue intersection. The Merlo Station Plan has been implemented and the associated Plan Policies have been addressed below. An Elmonica Plan has not been adopted.

Based on the goal and policies cited above, the subject properties should be designated with a Station Community land use designation. Three zoning districts implement the Station Community land use designation, Station Community – Employment, Station Community – Multiple Use, and Station Community – High Density Residential Zoning Districts. In compliance with 3.14 Comprehensive Plan and Zoning District Matrix, the Station Community – Employment Sub Area 3 District is proposed in a companion zoning map amendment.

- 3.8.2 *Goal: Develop Station Communities with sufficient intensities to generate light rail ridership and around-the-clock activity.*

Policies:

- a) *Regulate new development in Station Communities to provide increased densities and employment to support a high level of transit service.*
- b) *Within ¼ mile of the light rail station platform and along all major pedestrian routes, require development to provide the highest level of design features for pedestrian activity and public access to the light rail station platform.*
- c) *Within ¼ mile of the light rail station platform, design the arrangement of parking and streets to accommodate construction of multiple level structures for parking, commercial, residential and mixed uses.*

As previously described, the adoption of a Station Community land use designation and an implementing zoning district of Station Community – Employment on all parcels which are within one-quarter mile of the stations and are located on Major Pedestrian Routes, these policies will be met through any development requiring Design Review application.

Chapter 4 – Housing

- 4.2.1.1 *Goal: Maximize use of buildable residential land in the City.*
- 4.2.2.1 *Goal: Provide an adequate variety of quality housing types to serve Beaverton's citizenry.*
- 4.2.3.1 *Goal: Promote the retention of existing affordable housing stock in the City.*

4.2.3.2 *Goal: Promote the production of new affordable housing units in the City.*

The proposal is to amend the Comprehensive Plan designation from Washington County Station Community to City Station Community. The Metro UGMFP defines Station Communities as nodes of development centered approximately one-half (½) mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment. Although Station Community designations may have a residential component opportunity, the proposed zoning designation, is similar to the existing County designation of Transit Oriented: Employment. The City proposes a zone of Station Community – Employment, similar to the County's designation of providing employment opportunities, not residential units. The City has adopted regulation for residential units through Statewide Planning Goal 10, UGMFP Title 7, Goals of Chapter Four of the Comprehensive Plan, and implementation of the zoning through the Development Code.

Chapter 5 – Public Facilities and Services Element

- 5.3.1 *Goal Ensure long-term provision of adequate urban services within existing City limits and areas to be annexed in the future.”*
- 5.4.1 *Goal Ensure long-term provision of adequate storm water management within existing city limits and areas to be annexed in the future.”*
- 5.7.1 *Goal Cooperate with the Beaverton School District in its efforts to provide the best possible educational facilities and services to Beaverton residents.”*

The proposed amendment will not affect the ability for the City or service provider, such as Tualatin Valley Water District, to provide public facilities and services to the site, as noted in the Goal 11.

Chapter 6 – Transportation Element

- 6.2.1 *Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton’s livability and meet federal, state, regional, and local requirements.*
- 6.2.2 *Goal: A balanced transportation system.*
- 6.2.3 *Goal: A safe transportation system.*
- 6.2.4 *Goal: An efficient transportation system that reduces the percentage of trips by single occupant vehicles, reduces the number and length of trips, limits congestion, and improves air quality.*
- 6.2.5 *Goal: Transportation facilities that serve and are accessible to all members of the community.*
- 6.2.6 *Goal: Transportation facilities that provide efficient movement of goods.*
- 6.2.7 *Goal: Implement the transportation plan by working cooperatively with federal, State, regional, and local governments, the private sector, and residents. Create a stable, flexible financial system.*

Comprehensive Plan Adopted Transportation System Plan

- *Pedestrian Action Plan* (T6.1) 170th Ave. from Alexander to Baseline/Jenkins – Priority: Construct sidewalks with roadway improvement projects.
- *Pedestrian Master Plan* (6.1) 170th Ave. proposed sidewalks / Merlo Rd. existing sidewalks
- *Bicycle Master Plan* (6.2) 170th Ave. and Merlo Rd. designated as RTP Bicycle System Designations as a Regional Access Bikeway
- *Transit Route* (6.3) 170th Ave. proposed future bus route
- *Functional Classification* (6.4) 170th Ave. and Merlo Rd. designated as Arterial Streets
- *Street Improvement Master Plan* (6.5) 170th Ave. is identified as “Proposed Street – 3 lanes” and Merlo Road is proposed for street widening to 5 lanes.
- *Future Streets Where Right of Way is Planned for More than Two Lanes* (6.6) 170th Ave. includes 2/3 lanes and Merlo Rd will have 4/5 lanes.
- *Intersection Improvement Plan* (T6.5) 170th Ave. and Merlo Rd. is slated for intersection upgrades associated with the 2020 TSP.
- *Local Connectivity Plan* (6.12) None illustrated.
- *Through Truck Routes* (6.24) NB 170th Ave. to WB Merlo Rd to NB 158th Ave.

Discussion under Goal 12 assists in the understanding of the applicability of the Transportation Element and the policies and actions found therein to this amendment. The amendment does not affect any of the text found in Chapter 6 or implement a change to the physical landscape of any property. Proposed and existing transportation facilities in the TSP, and the tables and figures within Chapter 6 of the Comprehensive Plan remain unaffected by this amendment. SW Merlo Road and SW 170th Avenue are designated Arterial roadways on the TSP Functional Classification Plan, with Merlo Road to consist of up to five (5) travel lanes.

Chapter 7 – Natural, Cultural, Historic, Scenic, Energy, and Groundwater Resources Element

7.3.3 Significant Wetlands

7.3.3.1 Goal: Protect or enhance wetlands adopted as Significant Wetlands in the Local Wetland Inventory.

- a) Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values.*
- b) Development within the buffer area adjacent to a significant wetland shall be subject to restrictions on building, grading, excavation, placement of fill, and native vegetation removal.*

The Common Area and Drainage parcel has a Significant DSL Wetland and is identified on the City’s Local Wetland Map. Any new development around the DSL Wetland will to comply with CWS Construction Standards as regulated through the City’s Engineering Design Manual, City Code, and Beaverton Development Code.

Chapter 8 – Environmental Quality and Safety

8.2.1 Goal: Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources.

The Significant DSL Wetland would need to comply with the City's Development Code, Engineering Design Manual and Standard Drawings, the City of Beaverton Code, and Clean Water Services Design and Construction Standards upon any proposed modifications around the wetland.

Applicability with the Merlo Station Community Plan

The proposed amendment is within the Merlo Station Community Plan. The policies focus on the Merlo Station Area as creating a walkable, safe, inviting environment for pedestrian and bicyclist to and from the light rail stations.

Community Plan Goal 1:

Develop the Merlo Station Community to support light rail ridership by increasing the intensity of the adjacent land uses while recognizing the current land uses and the land and building investments already made by the property owners within the community plan area.

Policies:

a) *Regulate new development in the Merlo Station Community to support a high level of transit service as the area redevelops, while allowing existing uses to continue without restrictions.*

The Station Community – Employment zoning districts allow the existing uses on the subject properties. The two uses will conform to the City's adopted uses for Sub Areas 1, 2, and 3. The established uses minimizes the likelihood that new non-transit supportive land uses will be established, but as noted, will allow the current land uses to continue without becoming non-conforming uses.

b) *Encourage major property owners in the area to work cooperatively to reduce the amount of land devoted to parking lots and other low intensity uses.*

c) *Within the Merlo Station Area, adopt a goal of an average of 45 employees per acre, or 2160 employees in this 48-acre area.*

In adopting a plan for the Merlo Station Area, the City has adopted and applied land use regulations that require new development to meet minimum floor area ratios, ranging from 0 to 0.35 to 0.5 within specific mapped areas of the Community Plan. Station Community – Employment Zoning Districts require 0.5 FAR in Sub Area 1, 0.35 in Sub Area 2, and no minimum FAR in Sub Area 3, as shown in Table 6. These regulations will provide the opportunity for development closest to the transit station and Merlo Road to develop as a transit-oriented employment area.

Community Plan Goal 2:

Respect the natural features adjacent to the Merlo Station Area by protecting the Tualatin Hills Nature Park (Nature Park) from negative impacts associated with the adjacent industrial and commercial development.

Policies:

- a) *Regulate new development in the Merlo Station Area to minimize the impacts of lighting, noise, and storm water run-off on the Nature Park.*

Through the Design Review and Clean Water Services Standards, new development will have to comply with the City's Development Code and Engineering Design Manual minimizing impacts to surrounding areas and the Nature Park.

Community Plan Goal 3:

Guide land development within the Merlo Station Area so that it encourages pedestrian, bicycle and transit travel.

Policies:

- a) *Regulate new development in the Merlo Station area so that it becomes more pedestrian and bicycle "friendly".*

The Text Amendment application TA2007-0003 recently approved Major Pedestrian Routes in the Merlo Station area, designating SW Merlo Road, SW Merlo Drive, and SW 170th Avenue as MPRs. Through Design Review, proposed development will be required to meet Design Review Standards or Guidelines with the incorporation of Major Pedestrian Route standards which will encourage safe, convenient, and pleasant pedestrian and bicycle travel.

Community Plan Goal 4:

Improve the public roads adjacent to the Merlo Station Area for vehicular, pedestrian and bicycle safety and convenience.

Policies:

- a) *Support the Transportation System Plans of the City, County and Region.*

The Merlo Station Area Plan Technical Reports as shown on the Transportation Circulation Concept Plan (Figure 2), illustrates a new signal at the intersection of SW Merlo Road and SW Merlo Drive. Warrants have not been met for this future signalized intersection which will become the main access for the Tri-Met maintenance area and the Beaverton School District administrative building. Clean Water Services, BSD, and some of Tri-Met's vehicles currently use that access to SW Merlo Road. Access for all subject parcels will be to SW Merlo Drive, with the exception of the PGE parcel which currently has no option but to use SW Merlo Road for access.

- b) *Designate and develop SW Merlo Road and SW 170th Avenue in a manner that is appropriate for an area near a light rail station, where increased pedestrian and bicycle travel is expected.*

Recently approved TA2007-0003 creates a Major Pedestrian Route on SW Merlo Drive, SW 170th Avenue, and adds a second side designation to SW Merlo Road. Design Review Standards and Guidelines will be followed as development occurs. As previously noted, the MPR and Design requirements of the Development Code will encourage bicycle and pedestrian interaction on the street frontages.

- c) *Provide safe crossings of arterials for pedestrians and bicyclists.*

SW Merlo Road is an Arterial designated roadway on the City's Functional Plan. A signalized intersection at the Tri-Met regional bus maintenance facility allows for a safe pedestrian crossing from the Merlo Station to the north side of SW Merlo Road. Warrants have not been met to provide a signalized pedestrian crossing at SW Merlo Road and SW Merlo Drive.

Community Plan Goal 5:

Retain and enhance the aesthetic qualities of the Merlo Station Area.

Policies

- a). *The Merlo Station Area, and particularly SW Merlo Road, is characterized by trees, a limited number of signs, signs that are monument style rather than pole style, a limited number of driveways (particularly on the north side of SW Merlo Road) and landscaping around some of the buildings. This aesthetic character should be retained as development and street widening occurs.*

As previously noted, the MPR and Design requirements of the Development Code will encourage bicycle and pedestrian interaction on the street frontages. The City's Sign Ordinance applies to all proposed signs in the Merlo Station Community. The PGE site, includes a grove of fir trees on the approximately 0.4 acre site. A Merlo Station Comprehensive Plan *Action* suggests encouraging PGE to donate this 0.4 acre stand of fir trees on the north side of SW Merlo Road as a public park, or otherwise commit to keep it in its natural state as an amenity to the area.

Finding: This amendment is consistent with the policies of Chapters 1 through 8 and the Merlo Station Community Plan of the Comprehensive Plan therefore, Criterion 1.5.1.C is met.

1.5.1.D *If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.*

Designating this property Station Community will be consistent with Washington County's designation of Station Community in relation to the 2040 Growth Concept. The UGMFP defines Station Communities as nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment. All subject properties are within one-quarter mile of the Merlo or Elmonica Light Rail Stations.

Finding: This criterion is not relevant to the proposed amendment because a designation must be applied by the City to the subject properties. A City Station Community designation will be consistent with the same designation previously applied by Washington County and Metro.

COMPREHENSIVE PLAN AMENDMENT CONCLUSION

Based on the facts and findings presented, staff concludes that the proposed amendment to the Comprehensive Plan Land Use Map is consistent with all the Quasi-Judicial Comprehensive Plan amendment approval criteria of Section 1.5.1.A through D. Therefore, staff recommends the Planning Commission **APPROVE** CPA 2007-0012 at the June 13, 2007 regular Planning Commission hearing to apply the City's Station Community land use designation to the subject properties.

ANALYSIS AND FINDINGS FOR ZONING MAP AMENDMENT CRITERIA

Development Code Section 40.97.15.4.C. Approval Criteria:

In order to approve a Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. *The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.***

Facts and Findings:

An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:

The change of zoning to a City zoning designation as a result of annexation of land into the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation.

The proposed change in zone is limited to seven (7) specific properties which were annexed into the City of Beaverton in March 2005. The City's Urban Planning Area Agreement, which was adopted in 1989, does not include a specific corresponding City Zoning Designation for the Washington County Transit Oriented: Employment plan districts. Discretion is required to determine the most similar City zoning designation for the subject properties. Therefore, staff finds the threshold is met and this Discretionary Annexation Related Zoning Map Amendment application is the appropriate application for implementing zoning on these properties.

Finding: Staff finds that the request satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.

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

Facts and Findings:

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

Finding: Staff finds that this criterion is not applicable.

- 3. The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.***

Facts and Findings:

As reviewed in depth in the Analysis section of this report, staff identifies that the proposed zoning designation of Station Community – Employment Sub Area 3 most closely approximates the density, use provisions, and development standards of the Washington County Transit Oriented: Employment designation which was applied to the subject property prior to the 2005 annexation.

Finding: Staff finds that the proposed SC-E Sub Area 3 is the closest City zoning designation to the County's implemented TO:EMP designation.

- 4. The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.***

Facts and Findings:

There is no County Station Community plan designation in the Urban Planning Area Agreement (UPAA), therefore there is no City equivalent zoning designation. However, Section II.D. of the UPAA does specify that "Upon annexation, the CITY agrees to convert COUNTY plan and zoning designations to CITY plan and zoning designations which most closely approximate the density, use provisions and standards of the COUNTY designations." Through the Analysis section of this report, staff has evaluated the proposed zoning districts of SC-E Sub Areas 1-3 in relation to the County's TO:EMP designation. There are no Areas of Special Concern identified within the property boundaries as noted on the County's Sunset West Community Plan. SW Merlo Drive is designated as a Special Area Commercial Street and has subsequently been approved as a Major Pedestrian Route through the approved Text Amendment, TA2007-0003.

Finding: Staff finds the proposed SC-E Sub Area 3 is the appropriate City zoning district to replace the County TO:EMP designation.

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

Facts and Findings:

A companion Comprehensive Plan Amendment (CPA2007-0012) has been submitted simultaneously with this Zoning Map Amendment (ZMA2007-0011). A Text Amendment (TA2007-0004) was withdrawn as the Major Pedestrian Routes proposed to be added to the streets in the Merlo Station Community Area was implemented through TA2007-0003 and therefore not needed to be reviewed with these applications. No other applications are necessary.

Finding: Staff finds the applications have been submitted in proper sequence.

ZONING MAP AMENDMENT CONCLUSION

Staff concludes that the SC-E Sub Area 3 zoning designation is most appropriate for application to the subject properties at the present time because it maintains the conforming status of the existing uses while allowing somewhat higher density development appropriate in a Station Community. The SC-E Sub Area 3 zoning designation is not necessarily the optimal zoning district for this location. Due to the proximity of the subject properties to the Merlo and Elmonica LRT stations, the SC-E Sub Area 1 designation is probably more appropriate in that it would allow for higher density development. However, without evidence at the present time from a transportation impact analysis that the transportation system can support additional floor area beyond a 0.5 FAR, staff does not think that they have the ability to legally recommend application of the SC-E Sub Area 1 designation. Through the City's review of Chapter 20, the Station Community zoning district Sub Areas will be re-evaluated. Future review of the zoning on the parcels may be warranted if Development Code standards for the SC-E zone are modified.

Based on the facts and findings presented, staff concludes that the proposed amendment to the Zoning Map is consistent with all the zoning map amendment approval criteria of Section 40.9715.4.C.1-5. Therefore, staff recommends the Planning Commission **APPROVE** ZMA2007-0011 to depict the City's Station Community – Employment Sub Area 3 zoning district to the seven subject properties at the June 13, 2007 regular Planning Commission hearing.

EXHIBIT 1

Tyler Ryerson

From: rita@bagusa.com
Sent: Friday, June 01, 2007 11:50 AM
To: Tyler Ryerson
Subject: Merlo Drive & 170th Ave Land Use Amendment

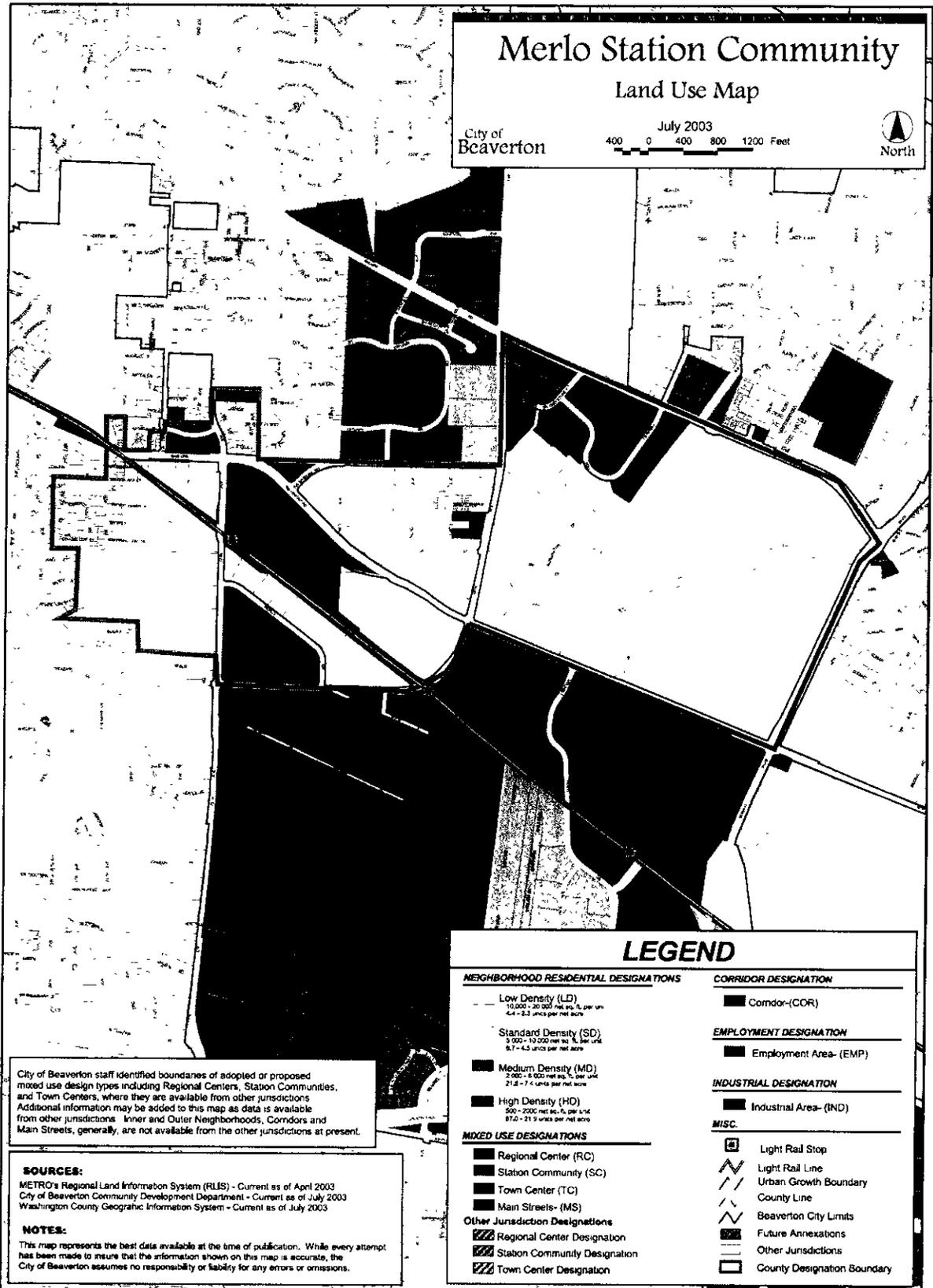
Hi Tyler,

It's nice to meet with you last week.

After reviewing the information given to us, Mr. Paul Lin would like his land and property to be zoned as SC-E#1.

Thank you.

Rita
Standard Bag Co.
1800SW Merlo Drive
Beaverton, OR 97006
503-591-0332 Tel
503-848-6203 Fax



Merlo Station Community Land Use Map

City of
Beaverton

July 2003
400 0 400 800 1200 Feet



City of Beaverton staff identified boundaries of adopted or proposed mixed use design types including Regional Centers, Station Communities, and Town Centers, where they are available from other jurisdictions. Additional information may be added to this map as data is available from other jurisdictions. Inner and Outer Neighborhoods, Corridors and Main Streets, generally, are not available from the other jurisdictions at present.

SOURCES:
METRO's Regional Land Information System (RLIS) - Current as of April 2003
City of Beaverton Community Development Department - Current as of July 2003
Washington County Geographic Information System - Current as of July 2003

NOTES:
This map represents the best data available at the time of publication. While every attempt has been made to insure that the information shown on this map is accurate, the City of Beaverton assumes no responsibility or liability for any errors or omissions.

LEGEND

- | | | |
|--|--|-------------------------------|
| NEIGHBORHOOD RESIDENTIAL DESIGNATIONS | | CORRIDOR DESIGNATION |
| Low Density (LD)
10,000 - 20,000 net sq. ft. per unit
4.4 - 2.3 units per net acre | | Corridor-(COR) |
| Standard Density (SD)
5,000 - 10,000 net sq. ft. per unit
6.7 - 4.5 units per net acre | | EMPLOYMENT DESIGNATION |
| Medium Density (MD)
2,000 - 5,000 net sq. ft. per unit
21.2 - 7.6 units per net acre | | Employment Area-(EMP) |
| High Density (HD)
500 - 2,000 net sq. ft. per unit
87.0 - 21.9 units per net acre | | INDUSTRIAL DESIGNATION |
| | | Industrial Area-(IND) |
| MIXED USE DESIGNATIONS | | MISC. |
| Regional Center (RC) | | Light Rail Stop |
| Station Community (SC) | | Light Rail Line |
| Town Center (TC) | | Urban Growth Boundary |
| Main Streets-(MS) | | County Line |
| Other Jurisdiction Designations | | Beaverton City Limits |
| Regional Center Designation | | Future Annexations |
| Station Community Designation | | Other Jurisdictions |
| Town Center Designation | | County Designation Boundary |

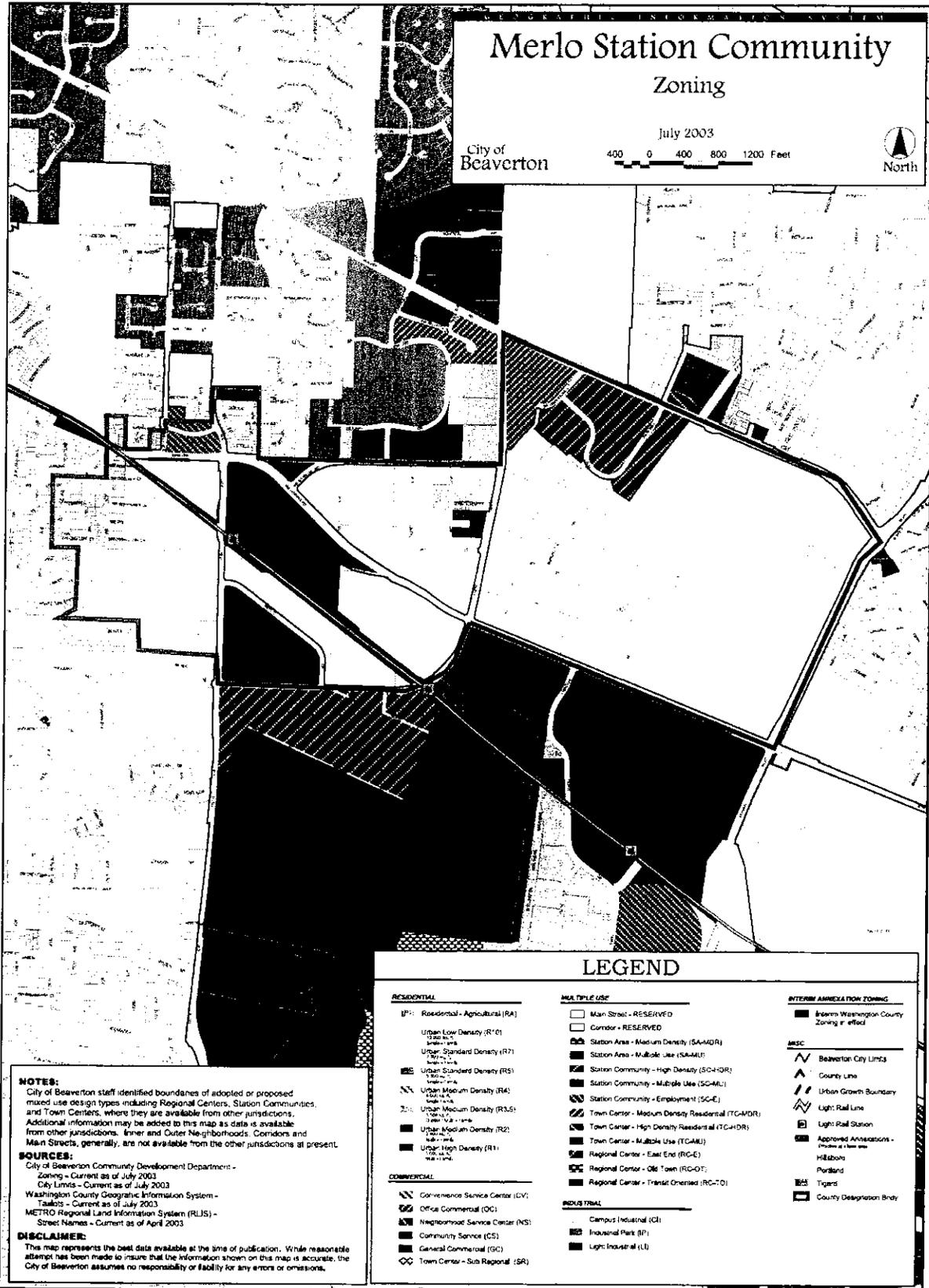


Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Commercial Uses:		(1)	(2)				(3)	(3)	(3)
Retail Business ≤ 5,000 sq. ft. floor area (23.b.)	II	II	II	N	N	N	III	III	III
Retail Business > 5,000 sq. ft. floor area	II	II	III(4)	N	N	N	N	N	N
Food Market (5)	II or III	II	N	N	N	N	N	N	N
Bulk Product Sales	N	N	N	N	N	N	N	N	N
Hotels	II(6)	II	II	N	N	N	N	N	N
Motels	N	N	N	N	N	N	N	N	N
Service Stations (7)	II	II	II	N	N	N	N	N	N
Car Washes	N	N	N	N	N	N	N	N	N
Storage Facilities (e.g., mini-warehouses, vehicle storage)	N	N	N	N	N	N	N	N	N
Short-Term Commercial Parking Facility	N	II(8)	N	N	N	N	N	N	N
Kennels	N	N	N	N	N	N	N	N	N
Commercial Schools (e.g., vocational, music, dance)	II(9)	II	II	N	N	N	N	N	N
Vehicle Rental Without Storage Facilities	II	II	N	N	N	N	N	N	N
Theaters (not including drive-in theaters)	N	II(10)	N	N	N	N	N	N	N
Expansion of a Type II or III use	I	I	I	N	N	I	I	I	I
Change of use for a Type II or III use	I	I	I	N	N	I	I	I	I
Storage of materials and display of merchandise outdoors	N(31)	N	N	N	N	N	N	N	N

ARTICLE III: LAND USE DISTRICTS
375 - TRANSIT ORIENTED DISTRICTS
EXHIBIT 4

Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Office Uses:	(11)	(12)						(13)	(13)
Professional Offices	II	II	II	N	N	N	N	II	II
Financial, Insurance, Real Estate Office	II	II	II	N	N	N	N	II	II
Medical Offices and Clinics	II	II	II	N	N	N	N	II	II
Veterinary Offices Without Outdoor Kennels	II	II	II	N	N	N	N	N	N
Service Businesses (e.g., collection agencies, business management services)	II	II	II	N	N	N	N	II	II
Administrative Offices	II	II	II	N	N	N	N	II	II
Expansion of a Type II or III use	I	I	I	N	N	N	N	I	I
Change of use for a Type II or III use	I	I	I	N	N	N	N	I	I
Residential Uses	(14)	(15)							
Detached Dwellings (30)	N	N	N	II	II	II	N	N	N
Duplexes and Tri-Plexes	N	N	N	II	II	II	N	N	N
Townhouses and Rowhouses	N	II	N	II	II	II	II	II	II
Manufactured Homes	N	N	N	II	II	II	N	N	N
Low-Rise Apartments (1-2 stories)	II	II	N	N	II	II	II	II	II
Mid-Rise Apartments (3-5 stories)	II	II	N	N	N	II(29)	II	II	II
High-Rise Apartments (6+ stories)	II	II	N	N	N	N	II	II	II
Day Care Facility - Section 430-53.2 (27)	II	II	II	II	II	II	II	II	II

Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Residential Uses (continued):									
Group Care – Sections 430-53 1 and 430-53 4 (27)	II	II	N	II	II	II	II	II	II
Group Care - Section 430-53 7 (32.a.)	N	N	N	II	II	II	II or III (32.b-d)	II	II
Expansion of a Type I, II or III use	I	I	I	I	I	I	I	I	I
Change of use for a Type I, II or III use	I	I	I	I	I	I	I	I	I
Accessory Dwelling Units (Section 430-117.2)	N	N	N	II	II	N	N	N	N
Industrial Uses:									
Manufacturing	N	N	II	N	N	N	N	N	N
Research and Development	N	N	II	N	N	N	N	N	N
Warehouses	N	N	II (16)	N	N	N	N	N	N
Equipment Storage	N	N	II (17)	N	N	N	N	N	N
Expansion of a Type I or III use	N	N	I	N	N	N	N	N	N
Change of use for a Type II or III use	N	N	I	N	N	N	N	N	N
Institutional Uses:									
Hospitals	N	N	N	N	N	N	N	N	N
Churches (19)	II	II	III	III	III	III	III	III	III
Elementary Schools (20)	N	N	N	III	III	N	N	N	N
Schools (middle, high, colleges)	N	N	N	N	N	N	N	N	N
Public Buildings	III	III	III	III	III	III	III	III	III
Expansion of a Type II or III use	I	I	I	I	I	I	I	I	I
Change of use for a Type II or III use	I	I	I	I	I	I	I	I	I

Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Parks:									
Regional	N	N	N	N	N	N	N	N	N
Community	N	N	N	N	N	N	N	N	N
Neighborhood - Sections 430-95 and 97	I or II	I or II	I or II	I or II	I or II	I or II	I or II	I or II	I or II
Special Recreation Uses (21)	III	III	III	III	III	III	III	III	III
Accessory Recreation Uses (22)	II	II	II	II	II	II	II	II	II
Expansion of a Type I, II or III use	I	I	I	I	I	I	I	I	I
Change of use for a Type I, II or III use	I	I	I	I	I	I	I	I	I
Accessory, Secondary and Temporary Uses and Structures:									
Accessory Uses and Structures (23.a. and 23.b)	II	II	II	I	I	I	I	I	I
Temporary Uses and Structures (24)	I	I	I	I	I	I	I	I	I
Home Occupations (25)	N	N	N	I	I	I	I	I	I
Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3(26)	I	I	I	I	I	I	I	I	I
Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4(26)	I	I	I	I	I	I	I	I	I

ARTICLE III: LAND USE DISTRICTS
375 - TRANSIT ORIENTED DISTRICTS

III-217

Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Accessory, Secondary and Temporary Uses and Structures:									
Facility 2 communication towers greater than one-hundred (100) feet and up to two-hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109(26)	II	II	II	N	N	N	N	N	N
Facility 2 communication towers greater than two-hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109 (26)	III	III	III	N	N	N	N	N	N
Expansion of a Type I, II or III use	I	I	I	I	I	I	I	I	I
Change of use for a Type I, II or III use	I	I	I	I	I	I	I	I	I
Elementary Schools Accessory to a Campus Development (28)	N	N	II	N	N	N	N	N	N

- I = Permitted through a Type I process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.1.
- II = Permitted through a Type II process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.2
- III = Permitted through a Type III process
- () = Use or design limitation(s) specified in Section 375-7.
- N = Prohibited.

Table B. Dimensional Requirements for Transit Oriented Districts

DEVELOPMENT DIMENSION	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Minimum Lot Area	None	None	None	2000 sq. ft.	2000 sq. ft.	None	None	None	None
Minimum Average Lot Width	None	None	None	24 feet	20 feet	None	None	None	None
Minimum Average Lot Depth	None	None	None	60 feet	60 feet	None	None	None	None
Minimum Building Height: - within 1300' of a station platform or within a Regional Center	20 feet	20 feet	None	None	None	None	None	None	None
- beyond 1300' from a station platform	None	None	None	None	None	None	None	None	None
- within a designated Town Center Core, as defined by an adopted Community Plan	20 feet at street corners	20 feet	None	None	None	None	None	None	None
- within a designated Town Center but outside a Town Center Core, as defined by an adopted Community Plan	None	None	None	None	None	None	None	None	None
Maximum Building Height (B)	60 feet	80 feet (A)	80 feet	40 feet	40 feet	50 feet	60 feet (F)	80 feet	80 feet
Yard Depth									
- frontage minimum (C)	None	None	None	10 feet	10 feet	10 feet	None	None	None
- frontage maximum (D)	10 feet	10 feet	None	15 feet	15 feet	15 feet	10 feet (G)	10 feet	10 feet
- interior minimum (E)	None	None	None	None	None	None	None	None	None
- interior maximum	None	None	None	None	None	None	None	None	None

- (A) Except where a community plan specifies a higher maximum height.
- (B) Where a building fronts on a pedestrian street, a ten (10) foot setback from the front façade is required for all floors above the third. Normal building appurtenances and projection such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may extend above the height limit. Building height may be limited pursuant to Section 431-8
- (C) Except as necessary to comply with Section 418, accommodate utility lines and easements.
- (D) Required maximum frontage yard dimensions: (1) shall apply to at least 50% of the first floor of a building facing a pedestrian street, as defined in Section 431-3 8; and (2) may be exceeded where the applicant demonstrates and the Review Authority finds that larger yards are needed to mitigate noise and vibration impacts of transportation operations
- (E) No minimum interior yard setback is required for transit oriented district except as necessary to comply with the screening and buffering standards of Sections 411 and 431 and the standards of the Uniform Building Code or the Conference of American Building Officials (CABO) Code, whichever is applicable.
- (F) A modification to the maximum building height may be approved subject to Section 375-7.32.b Such modification may exceed the required sixty (60) foot building height maximum by no more than fifty (5) feet for a total of one hundred-ten (110) feet.
- (G) A modification to the maximum front yard depth may be approved subject to Section 375-7.32.c.

Table C. Density Requirements for Transit Oriented Districts

Required minimum and maximum development densities for transit oriented districts are shown below. Densities are in terms of dwelling units per acre (d.u./ac.) for residential development, except group care uses (see Section 430-53), or floor area ratio (FAR) for mixed use or nonresidential development. Required densities are applicable to a development site after subtracting any unbuildable portion of a lot that is within one of the areas identified in Section 300-3.1 K. Required densities may also be reduced as permitted by Section 300-5. A transfer of density from an unbuildable portion of a lot to another area shall be permitted pursuant to Section 300-3.

Minimum density requirements may be satisfied through build-out of an approved phased Master Plan.

DENSITY REQUIREMENTS	DISTRICT								
	TO:RC (3)	TO:BUS (3)	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Minimum: - Within 1,300' of station platform or within a Regional Center	.5 FAR	5 FAR (1)	5 FAR	9 d.u./ac. or .35 FAR (2)	12 d u /ac. or .5 FAR (2)	18 d.u./ac or 5 FAR (2)	24 d.u./ac. or .65 FAR (2)	40 d u /ac or 8 FAR (2)	80 d.u./ac. or 1 0 FAR (2)
- Between 1,300' and 2600' from station platform	.35 FAR	5 FAR	.35 FAR	same	same	same	same	same	same
- Beyond 2,600' from station platform	25 FAR	35 FAR	.35 FAR	same	same	same	same	same	same
- Within a Town Center Core, as defined by an adopted Community Plan	.35 FAR	.5 FAR	same	same	same	same	same	same	same
- Within a Town Center but outside a Town Center Core, as defined by an adopted Community Plan	.25 FAR	.35 FAR	same	same	same	same	same	same	same
Maximum: - Within 1,300' of station platform or within a Regional Center	None (2)	None (2)	None (2)	12 d.u./ac. (No FAR)	18 d u /ac (No FAR)	24 d.u./ac. (No FAR)	40 d.u./ac. (No FAR)	80 d u /ac (No FAR)	120 d.u./ac. (No FAR)
- Beyond 1,300' from station platform	None (2)	None (2)	None (2)	same	same	same	same	same	same

- (1) Within 1,300' of a transit center, the minimum density for development shall be 1.0 FAR.
- (2) If non-residential or mixed-use development is proposed in excess of the minimum FAR standard, the applicant shall demonstrate that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.
- (3) The total square footage (FAR) of the residential component of a mixed-use development may be counted towards the minimum required FAR provisions of this section for mixed-use developments, provided that the total square footage of the residential component does not exceed 50-percent of the non-residential floor area requirement.

**Permitted Uses: Station Community – Employment District Sub Areas 1, 2 and 3
Development Code Section 20.20.25.2**

Permitted and conditional uses are subject to various use restrictions. Use restrictions are identified within: (x).

USE	SC-E #1	SC-E #2	SC-E #3
P = Permitted C = Conditional N = Not Allowed			
Attached Dwellings, Including Manufactured Homes, New			N
Attachment of a WCF to Existing or New Non-Residential Buildings that does not Utilize Stealth Design			N
Attachment or Incorporation of WCF to Existing or New Buildings or Structures that are not Exclusively Used for Single-Family Residential or Multi-Family Residential Purposes	P	P	P
Automotive Sales and Services, Major and Minor			N
Bulk Fuel Dealerships and Storage Yards, Including Card Locks			N
Bulk Retail Uses			N
Car Washes			N
Cemeteries			N
Clinic, Outpatient	P (a&b)	P (a&b)	P (a&b)
Collocation of WCF on an Existing WCF Tower	P	P	P
Commercial Indoor or Outdoor Recreation and Amusement Services and Facilities			N
Commercial Schools	C (b)	C (b)	C (b)
Concrete Mixing and Asphalt Batch Plants			N
Construction of a WCF Tower	C	C	C
Detached Dwellings, Existing	P	P	P
Detached Dwellings, Including Manufactured Homes, New			N
Direct-to-Home Satellite Service having Antennas Greater than one (1) Meter in Diameter	C	C	C
Eating or Drinking Establishments	P (a,b&d)	P (a,b&d)	P (a,b&d)
Educational Institutions	C (b)	C (b)	C
Electrical Power Generators			N
Facilities Relating to Utility Distribution such as Substations, Water Towers, and Pump Stations; Utility Installations.	C	C	C
Financial Institutions	P (a&b)	P (a&b)	P (a&b)
Furniture and Appliance Stores			N
Golf Courses			N
Hardware Stores not Exceeding 10,000 sq ft. in Gross Floor Area	C (c)	C (c)	C (c)
Heavy Equipment Sales, Including Incidental Service and Repair			N
Hotels and Extended Stay Hotels	C	C	C
Installation of one (1) Replacement WCF 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.	P	P	P

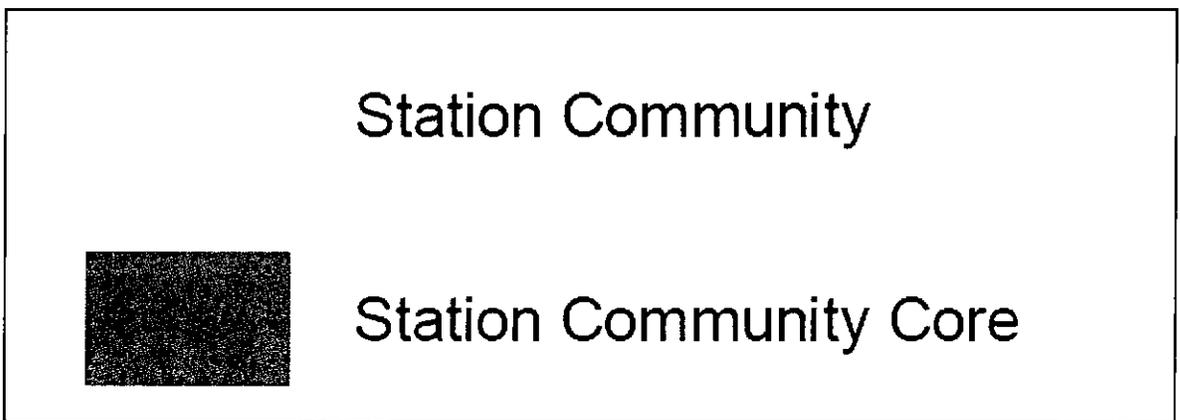
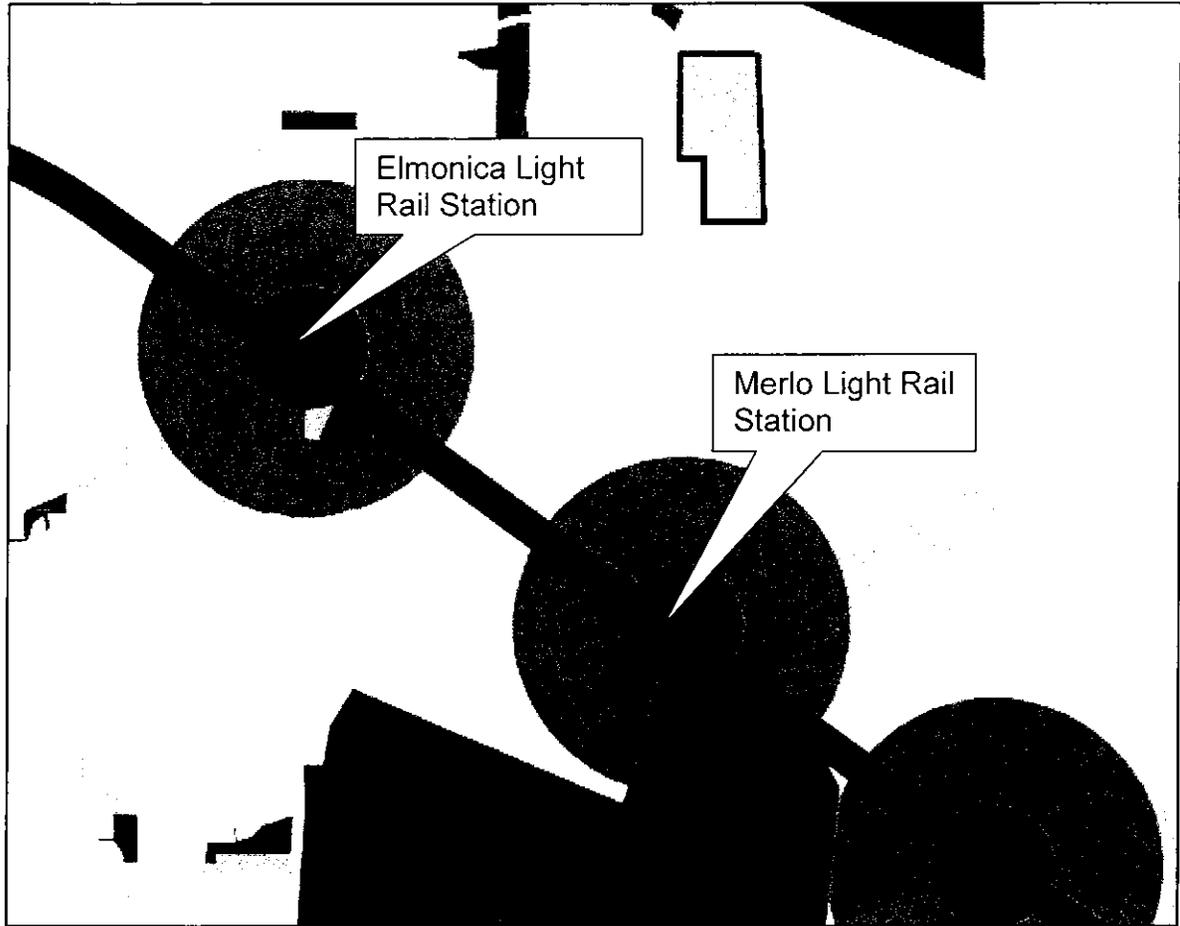
USE	SC-E #1	SC-E #2	SC-E #3
P = Permitted C = Conditional N = Not Allowed			
Installation of WCF on Streetlights, Excluding Streetlights on Power Poles, Traffic Signal Lights, and High Voltage Power Utility Poles within Public Road Rights-of-Way.	P	P	P
Junk Yards and Motor Vehicle Wrecking Yards, Salvage Yards, Storage Yards, and Recycling Centers	N	N	N
Kennels	N	N	
Kennels, Excluding those Accessory to Veterinary Medical Clinics or Medical Research Facilities.			N
Manufacturing	P (20.20.50.8)	P (20.20.50.8)	P (20.20.50.8)
Machinery, Equipment or Implement Sales or Service Relating to Farming and Construction (Heavy Equipment).	N	N	N
Meeting Facilities Less than 20,000 sq ft, with or without Food Preparation Facilities	P (g)	P (g)	P (g)
Meeting Facilities Exceeding 20,000 sq ft, with or without Food Preparation Facilities	C (g)	C (g)	C (g)
Mobile Home Parks and Subdivisions	N	N	N
More than Two (2) Satellite Antennas Greater than Two (2) Meters in Diameter on One (1) Lot.	C	C	C
Motels	N	N	N
Motor Vehicle, Travel Trailer, Recreation Vehicle, Manufactured Home, and Boat Sales, Leasing, Rental or Storage for such Uses	N	N	N
Nurseries and Greenhouses, Retail and Wholesale	N	N	N
Nursery, Day or Child Care Facilities	P (b)	P (b)	P (b)
Offices	P	P	P
Other Uses which in the Determination of the Director are Non-Transit Supportive and do not meet the Intent and Purpose of the Station Community – Employment District as Stated in the Comprehensive Plan and this Ordinance.	N	N	N
Parking, as the Principal Use, Provided it is in a Parking Structure	C	C	C
Parks	P (e)	P (e)	N
Places of Worship	C (b)	C (b)	N
Printing, Publishing and Bookbinding	P (f)	P (f)	P (f)
Public Services or Utility Uses			P
Public Services or Utility Uses, Confined to the Area Used as of February 7, 2002	P	P	
Railroad Tracks and Facilities such as Switching Yards, Spur or Holding Tracks, Freight Depots	N	N	N
Recreational Vehicle Parks and Campgrounds	N	N	N
Research Facilities	P	P	P
Retail or Combination Retail-Wholesale Lumber and/or Building Materials Yards	N	N	N
Retail Trade	P (a,b,c,&d)	P (a,b,c,&d)	P (a,b,c,&d)
Self Storage Facilities	N	N	N
Service Businesses	P (a,b&c)	P (a,b&c)	P (a,b&c)

USE P = Permitted C = Conditional N = Not Allowed	SC-E #1	SC-E #2	SC-E #3
Social or Fraternal Organizations	C (b)	C (b)	C (b)
Solid Waste Transfer Stations			
Storage Yard for Building or Landscaping Materials			P
Storage Yard for Contractor's Equipment, Transit Vehicles, and Related Vehicle or Equipment Maintenance Activities			P
Surface Parking as the Primary Use			
Temporary WCF Structures	P	P	P
Theaters			
Transit Centers and Stations	P	P	P
Truck Stops			
Up to and Including Two (2) Satellite Antennas Greater than Two (2) Meters in Diameter on One (1) Lot.	P	P	P
Utility Transmission Lines	P	P	P
Warehouses, Wholesale and Distributive Activities (Motor Freight Terminals) or Cold Storage Plants			

20.20.25.2.D Use Restrictions:

1. Subsections A and B above indicate permitted and conditional uses subject to restrictions. The restrictions are described in this subsection. The letter reference in parenthesis found for each use permitted with restrictions in subsections A and B refer to the restrictions below.
 - a. Drive-in, drive-through or drive-up window facilities within the Station Community – Employment Districts are prohibited.
 - b. The maximum building footprint size for a building involving a single use shall be 10,000 square feet. The maximum square footage for these uses within a multiple use development shall be 25% of the total square footage of the development.
 - c. This activity is conducted wholly within an enclosed structure. No accessory open-air sales, display, or storage allowed with this use.
 - d. Accessory outdoor seating related to the primary eating or drinking establishment use may be permitted provided that the outdoor space devoted to this use does not exceed an area greater than the equivalent of fifteen percent of the dining, drinking, or both floor area; or 750 square feet, whichever is less.

Eating, drinking, or both establishments may combine accessory outdoor seating areas, provided that the outdoor seating area does not exceed the total combined allowed area and the accessory outdoor seating does not exceed thirty percent of the total enclosed dining, drinking, or both, not to exceed 1,500 square feet.
 - e. Limited to 0.5 acres in size, unless located on top of a building or structured parking.
 - f. Uses greater than 5,000 square feet require a Conditional Use.
 - g. Only as an accessory use to a Hotel or Extended Stay Hotel, or Offices.



The Comprehensive Framework Plan is amended by adding the following map entitled "Station Communities Boundaries."

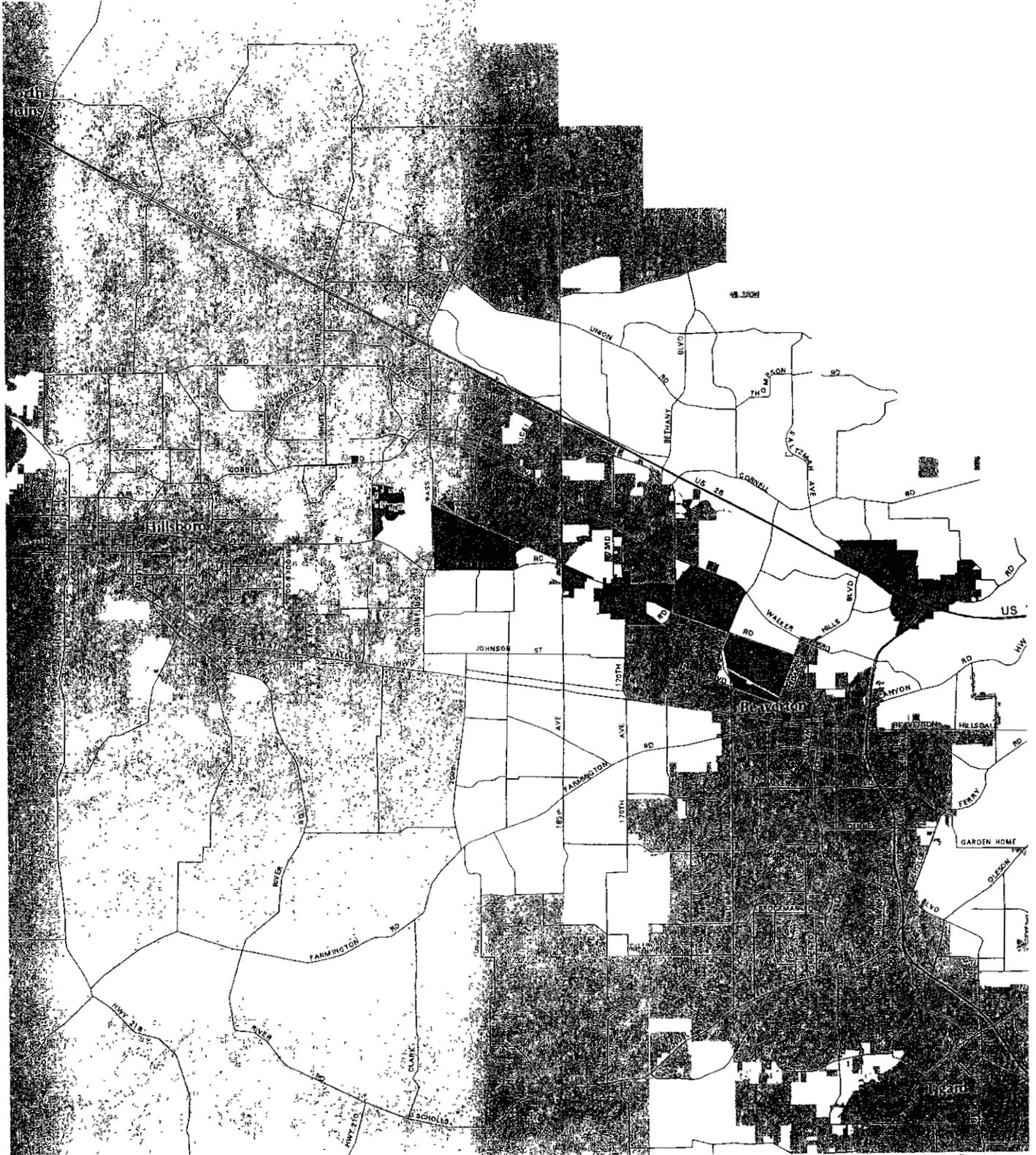
A-Engrossed Ordinance No. 561
Exhibit 10
October 13, 2000
Page 7 of 12

EXHIBIT 7



Station Community

Exempted Area (Rural or Incorporated as of 6-1-1996)

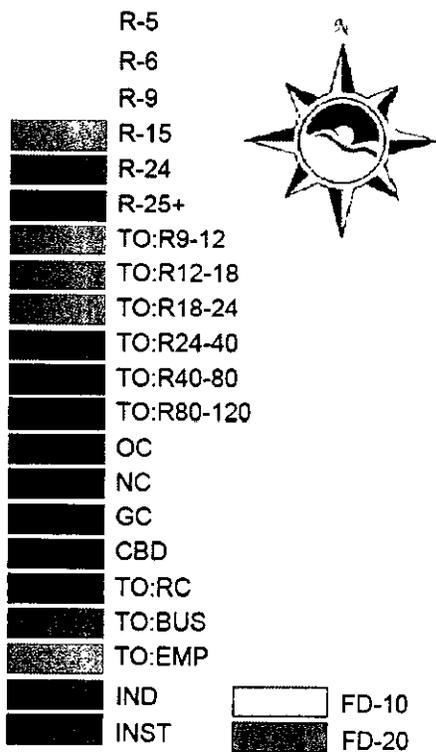


WASHINGTON COUNTY
SUNSET WEST COMMUNITY PLAN

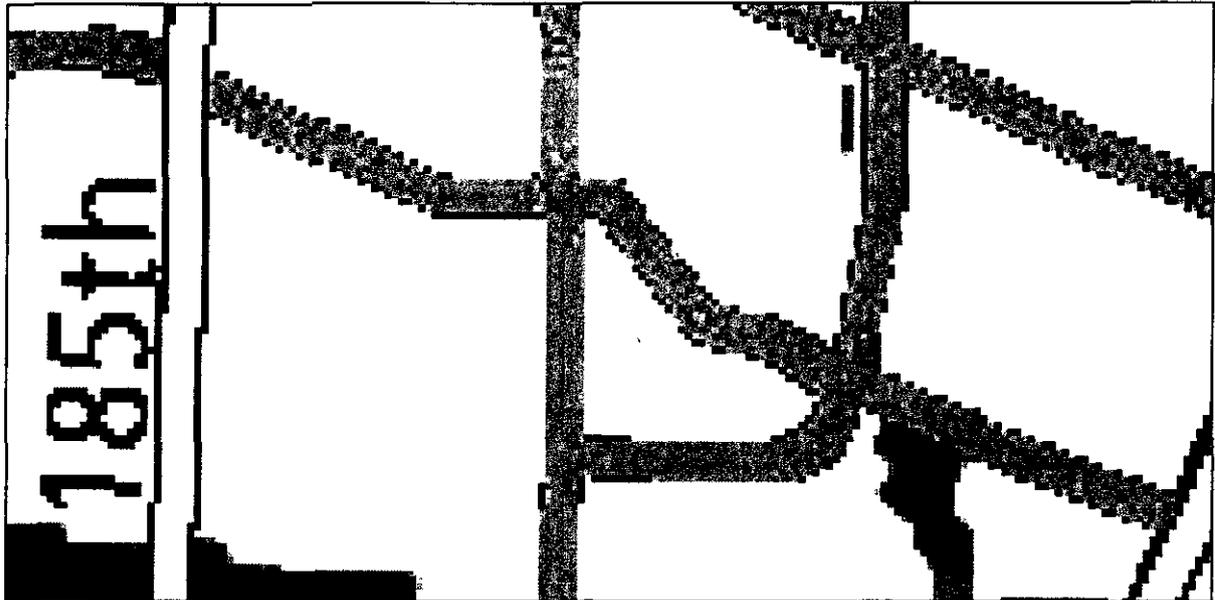
EXHIBIT 8



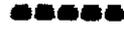
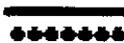
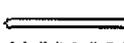
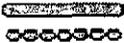
Washington County
Land Use Districts



Metro Regional Transportation Plan



Motor Vehicle Designations

<p> Principal arterial</p> <p> Principal arterial (freeway)</p> <p> Principal arterial (highway)</p> <p> Major arterial</p> <p> Minor arterial</p>	<p> Collector of regional significance</p> <p> Rural arterial (urban-to-urban)</p> <p> Rural arterial (farm to-market)</p>
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(dotted lines represent proposed projects and are not intended to identify specific alignments)

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: ZMA 2007-0015 Greenway Park Zoning Map Clean-Up **FOR AGENDA OF:** 8-13-07 **BILL NO:** 07176

Mayor's Approval: *Bob Aron*

DEPARTMENT OF ORIGIN: CDD *SB*

DATE SUBMITTED: 7-31-07

CLEARANCES: City Attorney *AR*

PROCEEDING: Ordinance (First Reading)

EXHIBITS: 1 - Ordinance
2 - Land Use Order 2007
3 - Planning Commission staff report

BUDGET IMPACT

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

On July 25, 2007, the Planning Commission recommended approval of ZMA 2007-0015 to the Beaverton City Council.

INFORMATION FOR CONSIDERATION:

The Planning Commission staff report is attached to this Agenda Bill for Council consideration on this matter.

RECOMMENDED ACTION:

Staff recommends that the City Council approve ZMA 2007-0015.

**AN ORDINANCE AMENDING ORDINANCE NO. 2050, THE ZONING MAP,
REZONING PARCELS WITHIN THE PROGRESS RIDGE DEVELOPMENT;
ZMA 2007-0015, GREENWAY PARK ZONING MAP AMENDMENT**

WHEREAS, on July 25, 2007, the Planning Commission conducted a public hearing to consider a City initiated application to amend Ordinance No. 2050, the Zoning Map, redesignating certain parcels within the area of Greenway Park so that zoning will become consistent with the Comprehensive Plan land use designation for the subject parcels; and

WHEREAS, the zoning map amendment will change the zoning of the subject parcels from CI (Campus Industrial) to R7 (Urban Standard Residential Density); and

WHEREAS, the Planning Commission received and considered the submitted staff report, exhibits, and staff recommended approval of this zoning map amendment; and

WHEREAS, no appeals were filed with the City; and

WHEREAS, the Council adopts as to criteria applicable to this request and findings thereon the Development Services Division Staff Report dated July 18, 2007 and Planning Commission Land Use Order No. 2007. Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, the Zoning Map, is amended to redesignate the parcels identified in Section 2 to the zoning designation R7 (Urban Standard Residential Density).

Section 2. The properties affected by this ordinance are depicted in the attached map, marked Exhibit "A" and incorporated herein. The properties are more specifically described on the records of the Washington County Department of Assessment and Taxation as 1S12700400, 1S12700500, and 1S127DB01200, Beaverton, Washington County, Oregon.

First reading this _____ day of _____, 2007.

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

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

APPROVED:

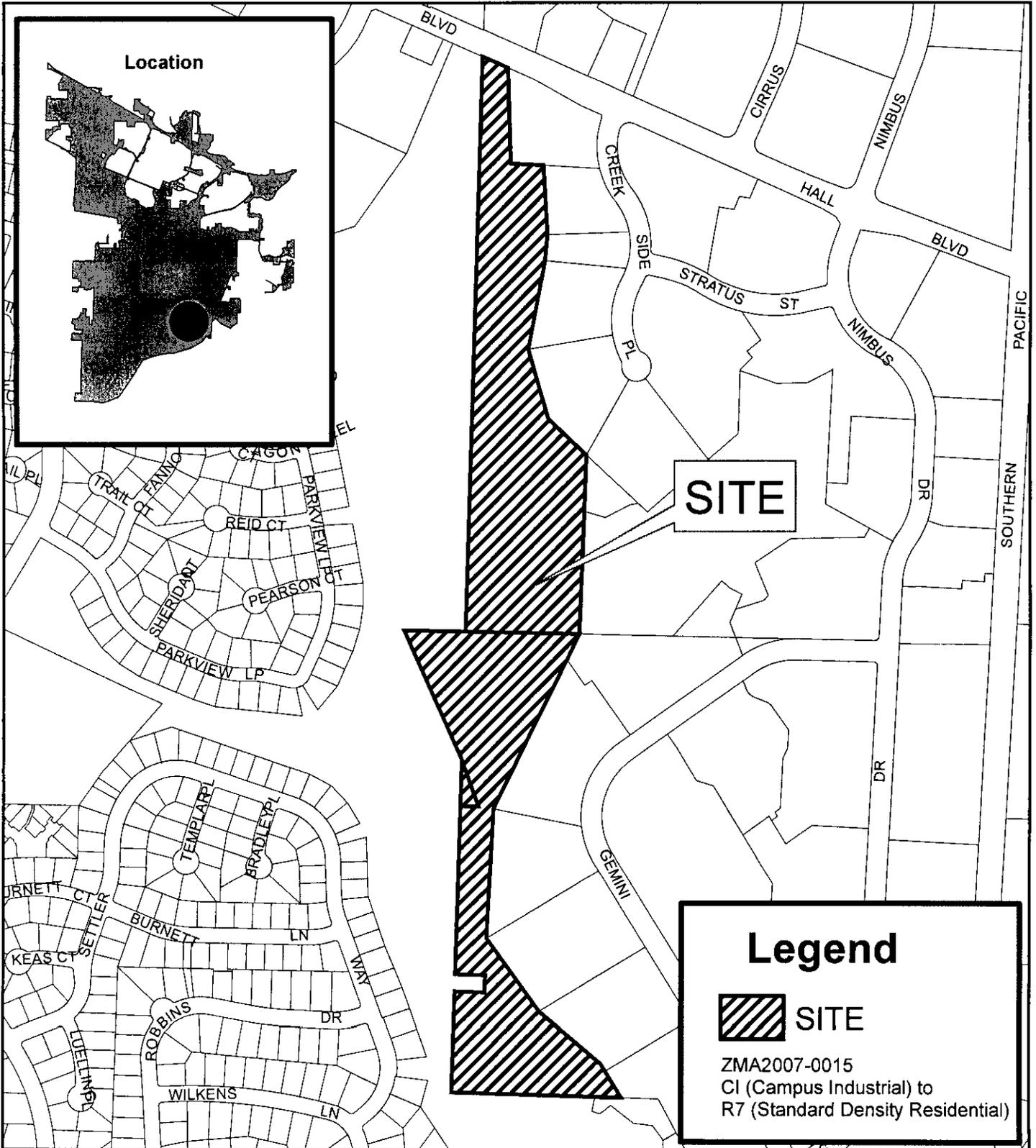
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT A

ORDINANCE
NO. 4451



ZMA2007-0015

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

7/27/07
Tax Lot #'s
1S1270000400
1S127DB01200
1S1270000500



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

After recording return to:
City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR A ZONING) ORDER NO. 2007
MAP AMENDMENT FOR A PORTION OF) ZMA2007-0015 ORDER APPROVING
GREENWAY PARK (GREENWAY PARK ZONING) REQUEST WITH CONDITIONS.
MAP CLEAN-UP). CITY OF BEAVERTON,)
APPLICANT)

The matter came before the Planning Commission on July 25, 2007, on a request for an amendment to the City's Comprehensive Zoning Map for a portion of Greenway Park which is improved with trails and other recreational opportunities. Currently, there are three (3) parcels which have an industrial zoning designation. These three (3) parcels have a Comprehensive Plan land use designation of Standard Density Residential. The amendment would bring the zoning into compliance with the Comprehensive Plan. The three parcels are more specifically identified as Tax Lots 1S12700400, 1S12700500, and 1S127DB01200 on Washington County Tax Assessor's Map respectively.

Pursuant to Ordinance 2050 (Development Code), Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated July 18, 2007, as

findings in response to the applicable approval criteria contained in Section 40.97.15.1.C of the Development Code.

Therefore, IT IS HEREBY ORDERED that ZMA2007-0015 is APPROVED, based on the testimony, reports and exhibits, and evidence presented during the public hearings on the matter and based on the facts, findings, and conclusions found in the Staff Report dated July 18, 2007.

Motion CARRIED, by the following vote:

AYES: Winter, Platten, Bobadilla, Johansen, Stephens, Winter and Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: None.

Dated this 27th day of July, 2007.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2007, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 5:00 p.m. on Monday, August 6, 2007.

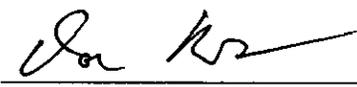
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



STEVEN SPARKS, AICP
Development Services Manager

APPROVED:



DAN MAKES
Chairman



CITY of BEAVERTON

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

STAFF REPORT

HEARING DATE: July 25, 2007

TO: Planning Commission

FROM: Steven A. Sparks, Development Services Manager 

PROPOSAL: **Greenway Park Zoning Map Clean-Up**

LOCATION: Greenway Park located between Hall Boulevard and Scholls Ferry Road, TLID#s 1S12700400, 00500, and 1S127DB01200

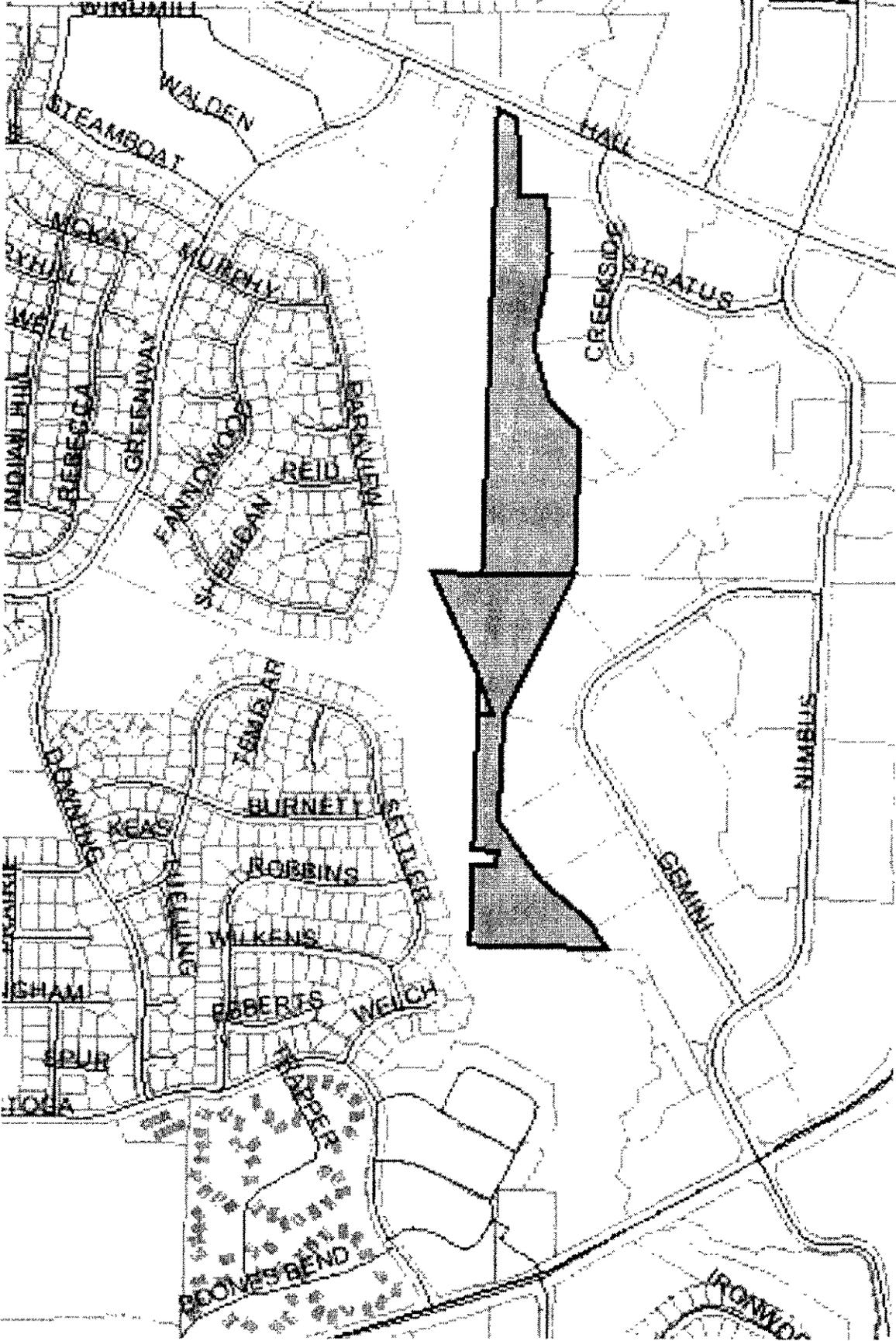
SUMMARY: The City is proposing a Zoning Map Amendment for a portion of Greenway Park. Currently, there are three (3) parcels which have an industrial zoning designation. These three (3) parcels have a Comprehensive Plan land use designation of standard density residential. The amendment would bring the zoning into compliance with the Comprehensive Plan.

APPLICANT: City of Beaverton
PO Box 4755
Beaverton, OR 97076

PROPERTY OWNER: Tualation Hills Park and Recreation District (THPRD)

RECOMMENDATION: **APPROVAL of ZMA2007-0015 (Greenway Park Zoning Map Clean-Up).**

Exhibit 1: Maps



BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Complete Date</u>	<u>Final Written Decision Date</u>	<u>240-Day*</u>
ZMA2007-0015	June 7, 2007	June 7, 2007	October 5, 2007	Feb 2, 2008

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Campus Industrial (CI) and Urban Standard Density (R7)	
Current Development	The subject parcels are a part of Greenway Park which is improved with trails and other recreational opportunities.	
Site Size	The three (3) parcels total approximately 26.5 acres	
NAC	Greenway	
Surrounding Uses	Zoning: North: R7, CI, and OC South: R7 East: CI West: R7	Uses: North: offices, retail, and park South: park East: flex office space, industrial West: single family

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

	<u>PAGE No.</u>
<u>Attachment A:</u> ZMA2007-0015 (Greenway Park Zoning Map Clean-Up)	ZMA1-ZMA4

EXHIBITS

Exhibit 1. Maps (pages SR-2 of this report)

Exhibit 2. Additional Materials by Staff
 Exhibit 2.1 Zoning Map – Current Zoning
 Exhibit 2.2 Proposed Zone Change Map

Exhibit 3. Public Testimony
 None Submitted

ANALYSIS AND FINDINGS FOR
ZONING MAP AMENDMENT –QUASI-JUDICIAL

Section 40.97.15.1.C. Approval Criteria:

In order to approve a Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. *The proposal satisfies the threshold requirements for a Quasi-Judicial Zoning Map Amendment application.*

The threshold specified in Section 40.97.15.1.A.1 states that an application for Quasi-Judicial Zoning Map Amendment shall be required when there is a proposal to change the zoning designation for a specific property or limited number of specific properties. The City, as the applicant, has initiated a zoning map amendment for three (3) tax lots within the existing Greenway Park. The affected parcels can be identified by Washington County Assessor's as Map and Tax Lot's 1S12700400, 1S12700500, and 1S127DB01200. Therefore, staff find that the criterion is met.

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

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

3. *The proposal conforms with applicable policies of the City's Comprehensive Plan.*

The following applicable Comprehensive Plan policy is addressed below:

- 3.13.3.a) Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix to allow a variety of housing choices.**

The application is for a Zoning Map Amendment with no request for physical development at this time and there is no proposal for a Comprehensive Plan Amendment. The current land use designation for the three (3) subject parcels is Standard Density Residential. Subsection 3.14 identifies the R5 and R7 zoning districts as implementing the land use designation. The zoning of Greenway Park between Hall Boulevard and Scholls Ferry Road is R7 with the exception of the

three (3) subject parcels which are zoned Campus Industrial (CI). Because the CI zone does not implement the subject land use designation, the proposed R7 zoning will bring the zoning map into conformance with the applicable Comprehensive Plan policy. The change in the zoning designation will not cause the park to be made non-conforming or otherwise inconsistent with the Comprehensive Plan.

Therefore, staff find that the criterion is met.

4. *All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.*

Chapter 90 of the Development Code defines “critical facilities” to be services that include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection. The application is a Zoning Map Amendment and no physical development is proposed at this time. The site is currently used as a park. Staff find that the proposed project will have no measurable impact on the demand for critical facilities or services beyond that which currently exists for the subject site.

Therefore, staff find that the criterion is met.

5. *Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.*

Essential facilities and services are defined as schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities. The proposal will not add any demand on essential facilities or services since no new development is proposed. The proposal will change the zoning of three (3) parcels. Staff conclude that the proposed project will have no measurable impact on the demand for essential facilities or services beyond that which currently exists for the subject site.

Therefore, staff find that the criterion is met.

6. *The proposal is or can be made to be consistent with all applicable provisions of Chapter 20 (Land Uses).*

The request is for a zone map amendment and no physical development is proposed with the subject application. The site is Greenway Park and parks are a conditionally allowed use (Section 20.05.15.2.B.6) in the R7 zone. As the park is an existing use, no additional permits are necessary. Therefore, the proposed amendment will be consistent with Chapter 20 of the Development Code.

Therefore, staff find that the criterion is met.

7. *In addition to the criteria stated in Section 40.97.15.2.C.1 through 4, above, the following criteria shall apply to Legislative Zoning Map Amendment which would change the zone designation to the Convenience Service (C-V) zoning district.*
 - a. *There is a public need for the proposal and that this need will be served by changing the zoning district classification of the property in question as compared with other available property.*
 - b. *The public interest is best carried out by approving the proposal at this time.*

The request is for a Zoning Map Amendment which affects the CI and R7 zones and does not affect the C-V district. Therefore, staff find that the criterion is not applicable.

8. *The proposal shall include a Traffic Impact Analysis that meets the requirements of 60.55.20. The analysis shall demonstrate that development allowed under the proposed zoning can meet the requirements of 60.55.10.1, 60.55.10.2, 60.55.10.3, and 60.55.10.7. The analysis shall identify the traffic impacts from the range of uses allowed under the proposed zoning and demonstrate that these impacts can be reasonably mitigated at the time of development.*

The proposed zoning map amendment is implementing the land use designation for the subject parcels. Because the subject parcels are currently used as a park and that the proposed amendment will not involve any development, Section 60.55.20 is not applicable. Moreover, the proposed R7 zoning has a lower development potential and thus a lower traffic generation potential than the existing CI zoning applied to the subject parcels. Therefore, staff find that the criterion is not applicable.

9. *As an alternative to 40.97.15.1.C.8, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning.*

Staff offer the same finding as stated for approval criterion no. 8 above and conclude that the criterion is met.

10. *In cases where the Comprehensive Plan identifies more than one zone to implement the applicable Land Use Map designation, the applicant is to demonstrate how the proposal conforms with applicable District Requirements of the zone(s) subject to Quasi-Judicial Zoning Map Amendment consideration.*

As stated above in the finding for approval criterion no 3, the two (2) implementing zones for the land use designation are the R5 and R7 zoning districts. The zoning of Greenway Park between Hall Boulevard and Scholls Ferry Road is R7 with the exception of the three (3) subject parcels. Because the area is currently zoned R7, applying the R7 zone to the subject parcels would conform with the District Requirements. Therefore, staff find that the criterion is met.

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

The applicant is declaring the application to be deemed complete "as is" at the time of submittal pursuant to ORS 227.178 and Section 50.25.7 of the Development Code. Therefore, staff find that the criterion is met.

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

The application is a Zoning Map Amendment and the required documents and application related to this request are submitted as required. All documentation and applications have been submitted to the City of Beaverton in the proper sequence. Therefore, staff find that the criterion is met.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL** of **ZMA2007-0015** (Greenway Park Zoning Map Clean-Up).

There are no recommended conditions of approval.

7/9/07: PULLED

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Beaverton
Code Chapter 6 Relating to Parking
Zone Additions

8/13/07
FOR AGENDA OF: 7/23/07 **BILL NO:** 07151

Mayor's Approval: Linda A. Adland

DEPARTMENT OF ORIGIN: Public Works

DATE SUBMITTED: 06-26-07

CLEARANCES: City Attorney US

PROCEEDING: ~~FIRST READING~~
Second Reading and Passage

EXHIBIT: Ordinance

BUDGET IMPACT

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

At its June 11, 2007 meeting, the City Council adopted a resolution supporting the initial implementation actions of the Beaverton Downtown Parking Solutions report. These actions include: 1) amending the Beaverton Code to allow for the addition of parking management zones; and, 2) appointing a downtown advisory committee that can provide advice on a downtown parking program.

Beaverton Code Chapter 6, Traffic Issues Process, outlines the appropriate process to acknowledge advisory committee parking, management-related recommendations. It is also the appropriate process to use to add parking management zones in the City. Exhibit 1 details the proposed text amendment to this code.

INFORMATION FOR CONSIDERATION:

The proposed Ordinance embodies the changes made to the Beaverton Code. The Ordinance is ready for the required readings.

RECOMMENDED ACTION:

~~First Reading~~

Second Reading and Passage

ORDINANCE NO. 4445

AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER 6

WHEREAS, the Council finds that parking issues should be initiated or informed by staff or an appointed parking advisory body; and,

WHEREAS, the Council finds that parking management zones should be added as appropriate to the Code through the Traffic Issue Process in order to serve patrons, encourage mixed use, and support economic vitality within the zone; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

(Strikeouts are deletions; bold underlined text are insertions.)

Section 1: Beaverton Code 6.02.050 is amended to read:

TRAFFIC ISSUE PROCESS

6.02.050 Title and Purpose. ~~The purpose of this ordinance is to authorize the City Traffic Engineer and Traffic Commission~~ **each is authorized** to approve and direct the implementation of restrictions and other devices, such as warnings, on public roadway use that are determined necessary and in the public interest. **Issues pertaining to parking and the Permit Parking Areas of this code that are processed through the Traffic Issue Process may have information provided by City staff and persons appointed by the Mayor to advise on such matters.** Such authority is subject to review and approval by the City Council in accordance with procedures established herein. This ordinance shall be known and may be referred to herein as the "Traffic Issue Process".

Section 2: Beaverton Code 6.02.085 is added to read:

6.02.085 Designation of Parking Management Zones
The City Council may adopt parking management zones as recommended and processed through the Traffic Issue Process of this code. Such management zones shall serve patrons, encourage mixed-use development, and support desired economic uses within that zone.

First reading this 23rd day of July, 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

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: An Ordinance Amending Ord. 4187 Figure III-1 the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation to Three Properties and Ord. 2050 the Zoning Map to Apply the City's R-7 Zone to One Property Located in Northeastern Beaverton CPA 2006-0006/ZMA 2006-0009 (Laurel St/Kennedy St/103rd Ave)

8/13/07
FOR AGENDA OF: ~~07/23/07~~ **BILL NO:** 07159

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD HB

DATE SUBMITTED: 07/17/07

CLEARANCES: City Attorney *[Signature]*
Planning Services HB

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Staff Report
Exhibit C - Staff Supplemental Memo
Exhibit D - Planning Commission Order

BUDGET IMPACT

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

This ordinance is before the City Council to amend the City's Comprehensive Plan Land Use Map from Corridor to Neighborhood Residential - Standard Density for all three properties (Map 1S114BC tax lots 00100, 00300, and 00301) and to amend the City's Zoning Map from Community Service (CS) Commercial to R-7 on one property (Map 1S114BC tax lot 00100).

The Planning Commission held a hearing on June 6, 2007. Staff responded to written testimony from S.R. Turner Construction, LLC, owner of tax lot 00301Map 1S114BC, in the Staff Supplemental Memo dated June 6, 2007 (Exhibit C). Planning Commission Order No. 1976 (Exhibit D) along with the Planning Commission Notice of Recommendation was mailed to people who testified and to the property owners. No appeals have been filed.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4446

AN ORDINANCE AMENDING ORD. 4187 FIGURE III-1 THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S NEIGHBORHOOD RESIDENTIAL STANDARD DENSITY (NR-SD) PLAN DESIGNATION TO THREE PROPERTIES AND ORD. 2050 THE ZONING MAP TO APPLY THE CITY'S R-7 ZONE TO ONE PROPERTY LOCATED IN NORTHEASTERN BEAVERTON CPA 2006-0006/ZMA 2006-0009

- WHEREAS,** the purpose of CPA2006-0006/ZMA2006-0007 is to amend Figure III-1, Ordinance 4187, from Corridor to Neighborhood Residential – Standard Density and the Zoning Map, Ordinance 2050, from Community Service Commercial (CS) to Residential – 7,000 square feet per dwelling unit (R-7) on Washington County Assessor's Tax Map 1S1 14BC tax lot 100 (10200 SW Kennedy Street), and to amend Figure III-1, Ordinance 4187, from Corridor to Neighborhood Residential – Standard Density on Washington County Tax Assessor's Map 1S1 14BC tax lots 00300 (10290 SW Kennedy Street) and 00301 (no site address); and
- WHEREAS,** pursuant to Ordinance 4187 Section 1.4.2 and Ordinance 2050 Section 50.45, written notice was mailed to the property owners subject to the amendment, the Neighborhood Association Chair, and owners of property within 500 feet of the proposal, notice was published in the Beaverton Valley Times, notice was posted on site, at Beaverton City Hall and Beaverton City Library and on the Beaverton City web site; and
- WHEREAS,** pursuant to Ordinance 4187 Section 1.5.1 and Ordinance 2050 Section 50.45, the Beaverton Planning Services Division, on May 30, 2007 published a written staff report and recommendation a minimum seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on June 6, 2007; and,
- WHEREAS,** pursuant to Ordinance 4187 Section 1.5.1 and Ordinance 2050 Section 40.97.15.1.C, the Planning Commission conducted a public hearing on June 6, 2007, and considered testimony and exhibits on the subject proposal, and at the conclusion of the hearing, the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Comprehensive Plan Map (Figure III-1) and Zoning Map based on the criteria, facts and findings set forth in the Community Development Department staff report by Senior Planner Barbara Fryer dated May 30, 2007, and attached hereto as Exhibit "B", the supplemental information found in the Community Development Department supplemental staff memo by Senior Planner Barbara Fryer dated June 6, 2007, and attached hereto as Exhibit "C", and Planning Commission Order No. 1976 attached hereto as Exhibit "D";
- WHEREAS,** no written appeal pursuant to Ordinance 4187 Section 1.7.2 and Ordinance 2050 Section 50.75 was filed by persons of record for CPA2006-0006/ZMA2006-0009, following the issuance of the Planning Commission Order No. 1976; and,

WHEREAS, the City Council adopts as to criteria, facts and findings described in Planning Commission Order No. 1976 dated June 15, 2007 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute adequate factual basis for this ordinance; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties on Map and Tax Lots 1S1 14 BC 00100, 00300 and 00300 Neighborhood Residential – Standard Density, as shown on Exhibit “A”.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the property on Map and Tax Lot 1S1 14 BC 00100 Residential – 7,000 square feet per dwelling unit (R-7), as shown on Exhibit “A”.

First reading this 23rd day of July, 2007.

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

Approved by the Mayor this _____ day of _____, 2007.

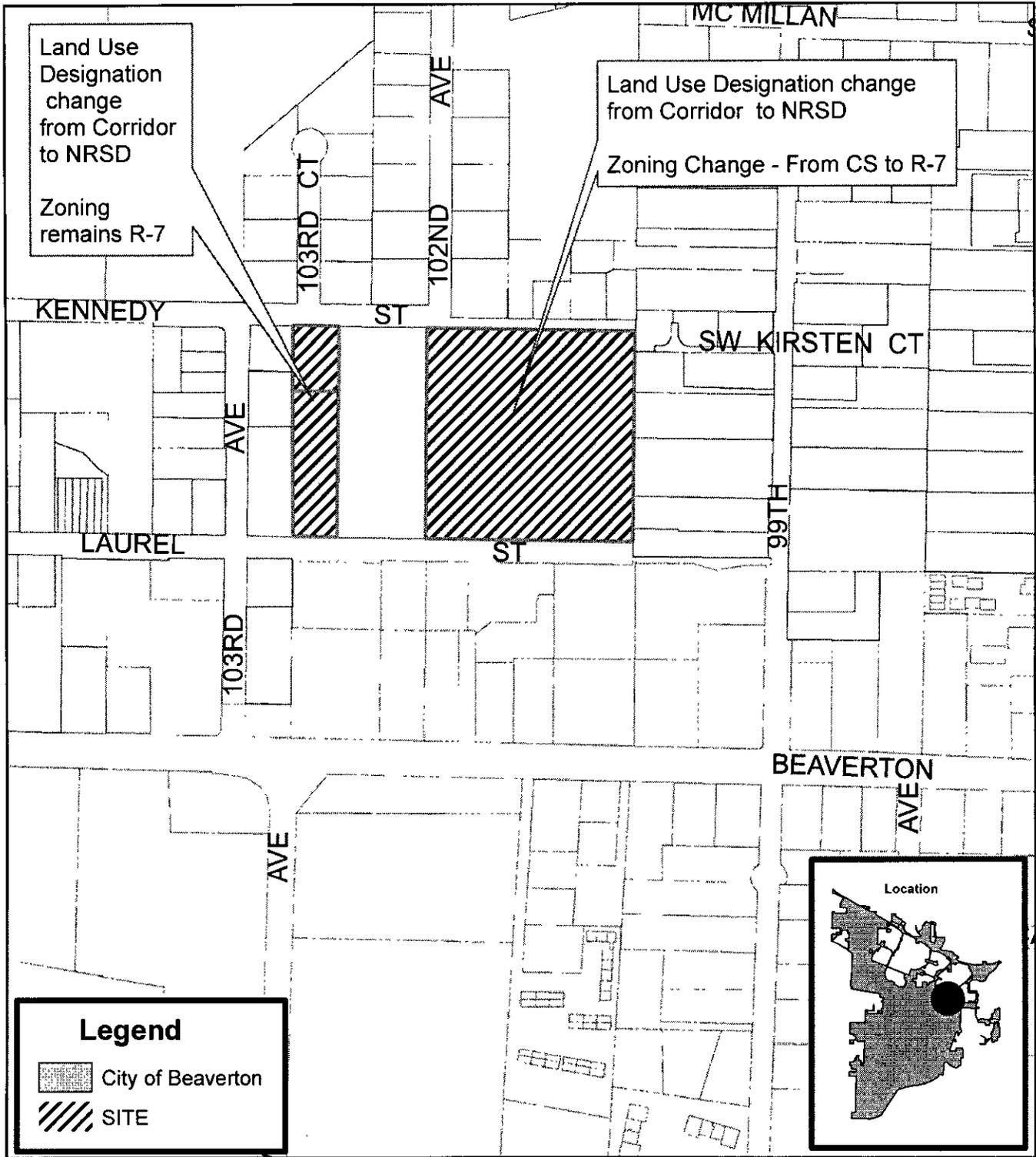
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP



CITY OF BEAVERTON

CPA2006-0006 ZMA2005-0009

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services division

6/23/06

1S114BC00300
1S114BC00301
1S114BC00100



Laurel
Kennedy
103rd

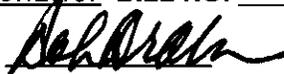
AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

8/13/07

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply the City's Neighborhood Residential Standard Density (NR-SD) Plan Designation and Ordinance No. 2050, the Zoning Map to Apply the City's R-5 Zone to Property Located at 4980 SW Laurelwood Avenue; CPA2007-0014/ZMA2007-0014

FOR AGENDA OF: ~~07/23/07~~ **BILL NO:** 07160

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD HB

DATE SUBMITTED: 07/16/07

CLEARANCES: City Attorney MR
Planning Services HB

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: 1. Proposed Ordinance with Exhibit A
2. Staff Report

BUDGET IMPACT

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

The property located at 4980 SW Laurelwood Avenue shown on Exhibit "A" was annexed under Ordinance No. 4437 in July, 2007 and is being redesignated in this ordinance from the County's R-9 land use designation to the closest corresponding City designations under the terms specified in the Washington County – Beaverton Urban Planning Area Agreement (UPAA).

INFORMATION FOR CONSIDERATION:

The UPAA is specific as to the appropriate Land Use Map and Zoning Map designations that are to be assigned to the property. Discretion is not necessary in this case under the terms of the agreement. Per the agreement, the appropriate Land Use Map designation for the subject parcel is Neighborhood Residential-Standard Density (NR-SD) and the appropriate Zoning Map designation is Urban Standard Density (R-5). Under the terms of the Comprehensive Plan and the Development Code, these amendments can be processed through a non-discretionary process which does not require a public hearing.

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map.

RECOMMENDED ACTION:

First Reading

Second Reading and Passage

ORDINANCE NO. 4447

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR A PROPERTY LOCATED AT 4980 SW LAURELWOOD AVENUE; CPA2007-0014 / ZMA2007-0014

- WHEREAS,** The property was annexed to the City of Beaverton under Ordinance 4437 and is being redesignated in this ordinance from the County's land use designation to the closest corresponding City designations in accordance with the Washington County - Beaverton Urban Planning Area Agreement (UPAA); and
- WHEREAS,** Since the UPAA is specific on the appropriate Land Use Map and Zoning Map designations for this parcel, this is not a discretionary land use decision, and no public hearing is required; and
- WHEREAS,** The Council incorporates herein by reference the Community Development Department staff report on CPA2007-0014/ZMA2007-0014 by Associate Planner Jeff Salvon, dated July 16, 2007 ; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** Ordinance No. 4187, (Figure III-1) the Comprehensive Plan Land Use Map is amended to designate the subject property as shown on Exhibit "A", located at 4980 SW Laurelwood Avenue, Neighborhood Residential-Standard Density (NR-SD) in accordance with the Washington County – Beaverton Urban Planning Area Agreement (UPAA).
- Section 2.** Ordinance No. 2050, the Zoning Map, is amended to zone the same property specified in Section 1, as shown on Exhibit "A", Urban Standard Density (R-5) in accordance with the UPAA.

First reading this 23rd day of July, 2007.

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

Approved by the Mayor this _____ day of _____, 2007.

ATTEST:

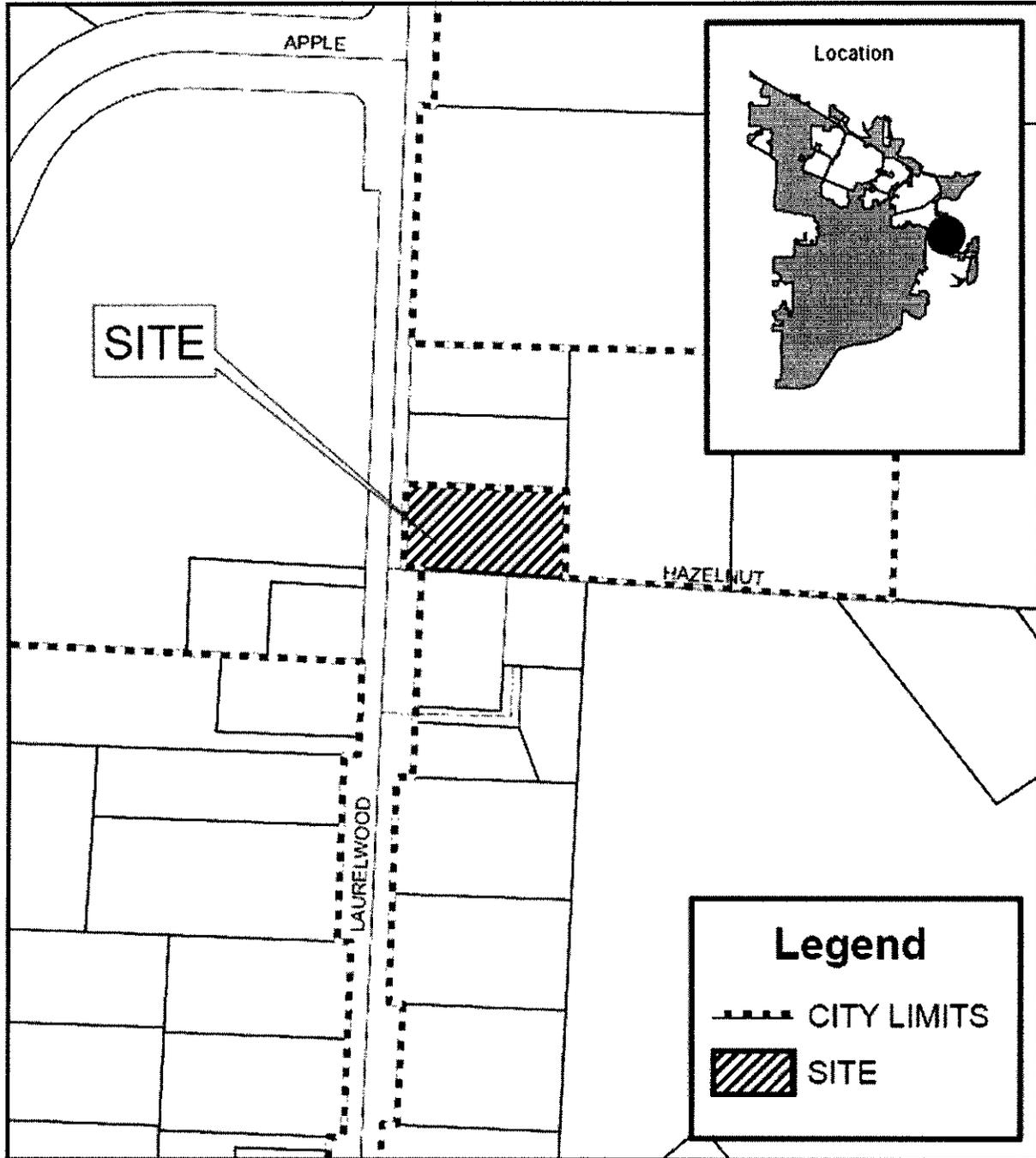
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



CITY OF BEAVERTON

CPA2007-0014 / ZMA2007-0014

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

6/6/07

Tax Lot #'s
1S1139C00401



4980 SW
LAURELWOOD AV