CITY OF BEAVERTON COUNCIL AGENDA

FINAL AGENDA

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

REGULAR MEETING
JUNE 4, 2007
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATION:

07107 Beaverton Central Plant - Sustainable Development Plan Presentation and Update

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meetings of May 7 and May 14, 2007

07108 Authorize Amendments to Three Intergovernmental Agreements: the Washington County Cooperative Library Services Agreement, the Public Library Services Agreement and the Washington County Inter-Library Information Network Agreement

07109 Authorize Intergovernmental Agreement with Washington County Cooperative Library Services Regarding the Provision of Telephone Reference Service

07110 Authorize the Mayor to Sign an Intergovernmental Agreement between Beaverton and Metro for the City to Receive Its Share of the Natural Areas Bond Measure Local Share Component and Authorize the Mayor to Sign an Intergovernmental Agreement between Beaverton and Metro for Metro Land Acquisition Services

07111 Authorize the Mayor to Execute a One Year Extension to the Intergovernmental Agreement Amongst Local Government Agencies for the Shared Use of a Public Communications Network

07112 Traffic Commission Issues No.: TC 616: Parking Revisions on the North Side of SW Griffith Drive East of the City Hall Driveway; TC 617: Speed Limit on SW Denney Road East of Highway 217

Contract Review Board:

07113 Bid Award - Street Profiling Project for In-House Overlays, Fiscal Year 2007-2008

PUBLIC HEARING:

07114 Appeal of Commuter Rail Project: APP 2007-0009/APP 2007-0010 (Freece) APP 2007-0011/APP 2007-0012/APP 2007-0013 (Shadrall)

ORDINANCES:

First Reading:

07115 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply the City's Station Community Plan Designation to Two Properties Located in Northern Beaverton; CPA2006-0018 (SW Baltic Avenue/SW Barnes Road) (Ordinance No. 4439)

07116 An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply a City Plan Designation to 315 Properties, Alter Figures 6.4, 6.5, 6.7, 6.12, and Table 6.6 of the Comprehensive Plan to Designate Future Street Alignments, and Amend Ordinance No. 2050, the Zoning Map to Apply City Zoning to 302 Properties Located in the Elmonica / Merlo Light Rail Station Community Area; CPA2007-0007/ZMA 2007-0006 (Ordinance No. 4440)

07117 An Ordinance Amending Ordinance No. 2050, the Development Code to Modify Section 60.05.55.4, the Merlo Station Community – Major Pedestrian Route Map to Apply Additional Route Designations and Rename the Code Section; TA2007-0003 (Ordinance No. 4441)

Second Reading:

07105 An Ordinance Annexing a Parcel Located at 4980 SW Laurelwood Avenue to the City of Beaverton and Adding the Property to the Raleigh West Neighborhood Association Committee: Expedited Annexation 2007-0001 (Ordinance No. 4437)

07106 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 in North Beaverton; CPA 2007-0008/ZMA 2007-0007 (12020 SW Barnes Road) (Ordinance No. 4438)

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 <u>not</u> 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: Beaverton Central Plant – Sustainable Development Plan Presentation and Update

FOR AGENDA OF: 06/04/07 **BILL NO:** 07107

Mayor's Approval: Lidia G. Cadland
Mayor Pro Tem

DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: 05/24/07

CLEARANCES:

PROCEEDING: Presentation

EXHIBITS: None.

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

Lonnie Dicus, Business Services and Plant Manager will give a presentation and update on the sustainable development plan targeted for the Beaverton Central area including The Round, Westgate and surrounding properties. The sustainabile development plan, which is anchored by the Beaverton Central Plant, is to build a new urban core offering unique environmental, economic and social benefits.

INFORMATION FOR CONSIDERATION:

None.

RECOMMENDED ACTION:

Listen to the presentation.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
MAY 7, 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, May 7, 2007, at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, and Dennis Doyle. Coun. Cathy Stanton was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Interim Community Development Director Steven Sparks, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, Project Engineer Jim Brink, Code Enforcement Manager George Fetzer and City Recorder Sue Nelson.

PRESENTATIONS:

Mayor Drake explained that the Information Systems staff and the Web Manager Elzbieta Craig were awarded the E Award from the National Policy Research Council (NPRC) for excellence in E (electronic) Government. He explained that the NPRC reviewed 11,000 government Web sites nation wide and the City's Web site was one of 18 cities that received an award. He commended the Information Systems Department and Craig for this achievement.

Chief of Staff Linda Adlard presented Craig with the E Award and said she was proud of this accomplishment and dedication to the City.

07084 Presentation of Shields and Swearing In of Newly Appointed Lieutenant and Sergeant and Five Officers to the Beaverton Police Department

Mayor Drake said he had started the tradition of swearing in the police officers at the Council meeting to introduce them to the community and welcome them to the City. Police Chief Dave Bishop swore in newly promoted Lieutenant John Gruber, Sergeant Richard Rayniak, and new Police Officers Erin Berry, Aaron Enyeart, Randy Gottwald, Matthew Henderson and Sean Hinkley.

Mayor Drake presented the shields to the lieutenant, sergeant and officers.

Bishop thanked the families, friends and police officers who were present and said the officers could not do this job without their support.

VISITOR COMMENT PERIOD:

There were none.

COUNCIL ITEMS:

There were none.

STAFF ITEMS:

Chief of Staff Linda Adlard asked that the Councilors let her know if they would be available for a Council session on July 10, 2007.

Finance Director Patrick O'Claire said the proposed budget for Fiscal Year 2007-2008 would be distributed Friday, May 11, 2007.

Human Resources Director Nancy Bates said at the next Council meeting there would be a presentation of the winners of the Beaverton Human Rights Advisory Commission essay contest on Diversity in the Community, followed by a reception in the First Floor Conference Room for the contest participants. She said the top three winners would read their essays.

CONSENT AGENDA:

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

Minutes of the Regular Meeting of April 16, 2007

07085 Liquor License: Change of Ownership - Koreana Restaurant

07086 Revised Beaverton City Library Board Mission Statement, Supporting Goals, and By-Laws

07087 A Resolution Adopting a Revised Building Valuation Data Table (Resolution No. 3897)

Contract Review Board:

07088 Bid Award - Tualaway Sanitary Sewer Replacement Phase A Project No. 6040

07089 Bid Award - Allen Boulevard (Murray-Main) Water Service Replacement Project

07095 Contract Award – Granicus Installation Services Contract

Question called on the motion. Couns. Arnold, Bode, Dalrymple and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0) Coun. Dalrymple abstained from voting on the minutes of April 16, 2007, as he was excused from that meeting.

PUBLIC HEARING:

07090 A Resolution Adopting Revised Building Permit Fee Tables (Resolution No. 3898)

Mayor Drake asked if any Councilors had questions from the staff report. There were none.

Mayor Drake opened the public hearing and asked if anyone wished to testify. No one come forward to testify.

Mayor Drake closed the public hearing.

Coun. Doyle MOVED, SECONDED by Coun. Bode that Council approve the Resolution Adopting Revised Building Permit Fee Tables.

Coun. Arnold explained for the public that this action would only change the method for calculating building fees; the existing building fees would remain the same.

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

WORK SESSION:

07091 Capital Improvements Plan for Fiscal Year 2007/08 for Transportation, Water, Sewer, and Storm Drain Projects

Mayor Drake said that the Draft Capital Improvements Plan (CIP) for Fiscal Year 2007/08 had been presented to the Council. He said the draft CIP was distributed to Neighborhood Association Committee (NAC) Chairs, the Committee for Citizen Involvement and to 2500 people on the City's e-mail list, to solicit public comment. He said the public hearing on the CIP would be held on June 18, 2007, and the CIP was available on the City's Web site.

Public Works Director Gary Brentano introduced CIP Coordinator/Project Engineer Jim Brink. He said this year the draft CIP was presented in advance of the public hearing to allow more time for review and comment by Council and the public. He said this year the majority of the Capital Improvements Fund would be spent on the West Slope and Beaverton Central Neighborhoods, which was reflective of the age of those neighborhoods.

Brink presented a PowerPoint presentation of the draft CIP (in the record). He said the CIP was a proposed schedule for previous, current and future capital projects. He reviewed the CIP process, how projects were selected, proposed projects and project implementation. He said in 2007/08 CIP there were 42 projects in design, right-of-way acquisition and construction; these projects would be monitored using the MS Project software. He said the goal was to maximize the use of City staff to design projects with assistance from consulting engineers. He said ten of the 42 projects would be designed by City staff and 13 projects would be constructed by City forces. He showed pictures of several construction projects.

Brink reviewed the changes in the CIP format. He said the first change was that the program would be for one year (FY 2008/09) rather than three years; which meant there would be a plan but no budget for one year. He said that would improve delivery on short term projects and not raise expectations on long-term projects. Projects programmed after 2008/09 would be placed in a separate appendix of the CIP and available for review. He said sources of funding would be added to the index page at the front of the CIP.

Coun. Arnold asked for clarification about how the future projects would be shown and if it would be similar to the CIP Future Projects section.

Brink said it would be similar to the Future Projects section; the projects in the Master Plans, Transportation System Plan, Utility Projects and the Needs List Projects would be listed in a separate appendix for the CIP.

Coun. Arnold asked if the projects for the next two fiscal years would be listed in the CIP and the future projects beyond those two years would be added to a separate future work zones.

Brink said that was correct although more time was needed for additional review of the work entailed for each project before projects could be placed in the current or next fiscal year.

Brink reviewed the sanitary sewer projects noting there were eight projects with an estimated cost of $4.5 million. He said the majority of the work was in the South Central Beaverton, West Slope and Vose Neighborhoods and involved replacement of pipelines that were under-sized and in poor condition. He said Clean Water Services (CWS) was contributing to the South Central projects.

Mayor Drake said CWS was sharing the cost for these improvements to prevent stormwater from leaking into the sanitary sewer system which would then have to be treated at the sewage treatment plant. He said the goal was to replace the pipe so that the sewage treatment plant would only be treating raw sewage.

Coun. Doyle noted that the Council just approved the funding for CIP Project 6040 Tualaway Avenue Sanitary Improvements just shown in the presentation.

Brink confirmed that the Council approved Phase A of Project 6040 which will be done by an outside contractor; City crews would complete Phase B.

Brink reviewed the water system improvement projects. He said there were 19 water projects, including the Joint Water Commission (JWC) projects, with an estimated cost of $4.9 million. He said $1 million of that was associated with JWC projects, $1.8 was for system capacity improvements, and $1.5 was to replace existing pipe.

Brink said the CIP contained 14 storm drainage projects at an estimated cost of $2.8 million. He said the projects included replacing existing systems that were in poor condition, such as West Slope, and water quality improvements to improve the quality of stormwater runoff before it enters the creeks, as with the Beaverton Creek Channel Enhancement Project. He added that the City received $2.6 million from Metro's

Nature in the Neighborhood bond and $500,000 of that would be used for the Beaverton Creek Channel Enhancement Project.

Coun. Arnold asked how the funds from the Metro bond measure would be used.

Brink explained that prior to the election Council approved eight projects to be included in the Nature in the Neighborhood bond measure. He said the Beaverton Creek Channel Enhancement Project and the Ericson Creek Water Quality Project (Menlo/Farmington) were two of the projects. He said there was a City match contribution for each project.

Mayor Drake added that the Council held two public hearings on the project list for the Nature in the Neighborhood bond measure.

Brink reviewed the CIP transportation projects noting there were eight projects with an estimated cost of $4.5 million. He said $2 million of that was associated with the Murray Extension Project that was currently underway. He said the four MSTIP3 projects and the commuter rail project were not included in the $4.5 million. He said there were three traffic calming projects and a street lighting project on SW 173rd Avenue, between Walker Road and Cornell Road. He reviewed the pavement overlay schedule noting the two primary projects were Allen Boulevard (Murray Boulevard to Main Street) and Weir Road (SW 155th Avenue to the west city limits) at an estimated cost of $1.1 million.

There were no Council questions.

07092 Residential Property Maintenance - Presentation of Proposed Ordinance

Mayor Drake said that five years ago there was a discussion regarding having a property maintenance ordinance to assist Code Enforcement staff to enforce maintenance of homes. He said the Code Enforcement staff could not act on home maintenance complaints for the Code did not address this issue. He said recently there was a fire at a private home (Rebecca Lane) and the home was abandoned for a while. He said the homeowner moved back into the house and lived in the home without electricity, water and other facilities. He said this caused concern in the neighborhood and the City had no legal authority to deal with the problem; the Washington County Health Department had no basis for taking action as there was no illegal activity occurring in the house. He said for many people their homes were their major investment and it was disturbing when someone in the neighborhood does not maintain their home. He said this proposed ordinance would respond to extreme cases, to gain compliance with the Code; it is a hybrid of several ordinances in the region. He introduced the staff members who would make the presentation.

Chief of Staff Linda Adlard said the Code Enforcement Division does an excellent job of keeping the community livable and in good shape. She said this ordinance addressed exceptional issues in neighborhoods, such as trash accumulation or unsafe conditions. She said though portions of the ordinance may seem strong, there were often multiple issues when dealing with such cases. She said she did not expect the ordinance would be used often; only for exceptional cases in residential areas.

Adlard said Code Enforcement staff had been successful in getting residential tenants and homeowners to comply with the Code. She said when owners were not able to clean their property, the City handled the abatement of the problem. She stressed this ordinance was an additional tool for staff. She said this was a work session so the Council could view the ordinance.

Code Services Manager George Fetzer reviewed the draft ordinance for the Residential Property Maintenance Code (in the record). He said every year the City receives many complaints regarding inadequate maintenance or inappropriate use of residential buildings. He said the current Code can address issues of noxious vegetation, rubbish, and maintenance of building that are unoccupied for more than 60 days; however, it does not address maintenance of occupied buildings. He said a residential property maintenance code would establish minimum standards to keep dwellings safe, sanitary and fit for human occupancy; it would also limit the number of people allowed to occupy a dwelling.

Fetzer said that as the community's housing stock ages the possibility of building deterioration and blight increases. He said this was occurring in existing neighborhoods, resulting in the decline of property values and unsightly properties. He said the current Code does not address these problems; he showed pictures of several homes in Beaverton to which this ordinance could apply. He said numerous vehicles often indicate over-crowding; residences are sometimes overcrowded to spread the rent among a number of people. He said an absentee landlord may not know or care about overcrowding but the neighbors care. He said the existing Code does not limit the number of people that can occupy a dwelling. He said the proposed ordinance targeted the problem areas while imposing the least possible burden on property owners.

Fetzer said the ordinance would preserve the quality of the housing stock and the quality of life in residential neighborhoods, and would reduce deterioration and blight. He said the ordinance would not impose any inspection fees, increase City costs, require annual inspections or certificates, or require licenses or permits. He said the ordinance was developed using property maintenance codes from Gresham, Portland, Salem and Tigard, and a model International Property Maintenance Code.

Fetzer said the ordinance would require that residences have electric, water and sewer utilities, weekly disposal and removal of trash, and the removal of boarding from buildings that were previously vacant. Also, roofs and chimneys must be structurally sound and water tight; gutters and downspouts must be maintained and tarps covering an outside wall or roof of a home be limited to three months. He showed pictures of houses that had long-term maintenance problems.

Fetzer said the ordinance sets maintenance requirements for foundations, exterior and interior walls, stairs and porches, handrails and guardrails, windows, doors, floors, ceilings, cleanliness and sanitation. He said the ordinance specifies that the interior of dwellings be maintained reasonably free of dampness to prevent decay, mold and the deterioration of the structure; that objects that collect standing water be emptied to eliminate breeding sites for mosquitoes; that dwellings be kept free from insect and rodent infestation; and that dwellings must have functioning and maintained bathrooms, kitchens, plumbing, heating and electrical systems. He said

the ordinance addressed overcrowding by specifying the minimum amount of living and sleeping space per person. He reviewed provisions for safety, maintenance of fences and pools, and prohibitions against living in tents and recreational vehicles parked on residential property.

Fetzer reviewed the penalties for violations: 1) Code violations were a Class 1 Civil Infraction with a maximum fine of $250 per day, and the ordinance contains provisions for abatement and lien by the City; 2) Habitability violations (electrical, water, sewer and trash service) were Class C Misdemeanors with a maximum fine of $6,250 and up to 30 days imprisonment; 3) Safety Violations (cleanliness and sanitation, emergency exits, illegal occupancy, and prohibited habitation) were Class 2 Civil Infractions subject to a maximum fine of $150 per day; and 4) Standing water violations were Class 3 Civil Infractions with a $50 per day maximum fine.

Mayor Drake asked if the Council had any comments. He noted any revisions could be incorporated into the ordinance and if Council wished to proceed the ordinance would be brought back at a public hearing for citizen comment.

Coun. Doyle said he was not comfortable with the ordinance although he understood there was a need for it. He asked what the basis was for the penalties.

Fetzer said in handling current cases, it was determined that the City needed the authority to potentially arrest someone if they would not respond after the staff had spoken with them. He said there were problems with individuals who would not cooperate. He said the ordinances from other cities had the civil provisions but not criminal provisions.

City Attorney Alan Rappleyea said none of the other cities had criminal provisions. He said it was difficult to get people to comply and the process becomes much longer without the authority to arrest.

Coun. Doyle expressed concern with the criminal penalties.

Chief of Staff Linda Adlard said when fines were imposed it would be before a judge; the judge would determine if the fines were realistic and if the violator could afford to pay. She said that usually once a person comes before a judge they agree to comply with the law within a certain amount of time.

Coun. Doyle asked if the ordinance would apply to cases where someone had standing water on their property from a sprinkler system or fountain. He said he did not know where the line would be drawn in such cases. He asked the basis for the overcrowding standard and if there was a lot of overcrowding in the community.

Fetzer replied that the Tigard Code and the International Property Maintenance Code had similar provisions for overcrowding.

Coun. Arnold asked for the space provisions in the International Code.

Fetzer said he would get that information to the Council.

Coun. Doyle asked how many times Tigard, Gresham and Portland had to use their Codes annually. Also, what would happen in cases where homeowners were on a limited income and could not afford to do repairs.

Adlard said PGE had a program to provide heating for those who are on limited incomes; the City would work with PGE to ensure the resident had heat. She said the City was trying to have the least amount of burden while enforcing certain standards. She said the staff works with other organizations to provide rehabilitation and other assistance to those in need.

Coun. Arnold asked if there was someway to have compliance at a reasonable level.

Adlard said this ordinance was for extreme cases in neighborhoods where there have been multiple complaints and safety hazards, or where there may be absentee landlords who were not interested in maintaining their property. She said this was not intended to be punitive to individuals; this was to keep the quality of the neighborhoods at a certain level, to keep children safe, and to prevent vermin infestation. She said staff would not be doing daily inspections checking for violations.

Mayor Drake said the Code Enforcement staff and Police have the discretion to determine what action to take. He reviewed a case of a four-plex on 125th Avenue that was in bad shape because the property manager was not taking care of the property and the owner lived out of state and was not aware of the situation. He said the neighbors felt the City did not care about this problem; however, the City did not have the Code authority to handle such extreme circumstances. He said that type of case was what led to this ordinance.

Coun. Doyle noted one of the pictures showed tires piled up in a backyard. He asked what Code section this violated.

Fetzer said the tires were an example of an object or container that could hold standing water.

Coun. Dalrymple asked when the staff was looking at a residence were they looking at the Uniform Building Code (UBC).

Fetzer said the Code specified that the home had to be maintained to the standard under which it was constructed, except for standards that have been imposed since then. He said if a home was built in 1978, it would have to be maintained to the 1978 UBC with the addition of the requirement for smoke detectors that was added by the Uniform Fire Code.

Coun. Dalrymple asked about automobiles parked in yards and driveways for years without being moved and how those situations would be dealt with.

Fetzer said the existing Code addresses automobiles on private property and public streets. He said inoperable vehicles on private property are called discarded vehicles and the City handles many complaints annually regarding discarded vehicles.

Coun. Dalrymple asked if the standards for overcrowding were developed by staff.

Fetzer replied those standards were modified from other cities' codes. He said they looked at many codes and, with the help of the City Attorney, developed standards that they felt were appropriate. He said overcrowding was a nation-wide problem with a long history. He said the Federal Housing & Urban Development (HUD) Agency set an advisory standard of two persons per bedroom many years ago.

Coun. Dalrymple asked how strict the City's criteria were on a scale of one to ten, with ten being the most restrictive.

Fetzer said these standards were middle-of-the-road in terms of established standards from other cities and HUD.

Coun. Dalrymple said he would need to become more comfortable with the aspect of penalties because of poverty level issues. He said he needed more information to get a better feel for these violations. He said he did understand the need to get people to comply but he was not fully supportive of the penalties.

Adlard said that was one of the hardest parts in composing this ordinance. She said this ordinance was not intended to be punitive in nature; it would give people a reason to comply. She said when people come into court they were often uncomfortable that they have not been able to comply with the ordinance. She said the judge understands those situations; and the City does not generally fine people and then make them comply. She said if the people agree to comply, the judge almost always waives the fine. She said in cases where the City has worked with people and they still will not comply, then the City needs the authority to take the next step to get them to comply for the sake of the neighborhood.

Coun. Dalrymple said he wanted to see repairs handled and the community looking attractive, but some people do not have the financial ability to handle the maintenance. He said he would need additional information on handling such situations. He noted that fountains and bubblers were popular landscape features and when they are not running there was standing water. He asked how that would be dealt with.

Adlard said this was more of a health standard where everyone could be affected as in the case of a Nile virus outbreak where it was critical to get the mosquito population under control. She said the only way that could be done would be to empty standing water sources. She said this was not about a pond or fountain that was kept clean, and the staff would not drive around looking for violations; these issues were always complaint oriented.

Coun. Dalrymple asked if the ordinance should contain a section for vector control.

Adlard explained the current Code covers vector control; this ordinance addresses areas that the current Code does not cover.

Coun. Bode asked if the ordinance had already been enacted for the past two years, how many times would the staff have had to apply civil or criminal charges.

Fetzer said in the past two years there would have been two cases of criminal violations. He said in those cases he would contact the Police Department and they would use their own discretion to determine if they felt the situation was serious enough to arrest an individual.

Coun. Bode referred to the house on Rebecca Lane, where a resident was camping in the boarded up house after there was a fire in the house. She said she heard from several neighbors who were surprised that the City could not take action and asked how long that situation had existed.

Fetzer said it has been two years since the fire in that house.

Coun. Bode said in speaking with the neighbors on Rebecca Lane, the most common comment she heard was that the house was driving down the value of their homes and it made the street unattractive. She said after that case she understood why the City needed additional authority to proceed on such cases.

Mayor Drake said when Tigard first enacted its ordinance it did not have to issue a citation the first year. The City had the leverage of the ordinance and informed people of its requirements to bring about compliance.

Adlard suggested that to help Councilors be more comfortable with the ordinance it could be revised to include a section requiring that when a case escalated to the level of a criminal action that it first be reviewed by multiple people to ensure that all possible steps have been taken before going to the criminal action. She said then it would feel like ones peers were judging the situation as a safety-gap step.

Fetzer said this past year there was a case near City Hall of an eight-unit apartment building that had no trash service and bags of trash were piling up in the parking lot. He said the staff verified the violation and contacted the owner who said they would pay the garbage bill so service would resume. He said two weeks later that had not been done and the property owner told staff the City could abate the problem and lien the property because his wife would get the property in their pending divorce and it would please him to have liens on the property. He said the owner refused to cooperate and the City was powerless in handling the situation. He said the City ended up cleaning up the mess with the help of the tenants; then the tenants opened individual accounts with the waste company to ensure garbage service.

Mayor Drake asked if a cost analysis was done on that case from the first contact to when the City placed the lien on the property.

Fetzer said the cost was several thousand dollars and the case took several weeks to resolve. He added there was an additional case two years ago that cost $10,000 to abate the interior of a home.

Coun. Arnold asked if this process was complaint driven.

Adlard said the City would take referrals from anyone be it neighbors or other agencies. She said the entire Code Enforcement process was complaint driven. She said one day they received 30 calls for abandoned cars.

Coun. Arnold referred to Section 8.07.110 and asked what was considered "temporary" in "temporary interruptions of service for routine maintenance or emergency repairs…" and what about interruptions from natural disasters.

Fetzer said interruptions of utility power that were outside of the individuals control was not a subject of this ordinance. He said the City would not be getting complaints about a temporary situation; the complaints the City received were from long-term problems lasting weeks, months and years.

Coun. Arnold said the term temporary was in a couple of places in the ordinance and she wondered if the language needed to be more specific or if it was subjective.

Adlard said that by the time neighbors are fed up enough to call it is pretty severe. She said in the case just discussed the problem had existed for two years. She said the pictures shown during the presentation were not the worst of the worst; staff sees these very real problems every day. She said it was unfortunate that people believe it is okay to live in those conditions because it does affect the neighbors. She said in terms of the word temporary, if a problem has existed for three weeks that would not be relevant to this ordinance. This ordinance concerns truly severe long-term problems.

Coun. Arnold said she wondered if individual inspectors would define the term temporary differently and thus handle cases differently; would that put the City up for question.

Mayor Drake said the Code Enforcement staff were very patient; complaints were checked out when received and staff work with the owners, allowing them the time they need to resolve the problem. He said the hammer does not go down immediately. He said if a problem was not resolved as first agreed upon, the staff goes back to the owner to find out why there was a delay and works again to get the problem resolved. He said neighbors were entitled to a clean neighborhood and staff works patiently with the owners to cleanup problem areas. He said there was nothing sudden or unkind when staff enforces the Code.

Coun. Arnold asked if this ordinance was consistent with the rest of the Code in terms of how cases were handled and cited. She asked if there would be any problem if cases were handled and cited differently.

Rappleyea said the City has to be consistent with all Code enforcement or someone could claim disparate treatment.

Coun. Arnold asked if there was any worry from a legal perspective because the Code uses the term "temporary" and it requires that roofs not leak but it does not state when they need to be repaired.

Rappleyea said the ordinance went through a thorough legal review; one has to weigh the concern of being overly restrictive versus the need for some flexibility. He said there could be a reasonable interpretation of the term temporary dependent on individual cases and circumstances.

Coun. Arnold read Section 8.07.120B which required that gutters or downspouts be continuously maintained in sound condition. She said with the current movement toward green roofs and water conservation, people were changing how they handle runoff water. She said she questioned how these changes would be authorized and staff advised her that Section 8.07.040 allowed for changes to structures per the current Building and Development Codes. She asked if that was correct.

Fetzer said building alterations were handled according to the Building Code in effect at the time of the revision. He said if someone wanted to remodel their building to add a green roof, the current Building and Development Code would supersede the older Code. He said that was what Section 8.07.040 was saying.

Coun. Arnold noted that Section 8.07.170C, Handrails and Guardrails, stated the rail had to be capable of "supporting the loads to which it is subjected." She asked what that standard would be.

Fetzer said that would be governed by the original design of the building under the building code that was in effect at the time the building was constructed. He said the general standard was 100 pounds per square feet for stairs. He said this was standard language used in the building industry and building officials and builders understand the requirements.

Coun. Arnold asked about allowing key-locked deadbolts for the interior of buildings.

Fetzer said that was currently allowed by the Building Code for single family residences.

Mayor Drake noted that staff would need to review the Council's comments from this session. He asked if Council would like to have the ordinance brought back for further consideration in the future.

Coun. Bode said that in looking at the process, she was not sure that additional review was needed when a case had reached the criminal level. She said with the length of the process it could take a year to reach the point where criminal charges would be the next step. She said she could not see adding another layer to the process if it takes more time to get a problem resolved. She said the current process provides sufficient documentation for safety.

Adlard said she would recommend that staff rework the ordinance and try to clarify the language issues and then bring it back to Council. She said if the ordinance was adopted, staff could monitor what happens and keep Council informed on the efficacy of the code. She said she did not expect this to be used constantly.

Coun. Doyle said he favored monitoring the use of the ordinance. He said he did not think a separate review panel was needed; Council could act as the review panel since it does hear about these cases.

Mayor Drake said this would be brought back to Council.

Couns. Arnold and Doyle said they supported the ordinance for it was a needed tool to help neighbors solve issues with problem properties.

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Dalrymple, that the rules be suspended, and that the ordinances embodied in Agenda Bills 07093 and 07094, 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 and Doyle voting AYE, the MOTION CARRIED unanimously. (4:0)

First Reading:

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

07093 ZMA 2006-0015, Progress Ridge Split Zoning Map Amendment (Ordinance No. 4435)

07094 ZMA 2006-0025, Tri-Met Elmonica Maintenance and Storage Area Expansion Zoning Map Amendment (Ordinance No. 4436)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:45 p.m.

_____
Sue Nelson, City Recorder

APPROVAL:

Approved this day ,2007,

_____
Rob Drake, Mayor

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
MAY 14, 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, May 14, 2007, at 6:35 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce S. Dalrymple, Dennis Doyle and Cathy Stanton. 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, Senior Planner Margaret Middleton and City Recorder Sue Nelson.

PROCLAMATIONS:

Mayor Drake proclaimed May 2007 as National Bike Month. He said that Beaverton was honored to be a bicycle city.

Mayor Drake proclaimed May 20 - 26 as Emergency Medical Services Week and he read the proclamation.

Ryan Smith and Megan Tatum, Emergency Medical Technicians, Metro West Ambulance, thanked the Council for the proclamation and the City for its continued support for emergency medical services. They presented a plaque to the Mayor recognizing the City for its support.

Mayor Drake proclaimed May 11 Police Memorial Day and May 13 - 19 Police Week. He said he was saluting all Beaverton Police Officers and acknowledged that they were on the watch 24 hours per day. He thanked them for their service.

Mayor Drake proclaimed May 20 - 26 as National Public Works Week. He recognized the City's Public Works staff for they keep the City's infrastructure, water and sewer systems working efficiently. He thanked them for their service.

PRESENTATIONS:

07097 Presentation on Safe Place for Youth Shelter Project

Michael Balter, Executive Director, Boys and Girls Aid Society of Portland, introduced Mary McPheney, Andrea Logan and Jacob Messer, who gave a presentation on homeless youth in the community.

Mary McPheney, Homeless Liaison, Beaverton School District (BSD), said as a Liaison, she helped families and youth who were in homeless situations. She said currently this school year in the BSD, they have served 1,092 homeless youth. She said 27% (181) of those youth were unaccompanied youth, either living with a non-family adult or were totally alone. She said 116 were living with a non-parent family member, 297 youth were between 14 and 18, and needed non-traditional housing. She introduced Jacob and said through a state competition he won a student award to go to Microsoft for a week; he also received the Student Achievement Award from the University of Oregon College of Education Alumni Association.

Jacob Messer told of his life as a homeless youth in Oregon. He said he lived in an old garage with a leaky roof, no insulation and one electrical outlet. He said if a youth shelter had been available, life would have been better. He said his teachers and school counselors helped. He said moving to Beaverton was a big transition though he lived with his mother's friend. He said he and his family have had to stay in shelters over the years. He said in his relationship with his teachers he was a student and teacher, for he learned from them and he taught them about his life.

Andrea Logan, Program Supervisor, Boys and Girls Aid Society, distributed a brochure to the Council about the Safe Place Program. She said the Society provides emergency shelter and transitional care for youth aged 14 to 17; they have provided this service for 30 years in agency foster homes. She said the Safe Place Shelter provided an additional option for placing youth. She said they provide short-term shelter, basic needs and emergency assistance. She said they provide agency assistance to help youth get back on their feet, return home or find a safe and stable housing option. She said they provide educational support working with school districts and recreational/school activities so youth can learn from each other. She said they also provide transitional living support, for the short term (four months) or long term (up to when they reach the age of 21). She added that eligibility requirements for youth to stay in the Safe Place Shelter were listed in the brochure.

Balter thanked Jacob for his presentation. He asked Jacob to show his awards to the Council.

Jacob displayed his awards for the Microsoft Dream Field Trip essay contest, the Student Achievement Award from the UO Alumni Association, and the Japanese Honor Society.

Balter said Jacob demonstrated that youth can be very successful, but it was difficult to do that if they don't have a safe place to live. He said that was what the Aid Society was offering. He said Beaverton was the first city to grant the Aid Society social service funds and he thanked the Council for that funding. He said those funds would be used to help the Aid Society continue to serve the children.

Coun. Bode asked Logan if there was a wish list for the Safe Place Shelter and a contact number if citizens wished to make a donation.

Logan the best way to contact them was to call the main office at the Shelter, 503-542-2717.

Coun. Bode thanked McPheney for her work and commended Jacob for his success.

07098 Beaverton Human Rights Advisory Commission (HRAC) Human Rights Essay Contest Award Presentation

Esther Griffin and Sierra Redwine, Human Rights Advisory Commissioners, reviewed the purpose and guidelines for the HRAC Human Rights Essay Contest. Griffin explained that the purpose of the contest was for students to demonstrate their understanding of human and civil rights, and the importance of acceptance. She said the contest allowed a variety of mediums (essays, arts, film, etc.). She said this year there were 76 entries and the theme was Human and Civil Rights: Diversity in My Community. They presented the awards to the contest winners and runners up. The winners received a certificate and a $50 gift certificate to Powell's Books; the runners up received a certificate and a $25 gift certificate to Powell's. The winners were:
Elementary School: Alina Bitter, winner; Melissa Tensa, runner up;
Middle School: Andrew Hyun, winner; Marisa Ah Nee and Alannah Berson, runners up;
High School: Anusha Neelam, winner; Tae Won Lim and Katrina Lim, runners up.

Alina Bitter read her essay *Why Beaverton is a Great Area*, and Anusha Neelam read her essay *Through Diversity We Become One*.

Mayor Drake thanked all of the students for their participation. He said that as the city has grown over the last 25 years diversity has made the city more interesting and a better place to live. He thanked everyone for promoting diversity.

VISITOR COMMENT PERIOD:

Henry Kane, Beaverton, said the Oregonian published an article titled *Fees in the Works for Traffic Fixes, Sidewalks*. He said this would increase the bureaucracy. He said this fee was unfair because property owners whose homes were valued at $200,000 would pay the same amount as those who have a million-dollar home. He said he felt the better way to finance street improvements was to increase tax rates.

COUNCIL ITEMS:

Coun. Stanton said last Saturday she attended the Town Hall meeting on Affordable Housing in Cedar Mill. She said it was well attended. She said the issues remained the same; the gap between those who can afford housing and those who were having a hard time providing for housing along with basic needs was becoming greater. She said she had materials that she would distribute to the Council later.

Coun. Stanton said that Mayor Drake would be giving his State of the City address tomorrow at the Chamber of Commerce luncheon at The Reserve in Hillsboro.

Coun. Doyle said part of the program for the Chamber of Commerce's meeting tomorrow would be to honor the graduates of the Leadership Beaverton Program. He said these citizens give one day a month for nine months to learn more about the community. He said that was a key part of the program.

Coun. Stanton said four years ago the City denied a request from Oregon Entertainment Fantasy Video for a conditional use permit to allow 24-hour operation. She said Oregon Entertainment then took the City to court twice; it recently went to the 9th Court of Appeals and Oregon Entertainment lost again. She briefly reviewed the details of the case. She said she was pleased that the City prevailed because this decision upholds the City's right to have conditions of use specific to the community.

STAFF ITEMS:

There were none.

The work session/public hearing on the Beaverton Downtown Parking Solutions was heard at this time.

WORK SESSION/PUBLIC HEARING:

07104 Beaverton Downtown Parking Solutions

Senior Transportation Planner Margaret Middelton introduced Derek Chisholm, Parametrix and Rick Williams, Rick Williams Consulting, the consultants who prepared the Beaverton Downtown Parking Solutions. She said the City received a grant from the Transportation Growth Management Program from ODOT to perform a regional center parking study in the Old Town area in Fall 2006. She said the consultants would present a Power Point presentation on the results of the study. She added that Coun. Stanton was the City's representative on the stakeholders Task Force that worked on this project.

Rick Williams, Rick Williams Consulting, Portland, said he was the technical lead on this project and Chisholm was the project lead. He said this report was the recommendation of the Parking Stakeholders Advisory Committee. He said the Committee worked with the consultants to conduct the study and prepare the report. He reviewed the membership of the Committee (in the record). Williams said the study area was defined by the grant. He said every parking space in the study area was surveyed, over a 12-hour period, every hour on the hour. He said the desired outcome of the study was to develop a parking management system that provided a high level of integration and consistency.

Williams reviewed the data derived from the on-street parking survey (in the record). He said highlights of the data were: 990 on-street spaces were surveyed from noon to 1:00 p.m. (peak hour); average duration of stay was 2-hours/24 minutes; turnover is below optimum; peak hour occupancy was 40.7%; there were 587 empty stalls in peak hour on-street parking; one-hour stalls were ineffective; there was abundant on-street parking availability throughout the study zone; and employees park in the two-hour stalls with permits which may create conflicts between customers and

employees as parking demand grows; violations of time stay average about 15% which is a high percentage.

Williams summarized the findings from the off-street parking survey: 2,117 off-street spaces were surveyed; most were privately owned; peak hour was 1:00 - 2:00 p.m.; peak hour occupancy was 44.4%; there was substantial unused capacity (1,176 empty stalls during peak hour). He said currently parking was being provided at 4.01 stalls per 1,000 square feet; actual demand was 1.85 stalls per 1,000 square feet. He said that parking was provided at a rate that significantly exceeded demand. He concluded that currently that was not an issue but in the future the vacant land that would be available for future development was in parking. He said understanding true demand when working with developers to provide parking in the future would be very important because as surface lots were removed it will be more expensive to replace them in another form, as in structured parking.

Williams said the Parking Committee recommended that the downtown area be treated as a parking management zone. He reviewed how Parking Management Zones A and B were established by the Committee and the Guiding Principles developed by the Committee to guide future parking decisions for Zones A and B (in the record). Guiding Principles were Access, Priority Parking, Quality and Understandability, and Coordination. He reviewed Parking Management Strategies and Policies in detail (in the record).

Coun. Bode referred to the recommendation to eliminate all time restrictions on the City's public parking lots and asked if the recommendation was for 24-hour parking for those lots.

Williams said they were not recommending 24-hour parking.

Coun. Bode questioned if the parking would then be limited. She said she could see people using these lots to park their cars, catch MAX to go to the airport, and then coming back in a few days. She asked if that would be allowed.

Williams said the lots near Light Rail or commuter rail needed to be sensitively managed to ensure that those who park there were doing business in Beaverton. He said the lots that were further away should be used by as many employees and long term parkers as possible; 24-hour parking would not be allowed.

Williams said in the future there would be a Parking Manager and Advisory Group to implement parking management strategies and the existing parking supply would be formatted based on the near-term recommendations (in the record) to better utilize the parking supply. He said the most important element of the plan was in the mid-term when the City would have discussions with the community on managing parking more aggressively to attain a higher-density urban form. He said that was dependent on bringing alternative uses to this area and making them more convenient for employees. He stressed it was important to plan now for future parking, for it will be more expensive to provide these facilities in the future.

Derek Chisholm, Parametrix, Portland, reviewed the input received on the draft report from the Planning and Traffic Commissions. He said through the Stakeholder Advisory process they had representation from both of the Commissions and the Council, which made a good network of connections. He said the comments they received indicated general support of the recommendations with emphasis placed on the importance of wayfinding and signage improvements. He said the Traffic Commission supported: 1) The "park once, shop many times" concept; 2) The Saturday Market; 3) Having a parking manager; 4) Commission role if desired; and 5) Reducing the minimums and making changes. He said the Planning Commission had many similar comments along with the recommendations to: 1) Coordinate this plan with the Commuter Rail Project; 2) Drop the minimum parking requirements or tie them to square footage or uses; 3) Develop parking strategies for special events; 4) Move the Customer First Program to the near term; 5) Tie the Fees in Lieu to a Construction Price Index; and 6) there were discussions regarding Measure 37 and the possibility that changes could be made and locked in place for future development.

Coun. Bode asked if the size of parking stalls would be altered to encourage alternative transportation, such as the sub-compact versus the super-size space.

Williams said as parking garages were built, the stalls were smaller because the cost to build the garages was very high. He said creating a design standard that was best for the community and incorporating that standard into the garage requirements, would be best.

Coun. Stanton asked if anyone had structured parking where mini-compacts would be on level one, level two was compact, level three sedans and level four SUV. She said she was wondering if there was a way to encourage people to have a better gas mileage ratio, such as a surcharge for taking up space.

Chisholm said he had not seen that done but it was a great idea.

Williams said the ECO rules in Oregon and the CTR rules in Washington, which encourage alternative commute behaviors, often encourage managing private lots so that the best spaces were reserved for car pool, hybrid and ride-share vehicles.

Coun. Dalrymple said he thought it was important that the City was looking at this for there were many areas within Beaverton that were ripe for redevelopment in an urban type of development. He said it was important to have the planning tools and code ready to facilitate such redevelopment. He said the City needed to look at this quickly and in depth to facilitate redevelopment of the community. He said it was important to look at the timing of these recommendations and the visioning for the community.

Coun. Arnold referred to the recommendation to establish a Downtown Parking and Transportation Enterprise Fund and asked Williams if he had seen this done and if he could describe the process.

Williams said many cities do this. He said the best example locally was Smart Park where all of the money from Smart Park has to go back into the Fund and there are specific guidelines on how the funds can be spent. He said establishing such a fund would be important because of the future cost of parking.

Coun. Arnold asked if he had seen any city develop a good plan.

Williams said there were many good plans including Bend and Portland. He said the cities that do the best job were those that have multiple sources of funding. He said in this area it would cost $205 per month, per stall to finance a parking garage. He said that was why multiple funding sources were important.

Mayor Drake said that Williams' success in managing the Lloyd Center was legendary in terms of getting people to use alternative transportation modes. He said that area had changed drastically in the last ten years. He said Beaverton was almost on the same cusp that the Lloyd Center was 20 years ago but it does not have an urban renewal district. He asked what a parking structure would cost and could a city use a bond to build a parking structure.

Wiliiams said that could be done but it would have to be coupled with another project, such as a library or city hall. He said many cities do this for their first garage. He said cities have also used a private/public partnership process with a private developer to build their structures.

Mayor Drake asked if it would depend on what facility the City would build and where it would be located.

Williams said that was correct. He said this study was focused on the study area. He said the study area was compact and the City might not have to build a huge garage. He said a pocket (small) garage might be best for this area as opposed to a large facility; and a smaller garage could be built sooner rather than having to wait for a larger garage.

Coun. Arnold noted that on page 9 of the report there was a minimum requirement for .75 stalls per unit for residential development within Zones A and B. She questioned if a household could function without one car and how would that be viable.

Williams said the .75 was for parking in this region, associated with rental units. He said the assumption was that the condominium units and ownership properties were a minimum. He said currently they were building between 1.35 and 1.7 stalls per unit for condominiums in this region. He said apartment and rental housing were being built with 1.2 stalls per unit. He said the minimum was set from the relationship of rental housing; residential housing would not be an issue.

Coun. Arnold said she could not see residential rental housing being built in this area at that rate.

Williams said the relationship was between the housing and the alternative modes.

Coun. Arnold said her concern was that residents would use street parking since they do not have sufficient parking on site. She asked what would happen as the parking was eliminated through development.

Williams said per the Parking Plan that would not be allowed; residential parking on streets was prohibited. He said the developer would be aware of that and their alternatives would be to build the parking, find an off-street solution or come back with a better plan.

Coun. Doyle thanked the consultants for the study and said this was very important to future growth and redevelopment of the downtown areas. He said he fully supported all of the near-term strategies presented. He said he was comfortable with this for the Parking Committee received input and guidance from the business community. He said as long as they continued to tap the business community as the plan develops, he would be happy. He said without their input and involvement, the plan would not work. He said he looked forward to trying out these recommendations and he was pleased with this study.

Wiliiams said that they agreed with Coun. Doyle.

Chisholm added that Commissioner San Soucie added to the wayfindings that there would also be a great opportunity to better plan the streetscape of a corridor, so that the connection between the Light Rail and the core of the downtown was a more comfortable experience.

Coun. Bode referred to the parking ratios mentioned earlier and said that the newest idea was to have bunk-bed style parking in parking stalls. She said this would incorporate a lift so that in a single stall, the first car would be lifted up and the second car could park underneath the first. She said this arrangement would hold two cars in one stall; the cost of the stalls was $20,000.

Williams said the new Strand maximized its garages with the bunk bed stalls; it has about 30 bunk bed stalls.

Coun. Bode said she hoped that the outcome of working with this broad community group would be that the members bring their creativity and vision into the process to plan for the next 50 years.

Coun. Arnold said she liked the bunk bed stall idea but that would not work for her family. She asked about having 15 minute time slots.

Williams said that the standard in Zone A would be two-hour parking; all other standards would be by exception. He said businesses would have to come in and demonstrate that they meet the standards for a business requiring a 15-minute stall and then it would be approved. He said loading zones and 15-minutes stalls were included in the exception process.

Coun. Stanton referred to the parking management zones on page 4 of the PowerPoint presentation. She said the line that was down the middle of the zone was Lombard Avenue, and the area to the right, was included in terms of the number

of parking stalls available in the whole study area. She said in the data on page 3 of the staff report, there should have been a Node D for that area. She said the flaw was that the numbers used for the total stalls included the railroad tracks. She said it was difficult including the parking opportunities east of Lombard Avenue because not many people would park there and go to Ringo's or the Farmers' Market. She said .2 parking stalls worked well in The Pearl because they have transit; Beaverton does not have transit and could not go to .2 stalls.

Williams said that was why .75 was recommended in the study.

Coun. Stanton said that not everyone could walk to Light Rail and the City has to live within those constraints until something changes. She said that almost everyone showed up for every meeting, were well involved and they have a vested interest.

Williams thanked Middleton for her excellent work in managing this project.

Mayor Drake and Coun. Arnold thanked the consultants for their work.

Mayor Drake said this issue was also being considered as a public hearing and noted that there was someone who wished to speak on the issue.

Mark San Soucie, Beaverton, said that the project went very well and the City and ODOT (Oregon Department of Transportation) got their money's worth on this project. He said sometimes these studies were lectures; he said in this case the consultants spent a vast majority of their time extracting information from the team members. He said they spent a lot of time and energy getting people's thoughts and making sure that they understood the sentiments of the Committee. He said the guiding principles and recommendations were developed from this dialogue. He said this was a fabulous process and great technical work. He said he was grateful for the opportunity to participate. He said he agreed with the recommendations of the Committee. He said he was impressed with the "park once, shop many" concept and everything that can be done to improve the pedestrian core would be extremely valuable. He said right now the area from City Hall to the Library and The Round was scruffy in several places, not attractive to pedestrians. He said that needed to be improved. He added that there was a development in the Pearl that has a "Flex Car" outlet where residents of the building can take out a car for an afternoon or as needed. He said that was one possible solution to how people could live with less than one car per unit.

Coun. Bode noted that San Soucie served as a Planning Commissioner and as a member of this study group. She asked in what capacity he was speaking tonight.

San Soucie said he was speaking for himself tonight.

Mayor Drake said this was the first step of a long journey; a starting point for the downtown. He said he was excited that the City received the grant for this joint study. He said this was a critical study for both cities.

Coun. Doyle asked what the next step would be.

Mayor Drake said this was the start; staff was looking for general approval from the Council. He said this would be brought back to Council with ideas and further refinement. He said a time frame had not yet been established.

Coun. Stanton said the City could start with a parking manager who would begin by looking at smaller issues, such as permit parking. She said she was amazed that people did not know there was permit parking for employees in the City. She said the parking manager recommendation was embraced by the whole Committee because it set a tone of commitment by the City. She said she remembered when they had meter maids and she wished they would go back to meter maids.

RECESS:

Mayor Drake called for a brief recess at 8:25 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:35 p.m.

CONSENT AGENDA:

Coun. Arnold pulled Agenda Bill 07102 for separate consideration.

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

Minutes of the Regular Meeting of April 23, 2007

07099 Liquor License: Change of Ownership - El Ranchito Alegre

07100 Authorize the Mayor to Sign the Agreement with Energy Trust of Oregon to Study and Recommend Energy Efficiency Improvements to the City's Potable Water Supply System

07101 Authorize the Mayor to Sign 2007 Third Amendment to Joint Funding Agreement for IWRM Water Supply Feasibility Study (aka Tualatin River Basin Water Supply Project)

Contract Review Board:

07102 PULLED for separate consideration: Authorize Additional Funding for a Professional Services Contract with Outside Counsel to Provide Municipal Court Prosecution

07103 Bid Award Concrete Products Requirements Contract

Coun. Stanton thanked Public Works Director Gary Brentano for helping her understand the Energy Trust Study (Agenda Bill 07100).

Coun. Doyle said he was intrigued with the Energy Trust Study (Agenda Bill 07100) and was eager to see the final results of that.

Question called on the motion. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0) Coun. Arnold abstained from voting on the April 23 minutes for she was not at that meeting.

07102 Authorize Additional Funding for a Professional Services Contract with Outside Counsel to Provide Municipal Court Prosecution

Coun. Arnold explained this agenda bill would authorize an additional $5,000 to prosecute a traffic ticket issued to Police Officer Jessica Hull for speeding while she was on duty. She said she sent the Council an e-mail regarding her concerns. She said that up until now she was comfortable with the City's process however now the City was at a checkpoint. She summarized that police officers were not allowed to speed except in special circumstances; officers must abide by the law like every citizen. She said in the initial screening it looked like those conditions were not being met. She said because the City needed to stay fair and transparent, it made sense to hire an outside attorney to prosecute the case. She said she understood the City went to the Multnomah County District Attorney's Office and Attorney Jose Cienfuegos recommended that the City not prosecute this case. She said the decision was made to take the case to another attorney and the Council authorized $5,000 to hire an outside attorney. She said in Municipal Court, Judge Mercer had found Hull guilty. She said when she read material from the case she felt that Cienfuegos had decided his position on this case already.

Coun. Arnold said she had two competing values; no one was above the law and everyone was entitled to a fair trial under the law. She said when the City went to an outside counsel it was in the spirit of a fair trial for all. She said in discussions with the City Attorney, she heard that Cienfuegos was working for the City. She said she also heard that the City was looking for another attorney because the City did not agree with Cienfuegos' recommendation. She said that made her question the role of the prosecutor. She said the City spent money and received its "bite of the apple" with Cienfuegos. She said she did not think the City should get a second "bite" with this case. She said if Cienfuegos recommended excusing the case, the City should have excused it. She said she was concerned that the process be clear and the City be squeaky clean.

Coun. Stanton said the City did not pay Cienfuegas for his services. She said the first $5,000 was for the prosecutor to handle the case in Municipal Court.

Coun. Bode said the question before the Council was the authorization of an additional $5,000 to handle the appeal filed by Hull. She said it would be wise for the City to have an attorney for the appeal and Ms. Isaacs was the attorney who handled the Municipal Court case. She said it made sense to stay with this attorney since she won the case and it made sense to approve funding so that she could represent the City at the next level. She said that was the breadth of the question before Council. She said the background information did not influence this issue.

Coun. Arnold said the background influenced her because it introduced a conflicting value. She said she approved the first $5,000 because no one was above the law. She said now the issue of whether this was a fair process under the law had been

introduced. She said in her understanding of the role of a prosecutor she felt the answer was no because the City had erred.

Rappleyea said he discussed this with Issacs who has extensive experience. He said this question was presented to Judge Mercer who found there was no special prosecutor appointment in this case and the City has an attorney client relationship and if the City does not like the advice it gets from an attorney it can seek different advice. He said Issacs was comfortable with this position. He said this issue would be presented to the Circuit Court judge for a full hearing.

Coun. Arnold said from her point the City was spending additional funds to take this to court and what was the point of taking this to court. She asked if they really thought the officer was trying to avoid a speeding ticket and not have to pay the $125 fine. She questioned if the City needed to make a point of that. She said the City's funds would be better spent in determining that the City process was good and that it was fair.

Coun. Dalrymple asked if Coun. Arnold had a motion or specific point to make.

Coun. Arnold MOVED that the Council not allocate additional funds for this issue and direct outside counsel to dismiss the case. The motion died for a lack of second.

Coun. Doyle MOVED, SECONDED by Coun. Bode, that Council approve Agenda Bill 07102, Authorize Additional Funding for a Professional Services Contract with Outside Counsel to Provide Municipal Court Prosecution.

Coun. Doyle said he would support the motion. He said he appreciated Coun. Arnold's concern but he felt it was the Council's duty to continue the process that was initiated and see it to its full and normal ending, which was to fully defend the decision made in Municipal Court by Judge Mercer. He said he felt that anything short of that meant the Council would be taking on a role that it was not supposed to. He said the legal system was supposed to proceed and make a decision. He said he paid his photo radar ticket and everyone else should also.

Mayor Drake said he and the Council felt Beaverton had an excellent Police Department. He said Beaverton was rated the second safest mid and large-sized city in the northwest. He said the Police Department does an outstanding job in conjunction with the citizens. He said when the City initiated photo radar ten years ago, there were extensive discussions regarding policy. He said it was decided that to be fair, if any City employee broke the law while driving a City-owned car the City would issue the ticket to the individual driver and the employee would pay it. He said the only exception was for Police if they were responding to a 911 call. He said there were two Beaverton Police Officers and one Washington County Sheriff's Deputy who have paid their tickets. He said over a dozen tickets were excused because the officers were on a confirmed 911 call. He said also there have been five employees from other departments who have received tickets while driving a City vehicle. He said if he were to get a ticket, he would pay it. He said photo radar equipment does not discriminate between regular vehicles and police cars. He stressed that if a City employee gets a ticket in a City vehicle, they would pay the ticket. He said that was what this issue was about.

Coun. Bode said when she reviewed this issue she went back to the guiding principle in the police officer's oath of office, to preserve and protect the laws and constitutions of the United States of America, the State of Oregon and the City of Beaverton. She read the oath of office into the record. She said this issue needed to go to the next level in court and Beaverton employees would not be handling the case. She said each person makes his own decision on whether or not to pay his speeding ticket.

Coun. Stanton said she would support the motion for she agreed with the points raised by Coun. Bode. She said she felt no one was exempt from traffic laws. She said the process was set for anyone who gets a photo radar ticket and she appreciated that there was a process under which everyone was governed. She said she agreed with Coun. Arnold in that the initial decision was like one tentacle and she was unaware of the other tentacles of the issue. She said if she had known, she still did not think she would have handled the situation differently.

Coun. Dalrymple said he would support the motion because they needed to let the judicial system and process work. He said this process was the appellant's and the City's right, and the system must be allowed to work so that everyone has the right to be represented. He stressed that right could not be taken away.

Question called on the motion. Couns. Bode, Dalrymple, Doyle and Stanton voted AYE; Coun. Arnold voted NAY. MOTION CARRIED. (4:1)

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the rules be suspended, and that the ordinances embodied in Agenda Bills 07105 and 07106, 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:

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

07105 An Ordinance Annexing a Parcel Located at 4980 SW Laurelwood Avenue to the City of Beaverton and Adding the Property to the Raleigh West Neighborhood Association Committee: Expedited Annexation 2007-0001 (Ordinance No. 4437)

07106 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 in North Beaverton; CPA 2007-0008/ZMA 2007-0007 (12020 SW Barnes Road) (Ordinance No. 4438)

Second Reading:

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

07093 ZMA 2006-0015, Progress Ridge Split Zoning Map Amendment (Ordinance No. 4435)

07094 ZMA 2006-0025, Tri-Met Elmonica Maintenance and Storage Area Expansion Zoning Map Amendment (Ordinance No. 4436)

Coun. Doyle MOVED, SECONDED by Coun. Dalrymple, that the ordinances embodied in Agenda Bills 07093 and 07094, now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

EXECUTIVE SESSION:

Coun.Stanton MOVED, SECONDED by Coun. Doyle, that Council move into executive session in accordance with ORS 192.660(2)(h) 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. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

The executive session convened at 9:10 p.m.

The executive session adjourned at 9:35 p.m.

The regular meeting reconvened at 9:35 p.m.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 9:35 p.m.

_____
Sue Nelson, City Recorder

APPROVAL:

Approved this day ,2007,

_____
Rob Drake, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Authorize Amendments to Three Intergovernmental Agreements: the Washington County Cooperative Library Services Agreement, the Public Library Services Agreement, and the Washington County Inter-Library Information Network Agreement

FOR AGENDA OF: 06-04-07 **BILL NO:** 07108

Mayor's Approval:

DEPARTMENT OF ORIGIN: **Library**

DATE SUBMITTED: **05-07-07**

CLEARANCES: Finance
City Attorney

PROCEEDING: Consent Agenda

EXHIBITS:
1) Amendment to the Intergovernmental Agreement Washington County Cooperative Library Services
2) Amendment to the Public Library Services Agreement
3) Amendment to the Washington County Inter-Library Information Network (WILInet) Agreement

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Beaverton City Library has been a member of the Washington County Cooperative Library Service (WCCLS) since 1974. WCCLS periodically updates the Intergovernmental Agreement Washington County Cooperative Library Services, the Public Library Services Agreement and the Inter-Library Information Network (WILINET) Agreement in order to keep the agreements current with today's services and needs.

INFORMATION FOR CONSIDERATION:

The Amendment to the Intergovernmental Agreement Washington County Cooperative Library Services adds the City of North Plains as a member effective July 1, 2007. The City of North Plains agrees to be bound by all the terms and conditions of the Intergovernmental Agreement.

The Amendment to the Public Library Services Agreement (PLSA) adds the City of North Plains effective July 1, 2007. In addition, the PLSA is also amended to allow for the distribution of additional levy funds to all member libraries and extends the terms of the Agreement to June 30, 2011.

The Amendment to the Washington County Inter-Library Information Network (WILINET) Agreement adds the City of North Plains as a WILInet user effective July 1, 2007. The Amendment also adds and deletes definitions such as changing references from Library Directors' Board to WCCLS Policy Group and County Library Advisory Board (CLAB) to WCCLS Executive Board.

RECOMMENDED ACTION:

Council authorize the Mayor to sign the attached Amendments to the Intergovernmental Agreement Washington County Cooperative Library Services, the Public Library Services Agreement and the Washington County Inter-Library Information Network (WILINET) Agreement.

Agenda Bill No: 07108

AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES

This amends the Intergovernmental Agreement dated January 17, 2006 between Washington County on behalf of Washington County Cooperative Library Services, and the cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard, and Tualatin, and the Cedar Mill Community Library Association and the Garden Home Community Library Association ("Contractors") as follows:

In accordance with **Section 4.I: Adding or Subtracting Members**, the City of North Plains shall be added as a Member, effective July 1, 2007. The City of North Plains, by its execution of this Amendment, also hereby agrees to be bound by all of the terms and conditions of the January 17, 2006 Intergovernmental Agreement and all Amendments thereto.

Amend Section 4, A: WCCLS EXECUTIVE BOARD Membership to read as follows:

4. WCCLS EXECUTIVE BOARD

A. Membership

The Executive Board shall consist of ~~twelve (12)~~ thirteen (13) voting Board Members ("Members") representing the ~~ten current~~ eleven (11) Contracting library service providers, the West Slope Community Library, and Washington County. For the cities of Beaverton, Cornelius, Forest Grove, Hillsboro, **North Plains**, Sherwood, Tigard, and Tualatin, the Members shall be the chief administrative officers of those jurisdictions or their designees. For the City of Banks, the Cedar Mill Community Library Association and the Garden Home Community Library Association, the Members shall be representatives designated by the Contractors' governing boards. For the West Slope Community Library, the Member shall be a representative of the community appointed by the Board of County Commissioners. The Washington County Administrator (or designee) shall represent countywide services. The Executive Board will meet as needed and will convene either prior to or immediately following the city/county managers' meetings.

Amend Section 5, A: WCCLS POLICY GROUP Membership to read as follows:

5. WCCLS POLICY GROUP

A. Membership

The WCCLS Policy Group ("Policy Group") shall consist of ~~twelve (12)~~ thirteen (13) voting Members representing the ~~ten (10) current~~ eleven (11) contracting library service providers, the West Slope Community Library, and a library that is a non-public library WILInet member (either Tuality Health Information Resource Center or the Oregon College of Art and Craft library). These thirteen Members

shall be the library directors or their designees. ~~The Policy Group shall replace the current Library Directors' Board.~~

This amendment shall become effective July 1, 2007.

In performing the above, it is understood and agreed that all other terms and conditions of the original Intergovernmental Agreement of January 17, 2006 and amendments thereto are still in effect.

FOR THE CONTRACTOR:

_____
Signature

_____
Title

_____
Date

FOR WASHINGTON COUNTY:

_____
Signature

_____
Title

_____
Washington County

APPROVED AS TO FORM:

_____
Sr. Assistant County Counsel

AMENDMENT TO THE PUBLIC LIBRARY SERVICES AGREEMENT

This amends the Public Library Services Agreement dated January 20, 2004 between Washington County on behalf of the Washington County Cooperative Library Services, and the cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard and Tualatin, and the Cedar Mill Community Library Association and the Garden Home Community Library Association ("Contractors") as follows:

The **City of North Plains shall be added as a Contractor**, effective July 1, 2007. The City of North Plains, by its execution of this Amendment, also hereby agrees to be bound by all of the terms and conditions of the January 20, 2006 Public Library Services Agreement and all Amendments thereto.

Replace Section 1: DEFINITIONS as follows (deleting definitions for WCCLS Library Directors' Board and Cooperative Library Advisory Board, adding definitions for WCCLS Executive Board and WCCLS Policy Group, and renumbering the remaining definitions):

1. DEFINITIONS

The following definitions shall be used in constructing the following phrases, terms and abbreviations in this Agreement:

A. WCCLS (Washington County Cooperative Library Services) – An agency of county government which exists to coordinate, contract for or provide a full range of library and information services to all residents of the county.

B. WCCLS Network – The consortium of public, academic, special and school libraries in Washington County, which exists to provide countywide library service.

C. WILInet (Washington County Inter-Library Information Network) – An integrated, automated library system, including but not limited to WILI, which is comprised of the integrated library system software (online circulation, public access catalog, cataloging and acquisitions software), and other databases, Internet resources, central site hardware and telecommunications equipment.

D. Qualified Borrowers – All Washington County residents, residents of counties with which Washington County has reciprocal borrowing agreements, and other paid card holders.

E. West Slope Community Library - The public library that is a department of WCCLS and managed by the County. For purposes of funding, West Slope is treated as a Contractor, but is not a signatory to this Agreement.

F. Oregon Public Library Statistical Report – In accordance with ORS 357.520, all public libraries are required to report statistics on an annual basis to the Oregon State Library via a reporting format determined by the State Library. Report data is typically due October 1 of each year.

G. Annual Formula Calculation – In January of each year, the Cooperative Library Services Manager will compute final counts for each library for each criterion to be used in determining formula disbursements for the next fiscal year.

J) WCCLS Executive Board – the Board established to advise the Board of County Commissioners and the Cooperative Library Services Manager on matters pertaining to the funding for countywide library Services, distribution of financial resources by WCCLS for the provision of countywide public library services, and long term governance and funding strategies. The WCCLS Executive Board was established in January 2006.

K) WCCLS Policy Group – the Board established to provide technical and professional support and advice to the WCCLS Executive Board, to develop and implement policies and procedures for delivery of countywide public library services, and to advise the Cooperative Library Services Manager. The WCCLS Policy Group was established in January 2006.

Amend Section 2: TERM OF AGREEMENT as follows:

This Agreement shall be in effect from July 1, 2004, through June 30, 2011 ~~2009~~, except as otherwise provided in Section 11 of this Agreement. It is the intent of the parties that this Agreement become effective on July 1, 2004.

Amend Section 4: FUNDING FORMULA as follows:

A. Method The total payment to be made to each Contractor during the term of this Agreement shall be determined by the method set forth in this Section and shall be based on the figures set forth in EXHIBIT A "Reimbursement Formula". ~~Alternatively, in the event that a local option levy is passed by the voters in the May 2004 primary election, the total payment made to each Contractor during the term of this Agreement shall be determined by the method set forth in this Section and shall be based upon the figures set forth in EXHIBIT B "Levy Reimbursement Formula".~~

B. Total Distribution of Funds The amount for each fiscal year set forth below represents the ~~total~~ amount projected to be available in this Agreement for payments to all Contractors. ~~The distribution to all recipients shall not exceed the projected amounts listed below for each fiscal year. Figures in Column A will be used if the May 2004 levy does not pass; figures in Column B will be used if the May 2004 levy passes.~~

~~Column A~~		~~Column B~~	
~~FY04-05~~	~~$ 9,642,600~~	~~FY04-05~~	~~$13,500,000~~
~~FY05-06~~	~~$ 9,883,665~~	~~FY05-06~~	~~$15,255,000~~

~~FY06-07~~	~~$10,279,012~~	~~FY06-07~~	~~$17,238,150~~
~~FY07-08~~	~~$10,690,172~~	~~FY07-08~~	~~$19,479,109~~
~~FY08-09~~	~~$11,117,779~~	~~FY08-09~~	~~$22,011,393~~

FY07-08	$15,379,011
FY08-09	$16,609,332
FY09-10	$17,938,078
FY10-11	$19,373,125

Add Subsection 4.C:

C. Adjustments to Total Distribution of Funds In the event that revenues from the November 2006 WCCLS local option levy exceed the projections set forth in the levy projection provided to the Washington County Board of County Commissioners on May 9, 2006, additional funds may be added to the totals listed in Section 4.B for distribution to Contractors during the following fiscal year upon recommendation of the WCCLS Executive Board. In the event that revenues from the November 2006 WCCLS local option levy are less than the projections provided to the Washington County Board of County Commissioners on May 9, 2006, the distribution amounts listed in Section 4.B may be reduced upon recommendation of the WCCLS Executive Board.

Amend Subsection 4.D.6: Minimum Growth Rate as follows:

6. Minimal Growth Rate

a. If ~~additional levy funding is approved in the May 2004 election, and if~~ at the time of the Annual Formula Calculation a Contractor does not yield at least a 2% increase over the previous year's payment, an adjustment will be made to assure a 2% Minimal Growth Rate in payment. Funds to accomplish this will be subtracted from payments to other unaffected Contractors so that the total distribution does not exceed the amount indicated for that fiscal year in Section 4.B. ~~Column B. For FY04-05 payments, Contractors will each receive payments at least 2% higher than FY03-04 payments or the adjusted FY03-04 base amounts previously approved by the Cooperative Library Advisory Board.~~

~~b. If a levy is not approved in May 2004, and total distribution of funds in FY04-05 is based on Section 4.B, Column A, then all Contractors agree to take the same percentage reduction in FY04-05 from their FY03-04 payments, or the adjusted FY03-04 base amounts previously approved by the Cooperative Library Advisory Board. For subsequent years, formula criteria and distribution percentages described above will be implemented.~~

This Amendment shall become effective July 1, 2007.

In performing the above, it is understood and agreed that all other terms and conditions of the original Public Library Services Agreement of January 20, 2004 and amendments thereto are still in effect.

FOR THE CONTRACTOR:

_____
Signature

_____
Title

_____
Date

FOR WASHINGTON COUNTY:

_____
Signature

_____
Title

_____
Date

APPROVED AS TO FORM:

_____
Sr. Assistant County Counsel

AMENDMENT TO THE WASHINGTON COUNTY INTER-LIBRARY INFORMATION NETWORK (WILINET) AGREEMENT

This amends the Washington County Inter-Library Information Network Agreement dated July 1, 2004 between Washington County on behalf of Washington County Cooperative Library Services, and the cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard, and Tualatin, and the Cedar Mill Community Library Association and the Garden Home Community Library Association ("WILInet Users") as follows:

The **City of North Plains shall be added as a WILInet User**, effective July 1, 2007. The City of North Plains, by its execution of this Amendment also hereby agrees to be bound by all of the terms and conditions of the July 1, 2007 Washington County Inter-Library Information Network (WILInet) Agreement and all Amendments thereto.

Replace Section 1: DEFINITIONS as follows (deleting definitions for WCCLS Library Directors' Board and Cooperative Library Advisory Board, adding definitions for WCCLS Executive Board and WCCLS Policy Group, and renumbering the remaining definitions):

1. DEFINITIONS

The following definitions shall be used in constructing the following phrases, terms and abbreviations in this Agreement:

A) WCCLS (Washington County Cooperative Library Services) - An agency of county government which exists to coordinate, contract for or provide a full range of library and information services to all residents of the county.

B) WCCLS Network – The consortium of public, academic, special and school libraries in Washington County, which exists to provide countywide library service.

C) WILInet (Washington County Inter-Library Information Network) – An integrated, automated library system, including but not limited to WILI, which is comprised of the integrated library system software (online circulation, public access catalog, cataloging and acquisitions software), software programs purchased by WCCLS and licensed for use at member libraries, other databases, Internet resources, central site hardware and telecommunications equipment. The necessary equipment, equipment configuration, communication links, and associated hardware and software necessary to provide the Integrated Library System (ILS), Internet access through WCCLS, and other appropriate network functions to member library locations. This includes but is not limited to equipment in the WCCLS office and WCCLS computer room.

D) Host – Any intelligent device connected to WILInet that is addressable by a network/transport protocol. All workstations, network printers, routers, etc. are hosts.

E) Broadband Users' Group – A membership organization through which WCCLS procures Internet and firewall network services.

F) WILInet Users' Group - A committee of the WCCLS Library Directors Board, advisory to the Automation Program Specialist/Library Systems Administration Supervisor on the operation of the automated library system as defined in the Library Directors' Board by-laws.

G) Public Library Services Agreement - The Inter-Governmental Agreement between Washington County and library service providers to provide library services to all county residents, containing a reimbursement formula under which WCCLS makes payments to public libraries.

H) West Slope Community Library – The public library that is a department of WCCLS and managed by the County. For purposes of this Agreement, West Slope is treated as a WILInet Member Library, but is not a signatory to this Agreement.

K) WCCLS Executive Board – the Board established to advise the Board of County Commissioners and the Cooperative Library Services Manager on matters pertaining to the funding for countywide library services, distribution of financial resources by WCCLS for the provision of countywide public library services, and long term governance and funding strategies. The WCCLS Executive Board was established in January 2006.

L) WCCLS Policy Group – the Board established to provide technical and professional support and advice to the WCCLS Executive Board, to develop and implement policies and procedures for delivery of countywide public library services, and to advise the Cooperative Library Services Manager. The WCCLS Policy Group was established in January 2006.

Amend Section 2: TERM OF AGREEMENT as follows:

This Agreement shall be in effect from July 1, 2004, through June 30, 2011, ~~2009~~ except as otherwise provided in Section 14 of this Agreement. It is the intent of the parties that this agreement become effective on July 1, 2004.

Amend Section 6.G: DUTIES AND RESPONSIBILITIES OF WCCLS as follows:

G) Purchase, and coordinate the use and licensing of, other library-related software licenses or equipment as deemed suitable by the WCCLS Policy Group ~~Library Directors' Board~~.

Amend Section 7: DUTIES AND RESPONSIBILITIES OF WILINET USERS as follows:

Section 7R is deleted in its entirety.

Amend Section 11: ADMISSION OF NEW WILInet USERS WHICH ARE NOT SIGNATORIES TO THE PUBLIC LIBRARY SERVICES AGREEMENT as follows:

WCCLS shall have the option of admitting other libraries to WILInet provided that any necessary system modification shall be undertaken to insure WILInet's continued security and performance. Admission of New WILInet Users shall require unanimous approval of present WILInet Users and the WCCLS Executive Board ~~Cooperative Library Advisory Board~~. New WILInet Users will be assessed a share of WILInet operating costs for the first year of membership as determined by the Cooperative Library Advisory Board. The "Cost Allocation Formula" in Exhibit A would be applicable during the second year and thereafter.

This amendment shall become effective July 1, 2007.

In performing the above, it is understood and agreed that all other terms and conditions of the original Washington County Inter-Library Information Network (WILInet) Agreement of July 1, 2004 and amendments thereto are still in effect.

FOR THE CONTRACTOR:	FOR WASHINGTON COUNTY:
_____	_____
Signature	Signature
_____	_____
Title	Title
_____	_____
Date	Date

APPROVED AS TO FORM:

_____

Sr. Assistant County Counsel

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Authorize Intergovernmental Agreement with Washington County Cooperative Library Services Regarding the Provision of Telephone Reference Service.

FOR AGENDA OF: 06-04-07 **BILL NO:** 07109

Mayor's Approval:

DEPARTMENT OF ORIGIN: **Library**

DATE SUBMITTED: **05-16-07**

CLEARANCES: Finance
City Attorney

PROCEEDING: Consent Agenda

EXHIBITS: Intergovernmental Agreement with Attachment A

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The Beaverton City Library has provided telephone reference service for the Washington County Cooperative Library Services (WCCLS) on a contractual basis since July 1994. The current one-year Intergovernmental Agreement (IGA) for services expires June 30, 2007.

INFORMATION FOR CONSIDERATION:

Staff is proposing a one-year extension of the current IGA. The City currently receives $6,666 per month for the provision of telephone reference services. Under the one-year extension, the City will continue to receive $6,666 per month for FY2007-08.

RECOMMENDED ACTION:

Council authorize the Mayor to sign the attached IGA which extends telephone reference services to Washington County Cooperative Library Services for a one-year period ending June 30, 2008.

INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into, by and between Washington County, a political subdivision of the State of Oregon, and the City of Beaverton.

WHEREAS ORS 190.010 authorizes the parties to enter into this Agreement for the performance of any or all functions and activities that a party to the Agreement has authority to perform.

Now, therefore, the parties agree as follows:

1) The effective date is: July 1, 2007, or upon final signature, whichever is later.

   The expiration date is: June 30, 2008; unless otherwise amended.

2) The parties agree to the terms and conditions set forth in Attachment A, which is incorporated herein, and describes the responsibilities of the parties, including compensation, if any.

3) Each party shall comply with all applicable federal, state and local laws; and rules and regulations on non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or handicap.

4) To the extent applicable, the provisions of ORS 279B.220 through ORS 279B.235 and ORS 279C.500 through 279C.870 are incorporated by this reference as though fully set forth.

5) Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an agent or employee of any other.

6) No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.

7) This Agreement may be terminated, with or without cause and at any time, by a party by providing 60 (30 if not otherwise marked) days written notice of intent to the other party(s).

8) Modifications to this Agreement are valid only if made in writing and signed by all parties.

9) Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party.

10) Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.

11) Each party agrees to maintain insurance levels or self-insurance in accordance with ORS 30.282, for the duration of this Agreement at levels necessary to protect against public body liability as specified in ORS 30.270.

12) Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.

13) This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefor.

14) This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

WHEREAS, all the aforementioned is hereby agreed upon by the parties and executed by the duly authorized signatures below.

_____
Jurisdiction

_____ _____
Signature Date

_____ _____
Printed Name Title

Address: _____

WASHINGTON COUNTY:

_____ _____
Signature Date

_____ _____
Printed Name Title

Address:

155N First Avenue
Mail Stop # 58
Hillsboro, OR 97214

ATTACHMENT A

Statement of Work /Schedule/Payment Terms

This AGREEMENT is made and entered into by and between Washington County for Washington County Cooperative Library Services (hereafter the "Cooperative"), a political subdivision of the State of Oregon, and the City of Beaverton for the Beaverton City Library (hereafter "Library").

I. Services to be provided by Library

Beaverton City Library agrees to provide Telephone Reference Service to all residents of Washington County all hours the library is open to the public. Library agrees to maintain statistics related to the number of calls received and forward those statistics to the Cooperative monthly.

II Payment Terms

The Cooperative shall pay Library $6666 per month for services provided. Payments shall be made by the 15th of the month.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Authorize the Mayor to Sign an Intergovernmental Agreement between Beaverton and Metro for the City to Receive Its Share of the Natural Areas Bond Measure Local Share Component and Authorize the Mayor to Sign an Intergovernmental Agreement between Beaverton and Metro for Metro Land Acquisition Services

FOR AGENDA OF: 06-04-07 **BILL NO:** 07110

Mayor's Approval:

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 05-21-07

CLEARANCES:
Finance
City Attorney
Planning
Public Works

PROCEEDING: CONSENT AGENDA

EXHIBITS:
1: Intergovernmental Agreement, including Attachment D Land Acquisition Services IGA
2: AB 06029 and Resolution No 3853
3. Project Description Schedule

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

In 2006, voters approved a Metro bond measure to fund natural area acquisition and water quality protection. As advertised, the $227.4 million general obligation bond provides $168.4 million for Metro to purchase land in 27 specifically targeted areas; $44 million for cities, counties, and local park providers in the Metro area; and $15 million for a Nature in the Neighborhoods capital grants program for schools, local neighborhood associations, community groups, other non-profits and cities, counties and park providers.

In February of 2006, staff presented to City Council a list of nine potential projects to be funded through the City's share of the $44 million bond measure, termed the Local Share Funds (copy of AB 06029 and Resolution 3853 attached as Exhibit 2). City Council approved Resolution 3853 targeting seven primary projects totaling $2,675,000. The final calculation of the City's Local Share comes to $2,616,143. City staff reduced the overall funding for the Sexton Mountain Reservoir revegetation project from $300,000 in Resolution 3853 to $241,143 in the intergovernmental agreement (IGA) with Metro (Exhibit 1). This has been an on-going project and can be scaled back without significant changes to the project scope.

INFORMATION FOR CONSIDERATION:

The land purchase program is based on a willing seller concept. Some of the acquisition projects may not be possible if the City and the property owner do not agree on a fair market value for the property. As a result, staff may return to City Council in a public hearing format at a later date to discuss alternate projects. Notice will be given of any public hearing held to re-allocate the City's Local Share funds.

Attachment D of the IGA offers Metro land acquisition services for Local Share Partners for acquisitions pertaining to the 2006 Natural Areas Bond Measure. Metro services are provided without cost. The due diligence portion of land acquisition is provided at cost. This will save the City and the Local Share Bond Fund program the cost of hiring a Right-of-Way agent to negotiate for these properties.

The final IGA will be subject to City Attorney review prior to execution by the Mayor. In addition, the Finance Director will need to adjust the appropriations in the Capital Improvement Plan to reflect increased funding levels made available through the IGA.

RECOMMENDED ACTION:

Approve Consent Item and authorize the Mayor to sign the Intergovernmental Agreement, and Attachment D the Land Acquisition IGA, and direct the Finance Director to include the projects identified in the attached project description schedule (Exhibit 3) in the proposed FY 2007-08 budget.

EXHIBIT 1
Intergovernmental Agreement

Project: Natural Areas Local Share Program

Contract No. 927828

INTERGOVERNMENTAL AGREEMENT

Natural Areas Bond Measure
Local Share Component

This Intergovernmental Agreement (hereinafter the "Agreement"), entered into under the provisions of ORS chapter 190 and effective on the date the Agreement is fully executed (the "Effective Date"), is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 N.E. Grand Avenue, Portland, Oregon 97232-2736, and the City of Beaverton, located at 12500 SW Allen Boulevard, Beaverton, Oregon 97005 (hereinafter referred to as the "Local Share Partner"), and shall remain in full force and effect for the period from April 1, 2007, until June 30, 2027.

RECITALS

WHEREAS, the electors of Metro approved Ballot Measure 26-80 on November 7, 2006, authorizing Metro to issue $227.4 million in bonds to preserve natural areas, clean water, and protect fish and wildlife (the "Measure"); and

WHEREAS, the Measure provided that $44 million from bond proceeds be expended by local parks providers for specified projects; and

WHEREAS, the Local Share Partner is a local government jurisdiction who has received approval for funding for projects as specified in the Measure; and

WHEREAS, Metro and the Local Share Partner desire to enter into this Agreement to provide for funding of the Local Share Partner's projects subject to terms and conditions as provided for in the Measure;

NOW THEREFORE, the parties agree as follows:

1. Declaration of Projects

Metro hereby approves the project proposals described in the "Local Share Project List," attached hereto as Attachment A to this Agreement (each individual proposal on the Local Share Project List is referred to hereinafter as a "Project"), and Metro authorizes the Local Share Partner to proceed with Projects on the Local Share Project List in accordance

with Attachment A. All real property interests acquired pursuant to this Agreement shall be held in the name of the Local Share Partner.

2. Funding

Metro's financial obligation under this Agreement is limited to $2,616,143. Payment of funds by Metro to the Local Share Partner is subject to the procedures set forth in the "Procedures for Payment of Funds By Metro," attached hereto as Attachment B to this Agreement.

3. Funding Limitations

A. The sole purpose of this Agreement is to implement the Measure by funding Projects on the Local Share Project List. Except as described in Section 4 with respect to Metro's provision of property acquisition technical services, Metro shall have no obligations under this Agreement other than for the payment of funds pursuant to the procedures described in Attachment B to this Agreement.

B. Except as described in Section 4 with respect to Metro's provision of property acquisition technical services, Metro shall have no supervisory responsibility regarding any aspect of any Project and Metro neither intends nor accepts any direct involvement in any Project that can or could be construed to result in supervisory responsibility during the course of the Project. Upon completion of a Project and payment of funds, as provided for in Attachment B, Metro shall have no further obligations.

C. The Local Share Partner shall comply with this Agreement, the provisions of the Measure, and the Local Share Guidelines attached as Attachment C to this Agreement.

D. Metro shall not be obligated to make any payments or reimbursements pursuant to this Agreement that were incurred by the Local Share Partner prior to the Effective Date of this Agreement.

E. Metro shall not reimburse the Local Share Partner for any administrative costs, including staff, overhead and indirect costs, in excess of ten percent (10%) of the cost of a Project.

4. Land Acquisitions Technical Assistance

Provided that the Local Share Partner agrees to the terms of a separate "Land Acquisition Services" intergovernmental agreement ("IGA") with Metro substantially similar to the IGA attached as Attachment D to this Agreement prior to April 1, 2007, Metro shall provide the Local Share Partner with technical assistance regarding real estate negotiation and

related due diligence services for any Project that calls for real property acquisitions. Metro shall provide such technical assistance as provided in such Land Acquisition Services IGA and subject to the availability of Metro staff and resources as determined by Metro at its sole discretion. Metro's obligation to provide such technical services pursuant to such Land Acquisition Services IGA may be extended beyond the initial term of such IGA with the mutual written consent of Metro and the Local Share Partner.

5. Projects Not on the Local Share Project List

The Local Share Partner may substitute a different Project for a Project described in Attachment A, or may add a new Project, only if the following conditions are met:

A. The Local Share Partners, through its governing body, finds that one or more of the Projects described in Attachment A have become degraded, are cost prohibitive, or are otherwise unfeasible, or that a Project can be accomplished for less funds than estimated, thereby making such savings available for use in a new Project;

B. The Local Share Partner, through its governing body, shall conduct a public process, including holding a public meeting in accord with its adopted public meeting procedures, and determine the substitute or new Project consistent with the provisions of the Measure and Attachment C (this provision may be satisfied during the course of the Local Share Partner's capital improvement plan or budgeting process); and

C. The substitute or new Project is subject to administrative approval by Metro's Regional Parks and Greenspaces Department Director, and such approval shall not be unreasonably withheld.

6. Increasing Spending on a Project on the Local Share Project List

The Local Share Partner may spend more on a Project than the Project cost described in Attachment A only if the following conditions are met:

A. The Local Share Partner, through its governing body, finds that the Project described in Attachment A will cost more than anticipated, but that it remains a priority Project;

B. The Local Share Partner, through its governing body, shall conduct a public process, including holding a public meeting in accord with its adopted public

meeting procedures, and determine that increasing the allocated spending on the Project is consistent with the provisions of the Measure and Attachment C (this provision may be satisfied during the course of the Local Share Partner's capital improvement or plan budgeting process); and

C. The increase in spending on the Project is subject to administrative approval by Metro's Regional Parks and Greenspaces Department Director, and such approval shall not be unreasonably withheld.

7. Term

Metro's obligation to provide funds pursuant to this Agreement shall terminate March 31, 2012, and all other provisions of this Agreement shall terminate on June 30, 2027. It is the intent of the parties for the Local Share Partner to have completed the Project, and for all Metro funding obligated under this Agreement to have been paid, prior to March 31, 2012. Metro's obligation to provide funds may be extended by mutual written consent of Metro and the Local Share Partner. The provisions of Sections 8, 9, 10 and 11 shall continue in effect after the Local Share Partner's completion of any Project pursuant to this Agreement.

8. Limitations on Use of Property

A. Acquired Real Property and Associated Buildings and Improvements.

All real property acquired by the Local Share Partner with funding provided by Metro pursuant to this Agreement shall be maintained as parks, open space, natural areas, or trails. The Local Share Partner may not sell or otherwise authorize use of such property pursuant to this Agreement in a manner inconsistent with the intended and stated purposes of the Measure, that is, for a use other than as parks, open space, natural areas, trails or other uses associated with use of such property as parks, open space, natural areas or trails (e.g., when a de minimis portion of such property is required to be put to another use, such as for a road dedication, as part of a land use review proceeding initiated to use the overall property consistent with the intended and stated purposes of the Measure), unless the Local Share Partner complies with all of the following conditions:

(1) The Local Share Partner's decision to sell or use the property in a manner inconsistent with the intended and stated purposes of the Measure is the result of unforeseen circumstances;

(2) The Local Share Partner's intent, at the time it purchased the property, was to use it in a manner consistent with the intended and stated purposes of the Measure, that is, for a use as a park, open space, natural area, or trail;

(3) The Local Share Partner provides Metro 180 days advance written notice of its intent to authorize the change in use or the sale of the property to a third party;

(4) The Local Share Partner holds at least one public hearing regarding the matter, consistent with its adopted public meeting procedures, prior to making a final decision to sell or change the use of the property, and adopts a resolution or ordinance that includes findings that the conditions in subsections 8(A)(1) through (4) of this Agreement have been satisfied and that the Local Share Partner has satisfied or will satisfy its obligations as described in subsections 8(A)(5) and (6) of this Agreement;

(5) Metro has approved the Local Share Partner's determination of the appraisal value of the property pursuant to the following steps:

i. At least 90 days prior to making a final decision to change the use of, or sell, the property, the Local Share Partner shall provide Metro with an independent MAI appraisal of the fair market value of the property assuming that the property was subject to the same use restrictions as were in place at the time the Local Share Partner purchased the property. Such appraisal shall not be subject to any other extraordinary assumptions; and

ii. Not later than 60 days after receiving the appraisal obtained by the Local Share Partner, Metro shall inform the Local Share Partner whether Metro has approved the appraisal, which decision shall be made in good faith and based on whether the appraisal is complete and reasonable. Metro's review shall include having the appraisal reviewed by a review appraiser hired by Metro to conduct a review in accordance with USPAP and general appraisal standards. If Metro does not approve the appraisal, then Metro shall inform the Local Share Partner the reasons for not approving the appraisal and the Local Share Partner may resubmit a revised appraisal

to Metro pursuant to subsection 8(A)(5)(i) of this Agreement; and

(6) Within 180 days after selling the property or authorizing the change in use of the property, the Local Share Partner shall apply toward completion of a Project listed on Attachment A, or a substitute Project selected consistent with the provisions of Section 5 of this Agreement, an amount equal to the greater of either (a) the appraisal value of the property, as determined pursuant to subsection 8(A)(5) of this Agreement, or (b) the amount of Measure funding that Metro provided to the Local Share Partner to purchase the property.

B. Construction of Buildings or Other Improvements.

All buildings and other improvements constructed by the Local Share Partner using funding provided by Metro pursuant to this Agreement shall be maintained for use in conjunction with parks, open space, natural areas, or trails. The Local Share Partner may not sell or otherwise authorize use of such buildings or improvements pursuant to this Agreement in a manner inconsistent with the intended and stated purposes of the Measure, that is, for a use other than in conjunction with parks, open space, natural areas, or trails, unless it complies with all of the following conditions:

(1) The Local Share Partner's decision to sell or use such buildings or improvements in a manner inconsistent with the intended and stated purposes of the Measure is the result of unforeseen circumstances;

(2) The Local Share Partner's intent, at the time it constructed such buildings or improvements, was to use them in a manner consistent with the intended and stated purposes of the Measure, that is, for a use in conjunction with a park, open space, natural area, or trail;

(3) The Local Share Partner provides Metro 180 days advance written notice of its intent to authorize the change in use or the sale of such buildings or improvements to a third party;

(4) The Local Share Partner holds at least one public hearing regarding the matter, consistent with its adopted public meeting procedures, prior to making a final decision to sell or change the use of such buildings or

improvements, and adopts a resolution or ordinance that includes findings that the conditions in subsections 8(B)(1) through (4) of this Agreement have been satisfied and that the Local Share Partner has satisfied or will satisfy its obligations as described in subsections 8(B)(5) and (6) of this Agreement;

(5) Metro has approved the Local Share Partner's determination of the appraisal value of such buildings or improvements pursuant to the following steps:

i. At least 90 days prior to making a final decision to sell or change the use of such buildings or improvements, the Local Share Partner shall provide Metro with an independent MAI appraisal of the fair market value of such buildings or improvements. Such appraisal shall not be subject to any extraordinary assumptions; and

ii. Not later than 60 days after receiving the appraisal obtained by the Local Share Partner, Metro shall inform the Local Share Partner whether Metro has approved the appraisal, which decision shall be made in good faith and based on whether the appraisal is complete and reasonable. Metro's review shall include having the appraisal reviewed by a review appraiser hired by Metro to conduct a review in accordance with USPAP and general appraisal standards. If Metro does not approve the appraisal, then Metro shall inform the Local Share Partner the reasons for not approving the appraisal and the Local Share Partner may resubmit a revised appraisal to Metro pursuant to subsection 8(B)(5)(i) of this Agreement; and

(6) Within 180 days after selling such buildings or improvements or authorizing the change in use of such buildings or improvements, the Local Share Partner shall apply toward completion of a Project listed on Attachment A, or a substitute Project selected consistent with the provisions of Section 5 of this Agreement, an amount equal to the greater of either (a) the appraisal value of such buildings or improvements, as determined pursuant to subsection 8(B)(5) of this Agreement, or (b) the amount of Measure funding that Metro provided to the Local Share Partner to construct such buildings or improvements.

improvements.

9. Oregon Constitution and Tax Exempt Bond Covenants

The Local Share Partner acknowledges that Metro's source of funds for this Program is from the sale of voter-approved general obligation bonds that are to be repaid using ad valorem property taxes exempt from the limitations of Article XI, sections 11, 11b, 11c, 11d, and 11e of the Oregon Constitution, and that the interest paid by Metro to bond holders is currently exempt from federal and Oregon income taxes. The Local Share Partner covenants that it will take no actions that would cause Metro not to be able to maintain the current status of the real property taxes imposed to repay these bonds as exempt from Oregon's constitutional property tax limitations or the income tax exempt status of the bond interest under IRS rules. In the event the Local Share Partner breaches this covenant, the Local Share Partner shall undertake whatever remedies are necessary to cure the default and to compensate Metro for any loss it may suffer as a result thereof, including, without limitation, reimbursement of Metro for any Projects funded under this Agreement that resulted in the Local Share Partner's breach of its covenant described in this section.

10. Funding Recognition

The Local Share Partner shall recognize and document on-site, for each Project whether an acquisition or a capital improvement, and in any publications, media presentations, or other presentations referencing such Project that are produced by or at the direction of the Local Share Partner, that funding for the Project came from the Metro Natural Areas Bond Measure. Such recognition shall comply with the recognition guidelines detailed in Attachment E to this Agreement.

11. Mutual Indemnification

The Local Share Partner shall indemnify and hold Metro and Metro's agents, employees, and elected officials harmless from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with the performance of this Agreement by the Local Share Partner or the Local Share Partner's officers, agents, or employees, subject to the limitations and conditions of the Oregon Tort Claims Act, ORS chapter 30. Metro shall indemnify and hold the Local Share Partner and the Local Share Partner's agents, employees, and elected officials harmless from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with the

performance of this Agreement by Metro or Metro's officers, agents, or employees, subject to the limitations and conditions of the Oregon Tort Claims Act, ORS chapter 30.

12. Termination for Cause

A. Metro may terminate this Agreement, in full or in part, at any time during the term of the Agreement if Metro reasonably determines, in its sole discretion, that the Local Share Partner has failed to comply with any provision of this Agreement and is therefore in default. Metro shall promptly document such default and notify the Local Share Partner in writing of Metro's determination as required in Section 12 of this Agreement, below. Notwithstanding any termination for cause, the Local Share Partner shall be entitled to receive payments for any work completed or for which the Local Share Partner was contractually obligated on the date that Metro provided written notice of default, except that Metro shall not be obligated to make any payment other than for work specifically provided for in this Agreement.

B. Prior to termination under this Section 12 of this Agreement, Metro shall provide the Local Share Partner with written notice of default that describes the reason(s) that Metro has concluded that the Local Share Partner is in default and includes a description of the steps that the Local Share Partner shall take to cure the default. The Local Share Partner shall have 90 days from the date of the notice of default to cure the default. In the event the Local Share Partner does not cure the default within 90 days, Metro may terminate all or any part of this Agreement. Metro shall notify the Local Share Partner in writing of the reasons for the termination and the effective date of the termination, which shall not be earlier than 90 days from the date of the notice of default. The Local Share Partner shall be entitled to receive payments for any work completed, including any contractual obligations entered, after the date of the notice of default and before the date that Metro provided written notice of termination, provided that such work or contractual obligations were undertaken by the Local Share Partner in a good faith effort to comply with one of the steps to cure the default described by Metro in the notice of default, except that Metro shall not be obligated to make any payment other than for work specifically provided for in this Agreement.

C. The Local Share Partner shall be liable to Metro for all reasonable costs and damages incurred by Metro as a result of and in documentation of the default.

D. If, after notice of termination, Metro agrees or a court finds that the Local Share Partner was not in default or that the default was excusable, such as due to a labor strike, fire, flood, or other event that was not the fault of, or was beyond the control of the Local Share Partner, Metro shall allow the Local Share Partner to continue work, or both parties may treat the termination as a joint termination for convenience whereby the rights of the Local Share Partner shall be as outlined as provided in Section 13 of this Agreement.

13. Joint Termination for Convenience

Metro and the Local Share Partner may jointly terminate all or part of this Agreement based upon a determination that such action is in the public interest. Termination under this provision shall be effective upon ten (10) days written notice of termination issued by Metro subject to that mutual agreement. Within 30 days after termination pursuant to this provision, the Local Share Partner shall submit an itemized invoice for all unreimbursed Project work completed before the effective date of termination. Metro shall not be liable for any costs invoiced later than 30 days after termination; provided, however, that Metro may reimburse additional costs, at Metro's sole discretion, if Metro reasonably determines that the delay was due to factors beyond the Local Share Partner's control.

14. Project Records, Audits, and Inspections

A. The Local Share Partner shall maintain comprehensive records and documentation relating to any Project for which it seeks payment from Metro pursuant to this Agreement, including, without limitation, the establishment and maintenance of books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect properly all direct and indirect costs of any nature that the Local Share Partner incurred or anticipated to be incurred for the performance of this Agreement (hereinafter "Project Records"). Project Records shall include all records, reports, data, documents, systems, and concepts, whether in the form of writings, figures, graphs, or models, that are prepared or developed in connection with any Project, including any substitute Project selected consistent with Section 5 of this Agreement.

B. The Local Share Partner shall maintain all fiscal Project Records in accordance with generally accepted accounting principles. In addition, the Local Share Partner shall maintain any other records necessary to clearly document:

(1) The Local Share Partner's performance of this Agreement, including but

not limited to the Local Share Partner's compliance with the Agreement, compliance with fair contracting and employment programs, compliance with Oregon law on the payment of wages and accelerated payment provisions;

(2) Any claims arising from or relating to the performance of the Local Share Partner under this Agreement or any public contract entered into by the Local Share Partner that is related to this Agreement;

(3) Any cost and pricing data relating to this Agreement; and

(4) Payments made to all suppliers and subcontractors engaged in any work for the Local Share Partner related to this Agreement.

C. The Local Share Partner shall maintain Project Records for the longer period of either (a) six years from the date of termination of Metro's obligation to provide funds pursuant to this Agreement, which date is provided in Section 7 of this Agreement, or (b) until the conclusion of any audit, controversy, or litigation that arises out of or is related to this Agreement and that commences within six years from the date of termination of Metro's obligation to provide funds pursuant to this Agreement.

D. The Local Share Partner shall make Project Records available to Metro and its authorized representatives, including but not limited to the staff of any Metro department and the staff of the Metro Auditor, within the boundaries of the Metro region, at reasonable times and places regardless of whether litigation has been filed on any claims. If the records are not made available within the boundaries of Metro, the Local Share Partner agrees to bear all of the costs for Metro employees, and any necessary consultants hired by Metro, including but not limited to the costs of travel, per diem sums, salary, and any other expenses that Metro incurs, in sending its employees or consultants to examine, audit, inspect, and copy those records. Such costs paid by the Local Share Partner to Metro for inspection, auditing, examining and copying such records shall not be recoverable costs in any legal proceeding.

E. The Local Share Partner authorizes and permits Metro and its authorized representatives, including but not limited to the staff of any Metro department and the staff of the Metro Auditor, to inspect, examine, copy and audit the books and Project Records of the Local Share Partner, including tax returns, financial statements, other financial documents and any documents that may be placed in escrow according to any requirements of this Agreement.

Metro shall keep any such documents confidential to the extent permitted by Oregon law, subject to the provisions of Section 14(F) of this Agreement.

F. The Local Share Partner agrees to disclose Project Records requested by Metro and agrees to the admission of such records as evidence in any proceeding between Metro and the Local Share Partner, including, but not limited to, a court proceeding, arbitration, mediation or other alternative dispute resolution process.

G. The Local Share Partner agrees that in the event such Project Records disclose that Metro is owed any sum of money or establish that any portion of any claim made against Metro is not warranted, the Local Share Partner shall pay all costs incurred by Metro in conducting the audit and inspection. Such costs may be withheld from any sum that is due or that becomes due to the Local Share Partner from Metro.

15. Public Records

All Project Records shall be public records subject to the Oregon Public Records Law, ORS 192.410 to 192.505. Nothing in this section shall be construed as limiting the Local Share Partner's ability to consider real property transactions in executive session pursuant to ORS 192.660(1)(e) or as requiring disclosure of records that are otherwise exempt from disclosure pursuant to the Public Records Law (ORS 192.410 to 192.505) or Public Meetings Law (ORS 192.610 to 192.690).

16. Law of Oregon, Public Contracting Provisions

The laws of the state of Oregon shall govern this Agreement and the parties agree to submit to the jurisdiction of the courts of the state of Oregon. All applicable provisions of ORS chapters 187, 279A, 279B, and 279C, and all other terms and conditions necessary to be inserted into public contracts in the state of Oregon, are hereby incorporated as if such provisions were a part of this Agreement. Specifically, it is a condition of this Agreement that the Local Share Partner and all employers working under this Agreement are subject employers that will comply with ORS 656.017.

17. Notices and Parties' Representatives

Any notices permitted or required by this Agreement, other than reimbursement requests required pursuant to Attachment B, shall be addressed to the other party's representative(s) designated in this Section of this Agreement and shall be deemed provided (a) on the date they are personally delivered, (b) on the date they are sent via facsimile, or

(c) on the third day after they are deposited in the United States mail, postage fully prepaid, by certified mail return receipt requested. Either party may change its representative(s) and the contact information for its representative(s) by providing notice in compliance with this Section of this Agreement.

Local Share Partner's Designated Representative(s):

Barbara Fryer
Senior Planner/ Local Share Project Manager
Tel: (503) 526-3718
Fax: (503) 526-3720
PO BOX 4755
Beaverton, Oregon 97076-4755

And:

Alan Rappleyea
City Attorney
Tel: (503) 526-2215
Fax: (503) 350-4033
PO BOX 4755
Beaverton, Oregon 97076-4755

Metro's Designated Representatives:

Natural Areas Bond Program Manager
Metro Regional Center
600 N.E. Grand Ave.
Portland, OR 97232

Fax (503)-797-1849

with copy to:

Office of Metro Attorney
600 N.E. Grand Ave.
Portland, OR 97232
Fax (503) 797-1792

18. Assignment

The Local Share Partner shall not assign any of its responsibilities under this Agreement without prior written consent from Metro, which shall not be unreasonably withheld, except that the Local Share Partner may delegate or subcontract for performance of any of its responsibilities under this Agreement.

19. Severability

If any covenant or provision in this Agreement shall be adjudged void, such adjudication shall not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid, if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.

20. Entire Agreement; Modifications

This Agreement constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. The Parties, by the signatures below of their authorized representatives, hereby acknowledge that they have read this Agreement, understand it, and agree to be bound by its terms and conditions.

IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year indicated below.

CITY OF BEAVERTON	**METRO**
_____	_____
Signature	Michael Jordan Metro Chief Operating Officer
Print Name: _____	
Title: _____	
Date: _____	Date: _____

APPROVED AS TO FORM BY:

_____	_____
Signature	Paul A. Garrahan Senior Assistant Metro Attorney
Print Name:_____	
Title: _____	
Date: _____	Date: _____

Attachment "A"

Contract # 927828
Project # 53732

Local Share Project List for
City of Beaverton

Project Name:

Beaverton Central to Beaverton Transit segment of Beaverton Creek Trail

Project Description:

Acquire easements, construct a portion of the Beaverton Creek Trail between the Beaverton Center and Beaverton Transit light rail stations and enhance the native vegetation along the corridor. The link will be a permeable handicap accessible treatment. One bridge will be constructed at the point the trail connects to SW Hall Boulevard. Another smaller bridge or culvert will be installed on a tributary to Beaverton Creek. The eastern portion of the trail must be accessible by heavy equipment as it is a maintenance road for Tri-Met. Currently passersby use this area as a footpath to get to and from the light rail stations it is likely that this trail connection will be a well-used publicly maintained access.

Project Funds Required (including other funding sources, if any):

$500,000 Beaverton Local Share
$500,000 Tualatin Hills Park and Recreation District Local Share

Project Timeline:

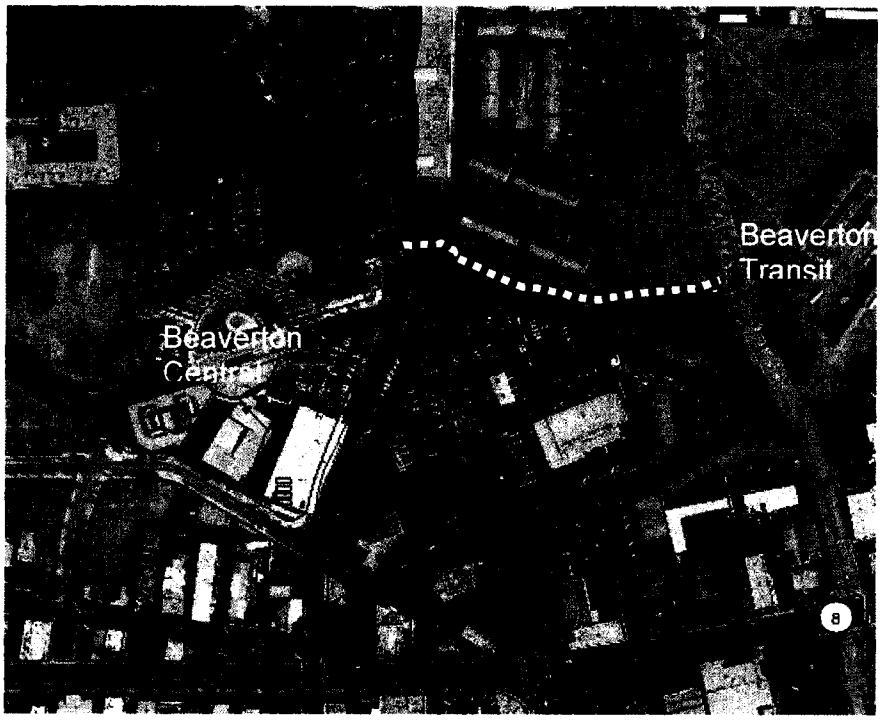
Summer 2008

Project Location:

The project is located in Beaverton's downtown and connects the Beaverton Central and Beaverton Transit light rail stations along Beaverton Creek. See map.

Project Contact Information:

David Winship
City Utilities Engineer
PO Box 4755
Beaverton, OR 97076-4755
Tel: (503) 526-2434
dwinship@ci.beaverton.or.us


Beaverton
Transit
Beaverton
Central
8

Attachment "A"

Contract # 927828
Project # 53733

Local Share Project List for
City of Beaverton

Project Name:

Erickson Creek Acquisition and Enhancement

Project Description:

Acquire property and plant native vegetation along Erickson Creek at the SE corner of Farmington and Menlo. This project is a subset of a larger project addressing drainage issues. Property to the northeast, currently owned by the City, will also be planted with native vegetation. A THPRD park is located to the west across Menlo.

Project Funds Required (including other funding sources, if any):

$375,000 Beaverton Local Share
$419,400 City of Beaverton Storm Funds

Project Timeline:

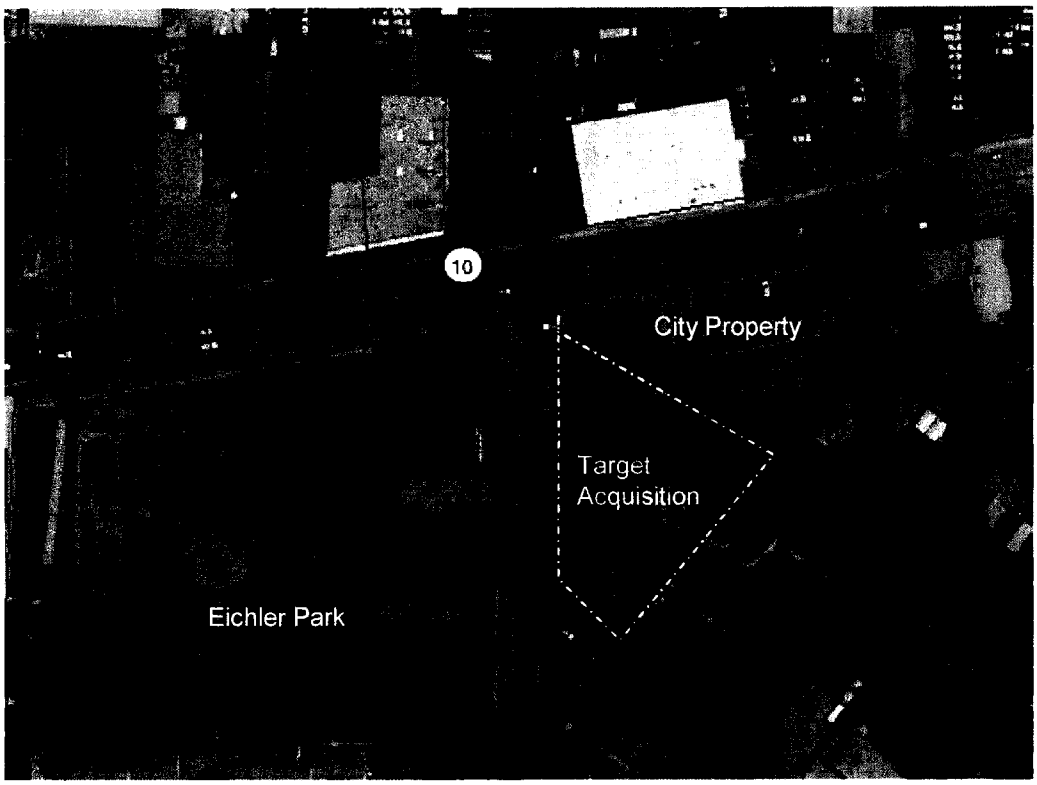
$200,000 Beaverton Nature in the Neighborhoods Design Engineering and Right of Way for FY 2007-08.
$594,400 City of Beaverton Storm Funds and Nature in the Neighborhood Funds for Construction and Construction Engineering for FY 2008-09.

Project Location:

See map.

Project Contact Information:

Jim Brink
Project Engineer and Designer
PO Box 4755
Beaverton, OR 97076-4755
Tel: (503) 526-2450
jbrink@ci.beaverton.or.us


10
City Property
Target
Acquisition
Eichler Park

Attachment "A"

Contract # 927828
Project # 53734

Local Share Project List for
City of Beaverton

Project Name:

Wetland acquisition adjacent to Tualatin Hills Park and Recreation District (THPRD) Park

Project Description:

Acquire about 1 acre of property abutting an unnamed THPRD Park on Sexton Mountain Drive. Most of the property is a wetland that has restoration and environmental education potential for the nearby Sexton Mountain Elementary students.

Project Funds Required (including other funding sources, if any):

$250,000 Beaverton Local Share

Project Timeline:

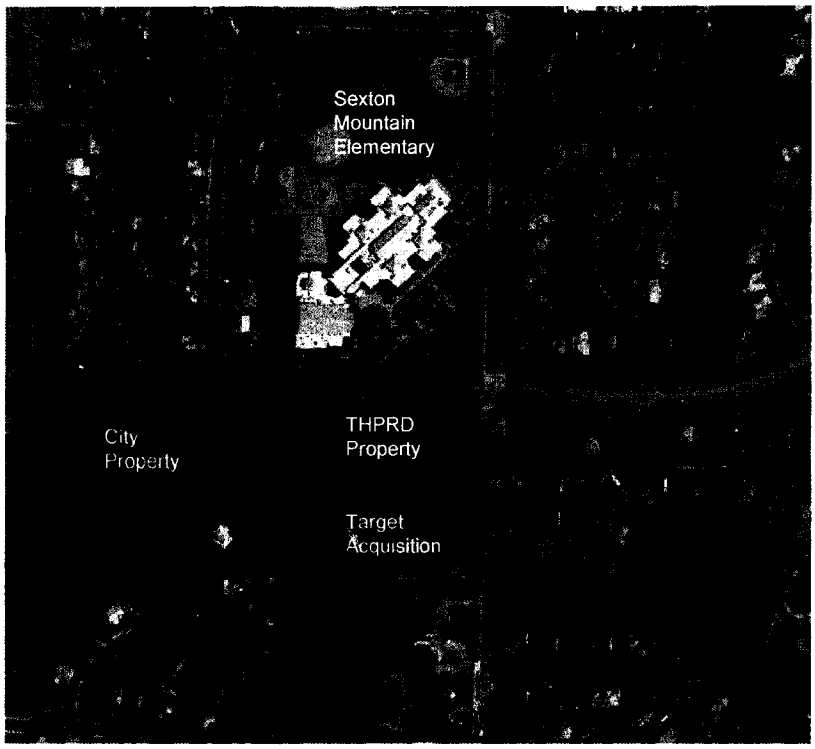
Begin acquisition negotiations through Metro Negotiators beginning in the fall or winter of 2007.

Project Location:

West side of 155th Avenue and south of Sexton Mountain Drive. See map.

Project Contact Information:

Barbara Fryer, AICP
Senior Planner
PO Box 4755
Beaverton, OR 97076-4755
Tel: (503) 526-3718
Fax: (503) 526-3720
bfryer@ci.beaverton.or.us


Sexton
Mountain
Elementary
City
Property
THPRD
Property
Target
Acquisition

Attachment "A"

Contract # 927828
Project # 53739

Local Share Project List for
City of Beaverton

Project Name:

Sexton Mountain Reservoir Enhancement

Project Description:

Enhance vegetation on the site by removing invasive species, installing an irrigation system, planting native plants and covering planted areas with mulch. The revegetation will reduce erosion of soils into South Johnson Creek, Hiteon Creek and Summer Creek subwatersheds, enhance the appearance of the area, and improve wildlife habitat.

Project Funds Required (including other funding sources, if any):

$241,143 Local Share

Project Timeline:

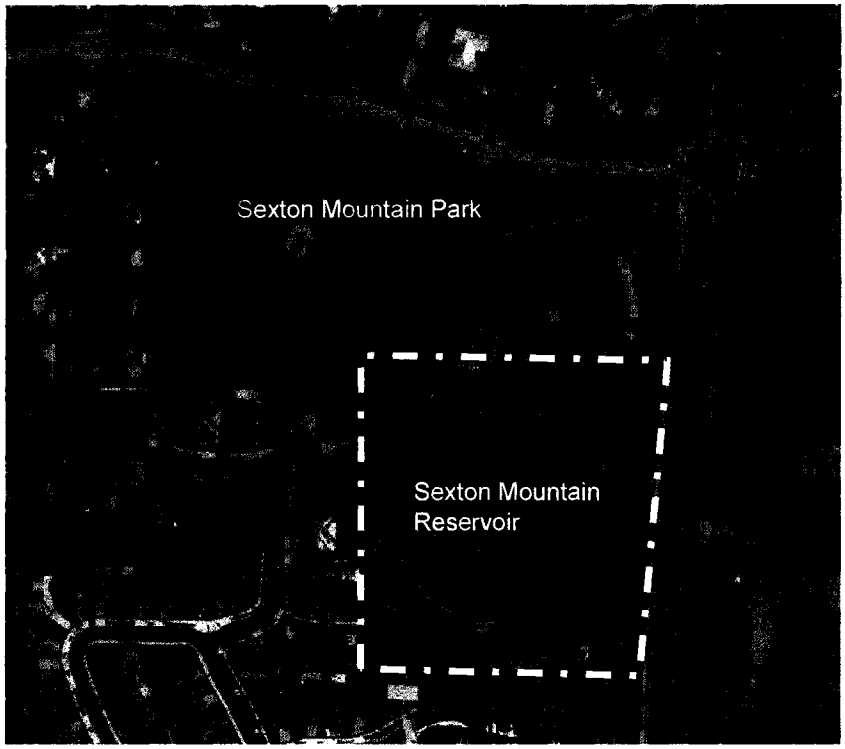
Begin June 2007, end Fall 2007

Project Location:

South of Sexton Mountain Drive and west of Murray Boulevard. See map.

Project Contact Information:

Brion Barnett
Project Engineer
PO Box 4755
Beaverton, OR 97076-4755
Tel: (503) 526-2592
bbarnett@ci.beaverton.or.us


Sexton Mountain Park
Sexton Mountain
Reservoir

Attachment "A"

Contract # 927828
Project # 53735

Local Share Project List for
City of Beaverton

Project Name:

Willow Creek Acquisition

Project Description:

Acquire undeveloped portion of property on Willow Creek adjacent to Walker Road. The acquisition would link two existing parks and provide an opportunity for restoration. If money is left over from the acquisition, the funds will be used to enhance the property with native vegetation.

Project Funds Required (including other funding sources, if any):

$250,000 Beaverton Local Share

Project Timeline:

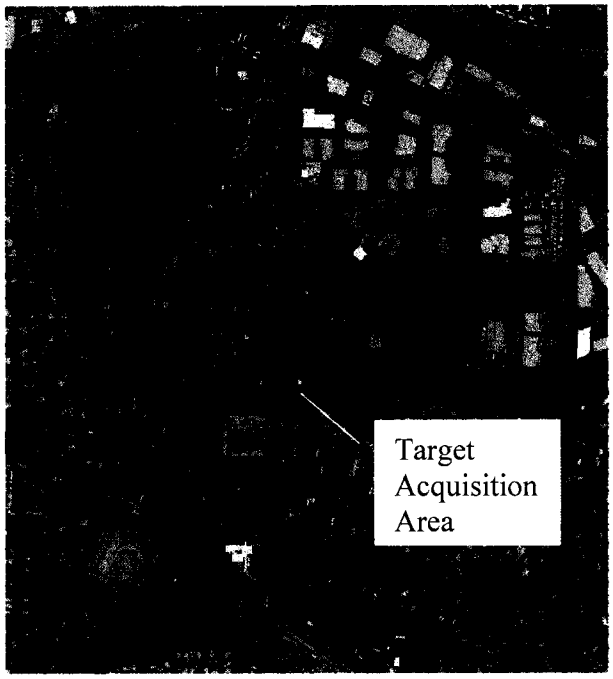
Working with a Metro Negotiator, staff expects to begin this project in fall or winter 2007.

Project Location:

East side of 173rd between Cornell Road and Walker Road. See map.

Project Contact Information:

Barbara Fryer, AICP
Senior Planner
PO Box 4755
Beaverton, OR 97076-4755
Tel: (503) 526-3718
Fax: (503) 526-3720
bfryer@ci.beaverton.or.us


Target
Acquisition
Area

Attachment "A"

Contract # 927828
Project # 53741

Local Share Project List for
City of Beaverton

Project Name:

Beaverton Creek Stabilization and Revegetation Project

Project Description:

Construct terraced retaining walls and plant with native vegetation to re-establish the channel. Stabilization of the banks should improve water quality degraded by deep incision of the bank. This in turn should improve habitat value.

Project Funds Required (including other funding sources, if any):

$500,000 Beaverton Local Share
$430,000 City of Beaverton Storm SDC Conveyance Fund

Project Timeline:

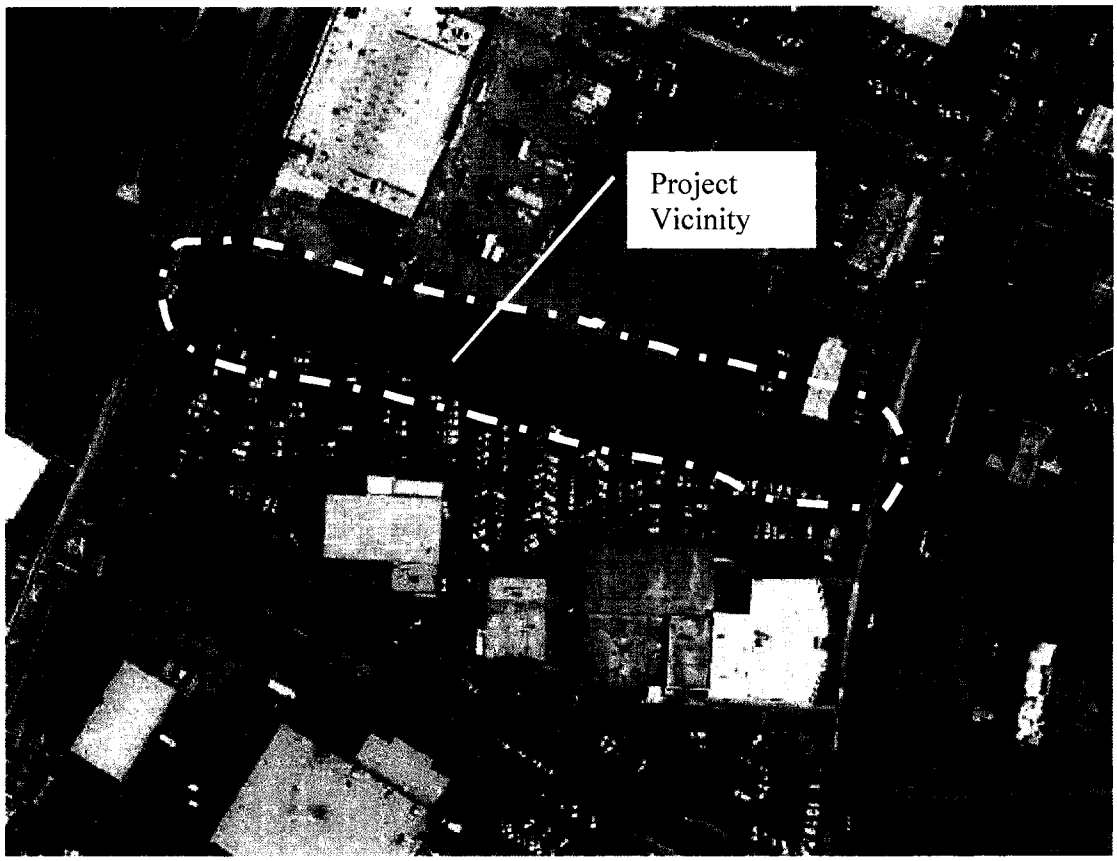
August 2007, if in-water permits are secured, otherwise July 2008

Project Location:

On Beaverton Creek between Cedar Hills Boulevard and Hocken Avenue. See map.

Project Contact Information:

Jim Brink
Project Engineer and Designer
PO Box 4755
Beaverton, OR 97076-4755
Tel: (503) 526-2450
jbrink@ci.beaverton.or us


Project
Vicinity

Attachment "A"

Contract # 927828
Project # 53736

Local Share Project List for
City of Beaverton

Project Name:

Southwest Beaverton Acquisition

Project Description:

Acquire undeveloped property, up to six acres, near the Beaverton urban growth boundary north of Scholls Ferry Road.

Project Funds Required (including other funding sources, if any):

$500,000 Beaverton Local Share

Project Timeline:

It is uncertain whether this property has been purchased by a developer. The project may not be possible.

Project Location:

West side of 155th Avenue at Snowy Owl and Siskin Terrace. See map.

Project Contact Information:

Barbara Fryer, AICP
Senior Planner
PO Box 4755
Beaverton, OR 97076-4755
Tel: (503) 526-3718
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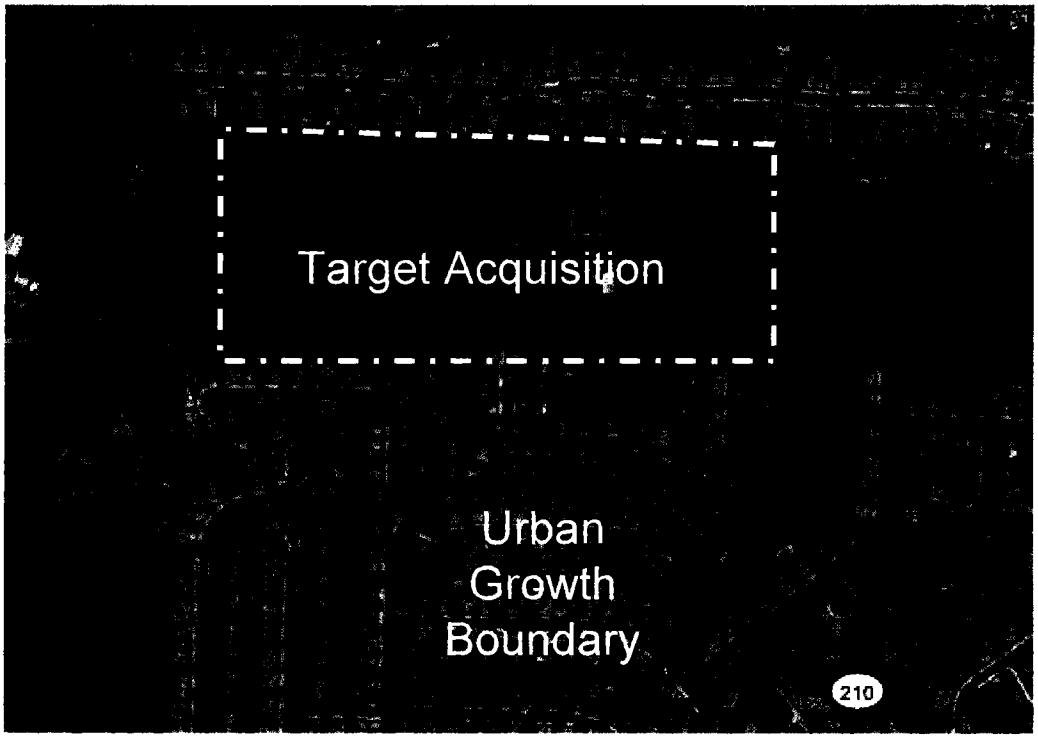
bfryer@ci.beaverton.or.us


Target Acquisition
Urban
Growth
Boundary
210

Attachment B

PROCEDURES FOR PAYMENT OF FUNDS BY METRO NATURAL AREAS BOND PROGRAM LOCAL SHARE

Metro has committed to pay to local jurisdictions (Local Share Partners) amounts specified for approved projects under the local share component of the 2006 Natural Areas Bond Measure. Under the Measure, funds must be expended on projects for acquisition and capital construction and improvements that result in the creation or acquisition of a capital asset, consistent with generally accepted accounting principles. For purposes of reimbursement, all of the following also apply:

- Capital cost may include not only the purchase price or cost of construction, but also any other costs incurred to place the asset in its intended location and condition for use;
- Each project shall be an improvement to non-federal, publicly owned property, or, in the case of acquisition, the ownership of the property shall be by a non-federal public agency or jurisdiction;
- Each project shall be real property (including buildings on such real property) or a building or other tangible improvement to real property, not intellectual or other intangible property; and
- The Local Share Partner shall properly record the acquisition or improvement as an asset in the jurisdiction's audited financial statements, and the accounting treatment for this project shall be consistent with the Local Share Partner's treatment of other similar transactions.

Examples of potentially eligible costs include the following, provided that they are costs that can be capitalized under generally accepted accounting principles:

- Legal and title fees
- Closing costs (including escrow fees and recording fees)
- Negotiation costs
- Due diligence costs (including costs of appraisals, land surveys and environmental investigations)
- Land preparation costs
- Demolition cost (associated with new construction)
- Architect and engineering fees
- Insurance premiums during the construction phase
- Transportation and freight charges
- Staff overhead costs, meeting federal guidelines under the Single Audit Act of 1984, which are directly related to the acquisition of a natural area asset.

Payments to Local Share Partners will be processed as reimbursement for costs incurred and paid by the Local Share Partner. Only in the case of land acquisition will transfers be made prior to expenditure, with said transfer into escrow accounts for land acquisition transactions.

Prior to any reimbursement or transfer of funds to escrow the Local Share Partner must sign a designation of signature authority form.

REIMBURSEMENT PROCEDURES

For each request for reimbursement, the Local Share Partner shall provide to Metro:

- A completed Request for Release of Funds, signed by an authorized representative of the Local Share Partner certifying appropriateness of the charges.
- A schedule of charges being submitted for reimbursement including the name of the vendor or person who was paid, description of charge and amount, and
- Applicable documentation to support the schedule of charges, including copies of invoices, statements, receipts, payroll reports, and/or other evidence of expenditures incurred.

Such documents shall be submitted to:

Local Share Coordinator
Metro Regional Parks and Greenspaces
600 N.E. Grand Avenue
Portland, OR 97232-2736

Upon Metro's receipt of a request for reimbursement:

- Metro's Local Share Coordinator shall review the submitted documents and recommend approval for payment to the Program Director, or request additional information from Local Share Partner as needed.
- Metro Accounts Payable will process a reimbursement check to the Local Share Partner within thirty (30) days of the date of receipt of completed reimbursement documents by Metro. All reimbursements will be made payable to the Local Share Partner jurisdiction. Reimbursement may be by electronic funds transfer, warrant or check.

ESCROW TRANSFER PROCEDURES

If the Local Share Partner requires a wire transfer of funds to escrow to complete land acquisition transactions, a wire transfer information request form must be completed. A preliminary closing statement that details the price of the property and all related closing costs should be included to document each request submitted.

Funds will be transferred as required within five business days of written or faxed notice submitted to the attention of:

Local Share Coordinator
Metro Regional Parks and Greenspaces
600 N.E. Grand Avenue
Portland, OR 97232-2736

Fax number: 503-797-1849

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Attachment C

Local Share Guidelines

The Metro Council established these Local Share Guidelines with its adoption of Metro Resolution No. 06-3672B, which resolution submitted the Measure to the voters of the Metro region. As provided in Exhibit B to that resolution, only agencies that were public park providers as November 6, 2006 are eligible to receive funds. Funds from the bond measure shall not be used to replace local funds on any project and funds from the bond measure should be used to leverage other sources of revenue when possible. Local share funds should be used to the greatest extent possible to fund new projects and not pay agency overhead or indirect costs. In no event shall the staff, overhead and indirect costs on local share projects exceed 10% of the cost of any project. In addition, such funds may be expended only on projects related to natural areas or acquisition of land for natural areas, open space, parks or trails, including:

Real Property Acquisition:

- Fee Simple (or easement) purchase of real property for use as parks, open space, natural areas, or trails, including natural areas, wildlife and trail corridors identified in the Metropolitan Greenspaces Master Plan, the Regional Greenspaces System Concept Map (adopted 2002), the Regional Trails Plan Map (adopted 2002), the Nature in Neighborhood Map (Fish & Wildlife Habitat Protection Program, Resource Classification Map), and locally determined significant natural areas, neighborhood and pocket parks, wildlife habitat and trail corridors.

Capital Improvement Projects:

- Restoration or enhancement of fish and wildlife habitat.
- Improvements to existing parks to enhance the integrity of habitat and increase natural plantings.
- Improvements to existing natural area amenities to provide universal access to the public (meets Americans with Disabilities Act requirements).
- Public use facilities such as trailheads, rest rooms, picnic tables and shelters, children's play areas, viewing blinds, water systems, camp sites and barbeque pits, fishing piers, associated accessories such as information signs, fences, security lighting, and circulation facilities (i.e., entry, egress and circulation roads, parking areas).
- Environmental education structures or accessories (e.g., nature centers and/or interpretive displays).
- Trail design, engineering, construction and landscaping.

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INTERGOVERNMENTAL AGREEMENT
BETWEEN THE LOCAL SHARE PARTNER and METRO
FOR LAND ACQUISITION SERVICES

THIS INTERGOVERNMENTAL AGREEMENT ("IGA"), entered into under the provisions of ORS chapter 190 and effective on the date the IGA is fully executed (the "Effective Date"), is entered into by and between the City of Beaverton, located at 12500 SW Allen Boulevard, Beaverton, Oregon 97005 ("Local Share Partner") and Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, Oregon 97232-2736 ("Metro").

RECITALS

WHEREAS, the goal of this IGA is for Metro to provide land acquisition services for the Local Share Partner for acquisitions pertaining to the 2006 Natural Areas Bond Measure (the "Measure");

WHEREAS, the Local Share Partner has executed an intergovernmental agreement with Metro pertaining to the Local Share Component of the Measure;

WHEREAS, the Local Share Partner is involved in various projects that require land acquisition and due diligence services in relation to parcel and easement purchases;

WHEREAS, the Local Share Partner does not have the in-house staff to perform these land acquisition and due diligence services;

WHEREAS, Metro has determined that there is available Metro staff capacity within the existing Natural Areas Work Plan to provide limited technical assistance to the Local Share Partner for land acquisition and due diligence services; and

WHEREAS, the purpose of this IGA is to identify the responsibilities and compensation for land acquisition and due diligence services to be provided by Metro to Local Share Partner;

NOW THEREFORE, the parties agree as follows:

1. SCOPE OF METRO'S SERVICES

Metro shall provide to Local Share Partner services as shown in the attached Scope of Work (Exhibit A). In addition, each project shall require a project specific scope of work (consistent with this IGA) and a written notice to proceed from Local Share Partner prior to Metro commencing work. Local Share Partner shall be entitled to copies of all products prepared by Metro hereunder, upon request, including but not limited to due

diligence process reports and legal documents and instruments (agreements of purchase and sale, appraisals, environmental assessments, preliminary title reports, negotiated conditions, deeds, easements, and leases).

2. SCOPE OF LOCAL SHARE PARTNER'S SERVICES

Local Share Partner shall provide written direction to Metro regarding the services to be performed by Metro under this IGA. Local Share Partner shall also provide the input and review as described in Exhibit A.

3. PAYMENTS FOR SERVICES

A. Costs that Metro incurs to obtain any services from third parties under this IGA shall be deducted from the total amount of funds available to the Local Share Partner under the terms of the Measure. Such deduction shall occur at the time that Metro makes payment for such services. Such costs may include, without limitation, the costs for Metro to obtain appraisals, appraisal reviews, preliminary title reports, environmental site assessments (e.g. "Phase I" and "Phase II" investigations), and land surveys. Metro shall provide Local Share Partner with written notice of all such deductions related to each project within 30 days of either (a) closing, if the project is a successful real property acquisition, or (b) the date that Metro determines, at its sole discretion, that a proposed acquisition is infeasible, at least in the short term.

B. Metro shall provide all other land acquisition and due diligence services described herein, other than those services described in Section 3A of this IGA, at no cost to the Local Share Partner.

4. TERM AND RENEWALS

The Term of this IGA shall be for five (5) years following the Effective Date. However, this IGA shall automatically renew for successive one-year terms unless terminated by either party by written notice at least 30 days prior to expiration of the initial term or any renewal term.

5. MODIFICATION, AMENDMENT OR TERMINATION OF AGREEMENT

Metro and Local Share Partner, by mutual written agreement signed by both parties, may modify, amend, or terminate this IGA at any time. Either party also may unilaterally terminate this IGA by providing the other party with written notice of termination. Such notice shall comply with the provisions of Section 13 of this IGA, and such termination shall be effective 30 days after providing such notice. Metro shall be entitled to deduct from the total amount of funds available to the Local Share Partner under the terms of the Measure any costs, as described in Section 3 of this IGA, that Metro had incurred or for which Metro was contractually obligated on the date that Metro provided or received written notice of default.

6. MUTUAL INDEMNIFICATION

The Local Share Partner shall indemnify and hold Metro and Metro's agents, employees, and elected officials harmless from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with the performance of this Agreement by the Local Share Partner or the Local Share Partner's officers, agents, or employees, subject to the limitations and conditions of the Oregon Tort Claims Act, ORS chapter 30. Metro shall indemnify and hold the Local Share Partner and the Local Share Partner's agents, employees, and elected officials harmless from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with the performance of this Agreement by Metro or Metro's officers, agents, or employees, subject to the limitations and conditions of the Oregon Tort Claims Act, ORS chapter 30.

7. FUNDS

Local Share Partner shall be responsible for insuring that sufficient funds are available for each Project.

8. PROJECT MANAGER

Each party designates the following as its representative for purposes of administering this IGA:

Local Share Partner:

Barbara Fryer
Senior Planner/ Local Share Project Manager
PO BOX 4755
Beaverton, Oregon 97076-4755
Tel: (503) 526-2215

Metro:

Natural Areas Bond Manager
Metro Regional Center
600 NE Grand Avenue
Portland, OR 97232

Either party may change its designated representative by giving written notice to the other as provided in Section 12.

9. The laws of the state of Oregon shall govern this IGA and the parties agree to submit to the jurisdiction of the courts of the state of Oregon. All applicable provisions of ORS chapters 187, 279A, 279B, and 279C, and all other terms and conditions necessary to be inserted into public contracts in the state of Oregon, are hereby incorporated as if such provisions were a part of this IGA. Specifically, it is a condition of this Agreement that

the Local Share Partner and all employers working under this Agreement are subject employers that will comply with ORS 656.017.

10. SEVERABILITY

If any covenant or provision in this IGA shall be adjudged void, such adjudication shall not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid, if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this IGA.

11. ENTIRE AGREEMENT

This IGA constitutes the entire agreement between the parties and supersedes any prior oral or written agreements or representations relating to this IGA. No waiver, consent, modification or change of terms of this IGA shall bind either party unless in writing and signed by both parties.

12. NOTICES

Except as specifically otherwise provided in this IGA, any notices permitted or required by this contract shall be deemed given when personally delivered or upon deposit in the United States mail, postage fully prepaid, certified, return receipt requested and addressed to the representative designated in Section 9. Either party may change its address by notice given to the other in accordance with this paragraph.

13. ARBITRATION

Any controversy regarding the terms and conditions of this IGA shall be submitted to arbitration. Any party may request arbitration by written notice to the other. If the parties cannot agree on a single arbitrator within 15 days from the giving of notice, each party shall within five days select a person to represent that party and the two arbitrators shall immediately select a third impartial person to complete a three member arbitration panel. If the two arbitrators cannot agree within 15 days on the third arbitrator, then either party may petition the Presiding Judge of the Multnomah County Circuit Court to select the third arbitrator. The panel shall conduct the arbitration in accordance with the provisions of ORS Chapter 33, or the corresponding provisions of any such future law. The arbitrator(s) shall assess all or part of the cost of the arbitration, including attorney fees, to any or all parties.

CITY OF BEAVERTON:

By: _____
Print Name:

Date: _____

By: _____
Print Name

Date: _____

Approved as to Form:

By: _____

for the Local Share Partner, Oregon

METRO:

By: _____
Michael Jordan, Chief Operating Officer

Date: _____

By: _____
Jim Desmond, Parks Director

Date: _____

Approved as to Form:

By: _____
Paul A. Garrahan
Senior Assistant Metro Attorney

Exhibit A
Land Acquisition Services IGA

SCOPE OF WORK

TASK 1 **Local Share Partner Preliminary and General Services**

Objective: Initiate project and facilitate mutual understanding of the project scope.

Description: Meet with Metro real estate negotiator on a project-by-project basis, to confirm roles, responsibilities and expectations for each specific project in relation to the IGA. Establish clear lines of communication. Discuss project goals and identify specific concerns. Review the project and the land acquisition schedule.

Local Share Partner Products:
Provide project-specific goals, target properties, budget and desired schedule, including key project deadlines and milestones. Schedule and host initial project meeting. Provide the names and addresses of the owners of targeted properties, and tax identification information for such properties. Provide direction as appropriate. Information to be provided includes:

- Written description of the target property, property contact information (including history of communication), specific approval schedule, deadlines, authorization procedures, and required communication procedures.
- Whether review by the Local Share Partner's attorney is required, and, if so, the points during the project timeline when such review must occur.
- Whether and when approval(s) by the Local Share Partner's governing body is required. Describe the process and estimated time lines for such approval(s).
- A completed Signature Authority form provided by Metro.
- Identification of any other approval(s) or review periods that the Local Share Partner will require.

TASK 2 **Metro Negotiation and Related Services**

Objective: Conduct "willing seller" land acquisition negotiations with the purpose of acquiring properties targeted by the Local Share Partner for land acquisition services. When directed in writing by Local Share Partner, conduct such land acquisition negotiations in accord with federal acquisition guidelines.

Description: Metro will perform land acquisition negotiations. Steps to be taken include the following activities:

2.1 Setup negotiation files to preserve documents and a record of the negotiations.

2.2 Setup and maintain diaries documenting property owner(s) contacts.

2.3 Prepare the appropriate documents for review by the Local Share Partner's Project Manager and attorney, including, but not limited to, Metro's standard form Agreement of Purchase and Sale, modified or supplemented with property specific detail, deeds, easements, legal descriptions and other documents and instruments, as needed.

2.4 Prepare offer letters and other communications required to establish contact with property owner(s).

2.5 Explain the offer to the property owner(s) or a representative and provide an understanding of the land acquisition process.

2.6 Comply with federal and state acquisition and relocation guidelines and requirements, when directed in writing to do so by the Local Share Partner.

2.7 Advise and coordinate with the Local Share Partner's Project Manager.

Metro Products:

Maintain property specific negotiation files including diaries, offer letters, and documentation of other communications. Transaction specific preparation of the Purchase and Sale Agreement, and other documents, as requested. Provide negotiation files to Local Share Partner upon request.

TASK 3 **Metro Due Diligence Services**

Objective: Perform due diligence substantially satisfying the standards set forth in Metro's Natural Areas Implementation Workplan.

Description: Metro will conduct due diligence in good faith and as Metro determines necessary at its sole discretion. Steps to be taken may include the following activities:

3.1 Obtain an independent MAI appraisal of the proposed acquisition property subject to no extraordinary assumptions and confirmed by an appraisal review conducted in accordance with USPAP and general appraisal standards. Alternatively, if the Seller obtains an independent MAI appraisal, then Metro shall obtain an appraisal review of Seller's appraisal, conducted in accordance with USPAP and general appraisal standards, and such appraisal review must verify the accuracy of Seller's appraisal, including confirming that it is subject to no extraordinary assumptions.

3.2 Paralegal review of title reports, title exception documents, vesting deed, existing surveys, plats, legal description and other documents.

3.3 Perform a site visit and visual inspection of boundaries and access; identify possible hazards, unrecorded easements, and trespassers.

3.4 Obtain a Phase I Environmental Assessment and conduct further environmental investigation only if necessary to conduct "All Appropriate Inquiry" into the environmental condition of the Property, in accord with the Standards and Practices for All Appropriate Inquiry set forth in the Code of Federal Regulations, Chapter 40, Part 312.

2.5 Obtain survey services for a land use application or to resolve uncertaintiesas to property lines or easement location.

3.6 Obtain land use approvals if required under the Purchase and Sale Agreement.

3.7 Provide Metro Attorney review of documents. The Metro Attorney shall advise Metro negotiators regarding their work under this Agreement and shall oversee Metro's due diligence work, but shall not provide legal advice directly to the Local Share Partner. If the Local Share Partner feels it needs legal advice regarding any matter it shall seek such advice from its own attorney.

Metro Products:

Due diligence conforming substantially to Metro Natural Areas Implementation Workplan standards. Copies of all pertinent legal documents will be provided as appropriate.

Local Share Partner Products:

Local Share Partner's Project Manager and attorney review, direction of the due diligence process, review and approval of the closing checklist.

TASK 4 Metro Purchase and Closing Services/Escrow Liaison

Objective: Conduct escrow and closing services.

Description: Metro shall perform the following services in good faith and as Metro determines necessary at its sole discretion:

4.1 Communicate with property owners, or their representatives, in a timely and professional manner.

4.2 Open escrow.

4.3 Prepare escrow instructions.

4.4 Place documents in escrow.

4.5 Coordinate payments to Title/Escrow Company related to closing.

4.6 Assist in obtaining releases, if necessary.

4.7 Review closing statements, escrow instructions, title insurance policies, and vesting documents, and make recommendations to Local Share Partner or work with the title company to correct errors.

4.8 Deliver documents for recording and track the recording process to ensure that recording has occurred.

Metro Products:

Escrow instructions, Escrow account setup, documents placed in escrow, payment coordination, closing statements, recorded documents. Provide recorded documents to Local Share Partner with recording numbers.

Local Share Partner Products:

Local Share Partner's Program Manager and attorney review of closing documents and instruments. Provide documentation to authenticate that the individual signing all closing documents has authority to sign on behalf of the Local Share Partner.

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Attachment E

Funding Recognition

As provided in this document, the Local Share Partner shall recognize that funding to complete the project was provided from the Metro 2006 Natural Areas Bond Measure. Such project recognition shall be included in and on on-site documentation, any published final products and visual presentations, web site information, collateral materials, newsletters, and press releases.

At or before project completion of a project, signage shall be installed at the project site in prominent and highly visible locations near each primary public access point or viewing access area (but not located in a manner that would have a detrimental impact on any natural area viewshed) to acknowledge Metro's funding of the project and any other project partners (as necessary) that have provided project funding. Signage shall be either:

a. A standard, free-standing sign provided by Metro, which Metro shall make available to Local Share Partners upon request; or

b. Inclusion of Metro's logo and script in other signage, with Metro's logo and script of a size in comparable proportion to the relative amount of funding provided by the Metro Bond Measure for the project being recognized, in relation to other agencies recognized on such signage. In no event, however, must Metro's logo and script be larger than the logo and script of the Local Share Provider. Metro shall make its graphics available upon request.

When the project is opened to the public, the Local Share Partner shall plan and hold at least one community/media event to publicize the project and its relationship to the Metro 2006 Natural Areas Bond Measure. The Local Share Partner agrees to provide the Metro Natural Areas Program Manager with written notice of such event at least three weeks prior to the scheduled event in order to coordinate with and allow for participation by Metro staff and elected officials.

At least once during the term of the Agreement, the Local Share Partner shall hold a public meeting with members of the Local Share Partner's governing body, at which the Local Share Partner shall recognize the Local Share Partner's partnership with Metro to complete the Local Share Partner's Bond Measure-funded projects. The Local Share Partners shall provide the Metro Natural Areas Program Manager with written notice of such public meeting at least three weeks prior to the scheduled event in order to coordinate with and allow for participation by Metro staff and elected officials.

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EXHIBIT 2
AB 06029 and Resolution No. 3853

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: A Resolution Adopting a List of Projects to Submit to Metro for Receiving Local Legacy Program Funds from the Proposed 2006 Metro Nature In Neighborhoods Bond Measure

FOR AGENDA OF: 2/13/06 **BILL NO:** 06029

Mayor's Approval: Rob Drake

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 2/01/06

CLEARANCES: City Attorney HR
Planning Services HB

PROCEEDING: Consent Agenda

EXHIBITS: Resolution

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

In 1995 voters approved a Metro bond measure for open spaces, parks and streams. The bond measure's primary goal was to purchase natural areas and greenways for parks, trails, and fish and wildlife habitat. Metro acquired property in 14 regional natural areas and six regional trails and greenway corridors. In addition, a "local share" portion of the bond monies funded more than 100 local park projects located in almost every city, county, and park district in the region. As of June 8, 2005, Metro had acquired more than 8,130 acres of land for regional natural areas and regional trails and greenways, in 261 separate property transactions. These properties protect nearly 74 miles of stream and river frontage. (These numbers include Metro's local share purchases.)

In an effort to continue the successes of the 1995 bond measure, Metro is preparing to place a bond measure on the November 2006 ballot. The proposed 2006 Nature in Neighborhoods bond measure will focus on the acquisition of natural areas and corridors to protect water quality and fish and wildlife habitat. The measure will include both Metro and local government acquisitions and projects designed to benefit clean water and protect existing and new natural areas for future generations. As presently conceived, the bond measure will be for the amount of $220 million. Thus far, Metro Council has accepted the recommendations of a Blue Ribbon Committee to set aside $44 million of the bond for a Local Legacy Program and the remaining $176 million is to be distributed among programs that may include capital fund projects for regional target areas, regional trails, and regional capital projects, as well as a grant component of the Local Legacy Program to be determined after Metro receives public input

INFORMATION FOR CONSIDERATION:

Metro is requiring all local governments that would receive money from the Local Natural Area Legacy Fund to adopt by resolution a list of proposed projects on which the money would be spent, after conducting a public hearing. The adopted list is to be forwarded to Metro no later than March 1, 2006.

At the February 6, 2006 City Council meeting, City of Beaverton staff presented nine proposed projects to City Council for consideration at a public hearing. After the public hearing, the Council discussed public comments received and provided feedback and direction to staff as to which projects should be included in the list to forward to Metro. The draft list, which is Exhibit A to the attached resolution, reflects direction provided by the Council on February 6. If the Council chooses to adopt the attached resolution, it will be forwarded to Metro by their deadline of March 1, 2006

RECOMMENDED ACTION:
Adopt the attached resolution and authorize Mayor Drake to sign it

RESOLUTION NO. 3853

A RESOLUTION SUBMITTING AN APPROVED LIST OF PROJECTS FOR THE PROPOSED 2006 METRO NATURE IN THE NEIGHBORHOODS BOND MEASURE: LOCAL LEGACY PROGRAM

WHEREAS, the Metro Nature in the Neighborhoods bond measure is proposed for the November 2006 election, and

WHEREAS, the proposed bond measure includes $220 million, $44 million of which will be dedicated to the Local Legacy Program, and

WHEREAS, the remaining $176 million is to be distributed among programs that are to be determined after Metro receives public input; these programs are preliminarily conceived to include capital fund projects for regional target areas, regional trails, and regional capital projects, as well as a grant component of the Local Legacy Program; and

WHEREAS, the goal of the Local Legacy Program is to protect and enhance water quality, natural areas, fish and wildlife habitat, and to provide improved access or public use and enjoyment of these natural areas; and

WHEREAS, the City is a member of the Natural Resources Coordinating Committee; and

WHEREAS, the Natural Resources Coordinating Committee has agreed to an allocation formula for the jurisdictions in Washington County based on estimated population; and

WHEREAS, jurisdictions must submit a list of proposed local projects approved by the governing body to Metro no later than March 1, 2006, to meet eligibility requirements for the Local Legacy Program; and

WHEREAS, the City Council held a public hearing on February 6, 2006, to determine the projects that should be funded with the City's allocation of Local Legacy Program funds.

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

The City Council approves the Local Legacy Program project list, as described in the attached Exhibit A, to be completed based on priority status, unless one or more of the property owners in the proposed acquisition areas are opposed to selling, unwilling to sell at the appraised value, or a listed project becomes infeasible as determined by the City Council

Adopted by Council this 13th day of February, 2006

Approved by the Mayor this 14th day of February, 2006

Ayes: 4 Nays: 0

ATTEST:

SUE NELSON, City Recorder

APPROVED:

ROB DRAKE, Mayor

Resolution No. 3853

Resolution No. 3853

'EXHIBIT A' to the Resolution

PROPOSED CITY OF BEAVERTON PROJECTS TO BE FUNDED BY MONEY FROM THE PROPOSED 2006 "NATURE IN THE NEIGHBORHOODS" BOND MEASURE LOCAL LEGACY PROGRAM COMPONENT

MAP #	LOCATION	PROJECT	ESTIMATED COST (thousands)	PRIORITY	COMMENTS
1	North side of Beaverton Creek and LRT line between Hall and Lombard	**Acquire** easements/ **construct** a portion of the Beaverton Creek Trail and **enhance native vegetation**	$500	Primary	THPRD supports this project and is willing to help fund it Pedestrians have unofficially carved out a pathway in this area on private property The improvement will provide all-weather publicly maintained access and restoration of surrounding vegetation It is projected that this trail connection will be well used
2	SE corner of Farmington and Menlo	**Acquire** property and **plant native vegetation** along Erickson Creek	$375	Primary	This is a subset of a larger project that addresses drainage issues. Property to the northeast is owned by the City and will also be planted with native vegetation as part of this project There is a THPRD park to the west across Menlo Property owner likely to be a willing seller, but acquisition may not occur if asking price is above the appraisal.
3	West side of 155th, south of Sexton Mountain Drive	**Acquire** about 1 acre of property abutting an unnamed THPRD park	$250	Primary	Most of the property is a wetland It and the adjacent park are just south of Sexton Mountain Elementary School It has restoration potential, and could be used by school students for environmental studies Property owner likely to be a willing seller, but acquisition may not occur if asking price is above the appraisal
4	Sexton Mountain Reservoir SW of Sexton Mountain Drive and Murray	Enhance vegetative cover on the site by removing invasive plant species and **replanting with native vegetation**	$300	Primary	The reservoir site is next to Sexton Mountain Meadows Park Revegetation will reduce erosion of soils into the Johnson Creek, Hiteon Creek and Summer Creek subwatersheds, enhance the appearance of the area and improve wildlife habitat If not funded with Local Legacy money, revegetation may occur using City general fund money, but over several years
5	East side of 173rd, between Cornell and Walker	**Acquire** undeveloped portion of property on Willow Creek adjacent to Walker Road	$250	Primary	Along Willow Creek, this acquisition would link two existing parks, and provide an opportunity site for riparian corridor restoration This is the only proposed project in north Beaverton Property owner likely to be a willing seller, but acquisition may not occur if asking price is above the appraisal

3

Resolution No. 3853

'EXHIBIT A' to the Resolution

MAP #	LOCATION	PROJECT	ESTIMATED COST (thousands)	PRIORITY	COMMENTS
6	Beaverton Creek between Cedar Hills Blvd and Hocken	**Construct** terraced retaining walls and **plant with native vegetation** to restore channel	$500	Primary	This project will also require use of other funds. Public access is not possible, but revegetation of the stream corridor and stabilization of the banks should improve its appearance, water quality and habitat value Adjacent property owners support and are willing to grant easements.
7	West side of 155th at Snowy Owl and Siskin Terrace	**Acquire** up to six acres near the UGB	$500	Primary	THPRD supports this project and would be the primary source of funds Seller willingness is uncertain, however This area is generally in need of more park land. The property to the west is open space owned by a homeowners' association that could be combined with this property This part of the property contains mature trees, primarily Douglas Fir
8	Griffith Park	**Construct** a trail along the edge of the park	$250	Secondary	THPRD supports this project and is willing to help fund it, but it may not meet Metro guidelines for local natural areas projects. It is anticipated the trail would be designed to avoid removal of or damage to the roots of existing trees, and use pervious pavement. Project may be paired with a project to remove sediment from the bottom of the park to increase its detention capacity
9	West side of HWY 217 between 5th and Allen	**Acquire** trail connection	$250	Secondary	This site is owned by the Union Pacific railroad company Although zoned industrial, most of this site is wetland with natural vegetation It is shown on the THPRD Trails Master Plan as part of the Beaverton Creek Trail and as a link to the Fanno Creek Trail. However, owner willingness to sell is unknown, and access across RR tracks an issue

Total Estimated Primary: $2,675,000
Total Estimated Secondary $500,000

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EXHIBIT 3
Project Description Schedule

Project Description Schedule

		Fiscal Year			
LOCATION	**PROJECT**	**06/07**	**07/08**	**08/09**	**COMMENTS**
N of Beaverton Creek and LRT line between Hall and Lombard	**Acquire** easements, **construct** a portion of the Beaverton Creek Trail, and **enhance native vegetation**		$500,000		THPRD included $500,000 Local Share funds for this project. Pedestrians have unofficially carved out a pathway in this area on private property. The improvement will provide all-weather publicly maintained access and restoration of surrounding vegetation. It is projected that this trail connection will be well used.
SE corner of Farmington and Menlo	**Acquire** property and **plant native vegetation** along Erickson Creek		$200,000	$175,000	This is a subset of a larger project that addresses drainage issues. Property to the northeast is owned by the City and will also be planted with native vegetation as part of this project. Property owner is likely a willing seller, but acquisition may not occur if asking price is above the appraisal.
W. of 155th, S of Sexton Mountain Dr	**Acquire** about 1 acre abutting an unnamed THPRD park.		$250,000		Most of the property is a wetland. It and the adjacent park are just south of Sexton Mountain Elementary School. It has restoration potential, and could be used by school students for environmental studies. Property owner is likely a willing seller, but acquisition may not occur if asking price is above the appraisal.
Sexton Mountain Reservoir	Remove invasive plant species and **replant with native vegetation.**	$50,000	$191,143		The reservoir site is next to Sexton Mountain Meadows Park The project will reduce erosion of soils into the Johnson Creek, Hiteon Creek and Summer Creek subwatersheds, enhance the appearance of the area and improve wildlife habitat.
E. of 173rd, between Cornell and Walker	**Acquire** portion of property on Willow Creek adjacent to Walker Rd.		$250,000		Along Willow Creek, this acquisition would link two existing parks, and provide an opportunity site for riparian corridor restoration This is the only proposed project in north Beaverton. Property owner is likely a willing seller, but acquisition may not occur if asking price is above the appraisal.
Beaverton Creek between Cedar Hills Blvd. and Hocken	**Construct** terraced retaining walls and **plant with native vegetation** to restore channel.		$500,000		This project will also require use of other funds. Public access is not possible, but revegetation of the stream corridor and stabilization of the banks should improve its appearance, water quality and habitat value. Adjacent property owners support and are willing to grant easements.
W. of 155th at Snowy Owl and Siskin Terrace	**Acquire** up to six acres near the UGB		$500,000		THPRD supports this project and would be the primary source of funds. Seller willingness is uncertain, however, as the property recently sold to a new owner. This area is generally in need of more park land. The property to the west is open space owned by a homeowners' association that could be combined with this property. This part of the property contains mature trees, primarily Douglas Fir.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Authorize the Mayor to Execute a One Year Extension to the Intergovernmental Agreement Amongst Local Government Agencies for the Shared Use of a Public Communications Network

FOR AGENDA OF: 6/04/07 **BILL NO:** 07111

Mayor's Approval:

DEPARTMENT OF ORIGIN: ISD

DATE SUBMITTED:

City Attorney
Finance

PROCEEDING: Consent Agenda

EXHIBITS: Intergovernmental Agreement

BUDGET IMPACT

EXPENDITURE REQUIRED	AMOUNT BUDGETED	APPROPRIATION REQUIRED
$11,000	$11,000*	$-0-

*Account Number 602-30-0712-341 Information Systems Fund – Systems Operations Program – Communications Expense Account. The Expenditure Required and the Amount Budgeted represents Beaverton's cost share in operating the public communication network and is included in the Proposed FY 2007-08 Budget.

HISTORICAL PERSPECTIVE:

Since 1996, the City has been a participant in the Broadband User Group that established a high speed wide area network between and amongst the various agencies in Washington County. The User Group operates under an IGA (Intergovernmental Agreement) that governs the operations of the wide area network. The current IGA expires on June 30, 2007, and the participants desire to extend the current agreement for an additional one-year period. A list of the participating agencies is attached to the IGA as Appendix A.

During the upcoming operating year, the User Group will revise the IGA to incorporate additional needs due to changing technology and the individual needs of the respective participants. The revised IGA will then be presented for approval to the various participants Councils, Boards, or Commissions for the fiscal year beginning June 30, 2008.

INFORMATION FOR CONSIDERATION:

Attached is the proposed IGA to cover the term of July 1, 2007 through June 30, 2008, with the only change from the prior IGA being the new operating term. The amounts referenced in the Expenditure Required and Amount Budgeted sections represent Beaverton's share of the Broadband User Group's operating expenses for FY 2007-08. The wide area network is operated and managed by the City of Hillsboro.

RECOMMENDED ACTION:

Council authorize the City's continued participation in the Broad Band User Group and authorize the Mayor to sign the IGA for the Shared Use of Public Communications Network, Internet Access, Communication Devices and Computer Equipment in a form approved by the City Attorney.

Intergovernmental Agreement

Shared Use of Public Communication Network, Internet Access, Communication Devices and Computer Equipment

This agreement is entered into by and between the units of local government, departments/agencies of local government, and districts listed in Appendix A, which is incorporated into this Agreement by this reference Each entity listed shall be referred to as "Participant "

WHEREAS ORS 190.010 authorizes each Participant to enter into this Agreement for the performance of any or all functions and activities that each Participant has authority to perform;

WHEREAS, each Participant finds it desirous to enter into this Agreement;

Now, therefore, each Participant agrees as follows:

I. Objectives of the Agreement

1. This Agreement will allow each of the Participants to·

   a. Share the usage of advanced technology such as the Internet;

   b. Share all the equipment and services associated with interfacing/accessing the internet,

   c. Share in the cost of the acquired equipment and services to interface/access the Internet,

   d. Develop internal expertise and share this expertise among the participants,

   e. Provide security to all participants using the Internet; and

   f. Become a model for units of local government sharing the technology, expertise and the cost to benefit the citizens and taxpayers of Washington County and the participating jurisdictions.

II. General Responsibilities

1. All Participants. Each Participant agrees to.

   a Maintain secure computer connections to the shared broadband minimum infrastructure configuration in accordance with the Procedures Manual.

   b. Use the shared Wide Area Network in a manner that will not impair other Participants' use of the Wide Area Network and the Internet connections.

   c. Meet on a regular basis, or as required, with all Participants in this Agreement to establish and modify procedures for use of the shared broadband channel and the Internet connection. The group shall be called the Broadband User's Group.

   d. Appoint a person to act as a "Liaison" for this Agreement who shall have the authority to Execute the Procedures Manual and any amendments to that document and be the BUG Member.

III. Compensation

1. New Participant(s). Any new party that wishes to become a Participant in this Agreement must be approved by a majority of the existing Participants, by vote of the liaisons, and must pay a fee set by the Participants. The fee is required regardless of the length of time remaining in this Agreement. If approved by the Liaisons, a new party shall become a

Participant in this Agreement upon receipt of the fee and authorization for participation in this Agreement.

2 Ongoing Maintenance All Participants agree to share in the on -going costs of maintenance as well as maintaining a connection to the Internet. The equipment including all hardware and software shall be listed in the procedure manual. The procedure manual shall be updated as new equipment is purchased

3 Initial Payment Refund The Initial Payment is nonrefundable regardless of the withdraw of participation by any Participant or termination of this Agreement

IV. Accounting and Financial Management

1 City of Hillsboro responsibilities. The City of Hillsboro will:

a. All expenses will be paid by the City of Hillsboro. The City of Hillsboro will invoice the other participants as outlined in IV.2., including the original invoice.

b. Follow accounting and financial management procedures as outlined in the Procedures Manual and in accordance with its purchasing rules. Should there be a conflict between The Procedures Manual and its purchasing rules, the purchasing rules shall prevail.

2. Participant responsibilities. All maintenance expenses incurred by the Participants on their own equipment, that is not identified on the Attachment, are the responsibility of the respective Participants All invoices relating to expenses for hardware/software maintenance or troubleshooting consulting on the equipment identified in the Attachment will be submitted to the City of Hillsboro. Any changes to maintenance rates and Internet connection must be brought to the BUG meeting for prior approval. Any Participant may dispute troubleshooting consulting expenses. This dispute may be referred and voted upon at the next BUG meeting.

V. Procedures Manual and BUG Meetings

1 Preparation. A separate document referred to as the "Procedures Manual" will be prepared and used in conjunction with this Agreement by the BUG The Procedures Manual is intended to provide operational definitions for Participant responsibilities in a format that can be changed as needs are identified over time.

2. Amendment. The Procedures Manual may be amended at any meeting of the BUG by two-thirds vote of those Members present, provided notice of such amendments has been given in writing to all Members at least two weeks prior to this meeting.

3. Review. The Procedures Manual shall be reviewed annually.

4 BUG Members. Each Participant shall have one voting Member of the BUG.

5 Quorum Requirements. Unless otherwise stated in this Agreement, a quorum (one half plus one) of Members is required for any formal action at a BUG meeting.

VI. Equipment

1. Ownership. All equipment and software shall be owned jointly by each Participant in equal proportion

2 Future Use The equipment and associated software acquired during the course of this Agreement shall be made available to all Participants that wish to renew this Agreement. If no agreement can be obtained that is mutually satisfactory to all the Participants, it will be agreed that all the equipment and software purchased during the course of this Agreement will be sold If any Participant indicates an interest in purchasing the equipment/software, a meeting will be called for all the Participants. Each Participant can submit a sealed bid for all the hardware/software purchased. If no sealed bids are obtained, The City of Hillsboro will be asked to sell the hardware/software to a third party and distribute the money received in equal proportion to all Participants. Any funds remaining in the account will be divided equally among the participants.

VII. General Provisions

1. Terms of the Agreement. The term of this Agreement shall be from July 1, ~~2006~~2007 through and including June 30, ~~2007~~2008

2 Reviewed. This Agreement may be reviewed annually by the Participants.

3. Amendment. This Agreement may be amended by mutual agreement of all Participants.

4 Personnel. All personnel authorized to perform work or any functions under this Agreement shall remain the employee of its original employer regardless of the work or functions performed pursuant to this Agreement.

5. Indemnification. Within the limits of the Oregon Tort Claims Act, each Participant will Indemnify and hold each other harmless from and against any and all claims for bodily injury or property damage arising out of the negligence of its employees or agents

6. Termination. This Agreement may be terminated by mutual consent of all Participants.

7 Withdrawal Any Participant may withdraw from participation by providing 60 day written notice to each other Participant. The withdrawing Participant will be responsible for all expenses incurred to the effective date of withdrawal. Any pre-payment for service will be refunded to the withdrawing Participant within 60 days of actual withdrawal.

The Participant hereby accepts the terms and conditions of this Agreement

City of Beaverton:

_____ _____

Rob Drake, Mayor Date

Approved as to Form:

_____

City Attorney

Appendix A

List of Participants

City of Beaverton

City of Cornelius

City of Forest Grove

City of Hillsboro

City of King City

City of Lake Oswego

City of Tigard

City of Tualatin

Clean Water Services

Metropolitan Area Communications Commission/TVCTV

Tualatin Valley Fire and Rescue

Washington County Consolidated Communications Agency

Washington County for Washington County Cooperative Library Services

Washington County for Support Services

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Traffic Commission Issues No
- TC 616. Parking Revisions on the North Side of SW Griffith Drive East of the City Hall Driveway
- TC 617 Speed Limit on SW Denney Road East of Highway 217

FOR AGENDA OF: 6-04-07 **BILL NO:** 07112

Mayor's Approval:

DEPARTMENT OF ORIGIN: Public Works

DATE SUBMITTED: 4-23-07

CLEARANCES: Transportation JK.
City Attorney AW

PROCEEDING: Consent

EXHIBITS:
1. Vicinity Map
2. City Traffic Engineer's reports on Issues TC 616 and TC 617, including all written testimony
3. Final Written Order on TC 617
4. Excerpt of draft minutes of the meeting of May 3, 2007

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

On May 3, 2007, the Traffic Commission considered the subject traffic issues. The staff reports are attached as Exhibit 2.

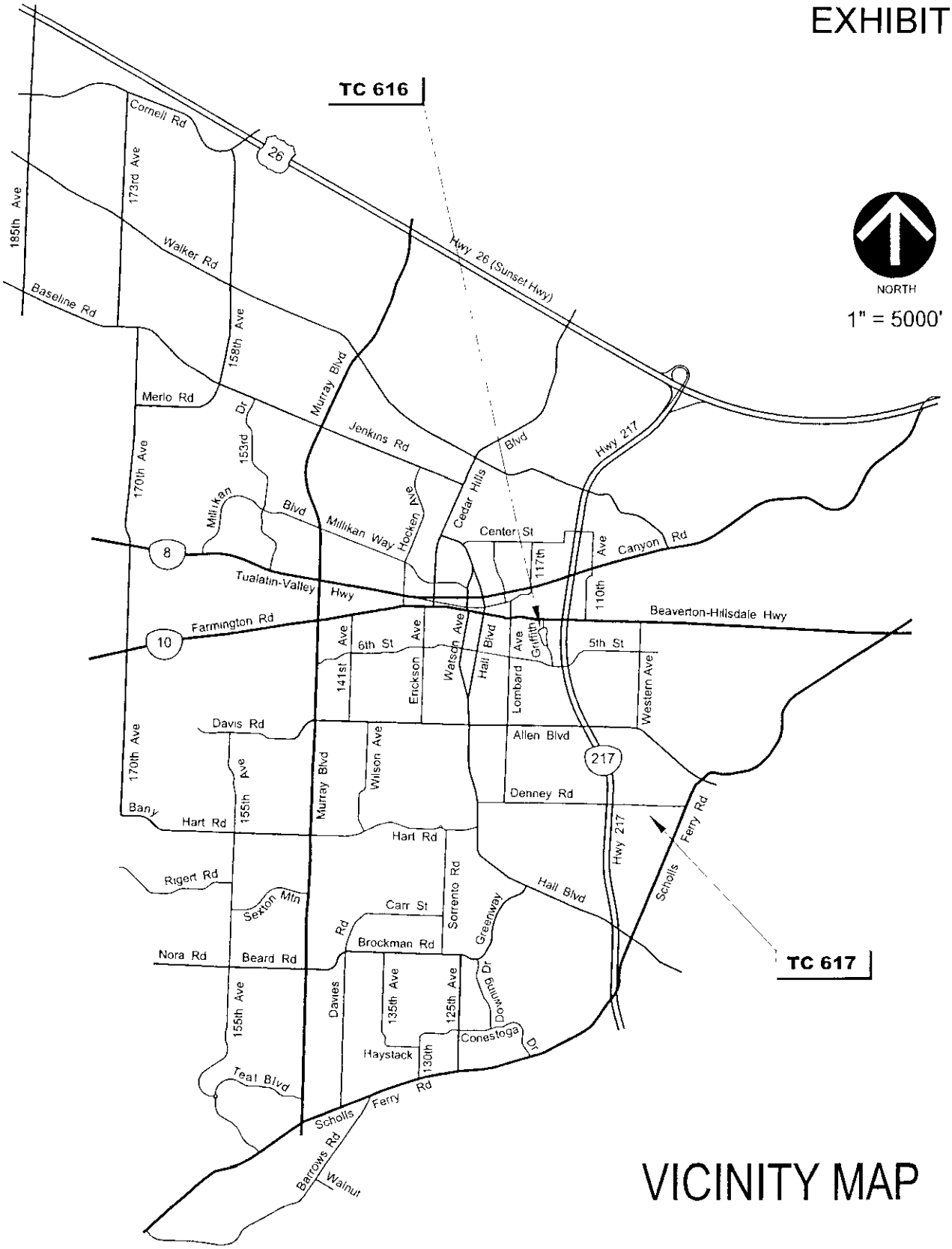
INFORMATION FOR CONSIDERATION:

Issue TC 616 was approved on the Commission's consent agenda A hearing was held on Issue TC 617. Following the hearing, the Commission voted to support the staff recommendation to lower the posted speed limit on Denney Road East of Highway 217 and forward to the State a request for a speed zone investigation with a recommended speed of 30 mph.

RECOMMENDED ACTION:

Approve the Traffic Commission recommendations on Issues TC 616 and TC 617.

EXHIBIT 1



VICINITY MAP

Y:\ Traffic \ Drawings \ TC VICINITY MAP \ VICINITY MAP TC 616, 617 5-07 dwg

City Of Beaverton

VICINITY MAP for May 2007
TC ISSUES: 616 & 617

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

Drawn By: JR Date: 4/23/07
Reviewed By: _____ Date: _____
Approved By: _____

1

CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 616

(Parking Revisions on the North Side of SW Griffith Drive East of the City Hall Driveway)

April 12, 2007

Background Information

Mr. Christian Fox, manager of the Shops at Griffith Park, requested that City staff look into revising and increasing parking on SW Griffith Drive to allow customers and employees to park on the street during peak business times. Currently parking on Griffith Drive in the area surrounding Griffith Park is allowed on one side across from the park with the exception of the designated no parking zones near driveways and fire hydrants, including the area east of the City Hall driveway.

The paved width of Griffith Drive adjacent to the park is 36 feet. The street has a center line and a sidewalk on one side. The street width will allow for parking on one side and maintain two 14 foot travel lanes.

The no parking zone on the north side of Griffith Drive east of the City Hall driveway is approximately 120 feet long. This no parking zone can be revised by converting 80 feet to on-street parking and maintaining 20 feet at each end of the zone as no parking for sight distance at the driveway and at the intersection (see attached drawing). The proposed 80 feet of new on-street parking will provide approximately four parking spaces.

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

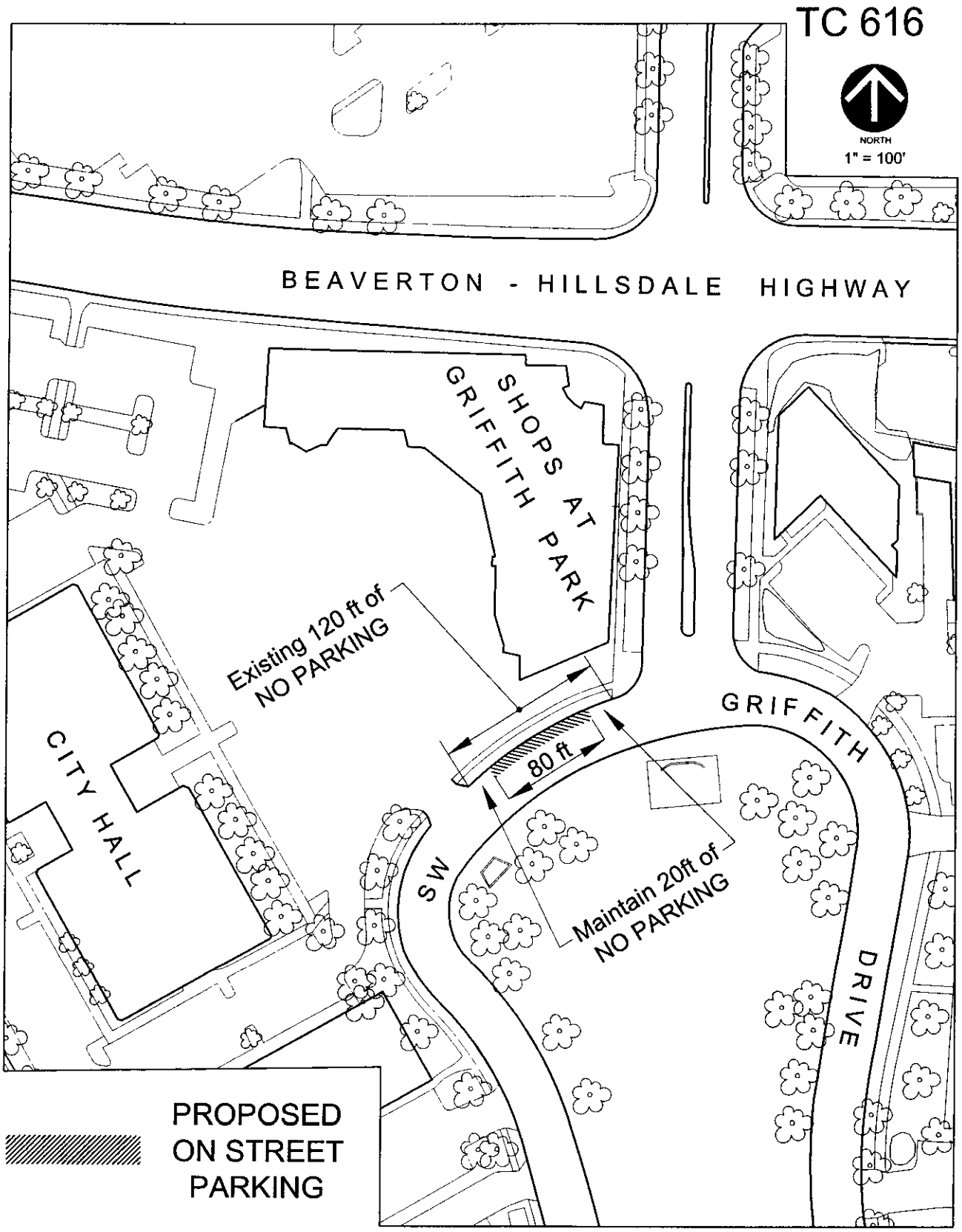
Conclusions

1. Maintaining 20 feet of no parking at each end of the parking zone for sight distance would maintain and provide safe and orderly movement of vehicles, bicycles and pedestrians, satisfying Criterion 1a and 1b.

2. Providing 80 feet of new on-street parking on the north side of Griffith Drive east of the City Hall driveway would accommodate the needs of businesses, satisfying Criterion 1d.

Recommendation

1. Approve the revision of the no parking zone on the north side of SW Griffith Drive east of the City Hall driveway as shown on the attached drawing.



Y:\ Cad Services \ Drawings \ 2007 \ 07-29 Griffith parking (TC 616).dwg

City Of Beaverton

Parking Revisions on the north side of SW Griffith Dr east of City Hall driveway

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
TRANSP RTATION SECTI N

Drawn By: JR Date: 4/12/07

Reviewed By: _____ Date: _____

Approved By: _____

MEMORANDUM
Beaverton Police Department

Chief David G. Bishop

DATE: April 16, 2007

TO: Jabra Khasho

FROM: Jim Monger

SUBJECT: TC 616

I concur with the recommendation as outlined in the City Traffic Engineer's Reports dated April 12, 2007 to modify the no parking zone on the north side of SW Griffith east of the City Hall driveway.

CITY TRAFFIC ENGINEER'S REPORT
ISSUE NO. TC 617

(Speed Limit on SW Denney Road East of Highway 217)

April 13, 2007

Background Information

The Denney Whitford Neighborhood Association Committee (NAC) requested reducing the speed on SW Denney Road east of Highway 217. The neighborhood is concerned about the safety of school children and pedestrians who cross Denney Road from the north to get to Camille Park and to McKay Elementary School on the south.

Currently the posted speed limit on Denney Road is 35 mph. To lower the posted speed limit, it will be necessary for the Oregon Department of Transportation (ODOT) to investigate the speed zone and issue a new speed order.

In February 2006, traffic surveys and speed studies were conducted on Denney Road at the locations shown on the attached drawing. The average daily traffic on Denney Road ranged between 7200 and 7850 vehicles per day. The measured 85th percentile speed ranged between 36 and 38 mph. The 85th percentile speed means that 85 percent of the vehicles are traveling at or below this speed. During the most recent three-year period of crash records, four crashes were reported on Denney Road east of Highway 217. One of the crashes involved a pedestrian and a turning vehicle.

The 85th percentile speed is typically used as an indicator of the upper limit of speeds for responsible and prudent drivers. Other factors include roadway geometry, sight distance, design speed, land use and amount of direct access. It is not unusual for a street to have a 5 to 10 mph difference between the 85th percentile speed and the posted speed limit. However, very large variances between the posted speed and the 85th percentile speed can result in noncompliance with the posted speed.

Denney Road is classified as a collector street and has two, 10-foot travel lanes with no turn lanes. The shoulder widths range between one and five feet. There are no sidewalks on this section of Denney. There is a pedestrian pathway on the south side of Denney between 100th Terrace and 105th Avenue. Pedestrians and bicyclists share the shoulders near Scholls Ferry Road.

Based on the measured 85th percentile speed, land use, the geometry of the street and the amount of access, staff is proposing to lower the posted speed and forward to the State a request for a speed zone investigation on Denney Road east of Highway 217 with a recommended speed limit of 30 mph.

Applicable Criteria

Applicable criteria from Beaverton Code 6.02.060A are:

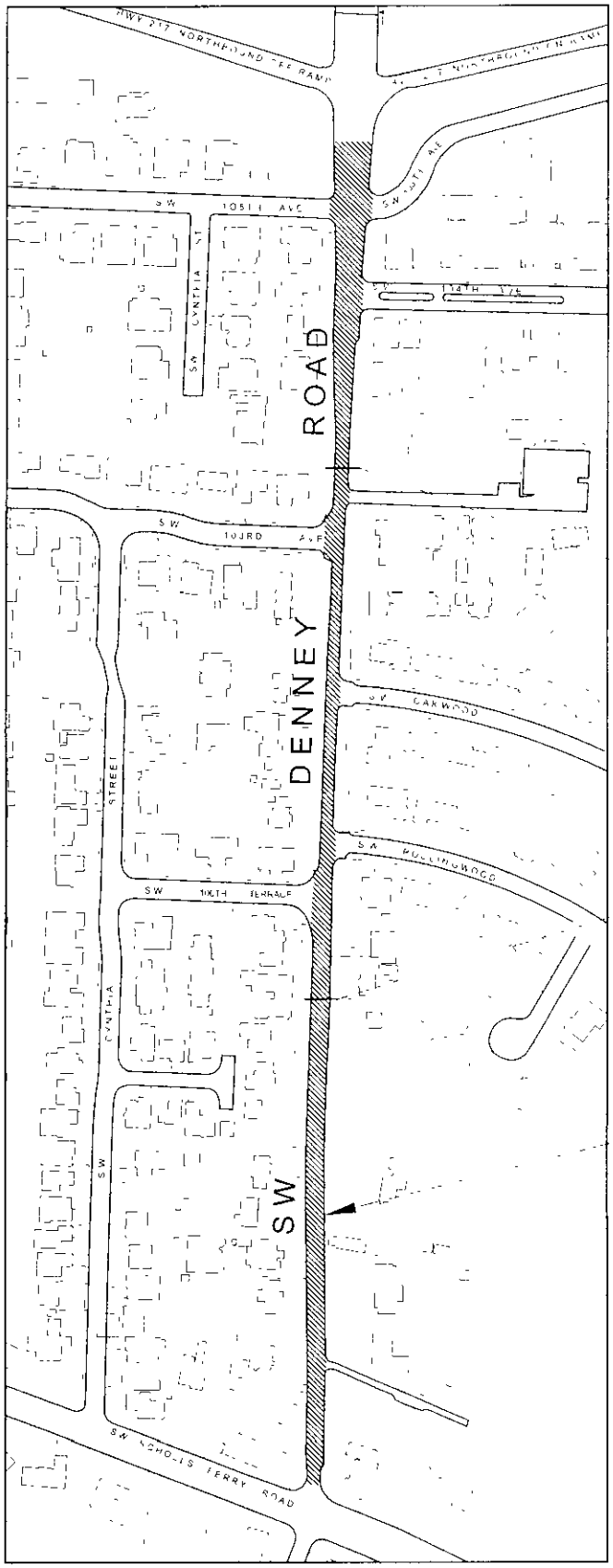
- 1a (provide for safe vehicle, bicycle and pedestrian movements);
- 1b (help ensure orderly and predictable movement of vehicles, bicycles, and pedestrians);
- 1h (comply with Federal and State regulations).

Conclusions

1. Forwarding to the State a request for a speed zone investigation on SW Denney Road east of Highway 217 with a recommended speed of 30 mph would comply with State regulations, satisfying Criterion 1h.
2. If the recommended speed were approved by the State, it would provide safe and orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a, and 1b.

Recommendation

Approve the request to lower the posted speed on SW Denney Road east of Highway 217 and forward to the State a request for a speed zone investigation with a recommended speed of 30 mph.



TC 617

NORTH

1" = 300'

— ADT = 7850
85% Speed = 36 mph

ADT = 7200
85% Speed = 38 mph

Proposed Speed Limit change from 35 mph to 30 mph

Y \ Cad Services \ Drawings \ 2007 \ 07-30 Denney Speed Limit (TC 617) dwg

City Of Beaverton

Speed Limit
On SW Denney Road east of Hwy 217

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
TRANSPORTATION SECTI N

Drawn By: JR Date 4/12/07

Reviewed By. _____ Date _____

Approved By. _____

MEMORANDUM
Beaverton Police Department

Chief David G. Bishop

DATE: April 16, 2007

TO: Jabra Khasho

FROM: Jim Monger

SUBJECT: TC 617

I concur with the recommendation as outlined in the City Traffic Engineer's Reports dated April 13, 2007 to approve the request to lower the speed limit on SW Denney east of Hwy 217 and forward to the State a request for a speed zone investigation with a recommended speed of 30 mph.

To: Beaverton Traffic Commission

via email

RECEIVED
APR 2 2007
ENGINEERING DEPT

From: Frank Oulman

Subject: My comments on Public Hearing on Issue No. TC 617

Date: April 21, 2007

First of all I'd like to congratulate and thank the City Traffic Engineers for their staff report on something important to those of us who live on Denney Road, east of Hwy 217. For years now, traffic has been building and, at times, speeds have been increasing. Having had to cross Denney to get my mail and paper for the past 35 years I can attest to this.

This reduction of speed makes sense for many reasons. Scholls Ferry road is marked 30 mph speed limit. Does it make sense that this bigger street should have a lower speed limit than the smaller street? I don't think so.

What the traffic report does not address is how many people walk along Denney to get to the bus that stops at Denney and Scholls Ferry road, and the children who walk along and cross Denney to reach either McKay Elementary or Whitford Junior High school. There are no curbs or sidewalks on Denney road and there are neither intersection lights or cross walks between the 217 overpass and Scholls Ferry road. I would venture to estimate that between 80 and 100 pedestrians and bicycle riders are daily using Denney.

Thankfully there have been relatively few crashes, but also not in the report is how many close calls occur. In the last month I've twice come close to being hit while on foot, on Denney While this sampling demonstrates that approximately 7500 vehicles traveled Denney with 85% traveling close to the present speed limit, if you do the math it works out that 1125 cars were well above the speed limit, each day. Break it down further; it becomes 47 cars per hour in a 24-hour period. Another thing not pointed out is how fast these cars were going above the speed limit.

Because I live right along the street I have noticed that even though there are signs that point out that no trucks are allowed on Denney, they all use it anyway. This leads me to think that without any enforcement, lowering the speed limit will not have any net affect. Nonetheless, I endorse dropping the speed limit if only a few people will make things safer. If we can't install speed bumps; if we can't have a crosswalk or 2, this may be our only alternative.

Sincerely

Frank Oulman
9775 SW Denney Road
Beaverton, OR 97008

Debra Callender

From: BRIAN LULAY [BUSTER@LINKPORT COM]
Sent: Tuesday, April 24, 2007 10.09 PM
To: Debra Callender
Subject: SW DENNEY ROAD SL 35

RECEIVED
APR 24 2007
ENGINEERING DEPT

I "vote" to keep the current 35 mph speed limit. I have to use the road to get to work on time. My time is valuable and a lower speed limit will "cost" me more time.

Others and myself must use this road because of the dilapidated and limited road system that the government provides in this state. These roads are clearly primitive and they are never improved for capacity or safety. I suspect the way these roads were arranged and designed was a major flaw and now a huge money problem. All that happens are excessively large speed bumps that harm cars and islands in the area to slow traffic **BELOW** the posted speed limit. There is no concept of efficiently moving auto and truck traffic to the relationship of economic value.

The effortless and moneyless solution: put up new signs with a lower speed limit: presto problem solved.

From the paperwork I got it looks like you have rationalized the lower speed limit with your numbers and rhetoric.

Recommendation

Speed limit = 35 mph

Brian Lulay
4938 SW Laurelwood Ave.
Portland, OR 97225

Debra Callender

From: Petty, Amy E. [Amy.Petty@hdrinc com]
Sent: Tuesday, May 01 2007 12:21 PM
To: Debra Callender
Subject: Denney Road Speed Change

Good afternoon,

This email is convey my utmost support for a speed reduction and crosswalk (103th) on Denney Road. Having lived on Oakwood Drive (directly off of Denney) since 1989, I have seen a tremendous increase in traffic and speeding in the Denney-Whitford area. I believe this is largely due to the increase in population and requirement for higher density in our urban area. Traffic calming and management has not appeared to keep pace with this trend. Changes in signing and striping seem to be some of the most cost efficient and expedient manners in which to begin addressing this challenge. Denney Road is the main arterial which must be used by school children attending McKay and Whitford; residents accessing TriMet's Line 56; and a main link to our parks and greenway. To retain the integrity of our community, I believe it is time to put forth the effort to make this corridor a multi-modal, pedestrian friendly link to our neighborhoods.

Sincerely,
Amy Petty
6875 S.W. Oakwood Drive
Beaverton, OR 97008

RECEIVED
MAY 2 2007
ENGINEERING DEPT.

5/3/07

City of Beaverton Traffic Commission
Beaverton City Hall
Forest Soth City Council Chamber
4755 SW Griffith Dr.
Beaverton, Oregon

RECORDING COPY

To Whom It May Concern:

I am honored to testify to this committee in behalf of the Denney Whitford/Raleigh West NAC (Neighborhood Action Committee) in regards to the investigation to decrease the speed limit on Denney Road between Scholls Ferry Road and Highway 217.

I would first like to take this opportunity to thank the NAC, my fellow neighbors for their interest and support and especially our Mayor, Rob Drake, for his special time and attention to this matter that I personally tabled at his attendance to our February 2007 NAC meeting.

I stand before you as a resident of this neighborhood, mother of five children and as a representative of the people that reside on the north side of the east end of Denney Rd. In the 10 years that I have lived in this area, I have watched as my children have dared to walk to and from McKay Elementary and then Whitford Middle Schools with the speeding traffic and improper sidewalks first on Scholls Ferry Road and then over the last 4 years as they have had to cross Denney Road. Although school buses were and are provided from both our places of residence, we have encouraged them and they have chosen to gain the fresh air and exercise that is received from the short walk. Three of my 5 children are now on to high school, one will be starting as a freshman next year and my 18 month old, Jocy, loves to play at Camille park and will most likely attend McKay and Whitford Schools. The severity of the issue of speed and lack of proper crosswalk on Denney Road was not really brought to my attention until I started taking my infant to Camille Park on a regular basis. Although I can not site any particular incident, I can only bare testimony that I and many of my fellow residence believe these issues need to be addressed.

I would like to take this opportunity to submit to this committee comments that I receive via email in response to a flyer regarding this issue that I distributed to my neighbors and read at this time some of their comments.

Thank you for your time and attention to this concern.

Sincerely,

Mary Cazier
6695 SW Rollingwood Dr
Beaverton, OR 97008
503.646.5080

DENNEY ROAD SPEED LIMIT AND CROSS WALK

Members of the Denney Whitford Neighborhood Association (NAC):

I have requested of the City of Beaverton that there be a consideration to reduce the speed limit on Denney Road and consideration for the installation of a crosswalk at 105th Ave. This is one of the main access roads on a pathway to Camille Park, McKay Elementary and Whitford Middle Schools. As a resident on Rollingwood Drive for the last 4 years and mother of 5, I have seen a need for both these considerations. I will be testifying in behalf of our NAC on Thursday and would like your opinion on these matters.

Please take two minutes to email me the following information:
1. State your Name and Address for the city records
2. How many school age children in your family.
2. Do you agree that the speed limit should be decreased from 35 to 30 MPH
3. Do you think a striped crosswalk at 105th would be beneficial? It is the cities opinion that only a striped crosswalk would give pedestrians a 'false sense of security' in crossing. It is my opinion that at least if drivers do not yield and there is an injury that at least if the pedestrian was in the crosswalk the liability would fall upon the driver.

Please limit your response to simple answers as I will be receiving 100th of responses.

Everyone is invited to the Traffic Committees Meeting on Thursday, May 3rd, 7pm at the Beaverton City Hall. Please respond by Wednesday 5pm for me to include your opinion. I will submit copies of your emails to the city.

Thank you for your time, Sincerely Mary Cazier **mkcazier@comcast.net**

Mary Cazier

From: PAUL PETTY [midnightmotors@verizon.net]
Sent: Monday, April 30, 2007 9:15 PM
To: mkcazier@comcast.net
Subject: Denney Rd Speed and Xing

Hi Mary,

Thank you for taking the lead on this critical issue. Below I have responded to your requests for information. Should you need any additional information or support, please don't hesitate to let us know

Paul and Amy Petty
6875 SW Oakwood Drive
Beaverton, OR 97008

1 child

We **strongly agree** the speed limit should be decreased. We have lived in this neighborhood since 1989 and have seen a deterioration in livability with the increased traffic and those who exceed the speed limit. With the requirement to build more houses and increase the urban density, traffic on our local arterials has significantly increased I have yet to see any traffic calming measures applied to mitigate this issue. There are many, effective ways in which traffic speed can cost-effectively be reduced -- reducing the speed is an efficient way to do so.

Again, I am **strongly in favor** of the crosswalk. I would have to challenge what is the great risk here...giving pedestrians a 'false sense' of security or dashing across the street at your own risk? Ultimately holding drivers responsible is the proper and right thing to do. It is long in coming that the Denney corridor become more pedestrian friendly.

Best regards,
Paul and Amy Petty
Beaverton, OR
midnightmotors@verizon net

Mary Cazier

From: Kathy Christensen [kathc@clackamas.edu]
Sent: Tuesday, May 01, 2007 6:48 AM
To: mkcazier@comcast.net
Subject: Denney Road Speed Limit & Crosswalk Response

Mary Kay,

This response comes from my husband and me.

1. Our names/address are:
Kathy Christensen
Warren Buske
10225 SW Winter Lane
Beaverton, OR 97008

2a. Zero school age children.

2b. Yes--the speed limit should be lowered to 30 east of highway 217.

3. We both believe that rather than a striped crosswalk, a pedestrian activated light should be put in at 105th.

Best regards,

Kathy Christensen
Instructor, Business Department
Project Management and Business Communications Clackamas Community College
503-657-6958 x 5275
503-780-7429 (cell)
kathc@clackamas.edu

Mary Cazier

From: Jason Minnix [jason_minnix@yahoo.com]
Sent: Tuesday, May 01, 2007 8 28 AM
To: mkcazier@comcast net
Subject: speed limit and cross walk

Mary,
My name is

1. Jason Minnix
10175 SW. Winter Lane
Beaverton, 97008

2. we have 1 school age child and another one starting preschool who walks with me every other week across Denny to Camile park.

3. I agree the speed limit should be reduced from 35 to 30 mph.

4. I'd like to hear more about the "false sense of security" argument. Is it uncommon to put crosswalks in the middle of a street like Denny without an accompanying stop light? Your liability argument isn't very persuasive for me. I don't intend to sue anyone in my life, fingers crossed. If the crosswalk will make pedestrians more visable then I'm all for it. Perhaps they could put one up like the one in front of McKay elementary that has a stop light with it and flashes yellow at other times??

Ahhh...imagining that irresistible "new car" smell?
Check out new cars at Yahoo! Autos.

Mary Cazier

From: Donalee Elsey [donalee@comcast net]
Sent: Tuesday, May 01, 2007 2 35 PM
To: mkcazier@comcast.net
Subject: Denney Road Speed Limit and Cross Walk

JD and Donalee Elsey
6620 SW Rollingwood Drive
Beaverton, OR 97008

We have two school age children
Yes, we do believe that the speed limit should be decreased to 30mph
Yes, we also believe that a cross walk is something that should have happened a long time ago.

Thank you!

Sincerely,
Mr & Mrs. JD Elsey

Mary Cazier

From: Julia Sathler [juliasathler@comcast.net]
Sent: Tuesday, May 01, 2007 2 39 PM
To: mkcazier@comcast.net
Subject: Denney Road comment

Dear Mary,

Thank you for spearheading this initiative. Many of us on this side of Denney have been talking of trying to do something about the speeding on Denney

My family fully supports any speed limit reductions on Denney road, and the installation of a crosswalk at 105th, and anywhere else across Denney. Anything to call attention to drivers to slow down.

We would also be in support of a 25 MPH speed limit, and we urge the installation of speed bumps, if at all possible. Speed bumps on Oakwood and Rollingwood would be useful, because people tend to tear through these streets.

I would like to cite an incident several months ago in which a pedestrian was run over right in front of my house while crossing Oakwood inside the marked pedestrian crossing. There had been a wreck on Denney, again from someone speeding, who had run into the ditch, obstructing traffic. People are so accustomed to using Denney as a "cutthrough" from 217 to Scholls Ferry that they tend to speed on Denney Because the wreck was there, there was a long line of cars waiting to get to Scholls Ferry. A fellow in a large truck became impatient and backed out very fast and proceeded to tear down Oakwood because he was in a hurry. He was going so fast that he did not see the pedestrian in the crosswalk and just ran right over him.

Initially I was terrified because I could only see my husband standing over someone at the corner, and I thought it was our 6 year old child. Fortunately it was not, but it could have been. It could have been one of the many neighborhood schoolchildren who embark and disembark the school busses that stop at that very corner daily. Fortunately, the fellow who was hit (who is a neighbor) was not killed and I believe he has recovered.

I urge the city to do anything they can to take action on this matter This is a dangerous situation. Let's make a change before a death requires us to.

Thank you,

Julia, Carlos & Alexandre Sathler
6970 SW Oakwood Dr.
Beaverton, OR 97008
503.520.8756 home
504.756.7888 Julia cell
504.756.7887 Carlos cell
juliasathler@comcast.net: Julia's email
carlos.sathler@comcast.net: Carlos' email

Mary Cazier

From: Lori Oules [l_oules@yahoo.com]
Sent: Tuesday, May 01, 2007 4 35 PM
To: mkcazier@comcast net
Subject: speed limit

Lori Oules
6820 S.W. Winter ct.
Beaverton Or 97008

We have a 6 year old girl she goes to Mckay. Yes I agree the speed should be 30. Yes a striped cross walk would be great. Thank you I'll try to be at the meeting.

Ahhh...imagining that irresistible "new car" smell?
Check out new cars at Yahoo! Autos.

Mary Cazier

From: pmhoff@comcast.net
Sent: Tuesday, May 01, 2007 10.10 PM
To: mkcazier@comcast net
Subject: FW: Denney Road Speed Limit and Cross Walk

---------- Forwarded Message: ----------
From: pmhoff@comcast.net
To: mkcazier@comcast.net
Subject: Denney Road Speed Limit and Cross Walk
Date: Wed, 02 May 2007 05:08:24 +0000
We are in agreement that the speed limit should be decreased from 35 to 30 MPH on Denney Road

We would also like to see a striped crosswalk at 105th to allow a safer crossing option for pedestrians
crossing at Denney in order to access Camille Park, McKay Elementary Whitford Middle School
Harman Swim Center and Tri met.

Patty and David Hoff
6825 SW Oakwood Drive
Beaverton OR 97008

Mary Cazier

From: Judy Edmondson [judy_edmondson6222@yahoo.com]
Sent: Wednesday, May 02, 2007 1 30 PM
To: mkcazier@comcast net
Subject: speed limit

1) Judy Edmondson, 10250 SW Winter Lane, Beaverton, OR 97008

2) Two; one middle school and one grade school.

3) Yes, I'd like to see the speed reduced

4) I think a crosswalk is a good idea, however I think it might be of more use on 103rd.

Ahhh...imagining that irresistible "new car" smell?
Check out new cars at Yahoo! Autos.

Mary Cazier

From: sr.freeland@comcast.net
Sent: Wednesday, May 02, 2007 3:58 PM
To: mkcazier@comcast.net
Subject: Denney Road Speed Limit & Crosswalk

Hi Mary,

I completely agree with the recommendation to reduce the speed limit & add a crosswalk at 105th Ave. Thank you for submitting the proposal. My children are too young for school, however they will attend McKay when the time comes. Currently, I find it very difficult to take them to Camille Park, across Denney. There is no safe place to cross with a stroller. The sidewalks do not go all of the way to the lights, and we do not have a crosswalk! I hope that this proposal is approved.

Here is my information:

Sharon Freeland
6875 SW Winter Court
Beaverton, OR 97008

Children: 2 (ages: 3 and 1)

Yes! Please reduce the speed limit from 35mph to 30mph.

Yes! Please add a striped crosswalk at 105th.

Thanks again,
Sharon

Mary Cazier

From: Kathleen Middleton [kmiddleton@ecosconsulting.com]
Sent: Wednesday, May 02, 2007 4:27 PM
To: mkcazier@comcast.net
Subject: Denney Road testimony

Hi Mary,

I received your note and here are my opinions:

1. Kathleen & Guy Middleton - 6995 SW Rollingwood Dr, 97008
2. We have two children, ages 2 and 7
3. I do think some sort of crossing indicator would be helpful for children, as well as many people who enjoy walking their dogs, biking, etc. I think it is also a visual queue for drivers that people walk along this road and to slow down.

Thank you for your efforts. I completely support a speed reduction. We live right on the corner of Rollingwood and Denney... part of the reason that people come so fast down Rollingwood is that they have been going so fast on Denney. Many speeds on Denney are in excess of 40, sometimes at night people are going 50+! Last weekend I actually saw someone PASS another driver on Denney!

Thank you,
Kathleen Middleton

kathleen middleton
copywriter

309 sw sixth avenue, suite 1000
portland or 97204-1763
p. 503.525 2700 x167
f. 503-525-4800
e. kmiddleton@ecosconsulting.com

"making a world of difference"
www.ecosconsulting.com

EXHIBIT 3

CITY OF BEAVERTON

FINAL WRITTEN ORDER OF THE TRAFFIC COMMISSION

REGARDING ISSUE NUMBER TC 617

(Speed Limit on SW Denney Road East of Highway 217)

1. A hearing on the issue was held by the Traffic Commission on May 3, 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:
   - Staff found that the 85th percentile speed ranges between 36 and 38 mph
   - Staff recommends a speed limit of 30 mph to be appropriate and in accordance with the criteria used by the State in establishing speed limits.
   - The speed limit will be determined by the State.
   - The street has 10 foot lanes and narrow shoulders
   - There are no sidewalks, turn lanes or bicycle lanes.
   - The neighborhood requested lowering the posted speed limit.

4. Following the public hearing, the Traffic Commission voted (__ aye, __ nay) to recommend the following action:
   - Forward to the State a request for a speed zone investigation on SW Denney Road east of Highway 217 with a recommended speed of 30 mph.

5. The Traffic Commission decision was based on the following findings:
   - Forwarding to the State a request for a speed zone investigation on SW Denney Road east of Highway 217 with a recommended speed of 30 mph will comply with State regulations, satisfying Criterion 1h.
   - If the recommended speed is approved by the State, it will provide safer and more orderly movements of vehicles, bicycles and pedestrians, satisfying Criterion 1a and 1b.

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

SIGNED THIS ____ DAY OF MAY 2007

_____

Traffic Commission Chair

EXHIBIT 4

DRAFT

City of Beaverton

TRAFFIC COMMISSION

Minutes of the May 3, 2007, Meeting

CALL TO ORDER

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

ROLL CALL

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

City staff included City Traffic Engineer Jabra Khasho, Project Engineer Baotu Ho and Recording Secretary Debra Callender.

-- START EXCERPT --

STAFF COMMENTS

Mr. Khasho said each Commissioner had before them additional written testimony on Issue TC 617. This testimony arrived after the meeting packet was mailed. In addition, Mr. Khasho said he received a telephone call from Gary McKinstry whose 99th Street property abuts Denney Road. Mr. McKinstry could not attend tonight's meeting, but he supports lowering the speed to 30 mph.

Mr. Khasho mentioned that Sgt. Monger was not available to attend this meeting.

CONSENT ITEMS

Chairman Knees asked if consent Issue TC 616 is located within the area of the downtown Beaverton parking study.

Mr. Khasho answered that it is not.

Commissioner Overhage asked if the TC 616 proposal would create line of sight problems on the corner of Griffith Drive.

Mr. Khasho said Commissioner Crocker had earlier asked staff to double check this point. He said they re-verified the line of sight at this location and found that it is adequate. If the driveway apron is added to the curb length, the total length is nearly 28 feet. This allows plenty of room to see oncoming traffic.

Commissioner Teitelbaum asked if there is a State or City requirement regarding the amount of no-parking space required near public facility driveways?

Mr. Khasho said the State of Oregon Vehicle Code does not specify. Typically, ten to 15 feet of no-parking space is left near commercial driveways. No parking signs are posted.

Chairman Knees asked for a change to the minutes.

Commissioner Troute **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve Issue TC 616 "Parking Revisions on the North Side of SW Griffith Drive East of the City Hall Driveway," and the draft minutes of the April 5, 2007, meeting. There was no discussion.

The **MOTION CARRIED,** unanimously, 7:0. Commissioner Teitelbaum abstained from approving the April meeting minutes because he was not at that meeting.

PUBLIC HEARING

ISSUE TC 617: SPEED LIMIT ON SW DENNEY ROAD EAST OF HIGHWAY 217

Chairman Knees opened the public hearing on Issue TC 617.

Staff Report

Mr. Khasho said this request came through the Mayor's Office. Neighbors on Denney Road are especially concerned about the safety of children, pedestrians and bicyclists.

Mr. Khasho said pedestrians (and especially school children) typically walk on the north side of Denney. They cross Denney near 103rd Avenue and continue walking toward Heather Lane. This southbound route eventually leads them to McKay Elementary School, Camille Park and Whitford Middle School.

Mr. Khasho said the Beaverton School District provides school buses for children living in the neighborhoods along Denney Road. Some parents prefer that their children walk to school.

Mr. Khasho said City staff completed a speed study on Denney Road last February. The study showed an 85th percentile speed of 36 to 38 mph. The average daily traffic count is 7200 to 7800 vehicles per day. Denney Road east of Highway 217 is narrow, with 10-foot driving lanes. Pedestrians and bicyclist must share the road's shoulders, which are only five-foot wide. Pedestrians also use several disconnected sections of pathway on the north side of Denney. This section of Denney Road has no turn lanes at intersections.

Mr. Khasho said the 85th percentile means that 85 percent of traffic is traveling at that speed or slower. Transportation engineers typically use this number as an indicator of the upper limit of speeds for responsible and prudent drivers. Other factors include roadway geometry, sight distance, designs speed, surrounding land use and the amount of direct access. It is common for a street to have a five to ten mph difference between the 85th percentile speed and the posted speed. Very wide variations from the 85th percentile can result in noncompliance with the posted speed.

Based on the 85th percentile speed, land use, roadway geometry and street access, staff recommends lowering the speed limit to 30 mph on Denney Road between Highway 217 and Scholls Ferry Road. If the Commission and Council approve the recommendation, Mr. Khasho will forward to the State of Oregon a request for a speed zone investigation.

Commissioner Overhage asked staff to confirm that the School District provides bus transportation for children living in the Denney Road neighborhoods

Mr. Khasho said that is correct. Even so, some parents encourage their children to walk to school.

Referring to the letter from Mr. Frank Oulman attached to the staff report, Chairman Knees asked if it is correct that the posted speed on Scholls Ferry Road is 30 mph. He thought it was 35 mph.

Mr. Khasho said both are correct. South of Allen Boulevard, the speed on Scholls Ferry is 35 mph. North of Allen, the speed drops to 30 mph. At the Scholls Ferry/Denney Road intersection, the speed limit is 35 mph.

Referring again to Mr. Oulman's letter, Chairman Knees noted that the final sentence refers to "...a crosswalk or 2." Has staff considered installing a marked crosswalk?

Mr. Khasho said that section of Denney would need a mid-block crosswalk. Based on safety research, traffic engineers rarely recommend mid-block crosswalks. The Public Works Department, Operations Division, is looking at adding curbs and ADA ramps at 103rd and Denney near an apartment complex

entrance. That would increase pedestrian visibility and improve safety. Curbs and crosswalks are a separate issue from the current speed limit discussion.

Commissioner Troute asked if the City of Beaverton has any other plans to improve Denney Road.

Mr. Khasho said not to the best of his knowledge.

Commissioner Wesolowski asked if the section of Denney Road under discussion is about one-third mile long.

Mr. Khasho said it is closer to two-thirds of a mile.

Commissioner Crocker asked for the typical speed of a collector street.

Mr. Khasho answered that collector streets are designed for 35 mph traffic according to the Beaverton Design Manual. It is common to have a posted speed lower than the design speed.

Commissioner Crocker asked when this section of Denney Road became part of the City of Beaverton.

Mr. Khasho said this section of Denney Road was transferred to the City in 2004 from Washington County.

Commissioner Teitelbaum asked for the location of the City/County boundary for this section of Denney Road.

Mr. Khasho said all the properties on the north and south sides of Denney Road are within the City.

Public Testimony

The Commission reviewed written testimony submitted for this hearing from Traffic Sergeant Jim Monger of the Beaverton Police, Brian Lulay, Frank Oulman, Amy E. Petty, Paul Petty, Mary Cazier, J.D. Elsey, Donalee Elsey, Kathy Christensen, Warren Buske, Julia Sathler, Carlos and Alexandre Sathler, Lori Oules, Patty and David Hoff, Judy Edmonson, Sharon Freeland, and Kathleen and Guy Middleton. (All written testimony is on file.)

Robert Meredith, Beaverton, Oregon, enthusiastically supports staff's proposal to reduce the speed limit on Denney Road. Mr. Meredith walks along Denney Road to reach the TriMet stop on Scholls Ferry to commute to his office in downtown Portland. He stated that some drivers speed on Denney and drive recklessly.

Mr. Meredith believes 35 mph is too fast because he has seen many children walking along Denney.

Mr. Meredith said a speeding car hit and killed his housecat on Denney Road a few days ago. The cat could easily have been a child rushing into the street. He personally witnessed a collision on Denney two years ago where a speeding vehicle hit a person.

Mr. Meredith said Denney Road is both a residential neighborhood and a major exit road off Highway 217. Allen Boulevard, the next Highway 217 exit to the north of Denney, is a commercial street. Hall Boulevard at the Progress exit to the south of Denney, is also commercial. In contrast, Denney Road is a quiet neighborhood street with private homes and many children.

Mr. Meredith said his personal safety while walking on Denney is less important than the safety of the many children who use Denney.

Commissioner Troute asked if Mr. Meredith really believed that lowering the speed limit would change the driving habits of the speeders.

Mr. Meredith answered that a speed limit is only as good as the enforcement. The police would need to help "educate" speeders. The police are welcome to park beside his home.

Chairman Knees asked if the speed limit on Allen Boulevard is 30 mph.

Mr. Meredith did not know. He clarified that his point in comparing Allen or Hall with Denney was that some commuters prefer Denney because it is less congested and they can drive at higher speeds to reach Highway 217. He has been passed on Denney by drivers going at least 45 mph. He would prefer that those drivers use highway exits onto commercial streets such as Allen or Hall. Lowering the speed limit on Denney would encourage this.

Commissioner Crocker wanted to know which side of Denney Road Mr. Meredith lives on.

Mr. Meredith said he lives on the south side and pointed out his walking route on a large drawing. He must walk on the roadway shoulder for much of his trip to the bus stop on Scholls Ferry. He added that a number of other Denney Road neighbors also walk to this bus stop.

Commissioner Crocker asked about the walking path on the north side of Denney.

Mr. Meredith said there are disconnected segments of walking path along some parts of Denney. He finds it more practical to walk on the roadway shoulder.

Mary Cazier, Beaverton, Oregon, spoke as a representative of the Denney-Whitford NAC. The NAC supports the staff recommendation to lower the speed limit to 30 mph. Mrs. Cazier read from a prepared statement (statement is on

file). She has lived near Denney Road for ten years and believes that traffic speeds are too fast. She wants her children to have lots of exercise and fresh air, so she encourages them to walk to school even though the school district provides bus transportation. That means they must cross Denney between speeding cars.

Mrs. Cazier read emails that she collected from her neighbors asking for a reduced speed limit on Denney. (Written testimony is on file.)

Commissioner Overhage thanked her for bringing so much evidence to the Commission's attention. She asked how many neighbors gave Mrs. Cazier testimony to bring to this hearing.

Mrs. Cazier said, as a working mother with five children, she had limited time to distribute flyers about this hearing. She estimated that she heard from 18 neighbors. All respondents support reducing the speed limit to 30 mph or less.

Commissioner Wesolowski asked if the NAC believes 30 mph is the best speed for Denney Road.

Mrs. Cazier said the NAC would appreciate any speed limit reduction on Denney. She believes asking the State to approve a 25 mph limit would be unrealistic. Mrs. Cazier observed that commuters use Denney as part of an alternate northbound route when rush-hour traffic stops on Highway 217. Speeding on Denney is a serious neighborhood problem.

Commissioner Teitelbaum asked if there was NAC discussion about installing traffic calming instead of reducing the speed limit.

Mrs. Cazier said several people mentioned in their emails that they would support installing speed humps on Denney. Since Mayor Drake moved this issue forward so quickly, the NAC had little time to discuss alternatives to lowering the speed limit. She would like to investigate traffic calming, especially if a reduced speed limit is not effective.

Lauren Zell, lives in a townhome on Denney Road. All her neighbors whose homes back onto Denney Road favor reducing the speed limit to 30 mph. The sound of speeding cars is a nuisance for these neighbors.

Ms. Zell said making a turn onto Denney from the condominiums' driveway is also dangerous with cars moving at such high speeds. That part of Denney is narrow and it is hard to judge if there is enough time to make a safe turn.

Ms. Zell said it is important that the City commit to extending the pedestrian pathway so that it runs the entire length of Denney from Scholls Ferry to Highway 217. The current disconnected pieces of pathway are neither helpful nor safe. She never feels safe walking or riding a bicycle directly on Denney.

Ms. Zell would like to see an additional speed limit sign posted near the center section of Denney. She described Denney as a "straight shot" between two major commuter routes and said it is easy for commuters to overlook the speed limit.

Commissioner Crocker asked about the pedestrian pathway. Is there also a pathway on the south side of Denney?

Ms. Zell said the pathway on the north side of Denney extends from 100th Terrace to about 103rd Avenue. Her condominium is in the area of 103rd to 104th where there is no pathway. The path restarts at 105th on the north side. On the south side of Denney, there is a narrow, muddy path from 100th Terrace to about 103rd. This path is overgrown with vegetation. The disconnected pathway forces pedestrians and bicyclist to cross Denney at mid-block, which is dangerous.

Mrs. Cazier volunteered to show the Commissioners exactly where the various pieces of pathway are located on a map of Denney Road.

Chairman Knees said that was not necessary to decide a speed limit issue.

Staff Comments
Staff had no additional comments.

Chairman Knees closed the public hearing on Issues TC 617.

Commission Deliberation
Commissioner Wesolowski observed that drivers exiting a freeway often lack an accurate perception of their true speed when they return to neighborhood streets. He believes the appropriate speed limit for Denney Road is 30 mph because Denney is a narrow neighborhood street.

Commissioner Wesolowski calculated the time it would take a driver to cover Denney Road between Highway 217 and Scholls Ferry. At 35 mph, it would take 1.20 minutes. At 30 mph, it would take 1.50 minutes.

Commissioner Teitelbaum regularly drives Denney Road. He believes it is too narrow for 35 mph traffic. Drivers exiting the freeway are likely to continue at a higher speed on Denney. While 30 mph is a reasonable speed for Denney, he believes it will be difficult to get drivers to comply with a 30 mph speed limit without installing traffic calming.

Chairman Knees asked what steps the Beaverton Police would take to enforce a new speed limit on Denney.

Mr. Khasho said police do a good job of following up on traffic changes. Mr. Khasho will ask for more enforcement if speeds stay high.

Chairman Knees agrees with Commissioner Teitelbaum that enforcement is a good first step to gain driver compliance. He added that installing traffic calming on a collector street could be a challenging process.

Chairman Knees asked if any member of the Commission could offer a reason not to reduce the speed limit on Denney. There were no further comments.

Hearing consensus, the Chairman called for a motion.

Commissioner Overhage **MOVED** and Commissioner Teitelbaum **SECONDED** a **MOTION** to approve the City Transportation Engineer's recommendation on Issue TC 617 "Speed Limit on SW Denney Road East of Highway 217" and the draft final written order.

Commissioner Teitelbaum asked Mr. Khasho to retest the speed on Denney after the new speed limit signs are posted. He wants to know if speeds really do drop. If there is little speed reduction after a reasonable amount of time, staff should investigate further steps to gain driver compliance.

Commissioner Crocker said she is confident that the NAC and neighborhood will watch carefully to see if speeding decreases. If not, it is likely they will bring the issue back to staff or the police.

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

-- END EXCERPT --

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Bid Award – Street Profiling Project for In-House Overlays, Fiscal Year 2007-2008

FOR AGENDA OF: 06-04-07 **BILL NO:** 07113

Mayor's Approval: Linda G. Caldwell

DEPARTMENT OF ORIGIN: Public Works

DATE SUBMITTED: 05-09-07

CLEARANCES: Purchasing
Finance
City Attorney

PROCEEDING: Consent Agenda
Contract Review Board

EXHIBITS: Bid Summary
In-House Street Overlay List

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED $485,925	BUDGETED $1,114,000	REQUIRED $ x

*Account Number 101-85-0732-422 Street Fund Street Maintenance Program Improvements Account. The Profiling Project was bid for one year with bid alternates for two additional years. The FY 2007-08 portion of this contract totals $485,925. The amount budgeted is included in the proposed FY 2007-08 Budget that is being considered at the June 18, 2007 Council Meeting, and the award of this contract is contingent upon the approval of the proposed FY 2007-08 Budget. The two additional years are contingent upon budget approval for FY 2008-09 and FY 2009-10. The 2008-2009 FY bid price is $542,390 and the 2009-2010 bid price is $487,740 and may be exercised upon budget approval by the City Council.

HISTORICAL PERSPECTIVE:

Street profile grinding removes the deteriorated pavement prior to resurfacing with new road mix asphalt, this allows the street to be installed back to the original curb and gutter grade. Street overlays are necessary to rehabilitate the street surface to extend the design life an additional 12 to 15 years. Street projects are prioritized by the Public Works Department, Operations Division, utilizing the Pavement Management System software. Selected overlay streets are coordinated with local utility companies and the Public Works Department, Engineering Division - Capital Improvement Projects.

INFORMATION FOR CONSIDERATION:

Invitation for bid was advertised in the Daily Journal of Commerce on April 16, 2007. Bid documents were mailed to four contractors. Two (2) bids were received and opened on May 2, 2007 at 2:00 PM in the Finance Department conference room. The low bid was received from Kodiak Benge Construction Company of Tualatin, Oregon in the amount of $485,925. Kodiak Benge Construction meets the qualifications in the bid specifications and is the contractor that has held the Street Profiling Services contract over the last three years. The City has been very satisfied with their performance on the previous projects.

RECOMMENDED ACTION:

Council, acting as the Contract Review Board, award the contract to Kodiak Benge Construction Company of Tualatin, Oregon in the amount of $485,925 in a form approved by the City Attorney, for the Street Profiling Project For In-House Overlays, Fiscal Year 2007-2008 as the low bid received and subject to Council's approval of the proposed FY 2007-08 Budget and approval for City staff to extend the contract for the two additional years based on Council's future approval of the future FY 2008-09 and FY 2009-10 Budgets.

BID SUMMARY

CITY OF BEAVERTON

TO: Mayor & City Council

FROM: Purchasing Division

SUBJECT: Bid Opening

Bids were opened on **MAY 02, 2007** at **2:00PM** in the **FINANCE DEPARTMENT**

For: **ST PROFILING PROJECT FOR IN HOUSE OVERLAYS, FY 2007-08**

Witnessed by: **PETE DAVIS**

NAME OF VENDOR CITY AND STATE	BID BOND	PRE-QUAL	ACK ADDEN	TTL BID SCHED "1"	TTL BID SCHED "A"	TTL BID SCHED "B"	GRAND TOTAL
KERR CONTRACTORS WOODBURN OR	X	X	X	$492,900.00	$587,500.00	$568,000.00	$1,648,400.00
KODIAK-BENGE CONSTRUCTION TUALATIN OR	X	X	X	$485,925.00	$542,390.00	$487,740.00	$1,516,055.00

The Purchasing process has been confirmed.

Signed: _____
Purchasing Division-Finance Dept.

The above amounts have been checked: YES NO

Date: _____

STREET PROFILING PROJECTS

Fiscal Year 2007-2008
Square Yards Estimate

Month	Profiling Type	Street Name	Street Boundaries	PCI	Sq. Ft.	Sq. Yd.
Aug 2007	4"	Allen Blvd.	Murray to Wilson	49	73,248	8,139
Aug 2007	4"	Allen Blvd.	Menlo to Erickson	59	58,564	6,507
Aug 2007	4"	Allen Blvd.	Erickson to Main	59	70,048	7,783
May 2008	2"	Weir Rd.	Murray to 600' west of 163rd	58	147,161	16,351
July 2007	2"	142nd Ave.	TV Hwy. to Farmington	64	29,450	3,272
July 2007	2"	141st Ave.	TV Hwy. to Millikan Way	68	52,560	5,840
July 2007	2"	Hart Rd.	Murray to 136th	63	86,000	9,556
July 2007	2"	110th Ave.	North & South cul-de-sac off 111th	58	34,476	3,831
Sept 2007	2"	12th St.	Hall to Lombard	61	26,250	2,917
Sept 2007	2"	9th St.	Hall to Lombard	50	30,096	3,344
Sept 2007	2"	13th St.	Tucker to Franklin	78	21,376	2,375
Sept 2007	2"	14th St.	Tucker to Franklin	73	21,312	2,368
Sept 2007	2"	Tucker Ave.	12th to 14th	70	16,244	1,803
Sept 2007	2"	Franklin Ave.	12th to 14th	84	15,520	1,724
			TOTAL	**894**	**682,305**	**75,810**

Estimated Street Sweeping hours - 200

Fiscal Year 2008-2009
Square Yards Estimate

Month	Profiling Type	Street Name	Street Boundaries	PCI	Sq. Ft.	Sq. Yd.
July 2008	4"	Allen Blvd.	Western to Scholls Ferry	63	205,000	22,778
July 2008	4"	Allen Blvd.	Scholls Ferry to 92nd	51	14,000	1,556
Aug 2008	2"	Fir Ct.	Glenn to cul-de-sac	61	48,444	5,383
Aug 2008	2"	Main Ave.	Farmington to 3rd	60	17,500	1,944
Aug 2008	2"	1st St.	Stott to Lombard	68	14,656	1,628
Aug 2008	2"	Heather Ct.	130th to cul-de-sac	64	20,212	2,246
Aug 2008	2"	Greenbrier Parkway	158th to cul-de-sac	77	216,100	24,011
Aug 2008	2"	Alger Ave.	9th to 5th	68	22,673	2,519
Aug 2008	2"	Barrows Rd.	Walnut west to new a/c	66	48,000	5,333
Aug 2008	2"	Barrows Rd.	154th to 160th	66	60,750	6,750
Sept 2008	Wedge 2"-0"	Gem Ln.	Cedar Hills to cul-de-sac	66	10,500	1,167
Sept 2008	Wedge 2"-0"	Morgan Dr.	Sorrento to Carr	66	24,150	2,683
Sept 2008	Wedge 2"-0"	Kimberly Dr.	Hart to 141st	64	28,303	3,145
Sept 2008	Wedge 2"-0"	136th Ave.	Hart to 27th	66	14,000	1,556
Sept 2008	Wedge 2"-0"	31st St.	Hyland to 136th	56	16,000	1,778
Sept 2008	Wedge 2"-0"	27th St.	Wilson to 136th	74	9,000	1,000
Sept 2008	Wedge 2"-0"	Hoodview Pl.	Denney Rd. to cul-de-sac	68	18,500	2,056
Sept 2008	Wedge 2"-0"	103rd Ave.	Crestwood to Crystal	82	7,600	844
Sept 2008	Wedge 2"-0"	105th Ave.	Denney to cul-de-sac	70	29,525	3,281
			TOTAL	**1,256**	**824,913**	**91,658**

Estimated Street Sweeping hours - 200

Fiscal Year 2009-2010
Square Yards Estimate

Month	Profiling Type	Street Name	Street Boundaries	PCI	Sq. Ft.	Sq. Yd.
July 2009	4"	Allen Blvd.	Hall to Lombard	59	74,000	8,222
July 2009	4"	Allen Blvd.	Lombard to King	60	58,000	6,444
Aug 2009	2"	Cirrus Dr.	Hall to Nimbus	79	55,309	6,145
Aug 2009	2"	Jenkins Rd.	Cedar Hills to County jurisdiction	55	52,000	5,778
Aug 2009	2"	117th Ave.	Canyon to Center	69	72,000	8,000
Aug 2009	2"	Betts	Farmington to 2nd	74	18,163	2,018
Aug 2009	2"	7th St.	Lombard to Alger	62	22,368	2,485
Aug 2009	2"	6th St.	Menlo to 141st	59	114,400	12,711
Sept 2009	Wedge 2"-0"	Crestwood Ct.	Crestwood to cul-de-sac	67	33,292	3,699
Sept 2009	Wedge 2"-0"	Crestwood Dr.	Scholls Ferry to dead end	73	23,688	2,632
Sept 2009	Wedge 2"-0"	Crystal St.	103rd to Scholls Ferry	77	19,675	2,186
Sept 2009	Wedge 2"-0"	Cynthia St.	103rd to east city limits	69	5,907	656
Sept 2009	Wedge 2"-0"	Bartley Ct.	Cul-de-sac east & west of 180th	55	16,000	1,778
			TOTAL	**858**	**564,802**	**62,754**

Estimated Street Sweeping hours – 200

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Appeal of Commuter Rail Project
APP2007-0009 / APP2007-0010 (Freece)
APP2007-0011 / APP2007-0012 /
APP2007-0013 (Shadrall)

FOR AGENDA OF: 6-04-07 **BILL NO:** 07114

Mayor's Approval:

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 5-25-07

CLEARANCES: City Attorney
Devel. Services

PROCEEDING: Public Hearing

EXHIBITS: 1. Vicinity Map
2. Table of Contents and Exhibit List

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

A total of five appeals have been submitted representing two properties along the proposed Commuter Rail corridor: (1) The Freece Family Partnership representing Napa Auto, and (2) Mark Whitlow of Perkins Coie representing the tenant Bed, Bath, and Beyond (BBB) and Shadrall Associates for the appeal of the Commuter Rail Project. The appellants are appealing the Planning Commission's approval of the Commuter Rail project.

The Freece Appeal is specifically appealing Condition of Approval Nos. 26 and 27 of Land Use Order Nos. 1960 and 1962, which address the matter of the requirement for a physical barrier between parking stalls and public right-of-way. The appellant also raises the matter of traffic safety and the obstructing of vehicular turning movements, which will preclude vehicular connections from certain properties to the surrounding circulation system.

The Shadrall Appeal is specifically appealing Condition of Approval No. 35 of Land Use Order Nos. 1960 and 1962, which address site improvements at the BBB property. The appellant also cites the lack of reference in the site plan and related findings to the removal of existing trees. The appellant seeks clarification that the existing trees to be removed on the BBB site are not subject to a Tree Plan.

The applicant has received Conditional Use – Major Modification approval through a separate land use application for the addition of a station platform to accommodate the commuter rail at the existing Beaverton Transit Center.

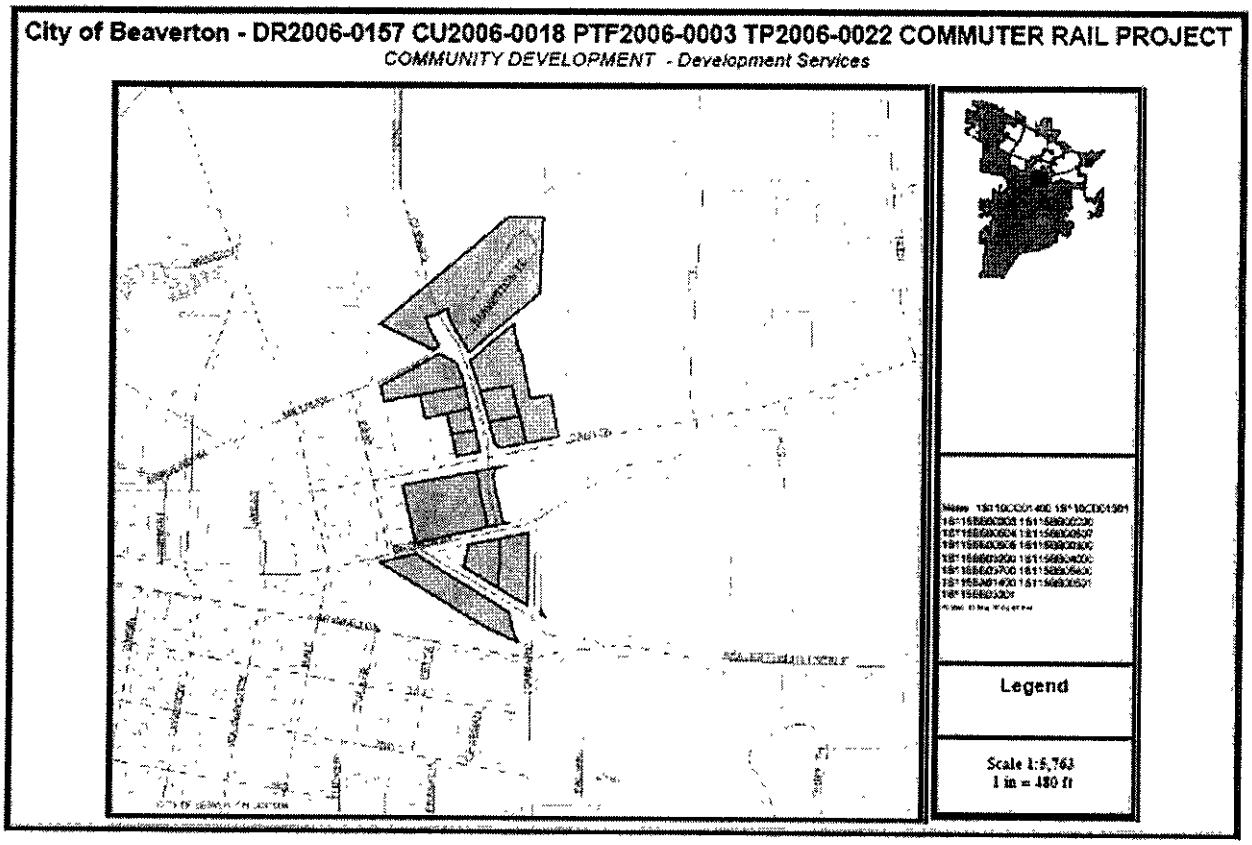
INFORMATION FOR CONSIDERATION:

The appellant asserts that the Planning Commission erred in its decision to approve DR2006-0157, PTF2006-0003, and TP2006-0022 pursuant to the appellant's letters dated May 13, 2007 and May 14, 2007. Staff's response to the issues raised by the appellants will be provided under separate cover. The Commission's Land Use Order on this matter, Nos. 1960, 1962, and 1963, the Staff Report, draft minutes, and all exhibits, including letters and materials presented prior to and at the hearings, are attached for the Council's consideration. The final written decision date by the City is due no later than June 30, 2007. This appeal hearing is a *de novo* hearing.

RECOMMENDED ACTION:

Conduct the public hearing and deny the appeals (APP2007-0009, APP2007-0010, APP2007-0011, APP2007-0012, APP2007-0013) thereby upholding the decision of the Planning Commission to approve DR2006-0157, PTF2006-0003, and TP2006-0022 with the conditions as stated in the Land Use Order Nos. 1960, 1962, and 1963. Direct staff to prepare findings and a final order that embodies the Council's decision.

EXHIBIT A



Vicinity Map

TABLE OF CONTENTS and EXHIBITS LIST

COMMUTER RAIL PROJECT APPEAL TO CITY COUNCIL

APP2007-0009 / APP2007-0010 (Freece Appeal)
APP2007-0011 / APP2007-0012 / APP2007-0013 (Shadrall Appeal)

Council Packet Page Number — **Exhibits listed in reverse chronological order**

1	**Exhibit A** Vicinity Map
2-5	**Table of Contents and Exhibits List**
6	**Exhibit B** Staff Memorandum in Response to Appeal (under separate cover)
7-8	**Exhibit C** Appeal Acceptance Letters from Liz Jones, Associate Planner, dated May 22, 2007 and May 25, 2007
9-22	**Exhibit D** Shadrall Appellant's Notice of Appeal, dated May 14, 2007
23-41	**Exhibit E** Freece Appellant's Notice of Appeal, dated May 14, 2007
42-91	**Exhibit F** Notice of Planning Commission Decision and Commission's Land Use Order No. 1960, No. 1961, No. 1962, No. 1963 dated May 4, 2007
92-106	**Exhibit G** Commuter Rail Project Planning Commission Minutes of April 25, 2007--DRAFT
107-227	**Exhibit H** Materials submitted between April 11, 2007 and the Planning Commission hearing of April 25, 2007: **Public Comments** Exhibit 2.15 Bed, Bath, and Beyond site plan received from Joseph Schaefer, Schwabe Williamson & Wyatt dated April 25, 2007 Exhibit 2.16 Letter from Mark Whitlow, Perkins Coie, dated April 24, 2007 **Materials Submitted by Applicant** Exhibit 3.8 Oversized Aerial Photograph (available to view at City Hall), submitted by Steve Witter, TriMet Exhibit 3.9 Letter from Ken Kirse, TriMet dated April 25, 2007 **Materials Submitted by Staff and Other Agencies** Exhibit 4.10 Staff memorandum dated April 20, 2007 with exhibits received between April 11, 2007 and April 18, 2007 as follows:

	Exhibit 2.10 Letter attachments from Warran Freece, Harold Freece, Wendell Freece, Beaverton Auto Parts, Inc., Active Water Sports, Inc., received by the City of April 17, 2007 Exhibit 2.11 Email from Martin Jensvold, Oregon Department of Transportation, received by the City on April 18, 2007 Exhibit 2.12 Email and attachments from Joseph S. Schaefer, Schwabe, Williamson & Wyatt, received by the City on April 18, 2007 Exhibit 2.13 Email and attachment from Mark Whitlow, received by the City on April 18, 2007 Exhibit 2.14 Letter and attachments from Ken Kirse, TriMet, received by the City on April 18, 2007 Exhibit 4.11 Staff memorandum dated April 25, 2007 with materials received on April 24, 2007 Exhibit 2.15 Email and attachment from Mark Whitlow, Perkins Coie, received by the City on April 24, 2007 Exhibit 4.12 Staff memorandum dated April 25, 2007 with materials received on April 25, 2007 Exhibit 2.16 Email and attachment from Lawrence Derr, Josselson & Potter, received by the City on April 25, 2007 Exhibit 4.13 Staff memorandum dated April 25, 2007 with supplemental transportation related findings Exhibit 4.14 Staff memorandum dated April 25, 2007 with revised conditions of approval
228-240	**Exhibit I** Commuter Rail Project Planning Commission Minutes of April 11, 2007--DRAFT
241-275	**Exhibit J** Materials submitted at the April 11, 2007 Planning Commission Hearing: **Public Comments** Exhibit 2.8 Letter from Warran Freece, Harold Freece, Wendell Freece, Beaverton Auto Parts, Inc., Active Water Sports, Inc., received by the City of April 11, 2007 Exhibit 2.9 Bed, Bath, and Beyond existing conditions plan, submitted by Joseph S. Schaefer, Schwabe, Williamson & Wyatt, received by the City on April 11, 2007 **Materials Submitted by Applicant** Exhibit 3.6 Bed, Bath, and Beyond site plan, submitted by Steve Witter, TriMet Exhibit 3.7 Email from Jebedian Doran, TriMet dated April 11, 2007 Exhibit 3.8 Oversized Aerial Photograph (available to view at City Hall), submitted by Steve Witter, TriMet **Materials Submitted by Staff and Other Agencies** Exhibit 4.6 Staff memorandum dated April 11, 2007 with Engineering Design Modification letter from Peter Arellano, City of Beaverton, Site Development Engineer, dated April 2, 2007

	Exhibit 4.7 Staff memorandum dated April 11, 2007 with supplemental findings Exhibit 4.8 Staff memorandum dated April 11, 2007 with public comments received as follows: Exhibit 2.6 Letter from Jill S. Gelineau and Isa A. Taylor, of Schwabe, Williamson & Wyatt, dated April 9, 2007 Exhibit 2.7 Letter from Lawrence R. Derr, of Josselson & Potter, dated April 11, 2007 Exhibit 4.9 Oregon Supplement to the MUTCD for traffic controls for highway rail grade crossings and OAR741-110-0040, submitted by City Transportation staff
276-394	**Exhibit K** Staff Report packet dated April 4, 2007 **Attachment A.1: Facilities Review Committee Technical Review and Recommendation Report and Code Conformance Analysis** **Attachment B.1: Staff Report for DR2006-0157 (Commuter Rail Project) and Design Standards Analysis Chart** **Attachment C.1: Staff Report for PTF2006-0003 (Commuter Rail Project)** **Attachment D.1: Staff Report for CU2006-0018 (Commuter Rail Project)** **Attachment E.1: Staff Report for TP2006-0022 (Commuter Rail Project)** **Attachment F.1: Recommended Conditions of Approval to Planning Commission** **Exhibit 1.0 Vicinity Map** **Exhibit 2.0 Public Comments** Exhibit 2.1 Letter from Harold Freece, Warren Freece, and Wendell Freece, dated February 15, 2007 Exhibit 2.2 Letter from Harold Freece, Warren Freece, and Wendell Freece, dated March 8, 2007 Exhibit 2.3 Email and comments from Denny Jones, received by the City on March 20, 2007 Exhibit 2.4 Letter from Mark D. Whitlow of Perkins Coie, dated April 4, 2007 **Exhibit 2.5** Email from Mark D. Whitlow of Perkins Coie, received by the City on April 4, 2007 **Exhibit 3.0 Materials Submitted by Applicant** Exhibit 3.1 Application and Written Narrative (See Exhibit L) Exhibit 3.2 Letter from Jeb Doran of TriMet, dated March 27, 2007 Exhibit 3.3 Letter from Alonzo Wertz of TriMet, dated March 27, 2007 Exhibit 3.4 Letter from Jeb Doran of TriMet, dated March 27, 2007 **Exhibit 4.0 Materials Submitted by Staff and Other Agencies** Exhibit 4.1 Pictures of Napa Auto Parts, dated March 7, 2007 Exhibit 4.2 Pictures of wall barrier, dated approximately March 1,

	2007 Exhibit 4.3 Letter from John Dalby, Tualatin Valley Fire and Rescue, dated January 16, 2007 Exhibit 4.4 Letter from Marah Danielson, Oregon Department of Transportation, dated January 17, 2007 Exhibit 4.5 Land Use Order No. CUP22-87/530, dated April 23, 1987
395-1238	**Exhibit L** Applicant's submittal package **Exhibit L.1** Application Submittal Materials (Narrative, Appendices, and Plans)

EXHIBIT B

Staff Memorandum in Response to Appeal
(under separate cover)

EXHIBIT C

CITY of BEAVERTON

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

May 22, 2007

Mark D. Whitlow
Perkins Coie LLP
1120 NW Couch Street, Tenth Floor
Portland, OR 97209-4128

RE: Appeal of Commuter Rail Project (APP2007-0011 / APP2007-0012 / APP2007-0013)

Dear Mr. Whitlow:

The purpose of this letter is to inform you that your letter of appeal of case file number DR2006-0157 / PTF2006-0003 / TP2006-0022 (Commuter Rail Project) has been accepted as meeting the requirements of the Section 50.75.2 of the Beaverton Development Code. The appeal hearing will be on June 4, 2007. The appellate decision making authority is the Beaverton City Council. The City Council meetings begin at 6:30 PM and are held in Council Chambers at Beaverton City Hall.

If you have any questions about the appeal process, please contact me at 503-350-4082 or by e-mail at ljones@ci.beaverton.or.us.

Sincerely

Liz Jones
Associate Planner

c.c. Joseph S. Schaefer, Schwabe Williamson & Wyatt, 1211 SW Fifth Avenue, Suite 1700, Portland, OR 97204

CITY of BEAVERTON

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

May 25, 2007

Warren W. Freece
Freece Family Partnership
12050 SW Canyon Road
Beaverton, OR 97005

RE: Appeal of Commuter Rail (APP2007-0009 / APP2007-0010) *Revised*

Dear Mr. Freece:

The purpose of this letter is to inform you that your letter of appeal of case file number DR2006-0157 / PTF2006-0003 (Commuter Rail) has been accepted as meeting the requirements of the Section 50.75.2 of the Beaverton Development Code. The appeal hearing will be on June 4, 2007. The appellate decision making authority is the Beaverton City Council. The City Council meetings begin at 6:30 PM and are held in Council Chambers at Beaverton City Hall.

If you have any questions about the appeal process, please contact me at 503-350-4082 or by e-mail at ljones@ci.beaverton.or.us.

Sincerely

Liz Jones
Associate Planner

EXHIBIT D

Perkins Coie

1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE 503 727 2000
FAX 503.727.2222
www.perkinscoie.com

Mark D Whitlow
PHONE (503) 727-2073
FAX (503) 346-2073
EMAIL MWhitlow@perkinscoie.com

RECEIVED
MAY 14 2007
City of Beaverton
Development Services

May 14, 2007

VIA HAND DELIVERY

Mayor Rob Drake
Beaverton City Council
c/o Steven A. Sparks, AICP
Development Services Manager
City of Beaverton4755 S.W. Griffith Drive
Beaverton, OR 97076

Re: DR2006-0157/PTF2006-0003/TP2006-0022(Commuter Rail Project)

Dear Mayor Drake and Council Members:

This letter transmits the joint appeals filed today regarding the above Orders, together with checks made payable to the City of Beaverton for the required filing fees. The appeals are essentially precautionary in nature, seeking only minor clarifications or revisions to the language of the findings and conditions of approval. The appeals are filed on behalf of Bed Bath & Beyond (BB&B) and Shadrall Beaverton, LP (Shadrall), the respective tenant and owner of the property situated along the commuter rail line between Canyon and Broadway on the west side of Lombard.

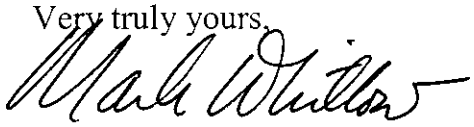
Bed Bath & Beyond and Shadrall have been working closely with TriMet regarding a proposed site plan for the reconfigured BB&B site, post-project. An agreement has now been reached verbally based on a meeting conducted on Friday, May 11, 2007. The final version of the site plan has yet to be submitted to the city, but will be in the near future. The appellants' remaining concerns relate to Condition of Approval No. 35 which requires that the site plan "shall be amended . . . to meet . . . standards of the Development Code . . .", and with the lack of reference in the site plan and related findings to the removal of existing trees.

These appeals are filed with the intent to work further with TriMet and the city staff to agree on the final version of the site plan and, in addition, to obtain revised findings and conditions of approval. Specifically, the appeals are intended to:

- Effect minor changes in the language of Condition Number 35, so that the existing language has the limited meaning that the staff has indicated that the condition was drafted to achieve;
- Clarify that the removal of trees anticipated by the site plan approved by the Planning Commission on the BB&B site does not require a Tree Plan; and
- Clarify language of the related findings as set forth in the appeals.

Thank you for the opportunity to provide further input to the Council on this important matter. Pending the Council hearing, we will continue to work diligently with TriMet and the city staff to reach an accord to avoid the appeal or limit its scope.

Very truly yours,



Mark D. Whitlow

cc: Steven A. Sparks
Liz Jones
Bill Scheiderich
Mark Greenfield
Tamara Lewis
Steve Witter
Shadrall Beaverton, LP
Bed Bath & Beyond

Enclosures

CITY OF BEAVERTON
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LAND USE DECISION APPEAL

PLEASE SELECT THE SPECIFIC TYPE OF APPEAL FROM THE FOLLOWING LIST:

- ☐ APPEAL OF A TYPE 1 DECISION
- ☐ APPEAL OF A TYPE 2 DECISION
- ☒ APPEAL OF A TYPE 3 DECISION
- ☐ OTHER

APPELLANT NAME(S): Bed Bath & Beyond, Inc.

SIGNATURE(S): *(Original Signature(s) Required)*

EACH APPELLANT MUST HAVE PROVIDED EVIDENCE TO THE DECISION MAKING AUTHORITY THAT WAS CONTRARY TO THE DECISION.

APPELLANT REPRESENTATIVE: *All pre-hearing contact will be made solely to this person.*
IF MORE THAN ONE APPELLANT, APPELLANT'S MUST DESIGNATE A SINGLE APPELLANT REPRESENTATIVE.

NAME: Mark D. Whitlow COMPANY: Perkins Coie LLP
ADDRESS: 1120 NW Couch St., Tenth Floor
(CITY, STATE, ZIP) Portland, OR 97209-4128
PHONE: (503) 727-2000 FAX: (503) 727-2222
SIGNATURE: _____ *(Original Signature Required)*

REQUIRED INFORMATION

SITE ADDRESS: 12155 SW Broadway St. **CASE FILE NO. UNDER APPEAL:** TP 2006-0003

SPECIFIC APPROVAL CRITERIA / CONDITION BEING APPEALED: SEE ATTACHED

SPECIFIC REASON(S) WHY A FINDING / CONDITION IS IN ERROR AS A MATTER OF FACT, LAW OR BOTH: SEE ATTACHED

(Attach additional sheets if necessary)

SPECIFIC EVIDENCE RELIED ON TO ALLEGE ERROR: SEE ATTACHED

(Attach additional sheets if necessary)

HOW DID THE APPELLANT(S) PROVIDE EVIDENCE TO THE DECISION MAKING AUTHORITY? WHERE IN THE OFFICIAL RECORD IS SUCH EVIDENCE?: SEE ATTACHED

(Attach additional sheets if necessary)

LAND USE DECISION APPEAL

SITE ADDRESS: 12155 SW Broadway Street, Beaverton, OR

CASE FILE NO. UNDER APPEAL: TP2006-0022

NARRATIVE SUMMARY OF APPEAL:

Appellant Shadrall Beaverton, LP ("Shadrall") initially raised concerns about the adequacy of TP2006-0022 to the Planning Commission on the record on April 25, 2007. This appeal is directed at the general lack of findings included in the Order relative to the trees proposed to be removed from Shadrall's site at 12155 SW Broadway Street. Pursuant to BDC 40.90, a Tree Plan or tree removal permit is required prior to removal of certain types of trees in the City, including Protected Trees and Significant Trees.

TP2006-0022 does not relate to Shadrall's property, does not identify the type of trees located on Shadrall's property, and does not describe the process for obtaining approval to remove the trees from Shadrall's property. Preliminary feedback from City staff indicates that Shadrall's trees are properly classified as Landscape Trees that are not subject to the Tree Plan requirements of BDC 40.90. Instead, staff has stated that the removal of trees from Shadrall's property is subject to and complies with BDC 60.60.25.9.

Shadrall requests confirmation of staff's interpretation to include findings as to BDC 60.60.25.9 and to include findings as to the original landscape plan submitted by Bed Bath and Beyond, Inc. for the property This issue has been raised in the companion appeal of DR2006-0157. In the event that such confirmation is obtained, then this appeal may be dismissed.

CITY OF BEAVERTON
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Tel: (503) 526-2420
Fax: (503) 526-3720
www beavertonoregon.gov

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LAND USE DECISION APPEAL

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City of Beaverton
Development Services

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- ☐ APPEAL OF A TYPE 1 DECISION
- ☐ APPEAL OF A TYPE 2 DECISION
- ☑ APPEALS OF A TYPE 3 DECISION
- ☐ OTHER

APPELLANT NAME(S): Shadrall Beaverton, LP

SIGNATURE(S): *(Original Signature(s) Required)* Christine Felix

EACH APPELLANT MUST HAVE PROVIDED EVIDENCE TO THE DECISION MAKING AUTHORITY THAT WAS CONTRARY TO THE DECISION.

APPELLANT REPRESENTATIVE: *All pre-hearing contact will be made solely to this person.*
IF MORE THAN ONE APPELLANT, APPELLANT'S MUST DESIGNATE A SINGLE APPELLANT REPRESENTATIVE.

NAME: Joseph S. Schaefer, Land Use Planner COMPANY: Schwabe Williamson & Wyatt
ADDRESS: 1211 SW Fifth Ave., Suite 1700
(CITY, STATE, ZIP) Portland, OR 97204
PHONE: 503-796-2091 FAX: 503-796-2900
SIGNATURE: _____ *(Original Signature Required)*

REQUIRED INFORMATION

SITE ADDRESS: 12155 SW Broadway CASE FILE NO. UNDER APPEAL: DR2006-0157/PTF2006-0003, TP2006-0022

SPECIFIC APPROVAL CRITERIA / CONDITION BEING APPEALED: See attached letter

SPECIFIC REASON(S) WHY A FINDING / CONDITION IS IN ERROR AS A MATTER OF FACT, LAW OR BOTH:
See attached letter
(Attach additional sheets if necessary)

SPECIFIC EVIDENCE RELIED ON TO ALLEGE ERROR: See attached letter
(Attach additional sheets if necessary)

HOW DID THE APPELLANT(S) PROVIDE EVIDENCE TO THE DECISION MAKING AUTHORITY? WHERE IN THE OFFICIAL RECORD IS SUCH EVIDENCE?: See attached letter
(Attach additional sheets if necessary)

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City of Beaverton
Development Services

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- ☑ APPEAL OF A TYPE 3 DECISION
- ☐ OTHER

APPELLANT NAME(S): Shadrall Beaverton, LP

SIGNATURE(S): *(Original Signature(s) Required)* Christine Felix

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REQUIRED INFORMATION

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APPELLANT NAME(S): Shadrall Beaverton, LP

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NAME: Joseph S. Schaefer, Land Use Planner COMPANY: Schwabe Williamson & Wyatt
ADDRESS: 1211 SW Fifth Ave., Suite 1700
(CITY, STATE, ZIP) Portland, OR 97204
PHONE: 503-796-2091 FAX: 503-796-2900
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SUBMITTED:	NAC:

LAND USE DECISION APPEAL

RECEIVED
MAY 14 2007
City of Beaverton
Development Services

PLEASE SELECT THE SPECIFIC TYPE OF APPEAL FROM THE FOLLOWING LIST:

- ☐ APPEAL OF A TYPE 1 DECISION
- ☐ APPEAL OF A TYPE 2 DECISION
- ☒ APPEAL OF A TYPE 3 DECISION
- ☐ OTHER

APPELLANT NAME(S): Bed Bath & Beyond, Inc.

SIGNATURE(S): *(Original Signature(s) Required)*

EACH APPELLANT MUST HAVE PROVIDED EVIDENCE TO THE DECISION MAKING AUTHORITY THAT WAS CONTRARY TO THE DECISION.

APPELLANT REPRESENTATIVE: *All pre-hearing contact will be made solely to this person.*
IF MORE THAN ONE APPELLANT, APPELLANT'S MUST DESIGNATE A SINGLE APPELLANT REPRESENTATIVE.

NAME: Mark D. Whitlow COMPANY: Perkins Coie LLP
ADDRESS: 1120 NW Couch St., Tenth Floor
(CITY, STATE, ZIP) Portland, OR 97209-4128
PHONE: (503) 727-2000 FAX: (503) 727-2222
SIGNATURE: *(Original Signature Required)*

REQUIRED INFORMATION

SITE ADDRESS: 12155 SW Broadway St. **CASE FILE NO. UNDER APPEAL:** DR 2006-0157

SPECIFIC APPROVAL CRITERIA / CONDITION BEING APPEALED: SEE ATTACHED

SPECIFIC REASON(S) WHY A FINDING / CONDITION IS IN ERROR AS A MATTER OF FACT, LAW OR BOTH:
SEE ATTACHED
(Attach additional sheets if necessary)

SPECIFIC EVIDENCE RELIED ON TO ALLEGE ERROR: SEE ATTACHED
(Attach additional sheets if necessary)

HOW DID THE APPELLANT(S) PROVIDE EVIDENCE TO THE DECISION MAKING AUTHORITY? WHERE IN THE OFFICIAL RECORD IS SUCH EVIDENCE?: SEE ATTACHED
(Attach additional sheets if necessary)

LAND USE DECISION APPEAL

RECEIVED
MAY 1 4 2007
City of Beaverton
Development Services

SITE ADDRESS: 12155 SW Broadway Street, Beaverton, OR

CASE FILE NO. UNDER APPEAL: DR2006-0157

NARRATIVE SUMMARY OF APPEAL:

I. The Order does not include adequate findings relating to the trees on the Shadrall property.

Appellant Shadrall Beaverton, LP ("Shadrall") initially raised concerns about the adequacy of landscaping conditions to the Planning Commission on the record on April 25, 2007. This appeal is directed at the general lack of findings and conditions included in the Order relative to the trees proposed to be removed from Shadrall's site at 12155 SW Broadway Street. Pursuant to BDC 40.90, a Tree Plan or tree removal permit is required prior to removal of certain types of trees in the City, including Protected Trees and Historic Trees.

DR2006-0157 does not relate to Shadrall's property, does not identify the type of trees located on Shadrall's property, and does not describe the process for obtaining approval to remove the trees from Shadrall's property. Preliminary feedback from City staff indicates that Shadrall's trees are properly classified as Landscape Trees that are not subject to the Tree Plan requirements of BDC 40.90. Instead, staff has stated that the removal of trees from Shadrall's property is subject to and complies with BDC 60.60.25.9.

Shadrall requests confirmation of staff's interpretation to include findings as to BDC 60.60.25.9 and to include findings as to the original landscape plan submitted by Bed Bath and Beyond, Inc. for the property. This issue is also raised in the companion appeal of TP2006-0022. In the event that such confirmation is obtained, then the appeal of TP2006-0022 may be dismissed.

II. Condition 35 is inherently ambiguous, and there are inadequate findings to support it as written.

Appellants object to the adoption of Condition 35, as written, as inherently ambiguous. This condition purports to approve a site plan that was negotiated between TriMet and the Appellants to allow the Shadrall site to have as much parking and circulation area as possible after completion of the commuter rail project. However, Condition 35 requires that the "site plan shall be amended...to meet parking and drive aisle standards of the Development Code..." Those standards arguably include the parking area landscaping standards of BDC 60.05.20 and 60.05.40.5 (Circulation and Parking Design Guidelines) with which the site plan cannot comply. We do not think that Condition 35 is intended to require such compliance. We request that Condition 35 be revised to remove this ambiguity.

III. "Other Concerns" raised by Appellants are within the Jurisdiction of the Planning Commission.

Appellants also object to the statement in the Order that "other concerns" raised by

Appellants are properly the subject of a City site development permit and outside the Planning Commission's jurisdiction. Pursuant to BDC 40.20.15.3.E, the Planning Commission can impose conditions on the approval of a Design Review Three application to ensure compliance with the approval criteria set forth in BDC 40.20.15.3.C. Appellants request reconsideration of their "other concerns," including lighting of the site, slope of the driveway access to SW Lombard Avenue, and construction scheduling (including as it relates to street closures) in accordance with BDC 40.20.15.3.E.

IV. Appellants' willingness to allow TriMet to submit the site plan into the record was in no way a withdrawal of objections to TriMet's applications.

Appellants have clearly not voluntarily withdrawn its objections. Appellants have objected on the record to various aspects of TriMet's applications for several weeks. Appellants' willingness to allow submittal of the site plan under the duress created by TriMet's haste to proceed was specifically conditioned upon continued objections to the lack of slope detail, lighting detail, and construction scheduling issues. Furthermore, although TriMet asked the Planning Commission to condition site plan approval on the waiver by Appellants of any appeal rights, the Planning Commission specifically rejected this request.

V. Appellants object to incorporation *in toto* of TriMet's letter dated April 25, 2007, as portions of the letter conflict with the Order.

In the letter, TriMet argues that private properties (outside the scope of those subject to condemnation in conjunction with the commuter rail project) are not part of the application. As reflected in the Order, at the April 25, 2007, hearing, the Planning Commission determined otherwise. Thus, a verbatim incorporation of the letter will be in conflict with the Order.

VI. References to Testimony from Appellants on the Record

Appellant Bed Bath & Beyond, Inc. submitted evidence contrary to the decision on the record and in the form of written testimony by Mark Whitlow dated April 4, 2007; April 18, 2007; and April 25, 2007; and oral testimony by Mark Whitlow dated April 11, 2007, and April 25, 2007.

Appellant Shadrall Beaverton LP submitted written evidence contrary to the decision on the record and in the form of written testimony by Schwabe, Williamson & Wyatt dated April 9, 2007, and April 17, 2007, and oral testimony by Schwabe, Williamson & Wyatt dated April 11, 2007, and April 25, 2007.

CITY OF BEAVERTON
Community Development Department
Development Services Division
4755 SW Griffith Drive
PO Box 4755
Beaverton, OR. 97076
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Fax: (503) 526-3720
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LAND USE DECISION APPEAL

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- ☐ APPEAL OF A TYPE 1 DECISION
- ☐ APPEAL OF A TYPE 2 DECISION
- ☑ APPEAL OF A TYPE 3 DECISION
- ☐ OTHER

APPELLANT NAME(S): Shadrall Beaverton, LP

SIGNATURE(S): *(Original Signature(s) Required)* Christine Felix

EACH APPELLANT MUST HAVE PROVIDED EVIDENCE TO THE DECISION MAKING AUTHORITY THAT WAS CONTRARY TO THE DECISION.

APPELLANT REPRESENTATIVE: *All pre-hearing contact will be made solely to this person.*
IF MORE THAN ONE APPELLANT, APPELLANT'S MUST DESIGNATE A SINGLE APPELLANT REPRESENTATIVE.

NAME: Joseph S. Schaefer, Land Use Planner COMPANY: Schwabe Williamson & Wyatt
ADDRESS: 1211 SW Fifth Ave., Suite 1700
(CITY, STATE, ZIP) Portland, OR 97204
PHONE: 503-796-2091 FAX: 503-796-2900
SIGNATURE: _____ *(Original Signature Required)*

REQUIRED INFORMATION

SITE ADDRESS: 12155 SW Broadway CASE FILE NO. UNDER APPEAL: DR2006-0157/PTF2006-0003, TP2006-0022

SPECIFIC APPROVAL CRITERIA / CONDITION BEING APPEALED: See attached letter

SPECIFIC REASON(S) WHY A FINDING / CONDITION IS IN ERROR AS A MATTER OF FACT, LAW OR BOTH:
See attached letter
(Attach additional sheets if necessary)

SPECIFIC EVIDENCE RELIED ON TO ALLEGE ERROR: See attached letter
(Attach additional sheets if necessary)

HOW DID THE APPELLANT(S) PROVIDE EVIDENCE TO THE DECISION MAKING AUTHORITY? WHERE IN THE OFFICIAL RECORD IS SUCH EVIDENCE?: See attached letter
(Attach additional sheets if necessary)

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LAND USE DECISION APPEAL

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SIGNATURE(S): *(Original Signature(s) Required)*

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NAME: Mark D. Whitlow COMPANY: Perkins Coie LLP
ADDRESS: 1120 NW Couch St., Tenth Floor
(CITY, STATE, ZIP) Portland, OR 97209-4128
PHONE: (503) 727-2000 FAX: (503) 727-2222
SIGNATURE: Mark Whitlow *(Original Signature Required)*

REQUIRED INFORMATION

SITE ADDRESS: 12155 SW Broadway St. **CASE FILE NO. UNDER APPEAL:** PTF 2006-0003

SPECIFIC APPROVAL CRITERIA / CONDITION BEING APPEALED: SEE ATTACHED

SPECIFIC REASON(S) WHY A FINDING / CONDITION IS IN ERROR AS A MATTER OF FACT, LAW OR BOTH: SEE ATTACHED

(Attach additional sheets if necessary)

SPECIFIC EVIDENCE RELIED ON TO ALLEGE ERROR: SEE ATTACHED

(Attach additional sheets if necessary)

HOW DID THE APPELLANT(S) PROVIDE EVIDENCE TO THE DECISION MAKING AUTHORITY? WHERE IN THE OFFICIAL RECORD IS SUCH EVIDENCE?: SEE ATTACHED

(Attach additional sheets if necessary)

LAND USE DECISION APPEAL

SITE ADDRESS: 12155 SW Broadway Street, Beaverton, OR

CASE FILE NO. UNDER APPEAL: PTF2006-0003

NARRATIVE SUMMARY OF APPEAL:

I. The Order does not include adequate findings relating to the trees on the Shadrall property.

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PTF2006-00003 does not relate to Shadrall's property, does not identify the type of trees located on Shadrall's property, and does not describe the process for obtaining approval to remove the trees from Shadrall's property. Preliminary feedback from City staff indicates that Shadrall's trees are properly classified as Landscape Trees that are not subject to the Tree Plan requirements of BDC 40.90. Instead, staff has stated that the removal of trees from Shadrall's property is subject to and complies with BDC 60.60.25.9.

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EXHIBIT E

CITY OF BEAVERTON
Community Development Department
Development Services Division
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OFFICE USE ONLY	
FILE #: APP 2007-0009	
FILE NAME: Freece Commuter Rail DR Appeal	
TYPE: Appeal of Type III	RECEIVED BY: MR
FEE PAID: 1314	CHECK/CASH: $1314 cash
SUBMITTED: 5/14/07	NAC:

LAND USE DECISION APPEAL

PLEASE SELECT THE SPECIFIC TYPE OF APPEAL FROM THE FOLLOWING LIST:

- ☐ APPEAL OF A TYPE 1 DECISION
- ☒ APPEAL OF A TYPE 3 DECISION
- ☐ APPEAL OF A TYPE 2 DECISION
- ☐ OTHER

APPELLANT NAME(S): Freece Family Partnership

SIGNATURE(S): *(Original Signature(s) Required)* Warren W. Freece

EACH APPELLANT MUST HAVE PROVIDED EVIDENCE TO THE DECISION MAKING AUTHORITY THAT WAS CONTRARY TO THE DECISION.

APPELLANT REPRESENTATIVE: *All pre-hearing contact will be made solely to this person.*
IF MORE THAN ONE APPELLANT, APPELLANT'S MUST DESIGNATE A SINGLE APPELLANT REPRESENTATIVE.

NAME: Warren W Freece COMPANY: Freece Family Partnership
ADDRESS: 12050 SW Canyon Rd
(CITY, STATE, ZIP) Beaverton OR 97005
PHONE: 503 643-5018 FAX: 503 626 0606
SIGNATURE: Warren W. Freece *(Original Signature Required)*

REQUIRED INFORMATION

SITE ADDRESS: 12050 SW Canyon Rd **CASE FILE NO. UNDER APPEAL:** DR 2006-0157, PTF2006-0003

SPECIFIC APPROVAL CRITERIA / CONDITION BEING APPEALED: See attached

SPECIFIC REASON(S) WHY A FINDING / CONDITION IS IN ERROR AS A MATTER OF FACT, LAW OR BOTH: (Attach additional sheets if necessary)

SPECIFIC EVIDENCE RELIED ON TO ALLEGE ERROR: see attached (Attach additional sheets if necessary)

HOW DID THE APPELLANT(S) PROVIDE EVIDENCE TO THE DECISION MAKING AUTHORITY? WHERE IN THE OFFICIAL RECORD IS SUCH EVIDENCE?: written, & oral (written attached) (Attach additional sheets if necessary)

Freece Family Partnership
12050 SW Canyon Road
Beaverton, OR 97005

May 13, 2007

City of Beaverton
City Council
City of Beaverton Planning Commission
Trimet
ODOT
4755 S.W. Griffith Drive
Beaverton, OR 97076

RECEIVED
MAY 14 2007
City of Beaverton
Development Services

Notice is hereby given that the Freece Family Partnership, intends to appeal the approved Land Use Order finalizing the Beaverton Planning Commission decision for Commuter Rail Project DR2006-0157/CU2006-0018/PTF2006-0003/TP2006-0022, which is final on May 14, 2007 and which involves:

A Design Review Three approval for the specific improvements, which are proposed outside public right-of-way. The proposed site is generally located along the SW Lombard Avenue corridor, between the Beaverton Transit Center and SW Farmington Road. Proposed work is to be located in the SW Lombard Avenue, SW Canyon Road, SW Broadway, SW Beaverton Hillsdale Hwy, and SW Farmington Road right-of-ways and on our property, Map 1S115BB-03500.

In the process of this project the applicant proposes blocking left turn access to our west entrance that connects to the portion of Lombard street where new tracks will be constructed in order to attempt to lessen the enormous safety hazard of a commuter rail on a major pedestrian and vehicular thoroughfare, and a requirement to place stops at each parking stall abutting the sidewalk, (refer to our letter dated April 16, 2007, paragraphs 4-6).

This requirement will bring our parking lot out of conformity with city Code 60.30.15, requiring 20 feet of room in our one-way parking lane to allow for emergency vehicular traffic.

Freece Family Partnership is represented by the partner Warren W Freece, 12050 SW Canyon Road, Beaverton, OR 97005, (503) 643-5018.

Freece Family Appeal
Commuter Rail Project
May 13, 2007

DR2006-0157- PTF2006-0003
The Commission heard requests by Freece Family Partnership regarding its property abutting this project on Lombard. It was argued that Code Section 60.05.40.1 and 60.55.20 require review and approval of access and circulation on those remainder sites as part of the review of this application.

The Commission found that this criterion as to access and circulation was met. The commission further found that, no one had submitted written proposals for alternate access and circulation on those other remainder sites.

This is not fact. Referring to our letters dated February 15, 2007, and March 8, 2007, it is fact that the applicant has not considered all oral and written testimony submitted by Freece Family Partnership regarding the alternatives; it is not fact that alternatives have not been submitted.

Please refer to our letter dated March 8, 2007, paragraph 4-8, alternate options were submitted. Paragraph 4, Option A, is what we refer to here.

A. Join and end the commuter rail at the Round. (Refer to letter attached)

We have continually offered and are requesting in our appeal that as a requirement of Code Section 40, a serious discussion take place to facilitate a safer, and more cost efficient plan for this Commuter Rail development.

In 2001, when the Federal Transportation Administration submitted it's Environmental Assessment, the station at the Round was an economic disaster and not in the least a viable alternative. At present it is an economically restored station, and we feel, now an alternative to be seriously considered, to mitigate the Commuter Rail impact on pedestrian safety, and lessen the serious inefficiency, and increased hazard to public safety imposed by placing these new tracks on one of the heaviest pedestrian thoroughfares in the city. (See map enclosed)

We appeal the commission ruling that Code sections 40.03.6 and 40.03.7, have been met.

40.03.6. Placing this rail on Lombard, with its heavy on-site vehicular and pedestrian circulation system does not connect to the surrounding circulation system in a safe, efficient manner. Adding a raised track in the mix does not mitigate this.

40.03.7. Requiring parking stops that render our parking lot out of compliance to safe standards for emergency response vehicles does not connect in a safe, efficient, and direct manner. This requirement renders our parking lot out of compliance with city standards.

Freece Family Appeal
Commuter Rail Project
May 13, 2007

We appeal the commission finding and the need for the applicant to meet condition of approval #26 "Applicant must submit revised plans illustrating a barrier at all parking spaces that do not have a separation between parking stalls and right-of-way. It is fact that these criteria cannot be met without rendering our parking lot non-conforming with city Code 60.30.15 and 60.30.15.4.

Trimet has told us in subsequent meetings that they would "help" us to make our parking lot safer and more efficient. In the process they have not suggested how to make it meet city code requirements for off street parking, or presented one concrete design to facilitate our decision.

The on-site circulation system and abutting street systems does not provide for efficient access and egress. We have not been shown a traffic impact analysis pursuant to Code 60.55.20; we have not been shown so much as a drawing by the applicant how our parking lot will be able to be reconfigured to be in compliance with City Development Code, the costs involved, and who shall pay.

Severely overlooked in this quest for reduced traffic congestion has been the potential impact on public safety. The data gleaned from published sources indicate that there are serious safety issues surrounding the operation of transit in our city. We appeal the commission's decision, as it is long past time that these issues be more forthrightly addressed by those seeking to expand the role of public transit in our urban setting.

The Federal Transportation Administration, the main source of funding for this project, in its Commuter Rail Safe Study dated, November 10, 2006, states:

While much progress has been made, significant accidents continue to occur, and the number of annual fatalities has not been reduced substantively over the last decade. Moreover, recent accidents have highlighted specific issues that need prompt government attention.

The exposure of pedestrians, trespassers, and motorists at highway-rail grade crossing and along the rail right of way continues to provide significant safety challenges with no immediate or cost-effective solutions.

There is a need to ensure that and accelerate industry awareness to promote identification and implementation of activities and practices that have the potential to mitigate the largest risks.

We respectively appeal the Planning Commission decision.

Freece Family Partnership

Harold Freece **Warren Freece** **Wendell Freece**

Freece Family Appeal
Commuter Rail Project
May 13, 2007

I hereby certify that on May 14, 2007, I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015 (2) by personal delivery.

Warren W. Freece
May 14, 2007
4:00pm

Received
04-17-07A08:47 RCVD
pl

Freece Family Partnership
12050 SW Canyon Road
Beaverton, OR 97005

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APR 17 2007
City of Beaverton
Development Services

April 16, 2007

Mayor Rob Drake
Liz Jones, Associate Planner
P.O. Box 4755
Beaverton, OR 97076

Hand Delivered

RE: Public Comment on Commuter Rail Project
(DR2006-0157/PTF2006-0003/CU2006-0018/TP2006-0022)

Dear Mayor Drake:

In the current "Your City", you state the following:

"People in Beaverton craft solutions to challenges and problems, and are really engaged in outcomes."

The Freece Family Partnership has been trying to craft solutions to the challenges facing us as this commuter rail project goes forward. Our experience is that we, as citizens, are more than willing to work as a team to craft solutions but the city is not listening for some reason unknown to us.

We feel we may have to agree with the local newspaper columnist regarding the city's "soul", given our experience to date. ODOT points to Trimet, Trimet points to the City, the City points to the door, as the traffic around us continually increases, and the safety challenges become more cumbersome to manage without sincere help from the city.

We were rather disappointed to attend the city council meeting on April 11, 2007, to find our letters not included in Public Comments Received. We hand delivered, and mailed, unfortunately not certified, the enclosed letters dated, February 15, 2007 and March 8, 2007, as our public comment on the above referenced project. For some reason our public comment was not made public.

Freece Family Partnership
Safety Concerns
April 17, 2007

We were rather disappointed to sit at this council meeting until after 10:00PM, have our request for continuance to look into our safety concerns denied because "we need to get this project through". We were very disappointed that our continuance was denied as Jebediah Doran from Trimet told the council members our issues had been dealt with. Unfortunately he didn't show up for our meeting with him, April 10, 2007, so he didn't really tell the truth.

Chris Novotny from Trimet did show up. We were led to believe that at this meeting we would be discussing the raised rail at our side entrance and the safety and efficiency issues. We listened to Ms. Novotny discuss that we "must" agree to either cement traffic stops, or post and chain. This was all new information to us. We did not agree to either actually.

To our surprise Ms. Novotny stated the following regarding the imposed traffic stops, "don't worry it's just another three feet, but the vehicles have hang over when they are parked so it won't be that bad. It's not Trimet, it's the city requiring this. Really Harold, all you have to do is have the cement stops up a year, then you can take them down. The city won't do anything." Our shock at this added impediment to our already narrowed parking lot, and our surprise at her type of "safety" talk left no room to discuss the issue of the raised rail. And frankly our words on safety felt wasted at that point.

We include here a sampling of traffic accidents at these intersections in 2005 provided to us by the city. This is a small sampling. Please note the types of accidents and understand our concerns regarding Canyon and Lombard, and Broadway and Lombard once all the commotion gets underway.

At 10:15PM on April 11, 2007 the city was discussing, with Trimet, adequate numbers of ashtrays to service the train riders as they walk from one train to another. While we agree, encouraging smoking is one way to discuss public safety and the lives of our citizens, our concerns involve the traffic hazards that currently exist on Lombard from the Canyon Road intersection, to Broadway, and subsequently, Beaverton Hillsdale Highway.

Our concerns are with the hazards that will be exacerbated once the city adds crossing arms and lights, more lanes, raised rails, restricted traffic flow, and the actual commuter train into the mix. To ignore the added safety hazards this train will bring to our section of Lombard, along with its entourage of traffic changes, is to ignore public safety.

Freece Family Partnership
Safety Concerns
April 17, 2007

We sincerely feel as business owners, employers, property owners, and citizens that enough hasn't been done to facilitate a serious dialogue by the city, regarding the public safety at this section of Lombard. We continue to request a meeting where we will actually feel that the city will be looking out for the safety of pedestrians, and drivers on this stretch of Lombard. After all they are our customers, employees, and our families "Strong public safety" on this leg of Lombard is non-existent at this point in the project.

We respectfully request, once again, a working solution presented to us. Until that happens, given our experience, we would measure the city's soul with a microscope.

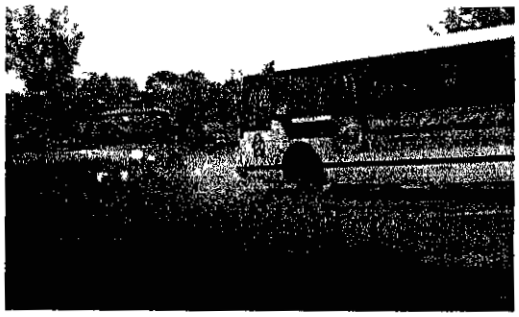
Sincerely,

Warren Freece
Harold Freece
Wendell Freece
Beaverton Auto Parts, Inc.
Active Water Sports, Inc.

Cc: Joseph S. Schaefer Schwabe, Williamson & Wyatt

Enclosure

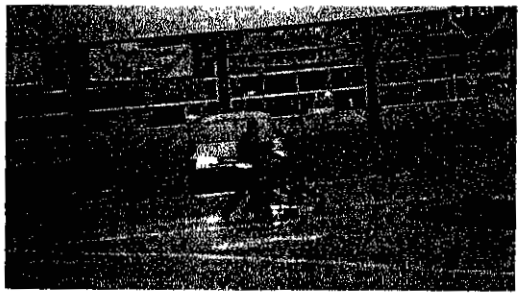
The "Soul" of our corner at Lombard and Canyon



Lombard and Broadway: Quiet afternoon

Our parking lot before city imposed parking stops

Turning Right onto Lombard from our parking lot before commuter rail is imposed



Pedestrian traffic before commuter rail is imposed

029 TUALATIN VALLEY

City of Beaverton
January 1, 2005 Through December 31, 2005

SER# INVEST	S P E D E A R U C S G S W H O L K	DATE DAY TIME	COUNTY CITY URBAN AREA	RD# FC COMPNT MLG TYP MILEPNT	CONN # FIRST STREET SECOND STREET	RD CHAR DIRECT LOCTN	INT-TYP (MEDIAN) LEGS (#LANES)	INT-REL TRAF-CNTL	OFFRD RNDBT DRVWY	WTHR SURF LIGHT	CRASH TYP COLL TYP SVRTY	V#	SPCL USE TRLR QTY OWNER VEH TYPE	MOVE FROM TO	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACTN	EVENT	CAUSE
															02	PSNG	INJC	43	M			000	000		00
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													PRVTE	N E									018		00
													PSNGR CAR		01	DRVR	NONE	41	M	OR-Y		028	000		02
																				OR<25					
02270	N N N	04/23/2005	WASHINGTON	1 14		STRGHT		N	N	RAIN	S-1STOP	01	NONE 0	STRGHT										013	07
NONE		Sat	BEAVERTON	0 0	02303	E	(NONE)	UNKNOWN	N	WET	REAR		PRVTE	W E									000		00
		12P	PORTLAND UA	3.28	01401	06			N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	26	M	OR-Y		026	000		07
							(04)													OR<25					
												02	NONE 0	STOP											
													PRVTE	W E									011	013	00
													PSNGR CAR		01	DRVR	INJC	22	M	OR-Y		000	000		00
																				OR<25					
												03	UNKN 0	STOP											
													UNKN	W E									022		00
													UNKNOWN		01	DRVR	NONE	00	U	UNK		000	000		00
																				UNK					
03224	N N N	06/10/2005	WASHINGTON	1 14		STRGHT		N	N	RAIN	S-1STOP	01	NONE 0	STRGHT										013	07
NO RPT		Fri	BEAVERTON	0 0	02303	E	(NONE)	UNKNOWN	N	WET	REAR		PRVTE	W E									000		00
		5P	PORTLAND UA	3.33	01401	05			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	58	F	OR-Y		026	000		07
							(04)													OR<25					
												02	NONE 0	STOP											
													PRVTE	W E									011	013	00
													PSNGR CAR		01	DRVR	NONE	61	F	OR-Y		000	000		00
																				OR<25					
												03	NONE 0	STOP											
													PRVTE	W E									022		00
													PSNGR CAR		01	DRVR	NONE	37	M	OR-Y		000	000		00
																				OR<25					
00922	N N N	02/16/2005	WASHINGTON	1 14		ALLEY		N	N	CLR	ANGL-OTH	01	NONE 0	TURN-R											02
NO RPT		Wed	BEAVERTON	0 0	02303	E	(NONE)	UNKNOWN	N	DRY	TURN		PRVTE	N W									018		00
		2P	PORTLAND UA	3.34	01401	04			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	25	M	OR-Y		028	000		02
							(04)													OR<25					
												02	NONE 0	STRGHT											
													PRVTE	E W									000		00
													PSNGR CAR		01	DRVR	NONE	37	M	OR-Y		000	000		00
																				OR<25					
04392	N N N	07/27/2005	WASHINGTON	1 14		STRGHT		N	N	CLR	S-1STOP	01	NONE 0	STRGHT											07
NONE		Wed	BEAVERTON	0 0	02303	E	(NONE)	L-GRN-SIG	N	DRY	REAR		PRVTE	E W									000		00
		7P	PORTLAND UA	3.34	01401	04			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	27	M	OR-Y		026	000		07
							(04)													OR<25					

CDS380 2/16/2007

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
CONTINUOUS SYSTEM CRASH LISTING

City of Beaverton
January 1, 2005 Through December 31, 2005

029 TUALATIN VALLEY

SER# INVEST	S P E D E A R S W U C O L G H R C S L K	DATE DAY TIME	COUNTY CITY URBAN AREA	RD# FC COMPNT MLG TYP MILEPNT	CONN # FIRST STREET SECOND STREET	RD CHAR DIRECT LOCTN	INT-TYP (MEDIAN) LEGS (#LANES)	INT-REL TRAF- CNTL	OFFRD RNDBT DRVWY	WTHR SURF LIGHT	CRASH TYP COLL TYP SVRTY	V#	SPCL USE TRLR QTY OWNER VEH TYPE	MOVE FROM TO	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACTN	EVENT	CAUSE
												02	NONE PRVTE PSNGR CAR	0 STOP E W	01	DRVR	NONE	33	F	OR-Y OR<25		000	011 000		00 00
00724	N N N NO RPT	02/04/2005 Fri 6P	WASHINGTON BEAVERTON PORTLAND UA	1 14 0 0 3.34	CANYON RD LOMBARD AVE	INTER E 06	CROSS 0	N TRF SIGNAL	N CLR N DRY N DLIT	S-1STOP REAR INJ		01	NONE PRVTE PSNGR CAR	0 STRGHT E W	01	DRVR	NONE	51	M	OR-Y OR<25		026	000 000	013	07 00 07
												02	NONE PRVTE PSNGR CAR	0 STOP E W	01	DRVR	INJB	40	M	OR-Y OR<25		000	011 022	013	00 00
												03	NONE PRVTE PSNGR CAR	0 STOP E W	01	DRVR	NONE	28	F	OR-Y OR<25		000	011 022		00 00
03659	N N N NO RPT .	06/29/2005 Wed 7A	WASHINGTON BEAVERTON PORTLAND UA	1 14 0 0 3.35	LOMBARD AVE CANYON RD	INTER CN 01	CROSS 0	N TRF SIGNAL	N CLR N DRY N DAY	ANGL-OTH TURN PDO		01	NONE PRVTE PSNGR CAR	0 STRGHT E W	01	DRVR	NONE	20	F	OTH-Y N-RES		020	000 000		04 00 04
												02	NONE PRVTE PSNGR CAR	0 TURN-R N W	01	DRVR	NONE	30	M	OR-Y OR<25		000	000 000		00 00
04809	N N N NO RPT	08/11/2005 Thu 7P	WASHINGTON BEAVERTON PORTLAND UA	1 14 0 0 3.35	LOMBARD AVE TEA PARTY CIR	INTER CN 04	CROSS 99	N TRF SIGNAL	N CLR N DRY N DAY	O-1TURN TURN PDO		01	NONE PRVTE PSNGR CAR	TURN-L N E	01	DRVR	NONE	21	M	OR-Y OR<25		004,028	000 000		02 00 02
												02	NONE PRVTE PSNGR CAR	STRGHT S N	01	DRVR	NONE	19	M	OR-Y OR<25		000	000 000		00 00
01205	N N N NO RPT	03/03/2005 Thu 3P	WASHINGTON BEAVERTON PORTLAND UA	1 14 0 0 3.35	LOMBARD AVE CANYON RD	INTER CN 05	CROSS 0	N TRF SIGNAL	N CLR N DRY N DAY	PED PED INJ		01	NONE PRVTE PSNGR CAR	0 TURN-R N W	01	DRVR	NONE	21	F	OR-Y OR<25		029	000 000		02 00 02
														STRGHT N S	01	PED	INJC	34	F		01	000	000		00
06600	N N N NONE	10/31/2005 Mon 12P	WASHINGTON BEAVERTON PORTLAND UA	1 14 0 0 3.36	CANYON RD LOMBARD AVE	INTER W 06	CROSS 0	N TRF SIGNAL	N RAIN N WET N DAY	S-1STOP REAR PDO		01	NONE PRVTE PSNGR CAR	0 STRGHT W E	01	DRVR	NONE	54	M	OR-Y OR<25		026	000 000	013	07 00 07

SER# INVEST	SPED	ALC	DRUG	SCHL	WRK	DATE DAY TIME	CLASS DIST FROM	CITY STREET FIRST STREET SECOND STREET	RD CHAR DIRECT LOCTN	INT-TYP (MEDIAN) LEGS (#LANES)	INT-REL TRAF-CONTL	OFF-RD RNDBT DRVWY	WTHR SURF LIGHT	CRASH TYP COLL TYP SVRTY	V#	SPCL USE TRLR QTY OWNER VEH TYPE	MOVE FROM TO	P#	PRTC TYPE	INJ SVRTY	AGE	SEX	LICNS RES	PED LOC	ERROR	ACTN	EVENT	CAUSE
															02	NONE PRVTE PSNGR CAR	STOP S N									011		00
																		01	DRVR	INJC	43	F	OR-Y OR<25		000	000		00
05515 NO RPT	N	N	N			09/06/2005 Tue 7A	16 0	BLUERIDGE DR 158TH AVE	INTER CN 01	CROSS 0	N TRF SIGNAL	N N N	CLR DRY DAY	BIKE TURN INJ	01	NONE PRVTE PSNGR CAR	TURN-L S W											02
																		01	DRVR	NONE	36	F	OR-Y OR<25		000	000		00
																	STRGHT N S	01	BIKE	INJB	18	F			028	041		02
07468 NO RPT	N	N	N			12/03/2005 Sat 7P	19 0	BLUERIDGE DR GREENBRIER PKY	INTER N 06	CROSS 0	N STOP SIGN	Y N N	RAIN WET DLIT	FIX OBJ FIX INJ	01	NONE PRVTE PSNGR CAR	TURN-L SE SW									088	040,067 040,067	08,01 00
																		01	DRVR	INJB	21	F	OR-Y OR<25		001,047,081	017		08,01
07884 NO RPT	N	N	N			12/17/2005 Sat 3P	16 0	BROADWAY ST CEDAR HILLS BLVD	INTER CN 03	CROSS 99	N STOP SIGN	N N N	CLR DRY DAY	ANGL-OTH ANGL PDO	01	NONE PRVTE PSNGR CAR	STRGHT N S									000		03 00
																		01	DRVR	NONE	34	F	OR-Y OR<25		021	000		03
															02	NONE PRVTE PSNGR CAR	STRGHT W E									015		00
																		01	DRVR	NONE	45	F	OR-Y OR<25		000	000		00
01608 NONE	N	N	N			03/23/2005 Wed 12P	16 0	BROADWAY ST HALL BLVD	INTER CN 03	CROSS 0	N ONE-WAY	N N N	RAIN WET DAY	ANGL-OTH TURN PDO	01	NONE PRVTE PSNGR CAR	TURN-L S W									000		10 00
																		01	DRVR	NONE	76	F	OR-Y OR<25		006	000		10
															02	NONE PRVTE PSNGR CAR	STRGHT S N									000		00
																		01	DRVR	NONE	24	M	OR-Y OR<25		000	000		00
08155 NONE	N	N	N			12/30/2005 Fri 6P	16 0	BROADWAY ST LOMBARD AVE	INTER CN 01	3-LEG 99	N STOP SIGN	N N N	RAIN WET DLIT	O-1TURN TURN PDO	01	NONE PRVTE PSNGR CAR	TURN-L S SW									000		02 00
																		01	DRVR	NONE	58	F	OR-Y OR<25		004,028	000		02
															02	NONE PRVTE PSNGR CAR	STRGHT N S									000		00
																		01	DRVR	NONE	34	M	OR-Y OR<25		000	000		00
80858 NO RPT	N	N	N			09/21/2005 Wed 7P	19 0	BROADWAY ST LOMBARD AVE	INTER CN 04	3-LEG 0	N STOP SIGN	N N N	CLR DRY DAY	ANGL-OTH TURN PDO	01	NONE PUBLC OTH BUS	TURN-L N E									015		02 00
																		01	DRVR	NONE	00	M	OR-Y OR<25		028	000		02
															02	NONE PRVTE PSNGR CAR	STRGHT W E									000		00
																		01	DRVR	NONE	26	F	OTH-Y N-RES		000	00		00

SER# INVEST	SPED	ALC	DRUG	SCHL	WORK	DATE DAY TIME	CLASS DIST FROM	CITY STREET FIRST STREET SECOND STREET	RD CHAR DIRECT LOCTN	INT-TYP (MEDIAN) LEGS (#LANES)	INT-REL TRAF-CONTL	OFF-RD RNDBT DRVWY	WTHR SURF LIGHT	CRASH TYP COLL TYP SVRTY	V#	SPCL USE TRLR QTY OWNER VEH TYPE	MOVE FROM TO	P#	PRTC TYPE	INJ SVRTY	AGE	SEX	LICNS RES	PED LOC	ERROR	ACTN	EVENT	CAUSE
06662 NONE	N	N	N			11/01/2005 Tue 12P	17 0	LOMBARD AVE 5TH ST	INTER CN 03	CROSS 99	N TRF SIGNAL	N N N	CLD WET DAY	ANGL-OTH ANGL PDO	01	NONE PRVTE PSNGR CAR	STRGHT W E	01	DRVR	NONE	36	F	OR-Y OR<25	020		000 000		04 00 04
															02	NONE PRVTE PSNGR CAR	STRGHT N S	01	DRVR	NONE	73	M	OR-Y OR<25	000		000 000		00 00
01903 CITY	N	N	N		N	04/10/2005 Sun 6A	17 30	LOMBARD AVE 9TH ST	STRGHT N 05	(NONE) (02)	N NONE	Y N N	CLR DRY DAY	FIX OBJ FIX PDO	01	NONE PRVTE PSNGR CAR	STRGHT S N	01	DRVR	NONE	21	F	OR-Y OR<25	047,081		000 025	053 053	01 00 01
07411 NONE	N	N	N			11/28/2005 Mon 5P	16 50	LOMBARD AVE 12TH ST	STRGHT S 06	(NONE) (02)	Y TRF SIGNAL	N N N	RAIN WET DLIT	S-1STOP REAR INJ	01	NONE 0 PRVTE PSNGR CAR	STRGHT S N	01	DRVR	INJB	37	F	OR-Y OR<25	026		000 000		07 00 07
															02	NONE 0 PRVTE PSNGR CAR	STOP S N	01	DRVR	INJC	36	F	OR-Y OR<25	000		011 000		00 00
03292 NO RPT	N	N	N			06/11/2005 Sat 12P	19 0	LOMBARD AVE CANYON RD	INTER S 06	CROSS 0	N TRF SIGNAL	N N N	CLR DRY DAY	S-OTHER TURN PDO	01	NONE 0 PRVTE PSNGR CAR	STRGHT S N	01	DRVR	NONE	48	F	OTH-Y N-RES	045		088 088		13 00 13
															02	NONE 1 PRVTE SEMI TOW	STRGHT S N	01	DRVR	NONE	33	M	OR-Y OR>25	000		000 000		00 00
02668 NONE	N	N	N			05/14/2005 Sat 1P	19 100	LOMBARD AVE FARMINGTON RD	ALLEY N 08	(NONE) (04)	N UNKNOWN	N N N	CLR DRY DAY	ANGL-OTH TURN INJ	01	NONE PRVTE PSNGR CAR	STRGHT N S	01	DRVR	INJC	21	M	OR-Y OR<25	000		000 000		02 00 00
																		02	PSNG	INJC	26	M		000		000 000		00 00
																		03	PSNG	INJC	19	F		000		000 000		00 00
															02	NONE PRVTE PSNGR CAR	TURN-L NW N	01	DRVR	NONE	34	M	OR-Y OR<25	028		018 000		00 02
03449 NONE	N	N	N			06/17/2005 Fri 6P	17	LOMBARD AVE FARMINGTON RD	ALLEY S 07	(NONE) (03)	N L-TURN REF	N N N	RAIN WET DAY	ANGL-OTH TURN PDO	01	NONE PRVTE PSNGR CAR	STRGHT N S	01	DRVR	NONE	26	M	OR-Y OR<25	000		000 000		02 00 00
															02	NONE PRVTE PSNGR CAR	TURN-L NW N	01	DRVR	NONE	27	F	OR-Y OR<25	028		018 00C		00 02

Freece Family Partnership
12050 SW Canyon Road
Beaverton, OR 97005

March 8, 2007

Liz Jones
Land Use Planner
City of Beaverton
P.O. Box 4755
Beaverton, OR 97076

RE: Light Rail extension, Lombard Street Access

We are writing on behalf of the businesses located for the past twenty-five years at 12050 SW Canyon Road, Beaverton Auto Parts and Active Water Sports Inc

We met with the city and officials from Trimet, Thursday, February 8, 2007. At that time it was represented to us that our Lombard Street exit will remain in tact. We were pleased to hear this. However the plans that were laid out regarding the reconstruction of this exit substantially alter and restrict the ability for delivery trucks, trailers, customers with boats, etc to access and egress this exit.

It was also our understanding pursuant to that meeting, that although you will leave the exit in tact, you will construct a wall that will restrict movement. The rails at that particular junction will be raised. We are very concerned about this, and expressed that in our meeting. It was suggested that we return and provide alternatives to the current plan. It is our hope that the following alternatives will be considered.

From my brief investigation I have found strong opposition from other merchants affected by this current route chosen. Everyone already thinks the" train has left the tracks", Trimet and the city are not going to change things. I spoke with representatives of the city and Trimet who voiced strong concerns about the Lombard street approach. Judging by their concerns, I don't believe this route is set in stone, and want to offer the following options:

A. The Wilsonville extension would join and end at the station at The Round. The city could use the old existing railroad tracks that extend from Farmington down Watson then crossing Canyon. If I am not mistaken, there are already easements in place at that intersection of the old tracks, at Watson and Canyon. Although no businesses have been held to any standard there. If the train would then travel and connect using this route, instead of running the path that they are running, it would save millions of dollars, extra crossings would not be necessary, and business exits would not be compromised. It would be a safer, cost effective, business friendly alternative. This change will not affect commuter overall transit time, or distance to Beaverton. I implore the City and Trimet consider this option.

B. Cease and desist this light rail extension saving the city and its taxpayers a huge amount of money upfront, and continuing to save money and lives in the future. We truly believe this Lombard extension to be dangerous, and unnecessary. Placing the light rail final stop on the old Wells Fargo property would solve the majority of our concerns here. There must obviously be issues with wetlands and so forth to bring the trains through Lombard to the Beaverton Transit Center.

C. Continue with the light rail extension, but leave the rails flush with the street and eliminate the wall. We are all vehemently opposed to the raised tracks, prohibiting the safe access and egress to our Lombard entrance and exit.

In the event A is not an option we respectfully request that at a minimum the rail be flush with the street to facilitate turning onto Lombard. We are trying to run profitable businesses amid the cities roadblocks. This raised rail will only cause excess traffic problems to our parking lot. We feel we have already suffered enough having lost a big chunk of our parking lot to the city when they extended Lombard from Broadway to Canyon Road. This traffic impediment will only cause our delivery trucks and three hundred plus customers daily to make dangerous maneuvers as they try to navigate the Trimet obstacle course at our Lombard entrance. We predict a dangerous situation that can only lead to damage to the wall, risk of bodily harm to pedestrians and drivers.

It is not reasonable to us, that for " a few hours in the morning and the evening" you are prohibiting easy access all day long. It is not reasonable to suggest that a raised rail is the only alternative. We have many examples all through the light rail system of traffic traveling on rail that is flush with the street.

It is our understanding that Trimet representatives are not in favor of the cement wall. So we would appreciate the city of Beaverton considering other options to assuage Trimet's concerns as well as our own.

Beaverton Auto Parts and Active Water Sports along with the Freece family have been long time, profitable, businesses in the city of Beaverton. We pay a good share of taxes, we employee a large sector of the city population, and have continued to do this for the past twenty-five years. We were very disheartened to have already lost a good piece of our property to this project.

We respectfully request the city and Trimet's consideration of our proposal to eliminate this cement wall, and raised rail at our Lombard Street entrance. We respectfully request your consideration of our business needs and assist us in maintaining a safe and accessible parking area for our customers, deliveries, and employees. I look forward to hearing from your representatives soon, so that we may reach an amicable understanding and resolution to this very disconcerting situation.

Thank you very much.

Harold Freece
Warren Freece
Wendell Freece

Cc: Kelly Taylor – ODOT Salem
Steven Witter – Trimet Project Manager

Freece Family Partnership
12050 SW Canyon Road
Beaverton, OR 97005

February 15, 2007

Liz Jones
Land Use Planner
City of Beaverton
P.O. Box 4755
Beaverton, OR 97076

RE: Light Rail extension, Lombard Street Access

We are writing on behalf of the businesses located for the past twenty-five years at 12050 SW Canyon Road, Beaverton Auto Parts and Active Water Sports Inc

We met with the city and officials from Trimet, Thursday, February 8, 2007. At that time it was represented to us that our Lombard Street exit will remain in tact. We were pleased to hear this. However the plans that were laid out regarding the reconstruction of this exit substantially alter and restrict the ability for delivery trucks, trailers, customers with boats, etc to access and egress this exit.

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A. Cease and desist this light rail extension saving the city and its taxpayers a huge amount of money upfront, and continuing to save money and lives in the future. We truly believe this Lombard extension to be dangerous, and unnecessary. Placing the light rail final stop on the old Wells Fargo property would solve the majority of our concerns here.

B. Continue with the light rail extension, but have the train's final stop be the property where the Wells Fargo building used to be. The city could build an adequate parking structure on that property, combined with some food and beverage kiosk for those who are waiting. Commuters from Wilsonville arriving in the morning and evening, would then continue their journey on foot, or use another mode of transportation to arrive at their final destination.

C. Continue with the light rail extension, but leave the rails flush with the street and eliminate the wall.

In the event A is not an option we respectfully request that at a minimum the rail be flush with the street to facilitate turning onto Lombard. We are trying to run profitable businesses amid the cities roadblocks. This raised rail will only cause excess traffic problems to our parking lot. We feel we have already suffered enough having lost a big chunk of our parking lot to the city when they extended Lombard from Broadway to Canyon Road. This traffic impediment will only cause our delivery trucks and three hundred plus customers daily to make dangerous maneuvers as they try to navigate the trimet obstacle course at our Lombard entrance. We predict a dangerous situation that can only lead to damage to the wall, risk of bodily harm to pedestrians and drivers.

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Beaverton Auto Parts and Active Water Sports along with the Freece family have been long time, profitable, businesses in the city of Beaverton. We pay a good share of taxes, we employee a large sector of the city population, and have continued to do this for the past twenty-five years. We were very disheartened to have already lost a good piece of our property to this project.

We respectfully request the city and Trimet's consideration of our proposal to eliminate this cement wall, and raised rail at our Lombard Street entrance. We respectfully request your consideration of our business needs and assist us in maintaining a safe and accessible parking area for our customers, deliveries, and employees.

Thank you very much for you consideration.

Harold Freece
Warren Freece
Wendell Freece

Cc: Kelly Taylor – ODOT Salem
Steven Witter – Trimet Project Manager

Freece Family Partnership
12050 SW Canyon Road
Beaverton, OR 97005

April 11, 2007

RE: 12050 SW Canyon Road
Construction of raised rails to block business flow of traffic onto Lombard

Our building has been and will continue to be adversely impacted by the rail line. Trimet says we are not entitled to economic damages. But we have suffered and will continue to suffer severe economic damages due to this project. If we are not entitled to be further compensated, then we would respectfully request the city help us resolve the impact the raised rail at Lombard and our side entrance will have going forward.

We have already lost a large section of that part of our parking lot during the Lombard extension. This narrowing has created a continual traffic hazard in our lot that the city has never really addressed to our satisfaction. Now we must put in stops that will take another foot to two feet from the maneuvering room of our customers and deliveries.

We witness daily the safety hazard posed on Canyon and subsequently Lombard to the pedestrian traffic that exists from the Transit Center to Broadway. Do you really intend to jeopardize the public further so that you may have this train run through one of the busiest intersections in downtown Beaverton? Please take a look at the alternatives we have tried to discuss in the attached letter.

If you decide yes, we must go forward, then, we implore the city to take a closer look at the negative impact it is creating at our business intersection. Please help us address the economic hardship this project will impose on Active Water Sports Inc, and Beaverton Auto Parts Inc. Trimet has told us repeatedly that it is the city we must address with our concerns. So we are addressing them here.

Please help our two businesses come to terms with the impact on our customer traffic, which in turn we are sure will send our customers to other retail locations with adequate, safe, customer friendly parking.

EXHIBIT F

CITY of BEAVERTON

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

NOTICE OF DECISION

May 4, 2007

To Whom It May Concern:

Attached, please find a copy of the approved Land Use Order finalizing the PLANNING COMMISSION decision for **DR2006-0157 / CU2006-0018 / PTF2006-0003 / TP2006-0022 (Commuter Rail Project).**

The PLANNING COMMISSION decision is final within, but may be appealed within ten (10) calendar days after the date the signed notice is dated and mailed. The appeal closing date is **5:00 p.m., Monday, May 14, 2007.** Pursuant to Section 50.70, an appeal application shall contain the following minimum information:

1. The case file number designated by the City.

2. The name and signature of each appellant.

3. Reference to the oral or written evidence provided to the decision-making authority by the appellant that is contrary to the decision.

4. If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision-making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.

5. The specific approval criteria, condition, or both being appealed, the reasons why the finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.

6. The appeal fee, as established by resolution of the City Council.

The appellate decision making authority on appeal of Type 3 decision shall be the City Council. The appeal hearing shall be *de novo*, which means new evidence and

argument can be introduced in writing, orally, or both. The hearing of the appeal shall be conducted in the manner specified in Section 50.85 through 50.88 except as otherwise required by statute.

Please note that the failure to comply with the requirements of Sections 50.70.1 and 50.70.2 is jurisdictional and deprives the appellant of an opportunity for the appellate decision making authority to hear an appeal.

The current appeal fee due at time of filing is $1,314.00. The fee amount depends upon the action being appealed and the number of appeals being filed. Furthermore, pursuant to Section 50.70.5.E if the appeal is requested to be on the record, a fee to cover the cost of preparing a transcript of the decision-making authority proceedings is required. The appellant shall remit a fee to cover the cost of the transcript of the decision-making authority's proceedings within five (5) days after the Director estimates the cost of the transcript. Within ten (10) days of the notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. If the estimate exceeds the cost, the balance shall be refunded.

The complete case file is available for review at the Development Services Division, Community Development Department, 2nd Floor, City Hall, 4755 SW Griffith Drive. Hours of operation are 7:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays. For more information about the project, please contact Liz Jones at **503-350-4082**.

Sincerely,

Steven A. Sparks, AICP
Development Services Manager

cc: Jim Duggan
Frank Angelo
Robert Knight
Mark Greenfield
Joseph Schaefer
Ruth Tuttle
Denny Jones
Brad Roast
Darla King
Naomi Vogel-Beattie
Steve Witter
Phil Jones
Larry Derr
Jill S. Gelineau
Ken Kirse
Tulio Larrinaga
ODOT
Jeb Doran
Mark Whitlow
Warren Freece
Isa Taylor

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BEFORE THE PLANNING COMMISSION FOR THE CITY OF BEAVERTON, OREGON

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City of Beaverton, City Recorder:
4755 SW Griffith Drive
P.O. Box 4755
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR DESIGN REVIEW THREE APPROVAL FOR THE SPECIFIC IMPROVEMENTS WHICH ARE PROPOSED OUTSIDE PUBLIC RIGHT-OF-WAY (COMMUTER RAIL PROJECT). TRI-MET, APPLICANT.	)	ORDER NO. 1960 APPROVING DR2006-0157 COMMUTER RAIL PROJECT DESIGN REVIEW THREE

This matter came before the Planning Commission on April 11, and April 25, 2007, on a request for a Design Review Three approval for the specific improvements which are proposed outside public right-of-way. The proposed site is generally located along the SW Lombard Avenue corridor, between the Beaverton Transit Center and SW Farmington Road. Proposed work is to be located in the SW Lombard Avenue, SW Canyon Road, SW Broadway, SW Beaverton Hillsdale Hwy, and SW Farmington Road, SW Millikan Way rights-of-ways and on the following properties identified as: Map 1S115BA Tax Lot 1400, Map 1S115BB Tax Lot's 203, 200, 504, 507, 505, 300, 3200, 4000, 3700 5800, 501, Map 1S11CC Tax Lot 1400, and Map 1S110CD Tax Lot 1301.

Pursuant to Ordinance 2050 (Development Code), Sections 50.15.2 and 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 April 4, 2007, as amended, and staff memoranda dated April 11, 2007 (Exhibit 4.7 and 4.8), April 20, 2007 (Exhibit 4.10), and dated April 25, 2007 (Exhibit 4.13 and 4.14), as findings in response to the applicable approval criteria contained in Sections 40.03 and 40.20.15.3.C of the Development Code (ORD 4302). The Commission also adopts the following supplemental findings in response to the issues identified by the Commission and participants in these proceedings.

Process. The Commission closed the public hearing on the Commuter Rail Project applications during the hearing of April 11, 2007 and held the public record open for submittal of written testimony and materials for seven (7) calendar days until April 18, 2007 at 4:30 p.m. Pursuant to ORS 197.763 (6) the Commission held the record open at the request of multiple participants and pursuant to ORS 197.763 (6),(7) the Commission on request of multiple participants reopened the record on April 25, 2007 for responses to any new matter submitted. All parties who asked to submit a response were heard on April 25, 2007 and the record then was closed.

Property included in this application. The Commission heard requests by the owners of various properties abutting this project that the Commission review and

approve those owners' submittals of proposed access and circulation patterns on the remainders of those properties in the after state and outside the area of the applicant's partial taking of some of those properties. These owners argued that Code Section 60.05.40.1 and 60.55.20 requires review and approval of access and circulation on those remainder sites as part of the review of this application. The applicant at the reopened proceedings on April 25, 2007 agreed to include only the access and circulation to the remainder site on property owned by Shadrall Associates and occupied by the Bed Bath and Behind retail store as part of this application but not any other remainder sites. As stated in the staff memorandum dated April 20, 2007, there is no application before the Commission for the reconfiguration of the remainder sites outside the project boundary except as agreed by the applicant. The applicant may not apply for land use approval of physical improvements on property as to which the applicant has no legally recognized property interest except with that property owner's permission (as was granted by Shadrall as owner and Bed Bath as tenant as to that one property and by Goodyear Tire for relocated parking and driveway and Union 76 for the Lombard Avenue driveway relocation.) The Commission finds that the Code section cited above does not apply to the remainder sites so long as the application provides for access and circulation to and from those remainder sites. The Commission finds that this criterion as to access and circulation is met as stated in the proposed findings in the staff reports referenced above and as the Commission further finds in these Findings and Order. Instead, the Commission finds that any effect this application

may have on access and circulation within the remainder sites is properly a subject of severance damages resulting from the applicant's partial taking of those properties (if any) and may be reviewed by the city only in the course of a separate application that has not yet been filed. The Commission further finds that, in any case, no one has submitted written proposals for alternate access and circulation on those other remainder sites (Union 76 and Napa Auto) with a request for Commission review.

Condition of Approval #59. The Condition of Approval identified at #59, addresses the requirement to construct improvements on the Jin Wah and Dutch Import properties, which was the subject of discussion during the hearing of April 11, 2007 and during the hearing of April 25, 2007. In a letter dated April 18, 2007, the applicant requested the condition be modified to provide flexibility for the potential change in ownership prior to operation of any commuter rail train. In response to TriMet's request, staff prepared a memorandum dated April 20, 2007 to recommend the Commission revise the original condition, consistent with the applicant's request. During the hearing of April 25, 2007, the Commission obtained clarification from staff that the revised condition would provide more flexibility and would provide less of an assurance that the proposed improvements would be constructed at the Jin Wah and Dutch Import properties. As proposed, the improvements are intended to be interim improvements to preclude nonconforming uses and hazardous conditions from locating on the properties until redevelopment occurs. The Commission made findings demonstrating the condition of approval

was necessary as originally written and that flexibility for a change in ownership does not meet technical criterion 40.03.8.

Left turn vehicular movements crossing the tracks. The Commission read and heard evidence from multiple property owners abutting Lombard Avenue corridor as to the loss of left turn movements from driveways along the future rail corridor. Affected properties include Union 76, Shadrall/Bed Bath and Napa Auto/Beaverton Watersports. The applicant responded that vehicular crossings over the tracks are regulated by ODOT Rail and that agency has disallowed such crossings. The Commission finds that this matter thus is outside its jurisdiction and that the project otherwise meets the criterion of Code Section 40.03.7, providing safe vehicular connections to the surrounding street system as allowed by ODOT Rail.

Bed Bath site. The Commission read and heard evidence as to proposed improvements on the remainder site (after a partial taking, the area to be taken being included within the project boundaries and this application) at the Bed Bath property. The applicant at the reopened proceeding on April 25, 2007 agreed with that property's owner and tenant to include the remainder site within this application in the form shown on a revised site plan, Exhibit 2.15. Those three parties then agreed on the record to remove all references on that site plan to relocation of existing signage. The Commission adopts Condition of Approval #35 to include the site plan modifications of the Bed, Bath, and Beyond property within the land use applications for the Commuter Rail project as illustrated in Exhibit 2.15, to be further modified as needed to ensure the parking and drive aisles meet

City Code standards (to be determined by the city traffic engineer). The intent of this condition is for changes to be made to the plan only as necessary for compliance with Development Code and Engineering Design Manual standards. As to other concerns raised by the tenant (Bed Bath) as to construction scheduling, preservation of street access and so forth, the Commission finds that those matters are properly the subject of a city site development permit and not within the Commission's jurisdiction.

Bed, Bath Site Objections. In written testimony dated April 18, 2007, representatives of Bed, Bath, and Beyond and Shadrall Beaverton, LP, raised a variety of issues including but not limited to alleged access and circulation deficiencies on the Bed, Bath property and alleged violations of Beaverton Comprehensive Plan Policy 6.2.4.3 and Development Code 40.57.15.1.C.1 through 7, 50.25.1, and 60.55.20. TriMet responded to these allegations in a letter to the Beaverton Planning Commission dated April 25, 2007. The Planning Commission finds that by their recommending approval of TriMet's revised site plan shown as Exhibit 2.15, and their joining in TriMet's application as it relates to the Bed Bath/Shadrall property, Bed Bath and Shadrall effectively withdrew their objections to TriMet's applications as set out in their letters of April 18, 2007 and in prior correspondences to the Planning Commission. The Planning Commission agrees with TriMet's responses to each of the alleged violations set out in the April 18, 2007 letters from Bed, Bath and Shadrall, and by this reference it incorporates TriMet's April 25, 2007 letter into these findings.

Goodyear. The Commission heard evidence that the application did not accurately reflect the existing driveway improvements at the Goodyear site and the proposed driveway location and width would not be adequate for the site. The applicant then adjusted the site plan to accurately show the existing driveway and modified the proposed driveway alignment to meet the concerns of the property owner. The Commission received a revised site plan, identified as Exhibit 2.14 illustrating a revised northern Lombard Avenue driveway with a width of 37 feet. The Commission adopts Condition of Approval #20 to require the applicant to incorporate the revised driveway configuration into the site development permit drawings.

THEREFORE, IT IS HEREBY ORDERED that **DR2006-0157** is approved, based on the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts and findings and conclusions found in the Staff Report dated April 4, 2007, as amended, and staff memoranda dated April 11, 2007 (Exhibit 4.7 and 4.8), April 20, 2007 (Exhibit 4.10), and dated April 25, 2007 (Exhibit 4.13 and 4.14) and as supplemented by the materials provided for the Commission in advance of the Public Hearing on April 25, 2007, and the supplemental findings contained herein.

Prior to issuance of the site development permit, the applicant shall:

1. Provide for or contract with professional consultants to design and monitor the construction for any work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4303 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (February 2004, Resolution and Ordinance 2004-009), and the City

Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)

2. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4303; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)

3. Provide a guarantee for all improvements within the 100 year floodplain and all improvements to be owned and maintained by the City, site grading, storm water management (quality and quantity) facilities, and common driveway paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)

4. Submit any required easements for City maintained improvements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)

5. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for work within, and/or construction access to Canyon Road. (Site Development Div./JJD)

6. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)

7. Submit a copy of issued permits or other approvals needed from the Clean Water Services District for storm system connections, wetland vegetative corridors, and any construction affecting an Agency sanitary-sewer trunk main (24 inches in diameter or larger). (Site Development Div./JJD)

8. Submit to the City a copy of the completed 1200-C General Permit (DEQ/CWS/City Erosion Control Joint Permit) application submitted to Clean Water Services for soil disturbance proposed by the project or provide a copy of an equivalent permit executed by Oregon DEQ that encompasses this specific project. The applicant shall use the 2006 plan format per requirements for sites between 1 and 4.99 acres adopted by DEQ and Clean Water Services. (For more information and to access the new format, see

http://www.cleanwaterservices.org/PermitCenter/1200C/default.aspx
(Site Development Div./JJD)

9. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the project with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plains and flood ways. (Site Development Div./JJD)

10. Provide a final engineering analysis of the grading and construction work proposed within the 100-year floodplain and floodway as necessary to allow for a public notice to be published in a local newspaper by the City Engineer for the proposed floodplain modifications. This analysis shall include all creek channels and floodplain areas affected by the project on Beaverton, Fanno, and Hall Creeks. The applicant's engineer shall certify in writing that the project as designed will meet the requirements of City Code and Clean Water Services Resolution and Order 2004-009 as they refer to the 100 year floodplain, prior to this notice being sent in addition to a zero rise certification on FEMA standard form for all creeks affected, Beaverton, Fanno, and Hall. The public notice and a 10 day appeal period shall occur after final approval of the site development permit plans by the City Engineer and Planning Director. (Site Development Div./JJD)

11. Have obtained the City Building Official's approval of the proposed site utility plan for private plumbing needed to serve the development including private fire suppression systems, backflow prevention measures, and regulated utility service locations outside the proposed building pads. (Site Development Div./JJD)

12. Provide construction plans that show how each lot and ownership affected will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)

13. Provide plans that show a sanitary sewer extension stubbed to the northeastern remnant parcel located just south of the Broadway / Lombard intersection. (Operations / SB)

14. Provide plans showing a CONTECH, Inc., Stormfilter system (for treatment of the site's piped surface water runoff) with a minimum of 3.0 cartridges per tributary impervious acre for those areas proposed to be treated with such a system. Plans shall also show a trash capture water quality pre-treatment unit (ex: CDS manhole, Snout installation or City of Beaverton approved equivalent as determined by City Engineer) located in front any Stormfilters or ahead of piped detention systems. Plans shall also show a high flow bypass system to bypass surface water runoff high flows (flows greater than the 5-year design storm) around any Stormwater vaults. (Site Development Div./JJD)

15. Submit to the City a certified impervious surface determination of the proposed project's net new impervious area proposed for any common areas and private streets prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for the common areas and private streets. In addition, specific types of impervious area totals, in square feet, shall be given for parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surface, the new impervious surface area created, and total final impervious surface area on the entire site and individual lots. (Site Development Div./JJD)

16. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed for the project outside of a public street area. (Site Development Div./JJD) (Site Development Div./JJD)

17. Provide plans for street lights (Option C unless otherwise approved by the City Operations and Maintenance Director) and for the placement of underground utility lines along the affected portions of Canyon Road, Broadway, and for any new services to new facilities proposed with the project. (Site Development Div./JJD)

18. Provide plans showing a City standard commercial driveway apron at the intersection of any private, common driveway and a public street. (Site Development Div./JJD)

19. Provide revised plans and details that illustrate a direct ADA compliant pedestrian connection from the station ramp to the existing crosswalk at the center of the Beaverton Transit Center and on the west end of the station ramp. In the event a direct connection cannot be provided at the east location, the applicant shall provide a crosswalk at a different location on the east side of the station to be approved by the Director. The pedestrian connections shall be of a different texture and color than the vehicular

circulation areas, consistent with the existing texture crosswalks. (Development Services / LJ)

20. Submit revised plans that illustrate the 37 foot driveway on the north side of the Goodyear site, which provides access to SW Broadway. (Development Services / LJ)

21. Obtain approval of the associated Conditional Use (CU2006-0018), Public Transportation Facility (PTF2006-0003), and Tree Plan (TP2006-0022) applications, prior to construction of the improvements associated with the subject Design Review request. (Development Services / LJ)

22. Dedicate public street right of way on the north side of Canyon Road at the northwest corner of the intersection of Canyon Road and Lombard Avenue to allow for half street improvement of the future ultimate street cross-section which includes seven 12 foot travel lanes, 5 foot bike lanes, 5 foot planter strips and 10 foot side walks per Oregon Department of Transportation Principal Arterial Standards and the City of Beaverton Major Pedestrian Route standards. (Transportation Div. / JK)

23. Submit plans showing the location and signing of six temporary designated parking spaces on the south side of Old B/H Highway for use by the customers of the Goodyear Store during the construction of the Commuter Rail Project. Signage shall be removed within 30 days of the completion of the Project. (Transportation Div. / DG)

24. Provide plans that show the provision of 10 covered and lighted long term bicycle parking spaces at the station platform. (Transportation Div. / DG)

25. Submit plans showing the realignment of the crosswalk at the east leg of the intersection of SW Farmington and SW Lombard (Farmington westbound approach) and the relocation of the automatic gate at the east leg of the intersection to the east of the realigned crosswalk per OAR 741-110-0040. (Transportation Div. / DG)

26. Submit revised plans illustrating a barrier such as wheel stops at all parking spaces where there is no separation between parking stalls and right-of-way. The wheel stops shall be located with a minimum setback of three (3) feet from the edge of the right-of-way. If the applicant is unable to place wheel stops on private property, including but not limited to the properties on which Goodyear, Napa Auto Parts, and Magnolia Hi-Fi are located, the applicant shall construct a decorative wall and locate bollards of at least three (3) feet in height within the right-of-way along the frontage of

properties where parking abuts the right-of-way. The bollards shall be placed opposite each parking stall. (Development Services / LJ)

27. Submit revised landscape plan that illustrates no lawn within the remnant parcels of Jin Wah and Dutch Imports. The primary surface material shall be a variety of shrubs, trees, and groundcovers, similar in design to the area between Broadway and Farmington on the west side of the multi-use path. (Development Services / LJ)

28. Submit verification that the multi-use path is located entirely within public right-of-way. (Development Services / LJ)

29. Submit revised lighting plans which illustrate lighting to City standards for the entire length of the project, including but not limited to the Lombard right-of-way and the entire multi-use path. (Development Services / LJ)

30. Submit revised plans to illustrate that the northern-most wheel stops and parking stalls to be located entirely on the Goodyear property, with no portion of the stall or wheel stop encroaching into the multi-use path. (Development Services / LJ)

31. Submit a performance security or cash deposit equal to 110 percent of the cost of the non-rail improvements, including but not limited to site landscaping, and other features not covered by the public improvements performance security. All performance securities submitted shall itemize the cost of materials and labor. (Development Services / LJ)

32. Provide all construction methods to reduce or eliminate adverse effects on the trees proposed to remain. Preservation methods shall be incorporated into the construction documents and shown on the approved site development permit plans. (Development Services / LJ)

33. Designate and establish with the project arborist the Tree Protection Zone (TPZ) for each tree to be retained. Where feasible, the TPZ shall be established at the dripline of the tree or grove as minimum. If infrastructure (roads, sidewalks, and utilities) must be installed closer to the trees, the TPZ may be established within the dripline area if the project arborist determines that the identified trees to be retained will not be unduly damaged. (Development Services / LJ)

34. Provide revised plans illustrating street trees on Lombard Avenue frontage adjacent to the apartment site, between the relocated Millikan driveway and the existing Hall Creek bridge. The applicant shall coordinate with the City

Engineer for the final placement, number, and spacing of street trees within this section of right-of-way. (Development Services / LJ)

35. Submit as part of the Site Development permit application, a modified plan which reflects the improvements on the site plan for the Bed, Bath, and Beyond site dated 4-23-07 (Exhibit 2.15). The plan shall be amended in coordination with City staff to meet parking and drive aisle standards of the Development Code and Engineering Design Manual and shall be amended to remove any reference of the relocated signs from the plan. (Development Services / LJ)

Prior to the start of heavy construction, the applicant shall:

36. Provide and establish all tree protection construction fencing located around trees beyond the edge of their root zone or as approved by the City and Project Arborist. The fence shall be placed before physical development starts and remain in place until physical development is complete. The fence shall be a minimum four (4) foot tall orange plastic or snow fence, secured to six (6) foot tall metal posts, driven two (2) feet into the ground. Heavy 12 gauge wire shall be strung between each post and attached to the top and midpoint of each post. Other City approved stringent protection measures can be required through consultation by the City's Arborist and recommended by the Project Arborist's report dated February 20, 2006 and updated October 17, 2006, which may provide equal or greater protection for some tree areas. (Development Services / LJ)

37. Colored tree flagging indicating that this area is a tree protection zone is to be placed every five (5) linear feet on the fence to alert construction crews of the sensitive nature of the area. (Development Services / LJ)

38. Clearly and specifically mark all trees to be removed with construction flagging, tree-marking paint, or other methods approved in advance by the project arborist. (Development Services / LJ)

39. Protect root zone of each tree to be retained or where practicable for 'Possible Preserve' trees, the following development shall not be permitted within the root zone:
    - Construction or placement of new buildings.
    - Grade change or cut and fill, except where hand excavation is approved with the submittal of an arborist's report, as part of application approval.
    - New impervious surfaces, except where approved with the submittal of an arborist's report in coordination with the City Arborist.

- Trenching for utilities, irrigation, or drainage, except where approved with the submittal of an arborist's report in coordination with the City Arborist.
- Staging or storage of any kind.
- Vehicle maneuvering or parking. (Development Services / LJ)

40. Direct the project arborist to hold a tree protection meeting on site with all contractors and City staff for each major project phase to fully explain the requirements of tree removal and tree protection on the site. Applicant shall notify City at least 7 days prior to meeting date. (Development Services / LJ)

41. Direct the project arborist to have all sub contractors sign a memorandum of understanding that contains the requirements of tree protection. (Development Services / LJ)

42. Provide to the City's Project Planner and Site Development Plan Reviewer a report that all tree construction fencing has been established and approved by the Project and City Arborists. (Development Services / LJ)

43. Complete all tree limbing and pruning to City Standards, under the supervision of the Project Arborist's, prior to any grubbing near the trees. (Development Services / LJ)

During Construction, the applicant shall:

44. Maintain all tree protection fencing as approved and established by the City and Project Arborists. (Development Services / LJ)

45. Direct the City arborist in consultation with the project arborist to monitor construction activities and progress, and provide written reports to the developer and the City's project planner and arborist at regular intervals to be determined prior to construction. (Development Services / LJ)

Prior to building permit issuance for any private plumbing, electrical, or other building permit needed for the project, the applicant shall:

46. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)

47. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

48. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./JJD)

49. Pay a storm water system development charge (overall system conveyance) for the net new impervious area proposed. (Site Development Div./JJD)

50. Have a professional architect or engineer submit plans and specifications to the City Engineer and City Building Official verifying that the all elements of any new building, electrical, or private plumbing construction at the Beaverton Transit Center is proposed to be constructed of Federal Emergency Management Agency (FEMA) defined flood-resistant materials to at least (180.24 feet, NGVD-29.) two feet above the base flood elevation (178.24 feet, NGVD-29.). (Site Development Div./JJD)

Prior to operation of any commuter rail train or test vehicle on the trackway within the City right of way north of Farmington Road the applicant shall:

51. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)

52. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)

53. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)

54. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)

55. Have obtained an Industrial Sewage Permit from the Clean Water Services District (CWS, formerly USA) and submitted a copy to the City Building

Official if an Industrial Sewage permit is required, as determined by CWS. (Site Development Div./JJD)

56. Have a professional architect, engineer, or surveyor submit a certification on Federal Emergency Management Agency (FEMA) standard form, to the City Building Official, verifying that the all elements of any new construction at the Beaverton Transit Center has been constructed of FEMA defined flood-resistant materials or elevated to at least (180.24 feet, NGVD-29) two feet above the base flood elevation (178.24 feet, NGVD-29). (Site Development Div./JJD)

57. Submit a plan which has been approved by the Community Development Director for the final landscape and site design for the remnant open space pieces along Lombard, between Broadway and Farmington. The final design shall be urban in form. (Development Services / LJ)

58. Demonstrate that an intergovernmental agreement (IGA) exists defining the responsibilities of the City and the owners and operators of the Commuter Rail system regarding the installation, operation and maintenance of the Commuter Rail facilities, including the trackway, pavements, signing, crossing gates, crossing signals and the traffic signals that regulate the operation of the Commuter Rail trains and other traffic within the public right of way north of Farmington Road. To satisfy this condition, the IGA shall have been approved by both the Beaverton City Council and all parties involved in the operation of the Commuter Rail system. A rail crossing order approved by the Oregon Department of Transportation may be accepted in lieu of the IGA if the crossing order clearly assigns the responsibilities for installation, operation and maintenance as described above. (Transporation / DG)

59. Construct and install all improvements as shown on the landscape and site plans for the Jin Wah and Dutch Import remnant parcels or the City shall be in receipt of a land use application for improvements on that site.

60. Provide a barrier such as wheel stops at all parking spaces where there is no separation between parking stalls and right-of-way. The wheel stops shall be located with a minimum setback of three (3) feet from the edge of the right-of-way. If the applicant is unable to place wheel stops on private property, including but not limited to the properties on which Goodyear, Napa Auto Parts, and Magnolia Hi-Fi are located, the applicant shall construct a decorative wall and locate bollards of at least three (3) feet in height within the right-of-way along the frontage of properties where parking abuts the right-of-way. The bollards shall be placed opposite each parking stall. (Development Services / LJ)

Prior to release of performance security, the applicant shall:

61. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)

62. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)

63. Submit any required easements for City maintained improvements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)

64. Provide an additional performance security for 100 percent of the cost of twice-a-year (6-month interval) cleaning, maintenance, and filter recharge/replacement by CONTECH Inc., for the StormFilter cartridges for a two-year period, as determined by the City Utilities Engineer. Alternatively, provide evidence satisfactory to the City Utilities Engineer of a pre-paid service contract with CONTECH for maintenance of the StormFilters consisting of cartridge replacement and sediment removal per manufacturer's recommendations for a two year period from the date of performance acceptance. (Site Development Div./JJD)

65. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the treatment vegetation within any surface water quality facility, vegetated corridor, and the wetland mitigation areas, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record and landscape architect (or wetland biologist) that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./JJD)

66. Provide evidence the sanitary sewer was extended and a sewer stub was provided to the northeastern remnant parcel located just south of the Broadway / Lombard intersection. (Operations / SB)

67. Provide 10 covered and lighted long term bicycle parking spaces at the station platform. (Transportation Div. / DG)

68. Show proof of recordation of a consolidation of the two remnant parcels of Dutch Imports and Jin Wah properties (1S115BB00300 and 1S115BB00505). (Development Services / LJ)

69. Install all site improvements, including grading and landscaping shall be completed in accordance with plans marked "Exhibit A". (On file at City Hall).

70. Complete all construction in accordance with the Materials and Finishes form and Materials Board, both marked "Exhibit B", except as modified by the decision making body in conditions of approval. (On file at City Hall). (LJ/Development Services)

71. Complete all construction in accordance with the elevations and plans marked "Exhibit C". (On file at City Hall). (LJ/Development Services)

72. Ensure deciduous trees where approved shall have been planted and have straight trunks, be fully branched, have a minimum caliper of 1-1/4 inches and a minimum height of 8 feet at the time of planting. Deciduous trees can be supplied bare root provided the roots are protected against damage. Each tree is to be adequately staked. (LJ/Development Services)

73. Ensure coniferous trees where approved shall have been planted and have used trees that were balled and burlapped or were within suitable containers in which the tree had grown for one year. Each tree shall be a minimum of 6 feet in height, fully branched, and adequately staked at the time of planting. (LJ/Development Services)

74. Ensure ground cover plantings shall have been planted at a maximum of 30 inches on center and 30 inches between rows. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container, or a 2-1/4 inch container if planted 18 inches on center. (LJ/Development Services)

75. Ensure deciduous or evergreen shrubs shall have been planted and have used shrubs supplied, at a minimum, in one-gallon containers or 8 inch burlap

balls with a minimum spread of 12 inches to 15 inches. (LJ/Development Services)

76. Ensure landscaped areas approved to be planted in grass, shall have sod placed between October 1 and May 1. Grass seed is approved as an option at other times of the year. (LJ/Development Services)

77. Provide all landscape areas shall be served by an underground landscape irrigation system.

Motion CARRIED, by the following vote:

AYES:	Johansen, Winter, Bobadilla, Platten, San Soucie, and Maks.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Stephens.

Dated this 4th day of May, 2007.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1960, 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, May 14, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

LIZ JONES
Associate Planner

STEVEN A. SPARKS, AICP
Development Services Manager

APPROVED:

FOR DAN MAKS
Chairman

MEMORANDUM

City of Beaverton

Office of the City Recorder

To: Mayor Drake and Councilors

From: Sue Nelson, City Recorder

Date: May 29, 2007

Subject: **Agenda Bill 07114: Appeal of Commuter Rail Project: APP 2007-0009/APP 2007-0010 (Freece); APP 2007-0011/APP 2007-0012/ APP 2007-0013 (Shadrall)**

The complete agenda bill and all attachments for Agenda Bill 07114 are available for review in the City Recorder's Office on the third floor of Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, OR. The office is open weekdays between 8:00 a.m. and 5:00 p.m. Due to the large volume of the attachments, they were not included with the agenda bill and staff report on the Web site.

If you have any questions regarding this item, please call (503) 526-2650.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Amending Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to Apply the City's Station Community Plan Designation to Two Properties Located in Northern Beaverton; CPA2006-0018
(SW Baltic Avenue/SW Barnes Road)

FOR AGENDA OF: 06/04/07 **BILL NO:** 07115

Mayor's Approval: Linda C. Gaddis

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 05/25/07

CLEARANCES: City Attorney US
Planning Services HB

PROCEEDING: First Reading

EXHIBITS:
1. Proposed Ordinance with Exhibit A: Pages 1-2
2. Staff Reports: Pages 3-36
3. Letter from Washington County Senior Planner Greg Leion: Pages 37-38
4. Planning Commission Final Order No. 1964: Page 39-41

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

This proposal is to apply the City's Station Community (SC) Comprehensive Plan designation to two parcels annexed to the City in 1998.

At the time the subject site was annexed, it was within the Barnes Road right-of-way, and as a result did not appear on the City or County parcel maps. In 1997 Washington County adopted Ordinance No. 484 which amended the Cedar Hills-Cedar Mill Community Plan and assigned transit oriented plan designations to properties throughout the vicinity. However, because the site was not shown as property at the time, no zoning was assigned. The area was annexed in 1998. In 2002 the Oregon Department of Transportation (ODOT) declared that the site was excess property, established two parcels, and sold them to the owner of the abutting property. The properties subsequently appeared on the City's maps without land use designations. Without an apparent pre-existing County plan designation, the City needed to exercise discretion in interpreting the Beaverton-Washington County Urban Planning Area Agreement (UPAA) to determine the appropriate plan and zoning map designations for the properties. Staff, therefore, proposed that the City apply a land use designation reflective of the County's Station Community planning for the area.

County staff recently made a determination that the site had been assigned Washington County's Office Commercial (OC) designation in 1983, before it was acquired by ODOT, and that this zoning is still in effect. This determination makes it possible for staff to use a non-discretionary annexation related process in applying appropriate zoning to the properties. Staff, therefore, withdrew the zoning segment of the initial proposal since the UPAA specifies that the City must apply its Office Commercial Zoning Map designation to properties designated OC by the County. However, because the City no longer has the Comprehensive Plan Land Use Map designation specified in the UPAA corresponding to the County's OC designation, staff is proceeding with this proposal to apply the City's Station Community plan designation to the properties.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map to implement CPA2007-0007. The Planning Commission unanimously approved the proposal at their May 2, 2007 meeting.

RECOMMENDED ACTION:

First Reading

EXHIBIT 1

ORDINANCE NO. 4439

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP FOR TWO PROPERTIES LOCATED IN NORTHERN BEAVERTON; CPA2006-0018

WHEREAS, the site of the properties was annexed to the City of Beaverton through Boundary Commission Ordinance 3978, in 1998, granting the City authority to apply Beaverton's Comprehensive Land Use and Zoning Map designations and related Development Code standards to the properties after they were created from excess property by the Oregon Department of Transportation in 2002; and

WHEREAS, the Planning Commission held a public hearing on May 2, 2007, to consider CPA2006-0018, consider comments, and take testimony; and

WHEREAS, on May 2, 2007, the Planning Commission recommended approval of the application based upon the Staff Report dated February 25, 2007 and Supplemental Staff Report dated May 2, 2007, incorporated herein by reference; and

WHEREAS, Final Order No. 1964, was prepared memorializing the Planning Commission's decision, and no appeal therefrom was submitted; now, therefore

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map (Figure III-1) is amended to designate the subject properties Station Community (SC) 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:

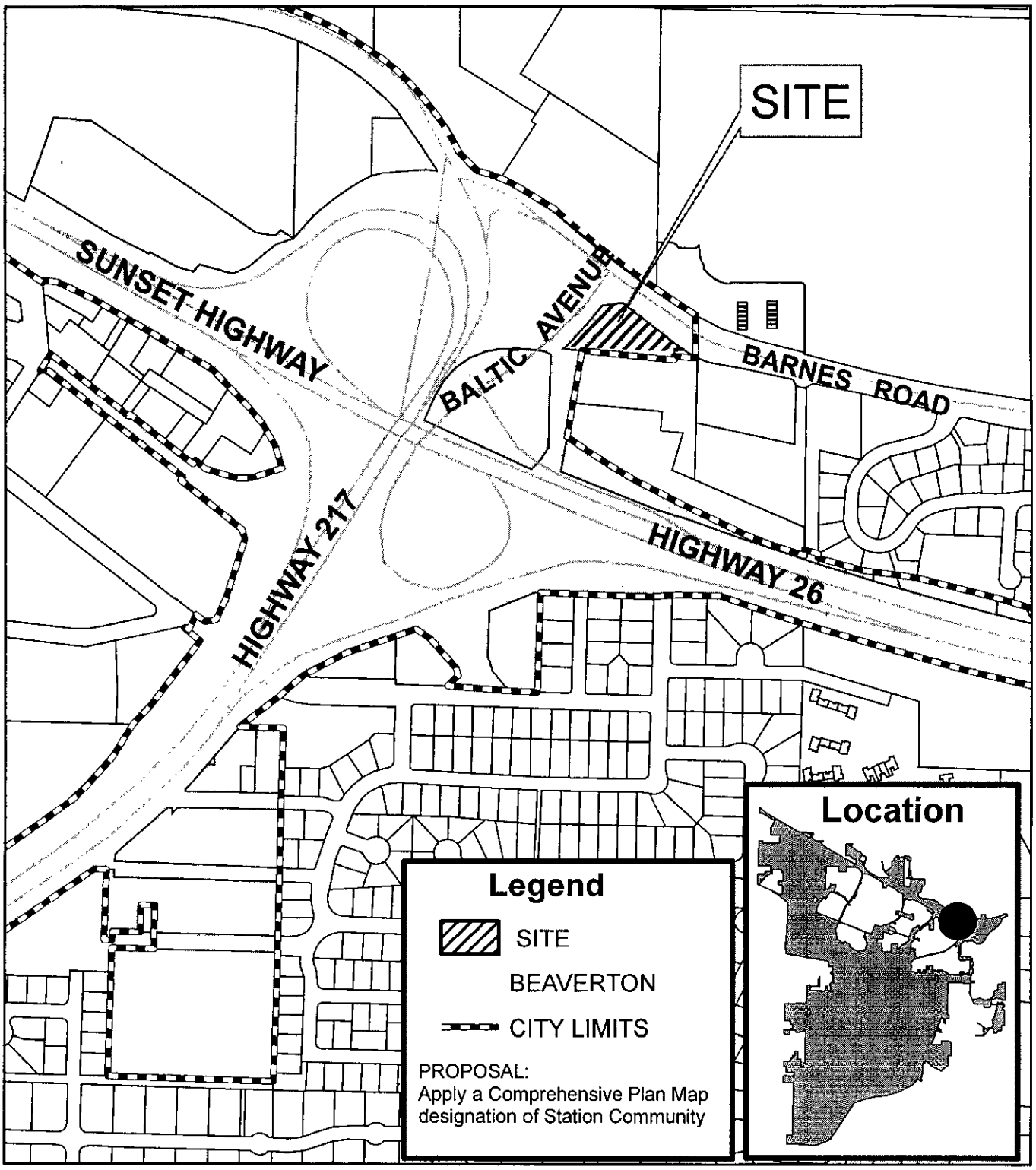
_____ _____

SUE NELSON, City Recorder ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE NO. 4439

EXHIBIT A



City of Beaverton

Baltic Ave / Barnes Rd

12/15/06

1S102DC05300
1S102DC04304

N

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

CPA2006-0018

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: Planning Commission

AGENDA DATE: February 14, 2007 **REPORT DATE:** 2/7/2007

FROM: Jeff Salvon, AICP, Senior Planner

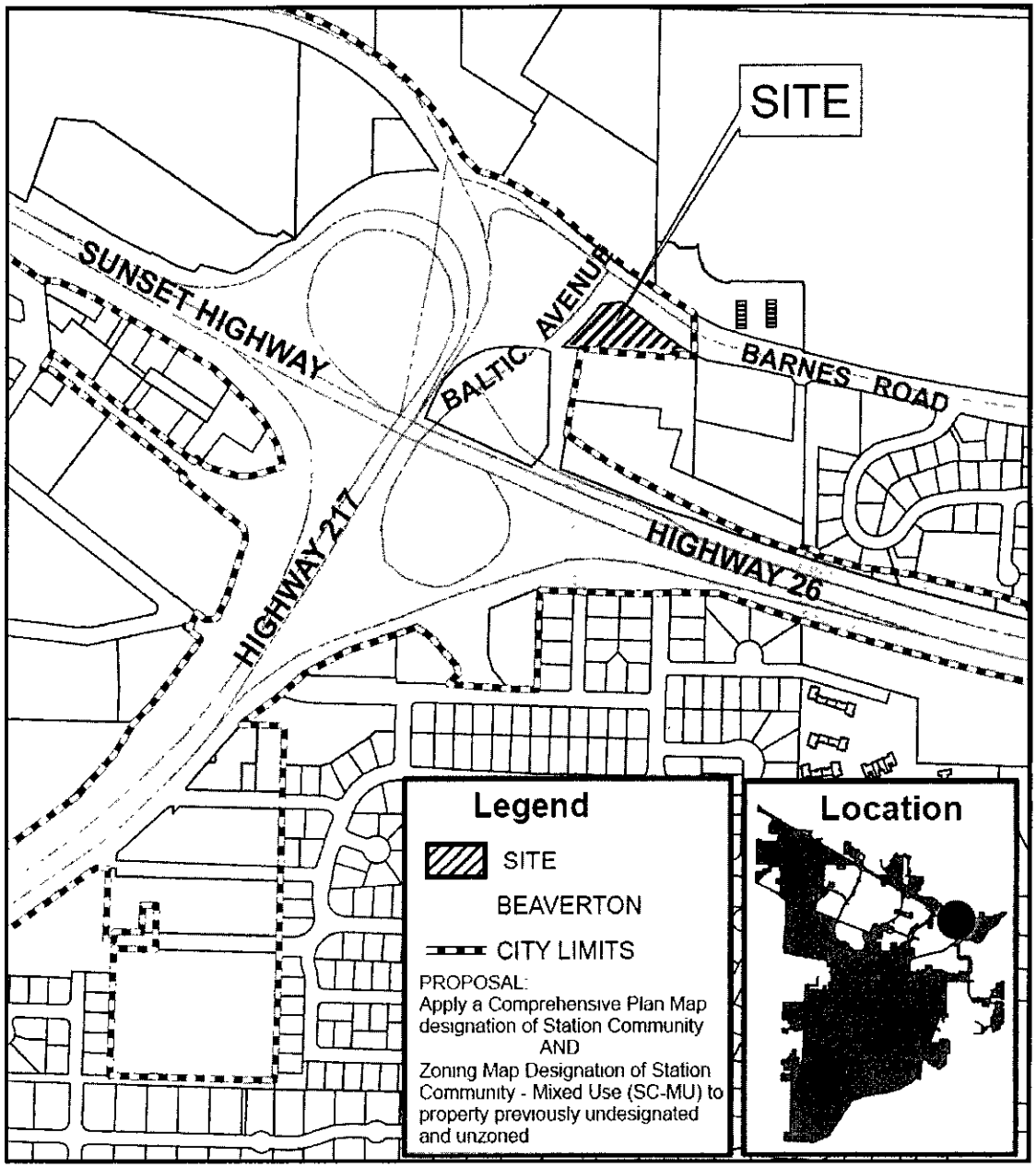
SUMMARY: The subject site was annexed into the City in 1998 when it was State owned right-of-way. At the time of annexation, the site had not been assigned a land use designation by Washington County because it was in the right-of-way. The State declared the this area surplus in 2002 and vacated the area dedicated to the old SW Barnes Road prior to the street realignment. The State then sold the parcels in 2003 to the abutting property owner. Since the sale of the parcels the property has remained without land use or zoning designations. This proposal is to assign Comprehensive Land Use Map and Zoning Map designations to the subject parcels.

SUBJECT: Land use (CPA2006-0018) and zoning (ZMA2006-0024) designations for vacant properties identified as tax lots 1S102DC05300 and 1S102DC04304. Because no designations were applied to the site at the time of its annexation, this proposal is considered annexation related. Without previous designations, however, application of the Washington County – Beaverton Urban Planning Area Agreement (UPAA), which normally governs such proposals, is limited. Selection and approval of designations most appropriate to the subject properties will require a measure of discretion on the City's part and will, therefore, undergo a hearings process by the City's Planning Commission.

LOCATION: The subject parcels are located north of Highway 26 on the southeast corner of the SW Baltic Avenue and SW Barnes Road intersection.

REQUEST:	Amend the City's Comprehensive Plan Land Use Map to show Station Community (SC) and the Zoning Map to show Station Community – Multiple Use (SC-MU) for both properties.
APPLICANT:	City of Beaverton Community Development Director
APPROVAL CRITERIA:	Comprehensive Plan Section 1.5.1 and the Development Code Section 40.97.15.4.C
RECOMMENDATION:	**Adopt a final order recommending that the City Council adopt an ordinance applying the Station Community Land Use Designation and the Station Community – Multiple Use (SC-MU) Zone to two properties**

VICINITY MAP



City of Beaverton

Baltic Ave / Barnes Rd

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

12/15/06 N
1S102DC05300
1S102DC04304

CPA2006-0018
ZMA2006-0024

BACKGROUND

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S102DC05300	None	1.12	Vacant
1S102DC04304	None	0.03	Vacant

The site associated with this proposal was annexed into the City in 1998. Washington County Ordinance #484, adopted in 1997, amended the Cedar Hills-Cedar Mill Community Plan and assigned new transit oriented plan designations to properties in the vicinity of the site consistent with Metro's 2040 Growth Concept. The ordinance did not assign a designation to the site because it was right-of-way at the time. Therefore, the site did not have any County land use designation assigned to it at the time of annexation. The right-of-way was subsequently vacated in 2002. The parcels are vacant except for several utility easements that cross them. Since their creation no City land use or zoning designations have been assigned to the parcels. The proposed amendments are, therefore, the City's first attempt to apply City designations to the properties subsequent to their annexation. This qualifies the proposed amendments as annexation related. The fact that the properties presently carry no County land use district restricts staff's ability to refer to the UPAA as a source of authority in dictating which City Comprehensive Plan Land Use Map and Zoning Map designation is best suited for the parcels.

However, the basic intent of the UPAA is to apply land use designations and zoning to newly annexed properties in a manner that is logical and consistent with the planning in place at the time the action is conducted. The following sentence from Section II.D of the agreement articulates this emphasis as follows:

> *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.*

Suitability Analysis

In assessing which City land use and zoning designations most closely reflect Washington County's intent for the subject properties, staff focused particular attention upon five areas of assessment: (1) staff surveyed the existing uses and attributes in the area to determine the suitability of proposed designations with what is currently on the ground, (2) staff reviewed the role that Metro's Station Community Design Type played in the planning of both Washington County and the City of Beaverton, (3) staff determined which City land use and zoning designations were most appropriate in implementing Washington County's vision

for the area, (4) staff reviewed the Washington County Cedar Hills – Cedar Mill Community Plan for areas of concern and other outstanding features requiring attention, and (5) staff addressed comments from County staff responding to the proposal.

Existing Uses and Attributes in the Area

The immediate area around the subject properties includes office and institutional uses. Beyond a quarter mile of the sites, both residential uses and areas of open space predominate. Generally, the area's role as a regional transportation hub is what distinguishes it from other areas of the County. Features of the area include:

- *Public Transportation Hub:* Proximity of the Sunset Transit Center is a key feature of the area. This facility provides numerous transportation links (two light rail lines and five bus routes) for individuals coming into and exiting the area. Additionally, the facility supports 530 park-and-ride spaces offering commuters an inter-modal alternative to driving their cars and offers parking to alleviate congestion in Portland's Downtown Business District. Finally, as an inter-modal public transportation hub for the community, close proximity of high density housing and employment encourages use of public transportation.
- *Traffic Interchange*: A combination of street arteries supports high volumes of traffic through the area. The area is situated at the junction of Highway 26 and Highway 217 (both classified as freeways), SW Barnes Road (classified as a major arterial), and SW Baltic Avenue (classified as a collector). These arteries converge within a small area and constitute a transportation hub of regional significance.
- *An Employment Center*: Aside from various office complexes, the area supports the Providence Health Center, which employs approximately 4,000 people. Additionally, the Cedar Mill Town Center (which comprises a variety of commercial uses) is located approximately one mile to the west, and the Beaverton Downtown Regional Center is within one and one-half miles to the south. Together, these centers generate a significant amount of traffic in the area.

Sunset Transit Center Station Community Planning

A quick look at both Washington County's Cedar Hills - Cedar Mill Community Plan and the City of Beaverton's Comprehensive Plan Land Use Map reveals both documents identify an area extending approximately one-half mile from the Sunset Transit Center as a Station Community. This area designation includes both of the subject parcels. Planning associated with this designation recognizes proximity to the light rail facility as a central influence in dictating the type of development envisioned to occur in the area. Because neither of the subject parcels have been assigned any land use or zoning, a detailed examination of this planning designation is required in attempting to determine appropriate land use and zoning designations that should be applied.

In 1995, Metro adopted its 2040 Growth Concept Map, designating the area around the Sunset Transit Station as both a Station Community Core and a Town Center. In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP) and established a design type definition for Station Community Areas. Title 1 of Metro's 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." Development proposed for this area was envisioned by Metro to be transit and pedestrian friendly and to support a mix of uses averaging a density of 45 persons per acre.

Included in Title 1 of Metro's UGMFP is a provision requiring that city and county comprehensive plans be amended to include the boundaries of each design type determined by the city or county to be consistent with the general locations shown on the 2040 Growth Concept. To comply with this mandate, in 1997 Washington County adopted provisions related to this design type and applied land use designations and zoning to the area to implement the type of development consistent with the station community concept. In 2000 the County amended its Comprehensive Framework Plan to define the boundaries of all Metro design types in the urban unincorporated area, and in doing so chose to designate the area around the Sunset Transit Center as a Station Community rather than a Town Center.

To comply with Metro's Title 1 requirements, Washington County updated numerous elements of its land use planning. This involved amendments to the County's Comprehensive Framework Plan for the Urban Area (CFP), Community Development Code, Transportation Plan, and individual Community Plans. Pursuant to the UGMFP, Washington County prepared a plan for the Sunset Transit Center Station Community area and adopted it through amendments to the Cedar Hills – Cedar Mill Community Plan. The amendments include application of transit oriented (TO) district designations with accompanying standards designed to attract development consistent with the design type. The amendments to the CFP specify locations for the Station Community design type in the unincorporated area which include the subject property. Additionally, the County added a general description for the Station Community design type under Policy #40 of the CFP which states the following:

> *Station Communities generally include areas that are adjacent to, or within easy walking distance of light rail stations. Along with the Regional Centers and Town Centers, Station Communities are home to the most intensive land uses. These areas are 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 have wide sidewalks and "street-side"*

facilities to make these areas "pedestrian friendly." Station Communities will evolve into higher intensity areas that are focal points of public transit.

The City of Beaverton adopted its station community provisions as part of its Title 1 compliance in 1996. This concept is defined generally through Section 3.8 of the Comprehensive Plan, more specifically through individual Station Community Plans (Volume five of the Comprehensive Plan) and applied through Station Community and Station Area zoning provisions (Chapter 20 of the City's Development Code). The City's adaptation of Metro's Station Community Design Type differs from the County's in various respects. However, a general vision can be ascertained by an examination of the policies adopted in Section 3.8 of the Comprehensive Plan. They include:

- *Regulate new development in Station Communities to maximize the public infrastructure investment in light rail.*
- *Apply the Station Community land use designation generally within one mile of light rail station platforms.*
- *Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix.*
- *Adopt Community Plans identifying Comprehensive Plan Policies applicable to Station Community Areas to provide community vision.*
- *Regulate new development in Station Communities to provide increased densities and employment to support a high level of transit service.*
- *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.*
- *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.*

Ultimately, both the City and the County have complied with Metro's Growth Concept and UGMFP requirements. Although some variation does exist in the standards used by the two jurisdictions to implement the station community design type, each set of standards has various elements in common. These include a focus on pedestrian friendly design features, development that encourages the use of public transit, a desire for mixed use development, increased building density allowances, and the application of specific design features within walking distance of the light rail station.

Comprehensive Plan Land Use Map Designation Suitability Analysis

As noted above, the County's Station Community design type designation applies to the subject property and surrounding properties. Additionally, as previously noted, the City's Comprehensive Plan does contain a policy to apply the Station Community Land Use Designation generally within one mile of light rail station platforms. Finally, the City previously applied the Station Community Land Use Designation to several parcels within close proximity to the subject parcels – including the Sunset Transit Station property. In light of these factors, staff finds that the City's Station Community Comprehensive Plan Land Use Map designation is the most suitable in reflecting Washington County's intent for the property.

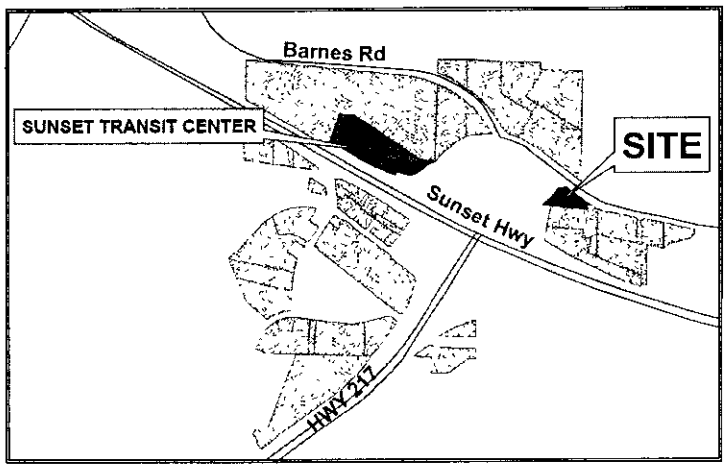
Zoning Map Designation Suitability Analysis

The method that Washington County employs to apply specific development standards to individual properties differs from the method used by the City of Beaverton.

Washington County applies an assortment of Transit Oriented (TO) Districts across a variety of centers and corridors. Localities where these districts are applied include areas approximately one-half mile of light rail transit stations, within one-quarter mile of existing and planned primary bus routes, in town centers, and regional centers. To avoid a one size fits all outcome, the County applies technical specifications to TO districts when applied to individual design types.

The City of Beaverton employs an alternative approach. Instead of applying a set of zoning districts across a variety of mixed use design types, the City established individual zones catered for each mixed use design type. Specifically, for areas within one-half mile of a light rail platform, the City has established a multiple use zone (SC-MU), which places an emphasis upon a mix of commercial and residential uses; a residential zone (SC-HDR), which emphasizes high density residential development; and an employment zone (SC-EMP), which emphasizes uses that reflect high levels of employment.

Consistent with the Station Community design type designation for the area, the abutting properties to the south as well as properties to the north and west were placed in transit oriented districts by the County. The map below shows nearby properties that have been assigned Washington County's Transit Oriented Business (TO:BUS) designation (indicated by a speckled pattern). .



**Areas adjacent to the subject properties (site) to the north, west, and south that are not shaded on the map represent areas of right-of-way dedicated to Highway 217, the Sunset Highway, SW Baltic Avenue, SW Barnes Road, and the interchanges where they merge. Land use designations are typically not applied to areas of public right-of-way. The area across SW Barnes Road to the northeast of the properties is the Saint Vincent Hospital complex, which is designated Institutional.*

This reflects the County's intent that the area be dedicated to a mix of transit oriented commercial, office, and residential uses. The City's Comprehensive Plan and Zoning District Matrix under Policy 14 of the Plan identifies five zones that can be applied to implement a Station Community land use designation. They include the following:

Station Community - Multiple Use (SC-MU)
Station Community – High Density Residential (SC-HDR)
Station Community – Employment (SC-E)
Station Area – Mixed Use (SA-MU)
Station Area – Medium Density Residential (SC-MDR)

Of these designations, the City zone specifically defined to allow for a mix of transit oriented style commercial, office, and residential uses within one-half mile of light rail stations (similar to the County's TO:BUS designation) is the City's Station Community – Multiple Use Zone. As such, this zone most closely approximates the predominant County designation for properties in the area adjacent to the subject properties. It should be noted, however, that although the specific multiple use zones in the City can be found to correlate with specific transit oriented districts in the County, variation does exist between the two. This becomes apparent when assessing how the designations apply use, density, and various technical standards.

Of the more obvious disparities that exist between Washington County's TO:BUS designation and the City's SC:MU Zone, staff found the following:

- While service stations are permitted in the County's TO:BUS District, they are not permitted in the City's SC-MU Zone.

- Maximum building height permitted in Washington County's TO:BUS District is 80'. The maximum building height in Beaverton's SC-MU Zone is 100' within 400' of the light rail station platform and 60' beyond.

- The minimum FAR allowance in Washington County's TO:BUS District is 0.5 within 2600 feet of the light rail station platform and 0.35 beyond, except that within 1300 feet of a transit center, such as in this area, the minimum FAR is 1.0. The City's minimum FAR allowance is 0.6 within 400' of the light rail station platform and 0.5 beyond.

- Washington County does not have a maximum FAR allowance in TO:BUS District while the City of Beaverton has a maximum FAR allowance of 1.2 within 400' of the light rail station platform and 1.0 beyond.

These disparities are not relevant to the subject properties, however because no County zoning is assigned to them. Therefore, no legal issues deriving from these disparities will affect the properties once the City zoning is assigned.

Based on the above analysis staff concludes that the City's SC:MU Zone is the most appropriate zoning alternative to be applied to the subject properties.

Washington County Cedar Hill – Cedar Mill Community Plan
The subject properties are located in the Westhaven Subarea. They are not located in an Area of Special Concern, there are no design elements that pertain specifically to the properties, and no special considerations apply.

Comments from Washington County Staff
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." Washington County staff has responded to the proposal with an e-mail that included several comments. The letter is "Attachment A" to this report and the comments are addressed below.

Comment #1: "Contrary to the Notice page, there is a county plan designation on the subject site. It is designated Commercial - per the 1983 Cedar Hills-Cedar Mill Community Plan."

Staff Response: *The site may have been zoned Commercial at some point in the past and according to County staff does show a commercial land use designation on the Cedar Hills/Cedar Mill Community. However, since they are recently created the parcels are not represented on the Cedar Hills – Cedar Mill Community Plan Map. In 1997, the County amended it's Cedar Hills – Cedar*

Mill Community Plan and revised the map without assigning a plan designation to the subject site since it was right-of-way. In 1998, the area was annexed into the City as dedicated right-of-way, and no zoning was deemed necessary. In 2003, the properties had been created and they were sold to the owner of the adjacent property.

In assessing the matter as to whether the property is currently assigned a Washington County Commercial Land Use Designation, staff believes the language contained in Section 2 of Ordinance #484 (an ordinance amending the Cedar Hills-Cedar Mill Community Plan), to be noteworthy. It states:

> *"The following exhibits, attached and incorporated herein by reference, are hereby adopted as amendments to the designated documents:*
>
> *A) Exhibit "1" (1 page) amending the Land Use Districts map of the Cedar Hills-Cedar Mill Community Plan by removing existing plan designations and applying new plan designations..."*

Staff believes, and the City Attorney's office has concurred, that when the County amended the Cedar Hills – Cedar Mill Community Plan in 1997, it effectively replaced any zoning that might have been in place prior to that amendment. Because the property was not represented, any zoning that existed previously was abolished. Therefore, staff will regard the property as not designated as indicated on the current Cedar Hills-Cedar Mill Community Plan.

Comment #2: "Adverse traffic impacts based on the proposed City plan and zone designations are not anticipated since the proposed designation is not likely to have a significantly higher trip rate than the existing county plan designation."

Staff Response: *As noted above, staff does not find that there is an existing county plan designation. The issue of adverse traffic impacts resulting from assignment of a plan designation to the properties will be addressed later in this report.*

Comment #3: County access spacing requirements restrict new access points. No new access is discussed in the application. If any changes in access are or will be proposed, please contact Phil Healy in the Washington County Land Development Services Division. Based on review of the site plan that was submitted with the notice, it is likely that any new access to the subject site would require a Modification to the Washington County Uniform Road Improvement Design Standards.

Staff Response: *Because no development is being proposed for the property, this comment is not relevant to the proposal. When a development application involving the property is submitted to the City, Washington County staff will be*

solicited for comment as part of the development review process. No current action is required.

PROCESS

Threshold: According to Development Code Section 40.97.15.4.A, "An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:

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 subject site was not assigned a land use designation on the County's Cedar Hills – Cedar Mill Community Plan Map at the time it was annexed. Further, since the creation of the properties subsequent to annexation they have remained without a plan and zone designation. The proposed amendment will, therefore, serve as the first application of the City's land use designations and zoning since annexation.

Although this proposed Comprehensive Plan Land Use Map amendment and Zoning Map amendment are annexation related, without pre-existing designations assigned by Washington County it is not possible to adhere to the terms of the UPAA in a strict sense. Any attempt to determine which City designations are most suitable for the properties and adequately reflect the County's planning for the area will require findings, and the final decision will require discretion on the City's part.

Procedure Type: The Type 3 procedure applies to these types of applications as described in Section 50.45 of the Development Code.

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. The annexation of the subject properties occurred under a petition submitted by Tri-Met and several other property owners under ORS 222.125. This annexation was subsequently approved under Oregon Boundary Commission Ordinance 3978 in 1998.

Public Notice: Section 1.4.2(A) of the Comprehensive Plan prescribes the notice to be provided for these types of applications. Notice must be mailed to the State Department of Land Conservation and Development (DLCD), Metro, Washington County, the Chair of any City-recognized 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 (CCI) at least 45 days prior to the initial hearing. Between 20 and 40 days from the hearing, notice must be mailed to the subject property owners and surrounding property owners within 500 feet, posted in City Hall, posted in the City Library, posted on the City's Web site, and published in a local newspaper. Additionally, for a zoning map amendment, the City Charter requires sending notice of the public hearing by certified mail to all owners of record of the subject properties at least 30 days in advance.

In response to these requirements:

1. Legal notice was published in the Beaverton Valley Times on January 25, 2007.
2. Notice was mailed to DLCD, Metro, Washington County, the Chair of the Cedar Hills – Cedar Mill Citizen Participation Organization (CPO), and the Chair of the Committee for Citizen Involvement (CCI) on December 29, 2006.
3. Notice was mailed to the owners of the subject properties by certified mail on January 12, 2007. On the same date, notice was mailed to owners of surrounding properties within 500 feet of the subject properties.
4. Notice was posted in City Hall, in the City Library, and on the City's Web site on January 12, 2007

Neither the City Council nor the Planning Commission has 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 1.5.1 includes the following minimum criteria for amendment decisions:

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, Goals 1, 2, 5, 9, 10, 11, 12, and 13 are applicable to the proposed map amendment.

Goal 1: 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 and Comprehensive Plan Section 1.4.2. The following summarizes compliance with the public involvement opportunities and notification requirements specified in these sections:

1.4.2 A) Quasi-Judicial Amendments

Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency DLCD notice to DLCD, Metro, and Washington County at least 45 calendar days prior to the initial hearing;
   - Notice was mailed to DLCD, Metro, and Washington County on December 29, 2006 (47 calendar days prior to the initial hearing).
2. By mailing the required inter-agency DLCD notice to the chair(s) of any City-recognized 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 at least 45 calendar days prior to the initial hearing;
   - The inter-agency DLCD notice was mailed to DLCD, Metro, Washington County, the Chair of the Cedar Hills – Cedar Mill Citizen Participation Organization (CPO), and the Chair of the Committee for Citizen Involvement (CCI) on December 29, 2006 (47 calendar days prior to the initial hearing).
3. By publication of a notice with the information specified in 1.4.2.B.1., 2., 3., and 4. in a newspaper of general circulation within the City;
   - Notice was published in the Beaverton Valley Times on 1/25/07 (20 calendar days prior to the initial hearing).
4. By posting notice with the information specified in 1.4.2.B. at Beaverton City Hall and the Beaverton City Library;
   - Notice was posted in City Hall, in the City Library, and on the City's Web site on January 12, 2007 (33 calendar days prior to the initial hearing).
5. By mailing notice with the information specified in 1.4.2.B. to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated;
   - Notice was mailed to owners of surrounding properties within 500 feet of the subject properties on January 12, 2007 (33 calendar days prior to the initial hearing).
6. By placing notice with the information specified in 1.4.2.B. on the City's Web site.

- Notice was posted on the City's Web site on January 12, 2007 (33 calendar days prior to the initial hearing).

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

- The Measure 56 notice requirement does not apply to the proposed amendment

Hearing notices required by numbers 3 through 6 of this subsection shall be given not less than 20 and not more than 40 calendar days prior to the date of the initial hearing.

- Hearing notices required by numbers 3 through 6 of this subsection were given not less than 20 and not more than 40 calendar days prior to the date of the initial hearing as required.

At the hearing, the Planning Commission considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.4.2 A) allow for proper notice, and Section 1.6 provides for proper public hearing opportunities on the proposed Comprehensive Plan amendment and complies with Statewide Goal 1 as acknowledged by the Oregon Department of Land Conservation and Development As noted above, these procedures have been followed.

Finding: ***Staff finds that the City through its Charter and Comprehensive Plan and the State through numerous statutes have created proper procedures to ensure citizens are provided the opportunity to have input in the proposed Comprehensive Plan Land Use Map amendments and that those procedures have been complied with.***

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 (Ordinance 1800) along with implementation measures, including 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). Further enhancements to the Plan were adopted by the City Council and approved by DLCD in December 2006. The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before being adopted. 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. In 1989, the City and Washington County adopted the UPAA, which is now Section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code, and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments.

Although the UPAA has limited applicability to this proposal, earlier in this report staff assessed the appropriate choice of City Comprehensive Plan land use designation and zoning in a manner that is orderly, logical, and based upon a mutually agreed upon plan (as specified in Section II.D of the UPAA). This assessment was guided by provisions in the Cedar Hills – Cedar Mill Community Plan, the City's and the County's comprehensive plans and development codes, and Metro's 2040 Growth Concept and Regional Urban Growth Management Function Plan. All of these planning documents have undergone state scrutiny and been acknowledged by the State of Oregon to comply with Goal 2. Therefore, staff has appropriately applied a policy framework to this process to assure an adequate factual basis for a decision consistent with the intent of Goal 2.

Finding: ***Staff finds that in applying the State acknowledged policy framework to this proposal, the requirements contained in 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 has a *Significant and Important Natural Resources and Other Important Natural Resources* inventory completed in 1984, a significant tree inventory (not Goal 5) adopted by the Board of Design Review in 1991, a *Local Wetland Inventory* and an *Urban Riparian Assessment* from 2000. These inventories, with the exception of the Significant Tree Inventory, are found in Volume 3 of the Comprehensive Plan. The City has also adopted a *Historic Resources Inventory* with Important and Significant resources subject to special regulations in the Development Code. Washington County also has State acknowledged Goal 5 inventories. The subject properties are not identified on the County's Goal 5 inventory maps, and therefore this proposal does not include an amendment to City inventory maps .

The proposal to apply the City's Station Community Land Use Plan designation and the City's Station Community – Mixed Use (SC-MU) Zoning Map designation to the property will not affect the City's ability to implement its natural resource regulations.

***Finding:* Staff finds that the City has an adopted Goal 5 inventory and appropriate land use regulations to protect or conserve the resources in the inventory as required by Goal 5. Therefore, staff finds that this goal is inapplicable to the amendment.**

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 "...[c]ontain policies concerning the economic development opportunities in the community.".

Chapter 9 , the Economy Element, of the Comprehensive Plan contains several goal and policy statements relating to economic development in the community. Of note is Policy 9.2.2.1.a which is:

"To develop business districts that are accessible and provide job and business opportunities as described in the City's Economic Development Strategic Plan."

The subject properties are now owned by the owners of an abutting complex of office buildings who wish to use them in conjunction with future improvements to their property. It is likely that these improvements will generate additional job and business opportunities for the community, consistent with the objectives of the City's Economic Development Strategic Plan. The proximity of the office complex to a transit center is consistent with the accessibility objective of the above policy.

***Finding:* Staff finds that in applying the Station Community Comprehensive Plan Land Use Designation and SC-MU Zone to the subject properties, the City of Beaverton is attempting to provide 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 10: Housing
To provide for housing needs for citizens of the state.

Chapter four of the City's Comprehensive Plan contains policies designed to attract high density housing that is affordable to City residents. Although the subject properties are located within an area that is dominated by commercial and institutional uses, the proposal to apply the SC-MU zoning allows for housing at increased densities, which is consistent with the policies contained in the Plan. Therefore, staff believes the proposal conforms with the provisions contained in Statewide Goal 10.

Finding: Staff finds that applying the City's Station Community – Mixed Use Zone to the subject property helps advance the provisions expressed in Oregon's Goal 10.

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. 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. Planning and development of the west side light rail line with a light rail station in the subject area was the essential step toward Metro's 2040 Growth Concept Station Community designation, the County's Policy 40 Station Community designation, and development of the City's Station Community Comprehensive Plan elements. At the time the plan was prepared for the Sunset Transit Center Station Community by Washington County consideration was given to provision of public facilities and services, and it was determined that they would be adequate to meet the needs of future development in the area. When development is proposed for the subject properties site specific issues related to public facilities and services will be addressed in the development review process.

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 11.

Goal 12: Transportation
To provide and encourage a safe, convenient and economic transportation system.

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 Twelve. 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 affect 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 the City.

The proposal 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. This Statewide Planning Goal does not apply to the amendment.

Finding: ***Staff finds that applying the City's Station Community Comprehensive Plan Land Use Map designation and the SC-MU Zoning to the subject property conforms with the provisions expressed in Oregon's Goal 12.***

Goal 13: Energy Conservation
To conserve energy.

The location of these parcels encourages use of public transportation by employees or residents that may one day occupy the property once it is developed. Also, the City's Station Community Land Use Designation provides opportunities for higher intensity redevelopment of the parcels. Coupled together, the light rail station 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.

Finding: ***Staff finds that applying the City's Station Community Comprehensive Plan Land Use Map designation and the SC-MU Zoning to the subject property advances the goal of conserving energy and, therefore, satisfies the provisions expressed in Oregon's Goal 13.***

Remaining Goals

Goal 3: Agricultural lands
Goal 4: Forest Lands
These goals apply to rural unincorporated areas. The City of Beaverton is urban incorporated. Therefore, these goals are not applicable to this proposal.

Goal 6: Air, Water, and Land Resources Quality
Goal 7: Areas Subject to Natural Disasters and Hazards
There are no significant natural resources located within the subject area. Additionally, the proposed amendment will not adversely impact air or water quality for the area. Therefore, these goals are not applicable to this proposal.

Goal 8: Recreational 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 14: Urbanization
The proposal doe not include a request to establish or change the Urban Growth Boundary. Therefore, this goal is not applicable to this proposal.

Goal 15: Willamette Greenway
This goal applies to lands along the Willamette River, which is not within, or adjacent to, the City of Beaverton. Therefore, thus, this goal is not applicable to this proposal.

Goal 16: Estuarine Resource,
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 are not applicable to this proposal.

Finding: Staff finds that Goals 3, 4, 6, 7, 8, and 14 through 19 are not applicable to this proposal.

***Summary Finding:* Staff finds that for the reasons identified above, the proposed amendment complies with Goals 1, 2, 5, 9, 10, 11, 12, and 13. Criterion 1.5.1.A is met.**

1.5.1.B The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;

The City is only required to address provisions in the Urban Growth Management Functional Plan (UGMFP), which is an Element of the Framework Plan. 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 Sunset Transit Center area, including parcels included in this proposal, under both the Station Community and Town Center design type subject to local interpretation of the Growth Concept Map. In 2000 Washington County amended its Comprehensive Framework Plan to include maps showing the boundaries of Metro design types in the urban unincorporated area. The Sunset Transit Center Area was shown as being in a station community.

Staff, therefore, regards the proposed amendment to apply the Station Community plan designation to the subject properties to be consistent with Metro's vision for the area. Further, the relatively small scale of the properties and the nature of the proposed change do not pose a conflict of any regional significance to the modeling or policies contained within the Regional Transportation Plan.

***Finding:* The Station Community Comprehensive Plan Land Use Map designation with its implementing Zoning Map designation of Station Community-Mixed Use (SC-MU) is compatible with the Station Community design type. Criterion 1.5.1.B is met for the proposed amendments.**

1.5.1.C The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans;

Facts and Findings:
The following Comprehensive Plan Chapters are addressed below: 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Chapters 1 and 2, Procedures and Public Involvement Elements, respectively
The procedures for amending the Comprehensive Plan found within Chapter 1 have been complied with, including appropriate noticing. The Planning Commission will hold an initial hearing where public testimony and evidence will be entered into the record and used for the Planning Commission's deliberations. The Planning Commission will make a recommendation to City Council, who will follow appropriate procedures for holding a hearing or adopting the appropriate Planning Commission findings.

Finding: Staff finds that the proposal is a quasi-judicial map amendment. Staff finds that the appropriate procedures in Chapter 1 and summarized in Chapter 2 of the Comprehensive Plan have been met. Thus, this proposal is in compliance with Chapters 1 and 2.

Chapter 3 Land Use Element.
Section 3.15 of the City Comprehensive Plan addresses annexation related map amendments. This section contains provisions specified within the UPAA that Comprehensive Plan and Zoning map amendments must follow for properties that have been annexed into the City. When the UPAA is not specific, the City is to assign the most similar designations to the County designations. Because the subject properties do not exhibit county designations, staff applied deductive reasoning to determine the land use and zoning designation consistent with the intent of the UPAA. Based upon the reasoning expressed in the analysis section of the report, staff concludes that Station Community is the appropriate Land Use Map designation to apply to the subject properties in order to fulfill the intentions expressed in Section 3.15 of the Comprehensive Plan.

Finding: Staff finds that the policies found in Chapter 3 are met.

Chapter 4 Housing Element.
The City is implementing City Comprehensive Plan And Zoning designations consistent with the intent of the UPAA. The County's current Comprehensive Framework Plan design type designation for the area, adopted pursuant to Title 1 of the Metro Urban Growth Management Functional Plan, is Station Community, To be consistent with the requirement in the UPAA that the City should, "...convert COUNTY plan and zoning designations to CITY plan and zoning

designation which most closely approximate the density, use provisions and standards of the COUNTY designations", the City proposes to place its Station Community Comprehensive Plan Map designation on the property. The City zoning designation that is most appropriate for the property is the Station Community – Mixed Use (SC-MU) zone. The City SC-MU zone allows for residential development as a primary use or residential as a component of a mixed use development with a minimum requirement of 24 dwelling units per acre and a maximum to be determined by a floor-area ratio of 1.0. As described in the analysis section of this report, this designation is believed to be analogous to the County's intent for the area..

Finding: Staff finds that the policies found in Chapter 4 are inapplicable to the proposed amendment.

Chapter 5 Public Facilities and Services Element.

As noted in the Goal 11 discussion, the proposal does not physically affect the landscape, or affect corporate boundaries, or the City's public facility plans. The permitted uses in the SC-MU zone would be substantially similar to the uses that would be permitted in the County's TO:BUS zone within the Sunset Transit Center Station Community Area. The proposal would not affect the City's ability to implement the Public Facilities Plans, Capital Improvement Plan, Urban Planning Area Agreement (UPAA), Urban Service Area, Storm Water and Drainage System, Potable Water System, Sanitary Sewer System, Schools, Parks and Recreation, or Police and Fire and Emergency Medical Services. Urban Planning Area, Urban Services and Urban Service Area definitions have been added based on Oregon Administrative Rules, the Beaverton Development Code and the Beaverton-Washington County UPAA. Thus, the policies, plans and actions found in this chapter are inapplicable to the proposed amendment.

Finding: Staff finds that the policies found in Chapter 5 are inapplicable to the proposed amendment.

Chapter 6 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 proposal 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

Finding: Staff finds that the policies found in Chapter 6 are inapplicable to the proposed amendment.

Chapter 7 Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources Element.

The proposed amendment does not affect the City's ability to implement the provisions in this chapter.

Finding: Staff finds that the proposed amendment does not affect the City's ability to implement this Chapter.

Chapter 8 Environmental Quality and Safety Element.
This proposed amendment does not affect Sections 8.2 Water Quality, 8.3 Air Quality, 8.4 Noise, 8.5 Seismic Hazards, 8.6 Geologic Hazards, 8.7 Flood Hazards, or 8.8 Solid and Hazardous Wastes.

Finding: Staff finds that the policies found in Chapter 8 are inapplicable to the proposed amendment.

Chapter 9 Economy Element.
Economic development, proposed industrial facilities or employment centers are not negatively affected by the proposed amendment. The permitted uses in the SC-MU zone are consistent with the uses envisioned for the County's Sunset Transit Center Station Community concept. Neither the CPA or ZMA action affects the City's ability to provide areas for industrial facilities, employment centers or provide for economic development.

Finding: Staff finds that the policies found in Chapter 9 are inapplicable to the proposed amendment.

Summary Finding: Staff finds that the proposed Comprehensive Plan amendment is generally consistent and compatible with the Comprehensive Plan, Development Code, Engineering Design Manual and Standard Drawings, Clean Water Services Design and Construction Standards and the Beaverton Municipal Code. Thus, the requirements of Criterion 1.3.1.3 are met.

Staff provided analysis in this report to determine which Comprehensive Plan Land Use Map designation was most appropriate for properties that are currently not designated. In the absence of this element, staff based the analysis upon an orderly and logical assessment of Washington County's vision for the area as indicated through policies contained in the Cedar Hills – Cedar Mill Community Plan, the County's Framework Plan, and the County's Development Code. Staff then identified City designation equivalents that reflected that vision. The subject properties are not in an Area of Special Concern, there is no specific Design Elements affecting the properties, no Significant Natural and Cultural Resources Map features apply. Washington County staff provided several comments regarding the proposal, but as indicated above, staff has determined that no action is required.

Finding: In the analysis provided earlier in the report, staff assessed the planning requirements associated with the Beaverton Comprehensive Plan,

the UPAA, the Cedar Hills – Cedar Mill Community Plan, the County's Development Code, and the Washington County Framework Plan. This amendment is consistent with the UPAA and, 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;**

The subject properties have not been assigned any County land use designation, City Comprehensive Plan land use designation, or City zoning designation. Without assignment of these land use elements, there is no way for City staff to assess which land use policies, development code policies, or other site requirements should apply to the properties. Therefore, a public need exists to apply the City's designation to the property. Additionally, the proximity to the Sunset Transit Center and the fact that neighboring properties that are planned for development of a specific nature requires that the properties be designated as proposed.

Findings: Criterion 1.5.1.D is met for the proposed amendment.

ZONING MAP AMENDMENT CRITERIA

Pursuant to Development Code Section 40.97.15.4.C (Discretionary Annexation Related Zoning Map Amendment - 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:"

40.97.15.4.C.1. ***The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.***

As noted in the Process section of this report, the subject site was not assigned land use designations on the County's Cedar Hills – Cedar Mill Community Plan Map at the time it was annexed. Further, the subject properties have remained without designation since they were annexed. The proposed amendment will, therefore, serve as the first application of the City's land use designations and zoning since annexation.

Although this proposed Comprehensive Plan Land Use Map amendment and Zoning Map amendment are annexation related, without pre-existing designations assigned by Washington County, the UPAA does not provide specific guidance. Any attempt to determine which City designations are most suitable for the properties and adequately reflect the County's planning for the

area will require findings, and the final decision will require discretion on the City's part.

Finding: ***Staff finds the proposed request satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.***

40.97.15.4.C.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 the proposed rezone and is not required to collect a fee from itself. No fees are due nor have any been collected.

Finding: ***Staff finds this criterion is not applicable.***

40.97.15.4.C.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.***

As discussed in the analysis section of this report, no Washington County land use designation was applied to the site at the time it was annexed. It is not possible, therefore, to establish which 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. However, considerable effort was made to establish which Washington County land use designation was most suitable for the property. This formed a basis in determining which City plan and zoning designations could serve as counterparts Based upon this analysis staff determined that if the properties were to be designated under the County's system, TO:BUS would be a logical choice and the City's SC-MU Zone would serve as an appropriate counterpart.

Finding: ***Staff finds that after detailed analysis and for the reasons provided in the Suitability Analysis Section of this report, the City's Station Community Land Use Designation and Station Community-Mixed Use (SC-MU) Zone were determined to the most suitable in implementing the County's Station Community planning for the area. In deriving this conclusion, staff finds this criterion has been met.***

40.97.15.4.C.4. ***The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.***

Given the lack of a land use designation associated with the subject parcels, staff's ability to receive guidance from the UPAA was limited. However, staff has cited and attempted to follow one section of the agreement deemed relevant to the proposal. Section II.D states the following:

> *The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan.*

In attempting to evaluate the intent behind the County's Station Community Concept, staff employed orderly and logical reasoning to ascertain which City Community Station equivalents were best suited to reflect the County's intent.

***Finding:* The proposed zoning designations are consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.**

CONCLUSION

Based on the findings in this report, staff concludes amending the Comprehensive Plan Land Use Map to show the City Station Community designation and the Zoning Map to show the Station Community – Multiple Use (SC-MU) Zoning District is appropriate for the subject properties.

Jeff Salvon

From: Gregg Leion [Gregg_Leion@co.washington.or.us]
Sent: Thursday, December 21, 2006 4:33 PM
To: Jeff Salvon
Cc: Paul Schaefer; Andy Back; Phil Healy
Subject: CPA2006-0018/ZMA2006-0024

Hello Jeff:

Just wanted to send you some brief comments on the above referenced action, for property located on the southeast corner of Barnes and Baltic.

- Contrary to the Notice page, there is a county plan designation on the subject site. It is designated Commercial - per the 1983 Cedar Hills/Cedar Mill Community Plan.
- Adverse traffic impacts based on the proposed City plan and zone designations are not anticipated since the proposed designation is not likely to have a significantly higher trip rate than the existing county plan designation.
- County access spacing requirements restrict new access points. No new access is discussed in the application. If any changes in access are or will be proposed, please contact Phil Healy in the Washington County Land Development Services Division. Based on review of the site plan that was submitted with the notice, it is likely that any new access to the subject site would require a Modification to the Washington County Uniform Road Improvement Design Standards.

Please contact me if you have any questions.

Gregg Leion, Senior Planner - Transportation Planning
Washington County Planning Division
155 N First Avenue, Suite 350-14
Hillsboro, OR 97124
Telephone: (503) 846-3969
FAX. (503) 846-4412
gregg_leion@co.washington.or.us

CITY of BEAVERTON

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

SUPPLEMENTAL STAFF REPORT

TO: Planning Commission

AGENDA DATE: May 2, 2007 **REPORT DATE:** April 25, 2007

FROM: Jeff Salvon, AICP, Associate Planner
Hal Bergsma, Principal Planner

SUBJECT: CPA2006-0018 and ZMA2006-0024 (Baltic Avenue and Barnes Road)

The intent of this supplemental staff report is to brief the Planning Commission on developments that have occurred since the February 14th and February 28th meetings and modify staff's recommendation regarding the subject applications to reflect these developments.

BACKGROUND

On February 14, 2007 the Planning Commission heard a staff proposal to apply the City's Station Community (SC) Comprehensive Plan designation and the Station Community – Multiple Use (SC-MU) Zone to two parcels located on the southeast corner of SW Baltic Avenue and SW Barnes Road. In preparing the proposal, staff observed that the property was not represented on the County's zoning map due to the property's previous status as right-of-way. When the Cedar Hill Cedar Mill Community Plan area was rezoned in 1997 to comply with Metro 2040 Concept Plan standards, no zoning was applied to the subject site. In the absence of any zone designation, staff applied a methodology to determine which zoning would have been applied to the property under the prevailing County land use policies. Although this methodology may have succeeded in applying the County's planning goals for the area, it opened up uncertainties, especially with regard to potential traffic impacts that might be attributable to the amendment as proposed.

In the February 14 meeting, the Planning Commission heard staff's proposal, along with public testimony from a representative of Providence Heath System expressing concern over potential traffic impacts affecting SW Barnes Road that might be generated from development of the site. In response to these concerns, the Commission opted to continue the item to the February 28th meeting. The additional time was intended to allow Providence time to prepare a

trip generation estimate that could then be introduced into the record. It also provided an opportunity for the property owner, Providence, and staff to meet and discuss alternatives to an appeal of the decision. As no obvious resolution was reached between the parties, staff requested that the hearing be continued again to May 2nd. This request would allow staff time to clarify ambiguities with County records and seek a definitive opinion from County staff as to the property's current land use designation status.

UPDATE

In the past few weeks, County staff have determined that the Office Commercial (OC) designation applied to the site prior to its becoming right-of-way is still in effect. (Please see the attached letter from County Senior Planner Greg Leion, which has been reviewed by the County Counsel's Office.) Now that the issue has been clarified, the Director has withdrawn the original proposal that the City apply its SC-MU zone to the properties and instead will propose through a separate process that the City apply its Office Commercial zone. This alternate proposal offers the benefit of complying with the Urban Planning Area Agreement (UPAA) and, therefore, qualifies under the threshold requirements contained in Development Code Section 40.97.15.3.A as a non-discretionary annexation related zone amendment. As this revised proposal no longer involves discretion on the Commission's part, rezoning of the properties will be administered through a separate process that does not require a public hearing.

In regard to the Comprehensive Plan Map amendment segment of the proposal, the UPAA requires the City apply an Office Commercial plan designation to properties previously designated Office Commercial in the County. Since the UPAA was established, the City has removed the Office Commercial land use designation from its Comprehensive Plan. Therefore, in attempting to identify a plan designation that best approximates the County designation currently applied to the properties, staff faces the identical predicament as it did in the original staff report. Specifically, without the UPAA to dictate the appropriate plan designation, staff must demonstrate that the designation proposed is appropriate given the use of the property and County policies applicable to the property prior to annexation.

Due to the geographic location of the property within the Sunset Transit Center, and for reasons previously indicated in the original staff report, staff will proceed with the current proposal to assign the City's Station Community (SC) Comprehensive Plan Land Use Map designation to the subject property through the discretionary comprehensive plan amendment process. Consequently all the analysis and findings in the initial staff report for CPA2006-0018 still apply.

It should be noted that the Office Commercial zone is not an implementing zone for the Station Community designation as specified in the Comprehensive Plan and Zoning District Matrix in Section 3.14 of the Plan. Therefore, subsequent to the application of the OC zone to the subject parcels as required by the UPAA,

the City will initiate a ZMA application to apply an appropriate implementing zone. Initiation of this application may be delayed, however, to await the completion of the ongoing process to update Chapter 20 of the Development Code. This process may result in the amendment of the SC-MU zone and/or the creation of new implementing zones for the Station Community designation.

RECOMMENDATION

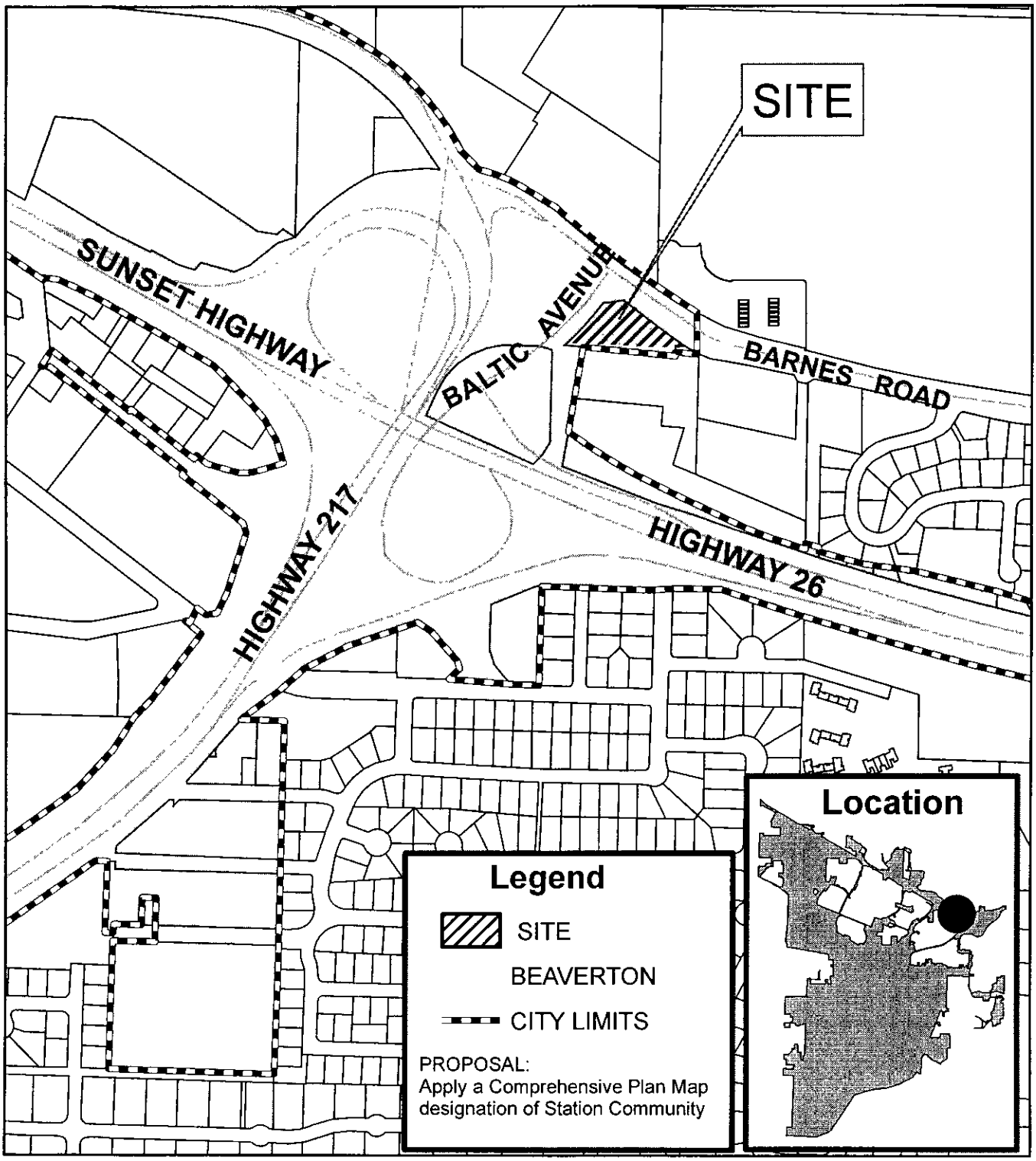
Based on the analysis and findings in the staff report dated February 7, 2007 adopt a final order recommending that the City Council adopt an ordinance applying the Station Community Land Use Designation to tax lots 1S102DC05300 and 1S102DC04304 as indicated in Attachment A.

Attachment A: Vicinity Map indicating proposed Comprehensive Plan Map Amendment

Attachment B: Letter from County staff dated 4/3/07

VICINITY MAP

ATTACHMENT "A"



City of Beaverton

Baltic Ave / Barnes Rd

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

12/15/06

1S102DC05300
1S102DC04304

N

CPA2006-0018

WASHINGTON COUNTY
OREGON

April 3, 2007

TO: City of Beaverton Staff

FROM: Gregg Leion, Senior Planning

RE: **BARNES/BALTIC ANNEXATION & PLAN AMENDMENT – TAX LOT 5300 MAP 1S1 02DC**

This correspondence is intended to clarify previous questions regarding the above referenced property. The facts below support the conclusion which staff has previously expressed regarding the county's plan designation for this site.

- At the time of the adoption of the Cedar Hills/Cedar Mill in 1983, the subject property was part of a larger parcel that was located north of the (then) existing NW Barnes Road alignment. At that time, the subject land was in the OC Land Use District.
- When NW Barnes Road was realigned in the mid-1980's, the subject parcel was segregated as right-of-way (ROW) from its parent parcel. This remnant was located between the previous north right-of-way line for the old Barnes Road and the new south right-of-way line for the newly realigned Barnes Road. When the county subsequently updated the Cedar Hills/Cedar Mill Plan Map, no plan designations were shown on the subject land because it had become part of the Barnes Road ROW. Not showing ROW with land use districts is a mapping practice. No ordinance actually amended the previously imposed OC designation on the site. Again, while mapped as right-of-way, no plan designation was shown but no action ever repealed the originally adopted OC designation from the 1983 CH/CM Plan.
- In 1989, the old right-of-way, from the south line of the old Barnes Road alignment to the south line of the new Barnes Road alignment was vacated, creating the subject tax lot. The parcel is a remnant from the larger original parcel that it was previously part of prior to the Barnes realignment. The site is not flagged as an illegally created parcel but this memorandum does not explore that issue. Research regarding the creation of the subject property as a discrete parcel is not part of this informational memorandum.
- In 1997, the county adopted A-Engrossed Ordinance No. 484; this ordinance amended much of the surrounding area to Transit-Oriented (TO) plan designations. However, the limit of the TO District was drawn at the south right-of-way line for the original (old) Barnes Road alignment. This is also the south property line of Tax Lot 5300. The map for Ordinance 484 clearly shows this. Language in the ordinance provides that plan designations were amended "by removing existing and applying new plan designations". Ordinance 484 did not apply a new plan designation to the subject site. Based on that, and the language in the ordinance that is quoted, it is reasonable to conclude that Ordinance 484 did not amend the previous plan designation of the subject property to a TO designation. Also, as explained, there were no other actions that modified the plan designation on the subject site; the OC Plan Designation was not shown only because the land had become part of the Barnes Road ROW.

- As previously explained in e-mails to City of Beaverton staff, the CH/CM Plan Maps did not reflect the ROW vacation that occurred in 1989 and the subject site continued to be depicted on the amended CH/CM Plan maps as ROW; this was not consistent with the vacation and subsequent creation of a discrete parcel. However, the map by itself does not have the affect of amending adopted plan designations; it is a graphic representation; in order for the plan designation to be removed, it would have to be specifically part of an ordinance. Staff research can find no evidence that the plan designation on the subject site was ever specifically amended. It appears to have been a mapping oversight that resulted in the subject site being shown as ROW after the realignment of Barnes Road; this is reflected on all the maps that were adopted subsequent to the realignment.
- The conclusion, based on the above facts, is that the OC designation on the subject site was never specifically removed and the TO designations were not extended far enough north to encompass the property either. It is therefore reasonable to conclude the site remains in the OC District as provided for in the 1983 CH/CM Plan.

If you have further questions, please feel free to contact me.

Gregg Leion, Senior Planner

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WASHINGTON COUNTY
OREGON

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- When NW Barnes Road was realigned in the mid-1980's, the subject parcel was segregated as right-of-way (ROW) from its parent parcel. This remnant was located between the previous north right-of-way line for the old Barnes Road and the new south right-of-way line for the newly realigned Barnes Road. When the county subsequently updated the Cedar Hills/Cedar Mill Plan Map, no plan designations were shown on the subject land because it had become part of the Barnes Road ROW. Not showing ROW with land use districts is a mapping practice. No ordinance actually amended the previously imposed OC designation on the site. Again, while mapped as right-of-way, no plan designation was shown but no action ever repealed the originally adopted OC designation from the 1983 CH/CM Plan.
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If you have further questions, please feel free to contact me.

Gregg Leion, Senior Planner

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BEFORE THE PLANNING COMMISSION FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF CPA2006-0018 REQUEST TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP APPLICABLE TO PROPERTIES LOCATED NORTH OF HIGHWAY 26 ON THE SOUTHEAST CORNER OF THE SW BALTIC AVENUE AND SW BARNES ROAD INTERSECTION (BALTIC AVENUE/BARNES ROAD). CITY OF BEAVERTON, APPLICANT.	ORDER NO. 1964 APPROVING REQUESTS

The matter came before the Planning Commission on February 14, February 28, and May 2, 2007, on a request for an amendment to the City's Comprehensive Plan Land Use Map to apply the Station Community (SC) Comprehensive Land Use designation to two properties located north of Highway 26 on the southeast corner of the SW Baltic Avenue and SW Barnes Road intersection. The two properties are more specifically identified as Tax Lots 1S102DC05300 and 1S102DC04304 on the Washington County Tax Assessor's Map. An application to apply zoning to the two properties was withdrawn from consideration due to uncertainties regarding the County's previous zoning. The related application for Zoning Map amendment will be submitted for consideration in a separate process.

Pursuant to Ordinance 4187 (Comprehensive Plan), Section 1.5.1, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated February 7, 2007, and Staff's supplemental Staff Report dated April 25, 2007, as to the applicable criteria contained in Section 1.5.1 of the Comprehensive Plan and findings thereon; now, therefore:

IT IS HEREBY ORDERED that **CPA2006-0018** is **APPROVED** based on the facts and findings of the Planning Commission on May 2, 2007.

Motion **CARRIED** by the following vote:

AYES:	Winter, San Soucie, Bobadilla, Platten, Stephens, and Maks.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Johansen.

Dated this 11th day of May, 2007.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1964, 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, May 21, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

JEFF SALVON, AICP
Associate Planner

HAL BERGSMA
Planning Services Manager

APPROVED:

DAN MAKS
Chairman

ORDER NO. 1964

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Amending Ordinance No. 4187, *Figure III-1, the Comprehensive Plan* Land Use Map to Apply a City Plan Designation to 315 Properties, Alter Figures 6 4, 6.5, 6.7, 6.12, and Table 6.6 of the Comprehensive Plan to Designate Future street alignments, and amend Ordinance No. 2050, the Zoning Map to Apply City Zoning to 302 Properties Located in the Elmonica / Merlo Light Rail Station Community Area; CPA2007-0007/ZMA 2007-0006

FOR AGENDA OF: 06/4/07 **BILL NO:** 07116

Mayor's Approval: Linda P. Adlard

DEPARTMENT OF ORIGIN: CDD SB

DATE SUBMITTED: 05/25/07

CLEARANCES: City Attorney US
Planning Services HB

PROCEEDING: First Reading

EXHIBITS:
1. Proposed Ordinance and Exhibits A-F: Pages 1-7
2. Staff Reports: Pages 8-146
3. Planning Commission Final Order No. 1954. Pages 147-150

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The proposal is to apply the City's Station Community (SC) Comprehensive Plan Land Use Map designation to 315 parcels and apply the City's Station Area – Medium Density Residential (SA-MDR) and Station Community – High Density Residential (SC-HDR) zones to 302 parcels annexed to the City through Ordinance No. 4338 in 2005. Additionally, the proposal is to adopt Washington County planning for existing and future street alignments in the area by amending Figures 6.4 (Functional Classification Map), 6.5 (Street Improvement Master Plan Map), 6.7 (Transportation System Plan Local Connectivity Map – Index), 6.12 (Transportation System Plan Local Connectivity Map), and Table 6.6 (Local Connectivity Map Recommendations on Potential Connections) in Volume One, Chapter Six of the City's Comprehensive Plan. Staff recommended partial denial of the proposal involving the rezone of 11 properties after a finding that possible traffic impacts associated with the rezone could not be assessed without conducting a comprehensive traffic impact analysis for the area. Staff recommended instead that the decision to rezone these properties be postponed until the City is able to consider amendments to the City's multiple use zoning districts through the upcoming update of Chapter 20 of the Development Code.

The Planning Commission unanimously supported the staff recommendation at their April 25, 2007 meeting. Written testimony was received from an attorney representing the Costco Corporation recommending denial of the proposed amendments citing unresolved annexation issues. Staff discussed the objections with the Costco representative to address concerns, and subsequent to the Planning Commission decision, no appeal was filed.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map, Chapter Six of the Comprehensive Plan and Ordinance No. 2050, the Zoning Map to implement Planning Commission Final Order No. 1954.

RECOMMENDED ACTION:

First Reading

Agenda Bill No: 07116

ORDINANCE NO. 4440

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP FOR 315 PROPERTIES, AMENDING CHAPTER SIX OF THE COMPREHENSIVE PLAN TO ADOPT COUNTY PLANNED STREET ALIGNMENTS, AND AMENDING ORDINANCE NO. 2050 THE ZONING MAP FOR 302 PROPERTIES LOCATED IN THE ELMONICA / MERLO LIGHT RAIL STATION COMMUNITY AREA; CPA2007-0007/ZMA2007-0006

WHEREAS, the properties were annexed to the City of Beaverton through Ordinance No. 4338, in 2005, granting the City authority to apply Beaverton's Comprehensive Land Use and Zoning Map designations and related Development Code standards to the properties; and

WHEREAS, the Planning Commission held a public hearing on April 25, 2007 to take testimony and deliberate on CPA2007-0007/ZMA2007-0006; and

WHEREAS, on April 25, 2007, the Planning Commission recommended approval of CPA2007-0007 and partial approval and partial denial of ZMA2007-0006 based upon the Staff Report dated April 16, 2007 and Supplemental Staff Report dated April 25 2007, incorporated herein by reference; and

WHEREAS, Final Order #1954, was prepared memorializing the Planning Commission's decision, and no appeal therefrom was submitted; now, therefore

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map (Figure III-1) is amended to designate the subject properties Station Community (SC) as shown on Exhibit "A".

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the subject properties Station Area – Medium Density Residential (SA-MDR) and Station Community – High Density Residential (SC-HDR) as shown on Exhibit "A"

Section 3. Ordinance No. 4187, the Comprehensive Plan is amended to replace Figures 6.4, 6.5, 6.7, 6.12, and Table 6.6 with revisions as shown on Exhibits "B, C, D, E, and F."

First reading this _____ day of _____, 2007.

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

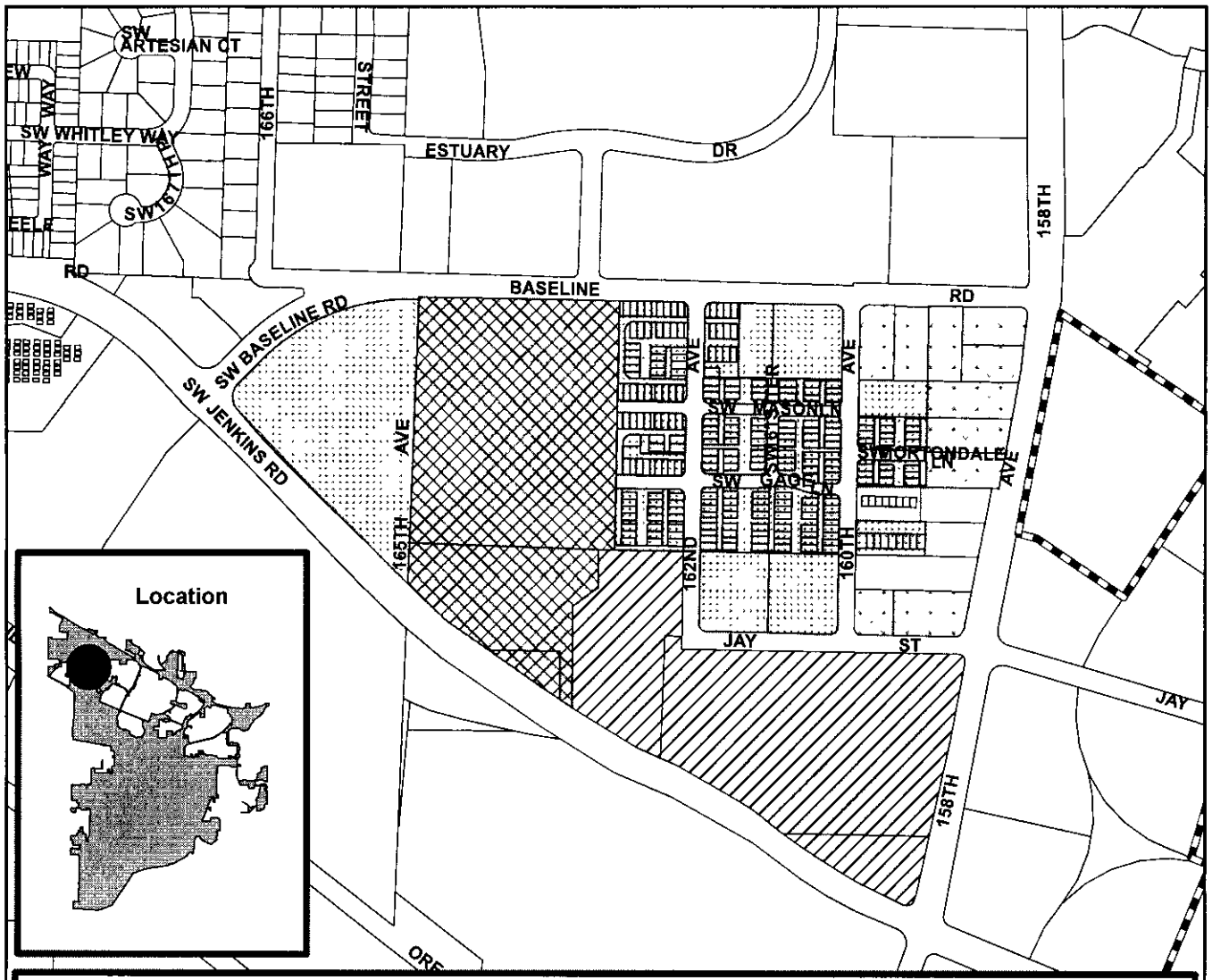
Approved by the Mayor this _____ day of _____, 2007.

ATTEST: APPROVED:

_____ _____

SUE NELSON, City Recorder ROB DRAKE, Mayor

VICINITY MAP



LEGAND

PROPOSED AMENDMENTS TO BEAVERTON'S COMPREHENSIVE LAND USE MAP AND ZONING MAP

- CITY LIMITS
- From WASHINGTON COUNTY TO:R18-24 — To CITY STATION COMMUNITY (SC) LAND USE DESIGNATION and SA-MDR ZONING
- From WASHINGTON COUNTY TO R24-40 — To CITY STATION COMMUNITY (SC) LAND USE DESIGNATION and SC-HDR ZONING
- From WASHINGTON COUNTY TO:RC — To CITY STATION COMMUNITY (SC) LAND USE DESIGNATION NO ZONE CHANGE
- From WASHINGTON COUNTY TO:BUS — To CITY STATION COMMUNITY (SC) LAND USE DEGSIGNATION NO ZONE CHANGE

CITY OF BEAVERTON

CPA2007-0007/ ZMA2007-0006

1/2/07

Tax Lot # *MULTIPLE*

N

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

SW BASELINE AVE/ SW JENKINS RD

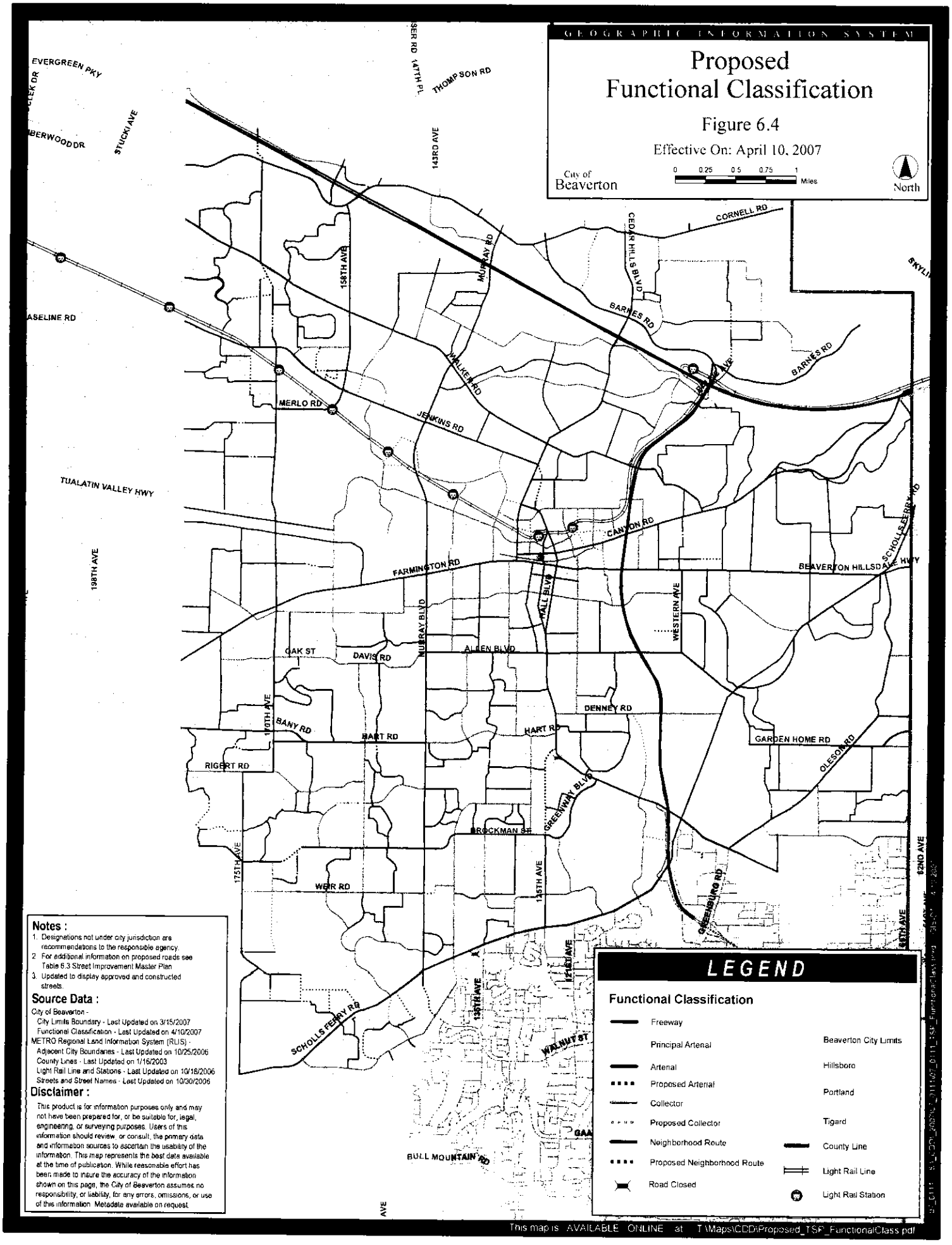
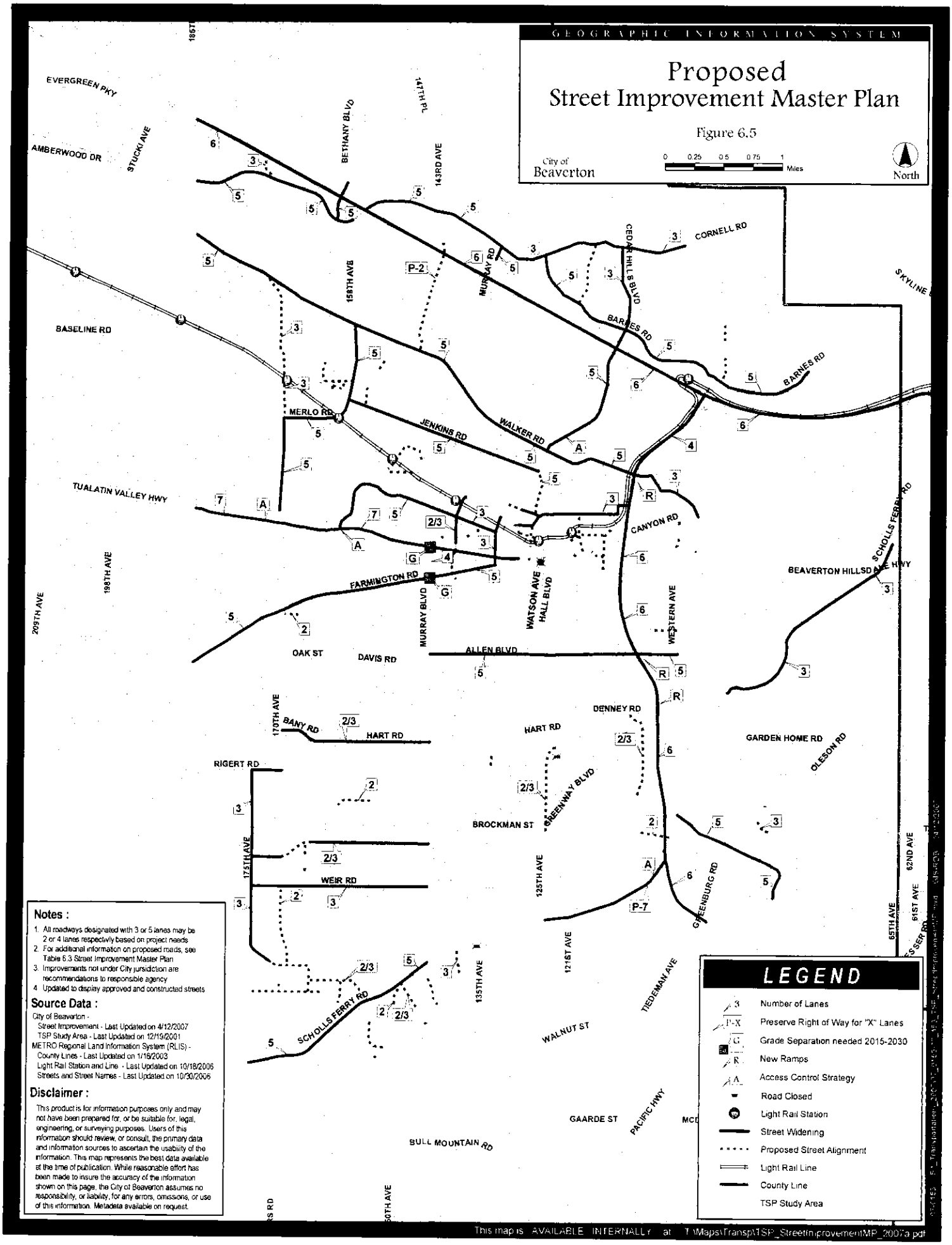
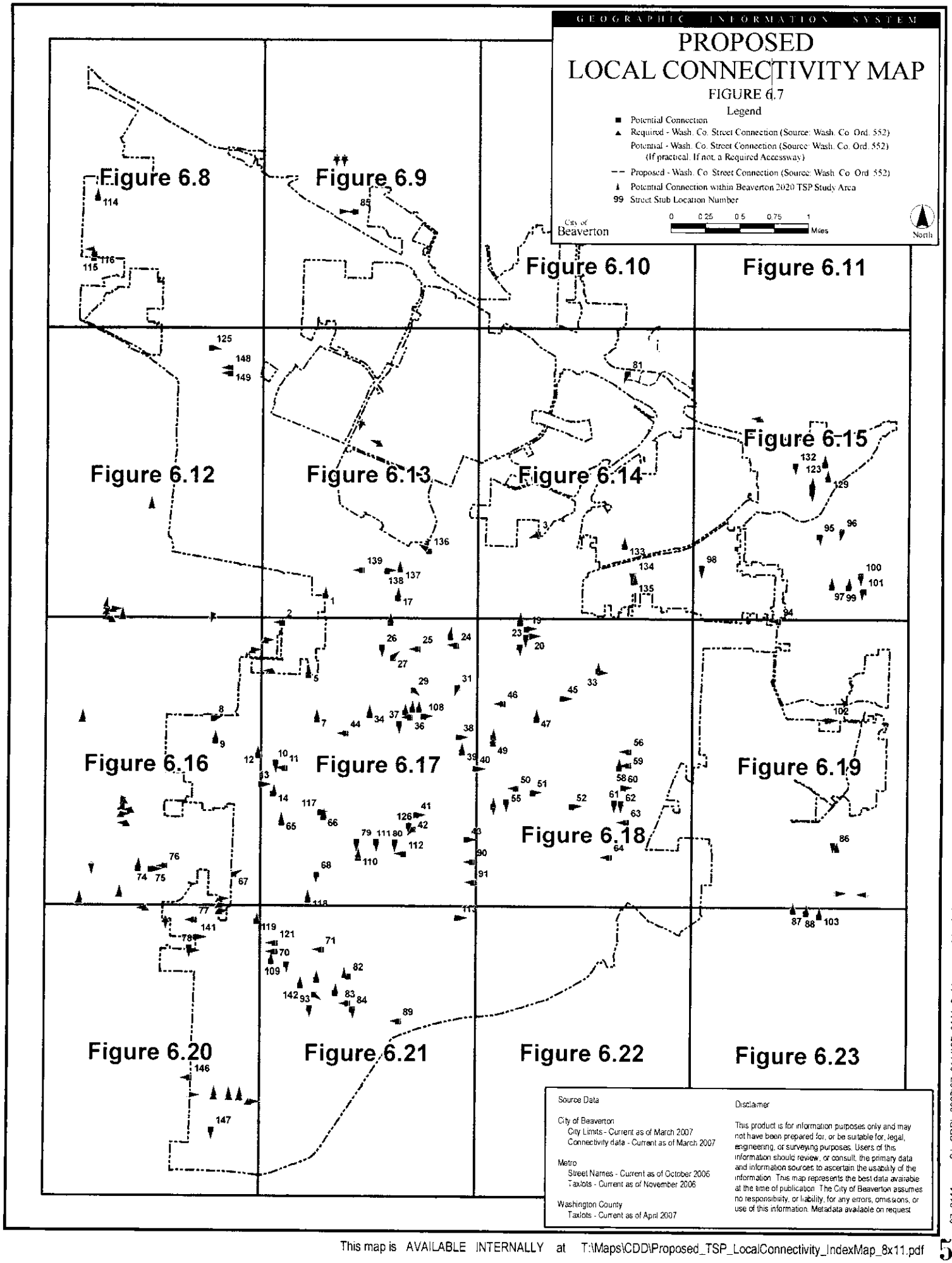

GEOGRAPHIC INFORMATION SYSTEM
Proposed
Functional Classification
Figure 6.4
Effective On: April 10, 2007
City of
Beaverton
0 0.25 0.5 0.75 1
Miles
North
EVERGREEN PKY
STUCKI AVE
THOMPSON RD
143RD AVE
CORNELL RD
CEDAR HILLS BLVD
BARNES RD
MURRAY RD
158TH AVE
WALKER RD
MERLO RD
JENKINS RD
TUALATIN VALLEY HWY
CANYON RD
FARMINGTON RD
BEAVERTON HILLSDALE HWY
SCHOLLS FERRY RD
198TH AVE
HALL BLVD
WESTERN AVE
OAK ST
DAVIS RD
ALLEN BLVD
DENNEY RD
BANY RD
HART RD
GARDEN HOME RD
OLESON RD
RIGERT RD
GREENWAY BLVD
BROCKMAN ST
175TH AVE
WEIR RD
135TH AVE
GREENBURG RD
82ND AVE
WALNUT ST
BULL MOUNTAIN RD
Notes :
1. Designations not under city jurisdiction are recommendations to the responsible agency.
2. For additional information on proposed roads see Table 6.3 Street Improvement Master Plan
3. Updated to display approved and constructed streets.
Source Data :
City of Beaverton -
City Limits Boundary - Last Updated on 3/15/2007
Functional Classification - Last Updated on 4/10/2007
METRO Regional Land Information System (RLIS) -
Adjacent City Boundaries - Last Updated on 10/25/2006
County Lines - Last Updated on 1/16/2003
Light Rail Line and Stations - Last Updated on 10/18/2006
Streets and Street Names - Last Updated on 10/30/2006
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.
LEGEND
Functional Classification
Freeway
Principal Arterial
Arterial
Proposed Arterial
Collector
Proposed Collector
Neighborhood Route
Proposed Neighborhood Route
Road Closed
Beaverton City Limits
Hillsboro
Portland
Tigard
County Line
Light Rail Line
Light Rail Station
This map is AVAILABLE ONLINE at T:\Maps\CDD\Proposed_TSP_FunctionalClass.pdf

EXHIBIT C


GEOGRAPHIC INFORMATION SYSTEM
Proposed
Street Improvement Master Plan
Figure 6.5
City of Beaverton
0 0.25 0.5 0.75 1 Miles
North
EVERGREEN PKY
AMBERWOOD DR
STUCKI AVE
BETHANY BLVD
147TH PL
143RD AVE
CORNELL RD
CEDAR HILLS BLVD
SKYLINE
158TH AVE
MURRAY RD
BARNES RD
BASELINE RD
MERLO RD
JENKINS RD
WALKER RD
TUALATIN VALLEY HWY
CANYON RD
SCHOLLS FERRY RD
BEAVERTON HILLSDALE HWY
198TH AVE
209TH AVE
FARMINGTON RD
MURRAY BLVD
WATSON AVE
HALL BLVD
WESTERN AVE
OAK ST
DAVIS RD
ALLEN BLVD
170TH AVE
BANY RD
HART RD
DENNEY RD
GARDEN HOME RD
OLESON RD
RIGERT RD
GREENWAY BLVD
BROCKMAN ST
175TH AVE
WEIR RD
125TH AVE
GREENBURG RD
62ND AVE
65TH AVE
61ST AVE
135TH AVE
121ST AVE
TIEDEMAN AVE
WALNUT ST
GAARDE ST
PACIFIC HWY
BULL MOUNTAIN RD
Notes :
1. All roadways designated with 3 or 5 lanes may be 2 or 4 lanes respectively based on project needs
2. For additional information on proposed roads, see Table 6.3 Street Improvement Master Plan
3. Improvements not under City jurisdiction are recommendations to responsible agency
4. Updated to display approved and constructed streets
Source Data :
City of Beaverton -
Street Improvement - Last Updated on 4/12/2007
TSP Study Area - Last Updated on 12/19/2001
METRO Regional Land Information System (RLIS) -
County Lines - Last Updated on 1/16/2003
Light Rail Station and Line - Last Updated on 10/18/2006
Streets and Street Names - Last Updated on 10/30/2006
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.
LEGEND
3 Number of Lanes
P-X Preserve Right of Way for "X" Lanes
G Grade Separation needed 2015-2030
R New Ramps
A Access Control Strategy
Road Closed
Light Rail Station
Street Widening
Proposed Street Alignment
Light Rail Line
County Line
TSP Study Area
This map is AVAILABLE INTERNALLY at T:\Maps\Transp\TSP_StreetImprovementMP_2007a.pdf



07_0111 S:_CDD_2007\07_0111\07_0111_8x11_connectivity_index_map.mxd GIS-DT 04-10-2007

This map is AVAILABLE INTERNALLY at T:\Maps\CDD\Proposed_TSP_LocalConnectivity_IndexMap_8x11.pdf

EXHIBIT E

Proposed Figure 6.12

Table 6.6: Local Connectivity Map Recommendations on Potential Connections

Table 6.6 Connection Number	Rating: P = Potential or Definite Problems M = Minimal Problems A = City Adopted Street Connections (2015 TSP) County = County Adopted Connection	Recommendations
148	County	Pursue Multi-modal
149	County	Pursue Multi-modal

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: Planning Commission

AGENDA DATE: April 25, 2007 **REPORT DATE:** 4/16/2007

FROM: Jeff Salvon, AICP, Associate Planner
Hal Bergsma, Planning Services Manager

APPLICATIONS:
1) CPA2007-0007
(Baseline/Jenkins Annexation Related Comprehensive Plan Land Use Map and Transportation Element Map Amendments)
2) ZMA2007-0006
(Baseline/Jenkins Annexation Zoning Map Amendment)
3) TA2007-0003
(Merlo Station Community: Major Pedestrian Route Map Amendment)

LOCATION: The subject parcels are located in an area bordered on the south by SW Jenkins Road, on the north by of SW Baseline Road, and on the East by SW 158th Avenue. Proposed future street designations are planned for this area. Proposed major pedestrian routes are on area streets extending from the Merlo and the Elmonica Light Rail Stations to an area approximately one-half mile from the Station platforms (see Attachment 6 for area parameters).

NEIGHBORHOOD ASSOCIATION: Washington County CPO 7, Sunset West/Rock Creek/Bethany Citizen Participation Organization and Beaverton Five Oaks/Triple Creek Neighborhood Association Committee

REQUESTS:
1. Apply the City's Station Community (SC) Comprehensive Plan Land Use Map designation, and apply the City's Station Community Multiple Use (SC-MU) Zone, the Station Community High Density Residential (SC-HDR) Zone, and Station Area Medium Density Residential (SA-MDR) Zone to 315 parcels.

2. Amend Figures 6.4 (Functional Classification Map), Figure

6.5 (Street Improvement Master Plan), Figure 6.7 (Transportation System Plan Local Connectivity Map - Index), and Figure 6.12 (Transportation System Plan Local Connectivity Map) and Table 6.6 (Local Connectivity Map Recommendations on Potential Connections) in Volume One, Chapter Six of the City's Comprehensive Plan designating future street alignments to reflect Washington County's planning for the area.

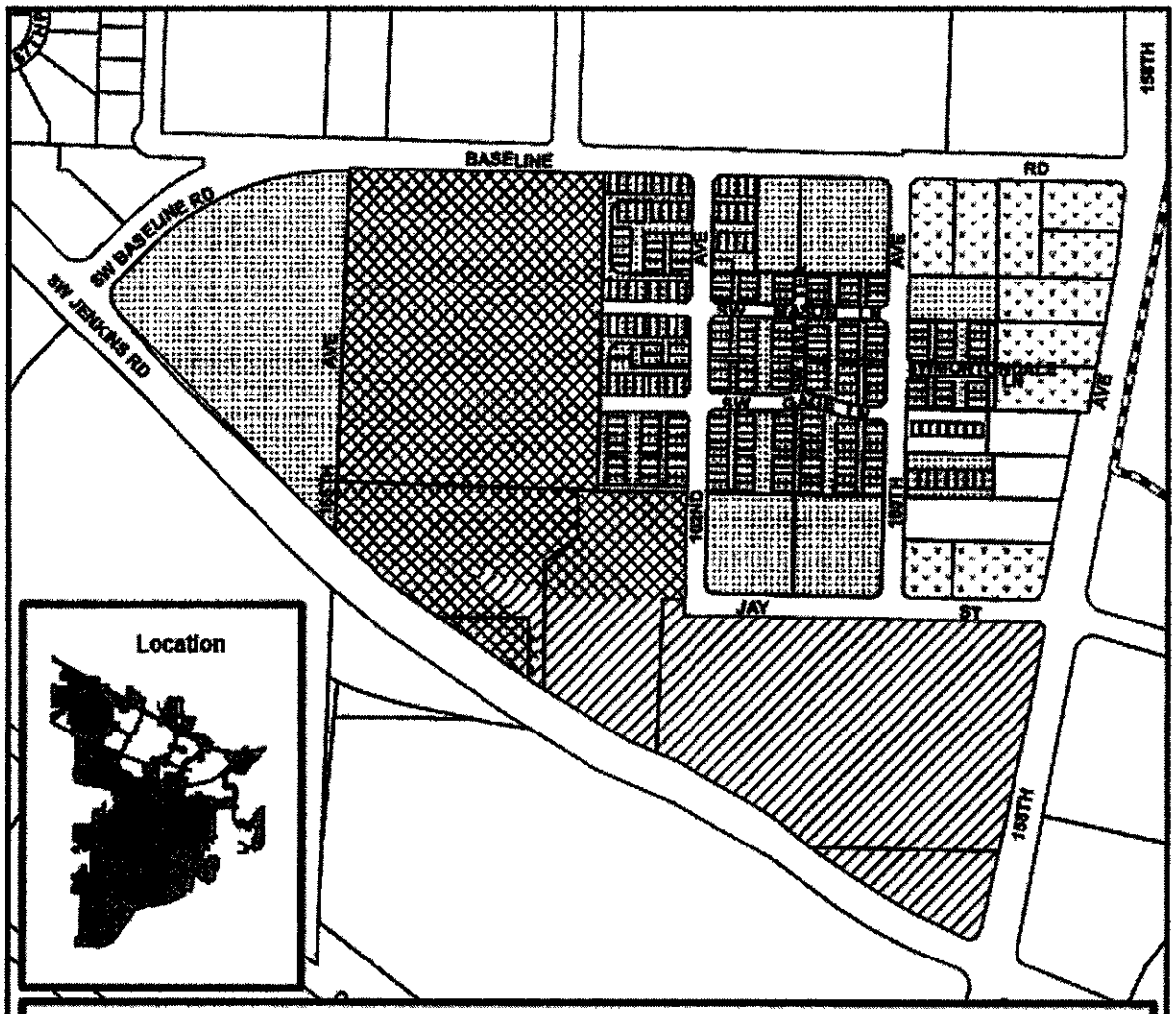
3. Amend Section 60.05.55.4 of the Development Code (Major Pedestrian Route Map for the Merlo Station Community) to alter existing and assign new Class 1 and Class 2 Major Pedestrian Routes to current and future streets in the Merlo Station Community Area.

APPLICANT: City of Beaverton Community Development Director

APPROVAL CRITERIA: Comprehensive Plan Section 1.5.1, Development Code Section 40.97.15.4.C, and 40.85.15.1.C

RECOMMENDATION: **Adopt a final order recommending that City Council adopt an ordinance specifying the following:**
(1) Approval of staff's proposal to apply the City's Station Community (SC) Comprehensive Plan Land Use Map designation to all properties that are the subject of CPA2007-0007;
(2) Approval of ZMA2007-0006 as it pertains to application of the City's Station Community High Density Residential (SC-HDR) Zone and the City's Station Area Medium Density Residential (SA-MDR) Zone to tax lots specified in the public hearing notice but denial of application of City's SA-MU Zone to tax lots specified in the public hearing notice;
(3) Approval of amendments to Figures 6.4, 6.5, 6.7, 6.12, and Table 6.6 in Chapter 6 of Volume One of the Comprehensive Plan, the Transportation Element, as recommended in this staff report; and
(4) Approval of amendment of Section 60.05.55.4 of the Development Code – the Major Pedestrian Route Map for the Merlo Station Community to retitle the map "Elmonica/Merlo Station Community", expand the area of coverage and show proposed Major Pedestrian Routes described in the public hearing notice.

VICINITY MAP



LEGEND

PROPOSED AMENDMENTS TO BEAVERTON'S COMPREHENSIVE LAND USE MAP AND ZONING MAP

- CITY LIMITS
- WASHINGTON COUNTY TO: 18-24 TO CITY STATION COMMUNITY LAND USE DESIGNATION AND SA-MDR ZONE
- WASHINGTON COUNTY TO : 24-40 TO CITY STATION COMMUNITY LAND USE DESIGNATION AND SC-HDR ZONE
- WASHINGTON COUNTY TO : RC TO CITY STATION COMMUNITY LAND USE DESIGNATION AND SC-MU ZONE
- WASHINGTON COUNTY TO : BUS TO CITY STATION COMMUNITY LAND USE DESIGNATION AND SC-MU ZONE

CITY OF BEAVERTON

CPA2007-0007/ ZMA2007-0006

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

1/2/07
Tax Lot #
MULTIPLE

N

SW BASELINE RD/
SW JENKINS RD

SUMMARY

The proposed amendments involve applying the City's plan and zoning to the subject properties, applying Washington County's Special Area street alignments to maps in the City's Comprehensive Plan Transportation Element, and the application of Major Pedestrian Routes to the Elmonica/Merlo Station Community. In the process of preparing findings to support staff's recommendation, staff analyzed compatibility between Washington County's land use regulations and the City's land use regulations and assessed possible impacts that could result from the proposed amendments.

BACKGROUND

The area containing the subject parcels was part of the 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 County's 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. The properties included in this proposal all carry TO district designations.

In 1989, the City of Beaverton and Washington County adopted their present Urban Planning Area Agreement (UPAA). This agreement provides a process for applying City plan and zone designations to newly annexed properties. The underlying intent of this agreement is to create a process in advance so that all successive actions could be made with minimal discretion. Because Washington County's TO district planning was adopted subsequent to the terms agreed upon in the UPAA, the UPAA's relevance in dictating appropriate City plan and zone designations in this case is limited. The Planning Commission must therefore exercise discretion in determining the City plan and zoning designations that should be applied to the subject parcels.

Staff devoted considerable attention to the County's long term vision for the area so that the intent of the agreement would be fulfilled. After assessing the County's planning for the area, staff is proposing the following amendments:

- CPA2007-0007 proposes amendment of the Comprehensive Plan Land Use Map and ZMA2007-0006 proposes amendment of the Zoning Map for 315 properties annexed into the City in March of 2005. It also proposes amendment of Figures 6.4, 6.7, 6.12, and Table 6.6 in Chapter Six of the Comprehensive Plan to assign future streets reflective of County planned transportation circulation designations with the study area.

- TA2007-0003 proposes amendment of Section 60.05.55.4. (Major Pedestrian Route Maps: Merlo Station Community) in the City Development Code.

These proposed actions will be addressed separately in following sections of this report

In assessing which City land use and zoning designations most closely reflect Washington County's intent for the subject properties, staff focused particular attention upon five areas of assessment: (1) staff surveyed the existing conditions in the area to determine the suitability of proposed designations with what is currently on the ground; (2) staff reviewed the role that Metro's Station Community Design Type played in the planning of both Washington County and the City of Beaverton; (3) staff examined discrepancies that exist between Washington County's Transit Oriented (TO) districts applied to the subject properties and Beaverton's multiple use zone equivalents in order to determine which City land use and zoning designations were most appropriate for the area; (4) staff reviewed the Washington County Sunset West Community Plan for Areas of Special Concern and other provisions requiring attention; and (5) staff addressed comments from County staff responding to the proposal.

EXISTING CONDITIONS

Uses. The subject area encompasses a total of 315 parcels (approximately 56 acres) and supports a range of uses. Staff performed a field survey of the subject parcels and identified the area and existing use in the following inventory:

	Map &Tax Lot	Lot Size (Acres)	Existing Use
1	1S105CB00100	0.46	Single Family Home / Construction Co.
2	1S105CB00200	0.42	Single Family Home / Limo Service
3	1S105CB00300	0.49	Single Family Home
4	1S105CB00400	0.58	Single Family Home / Air Duct Cleaning Business
5	1S105CB00500	0.55	Single Family Home
6	1S105CB00600	0.51	Single Family Home
7	1S105CB01000	0.65	Building Construction Business
8	1S105CB01100	0.34	Single Family Home
9	1S105CB01700	0.46	Single Family Home
10	1S105CB01800	0.48	Single Family Home
11	1S105CB01900	0.49	Single Family Home
12	1S105CB02000	0.98	Single Family Home and Auto Repair
13	1S105CB02600	1.06	Parking Lot
14	1S105CB02700	1.06	Parking Lot
15	1S105CB02900	0.49	Single Family Home
16	1S105CB04800	9.60	Driving Range / Power Line Easement
17	1S105CB04900	3.30	Parking and Vacant
18	1S105CB05000	3.25	Driving Range / Parking
19	1S105CB05100	0.58	Driving Range / Parking
20	1S105CB05200	0.02	Single Family Home
21	1S105CB05300	0.02	Single Family Home
23	1S105CB05500	0.02	Single Family Home
22	1S105CB05400	0.02	Single Family Home
24	1S105CB05600	0.02	Single Family Home

	Map &Tax Lot	Lot Size (Acres)	Existing Use
25	1S105CB05700	0.02	Single Family Home
26	1S105CB05800	0.02	Single Family Home
27	1S105CB05900	0.02	Single Family Home
28	1S105CB06000	0.02	Single Family Home
29	1S105CB06100	0.02	Single Family Home
30	1S105CB06200	0.02	Single Family Home
31	1S105CB06300	0.02	Single Family Home
32	1S105CB06400	0.02	Single Family Home
33	1S105CB06500	0.02	Single Family Home
34	1S105CB06600	0.02	Single Family Home
35	1S105CB06700	0.02	Single Family Home
36	1S105CB06800	0.02	Single Family Home
37	1S105CB06900	0.02	Single Family Home
38	1S105CB07000	0.02	Single Family Home
39	1S105CB07100	0.02	Single Family Home
40	1S105CB07200	0.02	Single Family Home
41	1S105CB07300	0.04	Private Street
42	1S105CB07400	0.03	Private Street
43	1S105CB07500	0.10	Private Street
44	1S105CB07600	0.11	Private Street
45	1S105CB07700	0.03	Private Street
46	1S105CB07800	0.03	Private Street
47	1S105CB07900	0.01	Private Street
48	1S105CB08000	0.02	Single Family Home
49	1S105CB08200	0.02	Single Family Home
50	1S105CB08300	0.02	Single Family Home
51	1S105CB08400	0.02	Single Family Home
52	1S105CB08500	0.02	Single Family Home
53	1S105CB08600	0.02	Single Family Home
54	1S105CB08700	0.02	Single Family Home
55	1S105CB08800	0.02	Single Family Home
56	1S105CB08900	0.02	Single Family Home
57	1S105CB09000	0.02	Single Family Home
58	1S105CB09100	0.02	Single Family Home
59	1S105CB09200	0.02	Single Family Home
60	1S105CB09300	0.02	Single Family Home
61	1S105CB09400	0.02	Single Family Home
62	1S105CB09500	0.02	Single Family Home
63	1S105CB09600	0.02	Single Family Home
64	1S105CB09700	0.02	Single Family Home
65	1S105CB09800	0.02	Single Family Home
66	1S105CB09900	0.02	Single Family Home
67	1S105CB10000	0.02	Single Family Home
68	1S105CB10100	0.02	Single Family Home
69	1S105CB10200	0.02	Single Family Home
70	1S105CB10300	0.02	Single Family Home
71	1S105CB10400	0.02	Single Family Home
72	1S105CB10500	0.02	Single Family Home
73	1S105CB10600	0.02	Single Family Home
74	1S105CB10700	0.02	Single Family Home
75	1S105CB10800	0.02	Single Family Home
76	1S105CB10900	0.02	Single Family Home
77	1S105CB11000	0.02	Single Family Home
78	1S105CB11100	0.02	Single Family Home
79	1S105CB11200	0.02	Single Family Home
80	1S105CB11300	0.01	Vacant
81	1S105CB11400	0.02	Vacant
82	1S105CB11500	0.01	Vacant
83	1S105CB11600	0.03	Private Street

	Map &Tax Lot	Lot Size (Acres)	Existing Use
84	1S105CB11700	0.03	Private Street
85	1S105CB11800	0.03	Private Street
86	1S105CB11900	0.08	Private Street
87	1S105CB12000	0.19	Private Street
88	1S105CB12100	0.02	Single Family Home
89	1S105CB12200	0.02	Single Family Home
90	1S105CB12300	0.02	Single Family Home
91	1S105CB12400	0.02	Single Family Home
92	1S105CB12500	0.02	Single Family Home
93	1S105CB12600	0.02	Single Family Home
94	1S105CB12700	0.02	Single Family Home
95	1S105CB12800	0.02	Single Family Home
96	1S105CB12900	0.02	Single Family Home
97	1S105CB13000	0.02	Single Family Home
98	1S105CB13100	0.02	Single Family Home
99	1S105CB13200	0.02	Single Family Home
100	1S105CB13300	0.02	Single Family Home
101	1S105CB13400	0.02	Single Family Home
102	1S105CB13500	0.02	Single Family Home
103	1S105CB13600	0.02	Single Family Home
104	1S105CB13700	0.02	Single Family Home
105	1S105CB13800	0.02	Single Family Home
106	1S105CB13900	0.02	Single Family Home
107	1S105CB14000	0.02	Single Family Home
108	1S105CB14100	0.02	Single Family Home
109	1S105CB14200	0.02	Single Family Home
110	1S105CB14300	0.01	Vacant
111	1S105CB14400	0.02	Single Family Home
112	1S105CB14500	0.06	Private Street
113	1S105CB14600	0.22	Private Street
114	1S105CB14700	0.07	Private Street
115	1S105CB14800	0.03	Single Family Home
116	1S105CB14900	0.02	Single Family Home
117	1S105CB15000	0.02	Single Family Home
118	1S105CB15100	0.02	Single Family Home
119	1S105CB15200	0.02	Single Family Home
120	1S105CB15300	0.02	Single Family Home
121	1S105CB15400	0.02	Single Family Home
122	1S105CB15500	0.02	Single Family Home
123	1S105CB15600	0.02	Single Family Home
124	1S105CB15700	0.17	Vacant
125	1S105CB15800	0.10	Private Street
126	1S105CB15900	0.02	Single Family Home
127	1S105CB16000	0.02	Single Family Home
128	1S105CB16100	0.02	Single Family Home
129	1S105CB16200	0.02	Single Family Home
130	1S105CB16300	0.02	Single Family Home
131	1S105CB16400	0.02	Single Family Home
132	1S105CB16500	0.02	Single Family Home
133	1S105CB16600	0.02	Single Family Home
134	1S105CB16700	0.02	Single Family Home
135	1S105CB16800	0.02	Single Family Home
136	1S105CB16900	0.02	Single Family Home
137	1S105CB17000	0.02	Single Family Home
138	1S105CB17100	0.02	Single Family Home
139	1S105CB17200	0.02	Single Family Home
140	1S105CB17300	0.02	Single Family Home
141	1S105CB17400	0.02	Single Family Home
142	1S105CB17500	0.02	Single Family Home

	Map &Tax Lot	Lot Size (Acres)	Existing Use
143	1S105CB17600	0.02	Single Family Home
144	1S105CB17700	0.02	Single Family Home
145	1S105CB17800	0.02	Single Family Home
146	1S105CB17900	0.02	Single Family Home
147	1S105CB18000	0.02	Single Family Home
148	1S105CB18100	0.02	Single Family Home
149	1S105CB18200	0.02	Single Family Home
150	1S105CB18300	0.02	Single Family Home
151	1S105CB18400	0.02	Single Family Home
152	1S105CB18500	0.02	Single Family Home
153	1S105CB18600	0.02	Single Family Home
154	1S105CB18700	0.02	Single Family Home
155	1S105CB18800	0.02	Single Family Home
156	1S105CB18900	0.02	Single Family Home
157	1S105CB19000	0.02	Single Family Home
158	1S105CB19100	0.02	Single Family Home
159	1S105CB19200	0.02	Single Family Home
160	1S105CB19300	0.02	Single Family Home
161	1S105CB19400	0.02	Single Family Home
162	1S105CB19500	0.02	Single Family Home
163	1S105CB19600	0.02	Single Family Home
164	1S105CB19700	0.02	Single Family Home
165	1S105CB19800	0.02	Single Family Home
166	1S105CB19900	0.02	Single Family Home
167	1S105CB20000	0.02	Single Family Home
168	1S105CB20100	0.02	Single Family Home
169	1S105CB20200	0.02	Single Family Home
170	1S105CB20300	0.02	Single Family Home
171	1S105CB20400	0.02	Single Family Home
172	1S105CB20500	0.02	Single Family Home
173	1S105CB20600	0.02	Single Family Home
174	1S105CB20700	0.02	Single Family Home
175	1S105CB20800	0.02	Single Family Home
176	1S105CB20900	0.02	Single Family Home
177	1S105CB21000	0.02	Single Family Home
178	1S105CB21100	0.02	Single Family Home
179	1S105CB21200	0.02	Single Family Home
180	1S105CB21300	0.25	Private Street
181	1S105CB21400	0.23	Private Street
182	1S105CB21500	0.10	Private Street
183	1S105CB21600	0.02	Private Street
184	1S105CB21700	0.03	Private Street
185	1S105CB21800	0.03	Private Street
186	1S105CB21900	0.07	Private Street
187	1S105CB22000	0.02	Private Street
188	1S105CB22100	0.01	Vacant
189	1S105CB22200	0.01	Vacant
190	1S105CB22300	0.01	Vacant
191	1S105CB22400	0.01	Vacant
192	1S105CB22500	0.02	Single Family Home
193	1S105CB22600	0.02	Single Family Home
194	1S105CB22700	0.02	Single Family Home
195	1S105CB22800	0.02	Single Family Home
196	1S105CB22900	0.02	Single Family Home
197	1S105CB23000	0.02	Single Family Home
198	1S105CB23100	0.02	Single Family Home
199	1S105CB23200	0.02	Single Family Home
200	1S105CB23300	0.02	Single Family Home
201	1S105CB23400	0.02	Single Family Home

	Map &Tax Lot	Lot Size (Acres)	Existing Use
202	1S105CB23500	0.02	Single Family Home
203	1S105CB23600	0.02	Single Family Home
204	1S105CB23700	0.02	Single Family Home
205	1S105CB23800	0.02	Single Family Home
206	1S105CB23900	0.02	Single Family Home
207	1S105CB24000	0.02	Single Family Home
208	1S105CB24100	0.02	Single Family Home
209	1S105CB24200	0.02	Single Family Home
210	1S105CB24300	0.02	Single Family Home
211	1S105CB24400	0.02	Single Family Home
212	1S105CB24500	0.02	Single Family Home
213	1S105CB24600	0.06	Private Street
214	1S105CB24700	0.07	Private Street
215	1S105CB24800	0.16	Private Street
216	1S105CB24900	0.01	Vacant
217	1S105CB25000	0.01	Vacant
218	1S105CB25100	0.07	Private Street
219	1S105CB25200	0.02	Single Family Home
220	1S105CB25300	0.02	Single Family Home
221	1S105CB25400	0.02	Single Family Home
222	1S105CB25500	0.02	Single Family Home
223	1S105CB25600	0.02	Single Family Home
224	1S105CB25700	0.02	Single Family Home
225	1S105CB25800	0.02	Single Family Home
226	1S105CB25900	0.02	Single Family Home
227	1S105CB26000	0.02	Single Family Home
228	1S105CB26100	0.02	Single Family Home
229	1S105CB26200	0.02	Single Family Home
230	1S105CB26300	0.02	Single Family Home
231	1S105CB26400	0.03	Single Family Home
232	1S105CB26500	0.02	Vacant
233	1S105CB26600	0.02	Vacant
234	1S105CB26700	0.02	Vacant
235	1S105CB26800	0.02	Vacant
236	1S105CB26900	0.02	Vacant
237	1S105CB27000	0.02	Vacant
238	1S105CB27100	0.02	Vacant
239	1S105CB27200	0.02	Vacant
240	1S105CB27300	0.02	Vacant
241	1S105CB27400	0.02	Vacant
242	1S105CB27500	0.02	Vacant
243	1S105CB27600	0.02	Vacant
244	1S105CB27700	0.02	Vacant
245	1S105CB27800	0.02	Vacant
246	1S105CB27900	0.02	Vacant
247	1S105CB28000	0.02	Vacant
248	1S105CB28100	0.02	Vacant
249	1S105CB28200	0.02	Vacant
250	1S105CB28300	0.02	Vacant
251	1S105CB28400	0.02	Vacant
252	1S105CB28500	0.02	Vacant
253	1S105CB28600	0.02	Vacant
254	1S105CB28700	0.02	Vacant
255	1S105CB28800	0.02	Vacant
256	1S105CB28900	0.02	Vacant
257	1S105CB29000	0.02	Vacant
258	1S105CB29100	0.02	Vacant
259	1S105CB29200	0.02	Vacant
260	1S105CB29300	0.02	Vacant

	Map &Tax Lot	Lot Size (Acres)	Existing Use
261	1S105CB29400	0.02	Vacant
262	1S105CB29500	0.02	Vacant
263	1S105CB29600	0.02	Vacant
264	1S105CB29700	0.02	Vacant
265	1S105CB29800	0.02	Vacant
266	1S105CB29900	0.02	Vacant
267	1S105CB30000	0.02	Vacant
268	1S105CB30100	0.02	Vacant
269	1S105CB30200	0.02	Vacant
270	1S105CB30300	0.02	Vacant
271	1S105CB30400	0.02	Vacant
272	1S105CB30500	0.02	Vacant
273	1S105CB30600	0.02	Vacant
274	1S105CB30700	0.02	Vacant
275	1S105CB30800	0.03	Vacant
276	1S105CB30900	0.02	Vacant
277	1S105CB31000	0.02	Vacant
278	1S105CB31100	0.02	Vacant
279	1S105CB31200	0.02	Vacant
280	1S105CB31300	0.02	Vacant
281	1S105CB31400	0.02	Vacant
282	1S105CB31500	0.02	Vacant
283	1S105CB31600	0.02	Vacant
284	1S105CB31700	0.02	Vacant
285	1S105CB31800	0.02	Vacant
286	1S105CB31900	0.02	Vacant
287	1S105CB32000	0.02	Vacant
288	1S105CB32100	0.08	Private Street
289	1S105CB32200	0.08	Private Street
290	1S105CB32300	0.05	Private Street
291	1S105CB32400	0.01	Vacant
292	1S105CB32500	0.01	Vacant
293	1S105CB32600	0.02	Single Family Home
294	1S105CB32700	0.22	Private Street
295	1S105CB32800	0.01	Vacant
296	1S105CB32900	0.19	Private Street
297	1S105CB33000	0.03	Private Street
298	1S105CB33100	0.01	Vacant
299	1S105CB33200	0.01	Vacant
300	1S105CB33300	0.02	Vacant
301	1S105CB33400	0.02	Vacant
302	1S105CB33500	0.01	Vacant
303	1S105CB33600	0.01	Vacant
304	1S105CB33700	0.01	Vacant
305	1S105CB33800	0.01	Vacant
306	1S105CB33900	0.02	Vacant
307	1S105CB34000	0.14	Private Street
308	1S105CB34100	0.01	Private Street
309	1S105CB34200	0.09	Private Street
310	1S105CB34300	0.05	Private Street
311	1S105CB34400	0.01	Vacant
312	1S105CB34500	0.01	Vacant
313	1S105CC00402	9.00	Retail (Costco store)
314	1S105CC00403	0.98	Retail Parking
315	1S106DA00200	6.00	144 Unit Apartment Complex

Character. The area is bordered by SW 158th Avenue, classified as an arterial, SW Jenkins Road, also classified as an arterial, and SW Baseline Road, classified as a collector on Washington County's Functional Classification Map. The area is also within one-half mile distance from two light rail stations and two major bus routes. Additionally, the neighborhood is within walking distance of the Costco Superstore and several major employment centers which include Nike, and IBM. Finally, the area is also within a short light rail commute to both the Beaverton and Hillsboro Downtown Regional Centers.

In surveying the area, one of the most noticeable characteristics observed is the pace and scale of change that is occurring in the neighborhood. Small neglected single family dwellings on large lots are posted for sale in numerous locations and row housing and co mmercial enterprises are being developed in their place. Improvements to streets, utilities, and landscaping are also occurring in some areas. Other indications of this change can be observed in the trends detailed below.

- Vacant and underutilized lots with older dwellings: Among the properties that exhibit this characteristic, 3.5 acres are designated TO:18-24 comprising 6.5% of the study area. Additionally, another 5.5 acres are designated TO: BUS, accounting for 10% of the study area. In each case, it is not uncommon for the property to carry a building-to-land value ratio of under 50%. Evidence that the dwelling was being used to support a home business was common. Staff also observed several for sale signs fronting SW Baseline Road and SW 158th Avenue advertising commercial opportunities associated with ownership of the property.
- Newly constructed single family row housing: Altogether this use accounts for 11.5 acres of which 2.25 acres are in mid-construction. The residential development in the area is being constructed in phases and once completed, will contain over 200 units, each unit occupying a lot of approximately 900 square feet. These units are attached in groups of three or more, are two stories, and share common areas. Most back on to alleys. Taken together, this use comprises about 20.5% of the study area. Over time, existing large underutilized lots in the study area may be developed with additional single family row housing.
- Rental housing: The study area contains a large well maintained apartment complex at the junction of SW Jenkins Road and SW Baseline Road. The complex has 144 units, sits on 6 acres of land, and comprises 10.7% of the study area.
- Driving range: This recreational facility occupies a central portion of the study area and comprises 13.5 acres of land – about 24% of the study area. Because the current use is especially land intensive and has been assigned a residential designation of between 24 and 40 units per acre by Washington County, it will likely offer the highest concentration of housing in the study area once the property redevelops. Under its current use, the property can be regarded as underutilized, with considerable redevelopment potential.

- Power line easement: Approximately 3.3 acres (5.9%) of the driving range property contains high-voltage PGE power lines and several suspension towers that extend north/south across the western edge of the property. The Tualatin Valley Park and Recreation District uses areas of the larger power easement for their Waterhouse Trail. Because they have designated this property as a proposed trail on their Trails Master Plan, it is likely that it will be the location of a public trail or bikeway at some point in the future. The utility easement will, however, be a constraining factor in any future development of the property.
- Costco Retail: In 1986, the Costco Corporation developed the southeastern portion of the study area with a big-box retail warehouse. This facility encompasses approximately 14 acres (25%) of the study area and generates a significant volume of traffic for the area. A full 10 acres of Costco's property is used for parking while 3.9 acres is devoted to the retail building foot print.

ANALYSIS FOR LAND USE MAP AND ZONING MAP AMENDMENTS

The proposed amendment is to apply City plan and zone designations to 315 properties that were annexed into the City in 2005. Since that annexation became effective, the City has continued to observe and enforce land use designations assigned to the properties by Washington County. This proposal constitutes the City's first attempt to apply City land use and zoning designations to the area since its annexation and can therefore be regarded as annexation related.

Comprehensive Plan Land Use Map and Zoning amendments are typically governed by the terms specified in the Urban Planning Area Agreement (UPAA). The proposal involves applying the City's most similar mixed use plan and multiple use zone designations to properties presently in County transit oriented (TO) land use districts. Because each of these land use categories was adopted after UPAA terms had been established, the UPAA does not specify which City plan designation and zone to apply to the subject properties, although it generally calls for application of "...City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations."

CITY/COUNTY STATION COMMUNITY CONCEPTS

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP) and established a design type definition for Station Community Areas. Title 1 of Metro's UGMFP defines Station Communities as "nodes of development centered approximately one-half mile around a light rail or high capacity transit station that features a high-quality pedestrian environment." Included in the Title 1 requirements is a provision requiring that city and county comprehensive plans be amended to include the boundaries of each design type determined by the City or County to be consistent with the general locations shown on the 2040 Growth Concept.

In complying with Title 1, Washington County adopted and assigned TO district designations to the subject properties in 1997 implementing the type of development consistent with the station community concept. Similarly, since 1997, the City of Beaverton adopted, and has been applying its station community plan and zone designations to areas within its station community plan boundaries.

Ultimately, both the City and the County have complied with Metro's growth concept and UGMFP requirements. Although some variation does exist in the standards used by the two jurisdictions to implement the station community design type, each set of standards has various elements in common. These include a focus on pedestrian friendly design features, development that encourages the use of public transit, a desire for mixed use development, increased building density allowances, and the application of specific design features within walking distance of the light rail station. Specific discrepancies

between the County's TO district and the City Station Community Zones will be assessed in the following section.

COMPATIBILITY ANALYSIS
COMPREHENSIVE PLAN LAND USE MAP DESIGNATIONS

As noted above, the County's station community design type designation has been applied to the subject properties. Both the County and the City design types were developed to conform with Metro's 2040 Growth Concept, are designed to prompt similar development, and generally apply to the same area boundary. To a large extent, it could be said that the City's Station Community Comprehensive Plan designation is the City's version of Washington County's Station Community Comprehensive Framework Plan designation. Given that the Station Community design type policies for both jurisdictions were adopted to reflect Metro's Station Community concept, it follows that applying the City's version is consistent with the UPAA's intent that the City adopt designations that most closely approximate the County density, use provisions and standards of the County designations.

The City's Comprehensive Plan contains a policy to apply the Station Community Land Use Designation generally within one mile of light rail station platforms. All properties included within this proposal fall within a one mile circumference of a light rail station platform. Finally, the City has already applied the Station Community Land Use designation to a variety of properties in locations around the subject parcels – including several parcels within the SW Baseline Road / SW Jenkins Road / SW 158th Avenue triangle. In light of these factors, staff finds that the City's Station Community Comprehensive Plan Land Use Map designation is the most suitable in reflecting Metro's and Washington County's intent for the area.

COMPATIBILITY ANALYSIS
ZONING MAP DESIGNATIONS

In the same way that Washington County developed its TO district designations as a means of implementing its Station Community concept, the City of Beaverton's Station Community and Station Area Multiple Use Zones implement the City's Station Community Comprehensive Plan Map designations. These zones most closely approximate the intent behind the County's transit oriented planning when applied to Station Community areas.

As mentioned previously, both sets of standards were adopted to comply with a common regional standard (Metro's design types specifications). In attempting to identify common elements, staff examined the "Purpose" and "Intent" narratives provided in Washington County Development Code Section 375-1 (County Transit Oriented Districts - Intent and Purpose) and Beaverton Development Code Sections

20.20 (Multiple Use Districts – Purpose), and Sections 20.20.10 – 20.20.20 (Station Community and Station Area purpose statements). Common elements between these sets of land use standards include the following.

- District provisions apply specifically to geographic areas adjacent to light rail transit station platforms.
- Development standards are described to encourage transit oriented development or compact urban environments around centers – specifically light rail station areas.
- Standards attempt to achieve a complementary mix of land uses which enable people to live, work, shop, and recreate within a close proximity to their place of employment or place of residence.
- Urban design features are incorporated that encourage people to walk, ride a bicycle or use transit.

Washington County assigns its TO districts to various urban centers throughout the County and applies additional standards that respond to the specific Metro design types where appropriate. The City of Beaverton takes a slightly different approach. The City has established specific zones for specific Metro design types. For its station communities, the City established five zone designations which include:

Station Community - Multiple Use (SC-MU) Zone
Station Community - High Density Residential (SC-HDR) Zone
Station Community - Employment Zone
Station Area - Mixed Use (SA-MU) Zone
Station Area - Medium Density Residential (SA-MDR)

Currently, the parcels within the study area are assigned one of four County land use districts: TO:R18-24, TO:R24-40, TO:RC, or TO:BUS. In establishing counterparts to approximate these districts, staff assessed the attributes of each of these zones and identified the following correlations:

From: Existing County TO District	**To:** Proposed City Station Community Zone
TO:R18-24	SA-MDR
TO:R24-40	SC-HDR
TO:BUS	SC-MU
TO:RC	SC-MU

It should be noted that the City has two multiple use commercial zones capable of substituting for the County's TO:BUS and TO:RC districts. However, the SC-MU and SA-MU zones each fulfill different functions in station communities. They are assigned to different areas based upon their distance from the light rail station platform. The SC-MU zone is intended for areas within ½ mile while the SA-MU zone is applied to areas

within one mile from the light rail platform. Because all of the study area falls within ½ mile from the platform, staff determined the SC-MU zone is most appropriate.

Analysis to assess compatibility between proposed land use designation counterparts focused upon permitted uses and density provisions. These elements are examined separately below.

Land Uses

Staff examined the compatibility among uses permitted by comparing uses permitted outright, permitted conditionally, and prohibited between the different zones. The tables that follow list inconsistencies related to permitted uses identified between recommended County / City zone counterparts.

TO:R18-24 / SA-MDR

Applying the City's SA-MDR zoning to properties where Washington County's TO:R18-24 district applies, will not place any current property uses into a non-conforming status.

As indicated in the table below, the City's SA-MDR Zone is less restrictive than Washington County's TO:R18-24 District. Where inconsistencies were identified, the City's standards are more lenient and offer a higher degree of flexibility. The one exception where a particular new land use would become prohibited pertains to detached residential dwelling units at the bottom of the table. Subsequent to assigning the City's SA-MDR Zone to the area, new detached units will no longer be permitted under the City's standards. It should be noted, however, that in cases where these uses pre-exist, they are considered conforming with the SA-MDR zoning. It should also be noted that in many cases where non-residential land uses are permitted, provisions are in place to insure that they are incorporated into mixed use developments or must meet a specific scale requirement. This provision is intended to prevent non-compatible uses in neighborhoods were residential predominates.

Differences between the two land use designations are provided in the following table.

TO:R18-24 / SA-MDR

USE	TO: R18-24	SA-MDR	COMMENT
Administrative Facilities	N	Y	Permitted only in multiple use developments
Commercial Schools	N	Y	
Eating or Drinking Establishments	N	Y	Permitted only in multiple use developments
Educational Institutions	N	Y	
Financial Institutions	N	Y	
Medical Clinics	N	Y	Permitted only in multiple use developments
Office	N	Y	
Rental Businesses	N	Y	Permitted only in multiple use developments
Retail Trade	N	Y	Permitted only in multiple use developments
Service Businesses	N	Y	Permitted only in multiple use developments.
Automotive Services, Minor	N	C	
Commercial Amusements	N	C	Applies to theaters.
Hospitals	N	C	
Parking, as the principal use	N	C	Short term parking
Vehicle Sales, Lease or Rental	N	C	Vehicle rental w/o storage permitted.
Places of Worship	C	Y	Building must be larger than 10,000 sq. ft.
Detached Dwellings	Y	N	Pre-existing is permitted.

Y = Permitted, C = Permitted as a Conditional Use, N = Prohibited

Staff finds that application of the City's SA-MDR to properties presently in the County's TO:R18-24 district will not create any non-conforming uses.

TO:R24-40 / SA-MDR

Applying the City's SC-HDR zoning to properties where Washington County's TO:R24-40 district applies, will not place any current uses in a non-conforming status.

Once again as indicated in the table below, the City's SC-HDR Zone is less restrictive than Washington County's TO:R24-40 District. In each case where an inconsistency is identified, the City's standards are less restrictive than Washington County's standards. occurrence where an incompatibility between use provisions of the two designations appear, the City's zoning will subsequently allow the use. Once again, it should also be noted that in many cases where non-residential land uses are permitted, provisions are in place to insure that they are incorporated into mixed use developments or must meet a specific scale requirement. These requirements are intended to prevent adjacent uses that might be viewed as incompatible (e.g. uses in neighborhoods where residential predominates).

Differences between the two land use designations are provided in the following table.

TO:R24-40 / SC-HDR

USE	TO: R24-40	SC-HDR	COMMENT
Administrative Facilities	N	Y	Permitted only in multiple use developments
Commercial Schools	N	Y	
Educational Institutions	N	Y	
Financial Institutions	N	Y	Permitted only in multiple use developments
Medical Clinics	N	Y	Permitted only in multiple use developments
Office	N	Y	Permitted only in multiple use developments
Rental Businesses	N	Y	Permitted only in multiple use developments
Service Businesses	N	Y	
Commercial Amusements	N	C	Applies to theaters.
Hospitals	N	C	
Parking, as the principal use	N	C	Short term parking
Vehicle Sales, Lease or Rental	N	C	Vehicle rental w/o storage permitted.
Eating or Drinking Establishments	C	Y	Permitted only in multiple use developments
Retail Trade	C	Y	Permitted only in multiple use developments
Places of Worship	C	Y	

Y = Permitted, C = Permitted as a Conditional Use, N = Prohibited

Staff finds that application of the City's SC-HDR to properties presently in the County's TO:R24-40 district will not create any non-conforming uses.

TO:BUS / SC-MU

Applying the City's SC-MU zoning to properties where Washington County's TO:BUS district applies will have a limited impact, but will not place any current property uses in a non-conforming status.

The City's SC-MU Zone is less restrictive than Washington County's TO:BUS District. In every occurrence where an incompatibility regarding use appears between the two designations, the City's zoning will allow the use. As opposed to the previous two comparisons, however, the TO:BUS/SC-MU comparison will result in three occurrences where, although the uses may be allowed after the rezone, they will be regarded as a conditional use and therefore be subject to a higher level of scrutiny. This will affect places of worship, commercial amusements, and parking as a principal use. However, staff regards this incompatibility resulting from the proposed amendment as imposing a minimal impact due to the fact that the uses will continue to be conditionally allowed after the rezoning occurs.

In addition, applying the City's SC-MU zoning to properties where Washington County's TO:BUS district applies will result in the prohibition of two previously permitted land use categories - Automotive services - major (defined as service or repair to motorized vehicles, which affect the body or frame) and automotive services – minor (defined as Service or repair to motorized vehicles, which do not affect the body or frame). This incompatibility between the County and City land use designations will thus comprise some degree of impact. However, in surveying the area, staff did not observe any occurrence of this use under the TO:BUS district designation. The proposed

amendment will result in future prohibition of automotive service uses, but due to the fact that no occurrences of this use are currently located in the area, staff regards the impact to be minimal.

It should be noted that staff did observe one occurrence where auto repair was being performed out of a garage with signage advertising the service. In this case, the business was being performed on property assigned the County's TO:R18-24 designation which prohibits this use. This use is not permitted in the TO:R18-24 district and so is likely operating as a non-conforming or illegal use. There were no other occurrences where automotive services, either major or minor, were observed. No significant conflicts related to permitted land uses will result from this rezone.

Differences between the two land use designations are provided in the following table:

TO:BUS / SC-MU

USE	TO:BUS	SC-MU	COMMENT
Triplexes	N	Y	
Educational Institutions	N	Y	
Home Occupations	N	Y	
Rental Businesses	N	Y	Permitted only in multiple use developments
Hospitals	N	Y	
Manufacturing	N	Y	Permitted only in multiple use developments
Research Facilities	N	Y	Permitted only in multiple use developments
Vehicle Sales, Lease or Rental	N	Y	Vehicle rental w/o storage permitted.
Automotive Services, Minor	Y	N	
Automotive Services, Major	Y	N	
Places of Worship	Y	C	
Commercial Amusements	Y	C	Applies to theaters.
Parking, as the principal use	Y	C	Short term parking

Y = Permitted, C = Permitted as a Conditional Use, N = Prohibited

Staff finds that although there are five uses not allowed or conditionally allowed in the SC-MU zone that are permitted in the TO:BUS district, the differences will not affect existing uses in the TO-BUS district and therefore will have no impact.

TO:RC / SC-MU

While the land use standards associated with the City's SC-MU zoning are generally compatible with the Washington County's TO:RC District, the Costco retail facility that currently occupies the site will be affected.

As in the previous compatibility comparisons, the City's SC-MU Zone is generally less restrictive than Washington County's TO:RC District. In all but a few occurrences where an incompatibility in land use provisions occurs, the City's standards are more lenient and offer a higher degree of flexibility. Exceptions include automotive services (both major and minor) which will no longer be permitted and places of worship which will henceforth be permitted as a conditional use under the City's SC-MU zone.

Differences between the two land use designations are provided in the following table.

TO:RC / SC-MU

USE	TO:RC	SC-MU	COMMENT
Triplexes	N	Y	
Townhouses & Rowhouses	N	Y	
Educational Institutions	N	Y	
Home Occupations	N	Y	
Rental Businesses	N	Y	
Hospitals	N	Y	
Manufacturing	N	Y	Allowed in mixed use developments - < 25% floor area.
Research Facilities	N	Y	
Vehicle Sales, Lease or Rental	N	Y	Vehicle rental w/o storage permitted.
Parking, as the principal use	N	C	Short term parking
Commercial Amusements	N	C	Applies to theaters.
Places of Worship	Y	C	
Automotive Services, Minor	Y	N	
Automotive Services, Major	Y	N	

Y = Permitted, C = Permitted as a Conditional Use, N = Prohibited

Costco does have several features which would become non-conforming status as a result of a rezone to SC-MU. They can be summarized as follows:

- The store contains a minor automotive services element for tire installation. This element will be prohibited under the SC:MU zone.

- Development Code Section 20.20.15.2.C limits the scale of retail buildings within the SC:MU zone. The Section reads "*[t]he maximum building footprint size for a building involving a single use shall be 10,000 square feet".* Staff estimates that the existing Costco building footprint measures 150,000 square feet. This exceeds the City's maximum building footprint standard.

Additionally, "Bulk retail sales" are prohibited in the City's SC-MU zone. However, "bulk product sales" are prohibited in the County's TO:RC zone and all other transit oriented zones. Therefore, Costco is already a non-conforming use.

Aside from the issues identified above, staff finds that the proposed amendment to apply the City's SA-MDR, SC-HDR, and SC-MU zones to the subject properties will not further limit existing uses but will allow certain uses previously not allowed by County designations.

Urban Density

Attempting to draw density comparisons between Washington County's TO districts and Beaverton station community zones is somewhat complex. The difficulties in making a

side-by-side comparison derive from the manner in which each jurisdiction measures density. The differences in methodology can be summarized with the following points:

- Both the City and County apply varying standards based upon the distance from the light rail station platform. The County identifies its boundaries as within 1,300 ft., between 1,300 ft. and 2,600 ft., and beyond 2,600 ft. The City applies different standards to areas within 400 ft. and beyond 400 ft. of the platform.

- Different standards may apply to projects that incorporate residential units into a mixed use development as opposed to a residential only development.

- Washington County identifies a unit per acre standard for their residential TO districts. Section 300.3.2.C of Washington County's Development Code identifies provisions which allow density transfers from unbuildable portions of a site to buildable portions as long as the density transferred does not amount to more than 50 percent. This basically amounts to a unit per gross acreage calculation.

- The City of Beaverton's method of calculating maximum residential density is also generally based upon gross acreage. However, the SC-HDR and SC-MU zones do not identify a maximum unit allowance, but instead rely upon floor area ratio (FAR) standards to dictate maximum residential densities. The definition of Floor Area Ratio in the Code is "The amount of gross floor area in relation to the amount of net site area, expressed in square feet." Although there is no definition of "net site area", the definition of "Acreage, Net" says "The net acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area." The definition goes on to list areas deemed undevelopable for purposes of calculating net acreage, including street dedications, private streets, environmentally constrained lands, and lands set aside in separate tracts or dedicated to a public entity. Therefore, for the purpose of calculating the maximum floor area allowed on a site where density is regulated in terms of FAR, these elements must first be excluded from the gross acreage.

- Washington County's TO:RC and TO:BUS district provisions rely primarily upon building height and setback restrictions to limit density as opposed to unit/acre or FAR standards.

- Washington County uses traffic capacity an another limiting factor to TO:RC and TO:BUS Districts. The County requires that in non-residential or mixed use developments that exceed the minimum FAR requirement, the applicant 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. The City of Beaverton has a different approach to addressing traffic impacts. The City requires that that each development proposal exceeding the analysis threshold of

200 average daily trips per day include a traffic impact analysis and where a significant impact results, the applicant apply traffic mitigation techniques proportional to the impact. The critical difference between the County's and the City's approaches is that the County does not allow densities beyond the minimum by right, while the City does allow higher densities by right with the condition that impacts identified by the traffic impact analysis must be mitigated.

For illustration purposes, the following tables contain density specifications for each designation as well as disparities that exist when comparing them side-by-side.

Units / Acre

WA Co. Zone	WA Co. Res Density	City of Beav. Zone	Beav. Res Density	Density Disparity
TO:R18-24	18-24	SA-MDR	24-30	Min: +6, Max +6
TO:R24-40	24-40	SC-HDR	24/30-FAR*	Min same/+6, City Max not specified
TO:RC	FAR*	SC-MU	24/30-FAR*	Undetermined
TO:BUS	FAR*	SC-MU	24/30-FAR*	Undetermined

** The City of Beaverton applies a higher density standard to properties within 400' of the light rail platform. Maximum density is regulated by a maximum FAR standard.*

FAR Comparison

WA Co. Zone	WA Co. Min FAR	WA Co. Max FAR	City of Beav. Zone	Beav. Minimum FAR	Beav. Maximum FAR	Min FAR Disparity	Max FAR Disparity
TO:R18-24	0.5	None	SA-MDR	0.35	0.6	-0.15	Undetermined
TO:R24-40	0.65	None	SC-HDR	0.6/0.5*	1.2/1.0*	-0.05 /-0.15	Undetermined
TO:RC	0.5/0.35/0.25*	None**	SC-MU	0.6/0.5*	1.2/1.0*	+0.1/same/+0.15/+0.25	Undetermined
TO:BUS	0.5/0.5/0.35*	None**	SC-MU	0.6/0.5*	1.2/1.0*	+0.1/same/+0.15	Undetermined

**Both Washington County and the City of Beaverton apply decreasing minimum FAR standards with varying degrees of distance from the light rail platform. The County's standards are based upon a distance of within 1,300 ft., from 1,300 -2,600 ft., and beyond 2,600 ft from the platform. The City standards are based upon a distance of within 400 ft. and beyond 400 ft. from the light rail platform.*

***The County requires that in non-residential or mixed use developments that exceed the minimum FAR requirement, the applicant 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.*

Generally speaking, applying the City's SA-MDR and SC-HDR zones in combination to the County's TO residential zones will result in a similar maximum density allowance. Conversely, applying the City's SC-MU zone to the County's TO:RC and TO:BUS commercial districts could result in higher density allowance depending upon the effect that the traffic generated from the development would have upon local transportation facilities. Conclusions made from an examination of the different standards are provided below.

TO:R18-24 to SA-MDR

- Minimum Density – The SA-MDR zone designation will require a minimum of 24 units per acre as opposed to Washington County's TO:R18-24 minimum requirement of 18 units.
- Maximum Density –The SA-MDR zone designation will require a maximum of 30 units per acre as opposed to Washington County's TO:R18-24 maximum requirement of 24 units.

TO:R24-40 to SC-HDR

- Minimum Density – The minimum required density in the City's SC-HDR zone is 24 units per acre. However, due to the different density calculation methodologies described above, the City's minimum unit per acre application may be slightly lower than the County's.
- Maximum Density - Maximum density is defined by the City with an FAR of 1.0 as opposed to County's 40 units/acre requirement. If development consisted primarily of apartments with an average floor area of 1000 square feet then staff estimates that the maximum allowable number of dwelling units for the area zoned TO:R24-40 would be reduced by 51 units if it is rezoned to SC-HDR. This would be a 13 percent decrease over what is currently permitted under the County TO:R24-40 district.

TO:RC to SC-MU

- Minimum Density – Although the City requires a minimum residential density of 24 units per acres in the SC-MU zone, staff estimates that the minimum FAR requirement for the City's SC-MU zone is consistent with the minimum for the County's TO:RC district for all properties assigned that designation within the study area.
- Maximum Density - Washington County's TO:RC district has a conditional maximum FAR allowance that is subject to traffic generation of the proposed use and street capacity. Under the County's zoning, there is no minimum setback requirement and a the maximum building height limited of 60'. The SC-MU also requires a 60 ft. height limit, but in contrast to the County's zoning, density is allowed to reach a maximum FAR of 1.0 by right.

TO:BUS to SC-MU

- Minimum Density – Staff estimates that the minimum FAR requirement in the City's SC-MU zone is consistent with the County's TO:BUS for all properties assigned that designation in the study area.

- Maximum Density – As is the case with the TO:RC District, Washington County's TO:BUS District maximum FAR is limited by building height and a demonstration that local street capacity can adequately accommodate traffic generated by the use. For TO:BUS building height is limited to 80 ft. while the City's SC-MU zone requires a maximum 60 ft. building height requirement. Again, density in the SC-MU zone is limited by a maximum FAR of 1.0 by right.

As the observations above illustrate, some degree of variation in density allowance will result from the proposed amendment. Staff performed a series of estimates and determined, that due to the differing methods that each jurisdiction uses to calculating density, rezoning the properties zoned TO:R18-24 to SA-MDR will not increase permitted density for the properties. Additionally, staff estimates that the TO:R24-40 to SC-HDR rezone could reduce the maximum number of units permitted from 397 to 346 units. Since no density increase is anticipated for these residential rezones, no negative impacts resulting from additional trip generation will affect the surrounding street system. Attempts to assess density increase attributable to the TO:RC/SC-MU and the TO:BUS/SC-MU rezones is more complicated given the County's requirement that affects on the local street system be considered as a limiting factor.

District Boundary Adjustment
Staff has identified an area of tax lot 1S105CB05000 (a parcel that supports a driving range), where the Washington County's TO:RC zoning protrudes onto the tax lot from the adjacent tax lot to the east. The original intent of this zone boundary extension was to conform with alignment of a future street improvement planned by Washington County. Staff discussed the prospect of realigning of the zone boundary with Washington County staff so that it does not extend across the parcel boundary of the neighboring tax lot. County staff concurred that the adjustment is logical and did not express any opposition to it.

SUNSET WEST COMMUNITY PLAN

The subject area is located in Washington County's Sunset West Community Plan Area. Staff reviewed the text of the Sunset West Community Plan and determined that the neighborhood does not contain any areas of special concern. However, there is one significant natural and cultural resource identified in the area that must be addressed as part of this proposal.

The PGE power line easement – A portion of the western edge of tax lots 1S105CB04800 and 1S105CB05000 which currently support a driving range, is devoted to the PGE power line easement. This feature is addressed specifically among the design elements contained in the Sunset West Community Plan. The Plan states:

> *The power line easement through the Elmonica subarea has been identified as a part of the proposed off right-of-way bike route*

system in the Transportation Plan. For development that occurs adjacent to the power line easement, the opportunity to establish a bike route using the power line easement shall be considered an important site design element in the development review process.

Planning for the trail that will occupy the PGE power line easement is done by the Tualatin Hills Park and Recreation District (THPRD) and is featured as part of their Trails Master Plan. As part of the Waterhouse Powerline Trail, the PGE power line easement that runs through the property is designated in the Plan as a proposed trail. The City of Beaverton has adopted THPRD's trail alignment in Figure 6.2 – the Bicycle Master Plan contained in Chapter 6 of the City's Comprehensive Plan. Although the trail does not currently occupy the property, it is anticipated that the trail will extend across the property at some point in the future. By including the proposed trail designation that extends across the property in its Bicycle Master Plan, the City has met its planning obligation specified in the Sunset West Community Plan.

ANALYSIS FOR PROPOSED AMENDMENTS TO TRANSPORTATION RELATED ELEMENTS OF THE COMPREHENSIVE PLAN

Washington County Circulation Analysis and Findings

Introduction

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. However, staff reviewed the policies associated with the Sunset West Community Plan and discovered that Washington County's A-Engrossed Ordinance 485 – Exhibit 2, page 1 included planning for transportation circulation designations applied to the subject area (Attachment #8). In keeping with the intent of the UPAA, staff determined that City adoption of these street alignments is an important component of Washington County's planning for the area and should be considered in applying the City's land use policies to the area.

Background

Washington County Resolution and Order 97-166 provides findings that address transportation planning for the Willow Creek, Elmonica, and Merlo Station areas. Staff has included these finding as Attachment #9. The facts and findings in this document support Ordinance 485 and are partially based upon the recommendations of a circulation study conducted by DKS Associates. Staff reviewed this material and requested the circulation study from Washington County staff and discovered that the DKS study referred to in the findings did not include the street network in the subject area. Staff subsequently learned that the actual circulation assessment pertaining to the subject area was conducted separately by County staff using the DKS methodology as a starting point.

Methodology

County staff devised the special area street network in the subject area by replicating similar methods used by DKS Associates in their 170th/Elmonica Station Area Circulation Study (Attachment #10) That process involved the following steps (1) development of a traffic forecast model for the area, (2) devising a series of circulation alternatives, (3) applying street standards into the design of the streets from Section 408 (Neighborhood Circulation) of the County's Development Code, and (4) selecting a preferred alternative based upon various performance measures. The process can be expanded to include the following elements:

1. Review of Background Information
   Throughout the development of the proposed circulation plan, County staff relied upon direction from a variety of reference elements. They include:

- 170th/Elmonica Station Area Circulation Study, DKS Associates, May 1996
- State land use transportation initiatives (Transportation Planning Rule)
- Metro's Region 2040 Growth Concept and the Regional Transportation Plan
- Section 408 of the Washington County Community Development Code
- Input from property owners and citizens interested in station area development

2. Development of Traffic Forecasts
   Traffic forecasts included in County staff's methodology were developed using a sub-area traffic forecasting model. P.M. peak hour traffic forecasts were prepared for the purpose of analyzing the effects of several circulation alternatives for the subject study area. The forecasts were developed based on Metro's travel demand forecasting model and data from Metro's 2015 medium density development scenario. This involved the following activities:

   - Development of circulation alternatives
   - Preparation of study area land use data
   - Development of focus area models based on the Metro model
   - Application of models for each circulation alternative

   The results of the model were used to assess the future impacts of each circulation alternative on traffic volumes for existing local streets in the study area as well as testing the effectiveness of various measures for mitigating these impacts. Note, while sub-area traffic forecasts were developed for areas south of Baseline, alternatives north of Baseline were evaluated based on professional judgment.

3. The identification of the preferred street network involved evaluation of three circulation alternatives, selection of a preferred alternative, and refinement of the preferred alternative. The evaluation was based on two main criteria: (1) connectivity of the local street network, as specified in Section 408 (Neighborhood Circulation) of the Washington County Community Development Code, and (2) minimization of volume impacts to local streets based on professional judgment. Refinement of the preferred alternative consisted of testing various measures to mitigate any significant impacts on local streets.

   The selected circulation plan in the study area is characterized by an interconnected street system, which attempts to, (1) keep through traffic on the major roadways, (2) incorporate design elements which are specifically intended to encourage non-auto modes of travel, and (3) keep vehicle traffic speeds low. Noteworthy elements include the following:

- Special area street classifications applied to the neighborhood restrict traffic speeds to 25 MPH and incorporate design elements to slow traffic and restrict traffic to local access only.
- On larger parcels, local streets were laid out entirely within existing parcels as opposed to straddling property lines. This concept is meant to discourage the development of half streets.
- New streets aligned to connect with existing street stubs.
- Curved street alignments near intersections to discourage through traffic.
- Street classifications that incorporate a shared travel-way to support opposing traffic as compared to streets supporting individual dedicated lanes.
- Street design profiles that require parking on both sides of the travel-way.
- Local street block lengths of no more than 530 feet between intersections and block perimeters limited to 1,800 feet.
- Incorporation of street corridor and centerline buffers to allow flexibility of street alignment.

Conclusion

The facts and findings provided in Washington County Resolution 97-166 demonstrate that the amendment of the Sunset West Community Plan to establish a street circulation network in the subject area was consistent with the County's acknowledged policies and standards complying with Goal 12, including the Transportation Planning Rule requirements in OAR 660-12-045 and OAR 660-12-060. Additionally, the findings demonstrate that the amendments adequately addressed Title Six of Metro's Urban Growth Management Functional Plan (since amended). In the interest of complying with the intent of the UPAA whereby the City agrees to continue County policies which apply to the annexed areas, and in recognition of the fact the County Commission adopted the preferred traffic and pedestrian circulation network for the subject area based upon the methodology and findings presented above, staff concludes that the City should amend maps and tables in the Transportation Element of its Comprehensive, as proposed by CPA2007-0007, to approximate the transportation planning applied to the subject area.

Compatibility Analysis

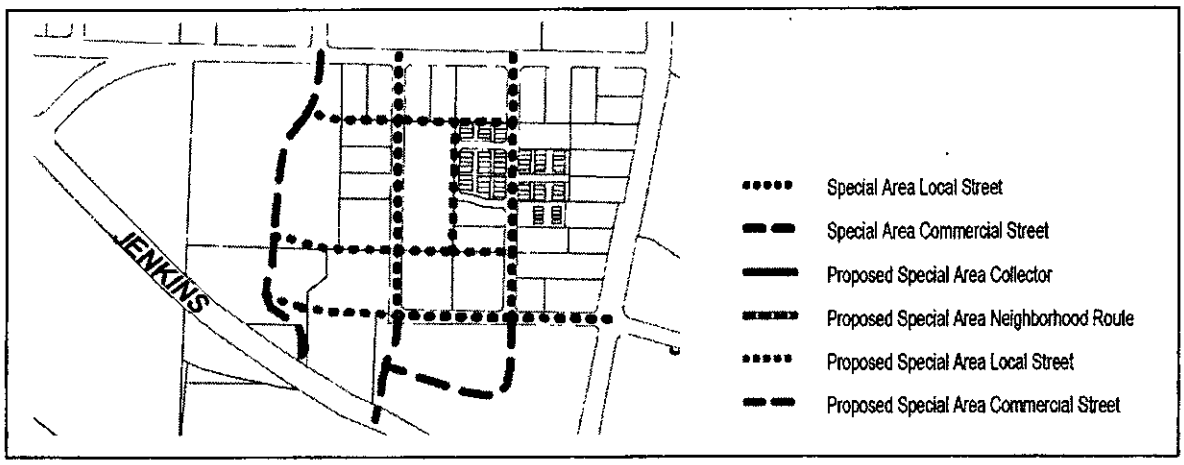
Washington County Special Area Street Functional Classifications / City of Beaverton Functional Street Classifications

As indicated above, the selection of functional street classifications and street alignments for the study area were the result of findings derived from a County circulation study of the area. Because the basis for the local street improvements has already been established in the County's process, staff will not attempt to replicate it

here. Instead, staff will focus on identifying City standards that approximate County standards already in place.

Exhibit 12 of Washington County's A-Engrossed Ordinance #588 (2020 Transportation Plan) contains the special area street overlay for the subject area. This exhibit reveals that two county special road area classifications have been assigned to the study area; (1) Special Area Local Streets and (2) Special Area Commercial Streets. A detail of the alignments is featured in figure 1 below.

Figure 1



Staff attempted to identify which City functional street classifications could appropriately serve as counterparts to Washington County's functional special area street classifications. Initial observations revealed, however, that no obvious correlation exists among the alternatives. This is due largely to emphasis of special area streets to minimize right-of-way. In attempting to establish which characteristics should be maintained and which could be eliminated, staff d evised procedure based upon a process of elimination in order establish a basis for a recommended alternative. Components of this process included:

- Review of the Washington County's special area street definition to determine intent.
- Evaluate on-site development characteristics to provide a basis for decision making where ambiguities occur.
- Prioritize design elements in order of importance and eliminate City street classifications where relevant discrepancies occur.
- Compare side-by-side technical specifications associated with the County's special area street profiles and applicable City street profiles to assess compatibility.

Due to the technical nature and level of detail contained in this compatibility analysis, staff has not included it in the body of this staff report. Please see Attachment #7 (Street Profile Analysis) for a detailed account of the reasoning used to support staffs conclusions.

The City/County street compatibility study is a good exercise in demonstrating functional transferability from one jurisdiction to another. In establishing a best-fit scenario, alternatives were reduced to individual design profiles (e.g. L1, L2, and L3 from among the local street classifications). The analysis concluded that the City of Beaverton's street classifications could adequately parallel Washington County's Special Area Street classifications in both design and function. In so doing, the analysis determined the City's Local Street (L2) profile was best suited to substitute for Washington County's Special Area Local Street classification and the City's Neighborhood Route (L1) profile was best suited to substitute for the County's Special Area Commercial Classification.

The Transportation Element of the City's Comprehensive Plan uses the Functional Classification Map and Local Connectivity Maps to define the roles and alignments of individual streets. On these maps, no indication of profile preference is indicated beyond the generic local street, neighborhood route, collector, and arterial. The role of individual street profiles such as L1, L2, and L3, (used to compare design elements in the street compatibility study), are offered in the City's Engineering Design Manual to provide design flexibility as well as encourage development that responds to neighborhood characteristics and general surroundings.

In adopting the findings that the City apply its L2 and NR1 classifications to the County's Special Area Streets for the study area, with an exception discussed below, staff recommends the following:

- Update the City's Local Connectivity Map for the area so that streets that have already been developed but are not represented on the current County map are identified. Also, assign proposed connections of proposed local streets reflected in the County's planning that have not yet been developed.

- Assign Neighborhood Routes to the City's Functional Classification Map to conform to Washington County's Special Area Commercial Streets.

Other Considerations

SW Jay Street Functional Classification

To correct an inconsistency between various planning elements, staff is recommending that the City make an exception to the City/County street reclassification strategy above. The inconsistency involves the special area local classification assigned to Jay Street. This classification was assigned as part of Washington County's circulation analysis described above. Jay Street currently carries a proposed neighborhood route

designation on Washington County's Functional Classification Map and a neighborhood route designation on Beaverton's Functional Classification Map.

Staff has discussed the downgrade from neighborhood route to local street with several of the City's Transportation Division staff and received opinions that this segment of street should remain a neighborhood route for a number of reasons. First, the street is currently classified as a neighborhood route in the City's Functional Classification Map. Second, because this street carries traffic off of a series of local streets and onto SW 158th (an arterial), the street does, and will continue to act as a neighborhood route. Third, due to the fact that neighborhood routes are intended to support higher volumes of traffic, no negative impact will be incurred. Based upon these considerations, staff recommends that Jay Street maintain the neighborhood route functional street classification.

SW Jay Street Alignment

Both the City's Functional Classification Map and Washington County's Functional Classification Map show a proposed neighborhood route connection of SW Jay Street with SW Jenkins Road. This contrasts with Washington County's special area street overlay which shows SW Jay Street connecting with the north-south special area commercial street planned through the driving range. Additionally, staff observed that although the north-south special area commercial street connection to SW Jenkins Road assigns with the PGE access road on the south side of Jenkins, its location violates the County's access spacing requirements for Arterials. Section 501.805.B.(4) of the County's Development Code requires that access points on an arterial shall be a distance of at least 600 feet apart.

City staff discussed these conflicts with County staff and determined that a SW Jay Street connection with SW Jenkins Road should be maintained. Staff further determined that the future north-south street traversing the driving range property should connect to SW Jay Street at a distance of approximately 100 feet from the SW Jenkins connection point. Finally, staff determined that the access point of SW Jay Street to SW Jenkins Road should be relocated westward to conform to Washington County's 600 foot spacing requirement. Given the considerations identified above, staff recommends that the configuration of Jay Street be altered as indicated in Attachment #s 2, 3, and 6.

Adjustments to Local Street Alignments

Exhibit 12 of Washington County's A-Engrossed Ordinance No. 588 depicts the County's adopted special area street alignments and their classifications pertinent to this proposal. A look at Figure 1 above reveals that two east/west alignments north of Jay Street and south of Baseline Road are not aligned with the actual street grid on the ground.

This area has undergone significant development over the past several years that has basically conformed to the underlying special area street configuration depicted in

Ordinance No 588. Policy 22.3.D of Washington County's Transportation Plan provides for amendments and administrative adjustments to the Transportation Plan for special area streets. This provision provides that the County do the following:

> *"...adopt road alignment corridors maps in Community Plans which allow limited movement of road centerlines through a Type II process. Modifications to streets to a greater extent than is allowed through a Type II process may be allowed through a Type III process subject to the criteria in the Community Development Code".*

In the development of this neighborhood, the developer altered the street centerlines of the two street alignments indicated above through a Type II process. Presently, the centerline of SW Mason Lane is located approximately 80 ft. to the south of the planned alignment and SW Gage Lane approximately 200 ft. to the north. Staff recommends that in adopting the County's special area street planning for the neighborhood, the City update its Local Connectivity Map to reflect the existing street alignment of these two streets which are not currently reflected on the Map. Additionally, staff recommend that that the Map reflect the two future connections between these streets and the future north-south street running through the driving range as reflected in the Sunset West Community Plan.

Conclusion

Staff finds that in adopting the findings in Washington County circulation study for the subject area, and in adopting the recommended modifications indicated in this analysis above, the City will adopt the policy foundation necessary in planning for the existing and future transportation needs for the subject area.

To implement the long range planning for the findings above, staff recommends that the City adopt the following amendments:

1. Amend Figures 6.4, of Volume I, Chapter 6 of the City's Comprehensive Plan: (Functional Classification) to indicate County connections and alignments consistent with these findings. The revised map is provided as Attachment #2.

2. Amend Figures 6.5, of Volume I, Chapter 6 of the City's Comprehensive Plan: (Street Improvement Master Plan) to reflect the revised street alignments consistent with these findings. The revised map is provided as Attachment #3.

3. Amend Figure 6.7 of Volume I, Chapter 6 of the City's Comprehensive Plan (Transportation System Plan Local Connectivity Map - Legend) to indicate future local street connections consistent with these findings. The revised map is provided as Attachment #4.

4. Amend Figure 6.12 of Volume I, Chapter 6 of the City's Comprehensive Plan (Transportation System Plan Local Connectivity Map) to indicate future local street connections consistent with these findings. The revised map is provided as Attachment #5.

5. Amend Table 6.6 of Volume I, Chapter 6 of the City's Comprehensive Plan (Local Connectivity Map Recommendations on Potential Connections) to apply connection status to the individual street alignments adopted by Washington County. The table would be amended to include the following.

Table 6.6 Connection Number	**Rating:** **P = Potential or Definite Problems** **M = Minimal Problems** **A = City Adopted Street Connections (2015 TSP)** **County = County Adopted Connection**	**Recommendations**
148	County	Pursue Multi-modal
149	County	Pursue Multi-modal

PROCESS

THRESHOLD

Comprehensive Plan Process. Due to annexation of the subject parcels and the discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Quasi-Judicial Comprehensive Plan Amendment per Comprehensive Plan Section 1.5.

Development Code Process. Due to annexation of the subject parcels and the discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.4.A which states, "An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:

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."

PROCEDURE TYPE

The Type 3 procedure and process applies to Quasi-Judicial Amendment applications as described in Section 1.5 of the Comprehensive Plan and Discretionary Annexation Related Zoning Map Amendment applications per Section 50.45 of the Development Code.

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. Because the annexations of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement were submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4338.

PUBLIC NOTICE

Section 1.4.2(A) of the Comprehensive Plan prescribes the notice to be provided for these types of applications. Notice must be mailed to the State Department of Land Conservation and Development (DLCD), Metro, Washington County, the Chair of any City-recognized 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 (CCI) at least 45 days prior to the initial hearing. Between 20 and 40 days from the hearing, notice must be mailed to the subject property owners and surrounding property owners within 500 feet, posted in City Hall, posted in the City Library, posted on the City's Web site, and published in a local newspaper.

Additionally, the City Charter 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.

In response to these requirements:

1. On February 20, 2007 notice was mailed to DLCD, Metro, Washington County Land Use and Transportation, the Washington County Extension Office for CPO7, and the Chair of the Beaverton Committee for Citizen Involvement (CCI).
2. On March 12, 2007, notice was mailed to the owners of the subject properties by certified mail.
3. On March 21, 2007 notice was mailed to owners of surrounding properties within 500 feet of the subject parcels and proposed pedestrian route alignments.
4. On March 22, 2007 legal notice was published in the Beaverton Valley Times.
5. On March 21, 2007, notice was posted in City Hall, in the City Library, and on the City's Web site.

Neither the City Council nor the Planning Commission has 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

Section 1.5.1 of the Comprehensive Plan outlines the minimum criteria for 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, Eight, Nine, Ten, Eleven, Twelve, and Thirteen are applicable to the proposed map amendment.

GOAL 1: 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 and Comprehensive Plan Section 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 procedures outlined in Comprehensive Plan Section 1.4.2 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment 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 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 amendment and that the City has complied with those procedures.

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 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. In 1989, the City and Washington County adopted the Urban Planning Area Agreement (UPAA), which is now Section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions such as the subject amendments.

Earlier in this report staff assessed the appropriate choice of City Comprehensive Plan land use designation and zoning in a manner that is orderly, logical, and based upon a mutually agreed upon plan (as specified in Section II.D of the UPAA). This assessment was guided by provisions in the Sunset West Community Plan, the City's Comprehensive Plan, Washington County's Comprehensive Framework Plan for Urban Areas, Washington County's Transportation Plan, both the City and County Development Codes, and Metro's 2040 Growth Concept and Regional Urban Growth Management Function Plan. All of these planning documents have undergone state scrutiny and been acknowledged by the State of Oregon to comply with Goal 2. Therefore, staff has appropriately applied a policy framework to this process to assure an adequate factual basis for a decision consistent with the intent of Goal 2.

Finding: Staff finds that in applying the state acknowledged Comprehensive Plan provisions to this proposal, the requirements of Goal 2 have been met.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 specifies that "[t]he requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans".

The subject parcels include an area planned to support a trail at some point in the future. The planning for this feature is generally provided through Tualatin Hills Park and Recreation District (THPRD), which provides park facilities within the larger area. The District has assigned a proposed trail to the area in anticipation of its eventual development at some point in the future. Because the City of Beaverton has adopted the Districts trail classifications into Chapter 6 of the Comprehensive Plan – Bicycle

Master Plan, the City has satisfied the requirements of Goal 8 as it pertains to this proposal.

Finding: Staff finds that in adopting THPRD's proposed trail alignment for the Waterhouse Trail corridor into its Bicycle Master Plan , the City of Beaverton has provided for the siting of necessary recreational facilities This amendment complies with Goal 8 of the Statewide Goals.

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."

The City, County and Metro established long-term Station Community plans for the areas surrounding light rail stations in response to planned development of the Tri-County Metropolitan light rail line. In establishing the Station Community concept, the County and the City fulfilled the intent of Metro's *2040 Concept.* A primary goal in developing this concept was to identify the future development potential of areas around light rail stations (which includes the subject area) to their highest and best use with respect given to the established uses of the area. Given that both the County's and the City's concepts were established to maximize the economic potential of properties suitable for development with a mix of uses, staff regards this proposal to apply the City's Station Community Comprehensive Plan Map Land Use designation and implementing zones to the area as complying with the intentions expressed in Goal 9.

Finding: Staff finds that in establishing Station Community planning standards, Washington County and the City of Beaverton provided 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 10: HOUSING
To provide for housing needs of citizens of the state

Goal 10 requires that local jurisdictions inventory the supply of buildable lands and develop plans "*...in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels*".

The City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187) in January of 2002 pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). Part of that process involved development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Based upon the findings of those studies, the City adopted policies to encourage a broad mix of housing types at density levels designed to maximize development potential. Policies that are particularly relevant to this proposal include the following:

> Section 4.2.1.1.a) Allow development of a wide variety of housing types in the City.
>
> Section 4.2.2.1.a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.

The subject properties contain a variety of housing types and densities. These include a combination of rental and owner occupied dwellings. Dwelling types include multifamily attached, single family attached, and single family detached varieties that cater to residents of differing income levels. The proposal involves the application of City plan and zone designations to accommodate the housing currently in place. Additionally, the proposal involves that plan and zone designations be applied to an area envisioned to support high density housing at some point in the future. Finally, application of the City's multiple use zoning will permit housing alternatives that combine residential and commercial uses.

Since County and City's concepts were established to maximize densities and support a variety of housing types, staff regards this proposal to apply the City's Station Community Comprehensive Plan Map Land Use designation and implementing zones to the area as complying with the intentions expressed in Goal 10.

Finding: Staff finds that the proposed amendments provide for a variety of housing types and densities commensurate with a variety of income levels as prescribed in Goal 10. This amendment complies with Goal 10 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. Planning and development of the west side rail line with a light rail station in the subject area was the essential step toward Metro's *2040 Concept* Station Community designation, the County's *Policy 40* Station Community designation and development of the City's *Comprehensive Planning for station communities.*

Facilities needs for the subject area was were addressed by the County at the time it conducted station community planning in the mid-1990s. It was determined at the time that the area plan met the requirements of Goal 11. Staff is unaware of any changes to the area or circumstances that would change the Goal 11 compliance standing for the area.

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 11.

GOAL 12: TRANSPORTATION
To provide and encourage a safe, convenient and economic transportation system.

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."

In the analysis sections of this report, staff reviewed Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities. As indicated in that section, staff determined that no negative traffic impacts will result from applying the City's SA-MDR and SC-HDR zoning to properties currently carrying the County's TO:R18-24 and TO:R24-40 zoning. As the proposed plan and zone amendments represent the City's closest proximate designations to what is currently assigned by Washington County, and given that the proposed rezone will not incur additional traffic generation, staff concludes that this element of the proposed rezone complies with Goal 12. As indicated in the analysis section of this report, however, staff has determined that given the County's requirement that traffic impacts be included as a factor in establishing maximum permitted density for TO:RC and TO:BUS districts, staff is not able to demonstrate compliance with Sections (A), (B), or (C) above without preparing a detailed traffic impact analysis. Preparing such an analysis at this time would delay action on the entirety of ZMA2007-0006 unless that part of the application relating to the properties proposed to be zoned SC-MU is denied. Therefore staff has concluded that application of City zoning to the TO:BUS and TO:RC properties in the subject area should occur through a separate ZMA process.

In the case of adopting Washington County's planned transportation facilities for the area, the proposal accepts the circulation study findings prepared by the County. These findings determined the functional classifications and alignments for the area streets. In the Street Compatibility Analysis section of this report, staff demonstrated that the City's standards were compatible with the County's. The proposal goes on to identify and recommend City standards that most closely approximate the County's standards.

Finally, emphasis upon light rail use and other alternative modes of transportation was a crucial motivation in proposing the plan, zone, and transportation policy amendments. Policies that encourage the use of these facilities will reduce the service burdens upon existing auto-related transportation facilities.

Finding: Staff finds that applying the City's Station Community Land Use Map Designation to the subject parcels and related County planned street alignments to the subject area satisfies the provisions expressed in Oregon's Goal 12 and OAR 660-012-000 through 660-012-0070.

Staff also finds that applying a City zone to properties now in the County TO:RC and TO:BUS districts without a detailed traffic impact analysis does not adequately comply with the provisions expressed in Oregon's Goal 12 and OAR 660-012-000 through 660-012-0070.

GOAL 13: ENERGY CONSERVATION
To conserve energy.

The location of these parcels encourages use of public transportation by employees and visitors due to the accessibility of either the Merlo or Elmonica light rail stations, both of which are within one-half mile of any one of the parcels. Also, the City's Station Community land use designation provides opportunities for higher intensity redevelopment of the parcels. Coupled together, the light rail station 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
- 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 City of Beaverton is urban incorporated, therefore, the goals are not applicable.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES
GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY
GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS
The are no natural resources located within the subject area determined to be of special significance. Therefore, these goals are not applicable to this proposal.

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 through 7 and 14 through 19 are not applicable.

Summary Finding: ***Staff finds that for the reasons identified above, the proposed amendments, with the exception of the ZMA to SC-MU, comply with Goals 1, 2, 5, 8, 9, 10, 11, 12, and 13. If the ZMA to SC-MU is denied, Criterion 1.5.1.A is met.***

1.5.1.B The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;

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 Merlo and Elmonica Station Community areas, including parcels included in this proposal, under the Station Community design type subject to local interpretation of the Growth Concept Map. In 2000, Washington County amended its Comprehensive Framework Plan to include maps showing the boundaries of Metro design types in the urban unincorporated area. The Merlo and Elmonica Station Areas were shown as being in a station community.

Staff, therefore, regards the proposed amendment to apply the Station Community plan designation to the subject properties to be consistent with Metro's vision for the area. Further, because the proposed amendment attempts to apply policies that most closely approximate pre-existing County policies and does not involve actual development of any property, staff believes that it does not pose a conflict of any regional significance to the modeling or policies contained within the Regional Transportation Plan.

Finding: ***The Station Community Comprehensive Plan Land Use Map designation with its implementing Zoning Map designation of Station Area –Medium Density Residential, Station Community – High Density Residential, and***

Station Community-Mixed Use (SC-MU), and proposed transportation planning amendments are compatible with the Metro Station Community design type. Criterion 1.5.1.B is met for the proposed amendments.

1.5.1.C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans;

Facts and Findings:
The following Comprehensive Plan Chapters are addressed below: 1, 2, 3, 4, 5, 6, 7, 8, and 9. Staff finds that no other local plans are applicable to this proposal.

Chapters 1 and 2, Procedures and Public Involvement Elements, respectively
The procedures for amending the Comprehensive Plan found within Chapter 1 have been complied with, including appropriate noticing. The Planning Commission will hold an initial hearing where public testimony and evidence will be entered into the record and used for the Planning Commission's deliberations. The Planning Commission will make a recommendation to City Council, who will follow appropriate procedures for adopting an ordinance implementing the Planning Commission's recommendation and incorporating their findings, unless an appeal of the Planning Commission decision is filed, in which case the Council will conduct a hearing on the appeal.

Finding: Staff finds that the proposal i s a quasi-judicial amendment. Staff finds that the appropriate procedures in Chapter 1 and summarized in Chapter 2 of the Comprehensive Plan have been met. Thus, this proposal is in compliance with Chapters 1 and 2.

Chapter 3 Land Use Element.
Section 3.15 of the City Comprehensive Plan references the Urban Planning Area Agreement. The UPAA specifies that Comprehensive Plan and Zoning map amendments must follow for properties that have been annexed into the City. When the UPAA is not specific, the City is to assign the most similar designations to the County designations. Because the subject properties do not exhibit county designations specified in the UPAA, staff applied deductive reasoning to determine the land use and zoning designation consistent with the intent of the UPAA.

Section 3.5 contains policies specific to Mixed Use Areas. Provisions relevant the proposed amendments include the actions to apply land use regulations that ensure compact urban development, encourage a mix of uses, and require design features that result in pedestrian oriented development. This Section also contains policies and actions to apply design standards consistent with the City's major pedestrian routes.

The proposal to apply SC-MU, SC-HDR, and SA-MDR zoning to the subject properties is appropriate for this area due to its proximity to the Merlo and Elmonica Light Rail Stations and thereby satisfies the provisions contained in this Section of the Plan.

Further, the proposal includes the application of major pedestrian routes to streets throughout the subject area. The policies and actions contained in Section 3.5.1 which include Policy a) Action 1, Policy b) Actions 1 and 2, Policy c) Actions 2, 3 and 4, and Policy f) Action 3, are all relevant to this proposal. By addressing these provisions, staff finds that the proposed amendments adequately fulfill the intentions contained within Section 3.5 of the Plan.

Section 3.8 of the Comprehensive Plan contains policies specific to areas within one-half mile of light rail stations. Provisions relevant to the proposed amendment include Policy 3.8.1 a) to apply regulations that maximize the public infrastructure investment in light rail, Policy 3.8.1 b) to apply the City's station community land use designations, and Policy 3.8.1 c) to apply Comprehensive Plan and Zoning Map designations consistent with the District Matrix contained in Section 3.14. The proposal qualifies as fulfilling the each of these policies and therefore satisfies the provisions contained in Section 3.8.

Finally, the proposed amendments to the City's transportation system maps are being recommended in order to incorporate previous County planning efforts that affect the annexed properties. This effort is seen as orderly, logical, and consistent with the intent expressed in the UPAA. Based upon the reasoning expressed in the analysis section of the report, staff concludes that Station Community Plan designation and proposed transportation planning amendments are appropriate to apply to the subject properties in order to fulfill the intentions expressed in the UPAA.

Finding: Staff finds that the policies found in Chapter 3 are met.

Chapter 4 Housing Element.
Discussion under Goal 10 assists in the understanding of the applicability of the Housing Element and the policies and actions found therein to this amendment.

The City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187) in January of 2002 pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). Part of that process involved development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Based upon the findings of those studies, the City adopted policies to encourage a broad mix of housing types at density levels designed to maximize development potential. Policies that are particularly relevant to this proposal include the following:

> Section 4.2.1.1.a) Allow development of a wide variety of housing types in the City.
>
> Section 4.2.2.1.a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.

Staff addressed the relevance of these policies in the report section devoted to City and County compliance with Metro 2040 Growth Concept Plan standards. Staff believes that the proposal satisfies these policies.

Finding: Staff finds that relevant policies found in Chapter 4 are met.

Chapter 5 Public Facilities and Services Element.
As noted in the Goal 11 discussion, the proposal does not physically affect the landscape, or affect corporate boundaries, or the City's public facility plans. The permitted uses in the SA-MDR, SC-HDR, and SC-MU zones will be substantially similar to the uses that would be permitted in the County's TO:R18-24, TO:24-40, TO:RC, and TO:BUS districts within the Merlo and Elmonica Station Community Areas. The proposal would not affect the City's ability to implement the Public Facilities Plans, Capital Improvement Plan, Urban Planning Area Agreement (UPAA), Urban Service Area, Storm Water and Drainage System, Potable Water System, Sanitary Sewer System, Parks and Recreation, or Police and Fire and Emergency Medical Services. Although additional unit allowances will result in the proposed SA-MDR zone, the potential effects are offset by reduced allowances in the SC-MDR zone as indicated in the analysis. For this reason school facilities should not be significantly affected. Thus, the policies, plans and actions found in this chapter are inapplicable to the proposed amendment.

Finding: Staff finds that the policies found in Chapter 5 are inapplicable to the proposed amendment.

Chapter 6 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 proposal seeks to amend the Functional Classification Map and the Local Connectivity Maps in the City's Transportation Element to include planning for existing and future transportation facilities for the subject area. Chapter 6 policies pertinent to this proposal include:

> *6.2.2.C. Provide connectivity to each area of the City for convenient multi-modal access. Ensure pedestrian, bicycle, transit, and vehicle access to schools, parks, employment and recreational areas, and destinations in station areas, regional and town centers by identifying and developing improvements that address connectivity needs*
>
> *6.2.2.F .Design streets to accommodate transit while minimizing impacts to traffic flow.*
>
> *6.2.4.F Support mixed-use development in appropriate locations.*

The recommended alternatives are based upon findings derived from a circulation analysis conducted by County staff. A description of that process was prepared by City staff, reviewed by County staff, and is included in this report. Staff conducted a compatibility analysis to establish the closest proximate functional classifications to reflect the County's planning, and worked closely with the City's Transportation Division staff in formulating a recommendation. Staff believes that for reasons contained in the Street Compatibility Section of this report, the proposed amendment to adopt County Street planning for the area satisfies the policies above and meets the City's goals expressed in Chapter 6.

Finding: Staff finds that for the reasons specified above, the proposal is consistent with the policies found in Chapter 6 of the City's Comprehensive Plan.

Chapter 7 Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources Element.

Staff reviewed the provisions contained in the Chapter 7 of the City's Comprehensive Plan and concluded that the proposed amendment does not affect the City's ability to implement the provisions in this chapter.

Finding: Staff finds that the proposed amendment does not affect the City's ability to implement this Chapter.

Chapter 8 Environmental Quality and Safety Element.

Staff reviewed the provisions contained in the Chapter 8 of the City's Comprehensive Plan and concluded that this proposed amendment does not affect Sections 8.2 Water Quality, 8.3 Air Quality, 8.4 Noise, 8.5 Seismic Hazards, 8.6 Geologic Hazards, 8.7 Flood Hazards, or 8.8 Solid and Hazardous Wastes.

Finding: Staff finds that the policies found in Chapter 8 are inapplicable to the proposed amendment.

Chapter 9 Economy Element.

Staff reviewed the provisions contained in the Chapter 9 of the City's Comprehensive Plan and concluded that neither economic development, proposed industrial facilities, nor employment centers are not negatively affected by the proposed amendment.

Finding: Staff finds that the policies found in Chapter 9 are inapplicable to the proposed amendment.

Summary Finding: Staff finds that the proposed Comprehensive Plan amendment is generally consistent and compatible with the Comprehensive Plan. Thus, the requirements of Criterion 1.5.1.C are met.

Staff provided analysis in this report to determine which Comprehensive Plan Land Use Map designation was most appropriate for properties and functional street classifications most appropriate for the County's adopted special area street overlay for the area. Staff based the analysis upon an orderly and logical assessment of Washington County's vision for the area as indicated through policies contained in the Sunset West Community Plan (as amended through A-Engrossed Ordinance # 588), the County's Transportation Plan, Comprehensive Framework Plan, and Community Development Code. Staff then identified City designation equivalents that reflected that vision. The subject properties are not in an Area of Special Concern, there are no specific Design Elements affecting the properties, and aside from THPRD's proposed trail alignment which has already been incorporated into the City's plans, Significant Natural and Cultural Resources Map features apply. Aside from minor edits made to staff's account of the County's traffic circulation study for the subject area, Washington County staff provided no comments regarding the proposal.

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;

The subject properties were annexed into the City in 2005 and have not been assigned City Comprehensive Plan land use designation, or City zoning designation. Without assignment of these land use elements, City staff cannot properly assess or enforce land use policies, development code policies, or other site requirements.

Additionally, the subject area's street circulation plan was the product of extensive analysis under the County's authority, and it is essential to the efficient traffic circulation of the area that the City adopt the planning for existing and future transportation improvements. Therefore, a public need exists to apply the County's street designations and existing transportation planning to the area. Finally, the proximity to the Merlo and Elmonica Station Community Areas requires that the properties be designated as proposed.

Findings: Criterion 1.5.1.D is met for the proposed amendment.

ZONING MAP AMENDMENT CRITERIA

Development Code Section 40.97.15.4.C., which contains Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"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.

Section 40.97.15.4.A. Threshold states, "The change in 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." As noted in the Process section of this report, the UPAA does not specify Station Community designations for either the County or the City. Therefore, discretion is required in determining the appropriate zoning designation.

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.

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 c riterion 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.

The County relies on Transit Oriented Districts for implementation of the Station Community design type. The County has assigned Transit Oriented Districts to the subject parcels. In identifying the City's most similar zoning districts, staff considered existing uses in the area. In the Analysis section of this report, staff determined that the Station Area – Medium Density Residential (SA-MDR), Station Community – High Density Residential (SC-HDR), and Station Community – Multiple Use (SC-MU) zoning

districts are the most appropriate SC zoning for the subject area. As stated in the analysis section of this report, although the proposed amendment to SC-MU would continue Costco's non-conforming use status and make the Costco store a non-conforming building, these zones create the fewest non-conforming uses among the zoning districts presently available to the City. Future establishment of only three uses will be prohibited as a result of the proposed rezones. These include new detached dwellings in the SA-MDR zone, new minor automotive service and repair in the SC-MU zone, and new major automotive service and repair in the SC-MU zone. A few other uses permitted by the County will be allowed conditionally under the City's zoning.

Finding: Staff finds that after detailed analysis and for the reasons provided in the analysis section of this report, the Station Area – Medium Density Residential (SA-MDR), Station Community – High Density Residential (SC-HDR), and Station Community – Multiple Use (SC-MU) zoning designations most closely reflect the density and use provisions, and development standards of the Washington County transit oriented land use districts which applied to the subject property prior to annexation

4. The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.

The UPAA does not provide specific guidance for the County's Station Community design type or the City's Station Community designations. However, staff did refer to Section II.D of the agreement to derive a sense of intent. The section states:

> *The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan.*

In performing the analysis supporting staff's findings, staff employed orderly and logical reasoning to ascertain which City Station Community equivalents were best suited to reflect the County's intent. Staff also assessed the County's areas of Special Concern, general design elements, specific design elements and significant natural and cultural resource designations to insure that restrictions associated with special plan provisions which apply to the subject properties were properly addressed.

Finding: T he Station Area – Medium Density Residential (SA-MDR), Station Community – High Density Residential (SC-HDR), and Station Community – Multiple Use (SC-MU) zoning designations are consistent with existing County land use districts and uses in the area in the absence of specific guidance from the UPAA.

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

Although staff is submitting this application with a proposed text amendment to amend the Merlo Station Community Major Pedestrian Routes Map, no conflict involving sequencing between the two amendments will occur. 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 Station Community land use designation and amending the City's Zoning Map to depict the City's Station Area – Medium Density Residential, Station Community – High Density Residential, and Station Community – Mixed Use zoning districts is appropriate for the subject parcels. Additionally, staff concludes that amendment of certain maps and a table in the Transportation Element of the Comprehensive Plan, as specified in this report, to reflect Washington County's street circulation plan and classifications for the subject area is appropriate and consistent with the intent of the Urban Planning Area Agreement.

BACKGROUND

The purpose of the proposed amendment to the Merlo Station Community Major Pedestrian Route (MPR) Map, Section 60.05.55.4 is to update the existing MPR maps to reflect annexations of land from Washington County in the Elmonica/Merlo Station Community area. This text amendment proposes to rename the map to Merlo/Elmonica Station Community, designate Major Pedestrian Routes and apply the Class 1 and Class 2 MPR standards represented on the map below.

The proposed amendment also replaces the existing Class 1 major pedestrian route located on SW Merlo Road with a Class 2 major pedestrian route designation applicable to properties on both sides of the street. This change is being proposed in order to better reflect the character of development located along that segment of street. The existing route extends from the intersection of SW Merlo Road and SW 170th Avenue eastward to the Merlo Light Rail Station.

Finally, the proposed amendment creates a new classification not currently present on any of the major pedestrian route maps. The new classification will be labeled Future Class 2. As with the Future Class 1 classification, this classification will be assigned to streets that are envisioned to occur at some time in the future. As such, it will serve as a placeholder to illustrate the City's intent and will not take effect until the streets and adjacent land are developed. Subsequent to the development of these streets the "Future" designation will be removed from the map through an amendment process and the street will retain the Class 2 MPR classification.

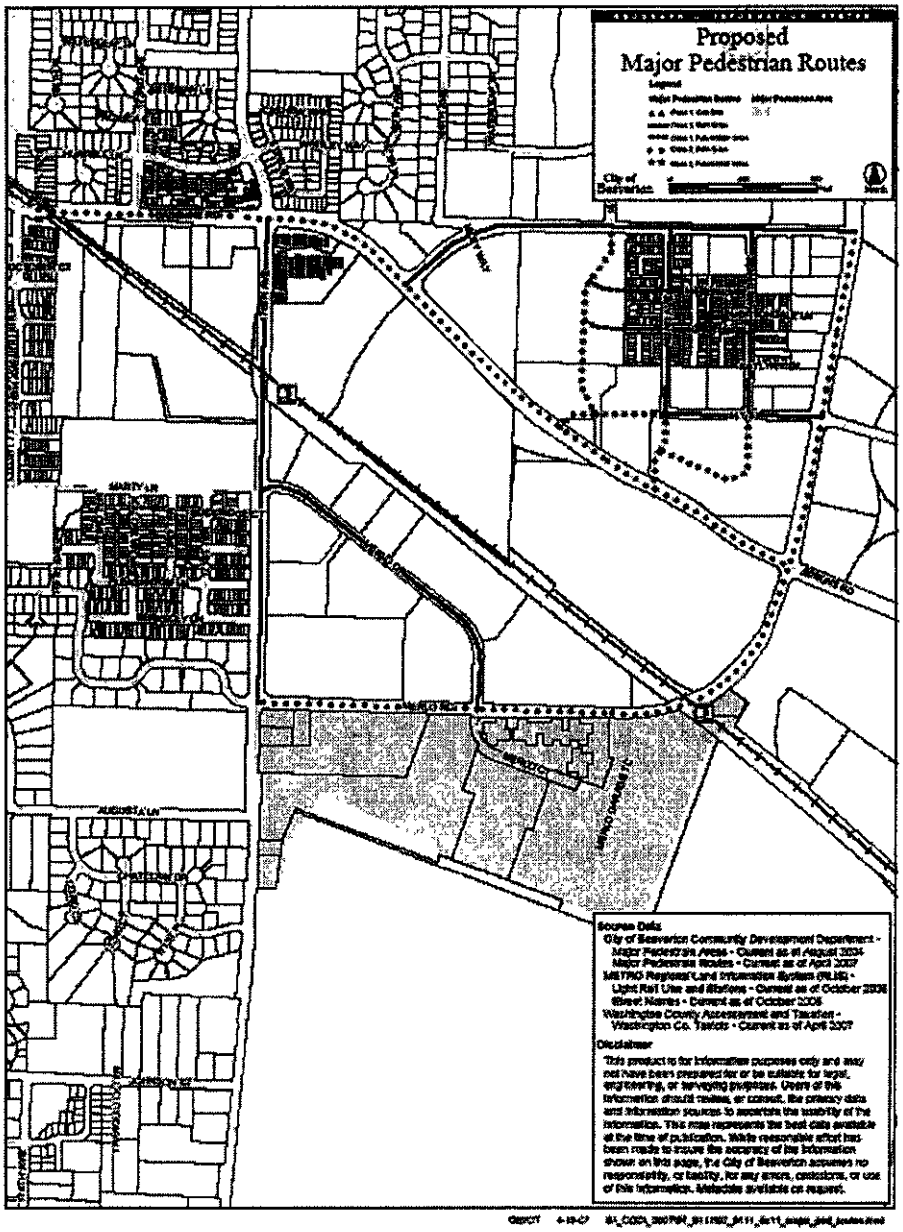
There are three primary reasons for the proposed amendments to the MPR maps. First, the MPR designation is used to distinguish the design elements of buildings and sites in areas that are expected to be supportive of transit use and pedestrian activity such as those streets leading to Light Rail Stations, Transit Stations, and higher density areas such as Town Centers. Secondly, the proposal to rezone properties in the *Elmonica/Merlo Station Community Area (which accompanies this proposed* amendment) presents staff with a good opportunity to update this map to include appropriate design criteria that reflects the type of mixed use development around station communities. The design criteria associated with major pedestrian routes encourages pedestrians to walk and use public transit – concepts that are consistent with the zoning that is proposed for the subject area. Finally, this text amendment anticipates that certain properties along public right-of-ways in the area will develop in the near future and in the process may seek to petition for annexation. As these

properties will also fall within the County's Elmonica/Merlo Station Community area, the City zoning that will eventually be applied to the properties will reflect the City's mixed use concept around station communities and the major pedestrian route design criteria will therefore be appropriate in the design of that new development. Assigning the MPR routes adjacent to these areas will ensure that the future development of annexed properties will be subject to these design standards as development occurs.

Proposed Text:

<u>Section 1:</u> The Development Code, Ordinance No. 2050, effective through Ordinance 4418, Chapter 60, Applications, Section 60.05.55.4, Design Review Standards and Guidelines, Merlo Station Community Area MPR Map will be amended to add the following map:

Section 60.05.55.4
Elmonica/Merlo Station Community



FACTS AND FINDINGS

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact based on evidence provided by the applicant that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2007-0003 (Elmonica / Merlo Major Pedestrian Route TA):

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is a proposed change to the Development Code, excluding changes to the zoning map. TA2007-0003 (Elmonica / Merlo Major Pedestrian Route TA) proposes to amend Chapter 60 of the Beaverton Development Code currently effective through Ordinance 4414 (January 2007). While the proposed amendment is a map, it is not the zoning map that is being amended. Therefore, the TA process is the correct process to amend the MPR map.

Finding: Staff finds that approval criterion 1 has been met.

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

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City-initiated application are not required where the application fee would be paid from the City's General Fund. The Community Development Department, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

Finding: Staff finds that approval criterion 2 has been met.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

Title 1: Requirements for Housing and Employment Accommodations
Title 2: Regional Parking Policy
Title 3: Water Quality and Flood Management Conservation
Title 4: Retail in Employment and Industrial Areas
Title 5: Neighbor Cities and Rural Reserves

Title 6: Regional Accessibility
Title 7: Affordable Housing
Title 8: Compliance Procedures and
Title 9: Performance Measures

TA2007-0003 (Elmonica / Merlo Major Pedestrian Route TA) proposes to amend Development Code Chapter 60, Design Review Principles, Standards, and Guidelines by amending the Merlo Station Community MPR Map. The proposed text amendment will increase the number properties subject to the MPR Design Standards and Guidelines found in Section 60.05. Although the proposed text amendment does not directly impact the City's compliance with Metro's Urban Growth Management Functional Plan, increasing the number of properties subject to MPR regulations improves land use efficiency through building orientation towards public right-of-ways. This change may make it easier to reach Title 1 Housing and Employment Targets by improving the attractiveness of affected properties which in turn may increase the demand for this location. Additionally, because the MPR standards require a pedestrian and transit orientation, there is a greater likelihood of increased pedestrian trips, which in turn may have a corresponding reduction in automobile trips enhancing the City's implementation of lower parking standards required in Title 2 Regional Parking Policy.

Finding: Staff finds that approval criterion 3 has been met.

4. The proposed text amendment is consistent with the City's Comprehensive Plan.

The proposed text amendment expands the geographic area where MPR standards will be applicable. The following Comprehensive Plan Goals, Policies, and Community Plan Policy and Actions items support the expansion of the applicability of the MPR Design Standards and Guidelines.

Goals:

3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

3.8.1 Goal: Station Communities that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

a) Regulate new development in Station Communities to maximize the public infrastructure investment in light rail.

d) Adopt Community Plans identifying Comprehensive Plan Policies applicable to Station Community Areas to provide community vision.

3.8.2 Goal: Develop Station Communities with sufficient intensities to generate light rail ridership and around-the-clock activity.

Policies:

b) Within a 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.

The proposed text amendment is consistent with the above Comprehensive Plan Goals and Policies because it applies the MPR designation to public right-of-ways within the Station Community Areas, which are Mixed Use Areas by definition, and thereby establishes the highest level of design standards available in Section 60.05 of the Development Code. The MPR standards will require building orientation, glazing, and building entrance standards that maximize the public investment in light rail and improve the pedestrian environment of the Elmonica/Merlo Community Area.

Merlo Station

The Merlo Station Community Plan Text recognizes the existing public institutional and industrial uses located within the boundary of the Merlo Station Community but also recognizes the need to increase the intensity of development and pedestrian and transit orientation as new development occurs or older development is expanded. Community Plan Goal 1 states that the Merlo Station Community should develop to support ridership of light rail.

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.

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.

Action 1: Adopt and apply standards that will reduce the likelihood that new non-transit supportive land uses will be established, but will allow the current land uses to continue without becoming non-conforming uses.

Community Plan Goal 3: Guide land development within the Merlo Station Area so that it encourages pedestrian, bicycle and transit travel.

a) Regulate new development in the Merlo Station area so that it becomes more pedestrian and bicycle "friendly."

Action 4: Designate SW Merlo Road as a Major Pedestrian Route, and apply the Major Pedestrian Route standards to new development to encourage safe, convenient, and pleasant pedestrian and bicycle travel.

It is noted in a sidebar to the Action 4 statement that: *These standards include, but are not limited to, requiring building locations within 10 feet of the sidewalk, requiring 50 % of the street frontage to be occupied by buildings rather than parking lots, and requiring that a minimum of 50 % of the first floor wall on the side of a building facing the street be windows and doorways, and requiring that a primary building entrance face the street.*

The Merlo Station Community Area Plan Goals, Policies, and Action items call for specific development standards to ensure design and building orientations towards streets with the Station Area that support increased transit use. The proposed text amendment proposes to apply the Major Pedestrian Route Standards which are part of the Design Review Principles, Guidelines, and Standards framework and would require a minimum of 35 percent street frontage be occupied by any new building and also would require increased window glazing and doorway entrance oriented toward the street.

It should be noted that the proposed MPR designations extend beyond the immediate Merlo Station Community Plan area. Staff have discussed the prospect of expanding the scope for the Merlo Community Plan to include much of the area involved in the current amendment. Until such time, measures can be taken to ensure planning that caters to the Station Community concept progress in keeping with the Comprehensive Plan policies cited above. The proposed amendment is a movement toward achieving that goal.

Finding: ***The proposed text amendment is consistent with the City's Comprehensive Plan and the Merlo Community Plan and, therefore, criterion 4 has been met.***

5. The proposed text amendment is consistent with other provisions within the City's Development Code.

Staff does not find any evidence that the proposed amendment creates impacts or conflicts with other provisions within the Development Code. The proposed text amendment to Development Code Chapter 60, Design Review Principles, Guidelines, and Standards, Section 60.05.55.4, does not conflict with any of the following Chapters of the Development Code: Chapter 20 (Land Uses), Chapter 30 (Non-Conforming Uses), Chapter 40 (Applications), Chapter 50 (Procedures), or Chapter 60 as noted previously .

Finding: ***Staff finds that approval criterion 5 has been met.***

6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed text amendment and are addressed in the findings of fact for approval criteria four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by or would conflict with the proposed text amendments.

Finding: Staff finds that approval criterion 6 has been met.

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

Although staff is submitting this application with proposed quasi-judicial amendments to the Comprehensive Plan Land Use Map, the Zoning Map, and several Comprehensive Plan Transportation Maps, no conflict involving sequencing with the other amendments will occur. No further applications and documents are required of this request.

Finding: Staff find s that criterion 7 is not applicable.

CONCLUSION

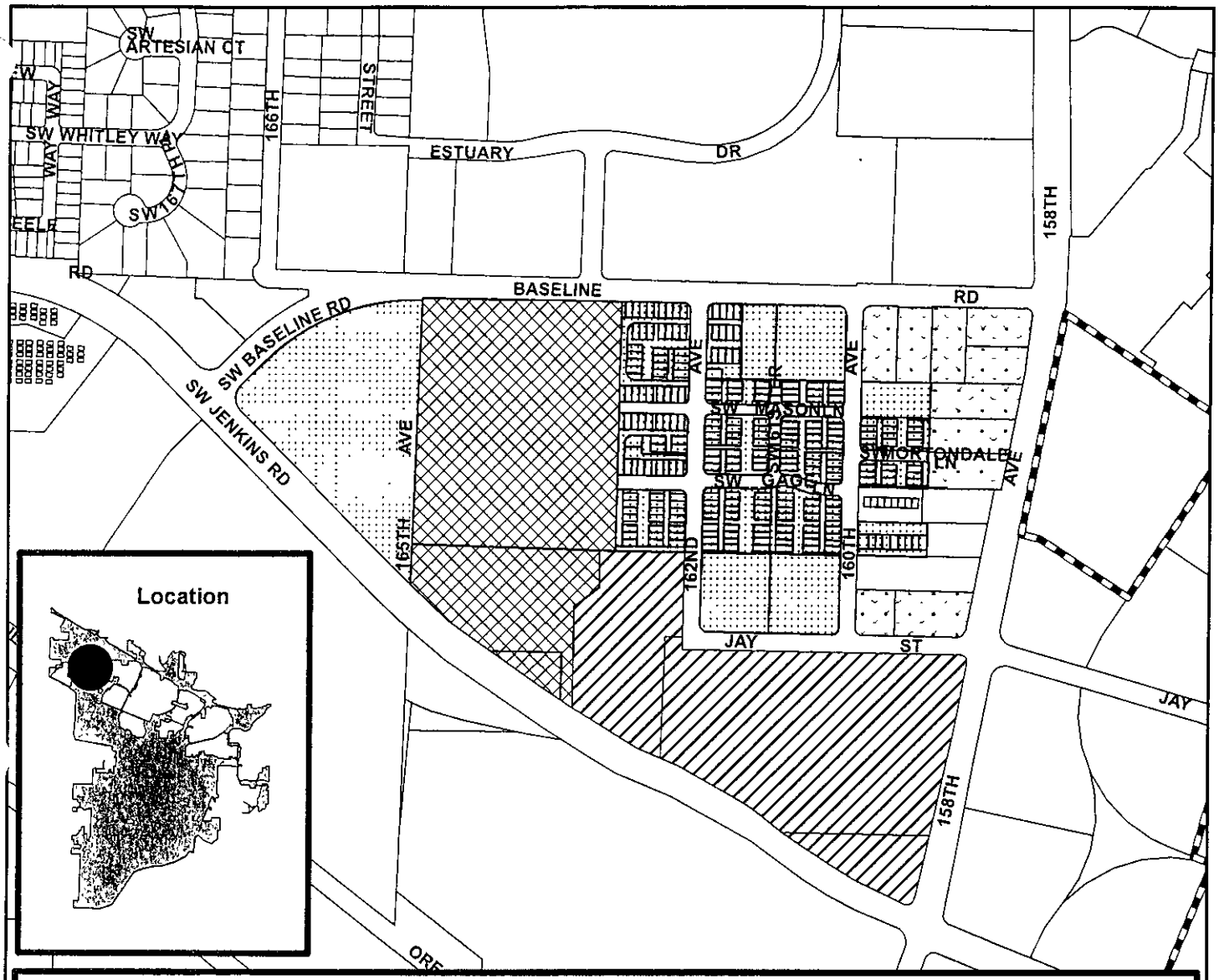
Based on the facts and findings presented, staff concludes that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

ATTACHMENTS

Attachment 1	Map depicting proposed amendments to the City's Comprehensive Plan and Zoning Maps
Attachment 2	Proposed Functional Classification Map: Figure 6.4 in the City's Comprehensive Plan
Attachment 3	Proposed Street Improvement Master Plan Map: Figure 6.5 in the City's Comprehensive Plan
Attachment 4	Proposed Transportation System Plan Local Connectivity Index Map: Figure 6.7 in the City's Comprehensive Plan
Attachment 5	Proposed Transportation System Plan Local Connectivity Map: Figure 6.12 in the City's Comprehensive Plan
Attachment 6	Proposed Major Pedestrian Route Map for the Elmonica / Merlo Station Community: Figure 60.05.55.4 in the City's Development Code
Attachment 7	Street Profile Analysis: Assessment of compatibility between Washington County Special Area Street Profiles and Beaverton's Street Design Profiles
Attachment 8	Map of the Washington County Special Area Street Overlay for the Willow Creek, Merlo, and Elmonica Area: Exhibit 12 in Washington County's A-Engrossed Ordinance 485
Attachment 9	Washington County Resolution and Order 97-166: Adoption of Findings for the Designation of Special Area Streets
Attachment 10	170th/Elmonica Station Area Circulation Study, June 17, 1996 (Prepared by DKS Associates Inc.)
Attachment 11	Memorandum dated April 10, 2007 regarding a delay in the process of applying City Plan and Zoning designations to some annexed properties.

VICINITY MAP

ATTACHMENT "1"



LEGAND

PROPOSED AMENDMENTS TO BEAVERTON'S COMPREHENSIVE LAND USE MAP AND ZONING MAP

CITY LIMITS

From WASHINGTON COUNTY TO.R18-24

To CITY STATION COMMUNITY (SC) LAND USE DESIGNATION and SA-MDR ZONING

From WASHINGTON COUNTY TO:R24-40

To CITY STATION COMMUNITY (SC) LAND USE DESIGNATION and SC-HDR ZONING

From WASHINGTON COUNTY TO:RC

To CITY STATION COMMUNITY (SC) LAND USE DESIGNATION. NO ZONE CHANGE

From WASHINGTON COUNTY TO:BUS

To CITY STATION COMMUNITY (SC) LAND USE DEGSIGNATION. NO ZONE CHANGE

CITY OF BEAVERTON

CPA2007-0007/ ZMA2007-0006

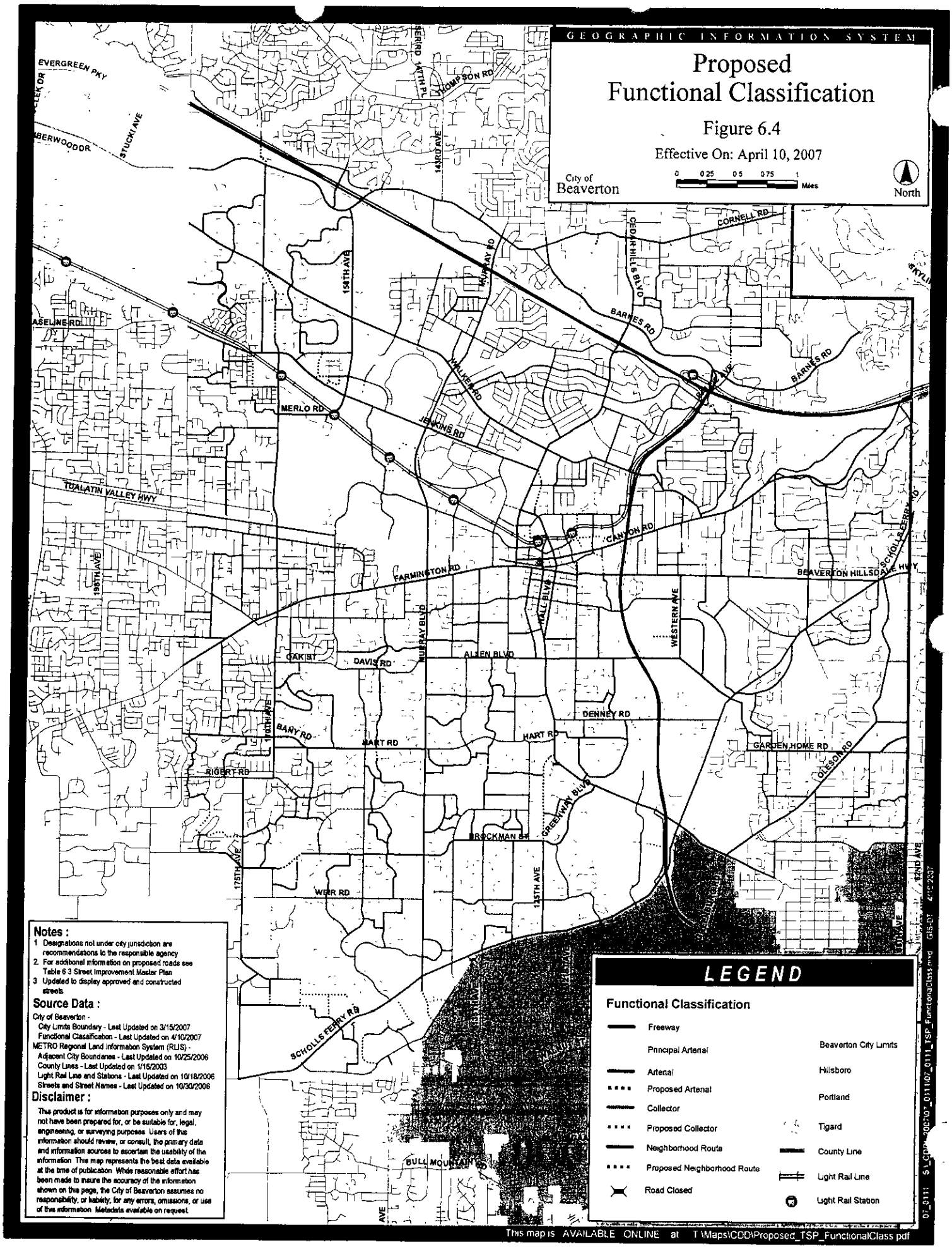
1/2/07

Tax Lot # *MULTIPLE*

N

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

SW BASELINE AVE/ SW JENKINS RD


GEOGRAPHIC INFORMATION SYSTEM
Proposed
Functional Classification
Figure 6.4
Effective On: April 10, 2007
City of
Beaverton
0 0.25 0.5 0.75 1 Miles
North
EVERGREEN PKY
STUCKI AVE
THOMPSON RD
143RD AVE
CORNELL RD
CEDAR HILLS BLVD
BARNES RD
MURRAY RD
154TH AVE
ASELINE RD
HALL BLVD
MERLO RD
JENKINS RD
TUALATIN VALLEY HWY
CANYON RD
FARMINGTON RD
BEAVERTON HILLSDALE HWY
SCHOLLS FERRY RD
198TH AVE
WESTERN AVE
OAK ST
DAVIS RD
ALLEN BLVD
DENNEY RD
BANY RD
HART RD
GARDEN HOME RD
OLESON RD
RIGERT RD
GREENWAY BLVD
BROCKMAN ST
175TH AVE
WEIR RD
125TH AVE
BULL MOUNTAIN RD
Notes :
1 Designations not under city jurisdiction are recommendations to the responsible agency
2. For additional information on proposed roads see Table 6 3 Street Improvement Master Plan
3 Updated to display approved and constructed streets
Source Data :
City of Beaverton -
City Limits Boundary - Last Updated on 3/15/2007
Functional Classification - Last Updated on 4/10/2007
METRO Regional Land Information System (RLIS) -
Adjacent City Boundaries - Last Updated on 10/25/2006
County Lines - Last Updated on 1/15/2003
Light Rail Line and Stations - Last Updated on 10/18/2006
Streets and Street Names - Last Updated on 10/30/2006
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
LEGEND
Functional Classification
Freeway
Principal Arterial
Arterial
Proposed Arterial
Collector
Proposed Collector
Neighborhood Route
Proposed Neighborhood Route
Road Closed
Beaverton City Limits
Hillsboro
Portland
Tigard
County Line
Light Rail Line
Light Rail Station
This map is AVAILABLE ONLINE at T:\Maps\CDD\Proposed_TSP_FunctionalClass.pdf

GEOGRAPHIC INFORMATION SYSTEM

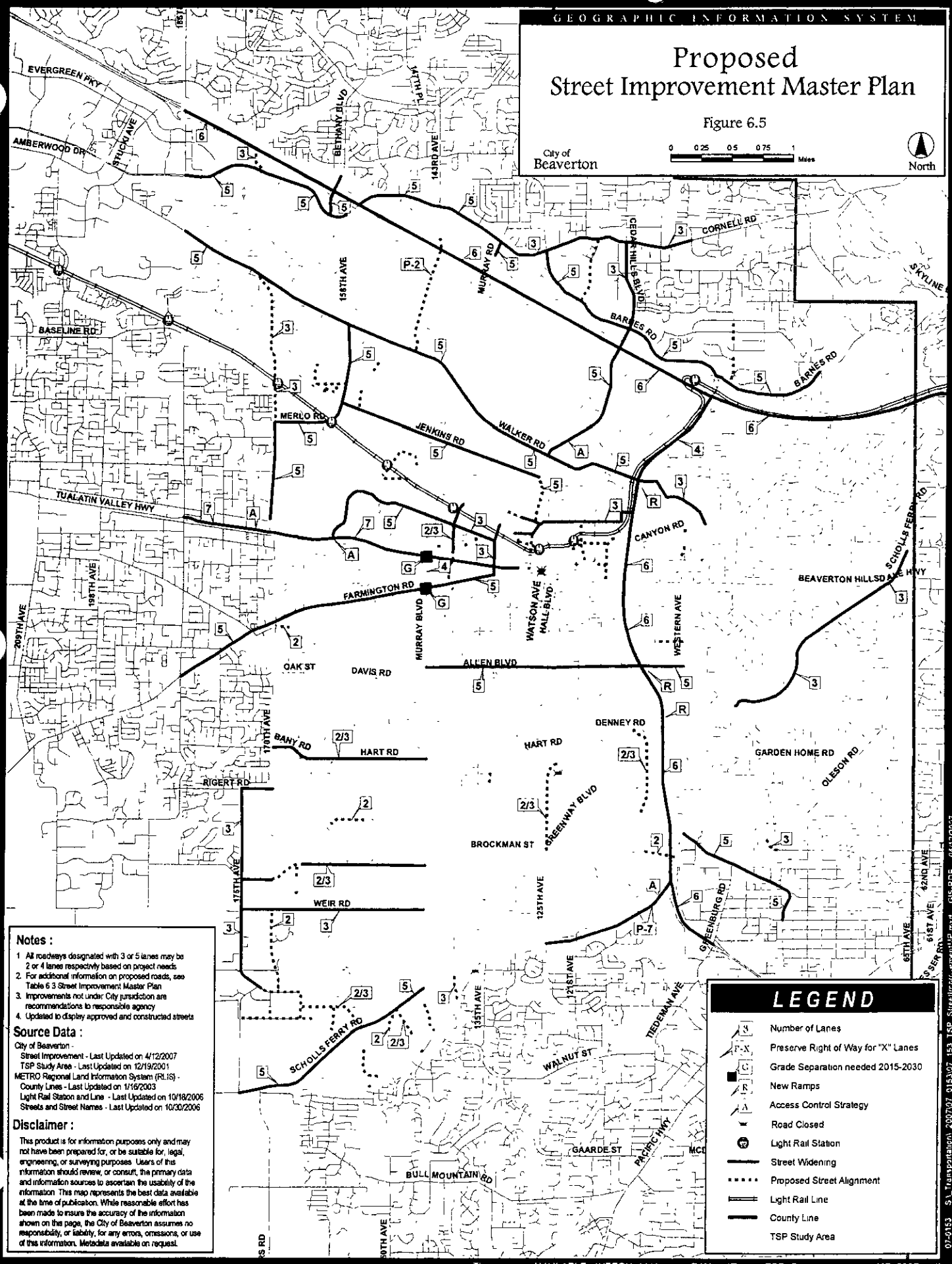
Proposed Street Improvement Master Plan

Figure 6.5

City of Beaverton

0 0.25 0.5 0.75 1 Miles

North



Notes :

1. All roadways designated with 3 or 5 lanes may be 2 or 4 lanes respectively based on project needs
2. For additional information on proposed roads, see Table 6.3 Street Improvement Master Plan
3. Improvements not under City jurisdiction are recommendations to responsible agency
4. Updated to display approved and constructed streets

Source Data :

City of Beaverton -
Street Improvement - Last Updated on 4/12/2007
TSP Study Area - Last Updated on 12/19/2001
METRO Regional Land Information System (RLIS) -
County Lines - Last Updated on 1/16/2003
Light Rail Station and Line - Last Updated on 10/18/2006
Streets and Street Names - Last Updated on 10/30/2006

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.

LEGEND

- 3 Number of Lanes
- F-X Preserve Right of Way for "X" Lanes
- G Grade Separation needed 2015-2030
- R New Ramps
- A Access Control Strategy
- Road Closed
- Light Rail Station
- Street Widening
- Proposed Street Alignment
- Light Rail Line
- County Line
- TSP Study Area

07-0153 S:_Transportation_2007\07_0153\07_153_TSP_StreetImprovementMP.mxd GIS-RDB 04/12/2007

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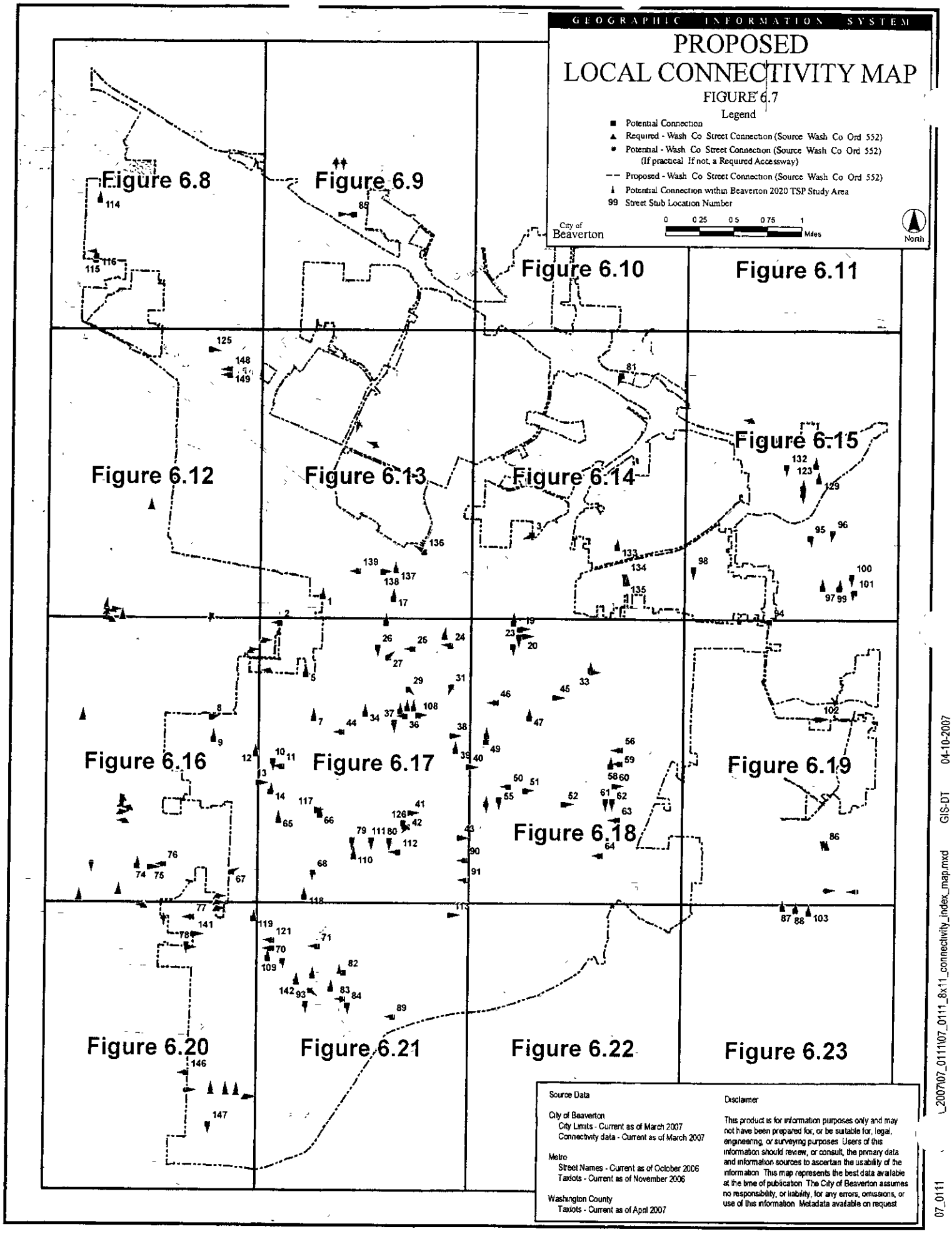
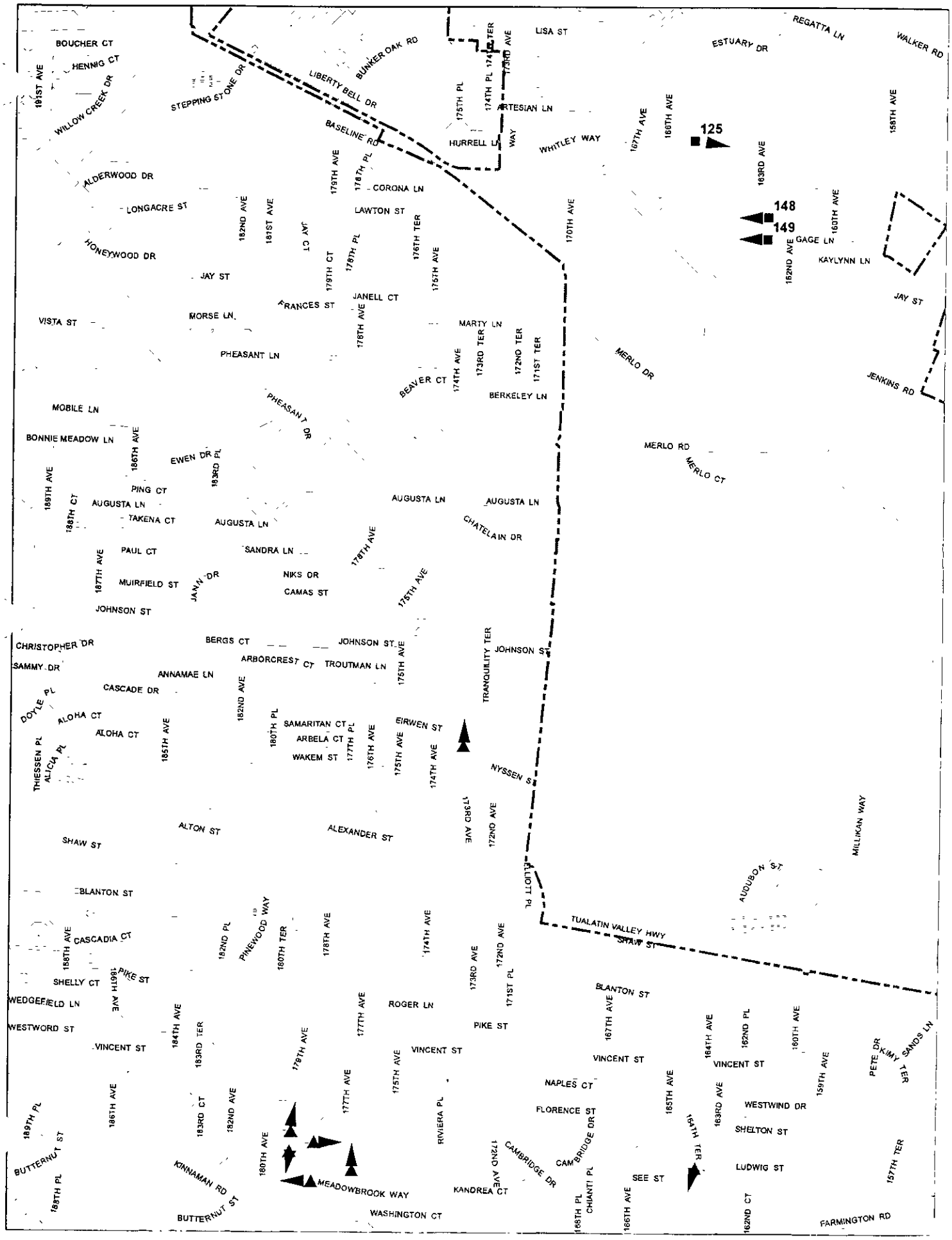
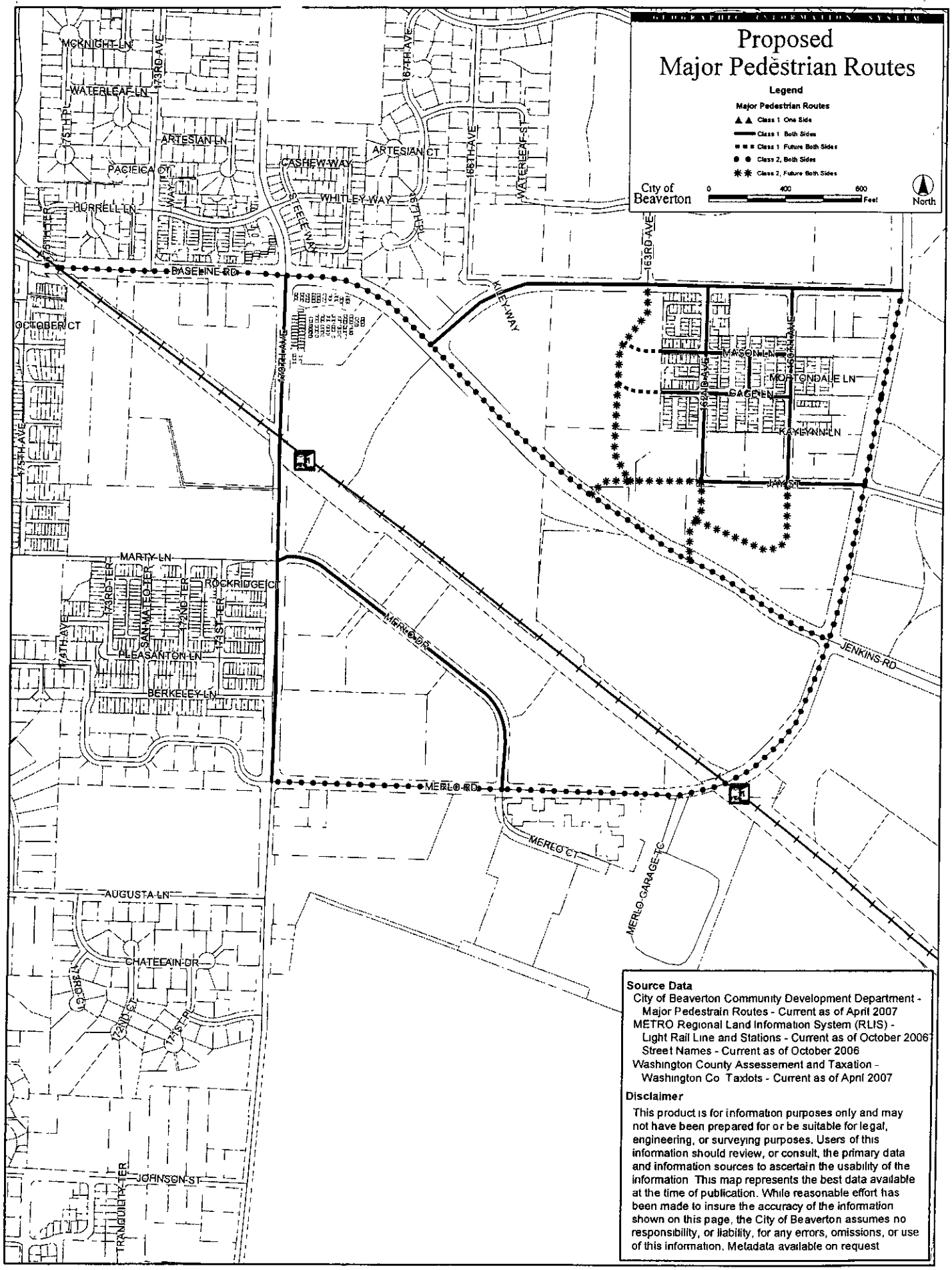


This map is AVAILABLE INTERNALLY at T:\Maps\CDD\Proposed_TSP_LocalConnectivity_IndexMap_8x11.pdf

Proposed Figure 6.12





Source Data

City of Beaverton Community Development Department - Major Pedestrain Routes - Current as of April 2007

METRO Regional Land Information System (RLIS) - Light Rail Line and Stations - Current as of October 2006; Street Names - Current as of October 2006

Washington County Assessement and Taxation - Washington Co Taxlots - Current as of April 2007

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

GIS/DT 4-18-07 S:_CDD_2007\07_0111\07_0111_8x11_major_ped_routes.mxd

STREET PROFILE ANALYSIS

Staff's attempts to assess compatibility between City and the County street profiles is based upon a process of elimination. Staff began by prioritizing design elements associated with the specific street classification. Priority was given to elements consistent with the underlying intent of the classification. As such, the criteria used to evaluate compatibility between City and County street profiles is based upon the role that the street classification fulfills within the overall functional classification system. From this basis, staff identified disparities according to perceived importance and through a process of elimination reduced the field of alternatives to the City classification which was determined to most closely approximate the County functional street profile.

Special Area Local Streets

Washington County provides three subcategories in the special area local street category identified as SAL-1, SAL-2, SAL-3, and two alternate categories identified as SAL-4 and SAL5. The street design profiles for these streets is Attached.

The intent behind Washington County's special area local streets classification is provided in Section 10.1.J of Washington County's Transportation Plan. That section provides the following:

> Special Area Local Streets *are intended to provide direct property access. They are not intended to serve through traffic. Speeds should be low. Non-transit oriented development traffic would be inappropriate for these facilities. The design of Special Area Local Streets should reflect the residential neighborhood function by accommodating on-street parking on a narrow paved width and which includes traffic calming measures that compel autos to drive slowly. Special Area Local Street should serve only low to medium density residential districts.*

From this description, and specifications derived from other County documents, staff identified qualifying characteristics unique to this functional classification type and was able to make the following observations.

1. Direct property access and traffic capacity: Washington County's special area local streets are not intended to allow for through traffic. This feature is accomplished by various street design criteria which deter through traffic from

using these streets. These include narrow pavement widths, small block lengths, and traffic speed limit requirements of no more than 25MPH.

Staff also calculated the number of average daily trips that may be generated under the SA-MDR zone for the area. In a reasonable worst case scenario for low-rise residential condominium / townhouses (ITE Trip Generation heading #231) - which reflects what is currently in place or being constructed, an average of 140 trips per acre may be generated for this area. This is consistent with the traffic allowances intended for the City's local street functional classification.

Finally, as the City's neighborhood routes, collectors, and arterials are all intended to allow for through traffic they may be removed from consideration as counterparts to the County's Special Area Local Street classification. The remaining field of alternatives consists of the City's L1, L2, and L3 local street profiles.

2. On-street parking: Three of Washington County's standard special area local streets classifications require on-street parking on both sides. This corresponds with the City's L1 and L2 classifications. Additionally, a look at the table below reveals that the County's SAL-5 classification does not require any on-street parking. This corresponds with the City's L3 functional classification.

Washington Co. Special Area Streets

SAL-1	SAL-2	SAL-3	SAL-4	SAL-5
Both Sides	Both Sides	**One Side**	**One Side**	None Required

City of Beaverton Local Streets

L1	L2	L3
Both Sides	Both Sides	None Required

None of the City's L1, L2, or L3 classifications allow parking on one side of the street only. This would eliminate the County's SAL-3 and SAL-4 from consideration. It should also be noted that in site visits, staff observed permitted parking on both sides of every public street designated Special Area Local Street. There was no indication that SAL-3, SAL-4, or SAL-5 have been applied to any streets in the area.

This factor reduces the pool of Washington County special area local streets alternatives to the SAL-1 and SAL-2 functional classifications.

3. Street Profile Comparison: A side-by-side comparison of the remaining street classifications will reveal disparities that exist between Washington County's special area local streets and Beaverton's local street profiles. In the following table, attention was directed toward minimum standards required.

Design Component	Wash. Co. SAL#1	Beaverton L 1	Wash. Co. SAL#2	Beaverton L 2
Right-of-Way	48'	68'	44'	62'
Paved Width	32'	34'	28'	28'
# of Lanes	N/A	2	N/A	1
Bikeway	shared	none	shared	none
Travel Lanes / (Travel Way)	(16')	20'	(12')	(14')
Center Turn Lane	none	none	none	none
Speed	25 MPH	25 MPH	25 MPH	25 MPH
Parking	both sides	both sides	both sides	both sides
Combined Parking Spaces	unspecified	14'	unspecified	14'
Combined Planter Strips	8'	13'	8'	13'
Combined Sidewalk Widths	10'	20' *	10'	20' *
Curb extensions on intersections**	yes	modification	yes	modification

** City requires 10' sidewalks in all multiple use zones.*
*** Staff did not observe any use of curb extensions on site.*

From the characteristics above, staff regard the right-of-way disparities as the primary distinction between the City's local street profiles and Washington County's special area street profiles. The City of Beaverton has no equivalent of this street design concept. Therefore, we must accept this discrepancy as necessary and unavoidable.

Another area of discrepancy pertains to the lane standards that apply to the City's L1 classification. All of Washington County's special area local street classifications, including SAL#1 and SAL#2 provide for a single travel way. Beaverton's L1 provides for a two lane street. Staff regard this distinction as a basic design incompatibility between the two systems. Elimination of this alternative as a counterpart to the County's special area local street functional classification is, therefore, warranted.

In attempting to establish an acceptable level of compatibility, staff has reduced the field of alternatives down to a single local street profile (L2) that would correspond to Washington County's SAS#1 and SAL#2 classifications. A breakdown of some key elements of these streets profiles follows:

SAL#1 / L2		SAL#2 / L2	
Paved Width	-4'	Paved Width	same
# of Lanes	same	# of Lanes	same
Travel Lanes / (Travel Way)	-2'	Travel Lanes / (Travel Way)	+2'
Combined Planter Strips	+5'	Combined Planter Strips	+5'
Combined Sidewalk Widths	+10'	Combined Sidewalk Widths	+10'
Right-of-Way	+14'	Right-of-Way	+18'

Through a process of elimination using Washington County's functional definition for its Special Area Local Street and design profile as a basis for comparison, staff determined that correspondence between the City's Local Street (L2) classification represents the closest approximation to Washington County's SAL#1 and SAL#2 classifications.

Applying the City's L2 standard to Washington County's SAL#1 standard will result in a 4' loss in pavement width - 2' in travel way and 1' in dedicated parking area on each side of the street. This selection does offer the advantage of requiring less right-of-way than the SAL#1/L2 combination which would offer more land area for development. Conversely applying the City's L2 standard to Washington County's SAL#2 standard will not result in any loss in pavement width but will result in an additional 4' of right of way width over the SAL#1/L2 combination.

Because the L2 street profile consists of a single travel way in which autos and bicycle traffic share a common lane, the loss of pavement area in the SAL#1/L2 transition would affect the ability of these two modes to commingle. It should be noted that the standards above represent the minimums required. Given that Washington County's chosen street configuration alternative was selected based upon a number of factors identified in County's circulation study, specifications such as increased pavement widths should be maintained as much as possible. Staff could recommend that as development occurs and street extensions are proposed, paved area be increased to replicate the County's SAL #1 standard.

Finding

Staff finds that applying the City's Local Street (L2) Functional Street Classification to Washington County's Special Area Local Street Functional Classification for the study area, will adequately accommodate the County's transportation planning for the area.

Special Area Commercial Streets:

Washington County provides three subcategories in the special area commercial street category identified as SACM-1, SACM-2, and SACM-3. The distinguishing element that separates one from another is the number of lanes required.

As before, the criteria used to evaluate compatibility between City and County street profiles is based upon the functional role that the street classification fulfills within the overall functional classification system. That role is best expressed in Section 10 of Washington County's Transportation Plan. For special area commercial streets Section 10.1.I of the Plan provides the following description.

Special Area Commercial Streets are intended to serve local access and service needs associated with urban high density residential, mixed use and employment oriented land uses. These roads are not intended to serve through trips but may have significant traffic volumes. The street may not exceed two travel lanes in each direction. Speeds should be low. The design of Special Area Commercial Streets should reflect local intensive urban use by all modes. The road must accommodate autos, trucks, buses and bicycles while also providing transit stop amenities and frequent opportunities for pedestrian crossings. Sidewalks should be wide with tree wells. Special Area Commercial Streets should serve high density residential, mixed use and business districts.

The general intent conveyed in this description along with profile specifications provided in the County's Uniform Road Improvement Design Standards (Attached) allowed staff to identify criteria to evaluate compatibility between City and County street classifications. The analysis can be reduced to the following conclusions.

1. Speeds should be low: Although special area commercial streets are meant to support more traffic than special area local streets, the profile indicates that traffic speeds are not to exceed 25 MPH. This eliminates consideration of the City's arterials and collectors as alternatives to the County's special area commercial street classification. The remaining field of alternatives consists of the City's local streets and neighborhood route classifications.

2. Number of lanes: As demonstrated from the tables below, Washington County's special area commercial street classification provides some flexibility in the number of lanes that can be accommodated. However, a cross-comparison to the City's street classifications (where traffic speeds do not exceed 25 MPH) reveals that several of the County classifications designed for three and four lanes lack City counterparts.

Washington Co. Special Area Streets

SACM-1	SACM -2	SACM -3
2 Lanes	**3 Lanes**	**4 Lanes**

City of Beaverton Local Streets and Neighborhood Routes

L1	L2	L3	NR1	NR2	NR3
2 Lanes	**1 Lane**	2 Lanes	2 Lanes	2 Lanes	2 Lanes

While the City of Beaverton does not provide 3- and 4-lane profiles to correspond with the County's SAC-2 and SAC-3 classifications, Washington County does not provide a SACM 1-lane profile to correspond to the City's L2 classification.

Application of this criteria, therefore, eliminates the County's SAC-2, SAC-3, and the City's L2 classifications from contention.

3. Street parking: All of the County's special area commercial street classifications (including SACM-1) require that on-street parking be permitted on both sides. However, as indicated below, only two of the five remaining City classifications require this standard.

Washington Co
Special Area Streets

SACM-1
Both Sides

City of Beaverton Local Streets

L1	L3	NR1	NR2	NR3
Both Sides	**None Required**	Both Sides	**One Side**	**None Required**

Applying this criterion to the remaining street classifications eliminates the City's L3, NR2, and NR3 from the pool of alternatives. The City's L1 and NR1 classifications remain as prospective counterparts to the County's SACM-1 classification.

4. Street Profile Comparison: A side-by-side comparison of the remaining street classifications highlight disparities that exist.

Design Component	Wa. Co.	City of Beaverton	
	SACM #1	L 1	NR 1
Right-of-Way	46'	68'	70'
Paved Width	40'	34'	34'
# of Lanes	2	2	2
On Street Parking (each side)	8'	7'	7'
Bikeway	shared	none	none
Travel Lane	12'	10'	10'
Center Turn Lane	none	none	none
Speed	25 MPH	25 MPH	25 MPH
Parking	both sides	both sides	both sides
Planter Strip (each side)	0 **	6.5'	7.5'
Sidewalk Width (each side)	9'	10' *	10' *

* All sidewalks in multiple use zones must meet minimum of 10' in width.
** Sidewalks require tree wells.

A breakdown of specific disparities is provided in the following table.

SACM#1 / L1		SACM#1 / NR1	
Paved Width	-6'	Paved Width	-6'
# of Lanes	same	# of Lanes	same
Travel Lanes	-2'	Travel Lanes	-2'
Combined on Street Parking	-2'	Combined on Street Parking	-2'
Combined Planter Strips	+13'	Combined Planter Strips	+15'
Combined Sidewalk Widths	+2'	Combined Sidewalk Widths	+2'
Right-of-Way	+12'	Right-of-Way	+14'

Predominant factors that can be deduced from this table are as follows:

- Applying either the City's L1 or NR1 street classification to the County's SACM#1 classification would result in a minimum required pavement loss of six feet. That loss can be broken down to a loss of one foot of on-street parking on both sides of the street and a two foot loss of lane width in each side of the street.

- Washington County's SAC#1 classification does not require a planter strip while the City's L1 requires a minimum of 6 ½ feet and the NR1 requires a minimum of 7 ½ feet. This disparity, along with an additional minimum sidewalk requirement of one foot, account for the majority of the additional right-of-way requirement.

- A comparison to the City's L1 and NR1 street profiles reveals that aside from an additional one foot planter strip requirement, the cross section profiles for these two classifications are the same.

- Washington County's Special Area Commercial Streets require that sidewalks contain tree wells. The City's L1 and NR1 street profiles include a planter strip to accommodate street trees in place of tree wells.

Points one and two identify the most basic distinctions between the City and County street classifications being considered. Point one in particular identifies the County's emphasis upon maximizing pavement width while minimizing right-of-way. The additional pavement width may be attributable to the street's objective to *"reflect local intensive urban use by all modes. The road must accommodate autos, trucks, buses and bicycles..."*. The City cannot provide a comparable alternative to the County's special area street classifications because the City has none. Some degree of give and take will therefore be necessary in selecting a reasonable alternative.

The third point calls attention to the fact that the two remaining alternatives are almost identical in profile. To determine which most closely reflects the intent expressed in the County's description (provided above) it is necessary to look at

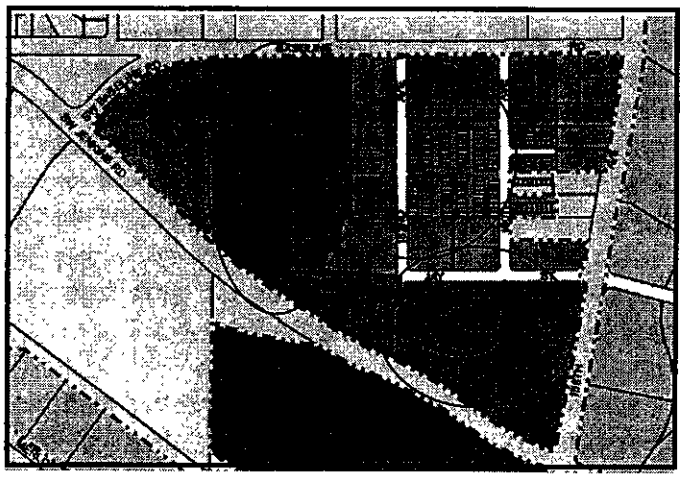
the intent behind these two classifications. The descriptions provided in Chapter Three of the City's Transportation System Plan provides the following definitions:

Local Streets have the sole function of providing access to immediate adjacent land. Service to "through traffic movement" on local streets is deliberately discouraged by design.

Neighborhood Routes are usually long relative to local streets and provide connectivity to collectors or arterials. Because neighborhood routes have greater connectivity, they generally have more traffic than local streets and are used by residents in the area to get out of the neighborhood, but do not serve citywide/large area circulation. Traffic from cul-de-sacs and other local streets may drain onto neighborhood routes to gain access to collectors or arterials.

Both the L1 and NR1 classifications are intended both provide local access and service needs. This feature is consistent with the definition provided by the County's Transportation Plan (included above). However, the County's definition holds that "*Special Area Commercial Streets are intended to serve local access and service needs associated with* ***urban high density residential,***...". Additionally, the description holds that "*[t]hese roads are not intended to serve through trips but may have* ***significant traffic volumes***". These elements favor application of the City's neighborhood route classification over local streets. This assessment is also supported by the following facts.

- Average daily trips: The County has assigned special area commercial streets to two areas in the study area. These areas correspond to Area #1 and Area #3 in the illustration below. The proposed street alignments established by Washington County are indicated by the dark lines on the map. Area #2 has been assigned the County's special area local street classification and was addressed in the previous section.



Area #1: In the Zoning Map amendment segment of this proposal, staff recommended that Area #1 in the illustration above be assigned the City's SC-HDR Zone. This designation is intended to support residential densities proportionate to Washington County's TO:R24-40 allowance of between 24 and 40 units per acre. Staff has calculated that under a reasonable worst case scenario where residential development is constructed at an FAR of 1.0 and where the average unit is 1000 square feet, the area could support a total of 43 units per acre. Under ITE Trip Generation heading #231 (Low-Rise Residential Condominium / Townhouse), an average daily trip generation of 251 per acre could be expected. This trip generation count is well within the capacity threshold for the City's Neighborhood Route Functional Classification.

Area #3: Area #3 is proposed to have the City's SC-MU zone designation assigned to the area to correspond with Washington County's TO:RC designation. Both designations allow retail uses. Again, it is expected that land uses in this zone will generate sufficient traffic to justify the Neighborhood Route over the Local Street classification. Staff calculated that in a reasonable worst case scenario where a 150,000 square foot big-box retail club is present, (the scenario currently in place), an average daily trip generation of 599 autos per acre could be expected. This trip generation count fits within the tolerance threshold for the City's Neighborhood Route Functional Classification.

- The City's functional description for Neighborhood Routes (above) specifies that *"Neighborhood Routes are usually long relative to local streets and provide connectivity to collectors or arterials".* The proposed alignment in area #1 is designed to provide connectivity to several lateral local street connections but also connect to SW Baseline (a collector) to the north and SW Jenkins (an arterial) to the south. Similarly, the proposed alignments in Area #3 connect a number of local streets with SW Jenkins (an arterial) to the south. This attribute of providing linkages between local streets and major thoroughfares is consistent with the role of Neighborhood Routes in the City.

- Jay Street in Area #3 which connects the local streets in the neighborhood with SW 158th Avenue is currently designated a neighborhood route on the City's Functional Classification Map. It should be noted that this classification is not consistent with Washington County's special area local street designation for Jay Street. The County's designation is meant to represent the long range planning for the area once it is fully developed while the City's classification of Jay Street reflects the current circulation needs. The fact that the City's Transportation System Plan has assigned the neighborhood route demonstrates the suitability of the Neighborhood Route to the area and may support staff's belief that the neighborhood route is the most appropriate Classification for the special area commercial street alignments in Area #3. The designation of this street as a neighborhood route may need to be

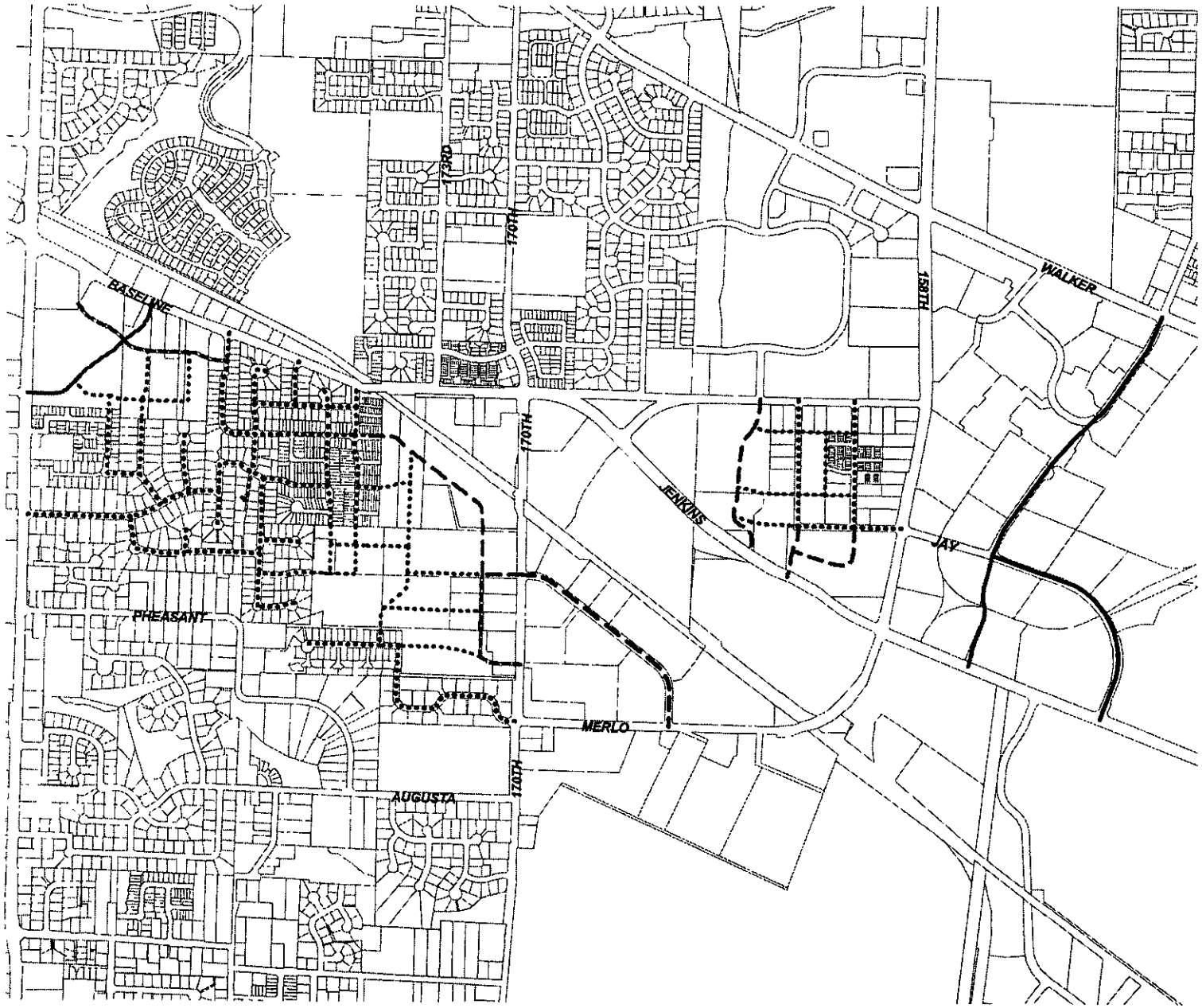
revisited at some point in the future as the new alignments depicted in Areas 1 and 3 are constructed.

- Washington County's functional description for Special Area Commercial Streets specifies that these streets *"are intended to serve local access and service needs associated with urban high density residential, mixed use and employment oriented land uses. These roads are not intended to serve through trips but may have significant traffic volumes."* Although applying City's neighborhood route classification to the special area alignments could provide some measure of through traffic, especially in Area #3, the County incorporated out-of-direction curves in the alignment near intersections in order to deter this activity.

Finding

Staff finds that applying the City's Neighborhood Route (NR1) functional street classification to Washington County's Special Area Commercial Street Functional Classification for Areas 1 and 3, will adequately accommodate the County's transportation planning for the area.

Washington County Special Area Street Overlay
Willow Creek, Merlo and Elmonica Area



- Special Area Collector
- Special Area Neighborhood Route
- Special Area Local Street
- Special Area Commercial Street
- Proposed Special Area Collector
- Proposed Special Area Neighborhood Route
- Proposed Special Area Local Street
- Proposed Special Area Commercial Street

N

ATTACHMENT "8"

Rec.

FILED

OCT 30 1997

Washington County
County Clerk

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting Legislative Findings in Support of Ordinances No. 483 to 486	)))	RESOLUTION AND ORDER No. 97-1666

This matter having come before the Washington County Board of Commissioners at its meeting of October 28, 1997; and

It appearing to the Board that the findings contained in Exhibits "A", "B", "C" and "D" summarize relevant facts and rationales with regard to statewide planning goals relating to Ordinances No. 483 to 486; and

It appearing to the Board that the findings attached as Exhibits "A", "B", "C" and "D" constitute appropriate legislative findings with respect to the adopted ordinances; and

It appearing to the Board that in the course of their deliberations the Board has considered the record which consists of all notices, testimony, issue papers, staff reports, correspondence from interested parties, together with other items submitted to the Planning Commission and Board regarding this ordinance; it is, therefore,

RESOLVED AND ORDERED that the attached findings in support of Ordinances No. 483 to 486 are hereby adopted.

DATED this 28th day of October 1997.

	AYE	NAY	ABSENT
PETERS	✓		
CHRISTY	✓		
KATSION	✓		
DUYCK	✓		
ROGERS	✓		

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Andy Duyck
CHAIRMAN

APPROVED AS TO FORM:

Alan C. Rappleyea
Assistant County Counsel
for Washington County, Oregon

Barbara Heitmanek
RECORDING SECRETARY

(JA R&O-483,486)

86

Oregon Administrative Rules, and Oregon Revised Statutes 195.110. These conclusions are supported by the following facts.

FACTS

1. The standards for public facilities and services in the Community Development Code are in Article V (Public Facilities and Services). A-Engrossed Ordinance 485 did not make amendments to these standards.

2. In 1991 Washington County adopted a Public Facility Plan, consistent with OAR 660, Division 11. This ordinance does not amend that plan.

3. Amendments to the Sunset West Community Plan for the Merlo/Elmonica/Willow Creek Station Areas were made after considering existing community facilities and services in the planning area, including sewer service, water supply and distribution, parks, schools, fire protection and police protection. All affected service providers were informed of and invited to participate in the planning process.

4. Consistent with ORS 195.110 on October 25th, 1994 Washington County adopted Ordinance No. 459, which amended the Washington County Comprehensive Framework Plan for the Urban Area and added the Beaverton School District school facility plan as an element of the County Resource Document. Consistent with the District's school facility plan, the County has coordinated with the District regarding impacts of this ordinance to determine if it significantly impacts school capacity.

<u>Transportation</u>

CONCLUSION:

This topic is addressed by Statewide Planning Goal 12; the Transportation Planning Rule (OAR 660, Division 12); and Titles 2 and 6 of the Metro Urban Growth Management Functional Plan (UGMFP).

Washington County has an acknowledged Transportation Plan (Comprehensive Plan Volume XV) which describes the transportation system necessary to accommodate the transportation needs of Washington County residents. Implementing measures are contained in the Community Development Code.

Amendments to the Sunset West Community Plan and Transportation Plan contained in A-Engrossed Ordinance 485 were made to apply new Transit Oriented Land Use Districts to the Merlo, Elmonica and Willow Creek Station Areas, assign new Special Area street and pedestrian classifications, and describe street alignment corridors.

Plan compliance with Goal 12 is maintained with these amendments to the Sunset West Community Plan and the Transportation Plan. The amendments in A-Engrossed

Ordinance 485 are consistent with the County's acknowledged policies and standards for complying with Goal 12, including the Transportation Planning Rule requirements in OAR 660-12-045 and OAR 660-12-060. A-Engrossed Ordinance 485 was created to ensure consistency with the UGMFP requirements for establishment of planning for light rail station communities and growth targets. These conclusions are supported by the following facts.

FACTS AND SUPPORTING ANALYSIS:

1. Amendments to the Sunset West Community Plan contained in A-Engrossed Ordinance 485 were made to apply new Transit Oriented Land Use Districts in the Merlo, Elmonica and Willow Creek Station Areas. The effects of the application of these new land use districts on the planned transportation system is included in the findings related to OAR 660-12-060 below:

660-12-060 / Plan and Land Use Regulation Amendments

(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:

(a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;

(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs for other modes.

In order to determine whether A-Engrossed Ordinance 485 will "significantly affect" transportation facilities, the County hired DKS Associates to prepare a Circulation Study for the 170th/Elmonica Station Area. Traffic forecasts for each of the circulation alternatives included in the study were developed using a subarea traffic forecasting model. The model was developed by modifying the Metro regional model to reflect the study area street network in more detail and the specific land uses that have been assumed for future development in the area.

Land use quantities for the assumed future development scenario in the study area were developed by Washington County staff The land use quantities were used as input to the trip generation estimates that were directly incorporated in the focus area models. Land use data was developed for the residential (single

family, multi-family) retail, industrial, office and institutional categories. Non-residential land use quantities were converted to equivalent numbers of retail and non-retail employees for the purpose of trip generation. All modeling included "reasonable worst case" population and employment assumptions to determine the potential impacts of these amendments on the planned transportation system.

DKS provided Washington County access to the models utilized in the circulation analysis. Since development of the DKS Final Report, the County has developed new scenarios to better reflect the street networks included in A-Engrossed Ordinance 485.

Additionally, Access Engineering has prepared the 185th Ave Gate Crossing Simulation Analysis which specifically examines the intersection of 185th and Baseline. Also, County planning staff has developed a generalized planning stage arterial level of service analysis (average speed).

(2) A plan or land use regulation amendment significantly affects a transportation facility if it:

(a) Changes the functional classification of an existing or planned transportation facility;

A-Engrossed Ordinance 485 includes a new Transportation Circulation Designation Map to the Sunset West Community Plan which includes new functional classifications for proposed and existing streets in the planning area. Additionally, amendments to the Functional Classification System Map in the Transportation Plan are included.

Policy 9 of the Transportation Plan establishes the Functional Classification Policy of the County. The County's functional classification system is a hierarchical approach which classifies roads by functional purpose to ensure that when linked together, those roadways form a rational, efficient system. The functional classification changes included in A-Engrossed Ordinance 485 have been developed to insure consistency with Policy 9 of the Transportation Plan.

(b) Changes standards implementing a functional classification system;

The County implements functional classification by invoking requirements to limit vehicular access, record non-access reserve strips, dedicate appropriate right-of-way, and construct warranted frontage and road improvements. The changes in the ordinance are consistent with the standards implementing the County's functional classification system. Additionally, new functional classifications and standards were developed as part of these ordinances. The new classifications were applied to roadways in the study area as appropriate.

(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or,

No part of the ordinance will change the County's access management standards or the need for additional access in a manner inconsistent with the functional classification of the roads which are included within or abut the station area.

(d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

As part of A-Engrossed Ordinance 483 (which is adopted concurrently with the adoption of A-Engrossed Ordinance 485) the Mobility Policy in the County's Transportation Plan is amended to adopt Metro's Urban Growth Management Functional Plan level of service policy in Station communities for the purpose of making consistency findings for the Transportation Planning Rule. This policy accepts level of service F in the peak hour, E in the second peak hour and D in the mid-day. The Metro policy recognizes the use of an "average travel speed" methodology as an appropriate way to determine level of service.

The two most congested roadways in the study area are 185th Ave and Baseline Road. Based on a generalized planning average speed analysis, staff has determined that in 2015 in the PM peak, 185th Ave will operate at LOS E between Walker and Johnson (southbound), and LOS E between Johnson and Walker (northbound). Baseline Road will operate at LOS D westbound between 170th and 197th, and LOS D eastbound between 197th and 170th. Thus, in 2015, both roadways should operate at an acceptable level, given the Metro LOS standard and the "average speed" approach.

In implementing OAR 660-12-060 over the past 6 years, staff has consistently used the year 2005 as the "future" year on which to base the analysis. The County's currently acknowledged Transportation Plan was developed for the year 2005.. Since staff has previously concluded, given the METRO Los standard and methodology, that area roadways will operate at an acceptable level in 2015, it is reasonable to assume that they will also operate acceptably in 2005.

It's anticipated that the County will adopt a comprehensive update of the Transportation Plan in spring or summer of 1999, following adoption of Metro's Regional Transportation Plan. The comprehensive update will likely focus on 2015 or 2017. After adoption of the updated Transportation Plan, it will no longer be appropriate to make OAR 660-12-060 findings for the year 2005.

(3) Determinations under subsections (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local governments.

Staff: ODOT, Metro, Beaverton, Hillsboro and Tri-met have been notified of this Ordinance, and their comments have been incorporated as appropriate.

2. Amendments in the Transportation Plan in A-Engrossed Ordinance 485 do not change any policies or standards related to OAR 660-12-045 early implementation requirements. The establishment of new Special Area street and pedestrian classifications supplement and enhance the "safe and convenient pedestrian, bicycle, and vehicular circulation" requirements in OAR 660-12-045(3).

3. Washington County has an acknowledged Transportation Plan which was adopted in 1988 by County land use Ordinances 332 and 333. That Plan, and subsequent adopted and acknowledged amendments to that Plan have made findings that all necessary planning requirements have been met. Except as noted below, A-Engrossed Ordinance 485 does not change the County's acknowledged Transportation Plan policies and implementing strategies.

   a. A-Engrossed Ordnance 485 applies new Special Area street classifications into the Sunset west Community Plan and County Transportation Plan. The new planned Special Area streets are designated for both currently undeveloped lands, and for existing streets in residential and commercial land use districts based on the DKS circulation study and model. The new streets designated in this ordinance are only those necessary to provide the needed through connections in the planning area. Other new streets will be added to provide the complete local circulation needs through application of the development review criteria for block size. The existing streets designated in this ordinance include those streets whose functional classification will change from the existing plan.

   b. A-Engrossed Ordnance 484 applies three (3) new pedestrian classifications which would apply only within the planning area. The Pedestrian District is applied to the area immediately around the light rail transit station where densities are highest and the highest degree of pedestrian activity will be located. This ordinance also designates some off-street pathways needed for circulation. Additional off-street pathways will be required through the development review process to meet block perimeter standards. Together, these elements address the requirements of the County Transportation Plan and Transportation Planning Rule to accommodate non-auto modes of travel.

   c. A-Engrossed Ordinance 485 creates a new Street Corridor map in the Sunset West Community Plan. This map identifies the function and general location of certain required streets in the planning area. While the County finds that the ultimate construction of these roads in the general location identified on the map is important to meet both land use and transportation needs in the planning area, the County recognizes that the final alignment of a street on the ground is appropriately a project

development/final engineering exercise, and is not a systems planning exercise. The new Street Corridor map and associated standards allow street centerlines to be moved within certain corridors through a Type II process. Greater centerline adjustments may be allowed through a Type III process. This issue is discussed in detail in Issue Paper #3 for Ordinance 483.

d. A-Engrossed Ordinance 485 includes new Transportation Circulation designations for some Special Area streets. These streets require the maximum degree of connection to existing streets deemed practicable. These connections are consistent with the intent of Transportation Planning Rule and UGMFP requirements for connectivity.

4. In November of 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP) as an "early implementation" element of the Region 2040 Growth Concept. Because Ordinance 485 was filed in August of 1996, the UGMFP does not legally apply to this ordinance. Even though the UGMFP does not apply, the County has attempted to comply with the applicable transportation provisions of it. Title 6 -Regional Accessibility, is the transportation element of the UGMFP. Title 6 has three broad areas to address; 1) Boulevard Design; 2) Design Standards for Street Connectivity; and 3) Transportation Performance Standards. Only the Transportation Performance Standards apply to A-Engrossed Ordinance 485.

The Transportation Performance Standards in the UGMFP includes four separate areas to address, and are discussed below:

a. Alternative Mode Analysis - This section requires local governments to establish mode split targets which are not less than the regional mode split targets in the RTP. To date, Metro has not established regional mode split targets, therefore Washington County has not addressed them in this Ordinance.

b. Motor Vehicle Congestion Analysis for Mixed Use Areas - This section establishes new level-of-service standards that local governments may use when adopting land use ordinances to establish certain 2040 land use types, including station areas and town centers. A-Engrossed Ordinance 483 adopts these new level-of-service standards into the County Transportation Plan only for the limited use of making adequate level-of-service findings for these ordinances (A-Engrossed Ordinances 483, 484, 485, and 486). The actual level of service analysis for A-Engrossed Ordinance 485 is included at #1 above.

c. Congestion Management - This section requires local governments to consider other actions or programs prior to amending their comprehensive plan to add "significant capacity". A-Engrossed Ordinance 485 does not propose to add capacity to any regional facilities.

d. Motor Vehicle Congestion Analysis Outside of Mixed Use Areas. - This section specifies the congestion analysis needed for areas outside of mixed use land use areas. Station Communities and Town Centers are considered mixed use land use areas in the UGMFP. Because A-Engrossed Ordinance 485 applies only within the Merlo, Elmonica and Willow Creek Station Areas, this section does not apply. Congestion analysis within these districts is addressed above.

Energy Conservation

CONCLUSION

This topic is addressed by Statewide Planning Goal 13. Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan address energy conservation in the urban area of unincorporated Washington County. The Community Development Code implements the energy conservation policies by establishing standards that promote energy-efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance 485. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13. This conclusion is supported by the following facts.

FACTS

A-Engrossed Ordinance No. 485 did not amend the applicable Plan policies or Code provisions related to energy conservation.

Urbanization

CONCLUSION

This topic is addressed by Statewide Planning Goal 14 and Title 1 of the Metro Urban Growth Management Functional Plan (UGMFP). Policies 13, 14, 16, 17, 18 and 19 of the Comprehensive Framework Plan address urbanization within the Regional Urban Growth Boundary. The Community Development Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development. Plan compliance with Goal 14 is maintained with the amendments made by A-Engrossed Ordinance 485. The amendments are consistent with the County's acknowledged policies and strategies for urbanization as required by Goal 14. The amendments are also consistent with Title 1 of the UGMFP. These conclusions are supported by the following facts.

FACTS

1. A-Engrossed Ordinance 485 did not amend the Plan policies or Code standards related to urbanization.

ATTACHMENT "10"

FEB 14 2007
COMMUNITY DEVELOP DEPT

170th/Elmonica Station Area Circulation Study

Final Report

Prepared for
Washington County Department of Land Use
and Transportation Planning Division

Prepared by
DKS Associates, Inc.

June 17, 1996

DKS *Associates*

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June 17, 1996

Hal Bergsma
Washington County Department of Land Use and Transportation
155 North First Avenue
Hillsboro, Oregon 97124

Subject: 170th/Elmonica Station Area Circulation Study - Final Report

Dear Hal:

DKS Associates is pleased to submit this final report for the 170th/Elmonica Station Area Circulation Study. Four bound copies and one reproducible copy have been provided for your use.

Please contact me should you have any questions. We appreciate the opportunity to serve Washington County on this project.

Sincerely,

DKS Associates, Inc.

Robert J. Schulte
Senior Project Manager

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I. INTRODUCTION

The 170th/Elmonica Station Area Circulation Study was conducted in response to concerns of neighborhood residents about the effect of connecting their local streets to street systems serving new development in the vicinity of the future Westside Light Rail station located on the east side of SW 170th Avenue and on the north side of the LRT tracks. This study is part of an overall planning effort underway over the past three years in which Washington County, along with the cities of Beaverton, Hillsboro, and Portland, have been preparing Station Community Plans for areas around stations along the Westside LRT line. The county is currently involved in the preparation and evaluation of alternative development/design concepts and drafting local and regional station area plans and implementation strategies.

The study consisted of three major tasks:

- Development and review of background information.
- Development of traffic forecasts.
- Identification of preferred local street network.

The development and review of background information served as a starting point for the analysis and provided a basis of information for the development of the circulation alternatives and evaluation of the analysis results. Traffic forecasts for each of the circulation alternatives were developed using a subarea traffic forecasting model developed specifically for this study. The model was developed by modifying the Metro regional model to reflect the study area street network in more detail and the specific land uses that have been assumed for future development in the area. The model provided the most reliable tool available; however, the primary purpose of the model was for evaluation of the relative long-range impacts of alternative local street networks, not the development of local traffic forecasts that may be considered accurate to within a narrow range of error.

Identification of a preferred local street network involved evaluation of the three circulation alternatives, selection of a preferred alternative, and refinement of the preferred alternative. The evaluation was based on two main criteria: connectivity of the local street network, as specified in Section 408 of the Washington County Community Development Code, and minimization of volume impacts to local streets. In addition, minimization of speed impacts to local streets was considered in the initial development of the alternatives. Refinement of the preferred alternative consisted of testing various measures to mitigate any significant impacts to local streets.

II. DEVELOPMENT AND REVIEW OF BACKGROUND INFORMATION

Background information related to the 170th/Elmonica study area analysis was obtained through a review of previous studies and an inventory of existing study area roadways. Information from existing sources is summarized in the annotated bibliography provided below.

1. Washington County Department of Land Use and Transportation Planning Division, *170th/Elmonica Station Area Plan Background Document*, February 1995.

   This background document provides a description of existing transportation facilities and services and traffic conditions in the 170th/Elmonica station area. For roadways, information is provided on the physical characteristics of major streets, as well as traffic counts, levels of service, and accident history. Existing and planned bike/pedestrian paths in the area are described. Service frequencies, passenger facilities, and operations for public transit are presented, together with a description of transit alternatives.

2. Washington County Department of Land Use and Transportation Planning Division, *Sunset West Community Plan*, June 1984.

   The transportation section of the community plan describes current transportation conditions, future transportation needs, and transportation improvements addressing future needs for the community plan area. Specific needs and improvements are discussed for 185th Avenue, Cornell Road, 174th Avenue, and Sunset Highway. Existing and future transit service and facilities are described, including issues related to the Westside LRT line. Information on bicycle and pedestrian pathway improvements to be implemented in conjunction with roadway improvements is provided.

3. Washington County Department of Land Use and Transportation Planning Division, *Washington County Transportation Plan*, October 1988.

   The Transportation Plan is a comprehensive analysis and identification of needs associated with the implementation of the development scenarios described in the community plans. It addresses roadway, transit, pedestrian, and bicycle transportation issues and provides information on both specific and system-level requirements. A functional classification is assigned to each major street that is indicative of its existing or planned function and design standards.

4. Tri-County Metropolitan Transportation District, *Westside Corridor Project FEIS*, August 1991.

   The purpose of the Final Environmental Impact Statement is to complete the federal environmental review requirements for the Locally Preferred Alternative for the Westside Corridor Project. Relevant sections of the FEIS include:

   - Chapter One - A discussion of regional and local transportation goals and transportation problems related to the roadway and transit systems.
   - Chapter Two - A definition and description of the Locally Preferred Alternative and other alternatives considered.
   - Chapter Four - A presentation of the transit and roadway impacts as a result of each alternative. Roadway impacts include changes in congestion levels on streets and at key intersections for each alternative, impacts of pedestrian and vehicular activity around stations and park-and-ride lots, and parking impacts.

5. DKS Associates, Inc., *Beaverton/170th Avenue Park-and-Ride Station Impact Study*, October 1994.

   The study analyzed future traffic volume impacts of the Beaverton/170th park-and-ride station within the Waterhouse South neighborhood immediately north of the station. Several circulation alternatives were considered to accommodate future traffic levels within the neighborhood. The study contains information on existing and future traffic volumes and patterns in the study area and describes the impacts and potential mitigation measures associated with each alternative.

6. Washington County Department of Land Use and Transportation Planning Division, *Capital Projects Report*, August 1995.

   Information is presented on specific near-term transportation capital projects for Washington County. For each project, a project description, vicinity map, physical roadway characteristics, and project schedule is provided.

The inventory of existing study area roadways consisted of the collection of data on roadway characteristics and current daily and p.m. peak hour traffic volumes. Information on non-local roadways in the study area was available from the 170th/Elmonica Station

Area Plan Background Document prepared by the Washington County Department of Land Use and Transportation Planning Division. Baseline Road, SW 170th Avenue, and SW 185th Avenue are all two-lane minor arterials lacking bike lanes or sidewalks. Merlo Road is also a two-lane minor arterial with sidewalks but no bike lanes. Augusta Lane is a two lane minor collector having sidewalks and no bike lanes.

As shown in Figure 1, there are currently a number of dead end streets. Information on local streets within the study area was obtained through field survey. This is summarized in Table 1. Most local streets have sidewalks with adequate widths; however, there are no bike lanes. Roadway condition is good for all of the streets. Roadway condition, as defined in Table 1, is related primarily to the adequacy of the roadway surface. Speed limits are 25 mph throughout the local street network.

Street widths are generally 32 - 36 feet, with some cul-de-sacs having a 28 foot width. Roadway and right-of-way widths for streets which may experience significantly higher future traffic volume are listed below:

- Jay Street - 32' roadway width
- Frances Street - 32' roadway width
- Pheasant Lane - 50-60' right-of-way width
- Augusta Lane - 32' roadway width west of Pheasant Lane; 36' east of Pheasant Lane
- SW 179th Avenue south of Baseline Road - 32' roadway width

Speed data was available at one location along Jay Street east of 185th Avenue. Speeds are somewhat excessive, with 85th percentile speeds of 35 mph in the westbound direction and 31 mph in the eastbound direction. There are no known speeding problems in the other portions of the study area.

Information on the existing percentage of walk, bicycle, and transit trips was unavailable. Existing transit service in the vicinity consists of:

- Route 52 - Farmingon-185th via 185th
- Route 57 - Forest Grove via Tualatin Valley Highway
- Route 60 - Leahy Road via 158th
- Route 67 - Beaverton-Cedar Hills via 158th
- Route 88 - SW 198th Avenue
- Route 91X - Tualatin Valley Highway Express

.ble 1
Local Street Inventory
170th/Elmonica Station Area

Road Name	From	To	Sidewalks	Bike Lanes	Roadway Condition	Speed Zone
Jay Street	185th Avenue	179th Court	Only near 185th	No	Good	25
Jay Street	179th Court	178th Avenue	Yes	No	Good	No Post
Frances Street	Jay Street	180th Avenue	No	No	Good	No Post
Frances Street	180th Avenue	178th Avenue	One Side	No	Good	No Post
178th Avenue	Marty Lane	Jay Street	Yes	No	Good	No Post
178th Avenue	Jay Street	Dead End (North)	Yes	No	Good	No Post
178th Place	Corona Lane	Dead End (North)	Yes	No	Good	No Post
179th Avenue	178th Avenue	Baseline Road	Yes	No	Good	No Post
Lawton Street	178th Avenue	Dead End (East)	Yes	No	Good	No Post
Corona Lane	178th Avenue	Dead End (East)	Yes	No	Good	No Post
176th Terrace	Corona Lane	Dead End (North & South)	Yes	No	Good	No Post
177th Terrace	Corona Lane	Dead End (North)	Yes	No	Good	No Post
Marty Lane	178th Avenue	Dead End (East)	One Side	No	Good	No Post
Pheasant Lane	185th Avenue	Augusta Lane	No	No	Good	25
Augusta Lane	Pheasant Lane	170th Avenue	Yes	No	Good	25
Johnson Street	185th Avenue	200 ft East of 185th	Yes	No	Good	25
Johnson Street	200 ft East of 185th	Dead End	No	No	Good	No Post
Augusta Lane	178th Avenue	Pheasant Drive	No	No	Good	No Post
Merlo Road	170th Avenue	Beaver Court	Yes	No	Good	25
Beaver Court	Merlo Road	Dead End (West)	Yes	No	Good	25
174th Avenue	Beaver Court	Dead End (North)	Yes	No	Good	25

Daily traffic count data for several non-local roadways in the study area was available from the Washington County Department of Land Use and Transportation Planning Division. This information was supplemented by conducting daily and p.m. peak hour traffic counts for local streets within the neighborhood. Existing daily and p.m. peak hour traffic volumes are presented in Figure 1.

Volumes along Baseline Road and SW 185th Avenue are relatively high. Baseline Road carries roughly 13,000 vehicles per day and 1,400 vehicles during the p.m. peak hour. Volumes along SW 185th Avenue are even higher, with 23,000 vehicles per day and 2,400 vehicles during the p.m. peak hour ADT on SW 170th Avenue and Merlo Road is significantly lower, with roughly 6,000 vehicles per day on each roadway. Current traffic volumes within the neighborhood area are fairly typical for local streets. P.M. peak hour volumes are less than 100 for all of the counted locations, with the exception of Pheasant Lane which carries 130 vehicles. Daily traffic was counted only along Jay Street east of SW 185th Avenue, where the volume is roughly 950 vehicles per day.

III. DEVELOPMENT OF TRAFFIC FORECASTS

P.M. peak hour traffic forecasts were prepared for the purpose of analyzing the effects of several circulation alternatives for the 170th/Elmonica station area. The forecasts were developed based on Metro's travel demand forecasting model and data from Metro's 2015 medium density development scenario. This involved the following activities:

- Development of circulation alternatives
- Preparation of study area land use data
- Development of focus area models based on the Metro model
- Application of models for each circulation alternative

The results of the model were used for assessing the future impacts of each circulation alternative on traffic volumes for existing local streets in the study area as well as testing the effectiveness of various measures for mitigating these impacts.

DEVELOPMENT OF CIRCULATION ALTERNATIVES

Circulation alternatives were developed for serving anticipated future development in the study area. Three alternatives were developed in conjunction with Washington County and City of Beaverton staff, with essentially the same development scenario assumed for each alternative:

- Alternative A - Maximum Local Street Connections (Without Collector)
- Alternative B - Maximum Local Street Connections (With Collector)
- Alternative C - No Local Street Connections (With Collector)

The alternatives were developed through a process of examining the existing local street network, major committed roadway improvements in the vicinity, the type and location of existing and future development, and local topography. An attempt was made to establish a maximum range of alternatives with regard to existing local street impacts, with each alternative having one or more major distinguishing features.

Alternative A, shown in Figure 2, features connections to all existing local streets on both the east and west sides of the study area, as well as new through connections on Augusta Lane and Johnson Street to the south of the study area. Alternative B is similar, but with slightly fewer local connections and a circumferential collector road through the east side of the study area connecting with Baseline Road to the north and 170th Avenue to the east. This alternative also has a new through connection on Johnson Road, but no connection along Augusta Lane. Alternative C has no connections with existing local

streets with the exception of a circumferential collector road which, as in Alternative B, connects through 176th Terrace to Baseline Road to the north. All access to future development on the west side of the study area would be provided via the collector road and 170th Avenue and on the east side via Baseline Road and SW 185th Street. No through connection would be provided on either Augusta Lane or Johnson Street.

Several major committed roadway improvements were assumed outside of the immediate study area boundaries. These include:

- Jenkins Road extension
- Baseline Road widening (5 lanes) between 170th Avenue and 185th Avenue
- Baseline Road widening (3 lanes) between 185th Avenue and 231st Avenue
- 170th/173rd Avenue widening (3 lanes) between Walker Road and Merlo Road

Future transit service was reflected by the transit system that is implicitly represented in the 2015 vehicle trip forecasts from the Metro model.

PREPARATION OF LAND USE DATA

Land use quantities for the assumed future development scenario in each study area were developed by Washington County staff. The land use quantities were used as input to the trip generation estimates that were directly incorporated in the focus area models. Land use data was developed for the residential (single family, multi-family), retail, industrial, office, and institutional categories. Non-residential land use quantities were converted to equivalent numbers of retail and non-retail employees for the purpose of trip generation.

Prior to the development of the land use data, it was necessary to establish a zone system for the modeling focus area. Within the study area portion of the modeling focus area, Metro traffic analysis zones (TAZ's) were disaggregated into much smaller zones to provide greater accuracy and level of detail in the traffic assignments. The two primary factors considered in the disaggregation process were network loading patterns and having fairly homogenous land uses within a given zone. Within the study area, all or part of three Metro TAZ's were disaggregated into roughly 35 focus area model TAZ's. The zone system definition varied slightly between alternatives due to differences in the local street network configuration. The focus area boundaries are shown in Figure 5, with the focus area TAZ's for each alternative presented in Appendix A. Land use data corresponding to the focus area TAZ's are given in Appendix B.

For Metro TAZ's within the modeling focus area beyond the study area boundaries, the land use data implicitly represented in the Metro vehicle trip matrices was assumed. The focus area boundaries were established by identifying those areas within which the assignment of traffic could be affected by the study area land use and roadway network assumptions. A lesser level of zone disaggregation was considered for the Metro TAZ's in these areas. Examination of the zone system, however, indicated that the TAZ's were already small enough to provide sufficiently accurate traffic assignments for purposes of the study.

DEVELOPMENT OF TRAFFIC FORECASTS

Although the model used for the study area traffic forecasts is referred to as focus area model, it was actually developed using a "windowing" approach. The strategy with this approach was to modify the Metro regional model so that only those portions of the regional roadway network and vehicle trip matrix relevant to the study area would have to be applied to produce the traffic forecasts. This involved two basic tasks:

- Representation of the regional modeling area beyond the focus area boundaries as external stations within both the roadway network and vehicle trip matrix.
- Adding detail to the Metro model network and zone system within the study area.

With this arrangement, all through trips and trips between the focus area and remainder of the region pass through the external stations. Within the roadway network, external stations were created by coding external zone connections for each roadway crossing the focus area boundary. The remainder of the regional roadway network was then deleted.

An initial focus area trip matrix was created by "collapsing" the regional zone system into the external stations using the traversal assignment procedure within the EMME/2 software package. The advantage of this approach is that much less time is required to apply the focus area model than the entire regional model. This is a particularly important consideration when numerous traffic assignments are required for testing network alternatives. For example, a single traffic assignment with the entire Metro model can take up to two hours of computer time, while each focus area model assignment takes roughly one minute. A revised focus area trip matrix was created from the traversal matrix by essentially extracting the trip interchanges for the Metro zones within the study area and replacing them with trip interchanges for the refined study area zones.

The alternative focus area networks were created by adding the local streets within the study area and by making modifications to reflect the focus area zone system for each alternative (adding centroids and centroid connectors for study area zones and deleting centroids and centroid connectors for the associated Metro zones). All existing local streets were coded in the network alternatives. A uniform speed of 25 mph and directional capacity of 500 vph was used for existing and future local streets. This capacity is different than the capacity for local streets established by Washington County of 1,500 vehicles per day. The capacity used within the model is a theoretical capacity, representing the maximum number of vehicles that could be carried on local street within a one hour period. The capacity defined by Washington County is a functional capacity, reflecting the desired maximum daily traffic volume for local streets, which considers such factors as maintenance of neighborhood livability, safety, and local access.

The focus area matrices were assigned to the alternative networks using the equilibrium capacity restraint procedure within the EMME/2 software. The assignments were checked for reasonableness by comparing the link volumes to the assigned volumes from the Metro regional model assignment and by reviewing demand/capacity ratios for local streets and major roadways.

SUMMARY OF TRAFFIC FORECASTS

The traffic forecasts were analyzed with regard to trip generation, trip distribution, and traffic assignment. Trip generation and trip distribution were very similar between the alternatives because the assumed land use scenario was nearly the same and the surrounding major roadway network was identical. The primary differences were in the traffic assignments within the immediate study area, reflecting the differences in assumed local street network.

Within the study area , the estimated total p.m. peak hour trip generation for 2015 is roughly 3,000 trips, compared to an existing p.m. peak hour trip generation of 500 trips. In the area of new development on the east side of the study area, including the LRT station area, future p.m. peak hour trip generation is 1,600 trips. Future trip generation from the area of new development on the west side of the study area near SW 185th St. and Baseline Road is roughly 900 trips.

Overall p.m. peak hour trip distribution for the study area is shown in Figure 6. The distribution percentages are for all trips with destinations within the study area. For the p.m peak hour, this is more meaningful than the distribution of trips originating within the study area, since more trips are destined for the study area in the p.m. peak hour. The

predominant areas of trip interchanges are to the east (39%), via Walker Road, Jenkins Road, and T.V. Highway, and to the north (27%), via US 26, 158th Avenue, and 185th Avenue.

The assigned p.m. peak hour traffic volumes for each alternative are shown in Figures 7 - 9. For Alternative A, the existing local streets with the largest traffic volume impacts are Jay Street, SW 181st Avenue, SW 177th Terrace, Corona Lane, and Augusta Lane. For Alternative B, the largest volume impacts would occur along Jay Street, Frances Street, Pheasant Lane, and Augusta Lane. With Alternative C, the only local streets having a significant impact are Pheasant Lane and Augusta Lane It appears that the primary of source of the impacts for Pheasant Lane and Augusta Lane for all of the alternatives is diverted east-west traffic from Baseline Road and T.V. Highway.

Future traffic volumes for the major roadways surrounding the study area are very similar for each alternative. Substantial p.m. peak hour volumes occur for all of these roadways:

- Baseline Road - 1,500 - 3,600 vph
- Jenkins Road - 2,000 vph
- Merlo Road - 2,000 vph
- 185th Avenue - 2,500 - 3,200 vph
- 170th Avenue - 1,000 - 2,100 vph
- T.V. Highway - 4,500 vph

The volume ranges shown for some of the roadways reflect differences in volume between individual links along the roadway adjacent to study area. Volume differences between the alternatives for particular links are, in some cases, due to the degree of connectivity that was assumed for the local street network within the study area. Generally, better connectivity in the local street network results in lower volumes along the major roadway segments adjacent to the study area.

The associated demand/capacity ratios are shown in Figures 10 - 12. The demand/capacity ratios exceed 1.0 for Baseline Road and Merlo Road in the westbound direction for T.V. Highway in both directions. For local streets, congestion is typically not a significant issue. This is true for the existing local street system within the study area, where demand/capacity ratios are well below 1.0 for all of the alternatives.

A comparison of future and existing p.m. peak hour traffic volumes for selected facilities is provided below in Table 2.

Table 2
170th/Elmonica Study Area
Comparison of 1995 and 2015 P.M. Peak Traffic Volumes

Location	P.M. Peak Hour Traffic Volumes			
	1995	2015 Alt. A	2015 Alt. B	2015 Alt. C
1.179th Ave. s/o Baseline Rd.	25	70	95	25
2.177th Terrace s/o Baseline Rd.	95	205	45	95
3.Lawton St. e/o 177th Terrace	5	90	10	n/a
4.178th Place s/o Lawton St.	70	120	60	115
5.Jay St. e/o 185th Ave.	85	440	385	130
6.Frances St. s/o Jay St.	30	70	210	25
7.Pheasant Lane at 178th Ave.	135	120	250	450
8.185th Ave. n/o Jay St.	2,405	2,640	2,740	2,930
9.Baseline Road w/o 170th Ave.	1,405	3,050	3,210	3,570
10.Marty Lane e/o 178th Ave.	15	75	175	35
11.Corona Ln. e/o 177th Terrace	15	150	25	55

The P.M. peak hour volumes shown may be roughly converted to daily volumes by applying a peak/daily traffic volume ratio. In residential areas, this ratio is typically close to 10%. Within the study area, a somewhat lower value of 8.7% was obtained based upon a 24-hour traffic count performed along Jay Street to the east of 185th Avenue.

In order to determine the origins and destinations of traffic using local streets having larger volume impacts, two select link assignments were performed. The first assignment was conducted for Jay Street immediately east of 185th Avenue (see Figure 13). Here, there appears to be a significant proportion of through traffic having a northeast-southwest orientation. This link also serves a number of trips with origin and destinations within the future area of development on the east side of the study area, including the light rail park-and-ride lot. The second select link assignment was conducted for Pheasant Lane at 178th Avenue in Alternative B (see Figure 14). The results of the assignment indicated that the impact is related entirely to through traffic with origins and destinations to the east and west of the study area.

Based upon future volumes and the county's functional daily volume limits for local streets, changes may be needed in functional classification of several existing local streets. This includes Jay Street and Augusta Lane for Alternatives A and B, as well as SW 181st Avenue, SW 177th Terrace, and Corona Lane for Alternative A and Frances Street and Pheasant Lane for Alternative B. For Alternative C, changes in functional classification may be considered for Pheasant Lane and Augusta Lane.

IV. IDENTIFICATION OF PREFERRED LOCAL STREET NETWORK

The identification of a preferred local street network involved evaluation of the three circulation alternatives, selection of a preferred alternative, and refinement of the preferred alternative. The evaluation was based on two main criteria: connectivity of the local street network, as specified in Section 408 of the Washington County Community Development Code, and minimization of volume impacts to local streets. Refinement of the preferred alternative consisted of testing various measures to mitigate any significant impacts to local streets.

RELATED TRANSPORTATION POLICIES

Connectivity of the local street network is an important criterion that must be applied in the evaluation of any proposed development scenario. In April of 1995, the Land Conservation and Development Commission adopted Section 660-12-045 of the Transportation Planning Rule. This rule requires, in part, that:

> "Local governments shall...ensure that new development provides on-site streets and accessways that provide reasonable direct routes for pedestrian and bicycle travel." OAR 660-12-045(3)

In meeting the Transportation Planning Rule, Washington County adopted Ordinance 471. This ordinance included, in part, the following new policy:

> "Safe and convenient bike and pedestrian access is best provided by a well designed street network that minimizes the need for out of direction travel..." Policy 14 of Washington County's Transportation Plan

Ordinance 471 also added a new section to the County's Community Development Code. The intent of this new section was, in part, to require:

> "...a development pattern which provides choices and convenient circulation for pedestrians, bicyclists and transit users as well as motor vehicles." Section 408-1

The existing Washington County Transportation Plan includes a functional classification policy (Policy 9.0) which is used to ensure the roadway system is designed and operates efficiently. The functional classification system includes arterials, collectors and local streets. Generally, arterials are intended to serve long trips, while short trips are

discouraged. On the other hand, local streets are intended to serve short trips, while long trips and through trips are discouraged.

Metro's Regional Framework Plan which implements the 2040 growth concept, may also influence determination of a local circulation alternative. While it's unclear what a final adopted document may include, Metro's "Discussion Draft" of Phase I of the Regional Framework Plan, states, in part:

> "The design of local street systems is generally beyond the scope of the Regional Transportation Plan (RTP). However the aggregate effect of local street design impacts the effectiveness of the regional system when local travel is restricted by a lack of connecting routes, and local trips are forced onto the regional network. Therefore, the RTP will include design standards for connectivity aimed at improving local circulation in a manner that protects the integrity of the regional system." (Page 14 of the February 14, 1996 Discussion Draft)

EVALUATION OF CIRCULATION ALTERNATIVES

The 2015 traffic forecasts discussed in the previous section served as the basis for the evaluation of the alternatives with regard to volume impacts to existing local streets. Comparison of Figures 7, 8, and 9 indicate that overall, the lowest volume impacts would occur with Alternative C. The only existing streets having higher volumes with Alternative C than either of the other alternatives are 176th Terrace (which would become part of the new circumferential collector road), 177th Terrace, Corona Lane, Pheasant Lane, and Augusta Lane. The higher volumes on 177th Terrace are primarily the result of cut-through traffic that would be carried by new connections in the other alternatives. Similarly on Corona Lane, the higher volumes are the result of the lack of through connections on other nearby streets. Higher volumes occur along Pheasant Lane and Augusta Lane because of the lack of a connection on Johnson Road and the lack of another east-west through route in the northern part of the study area, as contained in the other alternatives.

While local street impacts are generally minimized with Alternative C, only one existing street, 176th Terrace, would be connected with the local network in areas of new development. This is inconsistent with the circulation requirements of Section 408. In addition, the lack of through connections on other streets does result in higher volume impacts on several existing local streets compared to the other alternatives. For these reasons, Alternative C was eliminated from further consideration.

Comparison of future traffic volumes between Alternatives A and B indicates that overall, impacts to local streets would be similar. With Alternative A, volumes would be higher along Jay Street but lower along Frances Street compared to Alternative B. This difference is primarily due to the lack of an east-west connection across the LRT line on the east side of the study area with Alternative B. The combined volumes for these streets are roughly the same between the two alternatives. Volumes along 177th Terrace are significantly higher with Alternative A than Alternative B, however, these additional volumes would be carried along the new collector road to the east in Alternative B, resulting in higher impacts to 176th Terrace. The only other area of significant volume difference between the alternatives is along Pheasant Lane and Augusta Lane. With Alternative A, Augusta Lane is connected between 170th Avenue and 185th Avenue, while under Alternative B, the existing disconnection would remain to the west of Pheasant Lane. With this additional east-west connection under Alternative A, volumes are significantly lower along Pheasant Lane and somewhat higher along Augusta Lane to the east of Pheasant Lane.

With regard to connectivity, all existing dead end streets that abut areas of new development would be connected with the local street network in these areas for both Alternative A and Alternative B. Directness of travel, which is another indicator of general accessibility, would be somewhat better in the area of new development on the east side of the study area with Alternative A, however. The configuration of the street network within this area provides more continuous routing than with Alternative B, which has more intersections and requires more turning movements.

Based on this comparison, Alternative A was selected for further refinement. This was based upon the following factors:

- The new collector road included under Alternative B would require the taking of existing developed property along 176th Terrace.
- The Augusta Lane connection included under Alternative A provides a second east-west connection on the south side of the study area, reducing what would be excessive local traffic volumes along Pheasant Lane with Alternative B.
- In accordance with Section 408 of the Washington County Community Development Code, directness of travel would be somewhat better on the east side of the study area with Alternative A.
- Overall, volume impacts to local streets are similar between the two alternatives.

REFINEMENT OF PREFERRED ALTERNATIVE

As an outcome of the evaluation, two areas of mitigation were identified for Alternative A:

- Reduction of traffic volumes along Jay Street.
- Reduction of traffic volumes along Augusta Lane; in particular, to the west of Pheasant Lane.

Two mitigation measures were considered for Jay Street. The first would be implementation of traffic calming devices, such as intersection chokers, textured pavement, narrowed street width, and speed humps. The anticipated effect of these measures would be to reduce speeds to an average of roughly of 20 mph. This was reflected in the forecasts by modifying the coded link speeds for Jay street in the model. The results of this measure are shown in Figure 15. As can be seen, p.m. peak hour volumes on the west end of Jay Street were reduced by about 250 vehicles to a total of 190 vehicles per hour, while volumes on the east end were reduced by about 125 vehicles to 55 vehicles per hour. The second measure examined was the deletion of the connection across the LRT line on the east side of the study area. From the select link assignment performed previously for Jay Street, it was found that a significant number of vehicles using Jay Street were also using this connection. As shown in Figure 16, the effect of this measure on the traffic forecasts was to reduce volumes from 60-105 vehicles per hour along Jay Street. Although this reduction is smaller than what would be attained with traffic calming devices, deletion of the connection across the LRT line was considered more desirable because of the intrusion caused by these devices.

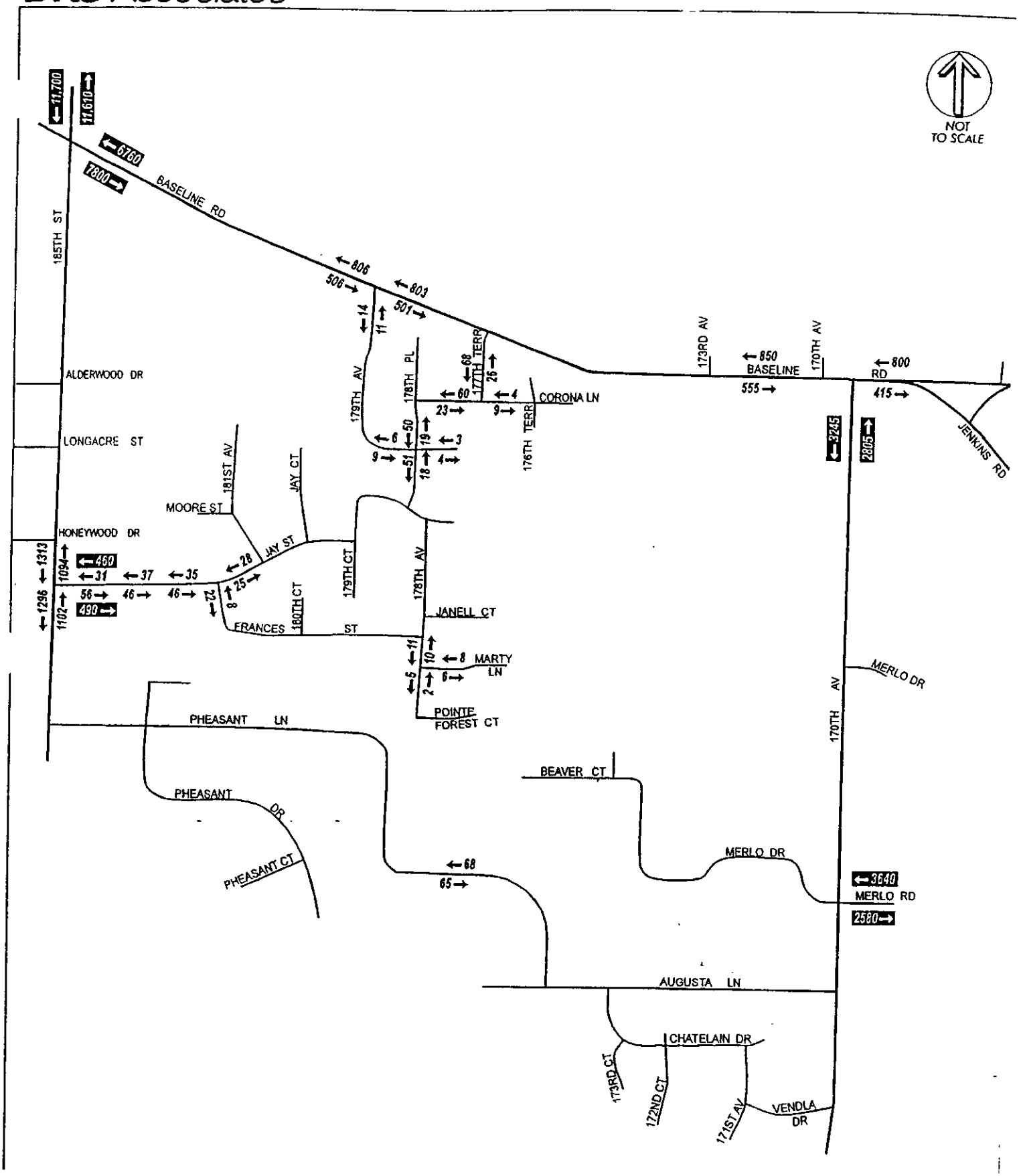
Deletion of this connection also had the effect of increasing volumes along Augusta Lane, however. As shown in Figure 16, volumes increase by roughly 90 vehicles per hour, from 295 vehicles to 385 vehicles west of Pheasant Lane and from 415 vehicles to 505 vehicles east of Pheasant Lane, compared to the original version of Alternative A. The reason for the increase is that vehicles using Jay Street as an east-west cut-through route through the study area in the original version of Alternative A would be diverted to Augusta Lane with the deletion of the link across the LRT line.

To lessen this impact, the implementation of traffic calming devices was considered for Augusta Lane. Again, the anticipated effect would be to reduce speeds to roughly 20

mph along Augusta Lane. The results of this measure, together with the disconnection of the link across the LRT line, are shown in Figure 17. As can be seen, volumes are reduced to about 230 vehicles per hour west of Pheasant Lane and to 385 vehicles east of Pheasant Lane.

With regard to planned local streets, significant traffic volumes would also occur within the northwest corner of the study area with Alternative A. This would be true, in fact, with all of the alternatives. As shown in Figure 7, streets in this area with higher volume impacts would include 181st Avenue (existing) and the 181st Avenue extension, the Longacre Street extension, and the proposed loop street north of the Longacre Street extension. A significant proportion of the traffic on these streets consist of "cut-through" traffic between 185th Avenue and Baseline Road. This diversion would be caused by the long delays occurring at the 185th Avenue/Baseline Road intersection. Potential capacity improvements now being considered by the county for this location would have a mitigating effect with regard to "cut-through" traffic. Depending on the level of future traffic in this area, a higher functional classification for one or more of these planned local streets may be appropriate.

Based on these results, Alternative A is recommended as the future study area local street network, modified to reflect the deletion of the link across the LRT line and the implementation of traffic calming devices along Augusta Lane. It is believed this network represents a reasonable balance between the policy requirements of connectivity and directness of travel and the mitigation of traffic volume impacts to existing local streets.



Legend

←56 - *PM Peak Hour Traffic Volume*

490→ - *Daily Traffic Volume*

Figure 1
170TH/ELMONICA STATION AREA
EXISTING TRAFFIC VOLUMES

DKS Associates

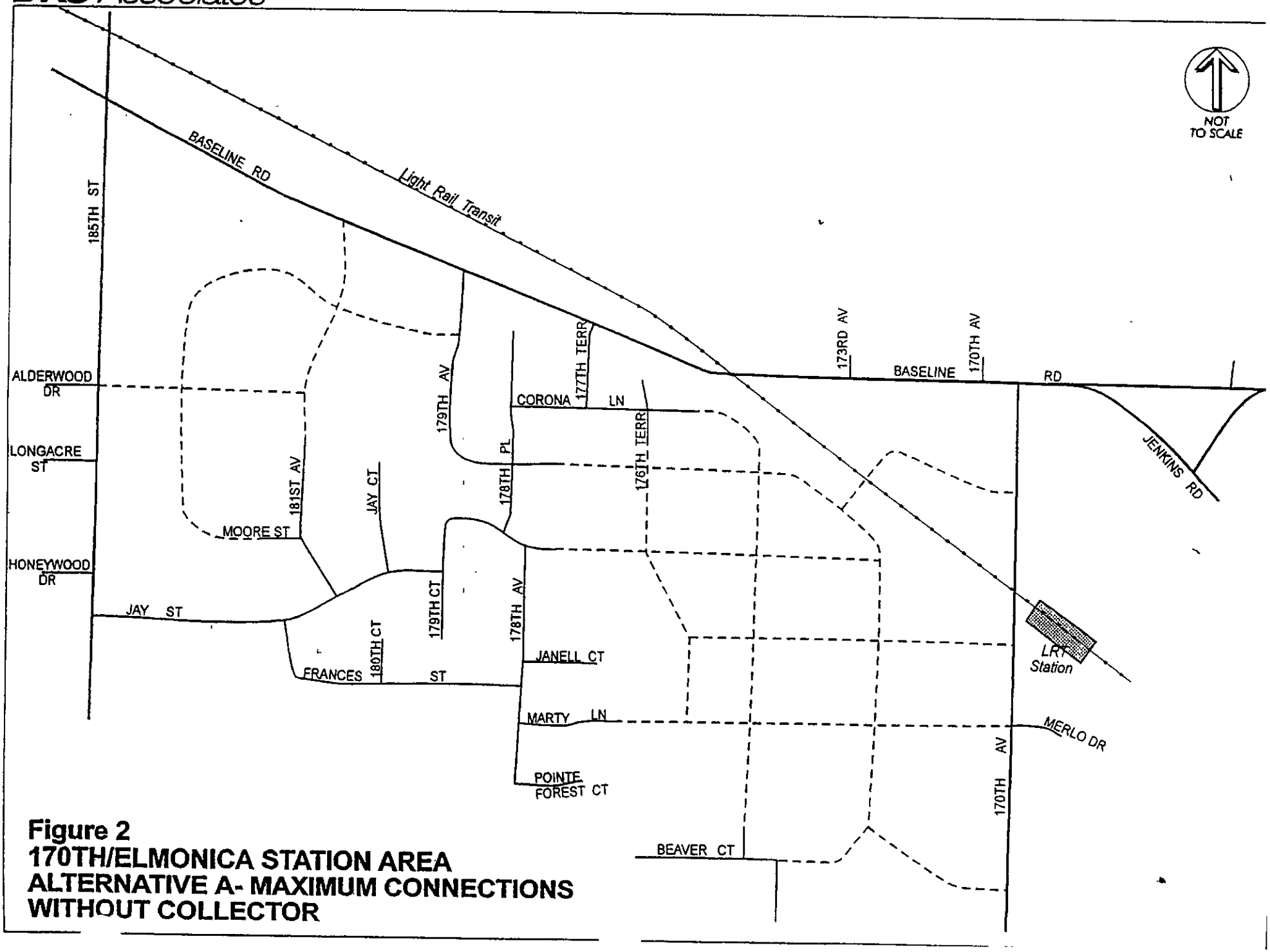


Figure 2
170TH/ELMONICA STATION AREA
ALTERNATIVE A- MAXIMUM CONNECTIONS WITHOUT COLLECTOR

DKS Associates

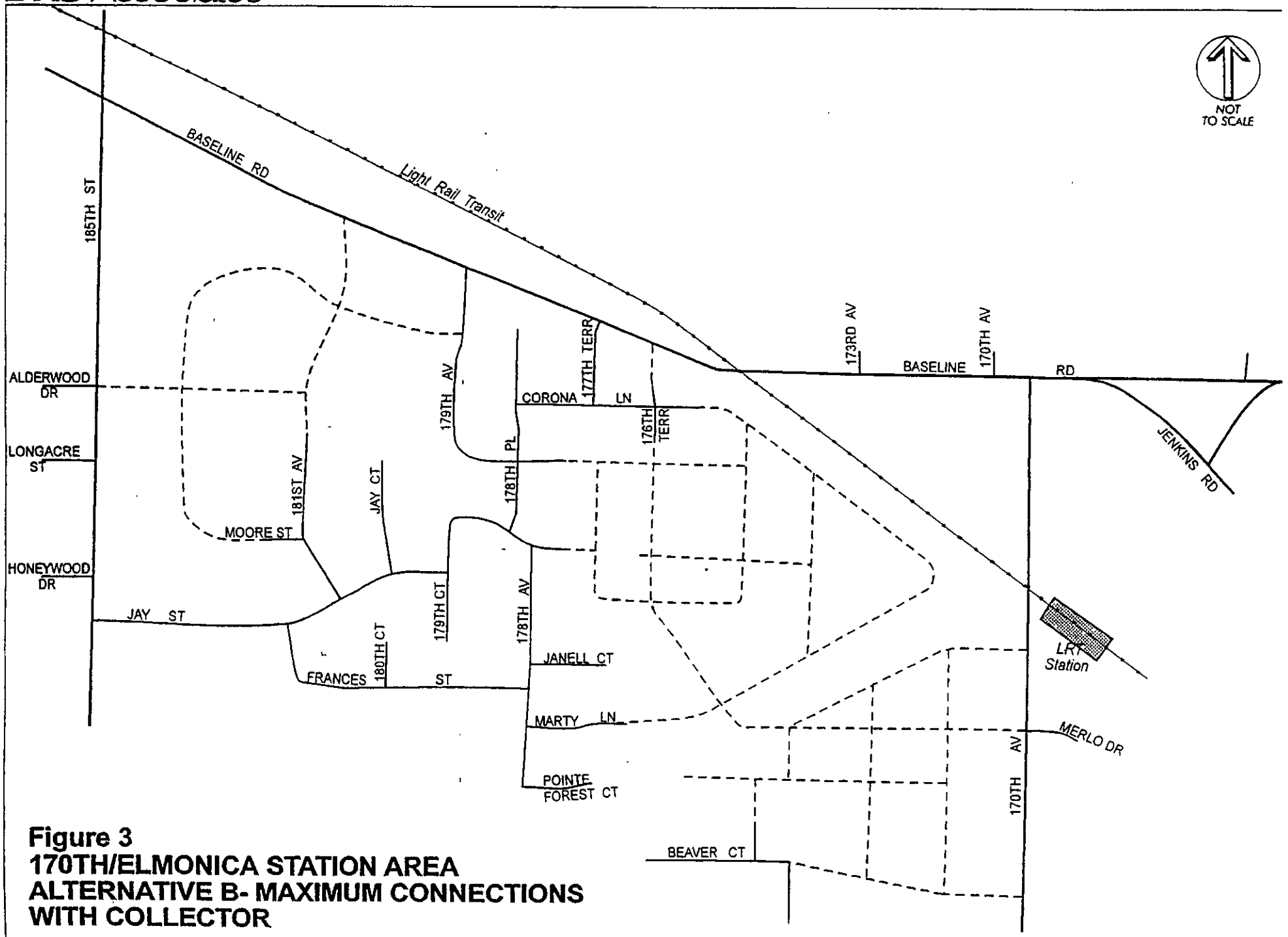


Figure 3
170TH/ELMONICA STATION AREA
ALTERNATIVE B- MAXIMUM CONNECTIONS WITH COLLECTOR

DKS Associates

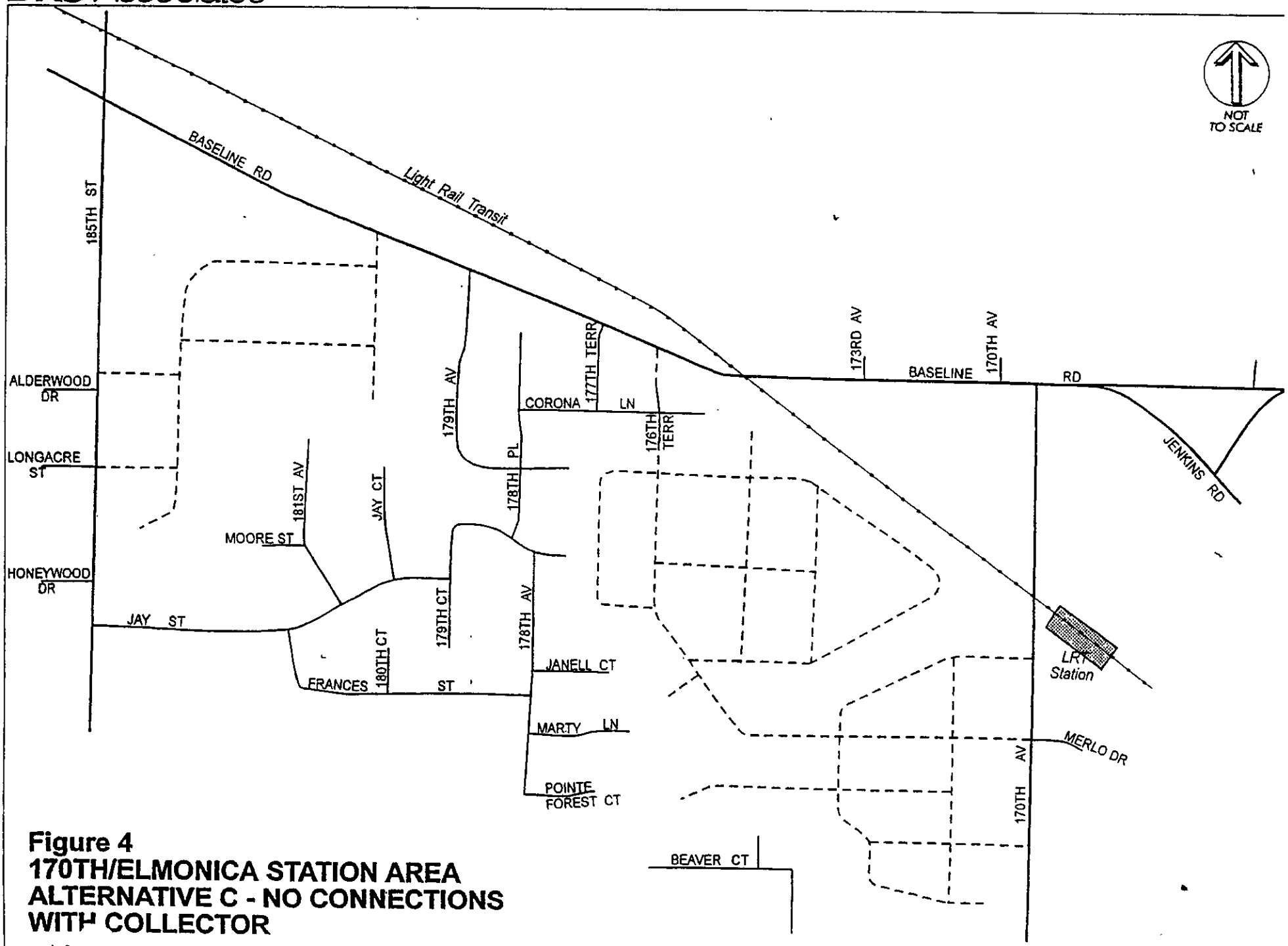


Figure 4
170TH/ELMONICA STATION AREA
ALTERNATIVE C - NO CONNECTIONS WITH COLLECTOR

NOT TO SCALE

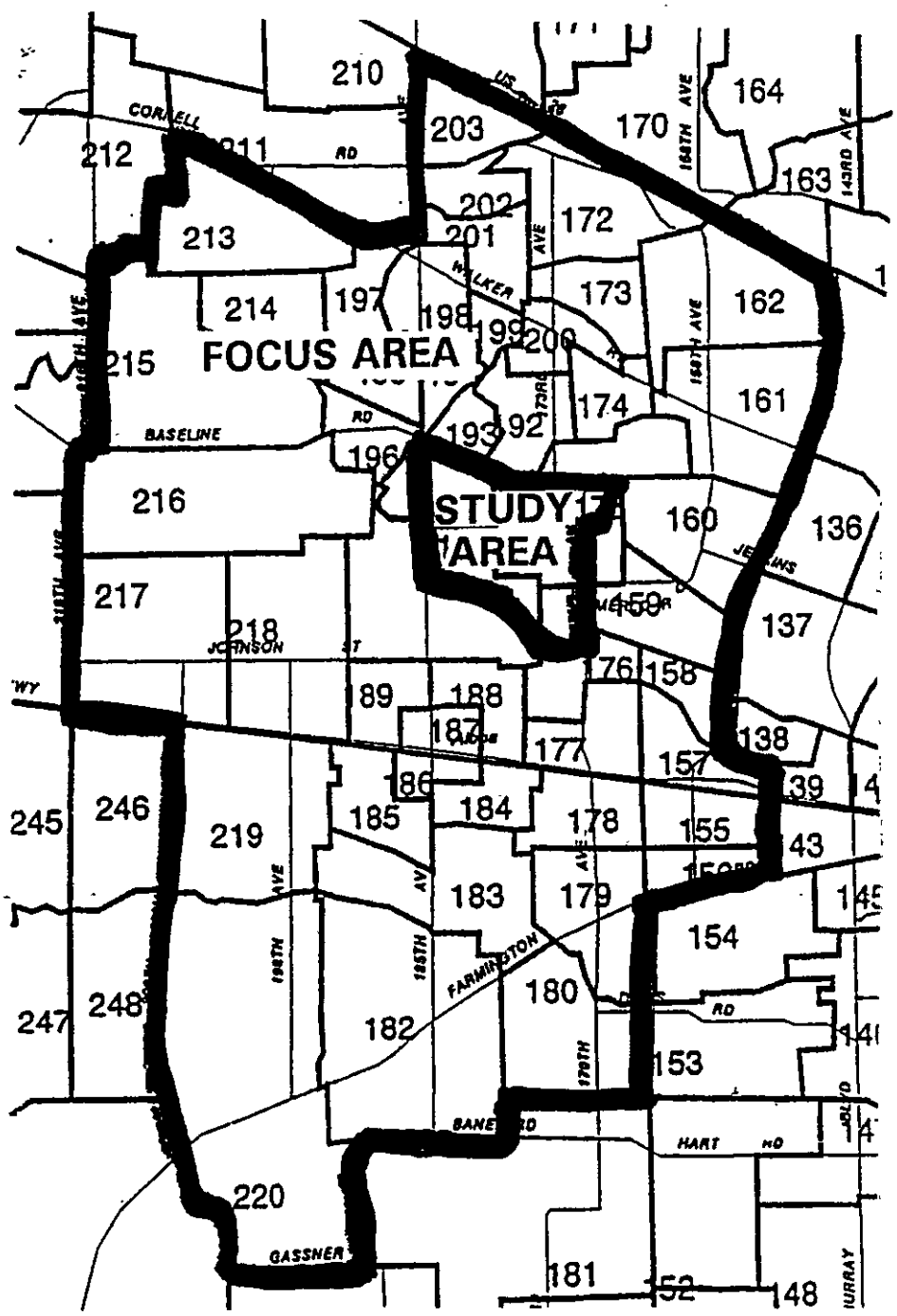
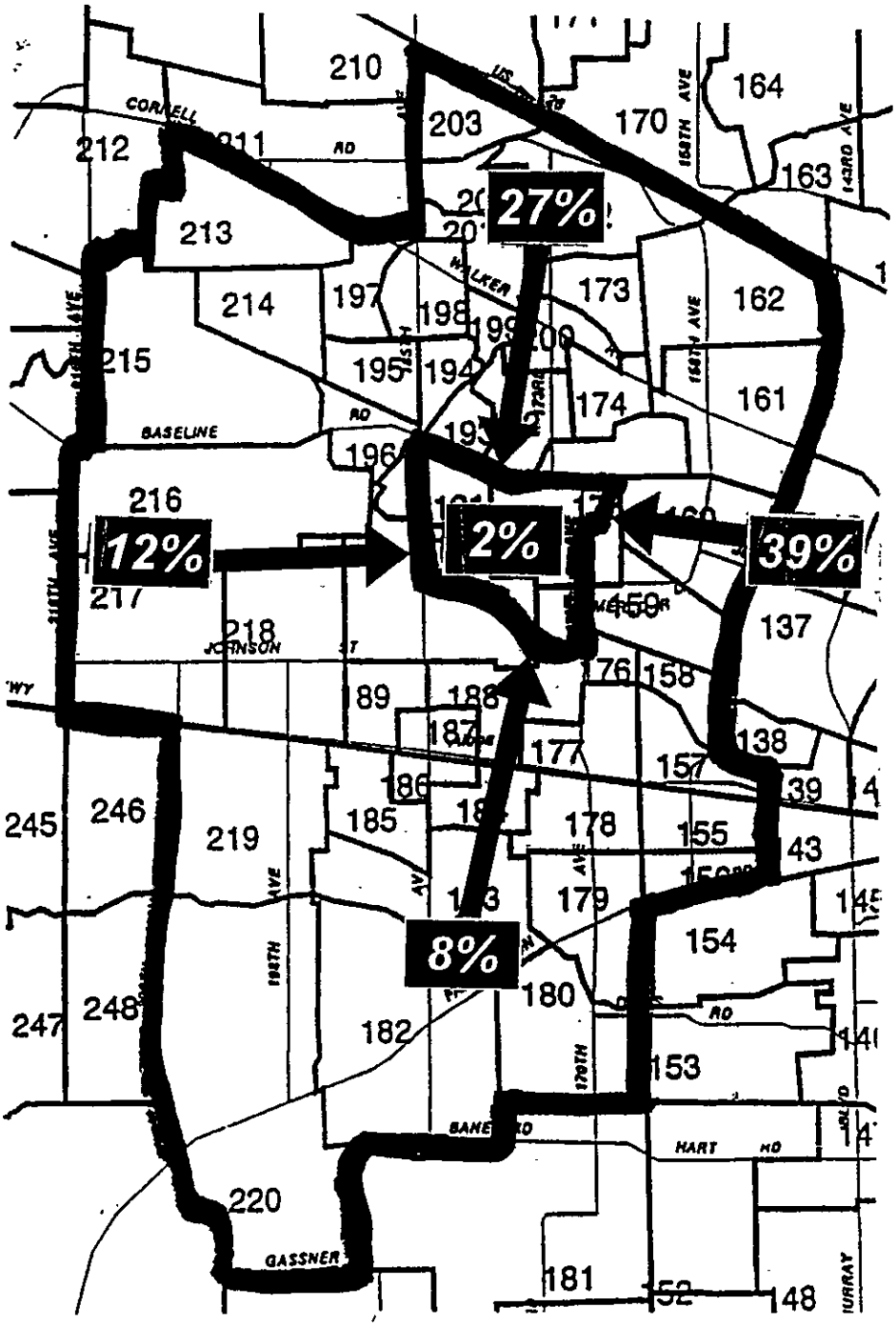


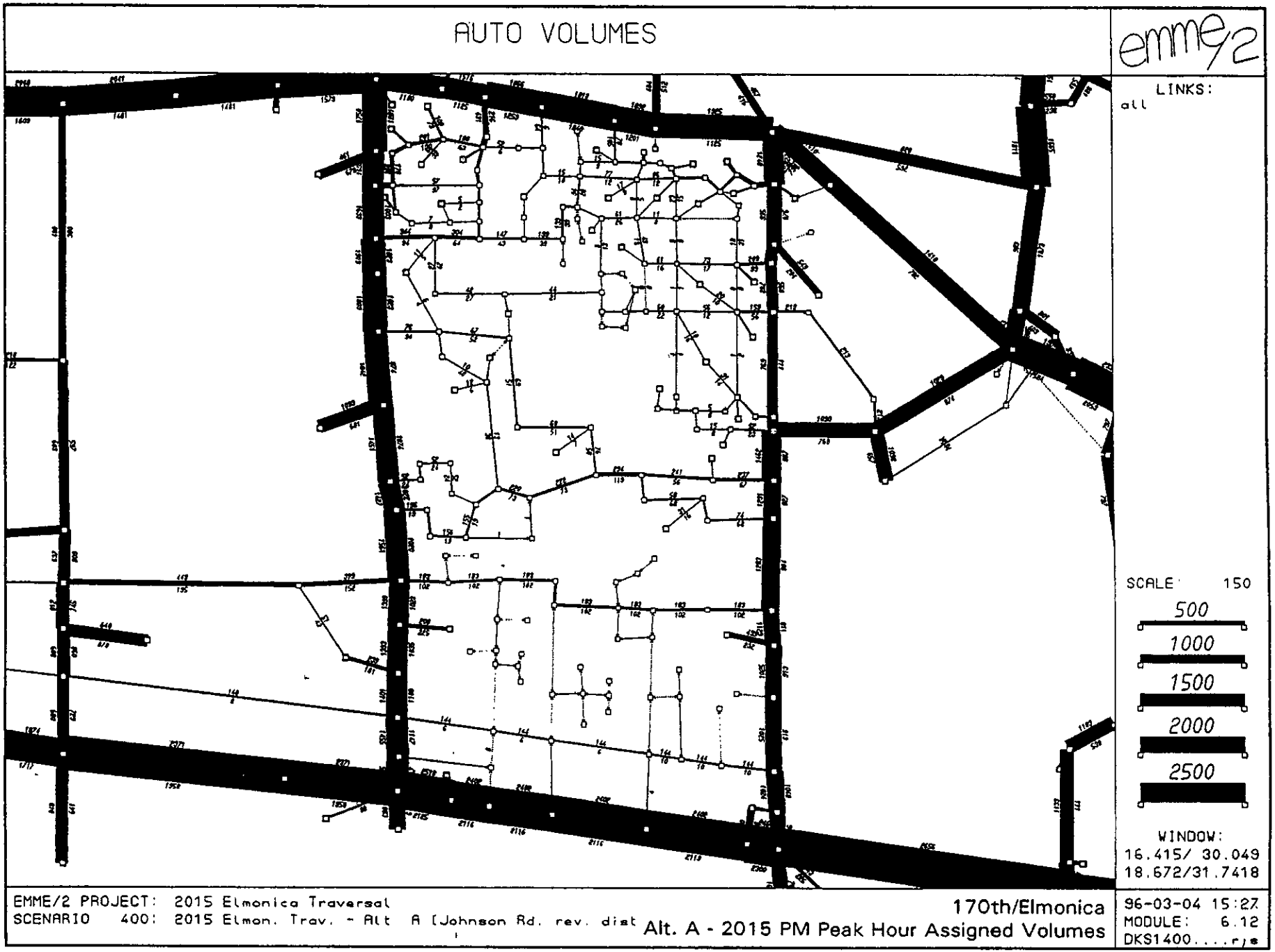
Figure 5
170TH/ELMONICA
STUDY AREA/FOCUS AREA BOUNDARIES

NOT TO SCALE



* Other Areas = 12%

Figure 6
170TH/ELMONICA
PM PEAK HOUR TRIP DISTRIBUTION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2500
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18.672/31.7418
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170th/Elmonica
Alt. A - 2015 PM Peak Hour Assigned Volumes
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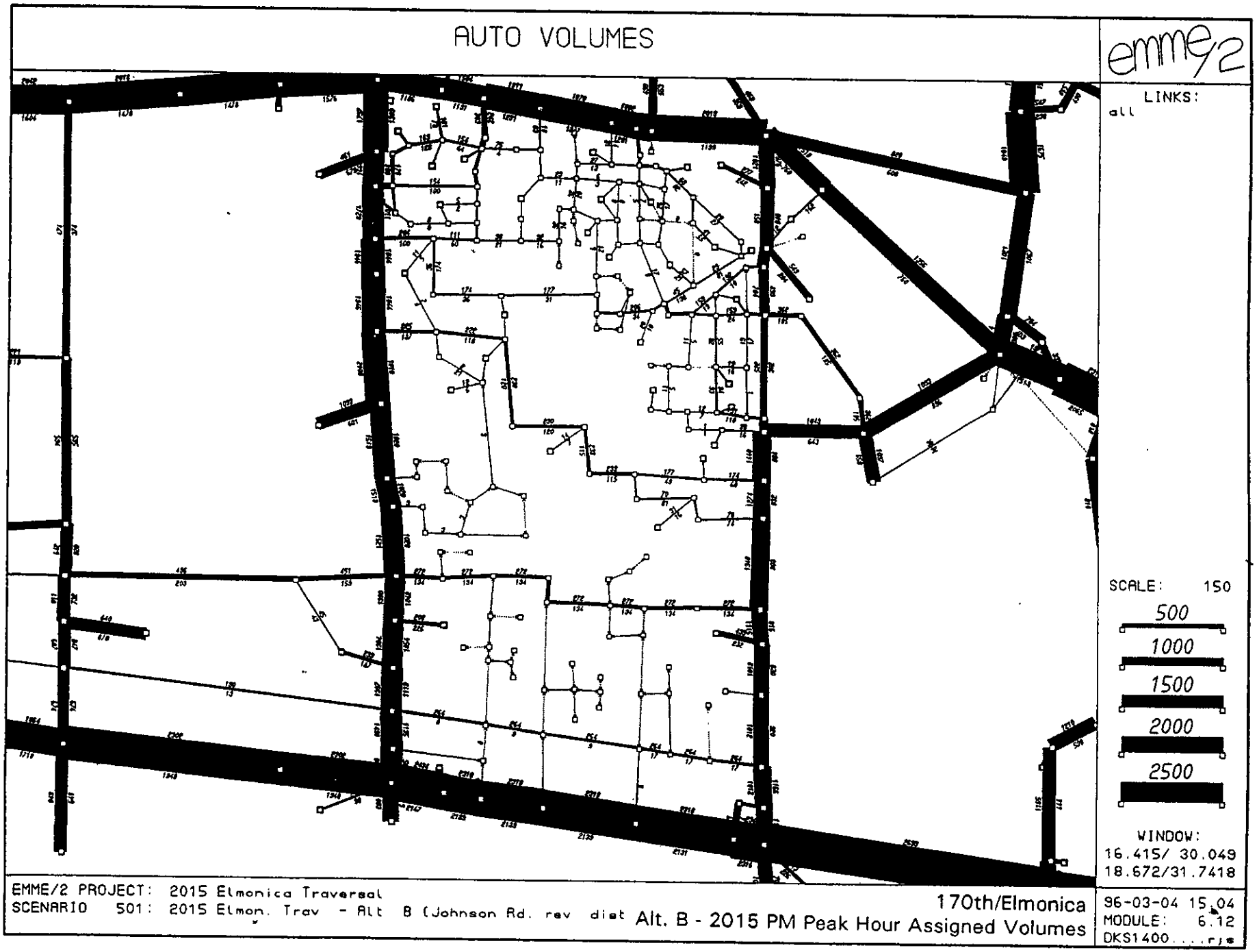
MODULE: 6.12
DKS1400....r/s

Figure 7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18.672/31.7418
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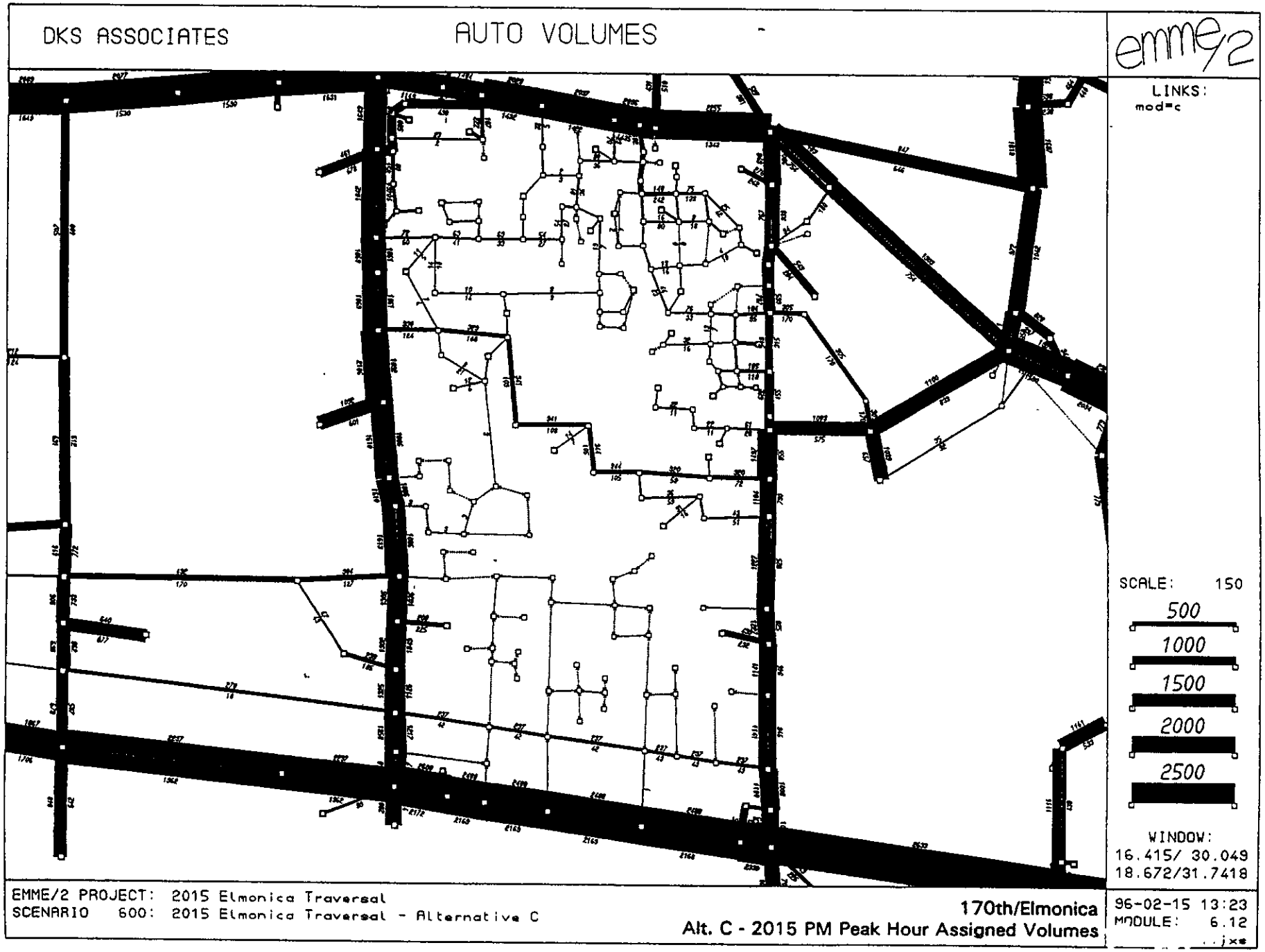
Fig 8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18.672/31.7418
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170th/Elmonica
Alt. C - 2015 PM Peak Hour Assigned Volumes
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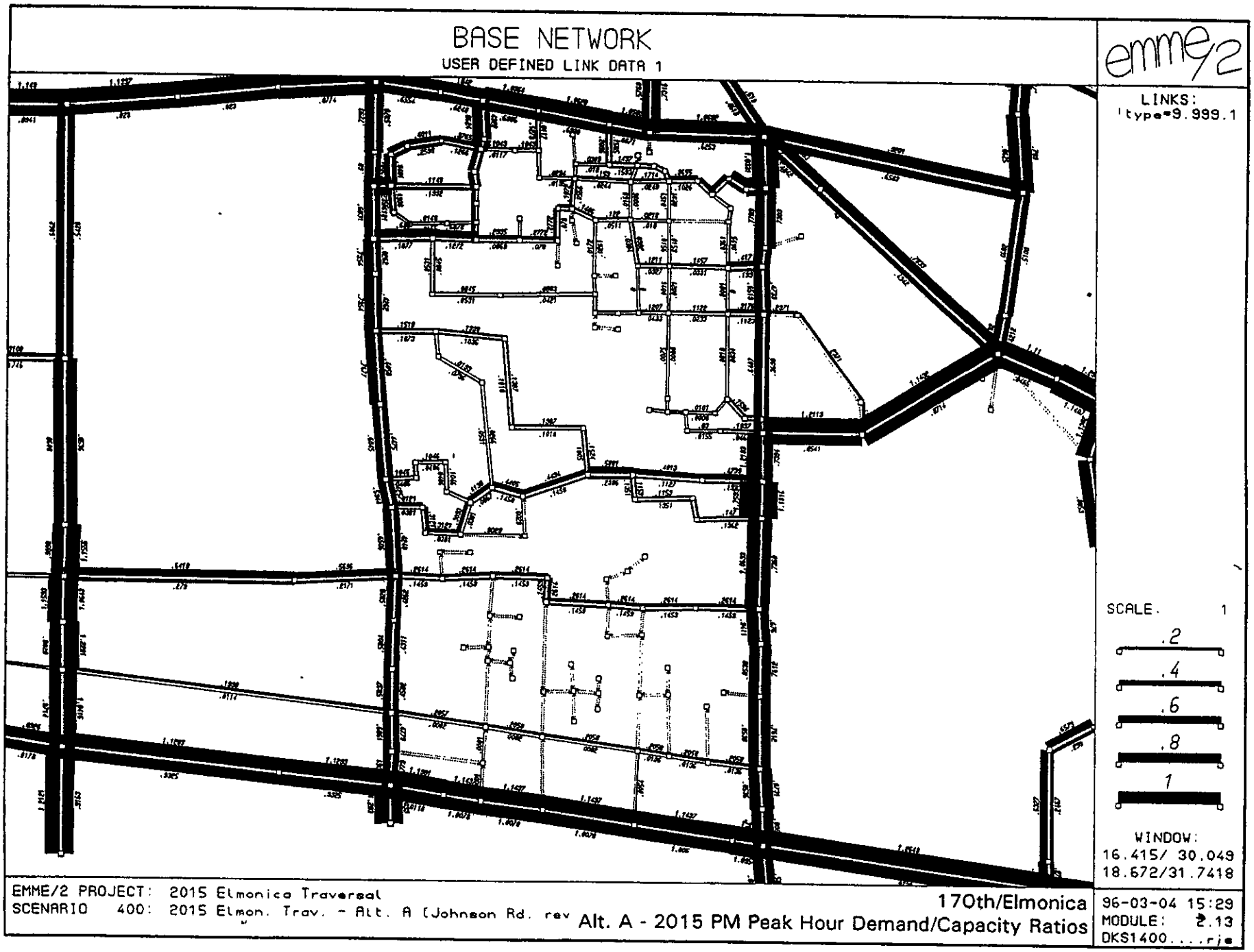
MODULE: 6.12

Figure 9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Alt. A - 2015 PM Peak Hour Demand/Capacity Ratios
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MODULE: 2.13
DKS1400....rje

Fig 10

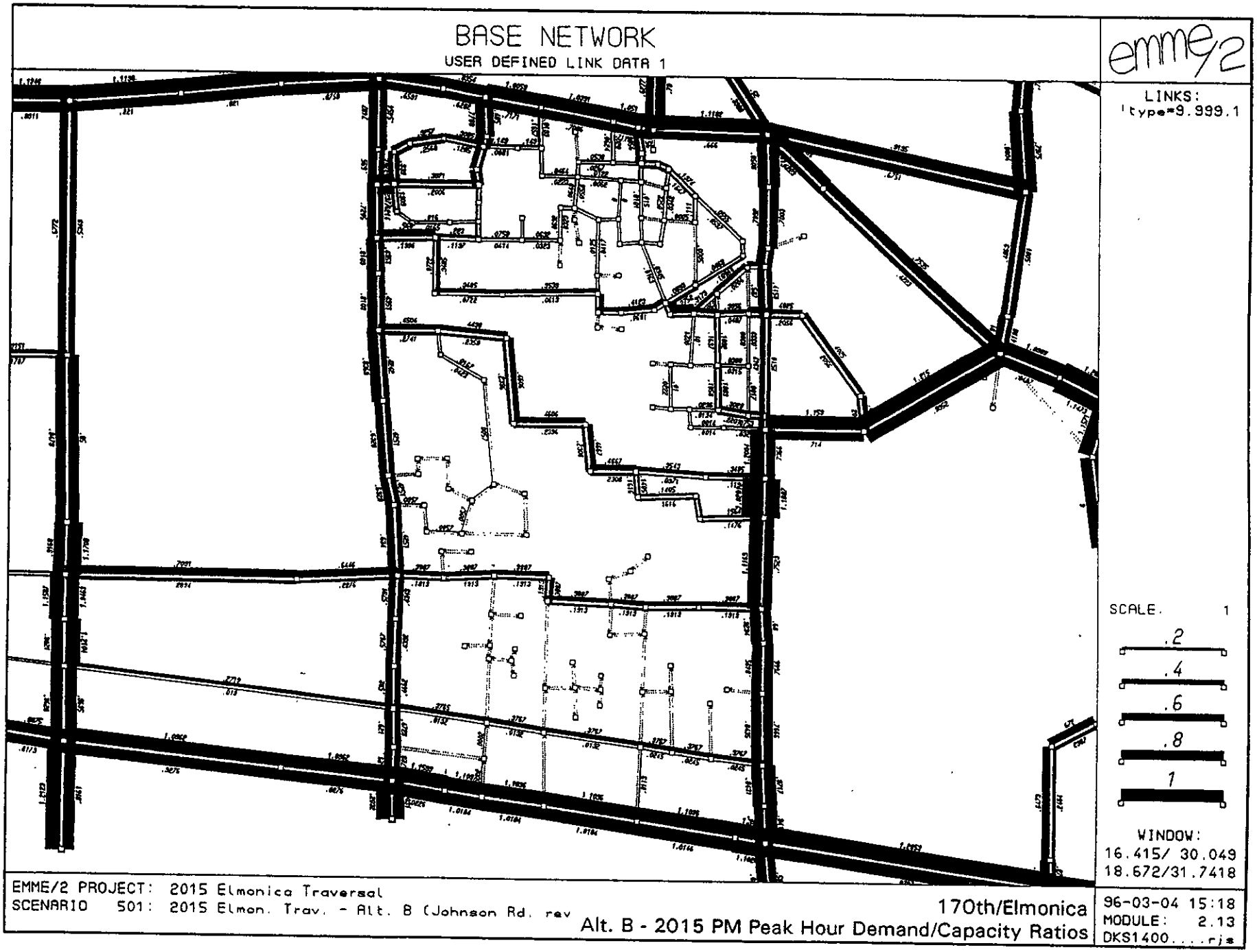
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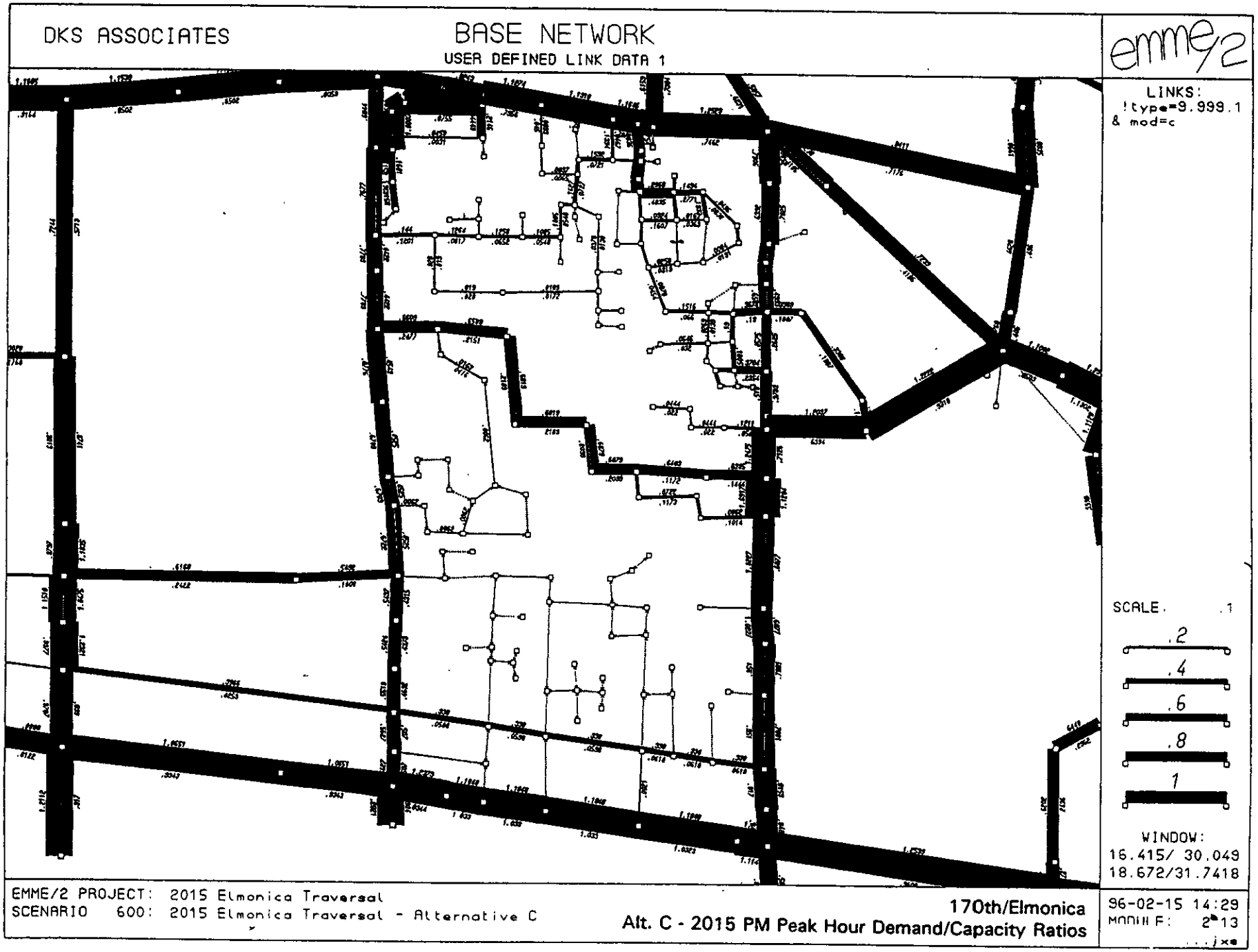
Figure 11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18.672/31.7418
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SCENARIO 600: 2015 Elmonica Traversal - Alternative C
170th/Elmonica
Alt. C - 2015 PM Peak Hour Demand/Capacity Ratios
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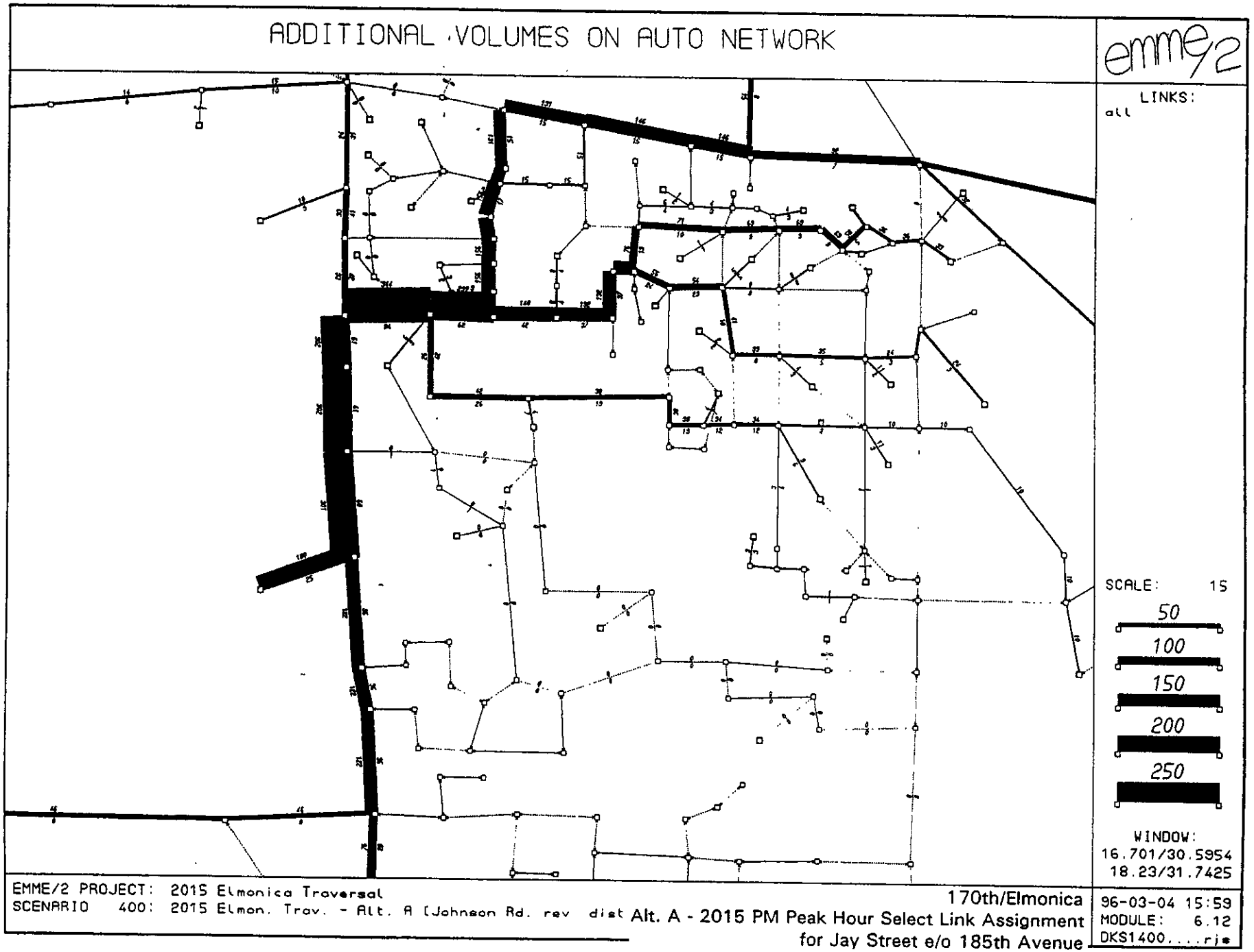
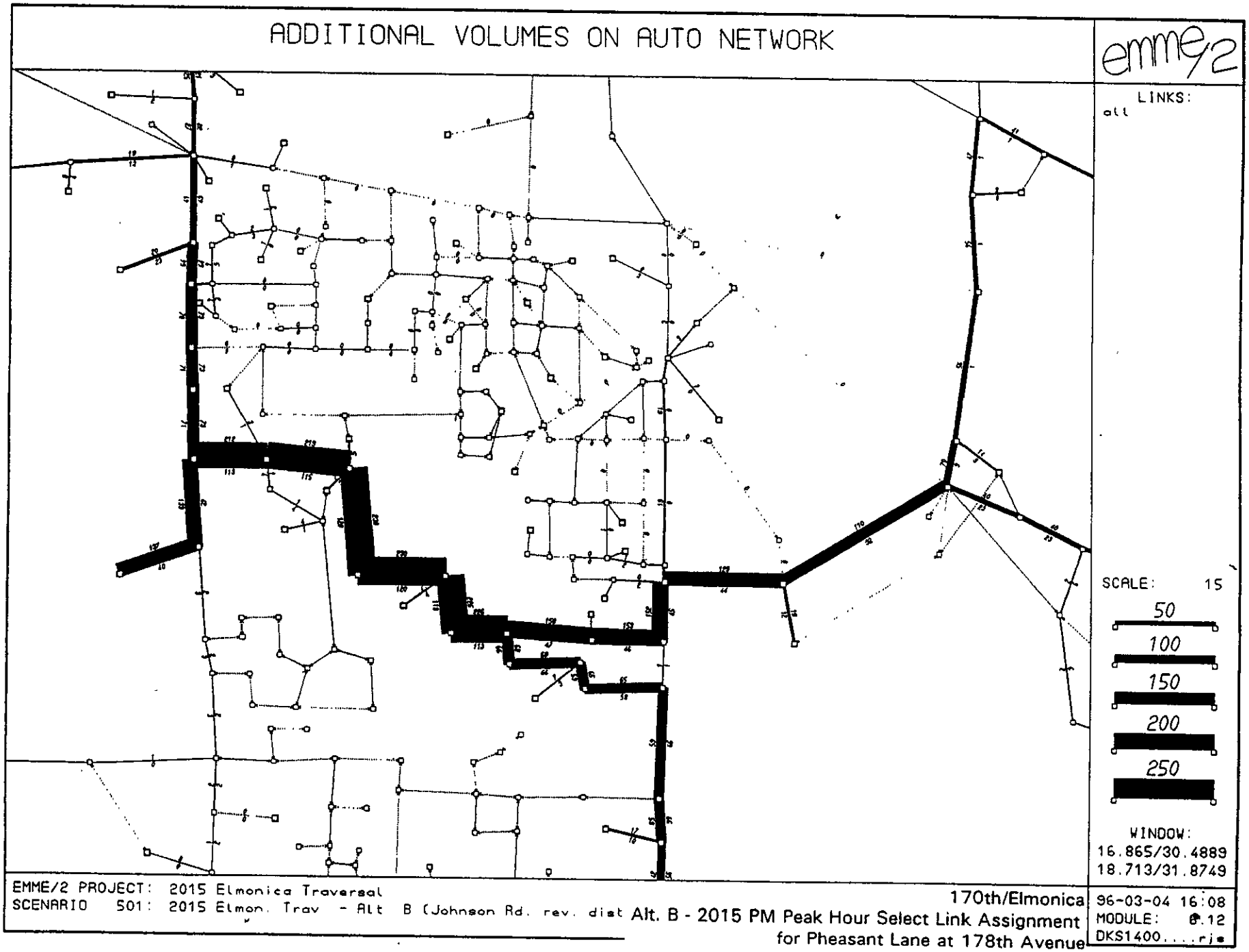
Figu 12



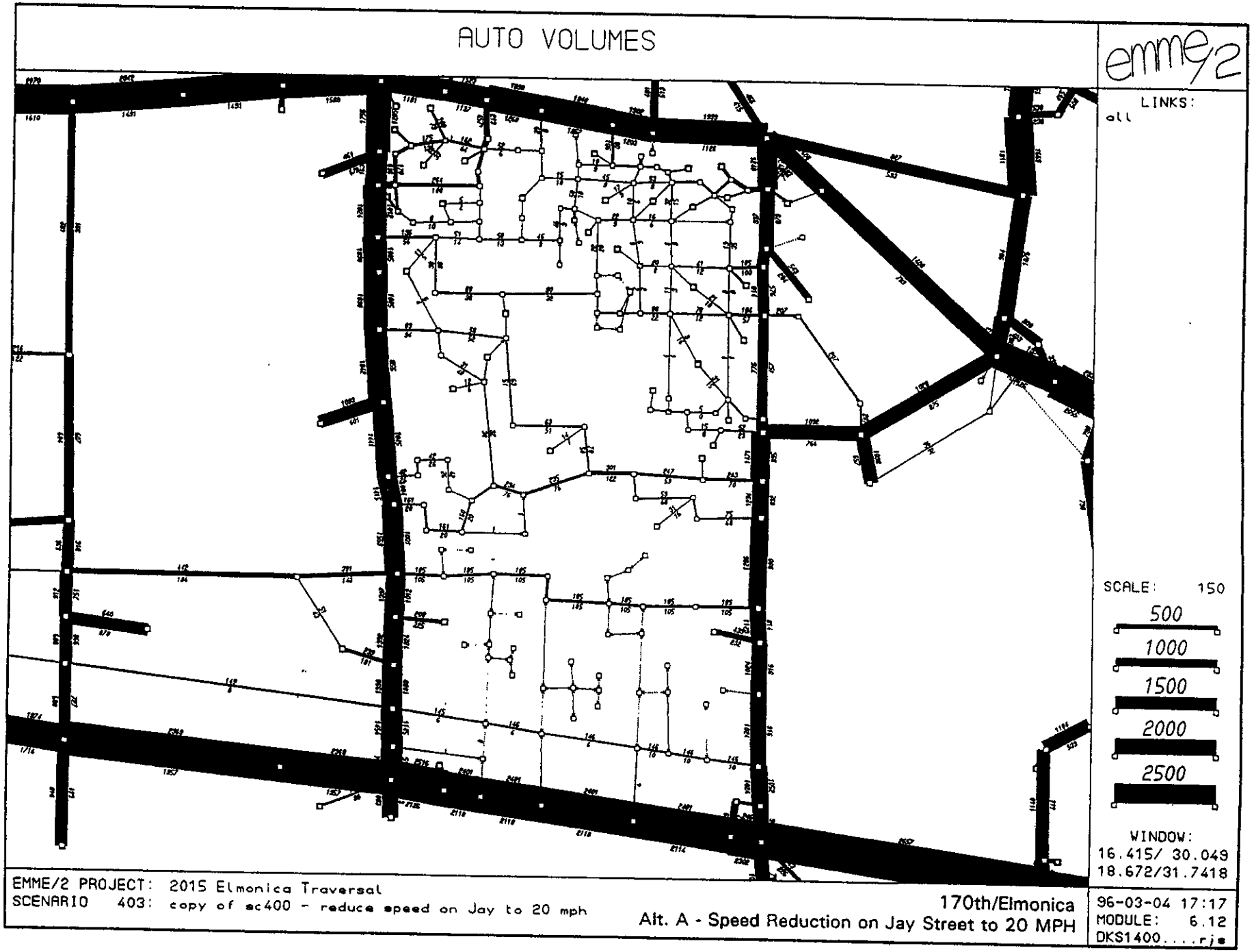
Alt. A - 2015 PM Peak Hour Select Link Assignment
for Jay Street e/o 185th Avenue

Figure 13



170th/Elmonica
Alt. B - 2015 PM Peak Hour Select Link Assignment
for Pheasant Lane at 178th Avenue

Figure 14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170th/Elmonica
Alt. A - Speed Reduction on Jay Street to 20 MPH
96-03-04 17:17
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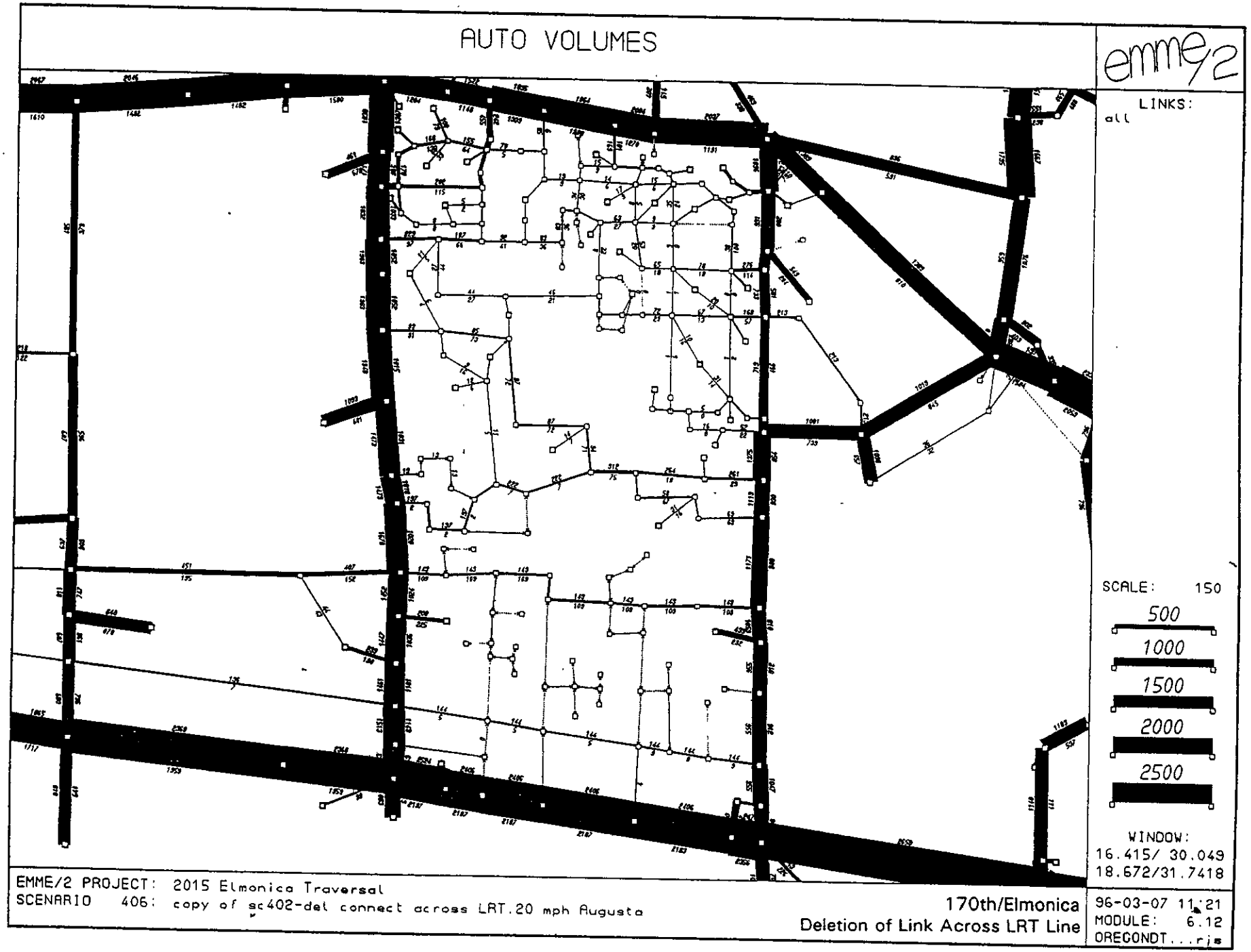
Figure 15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18.672/31.7418
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170th/Elmonica
Deletion of Link Across LRT Line
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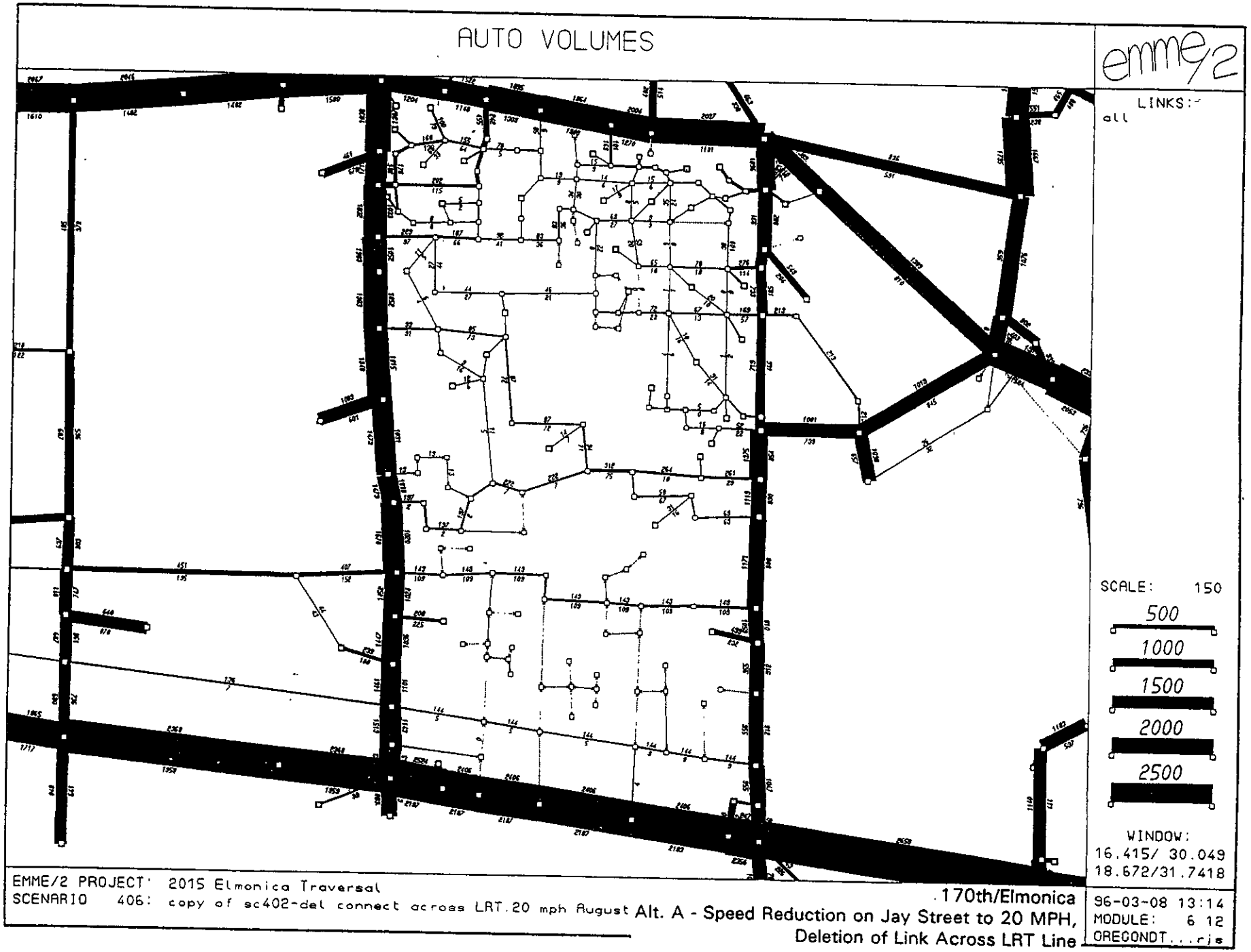
Figu 16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170th/Elmonica
Alt. A - Speed Reduction on Jay Street to 20 MPH,
Deletion of Link Across LRT Line
96-03-08 13:14
MODULE: 6 12
OREGONDT...rjs

Figure 17

APPENDIX A
STUDY AREA LAND USE DATA

170th/Elmonica Study Area: Existing 1995											
			Residential		Retail	Industrial	Office	Institutional	Retail	Other	TOTAL
Study Area	Metro	Development Name or Type	SF	MF					Emp	Emp	EMP
Zone	Zone		(DUs)	(DUs)	(sq ft)	(sq ft)	(sq ft)	(sq ft)			
1	175	SFRs	57								
2	191	"	34								
3	191	"	60								
4	175	"	27								
5	190	"	26								
6	190	"	42							3	
7	175	"	50								
8	190	SFRs and vacant	26								
9	190	SFRs	31								
10	175	SFRs? and vacant	44								
11	190	SFRs and vacant (flood plain)	27								
12	175	fourplexes		88							
13	159	elementary school (Beaver Acres)						46,094		60	(472 stude
14	159	SFRs and vacant (flood plain)	71								
15	191	church								2	
16	191	greenhouses									
17	191	greenhouses									
18	191	greenhouses and vacant									
19	191	greenhouses and offices (Panzer Nrsy.)					2400			80	
20	191	kennel, church, residence								7	
21	175	vacant and SFRs	5								
22	175	mixed industrial, comm., SFRs	9			30,000				73	
23	175	vacant									
24	175	vacant, SFR	1								
25	175	vacant and SFRs	3								
26	175	vacant and SFRs	4								
27	175	vacant, SFRs and Adair Homes (part)	3			3000				13	
28	175	LRT station and parking (under const.)									
29	175	vacant and SFRs	3								
30	175	vacant and SFR	1								
31	175	vacant and SFRs	2								
32	175	vacant and SFRs	2								
33	175	vacant and SFRs	4								
34	175	vacant and SFR	1								

170th/Elmonica Study Area: Alt. A											
			Residential		Retail	Industrial	Office	Institutional	Retail	Other	TOTAL
Study Area	Metro	Development Name or Type	SF	MF					Emp	Emp	EMP
Zone	Zone		(DUs)	(DUs)	(sq ft)	(sq ft)	(sq ft)	(sq ft)			
1	175	SFRs	57							6	6
2	191	"	34							3	3
3	191	"	60							6	6
4	175	"	28							3	3
5	190	"	38							4	4
6	190	"	45							5	5
7	175	"	51							5	5
8	190	"	28							3	3
9	190	"	35							4	4
10	175	"	49							5	
11	190	"	31							3	3
12	175	four plexes		88							9
13	159	elementary school								60	60*
14	159	SFRs	71							7	7
15	191	apartments and limited retail		72	19,200				32	7	39
16	191	apartments and offices		210			55,000			131	131
17	191	apartments and offices		218			60,000			142	142
18	191	apartments or townhouses		150						15	15
19	191	apts., offices, townhouses, SFRs (small)	25	200			40,000			105	105
20	191	" " " " "	90	170			12,000			48	48
21	175	apts., townhouses, SFRs (small)	9	110						12	12
22	175	retail center at .4 FAR			145,000				240		240
23	175	" " " " "			60,000				100		100
24	175	small lot SFRs	38							4	4
25	175	town houses		135						14	
26	175	apartments and townhouses		235						24	
27	175	retail north of tracks and apartments		80	50,000				85	8	93
28	175	LRT station and park and ride									
29	175	small lot SFRs	65							7	7
30	175	townhouses and open space		105						11	11
31	175	apartments, limited retail, open space		160	40,000				65	16	81
32	175	open space, townhouses, small lot SFRs	33	73						11	11
33	175	apts., townhouses and offices		225			35,000			23	23
34	175	townhouses and small lot SFRs	10	85						10	10
											*students?

170th/Elmonica Study Area: Alt. B											
			Residential		Retail	Industrial	Office	Institutional	Retail	Other	TOTAL
Study Area	Metro	Development Name or Type	SF	MF					Emp	Emp	EMP
Zone	Zone		(DUs)	(DUs)	(sq ft)	(sq ft)	(sq ft)	(sq ft)			
1	175										
2	191										
3	191										
4	175										
5	190										
6	190										
7	175										
8	190										
9	190										
10	175										
11	190										
12	175										
13	159										
14	159										
15	191										
16	191										
17	191										
18	191										
19	191										
20	191										
21	175	same	9	103						11	11
22	175	same			210,000				350		350
23	175	same			60,000				100		100
24	175	same	38							4	4
25	175	same		121						12	12
26	175	LRT station and park and ride lot									
27	175	small lot SFRs	31							3	3
28	175	townhouses, apartments, openspace		187						19	19
29	175	apartments, townhouses, open space		230						23	23
30	175	apartments, open space, retail		85	7000				12	9	21
31	175	open space, small lot SFRs, townhouses	19	26						5	5
32	175	retail, apts., townhouses		89	37,000				62	9	71
33	175	mixed apts. and offices, townhouses, SFRs	20	195			35,000			92	92
34	175	townhouses and small lot SFRs	12	147						16	16

170th/Elmonica Study Area: Alt. C											
			Residential		Retail	Industrial	Office	Institutional	Retail	Other	TOTAL
Study Area	Metro	Development Name or Type	SF	MF					Emp	Emp	EMP
Zone	Zone		(DUs)	(DUs)	(sq ft)	(sq ft)	(sq ft)	(sq ft)			
1	175										
2	191										
3	191										
4	175										
5	190										
6	190										
7	175										
8	190										
9	190										
10	175										
11	190										
12	175										
13	159										
14	159										
15	191	same		72	19200				32	7	3
16	191	apts., offices		420			115,000			234	23
17	191	apts., offices		493			30,000			110	11
18	191	apts., townhouses		359						36	3
19	175	apts., townhouses		113						11	1
20	175	retail center at .4 FAR			210,000				350		35
21	175	retail center at .4 FAR			60,000				100		10
22	175	small lot SFRs	69							7	
23	175	townhouses		258						26	2
24	175	apartments		259						26	2
25	175	apartments, open space, retail		92	6500				13	9	
26	175	LRT station and park and ride									
27	175	townhouses, small lot SFR, open space	27	59						8	
28	175	townhouses		72						7	
29	175	apts., retail, offices		283	42,000		25,000		70	78	14
30	175	townhouses or plexes		173						17	1

MEMORANDUM

City of Beaverton
Community Development Department

"make it happen"

To:	**Mayor Rob Drake**
	City Council Members
From:	**Hal Bergsma, Principal Planner**
Date:	**April 10, 2007**
Subject:	***Delay in the process of applying City Plan and Zoning designations to some annexed properties***

Introduction
I recently spoke to Mayor Rob Drake about a situation relating to certain annexation related Zoning Map amendments that raises questions about whether staff should delay their completion to avoid the need to pay for preparation of potentially unnecessary traffic impact analyses. This memorandum has been written at the request of the Mayor to describe the situation and state staff's conclusion about what should be done.

Background
Community Development Department staff continue to work to complete the process of applying City Plan and Zoning designations to properties annexed in the last few years by initiating applications for Comprehensive Plan Amendments and Zoning Map Amendments. In many cases, the map amendments involved are not specified in the Beaverton – Washington County Urban Planning Area Agreement. Such amendments require a public hearing before the Planning Commission, with preparation of a staff report addressing applicable laws and plans including the Statewide Planning Goals and Oregon Administrative Rules (OARs) that interpret the Goals.

A key OAR that must be addressed for all Plan and Zoning map amendments is in Division 12 of Chapter 660, known as the Transportation Planning Rule (TPR). Section 660-012-0060 of the TPR, relating to Plan and Land Use Regulation Amendments, requires that where a zoning map amendment would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A zoning map amendment is likely to significantly affect adjacent roads if the combination of allowed uses that would generate the highest number of vehicle trips, based on estimates prepared by the Institute of Transportation Engineers (ITE), is greater for a proposed zone than an existing zone. In that situation, a detailed analysis of the transportation impacts and the alternative measures to mitigate them must be prepared. Section 60.55.20 of the Development Code contains the City specifications for a Traffic Impact Analysis, including a requirement that it be done by a traffic engineer or a civil engineer licensed by the State.

It has recently become apparent to staff that by converting from two County land use districts, Transit Oriented Retail Commercial (TO:RC) and Transit Oriented Business (TO:BUS), to the most similar City zone, Station Community Multiple Use (SC-MU), there is an increase in the maximum development potential by right and therefore an increase in potential trip generation. This requires preparation of a traffic impact analysis. Since annexation related Plan and Zoning map amendments are initiated by the City, the cost of preparing the traffic impact analysis must be borne by the City. Preparation of such an analysis by a private consultant generally costs between five and ten thousand dollars. Recent experience has been that it takes about three months for a consultant to be selected and for the analysis to be completed.

A pending application to change the zoning for commercial properties on the west side of 158th Avenue between Jenkins Road and Baseline Road, including a Costco store, is affected by this situation. Similarly any City application to rezone annexed properties in an area bound by Baseline Road, 170th Avenue and the LRT tracks, which are now zoned TO:RC, will also require preparation of a traffic impact analysis.

An alternative to rezoning these properties now is to leave them under County zoning until a staff project to update the City zoning districts is completed. This project is now underway and it is anticipated it will be completed, including adoption of implementing ordinances, by June of 2008. (It may be possible to accelerate the schedule for multiple use zones such as the SC-MU district, with ordinance adoption around the end of 2007.) Staff will consider reducing allowed use and density discrepancies between County and City zones as part of the project. If that is the outcome, the City may be able to assign a zone to properties now under the County's TO:RC and TO:BUS districts that will not potentially have a significant impact under the TPR. As a result, there would be no need for the City to pay the extra expense of preparing a traffic impact analysis to assign City zoning.

Conclusion

Although funds could be found in the Community Development Department budget to cover the cost of preparing any traffic impact analyses needed to process Zoning Map Amendments for the properties described above, staff concludes that it would be best to delay these amendments until the process of updating the City's multiple use zoning districts is completed, thereby possibly saving money for City taxpayers. Although these properties will remain under County zoning for awhile longer, staff is not aware of any imminent development that would require City staff to interpret County land use regulations.

c. Alan Rappleyea
Steven Sparks

CITY of BEAVERTON

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

SUPPLEMENTAL STAFF REPORT

TO: Planning Commission

AGENDA DATE: April 25, 2007 **REPORT DATE:** April 25, 2007

FROM: Jeff Salvon, AICP, Associate Planner
Hal Bergsma, Principal Planner

SUBJECT: **CPA2006-007 (Baseline/Jenkins Annexation Related Comprehensive Plan Land Use Map and Transportation Element Map Amendments; ZMA2007-0006 (Baseline/Jenkins Annexation Related Zoning Map Amendment); and TA2007-0003 (Merlo Station Community: Major Pedestrian Route Map Amendment)**

The purpose of this supplemental staff report is to make minor revisions and clarifications to the initial staff report on the subject applications dated April 16, 2007, as follows:

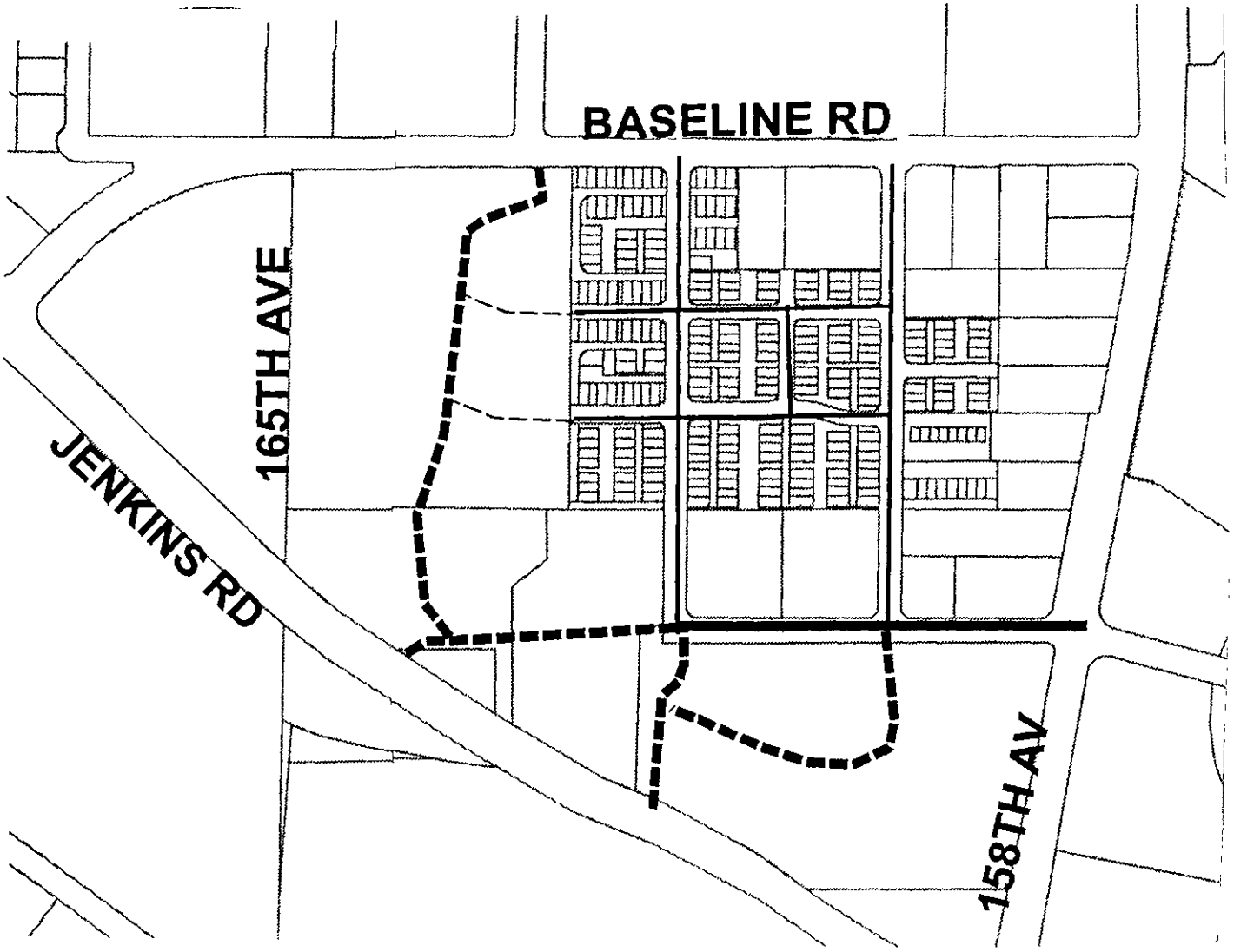
1. Revise recommendation (2) on page 2 of the April 16 staff report to state: *Approval of ZMA-0006 as it pertains to the application of the City's Station Community High Density Residential (SC-HDR) Zone and the City's Station Area Medium Density Residential (SA-MDR) Zone to tax lots specified in Attachment 1 to this report but denial of application of the City's SC-MU Zone to tax lots specified in Attachment 1.*
2. Revise recommendation (3) on page 2 of the April 16 staff report to state: *Approval of amendments to Figures 6.4, 6.5, 6.7, 6.12, and Table 6.6 in Chapter 6 of Volume One of the Comprehensive Plan, the Transportation Element, as shown on page 34 and in Attachments 2, 3, 4 and 5 to this report.* For your information, a larger scale map of the proposed street alignments for the subject area is attached.
3. Revise recommendation (4) on page 2 of the April 16 staff report to state: *Approval of amendment of Section 60.05.55.4 of the Development Code – the Major Pedestrian Route Map for the Merlo Station Community to retitle the map "Elmonica/Merlo Station Community", expand the area of coverage and show proposed Major Pedestrian Routes consistent with Attachment 6 to this report.*

4. Revise the first full paragraph on page 25 of the April 16 staff report to state: *As the observations above illustrate, some degree of variation in density allowance will result from the proposed amendment. Staff determined that rezoning the properties zoned TO:R18-24 to SA-MDR will increase permitted density. However, only five lots in the area that are proposed for application of the SA-MDR zone remain undeveloped. The net increase in potential dwelling units on those lots under the proposed zone is 24. Staff estimates that the TO:R24-40 to SC-HDR rezone could reduce the maximum number of units permitted from 397 to 346 units. Since the total of the trip generation changes resulting from the combination of these rezones is -27, the proposal will not have a negative impact on the surrounding street system. Assessment of a density increase attributable to the TO:RC/SC-MU and the TO:BUS/SC-MU rezones is more complicated given the County's requirement that effects on the local street system be considered as a limiting factor.*

Finally, Joseph Voboril, representing Costco Wholesale Corporation, recommends in a letter to the Planning Commission dated April 19, 2007 (Attachment 2), denial of the entire package of proposed amendments in the subject applications. Although staff is recommending denial of ZMA2007-0006 as it pertains to Costco's properties that are presently in the County's TO:RC land use district, we do not agree with Mr. Voboril that the entire package of amendments should be denied. Assistant City Attorney Bill Scheiderich will address the legal issues raised in Mr. Voboril's letter during the hearing. As for the nonconforming status issue raised by Mr. Voboril, that is a policy issue that should be addressed by the Planning Commission. It is not illegal to apply zoning regulations that create, or in this case expand, a nonconformity. As Mr. Voboril notes in his letter, Measure 37 creates an avenue for Costco to follow should they determine that the City's limitations on nonconforming uses are excessive.

VICINITY MAP

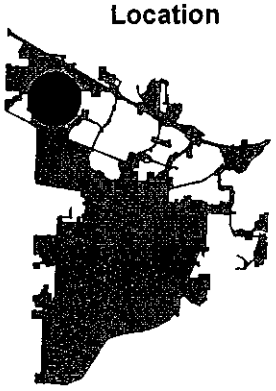
ATTACHMENT 1



STREET ALIGNMENT ILLUSTRATION MAP

- Local Street
- Neighborhood Route
- Potential Local Street Connection (Local Connectivity Map)
- Proposed Neighborhood Route (Functional Classification Map)

Location



CITY OF BEAVERTON

CPA 2007-0007 / ZMA2007-0006

4/25/07

Tax Lot # *MULTIPLE*

N

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

SW BASELINE RD/
SW JENKINS RD

TONKON TORP LLP
ATTORNEYS

1600 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204
503.221.1440

APR 20 2007

COMMUNITY DEVELOP DEPT

JOSEPH S. VOBORIL
ADMITTED TO PRACTICE IN OREGON AND WASHINGTON

503.802.2009
FAX 503.972.3709
joe@tonkon.com

April 19, 2007

VIA USPS EXPRESS MAIL

City of Beaverton Planning Commission
c/o Jeff Salvon, City Planner
City of Beaverton Community Development Department
P.O. Box 4755
Beaverton, OR 97076-4755

Re: CPA 2007-007/ZMA 2007-0006
SW Baseline/SW Jenkins Road Comprehensive Plan Land Use Map Amendment, Zoning Map Amendment, and Transportation System Plan Local Connectivity Comprehensive Plan Map Amendment and TA 2007-003 Elmonica/Merlo Major Pedestrian Route Development Code Text Amendment

Dear Members of the Planning Commission:

Our firm represents Costco Wholesale Corporation ("Costco"), the owner of the Costco warehouse facility located at 15901 SW Jenkins Road. On behalf of Costco, we request that the Planning Commission recommend denial of the entire package of amendments referenced above, which will be presented to you at the public hearing currently scheduled for April 25, 2007.

Denial is warranted for the following reasons:

1. Any attempt by the City of Beaverton to replan or rezone the properties that were annexed by Annexation Ordinance 4338 in March of 2005 is premature. At the present time, there is considerable doubt as to whether these properties were validly annexed by the City. In *Costco Wholesale Corporation v. City of Beaverton*, a decision rendered by the Oregon Court of Appeals on June 14, 2006, the Court ruled that the City had misconstrued Oregon's "island annexation" statute. While the City of Beaverton has appealed that decision to the Oregon Supreme Court, the Oregon Supreme Court has yet to render its decision. Until and unless the Oregon Supreme Court reverses the Court of Appeals' decision in *Costco Wholesale Corporation v. City of Beaverton*, it is pointless for the City to replan or rezone the properties that were included in Annexation Ordinance 4338. Clearly, if the Supreme Court affirms the

Court of Appeals' decision, the replanning and rezoning of these properties will be a meaningless exercise.

It is important to note that in its review of the Court of Appeals' decision in *Costco Wholesale Corporation v. City of Beaverton*, the Supreme Court inquired as to whether Senate Bill 887 - the 2005 legislation which imposed a three year moratorium solely on the City of Beaverton – applied to Annexation Ordinance 4338. If the Court concludes that it did, that would be an additional reason for invalidating the annexation of the properties that would be affected by this package of amendments. Having waited for two years, it is unclear why now, when a decision from the Oregon Supreme Court is expected soon, the City has decided to press forward with this package of amendments.

2. As the Staff Report indicates, if these amendments are adopted, the Costco facility will be significantly affected. Costco's tire installation service, which is an allowed use in Washington County's TO:RC district, would become a prohibited use under the City's SC-MU zone. In addition, the City's SC-MU zone sets a maximum building size for a single retail use at 10,000 square feet. The existing Costco facility contains approximately 148,000 square feet.

There is something very wrong when a city attempts to force a property owner into its city limits and then seeks to impose new land use regulations which will create a nonconforming status for the property. Nonconforming status would create serious impediments for purposes of refinancing and casualty insurance. The package of amendments, if adopted and applied to Costco, would significantly impact the value of Costco's property. Since Costco has owned and occupied this facility for several decades, the impact on the property value caused by the land use regulations included in this package of amendments will give rise to a Measure 37 claim. Given the significant impact on value that the regulations would cause, Costco would have little choice but to file such a claim.

3. In its Staff Report, and specifically in the April 10, 2007 memorandum from Hal Bergsma to Mayor Rob Drake, the Staff recommends that the Planning Commission adopt the entire package of amendments but defer action on the rezoning of the commercial properties, including the Costco facility, to SC-MU. Interestingly, the rationale for this recommendation is not because the City has any concerns about the nonconforming status problem that would be created. Rather, the Staff recommends deferral because the City does not want to commission a Traffic Impact Analysis as required by the State's Transportation Planning Rule. The April 10 Memorandum makes it clear that the City wishes to avoid both the time and the expense that such a Traffic Impact Analysis would entail. Instead, the Staff is hopeful that the densities allowed in the SC-MU zone can be reduced during the City's update of the zoning districts which is currently underway. The April 10 Memorandum states as follows:

> "Staff will consider reducing allowed use and density discrepancies between County and City zones as part of the

> project. If that is the outcome, the City may be able to assign a zone to properties now under the County's TO:RC and TO:BUS districts that will not potentially have a significant impact under the TPR (Transportation Planning Rule). As a result, there would be no need for the City to pay the extra expense of preparing a Traffic Impact Analysis to assign City zoning."

The direction in which the Staff wants to go is clear. The City can avoid the cost and expense of a Traffic Impact Analysis (which is estimated to cost between $5,000 - $10,000) and the time that it would take (which is estimated to be three months) and, instead, the City will reduce allowed uses and densities allowed on these properties by virtue of changes that will be made to the SC-MU zone as part of the City's "update" process. In addition to being quite devious, this is very bad land use planning. It's putting the cart before the horse.

If the City of Beaverton desires to assert planning jurisdiction over these properties, then it should do so in the right way. The City should not be reducing allowed uses and densities simply because it does not want to take the time or pay a few dollars to plan correctly. Arbitrarily assigning low densities to these properties will have serious consequences for existing property owners such as Costco and NIKE that rely upon the roads in this area. The City's zoning maps will show densities that will indicate that the street system in this area has sufficient capacity when in reality it will not. While assigning unrealistic densities for planning purposes may be a way to avoid the State's Transportation Planning Rule, it will lead to an inadequate transportation system for those property owners who have already made substantial economic commitments to properties in this area.

Conclusion: For all of the above reasons, the Planning Commission should recommend denial of the entire package of amendments.

Very truly yours,

Joseph S. Voboril

JSV/jmk

BEFORE THE PLANNING COMMISSION FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF CPA2007-0007 AND ZMA2007-0006 REQUESTS TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP AND THE ZONING MAP APPLICABLE TO PROPERTIES LOCATED BETWEEN SW BASELINE AND SW JENKINS ROAD AND IN THE MATTER OF TA2007-0003, A REQUEST TO AMEND THE MAJOR PEDESTRIAN ROUTE MAP FOR THE MERLO STATION COMMUNITY AREA. CITY OF BEAVERTON, APPLICANT.	)	ORDER NO. 1954

These matters came before the Planning Commission on April 25, 2007, on requests for amendments to the City's Comprehensive Plan Land Use Map, certain Comprehensive Plan transportation maps and a table, the Zoning Map, and Development Code text to: (1) apply the City's Station Community (SC) Comprehensive Plan Land Use Map designation and the City's Station Community Multiple Use (SC-MU), Station Community High Density Residential (SC-HDR), and Station Area Medium Density Residential (SA-MDR) zones to 315 parcels; (2) amend Figures 6.4 (Functional Classification Map), 6.5 (Street Improvement Master Plan Map), 6.7 (Transportation System Plan Local Connectivity Map – Index), and 6.12 (Transportation System Plan Local Connectivity Map) and Table 6.6 (Local Connectivity Map Recommendations on Potential Connections) in Volume One, Chapter Six of the City's Comprehensive Plan to designate future street alignments to reflect Washington County's planning for the area; and (3)

amend Section 60.05.55.4 of the Development Code (Major Pedestrian Route Map for the Merlo Station Community) to change the map title to "Elmonica / Merlo Station Community" and to alter existing and assign new Class 1 and Class 2 Major Pedestrian Routes to current and future streets in the Merlo Station Community Area. The properties are located in an area bordered on the south by SW Jenkins Road, on the north of SW Baseline Road, and on the East by SW 158th Avenue. Future street alignments are proposed within this area and major pedestrian routes are proposed for streets originating at the Merlo and Elmonica Light Rail Stations and extending approximately one-half mile into the subject area.

Pursuant to Ordinance 4187 (Comprehensive Plan), Section 1.5.1, and Ordinance 2050 (Development Code), Sections 40.97.15.4.C and 40.85.15.1.C, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated April 16, 2007, as amended by the Supplemental Staff Report dated April 25, 2007, as to the applicable criteria contained in Section 1.5.1 of the Comprehensive Plan and Sections 40.97.15.4.C and 40.85.15.1.C of the Development Code and findings thereon; now, therefore:

IT IS HEREBY ORDERED that **CPA2007-0007** is **APPROVED** consistent with staff's recommendation, based on the facts and findings of the Planning Commission on April 25, 2007.

Motion **CARRIED** by the following vote:

AYES:	Winter, Platten, Johansen, San Soucie, and Maks .
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Bobadilla and Stephens.

IT IS HEREBY ORDERED that **TA2007-0003** is **APPROVED** based on the facts and findings of the Planning Commission on April 25, 2007.

Motion **CARRIED** by the following vote:

AYES:	Winter, Platten, Johansen, San Soucie, and Maks .
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Bobadilla and Stephens.

IT IS HEREBY ORDERED that **ZMA2007-0006** is **APPROVED IN PART AND DENIED IN PART** based on the facts and findings of the Planning Commission on April 25, 2007. The part of **ZMA2007-0006** that is **DENIED** is the proposal to apply the City's SC-MU Zone to tax lots 1S105CB04900, 1S105CC00402, 1S105CC00403, 1S105CB01100, 1S105CB01000, 1S105CB00600, 1S105CB00500, 1S105CB00400, 1S105CB00300, 1S105CB00200, 1S105CB00100, 1S105CB01800, and 1S105CB01900 as illustrated in Attachment "1" of the April 16 staff report.

Motion **CARRIED** by the following vote:

AYES:	Winter, Platten, Johansen, San Soucie, and Maks.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Bobadilla and Stephens.

Dated this 4th day of May, 2007.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1954, 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, May 14, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

HAL BERGSMA
Planning Services Manager

APPROVED:

DAN MAKS
Chairman

APPROVED AS TO FORM:

BILL SCHEIDERICH
Assistant City Attorney

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Amending Ordinance No. 2050, the Development Code to Modify Section 60.05.55.4, the Merlo Station Community – Major Pedestrian Route Map to Apply Additional Route Designations and Rename the Code Section; TA2007-0003

FOR AGENDA OF: 06/04/07 **BILL NO:** 07117

Mayor's Approval: Lidia A. Codlan

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 05/25/07

CLEARANCES: City Attorney US
Planning Services HB

PROCEEDING: First Reading

EXHIBITS:
1. Proposed Ordinance and Exhibit A: Pages1-2
2. Staff Reports: Pages 3-141
3. Planning Commission Final Order No. 1954: Pages 142-145

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

The proposal is to replace Section 60.05.55.4 of the Development Code, the Major Pedestrian Route Map for the Merlo Station Community, with a map that modifies an existing major pedestrian route designation, applies new major pedestrian routes to the adjacent area, and renames the Section from "Merlo Station Community" to "Elmonica / Merlo Station Community" to more accurately reflect that area.

The Planning Commission unanimously recommended approval of the proposal at their April 25, 2007 meeting. Written testimony was received from an attorney representing the Costco Corporation recommending denial of the proposed amendments citing unresolved issues related to annexation of the area. Staff discussed the objections with the Costco representative to address concerns, and subsequent to Planning Commission approval, no appeal was filed.

INFORMATION FOR CONSIDERATION:

This ordinance makes the appropriate changes to Ordinance No. 2050, the Beaverton Development Code to implement TA2007-0003.

RECOMMENDED ACTION:

First Reading

EXHIBIT 1

ORDINANCE NO. 4441

AN ORDINANCE AMENDING ORDINANCE NO. 2050, SECTION 60.05.55.4, *MERLO STATION COMMUNITY – MAJOR* PEDESTRIAN ROUTE MAP TO REPLACE THE EXISTING MAP WITH A REVISED MAP, AND RENAME THE SECTION FROM "MERLO STATION COMMUNITY" TO "ELMONICA / MERLO STATION COMMUNTY"; TA2007-0003

WHEREAS, the area was annexed to the City of Beaverton through Ordinance No. 4338, in 2005, granting the City authority to apply Beaverton's Development Code design standards to the properties in the area; and

WHEREAS, the Planning Commission held a public hearing on April 25, 2007, to consider TA2007-0003, consider comments, and take testimony; and

WHEREAS, on April 25, 2007 , the Planning Commission recommended approval of the application based upon the Staff Report dated April 16, 2007 and Supplemental Staff Report dated April 25, 2007, incorporated herein by reference; and

WHEREAS, Final Order No. 1954 was prepared memorializing the Planning Commission's decision, and no appeal therefrom was submitted; now, therefore

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, the Beaverton Development Code, is amended to replace the existing map with the modified map shown on Exhibit "A".

First reading this _____ day of _____, 2007.

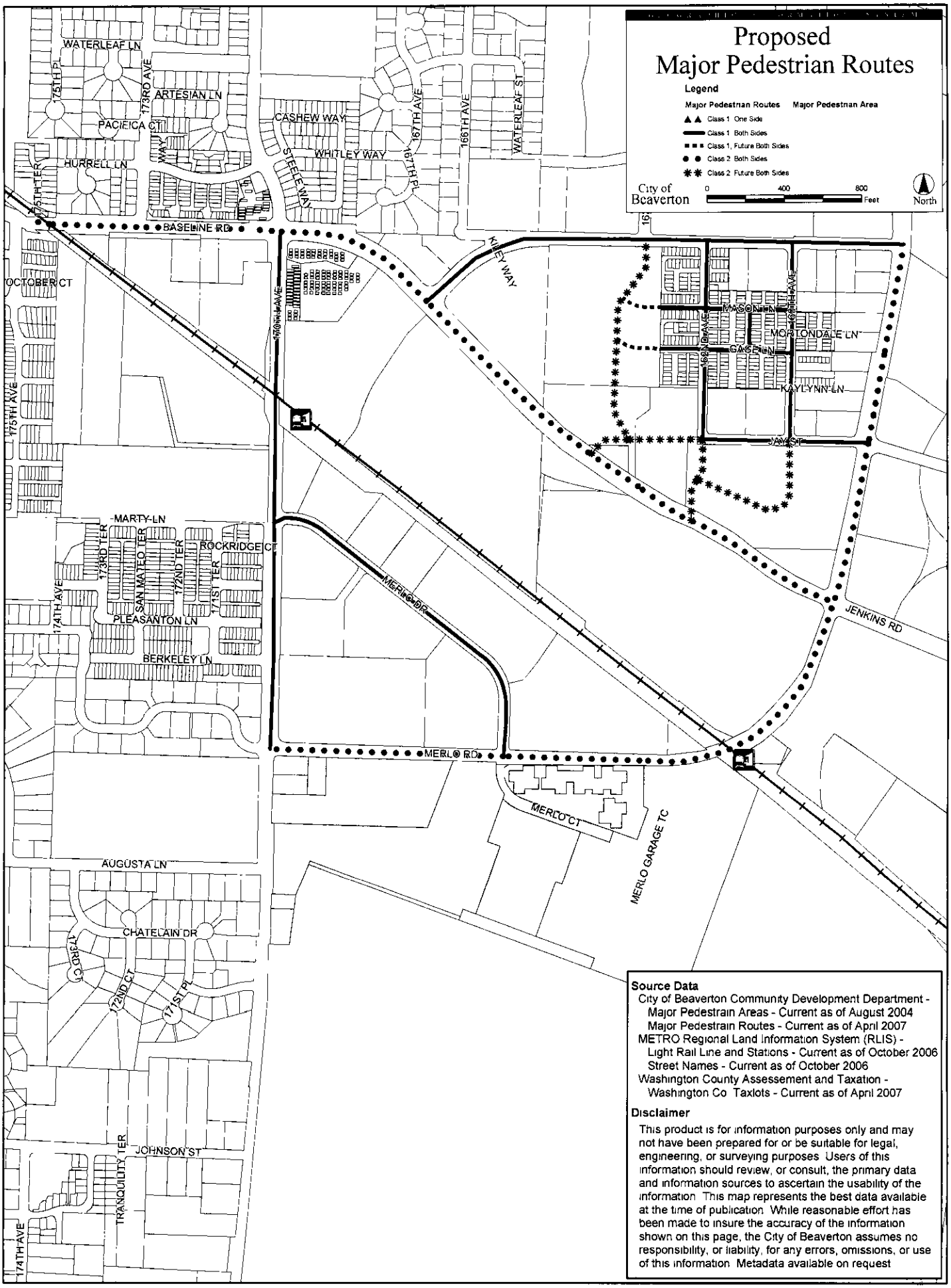
Passed by the Council this _____ day of _____, 2007.

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

ATTEST: APPROVED:

_____ _____

SUE NELSON, City Recorder ROB DRAKE, Mayor



Source Data

City of Beaverton Community Development Department -
Major Pedestrain Areas - Current as of August 2004
Major Pedestrain Routes - Current as of April 2007
METRO Regional Land Information System (RLIS) -
Light Rail Line and Stations - Current as of October 2006
Street Names - Current as of October 2006
Washington County Assessement and Taxation -
Washington Co Taxlots - Current as of April 2007

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

GIS/DT 4-10-07 S _CDD_2007\07_0111\07_0111_8x11_major_ped_routes mxd

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: Planning Commission

AGENDA DATE: April 25, 2007 **REPORT DATE:** 4/16/2007

FROM: Jeff Salvon, AICP, Associate Planner
Hal Bergsma, Planning Services Manager

APPLICATIONS:
1) CPA2007-0007
(Baseline/Jenkins Annexation Related Comprehensive Plan Land Use Map and Transportation Element Map Amendments)
2) ZMA2007-0006
(Baseline/Jenkins Annexation Zoning Map Amendment)
3) TA2007-0003
(Merlo Station Community: Major Pedestrian Route Map Amendment)

LOCATION: The subject parcels are located in an area bordered on the south by SW Jenkins Road, on the north by of SW Baseline Road, and on the East by SW 158th Avenue. Proposed future street designations are planned for this area. Proposed major pedestrian routes are on area streets extending from the Merlo and the Elmonica Light Rail Stations to an area approximately one-half mile from the Station platforms (see Attachment 6 for area parameters).

NEIGHBORHOOD ASSOCIATION: Washington County CPO 7, Sunset West/Rock Creek/Bethany Citizen Participation Organization and Beaverton Five Oaks/Triple Creek Neighborhood Association Committee

REQUESTS:
1. Apply the City's Station Community (SC) Comprehensive Plan Land Use Map designation, and apply the City's Station Community Multiple Use (SC-MU) Zone, the Station Community High Density Residential (SC-HDR) Zone, and Station Area Medium Density Residential (SA-MDR) Zone to 315 parcels.

2. Amend Figures 6.4 (Functional Classification Map), Figure

6.5 (Street Improvement Master Plan), Figure 6.7 (Transportation System Plan Local Connectivity Map - Index), and Figure 6.12 (Transportation System Plan Local Connectivity Map) and Table 6.6 (Local Connectivity Map Recommendations on Potential Connections) in Volume One, Chapter Six of the City's Comprehensive Plan designating future street alignments to reflect Washington County's planning for the area.

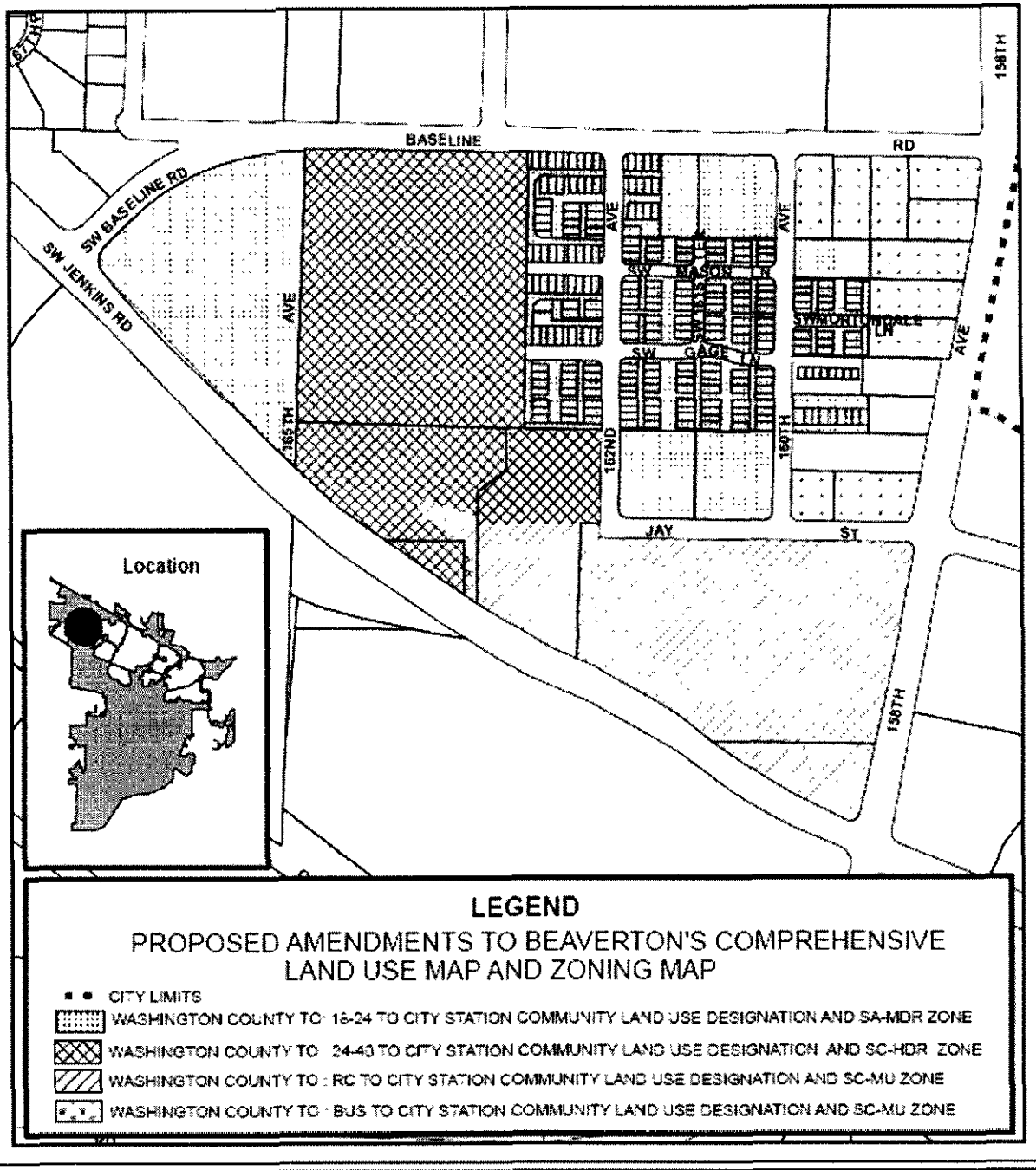
3. Amend Section 60.05.55.4 of the Development Code (Major Pedestrian Route Map for the Merlo Station Community) to alter existing and assign new Class 1 and Class 2 Major Pedestrian Routes to current and future streets in the Merlo Station Community Area.

APPLICANT: City of Beaverton Community Development Director

APPROVAL CRITERIA: Comprehensive Plan Section 1.5.1, Development Code Section 40.97.15.4.C, and 40.85.15.1.C

RECOMMENDATION: **Adopt a final order recommending that City Council adopt an ordinance specifying the following:**
(1) Approval of staff's proposal to apply the City's Station Community (SC) Comprehensive Plan Land Use Map designation to all properties that are the subject of CPA2007-0007;
(2) Approval of ZMA2007-0006 as it pertains to application of the City's Station Community High Density Residential (SC-HDR) Zone and the City's Station Area Medium Density Residential (SA-MDR) Zone to tax lots specified in the public hearing notice but denial of application of City's SA-MU Zone to tax lots specified in the public hearing notice;
(3) Approval of amendments to Figures 6.4, 6.5, 6.7, 6.12, and Table 6.6 in Chapter 6 of Volume One of the Comprehensive Plan, the Transportation Element, as recommended in this staff report; and
(4) Approval of amendment of Section 60.05.55.4 of the Development Code – the Major Pedestrian Route Map for the Merlo Station Community to retitle the map "Elmonica/Merlo Station Community", expand the area of coverage and show proposed Major Pedestrian Routes described in the public hearing notice.

VICINITY MAP



CITY OF BEAVERTON	**CPA2007-0007/ ZMA2007-0006**	1/2/07 Tax Lot # ***MULTIPLE*** N
	COMMUNITY DEVELOPMENT DEPARTMENT Planning Services Division	SW BASELINE RD/ SW JENKINS RD

SUMMARY

The proposed amendments involve applying the City's plan and zoning to the subject properties, applying Washington County's Special Area street alignments to maps in the City's Comprehensive Plan Transportation Element, and the application of Major Pedestrian Routes to the Elmonica/Merlo Station Community. In the process of preparing findings to support staff's recommendation, staff analyzed compatibility between Washington County's land use regulations and the City's land use regulations and assessed possible impacts that could result from the proposed amendments.

BACKGROUND

The area containing the subject parcels was part of the 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 County's 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. The properties included in this proposal all carry TO district designations.

In 1989, the City of Beaverton and Washington County adopted their present Urban Planning Area Agreement (UPAA). This agreement provides a process for applying City plan and zone designations to newly annexed properties. The underlying intent of this agreement is to create a process in advance so that all successive actions could be made with minimal discretion. Because Washington County's TO district planning was adopted subsequent to the terms agreed upon in the UPAA, the UPAA's relevance in dictating appropriate City plan and zone designations in this case is limited. The Planning Commission must therefore exercise discretion in determining the City plan and zoning designations that should be applied to the subject parcels.

Staff devoted considerable attention to the County's long term vision for the area so that the intent of the agreement would be fulfilled. After assessing the County's planning for the area, staff is proposing the following amendments:

- CPA2007-0007 proposes amendment of the Comprehensive Plan Land Use Map and ZMA2007-0006 proposes amendment of the Zoning Map for 315 properties annexed into the City in March of 2005. It also proposes amendment of Figures 6.4, 6.7, 6.12, and Table 6.6 in Chapter Six of the Comprehensive Plan to assign future streets reflective of County planned transportation circulation designations with the study area.

- TA2007-0003 proposes amendment of Section 60.05.55.4. (Major Pedestrian Route Maps: Merlo Station Community) in the City Development Code.

These proposed actions will be addressed separately in following sections of this report

In assessing which City land use and zoning designations most closely reflect Washington County's intent for the subject properties, staff focused particular attention upon five areas of assessment: (1) staff surveyed the existing conditions in the area to determine the suitability of proposed designations with what is currently on the ground; (2) staff reviewed the role that Metro's Station Community Design Type played in the planning of both Washington County and the City of Beaverton; (3) staff examined discrepancies that exist between Washington County's Transit Oriented (TO) districts applied to the subject properties and Beaverton's multiple use zone equivalents in order to determine which City land use and zoning designations were most appropriate for the area; (4) staff reviewed the Washington County Sunset West Community Plan for Areas of Special Concern and other provisions requiring attention; and (5) staff addressed comments from County staff responding to the proposal.

EXISTING CONDITIONS

Uses. The subject area encompasses a total of 315 parcels (approximately 56 acres) and supports a range of uses. Staff performed a field survey of the subject parcels and identified the area and existing use in the following inventory:

	Map &Tax Lot	Lot Size (Acres)	Existing Use
1	1S105CB00100	0.46	Single Family Home / Construction Co.
2	1S105CB00200	0.42	Single Family Home / Limo Service
3	1S105CB00300	0.49	Single Family Home
4	1S105CB00400	0.58	Single Family Home / Air Duct Cleaning Business
5	1S105CB00500	0 55	Single Family Home
6	1S105CB00600	0.51	Single Family Home
7	1S105CB01000	0 65	Building Construction Business
8	1S105CB01100	0.34	Single Family Home
9	1S105CB01700	0 46	Single Family Home
10	1S105CB01800	0 48	Single Family Home
11	1S105CB01900	0 49	Single Family Home
12	1S105CB02000	0 98	Single Family Home and Auto Repair
13	1S105CB02600	1.06	Parking Lot
14	1S105CB02700	1.06	Parking Lot
15	1S105CB02900	0 49	Single Family Home
16	1S105CB04800	9 60	Driving Range / Power Line Easement
17	1S105CB04900	3.30	Parking and Vacant
18	1S105CB05000	3 25	Driving Range / Parking
19	1S105CB05100	0.58	Driving Range / Parking
20	1S105CB05200	0 02	Single Family Home
21	1S105CB05300	0 02	Single Family Home
23	1S105CB05500	0.02	Single Family Home
22	1S105CB05400	0 02	Single Family Home
24	1S105CB05600	0.02	Single Family Home

	Map &Tax Lot	Lot Size (Acres)	Existing Use
25	1S105CB05700	0 02	Single Family Home
26	1S105CB05800	0 02	Single Family Home
27	1S105CB05900	0 02	Single Family Home
28	1S105CB06000	0.02	Single Family Home
29	1S105CB06100	0 02	Single Family Home
30	1S105CB06200	0 02	Single Family Home
31	1S105CB06300	0 02	Single Family Home
32	1S105CB06400	0 02	Single Family Home
33	1S105CB06500	0 02	Single Family Home
34	1S105CB06600	0.02	Single Family Home
35	1S105CB06700	0 02	Single Family Home
36	1S105CB06800	0.02	Single Family Home
37	1S105CB06900	0.02	Single Family Home
38	1S105CB07000	0.02	Single Family Home
39	1S105CB07100	0.02	Single Family Home
40	1S105CB07200	0.02	Single Family Home
41	1S105CB07300	0.04	Private Street
42	1S105CB07400	0 03	Private Street
43	1S105CB07500	0.10	Private Street
44	1S105CB07600	0 11	Private Street
45	1S105CB07700	0.03	Private Street
46	1S105CB07800	0 03	Private Street
47	1S105CB07900	0.01	Private Street
48	1S105CB08000	0 02	Single Family Home
49	1S105CB08200	0.02	Single Family Home
50	1S105CB08300	0 02	Single Family Home
51	1S105CB08400	0 02	Single Family Home
52	1S105CB08500	0 02	Single Family Home
53	1S105CB08600	0 02	Single Family Home
54	1S105CB08700	0 02	Single Family Home
55	1S105CB08800	0 02	Single Family Home
56	1S105CB08900	0.02	Single Family Home
57	1S105CB09000	0 02	Single Family Home
58	1S105CB09100	0.02	Single Family Home
59	1S105CB09200	0 02	Single Family Home
60	1S105CB09300	0.02	Single Family Home
61	1S105CB09400	0 02	Single Family Home
62	1S105CB09500	0.02	Single Family Home
63	1S105CB09600	0.02	Single Family Home
64	1S105CB09700	0.02	Single Family Home
65	1S105CB09800	0.02	Single Family Home
66	1S105CB09900	0.02	Single Family Home
67	1S105CB10000	0.02	Single Family Home
68	1S105CB10100	0.02	Single Family Home
69	1S105CB10200	0.02	Single Family Home
70	1S105CB10300	0.02	Single Family Home
71	1S105CB10400	0.02	Single Family Home
72	1S105CB10500	0.02	Single Family Home
73	1S105CB10600	0.02	Single Family Home
74	1S105CB10700	0.02	Single Family Home
75	1S105CB10800	0.02	Single Family Home
76	1S105CB10900	0.02	Single Family Home
77	1S105CB11000	0.02	Single Family Home
78	1S105CB11100	0.02	Single Family Home
79	1S105CB11200	0.02	Single Family Home
80	1S105CB11300	0.01	Vacant
81	1S105CB11400	0.02	Vacant
82	1S105CB11500	0 01	Vacant
83	1S105CB11600	0.03	Private Street

	Map &Tax Lot	Lot Size (Acres)	Existing Use
84	1S105CB11700	0 03	Private Street
85	1S105CB11800	0 03	Private Street
86	1S105CB11900	0 08	Private Street
87	1S105CB12000	0 19	Private Street
88	1S105CB12100	0.02	Single Family Home
89	1S105CB12200	0.02	Single Family Home
90	1S105CB12300	0.02	Single Family Home
91	1S105CB12400	0.02	Single Family Home
92	1S105CB12500	0.02	Single Family Home
93	1S105CB12600	0.02	Single Family Home
94	1S105CB12700	0.02	Single Family Home
95	1S105CB12800	0.02	Single Family Home
96	1S105CB12900	0.02	Single Family Home
97	1S105CB13000	0 02	Single Family Home
98	1S105CB13100	0 02	Single Family Home
99	1S105CB13200	0.02	Single Family Home
100	1S105CB13300	0 02	Single Family Home
101	1S105CB13400	0 02	Single Family Home
102	1S105CB13500	0.02	Single Family Home
103	1S105CB13600	0 02	Single Family Home
104	1S105CB13700	0.02	Single Family Home
105	1S105CB13800	0 02	Single Family Home
106	1S105CB13900	0.02	Single Family Home
107	1S105CB14000	0 02	Single Family Home
108	1S105CB14100	0.02	Single Family Home
109	1S105CB14200	0.02	Single Family Home
110	1S105CB14300	0.01	Vacant
111	1S105CB14400	0.02	Single Family Home
112	1S105CB14500	0.06	Private Street
113	1S105CB14600	0.22	Private Street
114	1S105CB14700	0.07	Private Street
115	1S105CB14800	0.03	Single Family Home
116	1S105CB14900	0.02	Single Family Home
117	1S105CB15000	0.02	Single Family Home
118	1S105CB15100	0.02	Single Family Home
119	1S105CB15200	0.02	Single Family Home
120	1S105CB15300	0.02	Single Family Home
121	1S105CB15400	0.02	Single Family Home
122	1S105CB15500	0.02	Single Family Home
123	1S105CB15600	0.02	Single Family Home
124	1S105CB15700	0.17	Vacant
125	1S105CB15800	0.10	Private Street
126	1S105CB15900	0.02	Single Family Home
127	1S105CB16000	0.02	Single Family Home
128	1S105CB16100	0.02	Single Family Home
129	1S105CB16200	0.02	Single Family Home
130	1S105CB16300	0.02	Single Family Home
131	1S105CB16400	0 02	Single Family Home
132	1S105CB16500	0.02	Single Family Home
133	1S105CB16600	0.02	Single Family Home
134	1S105CB16700	0.02	Single Family Home
135	1S105CB16800	0.02	Single Family Home
136	1S105CB16900	0.02	Single Family Home
137	1S105CB17000	0.02	Single Family Home
138	1S105CB17100	0.02	Single Family Home
139	1S105CB17200	0.02	Single Family Home
140	1S105CB17300	0 02	Single Family Home
141	1S105CB17400	0 02	Single Family Home
142	1S105CB17500	0 02	Single Family Home

	Map &Tax Lot	Lot Size (Acres)	Existing Use
143	1S105CB17600	0.02	Single Family Home
144	1S105CB17700	0 02	Single Family Home
145	1S105CB17800	0.02	Single Family Home
146	1S105CB17900	0.02	Single Family Home
147	1S105CB18000	0 02	Single Family Home
148	1S105CB18100	0.02	Single Family Home
149	1S105CB18200	0 02	Single Family Home
150	1S105CB18300	0.02	Single Family Home
151	1S105CB18400	0.02	Single Family Home
152	1S105CB18500	0.02	Single Family Home
153	1S105CB18600	0.02	Single Family Home
154	1S105CB18700	0.02	Single Family Home
155	1S105CB18800	0.02	Single Family Home
156	1S105CB18900	0 02	Single Family Home
157	1S105CB19000	0.02	Single Family Home
158	1S105CB19100	0 02	Single Family Home
159	1S105CB19200	0.02	Single Family Home
160	1S105CB19300	0 02	Single Family Home
161	1S105CB19400	0.02	Single Family Home
162	1S105CB19500	0 02	Single Family Home
163	1S105CB19600	0.02	Single Family Home
164	1S105CB19700	0 02	Single Family Home
165	1S105CB19800	0.02	Single Family Home
166	1S105CB19900	0.02	Single Family Home
167	1S105CB20000	0.02	Single Family Home
168	1S105CB20100	0.02	Single Family Home
169	1S105CB20200	0.02	Single Family Home
170	1S105CB20300	0.02	Single Family Home
171	1S105CB20400	0.02	Single Family Home
172	1S105CB20500	0.02	Single Family Home
173	1S105CB20600	0 02	Single Family Home
174	1S105CB20700	0.02	Single Family Home
175	1S105CB20800	0 02	Single Family Home
176	1S105CB20900	0 02	Single Family Home
177	1S105CB21000	0 02	Single Family Home
178	1S105CB21100	0 02	Single Family Home
179	1S105CB21200	0 02	Single Family Home
180	1S105CB21300	0 25	Private Street
181	1S105CB21400	0.23	Private Street
182	1S105CB21500	0 10	Private Street
183	1S105CB21600	0 02	Private Street
184	1S105CB21700	0.03	Private Street
185	1S105CB21800	0 03	Private Street
186	1S105CB21900	0.07	Private Street
187	1S105CB22000	0 02	Private Street
188	1S105CB22100	0 01	Vacant
189	1S105CB22200	0 01	Vacant
190	1S105CB22300	0.01	Vacant
191	1S105CB22400	0 01	Vacant
192	1S105CB22500	0 02	Single Family Home
193	1S105CB22600	0.02	Single Family Home
194	1S105CB22700	0.02	Single Family Home
195	1S105CB22800	0 02	Single Family Home
196	1S105CB22900	0.02	Single Family Home
197	1S105CB23000	0.02	Single Family Home
198	1S105CB23100	0 02	Single Family Home
199	1S105CB23200	0 02	Single Family Home
200	1S105CB23300	0.02	Single Family Home
201	1S105CB23400	0 02	Single Family Home

	Map &Tax Lot	Lot Size (Acres)	Existing Use
202	1S105CB23500	0.02	Single Family Home
203	1S105CB23600	0.02	Single Family Home
204	1S105CB23700	0.02	Single Family Home
205	1S105CB23800	0.02	Single Family Home
206	1S105CB23900	0.02	Single Family Home
207	1S105CB24000	0.02	Single Family Home
208	1S105CB24100	0.02	Single Family Home
209	1S105CB24200	0 02	Single Family Home
210	1S105CB24300	0.02	Single Family Home
211	1S105CB24400	0.02	Single Family Home
212	1S105CB24500	0.02	Single Family Home
213	1S105CB24600	0 06	Private Street
214	1S105CB24700	0.07	Private Street
215	1S105CB24800	0 16	Private Street
216	1S105CB24900	0.01	Vacant
217	1S105CB25000	0.01	Vacant
218	1S105CB25100	0 07	Private Street
219	1S105CB25200	0.02	Single Family Home
220	1S105CB25300	0 02	Single Family Home
221	1S105CB25400	0 02	Single Family Home
222	1S105CB25500	0 02	Single Family Home
223	1S105CB25600	0.02	Single Family Home
224	1S105CB25700	0 02	Single Family Home
225	1S105CB25800	0.02	Single Family Home
226	1S105CB25900	0 02	Single Family Home
227	1S105CB26000	0.02	Single Family Home
228	1S105CB26100	0 02	Single Family Home
229	1S105CB26200	0 02	Single Family Home
230	1S105CB26300	0 02	Single Family Home
231	1S105CB26400	0.03	Single Family Home
232	1S105CB26500	0 02	Vacant
233	1S105CB26600	0.02	Vacant
234	1S105CB26700	0 02	Vacant
235	1S105CB26800	0.02	Vacant
236	1S105CB26900	0 02	Vacant
237	1S105CB27000	0.02	Vacant
238	1S105CB27100	0.02	Vacant
239	1S105CB27200	0.02	Vacant
240	1S105CB27300	0 02	Vacant
241	1S105CB27400	0.02	Vacant
242	1S105CB27500	0 02	Vacant
243	1S105CB27600	0.02	Vacant
244	1S105CB27700	0.02	Vacant
245	1S105CB27800	0 02	Vacant
246	1S105CB27900	0.02	Vacant
247	1S105CB28000	0.02	Vacant
248	1S105CB28100	0.02	Vacant
249	1S105CB28200	0 02	Vacant
250	1S105CB28300	0 02	Vacant
251	1S105CB28400	0 02	Vacant
252	1S105CB28500	0 02	Vacant
253	1S105CB28600	0.02	Vacant
254	1S105CB28700	0 02	Vacant
255	1S105CB28800	0 02	Vacant
256	1S105CB28900	0 02	Vacant
257	1S105CB29000	0 02	Vacant
258	1S105CB29100	0 02	Vacant
259	1S105CB29200	0.02	Vacant
260	1S105CB29300	0 02	Vacant

	Map &Tax Lot	Lot Size (Acres)	Existing Use
261	1S105CB29400	0.02	Vacant
262	1S105CB29500	0 02	Vacant
263	1S105CB29600	0 02	Vacant
264	1S105CB29700	0 02	Vacant
265	1S105CB29800	0 02	Vacant
266	1S105CB29900	0.02	Vacant
267	1S105CB30000	0 02	Vacant
268	1S105CB30100	0.02	Vacant
269	1S105CB30200	0 02	Vacant
270	1S105CB30300	0.02	Vacant
271	1S105CB30400	0.02	Vacant
272	1S105CB30500	0.02	Vacant
273	1S105CB30600	0.02	Vacant
274	1S105CB30700	0 02	Vacant
275	1S105CB30800	0.03	Vacant
276	1S105CB30900	0.02	Vacant
277	1S105CB31000	0 02	Vacant
278	1S105CB31100	0.02	Vacant
279	1S105CB31200	0 02	Vacant
280	1S105CB31300	0.02	Vacant
281	1S105CB31400	0 02	Vacant
282	1S105CB31500	0 02	Vacant
283	1S105CB31600	0.02	Vacant
284	1S105CB31700	0 02	Vacant
285	1S105CB31800	0.02	Vacant
286	1S105CB31900	0.02	Vacant
287	1S105CB32000	0.02	Vacant
288	1S105CB32100	0.08	Private Street
289	1S105CB32200	0.08	Private Street
290	1S105CB32300	0.05	Private Street
291	1S105CB32400	0.01	Vacant
292	1S105CB32500	0.01	Vacant
293	1S105CB32600	0.02	Single Family Home
294	1S105CB32700	0.22	Private Street
295	1S105CB32800	0.01	Vacant
296	1S105CB32900	0.19	Private Street
297	1S105CB33000	0.03	Private Street
298	1S105CB33100	0 01	Vacant
299	1S105CB33200	0.01	Vacant
300	1S105CB33300	0.02	Vacant
301	1S105CB33400	0.02	Vacant
302	1S105CB33500	0 01	Vacant
303	1S105CB33600	0.01	Vacant
304	1S105CB33700	0 01	Vacant
305	1S105CB33800	0 01	Vacant
306	1S105CB33900	0.02	Vacant
307	1S105CB34000	0.14	Private Street
308	1S105CB34100	0.01	Private Street
309	1S105CB34200	0.09	Private Street
310	1S105CB34300	0 05	Private Street
311	1S105CB34400	0.01	Vacant
312	1S105CB34500	0.01	Vacant
313	1S105CC00402	9.00	Retail (Costco store)
314	1S105CC00403	0.98	Retail Parking
315	1S106DA00200	6.00	144 Unit Apartment Complex

Character. The area is bordered by SW 158th Avenue, classified as an arterial, SW Jenkins Road, also classified as an arterial, and SW Baseline Road, classified as a collector on Washington County's Functional Classification Map. The area is also within one-half mile distance from two light rail stations and two major bus routes. Additionally, the neighborhood is within walking distance of the Costco Superstore and several major employment centers which include Nike, and IBM. Finally, the area is also within a short light rail commute to both the Beaverton and Hillsboro Downtown Regional Centers.

In surveying the area, one of the most noticeable characteristics observed is the pace and scale of change that is occurring in the neighborhood. Small neglected single family dwellings on large lots are posted for sale in numerous locations and row housing and co mmercial enterprises are being developed in their place. Improvements to streets, utilities, and landscaping are also occurring in some areas. Other indications of this change can be observed in the trends detailed below.

- Vacant and underutilized lots with older dwellings: Among the properties that exhibit this characteristic, 3.5 acres are designated TO:18-24 comprising 6.5% of the study area. Additionally, another 5.5 acres are designated TO: BUS, accounting for 10% of the study area. In each case, it is not uncommon for the property to carry a building-to-land value ratio of under 50%. Evidence that the dwelling was being used to support a home business was common. Staff also observed several for sale signs fronting SW Baseline Road and SW 158th Avenue advertising commercial opportunities associated with ownership of the property.
- Newly constructed single family row housing: Altogether this use accounts for 11.5 acres of which 2.25 acres are in mid-construction. The residential development in the area is being constructed in phases and once completed, will contain over 200 units, each unit occupying a lot of approximately 900 square feet. These units are attached in groups of three or more, are two stories, and share common areas. Most back on to alleys. Taken together, this use comprises about 20.5% of the study area. Over time, existing large underutilized lots in the study area may be developed with additional single family row housing.
- Rental housing: The study area contains a large well maintained apartment complex at the junction of SW Jenkins Road and SW Baseline Road. The complex has 144 units, sits on 6 acres of land, and comprises 10.7% of the study area.
- Driving range: This recreational facility occupies a central portion of the study area and comprises 13.5 acres of land – about 24% of the study area. Because the current use is especially land intensive and has been assigned a residential designation of between 24 and 40 units per acre by Washington County, it will likely offer the highest concentration of housing in the study area once the property redevelops. Under its current use, the property can be regarded as underutilized, with considerable redevelopment potential.

- Power line easement: Approximately 3.3 acres (5.9%) of the driving range property contains high-voltage PGE power lines and several suspension towers that extend north/south across the western edge of the property. The Tualatin Valley Park and Recreation District uses areas of the larger power easement for their Waterhouse Trail. Because they have designated this property as a proposed trail on their Trails Master Plan, it is likely that it will be the location of a public trail or bikeway at some point in the future. The utility easement will, however, be a constraining factor in any future development of the property.
- Costco Retail: In 1986, the Costco Corporation developed the southeastern portion of the study area with a big-box retail warehouse. This facility encompasses approximately 14 acres (25%) of the study area and generates a significant volume of traffic for the area. A full 10 acres of Costco's property is used for parking while 3.9 acres is devoted to the retail building foot print.

ANALYSIS FOR LAND USE MAP AND ZONING MAP AMENDMENTS

The proposed amendment is to apply City plan and zone designations to 315 properties that were annexed into the City in 2005. Since that annexation became effective, the City has continued to observe and enforce land use designations assigned to the properties by Washington County. This proposal constitutes the City's first attempt to apply City land use and zoning designations to the area since its annexation and can therefore be regarded as annexation related.

Comprehensive Plan Land Use Map and Zoning amendments are typically governed by the terms specified in the Urban Planning Area Agreement (UPAA). The proposal involves applying the City's most similar mixed use plan and multiple use zone designations to properties presently in County transit oriented (TO) land use districts. Because each of these land use categories was adopted after UPAA terms had been established, the UPAA does not specify which City plan designation and zone to apply to the subject properties, although it generally calls for application of "...City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations."

CITY/COUNTY STATION COMMUNITY CONCEPTS

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP) and established a design type definition for Station Community Areas. Title 1 of Metro's UGMFP defines Station Communities as "nodes of development centered approximately one-half mile around a light rail or high capacity transit station that features a high-quality pedestrian environment." Included in the Title 1 requirements is a provision requiring that city and county comprehensive plans be amended to include the boundaries of each design type determined by the City or County to be consistent with the general locations shown on the 2040 Growth Concept.

In complying with Title 1, Washington County adopted and assigned TO district designations to the subject properties in 1997 implementing the type of development consistent with the station community concept. Similarly, since 1997, the City of Beaverton adopted, and has been applying its station community plan and zone designations to areas within its station community plan boundaries.

Ultimately, both the City and the County have complied with Metro's growth concept and UGMFP requirements. Although some variation does exist in the standards used by the two jurisdictions to implement the station community design type, each set of standards has various elements in common. These include a focus on pedestrian friendly design features, development that encourages the use of public transit, a desire for mixed use development, increased building density allowances, and the application of specific design features within walking distance of the light rail station. Specific discrepancies

between the County's TO district and the City Station Community Zones will be assessed in the following section.

COMPATIBILITY ANALYSIS
COMPREHENSIVE PLAN LAND USE MAP DESIGNATIONS

As noted above, the County's station community design type designation has been applied to the subject properties. Both the County and the City design types were developed to conform with Metro's 2040 Growth Concept, are designed to prompt similar development, and generally apply to the same area boundary. To a large extent, it could be said that the City's Station Community Comprehensive Plan designation is the City's version of Washington County's Station Community Comprehensive Framework Plan designation. Given that the Station Community design type policies for both jurisdictions were adopted to reflect Metro's Station Community concept, it follows that applying the City's version is consistent with the UPAA's intent that the City adopt designations that most closely approximate the County density, use provisions and standards of the County designations.

The City's Comprehensive Plan contains a policy to apply the Station Community Land Use Designation generally within one mile of light rail station platforms. All properties included within this proposal fall within a one mile circumference of a light rail station platform. Finally, the City has already applied the Station Community Land Use designation to a variety of properties in locations around the subject parcels – including several parcels within the SW Baseline Road / SW Jenkins Road / SW 158th Avenue triangle. In light of these factors, staff finds that the City's Station Community Comprehensive Plan Land Use Map designation is the most suitable in reflecting Metro's and Washington County's intent for the area.

COMPATIBILITY ANALYSIS
ZONING MAP DESIGNATIONS

In the same way that Washington County developed its TO district designations as a means of implementing its Station Community concept, the City of Beaverton's Station Community and Station Area Multiple Use Zones implement the City's Station Community Comprehensive Plan Map designations. These zones most closely approximate the intent behind the County's transit oriented planning when applied to Station Community areas.

As mentioned previously, both sets of standards were adopted to comply with a common regional standard (Metro's design types specifications). In attempting to identify common elements, staff examined the "Purpose" and "Intent" narratives provided in Washington County Development Code Section 375-1 (County Transit Oriented Districts - Intent and Purpose) and Beaverton Development Code Sections

20.20 (Multiple Use Districts – Purpose), and Sections 20.20.10 – 20.20.20 (Station Community and Station Area purpose statements). Common elements between these sets of land use standards include the following.

- District provisions apply specifically to geographic areas adjacent to light rail transit station platforms.
- Development standards are described to encourage transit oriented development or compact urban environments around centers – specifically light rail station areas.
- Standards attempt to achieve a complementary mix of land uses which enable people to live, work, shop, and recreate within a close proximity to their place of employment or place of residence.
- Urban design features are incorporated that encourage people to walk, ride a bicycle or use transit.

Washington County assigns its TO districts to various urban centers throughout the County and applies additional standards that respond to the specific Metro design types where appropriate. The City of Beaverton takes a slightly different approach. The City has established specific zones for specific Metro design types. For its station communities, the City established five zone designations which include:

Station Community - Multiple Use (SC-MU) Zone
Station Community - High Density Residential (SC-HDR) Zone
Station Community - Employment Zone
Station Area - Mixed Use (SA-MU) Zone
Station Area - Medium Density Residential (SA-MDR)

Currently, the parcels within the study area are assigned one of four County land use districts: TO:R18-24, TO:R24-40, TO:RC, or TO:BUS. In establishing counterparts to approximate these districts, staff assessed the attributes of each of these zones and identified the following correlations:

From: Existing County TO District	**To:** Proposed City Station Community Zone
TO:R18-24	SA-MDR
TO:R24-40	SC-HDR
TO:BUS	SC-MU
TO:RC	SC-MU

It should be noted that the City has two multiple use commercial zones capable of substituting for the County's TO:BUS and TO:RC districts. However, the SC-MU and SA-MU zones each fulfill different functions in station communities. They are assigned to different areas based upon their distance from the light rail station platform. The SC-MU zone is intended for areas within ½ mile while the SA-MU zone is applied to areas

within one mile from the light rail platform. Because all of the study area falls within ½ mile from the platform, staff determined the SC-MU zone is most appropriate.

Analysis to assess compatibility between proposed land use designation counterparts focused upon permitted uses and density provisions. These elements are examined separately below.

Land Uses

Staff examined the compatibility among uses permitted by comparing uses permitted outright, permitted conditionally, and prohibited between the different zones. The tables that follow list inconsistencies related to permitted uses identified between recommended County / City zone counterparts.

TO:R18-24 / SA-MDR

Applying the City's SA-MDR zoning to properties where Washington County's TO:R18-24 district applies, will not place any current property uses into a non-conforming status.

As indicated in the table below, the City's SA-MDR Zone is less restrictive than Washington County's TO:R18-24 District. Where inconsistencies were identified, the City's standards are more lenient and offer a higher degree of flexibility. The one exception where a particular new land use would become prohibited pertains to detached residential dwelling units at the bottom of the table. Subsequent to assigning the City's SA-MDR Zone to the area, new detached units will no longer be permitted under the City's standards. It should be noted, however, that in cases where these uses pre-exist, they are considered conforming with the SA-MDR zoning. It should also be noted that in many cases where non-residential land uses are permitted, provisions are in place to insure that they are incorporated into mixed use developments or must meet a specific scale requirement. This provision is intended to prevent non-compatible uses in neighborhoods were residential predominates.

Differences between the two land use designations are provided in the following table.

TO:R18-24 / SA-MDR

USE	TO: R18-24	SA-MDR	COMMENT
Administrative Facilities	N	Y	Permitted only in multiple use developments
Commercial Schools	N	Y	
Eating or Drinking Establishments	N	Y	Permitted only in multiple use developments
Educational Institutions	N	Y	
Financial Institutions	N	Y	
Medical Clinics	N	Y	Permitted only in multiple use developments
Office	N	Y	
Rental Businesses	N	Y	Permitted only in multiple use developments
Retail Trade	N	Y	Permitted only in multiple use developments
Service Businesses	N	Y	Permitted only in multiple use developments.
Automotive Services, Minor	N	C	
Commercial Amusements	N	C	Applies to theaters.
Hospitals	N	C	
Parking, as the principal use	N	C	Short term parking
Vehicle Sales, Lease or Rental	N	C	Vehicle rental w/o storage permitted
Places of Worship	C	Y	Building must be larger than 10,000 sq. ft.
Detached Dwellings	Y	N	Pre-existing is permitted.

Y = Permitted, C = Permitted as a Conditional Use, N = Prohibited

Staff finds that application of the City's SA-MDR to properties presently in the County's TO:R18-24 district will not create any non-conforming uses.

TO:R24-40 / SA-MDR

Applying the City's SC-HDR zoning to properties where Washington County's TO:R24-40 district applies, will not place any current uses in a non-conforming status.

Once again as indicated in the table below, the City's SC-HDR Zone is less restrictive than Washington County's TO:R24-40 District. In each case where an inconsistency is identified, the City's standards are less restrictive than Washington County's standards. occurrence where an incompatibility between use provisions of the two designations appear, the City's zoning will subsequently allow the use. Once again, it should also be noted that in many cases where non-residential land uses are permitted, provisions are in place to insure that they are incorporated into mixed use developments or must meet a specific scale requirement. These requirements are intended to prevent adjacent uses that might be viewed as incompatible (e.g. uses in neighborhoods where residential predominates).

Differences between the two land use designations are provided in the following table.

TO:R24-40 / SC-HDR

USE	TO: R24-40	SC-HDR	COMMENT
Administrative Facilities	N	Y	Permitted only in multiple use developments
Commercial Schools	N	Y	
Educational Institutions	N	Y	
Financial Institutions	N	Y	Permitted only in multiple use developments
Medical Clinics	N	Y	Permitted only in multiple use developments
Office	N	Y	Permitted only in multiple use developments
Rental Businesses	N	Y	Permitted only in multiple use developments
Service Businesses	N	Y	
Commercial Amusements	N	C	Applies to theaters
Hospitals	N	C	
Parking, as the principal use	N	C	Short term parking
Vehicle Sales, Lease or Rental	N	C	Vehicle rental w/o storage permitted.
Eating or Drinking Establishments	C	Y	Permitted only in multiple use developments
Retail Trade	C	Y	Permitted only in multiple use developments
Places of Worship	C	Y	

Y = Permitted, C = Permitted as a Conditional Use, N = Prohibited

Staff finds that application of the City's SC-HDR to properties presently in the County's TO:R24-40 district will not create any non-conforming uses.

TO:BUS / SC-MU

Applying the City's SC-MU zoning to properties where Washington County's TO:BUS district applies will have a limited impact, but will not place any current property uses in a non-conforming status.

The City's SC-MU Zone is less restrictive than Washington County's TO:BUS District. In every occurrence where an incompatibility regarding use appears between the two designations, the City's zoning will allow the use. As opposed to the previous two comparisons, however, the TO:BUS/SC-MU comparison will result in three occurrences where, although the uses may be allowed after the rezone, they will be regarded as a conditional use and therefore be subject to a higher level of scrutiny. This will affect places of worship, commercial amusements, and parking as a principal use. However, staff regards this incompatibility resulting from the proposed amendment as imposing a minimal impact due to the fact that the uses will continue to be conditionally allowed after the rezoning occurs.

In addition, applying the City's SC-MU zoning to properties where Washington County's TO:BUS district applies will result in the prohibition of two previously permitted land use categories - Automotive services - major (defined as service or repair to motorized vehicles, which affect the body or frame) and automotive services – minor (defined as Service or repair to motorized vehicles, which do not affect the body or frame). This incompatibility between the County and City land use designations will thus comprise some degree of impact. However, in surveying the area, staff did not observe any occurrence of this use under the TO:BUS district designation. The proposed

amendment will result in future prohibition of automotive service uses, but due to the fact that no occurrences of this use are currently located in the area, staff regards the impact to be minimal.

It should be noted that staff did observe one occurrence where auto repair was being performed out of a garage with signage advertising the service. In this case, the business was being performed on property assigned the County's TO:R18-24 designation which prohibits this use. This use is not permitted in the TO:R18-24 district and so is likely operating as a non-conforming or illegal use. There were no other occurrences where automotive services, either major or minor, were observed. No significant conflicts related to permitted land uses will result from this rezone.

Differences between the two land use designations are provided in the following table:

TO:BUS / SC-MU

USE	TO: BUS	SC-MU	COMMENT
Triplexes	N	Y	
Educational Institutions	N	Y	
Home Occupations	N	Y	
Rental Businesses	N	Y	Permitted only in multiple use developments
Hospitals	N	Y	
Manufacturing	N	Y	Permitted only in multiple use developments
Research Facilities	N	Y	Permitted only in multiple use developments
Vehicle Sales, Lease or Rental	N	Y	Vehicle rental w/o storage permitted
Automotive Services, Minor	Y	N	
Automotive Services, Major	Y	N	
Places of Worship	Y	C	
Commercial Amusements	Y	C	Applies to theaters
Parking, as the principal use	Y	C	Short term parking

Y = Permitted, C = Permitted as a Conditional Use, N = Prohibited

Staff finds that although there are five uses not allowed or conditionally allowed in the SC-MU zone that are permitted in the TO:BUS district, the differences will not affect existing uses in the TO-BUS district and therefore will have no impact.

TO:RC / SC-MU

While the land use standards associated with the City's SC-MU zoning are generally compatible with the Washington County's TO:RC District, the Costco retail facility that currently occupies the site will be affected.

As in the previous compatibility comparisons, the City's SC-MU Zone is generally less restrictive than Washington County's TO:RC District. In all but a few occurrences where an incompatibility in land use provisions occurs, the City's standards are more lenient and offer a higher degree of flexibility. Exceptions include automotive services (both major and minor) which will no longer be permitted and places of worship which will henceforth be permitted as a conditional use under the City's SC-MU zone.

Differences between the two land use designations are provided in the following table.

TO:RC / SC-MU

USE	TO:RC	SC-MU	COMMENT
Triplexes	N	Y	
Townhouses & Rowhouses	N	Y	
Educational Institutions	N	Y	
Home Occupations	N	Y	
Rental Businesses	N	Y	
Hospitals	N	Y	
Manufacturing	N	Y	Allowed in mixed use developments - < 25% floor area
Research Facilities	N	Y	
Vehicle Sales, Lease or Rental	N	Y	Vehicle rental w/o storage permitted
Parking, as the principal use	N	C	Short term parking
Commercial Amusements	N	C	Applies to theaters.
Places of Worship	Y	C	
Automotive Services, Minor	Y	N	
Automotive Services, Major	Y	N	

Y = Permitted, C = Permitted as a Conditional Use, N = Prohibited

Costco does have several features which would become non-conforming status as a result of a rezone to SC-MU. They can be summarized as follows:

- The store contains a minor automotive services element for tire installation. This element will be prohibited under the SC:MU zone.

- Development Code Section 20.20.15.2.C limits the scale of retail buildings within the SC:MU zone. The Section reads "[*t*]*he maximum building footprint size for a building involving a single use shall be 10,000 square feet*". Staff estimates that the existing Costco building footprint measures 150,000 square feet. This exceeds the City's maximum building footprint standard.

Additionally, "Bulk retail sales" are prohibited in the City's SC-MU zone. However, "bulk product sales" are prohibited in the County's TO:RC zone and all other transit oriented zones. Therefore, Costco is already a non-conforming use.

Aside from the issues identified above, staff finds that the proposed amendment to apply the City's SA-MDR, SC-HDR, and SC-MU zones to the subject properties will not further limit existing uses but will allow certain uses previously not allowed by County designations.

Urban Density

Attempting to draw density comparisons between Washington County's TO districts and Beaverton station community zones is somewhat complex. The difficulties in making a

side-by-side comparison derive from the manner in which each jurisdiction measures density. The differences in methodology can be summarized with the following points:

- Both the City and County apply varying standards based upon the distance from the light rail station platform. The County identifies its boundaries as within 1,300 ft., between 1,300 ft. and 2,600 ft., and beyond 2,600 ft. The City applies different standards to areas within 400 ft. and beyond 400 ft. of the platform.

- Different standards may apply to projects that incorporate residential units into a mixed use development as opposed to a residential only development.

- Washington County identifies a unit per acre standard for their residential TO districts. Section 300.3.2.C of Washington County's Development Code identifies provisions which allow density transfers from unbuildable portions of a site to buildable portions as long as the density transferred does not amount to more than 50 percent. This basically amounts to a unit per gross acreage calculation.

- The City of Beaverton's method of calculating maximum residential density is also generally based upon gross acreage. However, the SC-HDR and SC-MU zones do not identify a maximum unit allowance, but instead rely upon floor area ratio (FAR) standards to dictate maximum residential densities. The definition of Floor Area Ratio in the Code is "The amount of gross floor area in relation to the amount of net site area, expressed in square feet." Although there is no definition of "net site area", the definition of "Acreage, Net" says "The net acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area." The definition goes on to list areas deemed undevelopable for purposes of calculating net acreage, including street dedications, private streets, environmentally constrained lands, and lands set aside in separate tracts or dedicated to a public entity. Therefore, for the purpose of calculating the maximum floor area allowed on a site where density is regulated in terms of FAR, these elements must first be excluded from the gross acreage.

- Washington County's TO:RC and TO:BUS district provisions rely primarily upon building height and setback restrictions to limit density as opposed to unit/acre or FAR standards.

- Washington County uses traffic capacity an another limiting factor to TO:RC and TO:BUS Districts. The County requires that in non-residential or mixed use developments that exceed the minimum FAR requirement, the applicant 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. The City of Beaverton has a different approach to addressing traffic impacts. The City requires that that each development proposal exceeding the analysis threshold of

200 average daily trips per day include a traffic impact analysis and where a significant impact results, the applicant apply traffic mitigation techniques proportional to the impact. The critical difference between the County's and the City's approaches is that the County does not allow densities beyond the minimum by right, while the City does allow higher densities by right with the condition that impacts identified by the traffic impact analysis must be mitigated.

For illustration purposes, the following tables contain density specifications for each designation as well as disparities that exist when comparing them side-by-side.

Units / Acre

WA. Co. Zone	Wa. Co. Res Density	City of Beav Zone	Beav Res Density	Density Disparity
TO.R18-24	18-24	SA-MDR	24-30	Min: +6, Max +6
TO R24-40	24-40	SC-HDR	24/30-FAR*	Min same/+6, City Max not specified
TO:RC	FAR*	SC-MU	24/30-FAR*	Undetermined
TO.BUS	FAR*	SC-MU	24/30-FAR*	Undetermined

** The City of Beaverton applies a higher density standard to properties within 400' of the light rail platform Maximum density is regulated by a maximum FAR standard*

FAR Comparison

WA. Co. District	Wa. Co. Min. FAR	Wa. Co. Max. FAR	City of Beav Zone	Beav Minimum FAR	Beav Maximum FAR	Min. FAR Disparity	Max. FAR Disparity
TO:R18-24	0.5	None	SA-MDR	0.35	0.6	-0.15	Undetermined
TO:R24-40	0.65	None	SC-HDR	0.6/0.5*	1 2/1 0*	-0 05 /-0 15	Undetermined
TO:RC	0.5/0.35/0.25*	None**	SC-MU	0 6/0.5*	1 2/1 0*	+0 1/same/+0.15/+0.25	Undetermined
TO:BUS	0.5/0.5/0.35*	None**	SC-MU	0.6/0.5*	1 2/1 0*	+0 1/same/+0.15	Undetermined

**Both Washington County and the City of Beaverton apply decreasing minimum FAR standards with varying degrees of distance from the light rail platform The County's standards are based upon a distance of within 1,300 ft., from 1,300 -2,600 ft., and beyond 2,600 ft from the platform. The City standards are based upon a distance of within 400 ft and beyond 400 ft. from the light rail platform.*

***The County requires that in non-residential or mixed use developments that exceed the minimum FAR requirement, the applicant 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.*

Generally speaking, applying the City's SA-MDR and SC-HDR zones in combination to the County's TO residential zones will result in a similar maximum density allowance. Conversely, applying the City's SC-MU zone to the County's TO:RC and TO:BUS commercial districts could result in higher density allowance depending upon the effect that the traffic generated from the development would have upon local transportation facilities. Conclusions made from an examination of the different standards are provided below.

TO:R18-24 to SA-MDR

- Minimum Density – The SA-MDR zone designation will require a minimum of 24 units per acre as opposed to Washington County's TO:R18-24 minimum requirement of 18 units.
- Maximum Density –The SA-MDR zone designation will require a maximum of 30 units per acre as opposed to Washington County's TO:R18-24 maximum requirement of 24 units.

TO:R24-40 to SC-HDR

- Minimum Density – The minimum required density in the City's SC-HDR zone is 24 units per acre. However, due to the different density calculation methodologies described above, the City's minimum unit per acre application may be slightly lower than the County's.
- Maximum Density - Maximum density is defined by the City with an FAR of 1.0 as opposed to County's 40 units/acre requirement. If development consisted primarily of apartments with an average floor area of 1000 square feet then staff estimates that the maximum allowable number of dwelling units for the area zoned TO:R24-40 would be reduced by 51 units if it is rezoned to SC-HDR. This would be a 13 percent decrease over what is currently permitted under the County TO:R24-40 district.

TO:RC to SC-MU

- Minimum Density – Although the City requires a minimum residential density of 24 units per acres in the SC-MU zone, staff estimates that the minimum FAR requirement for the City's SC-MU zone is consistent with the minimum for the County's TO:RC district for all properties assigned that designation within the study area.
- Maximum Density - Washington County's TO:RC district has a conditional maximum FAR allowance that is subject to traffic generation of the proposed use and street capacity. Under the County's zoning, there is no minimum setback requirement and a the maximum building height limited of 60'. The SC-MU also requires a 60 ft. height limit, but in contrast to the County's zoning, density is allowed to reach a maximum FAR of 1.0 by right.

TO:BUS to SC-MU

- Minimum Density – Staff estimates that the minimum FAR requirement in the City's SC-MU zone is consistent with the County's TO:BUS for all properties assigned that designation in the study area.

- Maximum Density – As is the case with the TO:RC District, Washington County's TO:BUS District maximum FAR is limited by building height and a demonstration that local street capacity can adequately accommodate traffic generated by the use. For TO:BUS building height is limited to 80 ft. while the City's SC-MU zone requires a maximum 60 ft. building height requirement. Again, density in the SC-MU zone is limited by a maximum FAR of 1.0 by right.

As the observations above illustrate, some degree of variation in density allowance will result from the proposed amendment. Staff performed a series of estimates and determined, that due to the differing methods that each jurisdiction uses to calculating density, rezoning the properties zoned TO:R18-24 to SA-MDR will not increase permitted density for the properties. Additionally, staff estimates that the TO:R24-40 to SC-HDR rezone could reduce the maximum number of units permitted from 397 to 346 units. Since no density increase is anticipated for these residential rezones, no negative impacts resulting from additional trip generation will affect the surrounding street system. Attempts to assess density increase attributable to the TO:RC/SC-MU and the TO:BUS/SC-MU rezones is more complicated given the County's requirement that affects on the local street system be considered as a limiting factor.

District Boundary Adjustment
Staff has identified an area of tax lot 1S105CB05000 (a parcel that supports a driving range), where the Washington County's TO:RC zoning protrudes onto the tax lot from the adjacent tax lot to the east. The original intent of this zone boundary extension was to conform with alignment of a future street improvement planned by Washington County. Staff discussed the prospect of realigning of the zone boundary with Washington County staff so that it does not extend across the parcel boundary of the neighboring tax lot. County staff concurred that the adjustment is logical and did not express any opposition to it.

SUNSET WEST COMMUNITY PLAN

The subject area is located in Washington County's Sunset West Community Plan Area. Staff reviewed the text of the Sunset West Community Plan and determined that the neighborhood does not contain any areas of special concern. However, there is one significant natural and cultural resource identified in the area that must be addressed as part of this proposal.

The PGE power line easement – A portion of the western edge of tax lots 1S105CB04800 and 1S105CB05000 which currently support a driving range, is devoted to the PGE power line easement. This feature is addressed specifically among the design elements contained in the Sunset West Community Plan. The Plan states:

> *The power line easement through the Elmonica subarea has been identified as a part of the proposed off right-of-way bike route*

system in the Transportation Plan. For development that occurs adjacent to the power line easement, the opportunity to establish a bike route using the power line easement shall be considered an important site design element in the development review process.

Planning for the trail that will occupy the PGE power line easement is done by the Tualatin Hills Park and Recreation District (THPRD) and is featured as part of their Trails Master Plan. As part of the Waterhouse Powerline Trail, the PGE power line easement that runs through the property is designated in the Plan as a proposed trail. The City of Beaverton has adopted THPRD's trail alignment in Figure 6.2 – the Bicycle Master Plan contained in Chapter 6 of the City's Comprehensive Plan. Although the trail does not currently occupy the property, it is anticipated that the trail will extend across the property at some point in the future. By including the proposed trail designation that extends across the property in its Bicycle Master Plan, the City has met its planning obligation specified in the Sunset West Community Plan.

ANALYSIS FOR PROPOSED AMENDMENTS TO TRANSPORTATION RELATED ELEMENTS OF THE COMPREHENSIVE PLAN

Washington County Circulation Analysis and Findings

Introduction

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. However, staff reviewed the policies associated with the Sunset West Community Plan and discovered that Washington County's A-Engrossed Ordinance 485 – Exhibit 2, page 1 included planning for transportation circulation designations applied to the subject area (Attachment #8). In keeping with the intent of the UPAA, staff determined that City adoption of these street alignments is an important component of Washington County's planning for the area and should be considered in applying the City's land use policies to the area.

Background

Washington County Resolution and Order 97-166 provides findings that address transportation planning for the Willow Creek, Elmonica, and Merlo Station areas. Staff has included these finding as Attachment #9. The facts and findings in this document support Ordinance 485 and are partially based upon the recommendations of a circulation study conducted by DKS Associates. Staff reviewed this material and requested the circulation study from Washington County staff and discovered that the DKS study referred to in the findings did not include the street network in the subject area. Staff subsequently learned that the actual circulation assessment pertaining to the subject area was conducted separately by County staff using the DKS methodology as a starting point.

Methodology

County staff devised the special area street network in the subject area by replicating similar methods used by DKS Associates in their 170th/Elmonica Station Area Circulation Study (Attachment #10) That process involved the following steps (1) development of a traffic forecast model for the area, (2) devising a series of circulation alternatives, (3) applying street standards into the design of the streets from Section 408 (Neighborhood Circulation) of the County's Development Code, and (4) selecting a preferred alternative based upon various performance measures. The process can be expanded to include the following elements:

1. Review of Background Information
   Throughout the development of the proposed circulation plan, County staff relied upon direction from a variety of reference elements. They include:

- 170th/Elmonica Station Area Circulation Study, DKS Associates, May 1996
- State land use transportation initiatives (Transportation Planning Rule)
- Metro's Region 2040 Growth Concept and the Regional Transportation Plan
- Section 408 of the Washington County Community Development Code
- Input from property owners and citizens interested in station area development

2. Development of Traffic Forecasts
   Traffic forecasts included in County staff's methodology were developed using a sub-area traffic forecasting model. P.M. peak hour traffic forecasts were prepared for the purpose of analyzing the effects of several circulation alternatives for the subject study area. The forecasts were developed based on Metro's travel demand forecasting model and data from Metro's 2015 medium density development scenario. This involved the following activities:

   - Development of circulation alternatives
   - Preparation of study area land use data
   - Development of focus area models based on the Metro model
   - Application of models for each circulation alternative

   The results of the model were used to assess the future impacts of each circulation alternative on traffic volumes for existing local streets in the study area as well as testing the effectiveness of various measures for mitigating these impacts. Note, while sub-area traffic forecasts were developed for areas south of Baseline, alternatives north of Baseline were evaluated based on professional judgment.

3. The identification of the preferred street network involved evaluation of three circulation alternatives, selection of a preferred alternative, and refinement of the preferred alternative. The evaluation was based on two main criteria: (1) connectivity of the local street network, as specified in Section 408 (Neighborhood Circulation) of the Washington County Community Development Code, and (2) minimization of volume impacts to local streets based on professional judgment. Refinement of the preferred alternative consisted of testing various measures to mitigate any significant impacts on local streets.

   The selected circulation plan in the study area is characterized by an interconnected street system, which attempts to, (1) keep through traffic on the major roadways, (2) incorporate design elements which are specifically intended to encourage non-auto modes of travel, and (3) keep vehicle traffic speeds low. Noteworthy elements include the following:

- Special area street classifications applied to the neighborhood restrict traffic speeds to 25 MPH and incorporate design elements to slow traffic and restrict traffic to local access only.
- On larger parcels, local streets were laid out entirely within existing parcels as opposed to straddling property lines. This concept is meant to discourage the development of half streets.
- New streets aligned to connect with existing street stubs.
- Curved street alignments near intersections to discourage through traffic.
- Street classifications that incorporate a shared travel-way to support opposing traffic as compared to streets supporting individual dedicated lanes.
- Street design profiles that require parking on both sides of the travel-way.
- Local street block lengths of no more than 530 feet between intersections and block perimeters limited to 1,800 feet.
- Incorporation of street corridor and centerline buffers to allow flexibility of street alignment.

Conclusion

The facts and findings provided in Washington County Resolution 97-166 demonstrate that the amendment of the Sunset West Community Plan to establish a street circulation network in the subject area was consistent with the County's acknowledged policies and standards complying with Goal 12, including the Transportation Planning Rule requirements in OAR 660-12-045 and OAR 660-12-060. Additionally, the findings demonstrate that the amendments adequately addressed Title Six of Metro's Urban Growth Management Functional Plan (since amended). In the interest of complying with the intent of the UPAA whereby the City agrees to continue County policies which apply to the annexed areas, and in recognition of the fact the County Commission adopted the preferred traffic and pedestrian circulation network for the subject area based upon the methodology and findings presented above, staff concludes that the City should amend maps and tables in the Transportation Element of its Comprehensive, as proposed by CPA2007-0007, to approximate the transportation planning applied to the subject area.

Compatibility Analysis

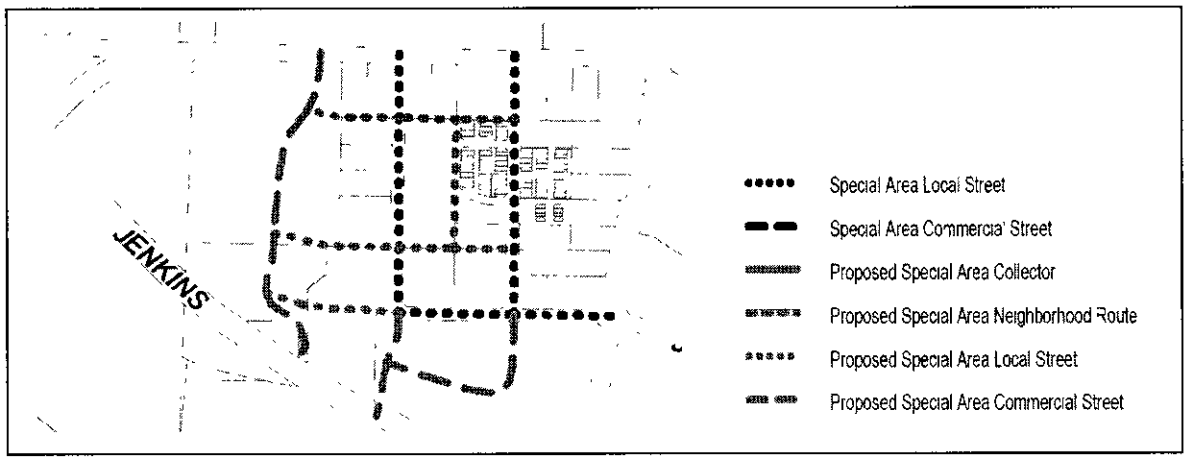
Washington County Special Area Street Functional Classifications / City of Beaverton Functional Street Classifications

As indicated above, the selection of functional street classifications and street alignments for the study area were the result of findings derived from a County circulation study of the area. Because the basis for the local street improvements has already been established in the County's process, staff will not attempt to replicate it

here. Instead, staff will focus on identifying City standards that approximate County standards already in place.

Exhibit 12 of Washington County's A-Engrossed Ordinance #588 (2020 Transportation Plan) contains the special area street overlay for the subject area. This exhibit reveals that two county special road area classifications have been assigned to the study area; (1) Special Area Local Streets and (2) Special Area Commercial Streets. A detail of the alignments is featured in figure 1 below.

Figure 1



Staff attempted to identify which City functional street classifications could appropriately serve as counterparts to Washington County's functional special area street classifications. Initial observations revealed, however, that no obvious correlation exists among the alternatives. This is due largely to emphasis of special area streets to minimize right-of-way. In attempting to establish which characteristics should be maintained and which could be eliminated, staff d evised procedure based upon a process of elimination in order establish a basis for a recommended alternative. Components of this process included:

- Review of the Washington County's special area street definition to determine intent.
- Evaluate on-site development characteristics to provide a basis for decision making where ambiguities occur.
- Prioritize design elements in order of importance and eliminate City street classifications where relevant discrepancies occur.
- Compare side-by-side technical specifications associated with the County's special area street profiles and applicable City street profiles to assess compatibility.

Due to the technical nature and level of detail contained in this compatibility analysis, staff has not included it in the body of this staff report. Please see Attachment #7 (Street Profile Analysis) for a detailed account of the reasoning used to support staffs conclusions.

The City/County street compatibility study is a good exercise in demonstrating functional transferability from one jurisdiction to another. In establishing a best-fit scenario, alternatives were reduced to individual design profiles (e.g. L1, L2, and L3 from among the local street classifications). The analysis concluded that the City of Beaverton's street classifications could adequately parallel Washington County's Special Area Street classifications in both design and function. In so doing, the analysis determined the City's Local Street (L2) profile was best suited to substitute for Washington County's Special Area Local Street classification and the City's Neighborhood Route (L1) profile was best suited to substitute for the County's Special Area Commercial Classification.

The Transportation Element of the City's Comprehensive Plan uses the Functional Classification Map and Local Connectivity Maps to define the roles and alignments of individual streets. On these maps, no indication of profile preference is indicated beyond the generic local street, neighborhood route, collector, and arterial. The role of individual street profiles such as L1, L2, and L3, (used to compare design elements in the street compatibility study), are offered in the City's Engineering Design Manual to provide design flexibility as well as encourage development that responds to neighborhood characteristics and general surroundings.

In adopting the findings that the City apply its L2 and NR1 classifications to the County's Special Area Streets for the study area, with an exception discussed below, staff recommends the following:

- Update the City's Local Connectivity Map for the area so that streets that have already been developed but are not represented on the current County map are identified. Also, assign proposed connections of proposed local streets reflected in the County's planning that have not yet been developed.

- Assign Neighborhood Routes to the City's Functional Classification Map to conform to Washington County's Special Area Commercial Streets.

Other Considerations

SW Jay Street Functional Classification

To correct an inconsistency between various planning elements, staff is recommending that the City make an exception to the City/County street reclassification strategy above. The inconsistency involves the special area local classification assigned to Jay Street. This classification was assigned as part of Washington County's circulation analysis described above. Jay Street currently carries a proposed neighborhood route

designation on Washington County's Functional Classification Map and a neighborhood route designation on Beaverton's Functional Classification Map.

Staff has discussed the downgrade from neighborhood route to local street with several of the City's Transportation Division staff and received opinions that this segment of street should remain a neighborhood route for a number of reasons. First, the street is currently classified as a neighborhood route in the City's Functional Classification Map. Second, because this street carries traffic off of a series of local streets and onto SW 158th (an arterial), the street does, and will continue to act as a neighborhood route. Third, due to the fact that neighborhood routes are intended to support higher volumes of traffic, no negative impact will be incurred. Based upon these considerations, staff recommends that Jay Street maintain the neighborhood route functional street classification.

SW Jay Street Alignment

Both the City's Functional Classification Map and Washington County's Functional Classification Map show a proposed neighborhood route connection of SW Jay Street with SW Jenkins Road. This contrasts with Washington County's special area street overlay which shows SW Jay Street connecting with the north-south special area commercial street planned through the driving range. Additionally, staff observed that although the north-south special area commercial street connection to SW Jenkins Road assigns with the PGE access road on the south side of Jenkins, its location violates the County's access spacing requirements for Arterials. Section 501.805.B.(4) of the County's Development Code requires that access points on an arterial shall be a distance of at least 600 feet apart.

City staff discussed these conflicts with County staff and determined that a SW Jay Street connection with SW Jenkins Road should be maintained. Staff further determined that the future north-south street traversing the driving range property should connect to SW Jay Street at a distance of approximately 100 feet from the SW Jenkins connection point. Finally, staff determined that the access point of SW Jay Street to SW Jenkins Road should be relocated westward to conform to Washington County's 600 foot spacing requirement. Given the considerations identified above, staff recommends that the configuration of Jay Street be altered as indicated in Attachment #s 2, 3, and 6.

Adjustments to Local Street Alignments

Exhibit 12 of Washington County's A-Engrossed Ordinance No. 588 depicts the County's adopted special area street alignments and their classifications pertinent to this proposal. A look at Figure 1 above reveals that two east/west alignments north of Jay Street and south of Baseline Road are not aligned with the actual street grid on the ground.

This area has undergone significant development over the past several years that has basically conformed to the underlying special area street configuration depicted in

Ordinance No 588. Policy 22.3.D of Washington County's Transportation Plan provides for amendments and administrative adjustments to the Transportation Plan for special area streets. This provision provides that the County do the following:

> *"...adopt road alignment corridors maps in Community Plans which allow limited movement of road centerlines through a Type II process. Modifications to streets to a greater extent than is allowed through a Type II process may be allowed through a Type III process subject to the criteria in the Community Development Code".*

In the development of this neighborhood, the developer altered the street centerlines of the two street alignments indicated above through a Type II process. Presently, the centerline of SW Mason Lane is located approximately 80 ft. to the south of the planned alignment and SW Gage Lane approximately 200 ft. to the north. Staff recommends that in adopting the County's special area street planning for the neighborhood, the City update its Local Connectivity Map to reflect the existing street alignment of these two streets which are not currently reflected on the Map. Additionally, staff recommend that that the Map reflect the two future connections between these streets and the future north-south street running through the driving range as reflected in the Sunset West Community Plan.

Conclusion

Staff finds that in adopting the findings in Washington County circulation study for the subject area, and in adopting the recommended modifications indicated in this analysis above, the City will adopt the policy foundation necessary in planning for the existing and future transportation needs for the subject area.

To implement the long range planning for the findings above, staff recommends that the City adopt the following amendments:

1. Amend Figures 6.4, of Volume I, Chapter 6 of the City's Comprehensive Plan: (Functional Classification) to indicate County connections and alignments consistent with these findings. The revised map is provided as Attachment #2.

2. Amend Figures 6.5, of Volume I, Chapter 6 of the City's Comprehensive Plan: (Street Improvement Master Plan) to reflect the revised street alignments consistent with these findings. The revised map is provided as Attachment #3.

3. Amend Figure 6.7 of Volume I, Chapter 6 of the City's Comprehensive Plan (Transportation System Plan Local Connectivity Map - Legend) to indicate future local street connections consistent with these findings. The revised map is provided as Attachment #4.

4. Amend Figure 6.12 of Volume I, Chapter 6 of the City's Comprehensive Plan (Transportation System Plan Local Connectivity Map) to indicate future local street connections consistent with these findings. The revised map is provided as Attachment #5.

5. Amend Table 6.6 of Volume I, Chapter 6 of the City's Comprehensive Plan (Local Connectivity Map Recommendations on Potential Connections) to apply connection status to the individual street alignments adopted by Washington County. The table would be amended to include the following.

Table 6.6 Connection Number	**Rating:** **P = Potential or Definite Problems** **M = Minimal Problems** **A = City Adopted Street Connections (2015 TSP)** **County = County Adopted Connection**	**Recommendations**
148	County	Pursue Multi-modal
149	County	Pursue Multi-modal

PROCESS

THRESHOLD

Comprehensive Plan Process. Due to annexation of the subject parcels and the discretionary nature of the proposal, review and approval of this proposed Comprehensive Plan Map Amendment qualifies as a Quasi-Judicial Comprehensive Plan Amendment per Comprehensive Plan Section 1.5.

Development Code Process. Due to annexation of the subject parcels and the discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.4.A which states, "An application for Discretionary Annexation Related Zoning Map Amendment shall be required when the following threshold applies:

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."

PROCEDURE TYPE

The Type 3 procedure and process applies to Quasi-Judicial Amendment applications as described in Section 1.5 of the Comprehensive Plan and Discretionary Annexation Related Zoning Map Amendment applications per Section 50.45 of the Development Code.

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. Because the annexations of the subject properties occurred as a result of an "island" annexation process under ORS 222.750, neither an annexation petition nor an annexation agreement were submitted. Instead, the City Council authorized initiation of the annexation by approval of a resolution. This City-initiated annexation was approved under Ordinance 4338.

PUBLIC NOTICE

Section 1.4.2(A) of the Comprehensive Plan prescribes the notice to be provided for these types of applications. Notice must be mailed to the State Department of Land Conservation and Development (DLCD), Metro, Washington County, the Chair of any City-recognized 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 (CCI) at least 45 days prior to the initial hearing. Between 20 and 40 days from the hearing, notice must be mailed to the subject property owners and surrounding property owners within 500 feet, posted in City Hall, posted in the City Library, posted on the City's Web site, and published in a local newspaper.

Additionally, the City Charter 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.

In response to these requirements:

1. On February 20, 2007 notice was mailed to DLCD, Metro, Washington County Land Use and Transportation, the Washington County Extension Office for CPO7, and the Chair of the Beaverton Committee for Citizen Involvement (CCI).
2. On March 12, 2007, notice was mailed to the owners of the subject properties by certified mail.
3. On March 21, 2007 notice was mailed to owners of surrounding properties within 500 feet of the subject parcels and proposed pedestrian route alignments.
4. On March 22, 2007 legal notice was published in the Beaverton Valley Times.
5. On March 21, 2007, notice was posted in City Hall, in the City Library, and on the City's Web site.

Neither the City Council nor the Planning Commission has 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

Section 1.5.1 of the Comprehensive Plan outlines the minimum criteria for 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, Eight, Nine, Ten, Eleven, Twelve, and Thirteen are applicable to the proposed map amendment.

GOAL 1: 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 and Comprehensive Plan Section 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 procedures outlined in Comprehensive Plan Section 1.4.2 allow for proper notice and public comment opportunities on the proposed Comprehensive Plan amendment 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 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 amendment and that the City has complied with those procedures.

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 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. In 1989, the City and Washington County adopted the Urban Planning Area Agreement (UPAA), which is now Section 3.15 of the Comprehensive Plan. The land use planning processes and policy framework described in the UPAA, Development Code and Comprehensive Plan form the basis for decisions and actions such as the subject amendments.

Earlier in this report staff assessed the appropriate choice of City Comprehensive Plan land use designation and zoning in a manner that is orderly, logical, and based upon a mutually agreed upon plan (as specified in Section II.D of the UPAA). This assessment was guided by provisions in the Sunset West Community Plan, the City's Comprehensive Plan, Washington County's Comprehensive Framework Plan for Urban Areas, Washington County's Transportation Plan, both the City and County Development Codes, and Metro's 2040 Growth Concept and Regional Urban Growth Management Function Plan. All of these planning documents have undergone state scrutiny and been acknowledged by the State of Oregon to comply with Goal 2. Therefore, staff has appropriately applied a policy framework to this process to assure an adequate factual basis for a decision consistent with the intent of Goal 2.

Finding: Staff finds that in applying the state acknowledged Comprehensive Plan provisions to this proposal, the requirements of Goal 2 have been met.

GOAL 8: RECREATIONAL NEEDS
To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 specifies that "[t]he requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans".

The subject parcels include an area planned to support a trail at some point in the future. The planning for this feature is generally provided through Tualatin Hills Park and Recreation District (THPRD), which provides park facilities within the larger area. The District has assigned a proposed trail to the area in anticipation of its eventual development at some point in the future. Because the City of Beaverton has adopted the Districts trail classifications into Chapter 6 of the Comprehensive Plan – Bicycle

Master Plan, the City has satisfied the requirements of Goal 8 as it pertains to this proposal.

Finding: Staff finds that in adopting THPRD's proposed trail alignment for the Waterhouse Trail corridor into its Bicycle Master Plan , the City of Beaverton has provided for the siting of necessary recreational facilities This amendment complies with Goal 8 of the Statewide Goals.

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."

The City, County and Metro established long-term Station Community plans for the areas surrounding light rail stations in response to planned development of the Tri-County Metropolitan light rail line. In establishing the Station Community concept, the County and the City fulfilled the intent of Metro's *2040 Concept*. A primary goal in developing this concept was to identify the future development potential of areas around light rail stations (which includes the subject area) to their highest and best use with respect given to the established uses of the area. Given that both the County's and the City's concepts were established to maximize the economic potential of properties suitable for development with a mix of uses, staff regards this proposal to apply the City's Station Community Comprehensive Plan Map Land Use designation and implementing zones to the area as complying with the intentions expressed in Goal 9.

Finding: Staff finds that in establishing Station Community planning standards, Washington County and the City of Beaverton provided 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 10: HOUSING
To provide for housing needs of citizens of the state

Goal 10 requires that local jurisdictions inventory the supply of buildable lands and develop plans "*...in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels*".

The City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187) in January of 2002 pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). Part of that process involved development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Based upon the findings of those studies, the City adopted policies to encourage a broad mix of housing types at density levels designed to maximize development potential. Policies that are particularly relevant to this proposal include the following:

> Section 4.2.1.1.a) Allow development of a wide variety of housing types in the City.
>
> Section 4.2.2.1.a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.

The subject properties contain a variety of housing types and densities. These include a combination of rental and owner occupied dwellings. Dwelling types include multifamily attached, single family attached, and single family detached varieties that cater to residents of differing income levels. The proposal involves the application of City plan and zone designations to accommodate the housing currently in place. Additionally, the proposal involves that plan and zone designations be applied to an area envisioned to support high density housing at some point in the future. Finally, application of the City's multiple use zoning will permit housing alternatives that combine residential and commercial uses.

Since County and City's concepts were established to maximize densities and support a variety of housing types, staff regards this proposal to apply the City's Station Community Comprehensive Plan Map Land Use designation and implementing zones to the area as complying with the intentions expressed in Goal 10.

Finding: Staff finds that the proposed amendments provide for a variety of housing types and densities commensurate with a variety of income levels as prescribed in Goal 10. This amendment complies with Goal 10 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. Planning and development of the west side rail line with a light rail station in the subject area was the essential step toward Metro's *2040 Concept* Station Community designation, the County's *Policy 40* Station Community designation and development of the City's *Comprehensive Planning for station communities.*

Facilities needs for the subject area was were addressed by the County at the time it conducted station community planning in the mid-1990s. It was determined at the time that the area plan met the requirements of Goal 11. Staff is unaware of any changes to the area or circumstances that would change the Goal 11 compliance standing for the area.

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 11.

GOAL 12: TRANSPORTATION
To provide and encourage a safe, convenient and economic transportation system.

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."

In the analysis sections of this report, staff reviewed Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities. As indicated in that section, staff determined that no negative traffic impacts will result from applying the City's SA-MDR and SC-HDR zoning to properties currently carrying the County's TO:R18-24 and TO:R24-40 zoning. As the proposed plan and zone amendments represent the City's closest proximate designations to what is currently assigned by Washington County, and given that the proposed rezone will not incur additional traffic generation, staff concludes that this element of the proposed rezone complies with Goal 12. As indicated in the analysis section of this report, however, staff has determined that given the County's requirement that traffic impacts be included as a factor in establishing maximum permitted density for TO:RC and TO:BUS districts, staff is not able to demonstrate compliance with Sections (A), (B), or (C) above without preparing a detailed traffic impact analysis. Preparing such an analysis at this time would delay action on the entirety of ZMA2007-0006 unless that part of the application relating to the properties proposed to be zoned SC-MU is denied. Therefore staff has concluded that application of City zoning to the TO:BUS and TO:RC properties in the subject area should occur through a separate ZMA process.

In the case of adopting Washington County's planned transportation facilities for the area, the proposal accepts the circulation study findings prepared by the County. These findings determined the functional classifications and alignments for the area streets. In the Street Compatibility Analysis section of this report, staff demonstrated that the City's standards were compatible with the County's. The proposal goes on to identify and recommend City standards that most closely approximate the County's standards.

Finally, emphasis upon light rail use and other alternative modes of transportation was a crucial motivation in proposing the plan, zone, and transportation policy amendments. Policies that encourage the use of these facilities will reduce the service burdens upon existing auto-related transportation facilities.

Finding: Staff finds that applying the City's Station Community Land Use Map Designation to the subject parcels and related County planned street alignments to the subject area satisfies the provisions expressed in Oregon's Goal 12 and OAR 660-012-000 through 660-012-0070.

Staff also finds that applying a City zone to properties now in the County TO:RC and TO:BUS districts without a detailed traffic impact analysis does not adequately comply with the provisions expressed in Oregon's Goal 12 and OAR 660-012-000 through 660-012-0070.

GOAL 13: ENERGY CONSERVATION
To conserve energy.

The location of these parcels encourages use of public transportation by employees and visitors due to the accessibility of either the Merlo or Elmonica light rail stations, both of which are within one-half mile of any one of the parcels. Also, the City's Station Community land use designation provides opportunities for higher intensity redevelopment of the parcels. Coupled together, the light rail station 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
- 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 City of Beaverton is urban incorporated, therefore, the goals are not applicable.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES
GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY
GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS
The are no natural resources located within the subject area determined to be of special significance. Therefore, these goals are not applicable to this proposal.

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 through 7 and 14 through 19 are not applicable.

Summary Finding*: Staff finds that for the reasons identified above, the proposed amendments, with the exception of the ZMA to SC-MU, comply with Goals 1, 2, 5, 8, 9, 10, 11, 12, and 13. If the ZMA to SC-MU is denied, Criterion 1.5.1.A is met.*

1.5.1.B The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;

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 Merlo and Elmonica Station Community areas, including parcels included in this proposal, under the Station Community design type subject to local interpretation of the Growth Concept Map. In 2000, Washington County amended its Comprehensive Framework Plan to include maps showing the boundaries of Metro design types in the urban unincorporated area. The Merlo and Elmonica Station Areas were shown as being in a station community.

Staff, therefore, regards the proposed amendment to apply the Station Community plan designation to the subject properties to be consistent with Metro's vision for the area. Further, because the proposed amendment attempts to apply policies that most closely approximate pre-existing County policies and does not involve actual development of any property, staff believes that it does not pose a conflict of any regional significance to the modeling or policies contained within the Regional Transportation Plan.

Finding: ***The Station Community Comprehensive Plan Land Use Map designation with its implementing Zoning Map designation of Station Area –Medium Density Residential, Station Community – High Density Residential, and***

Station Community-Mixed Use (SC-MU), and proposed transportation planning amendments are compatible with the Metro Station Community design type. Criterion 1.5.1.B is met for the proposed amendments.

1.5.1.C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans;

Facts and Findings:
The following Comprehensive Plan Chapters are addressed below: 1, 2, 3, 4, 5, 6, 7, 8, and 9. Staff finds that no other local plans are applicable to this proposal.

Chapters 1 and 2, Procedures and Public Involvement Elements, respectively
The procedures for amending the Comprehensive Plan found within Chapter 1 have been complied with, including appropriate noticing. The Planning Commission will hold an initial hearing where public testimony and evidence will be entered into the record and used for the Planning Commission's deliberations. The Planning Commission will make a recommendation to City Council, who will follow appropriate procedures for adopting an ordinance implementing the Planning Commission's recommendation and incorporating their findings, unless an appeal of the Planning Commission decision is filed, in which case the Council will conduct a hearing on the appeal.

Finding: Staff finds that the proposal i s a quasi-judicial amendment. Staff finds that the appropriate procedures in Chapter 1 and summarized in Chapter 2 of the Comprehensive Plan have been met. Thus, this proposal is in compliance with Chapters 1 and 2.

Chapter 3 Land Use Element.
Section 3.15 of the City Comprehensive Plan references the Urban Planning Area Agreement. The UPAA specifies that Comprehensive Plan and Zoning map amendments must follow for properties that have been annexed into the City. When the UPAA is not specific, the City is to assign the most similar designations to the County designations. Because the subject properties do not exhibit county designations specified in the UPAA, staff applied deductive reasoning to determine the land use and zoning designation consistent with the intent of the UPAA.

Section 3.5 contains policies specific to Mixed Use Areas. Provisions relevant the proposed amendments include the actions to apply land use regulations that ensure compact urban development, encourage a mix of uses, and require design features that result in pedestrian oriented development. This Section also contains policies and actions to apply design standards consistent with the City's major pedestrian routes.

The proposal to apply SC-MU, SC-HDR, and SA-MDR zoning to the subject properties is appropriate for this area due to its proximity to the Merlo and Elmonica Light Rail Stations and thereby satisfies the provisions contained in this Section of the Plan.

Further, the proposal includes the application of major pedestrian routes to streets throughout the subject area. The policies and actions contained in Section 3.5.1 which include Policy a) Action 1, Policy b) Actions 1 and 2, Policy c) Actions 2, 3 and 4, and Policy f) Action 3, are all relevant to this proposal. By addressing these provisions, staff finds that the proposed amendments adequately fulfill the intentions contained within Section 3.5 of the Plan.

Section 3.8 of the Comprehensive Plan contains policies specific to areas within one-half mile of light rail stations. Provisions relevant to the proposed amendment include Policy 3.8.1 a) to apply regulations that maximize the public infrastructure investment in light rail, Policy 3.8.1 b) to apply the City's station community land use designations, and Policy 3.8.1 c) to apply Comprehensive Plan and Zoning Map designations consistent with the District Matrix contained in Section 3.14. The proposal qualifies as fulfilling the each of these policies and therefore satisfies the provisions contained in Section 3.8.

Finally, the proposed amendments to the City's transportation system maps are being recommended in order to incorporate previous County planning efforts that affect the annexed properties. This effort is seen as orderly, logical, and consistent with the intent expressed in the UPAA. Based upon the reasoning expressed in the analysis section of the report, staff concludes that Station Community Plan designation and proposed transportation planning amendments are appropriate to apply to the subject properties in order to fulfill the intentions expressed in the UPAA.

Finding: Staff finds that the policies found in Chapter 3 are met.

Chapter 4 Housing Element.
Discussion under Goal 10 assists in the understanding of the applicability of the Housing Element and the policies and actions found therein to this amendment.

The City adopted a Housing Element into its Comprehensive Plan (Ordinance 4187) in January of 2002 pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). Part of that process involved development of a buildable lands inventory, a housing type needs analysis, and a housing density assessment. Based upon the findings of those studies, the City adopted policies to encourage a broad mix of housing types at density levels designed to maximize development potential. Policies that are particularly relevant to this proposal include the following:

> Section 4.2.1.1.a) Allow development of a wide variety of housing types in the City.
>
> Section 4.2.2.1.a) Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.

Staff addressed the relevance of these policies in the report section devoted to City and County compliance with Metro 2040 Growth Concept Plan standards. Staff believes that the proposal satisfies these policies.

Finding: Staff finds that relevant policies found in Chapter 4 are met.

Chapter 5 Public Facilities and Services Element.
As noted in the Goal 11 discussion, the proposal does not physically affect the landscape, or affect corporate boundaries, or the City's public facility plans. The permitted uses in the SA-MDR, SC-HDR, and SC-MU zones will be substantially similar to the uses that would be permitted in the County's TO:R18-24, TO:24-40, TO:RC, and TO:BUS districts within the Merlo and Elmonica Station Community Areas. The proposal would not affect the City's ability to implement the Public Facilities Plans, Capital Improvement Plan, Urban Planning Area Agreement (UPAA), Urban Service Area, Storm Water and Drainage System, Potable Water System, Sanitary Sewer System, Parks and Recreation, or Police and Fire and Emergency Medical Services. Although additional unit allowances will result in the proposed SA-MDR zone, the potential effects are offset by reduced allowances in the SC-MDR zone as indicated in the analysis. For this reason school facilities should not be significantly affected. Thus, the policies, plans and actions found in this chapter are inapplicable to the proposed amendment.

Finding: Staff finds that the policies found in Chapter 5 are inapplicable to the proposed amendment.

Chapter 6 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 proposal seeks to amend the Functional Classification Map and the Local Connectivity Maps in the City's Transportation Element to include planning for existing and future transportation facilities for the subject area. Chapter 6 policies pertinent to this proposal include:

> *6.2.2.C. Provide connectivity to each area of the City for convenient multi-modal access. Ensure pedestrian, bicycle, transit, and vehicle access to schools, parks, employment and recreational areas, and destinations in station areas, regional and town centers by identifying and developing improvements that address connectivity needs*
>
> *6.2.2.F .Design streets to accommodate transit while minimizing impacts to traffic flow.*
>
> *6.2.4.F Support mixed-use development in appropriate locations.*

The recommended alternatives are based upon findings derived from a circulation analysis conducted by County staff. A description of that process was prepared by City staff, reviewed by County staff, and is included in this report. Staff conducted a compatibility analysis to establish the closest proximate functional classifications to reflect the County's planning, and worked closely with the City's Transportation Division staff in formulating a recommendation. Staff believes that for reasons contained in the Street Compatibility Section of this report, the proposed amendment to adopt County Street planning for the area satisfies the policies above and meets the City's goals expressed in Chapter 6.

Finding: Staff finds that for the reasons specified above, the proposal is consistent with the policies found in Chapter 6 of the City's Comprehensive Plan.

Chapter 7 Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources Element.
Staff reviewed the provisions contained in the Chapter 7 of the City's Comprehensive Plan and concluded that the proposed amendment does not affect the City's ability to implement the provisions in this chapter.

Finding: Staff finds that the proposed amendment does not affect the City's ability to implement this Chapter.

Chapter 8 Environmental Quality and Safety Element.
Staff reviewed the provisions contained in the Chapter 8 of the City's Comprehensive Plan and concluded that this proposed amendment does not affect Sections 8.2 Water Quality, 8.3 Air Quality, 8.4 Noise, 8.5 Seismic Hazards, 8.6 Geologic Hazards, 8.7 Flood Hazards, or 8.8 Solid and Hazardous Wastes.

Finding: Staff finds that the policies found in Chapter 8 are inapplicable to the proposed amendment.

Chapter 9 Economy Element.
Staff reviewed the provisions contained in the Chapter 9 of the City's Comprehensive Plan and concluded that neither economic development, proposed industrial facilities, nor employment centers are not negatively affected by the proposed amendment.

Finding: Staff finds that the policies found in Chapter 9 are inapplicable to the proposed amendment.

Summary Finding: Staff finds that the proposed Comprehensive Plan amendment is generally consistent and compatible with the Comprehensive Plan. Thus, the requirements of Criterion 1.5.1.C are met.

Staff provided analysis in this report to determine which Comprehensive Plan Land Use Map designation was most appropriate for properties and functional street classifications most appropriate for the County's adopted special area street overlay for the area. Staff based the analysis upon an orderly and logical assessment of Washington County's vision for the area as indicated through policies contained in the Sunset West Community Plan (as amended through A-Engrossed Ordinance # 588), the County's Transportation Plan, Comprehensive Framework Plan, and Community Development Code. Staff then identified City designation equivalents that reflected that vision. The subject properties are not in an Area of Special Concern, there are no specific Design Elements affecting the properties, and aside from THPRD's proposed trail alignment which has already been incorporated into the City's plans, Significant Natural and Cultural Resources Map features apply. Aside from minor edits made to staff's account of the County's traffic circulation study for the subject area, Washington County staff provided no comments regarding the proposal.

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;

The subject properties were annexed into the City in 2005 and have not been assigned City Comprehensive Plan land use designation, or City zoning designation. Without assignment of these land use elements, City staff cannot properly assess or enforce land use policies, development code policies, or other site requirements.

Additionally, the subject area's street circulation plan was the product of extensive analysis under the County's authority, and it is essential to the efficient traffic circulation of the area that the City adopt the planning for existing and future transportation improvements. Therefore, a public need exists to apply the County's street designations and existing transportation planning to the area. Finally, the proximity to the Merlo and Elmonica Station Community Areas requires that the properties be designated as proposed.

Findings: Criterion 1.5.1.D is met for the proposed amendment.

ZONING MAP AMENDMENT CRITERIA

Development Code Section 40.97.15.4.C., which contains Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"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.

Section 40.97.15.4.A. Threshold states, "The change in 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." As noted in the Process section of this report, the UPAA does not specify Station Community designations for either the County or the City. Therefore, discretion is required in determining the appropriate zoning designation.

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.

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 c riterion 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.

The County relies on Transit Oriented Districts for implementation of the Station Community design type. The County has assigned Transit Oriented Districts to the subject parcels. In identifying the City's most similar zoning districts, staff considered existing uses in the area. In the Analysis section of this report, staff determined that the Station Area – Medium Density Residential (SA-MDR), Station Community – High Density Residential (SC-HDR), and Station Community – Multiple Use (SC-MU) zoning

districts are the most appropriate SC zoning for the subject area. As stated in the analysis section of this report, although the proposed amendment to SC-MU would continue Costco's non-conforming use status and make the Costco store a non-conforming building, these zones create the fewest non-conforming uses among the zoning districts presently available to the City. Future establishment of only three uses will be prohibited as a result of the proposed rezones. These include new detached dwellings in the SA-MDR zone, new minor automotive service and repair in the SC-MU zone, and new major automotive service and repair in the SC-MU zone. A few other uses permitted by the County will be allowed conditionally under the City's zoning.

Finding: Staff finds that after detailed analysis and for the reasons provided in the analysis section of this report, the Station Area – Medium Density Residential (SA-MDR), Station Community – High Density Residential (SC-HDR), and Station Community – Multiple Use (SC-MU) zoning designations most closely reflect the density and use provisions, and development standards of the Washington County transit oriented land use districts which applied to the subject property prior to annexation

4. The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.

The UPAA does not provide specific guidance for the County's Station Community design type or the City's Station Community designations. However, staff did refer to Section II.D of the agreement to derive a sense of intent. The section states:

> *The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan.*

In performing the analysis supporting staff's findings, staff employed orderly and logical reasoning to ascertain which City Station Community equivalents were best suited to reflect the County's intent. Staff also assessed the County's areas of Special Concern, general design elements, specific design elements and significant natural and cultural resource designations to insure that restrictions associated with special plan provisions which apply to the subject properties were properly addressed.

Finding: T he Station Area – Medium Density Residential (SA-MDR), Station Community – High Density Residential (SC-HDR), and Station Community – Multiple Use (SC-MU) zoning designations are consistent with existing County land use districts and uses in the area in the absence of specific guidance from the UPAA.

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

Although staff is submitting this application with a proposed text amendment to amend the Merlo Station Community Major Pedestrian Routes Map, no conflict involving sequencing between the two amendments will occur. 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 Station Community land use designation and amending the City's Zoning Map to depict the City's Station Area – Medium Density Residential, Station Community – High Density Residential, and Station Community – Mixed Use zoning districts is appropriate for the subject parcels. Additionally, staff concludes that amendment of certain maps and a table in the Transportation Element of the Comprehensive Plan, as specified in this report, to reflect Washington County's street circulation plan and classifications for the subject area is appropriate and consistent with the intent of the Urban Planning Area Agreement.

BACKGROUND

The purpose of the proposed amendment to the Merlo Station Community Major Pedestrian Route (MPR) Map, Section 60.05.55.4 is to update the existing MPR maps to reflect annexations of land from Washington County in the Elmonica/Merlo Station Community area. This text amendment proposes to rename the map to Merlo/Elmonica Station Community, designate Major Pedestrian Routes and apply the Class 1 and Class 2 MPR standards represented on the map below.

The proposed amendment also replaces the existing Class 1 major pedestrian route located on SW Merlo Road with a Class 2 major pedestrian route designation applicable to properties on both sides of the street. This change is being proposed in order to better reflect the character of development located along that segment of street. The existing route extends from the intersection of SW Merlo Road and SW 170th Avenue eastward to the Merlo Light Rail Station.

Finally, the proposed amendment creates a new classification not currently present on any of the major pedestrian route maps. The new classification will be labeled Future Class 2. As with the Future Class 1 classification, this classification will be assigned to streets that are envisioned to occur at some time in the future. As such, it will serve as a placeholder to illustrate the City's intent and will not take effect until the streets and adjacent land are developed. Subsequent to the development of these streets the "Future" designation will be removed from the map through an amendment process and the street will retain the Class 2 MPR classification.

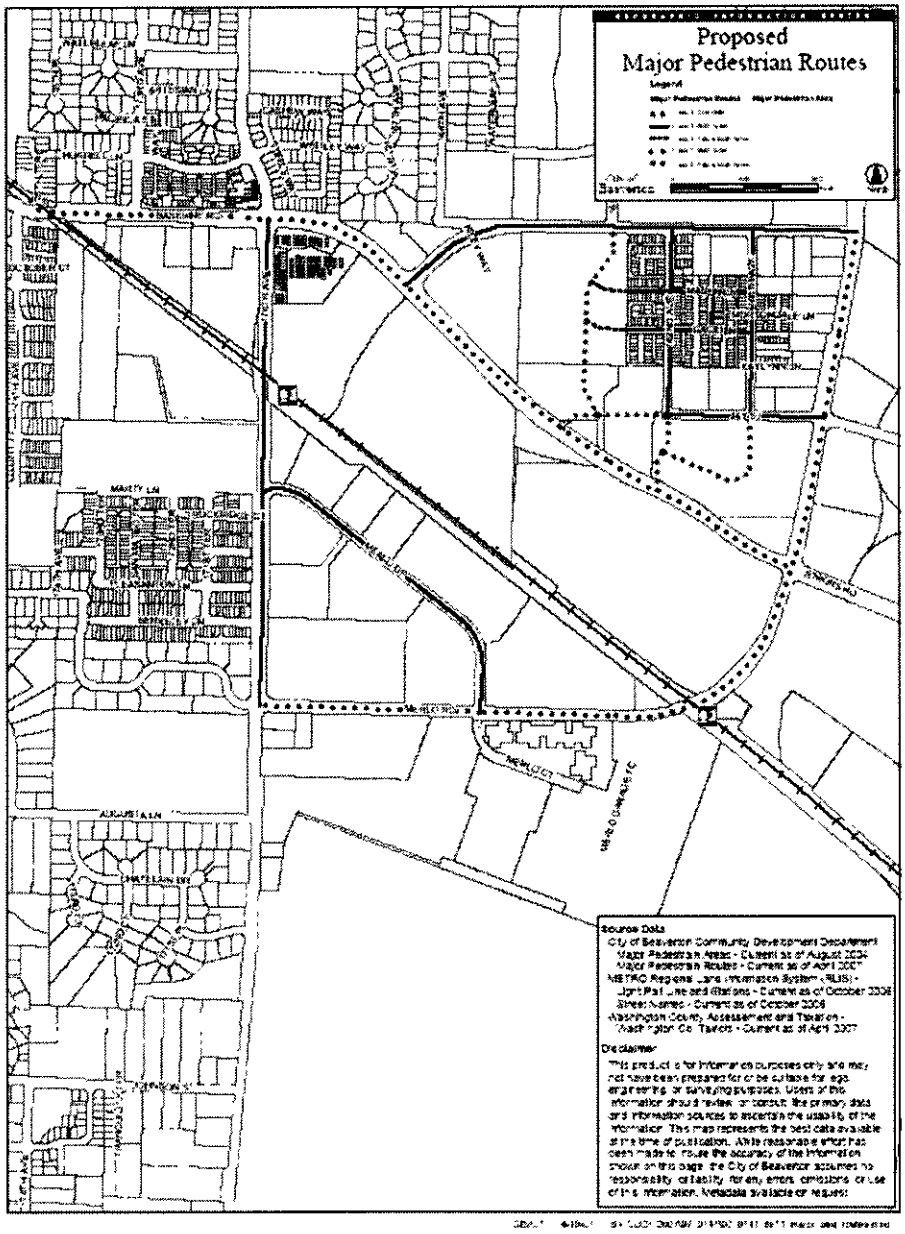
There are three primary reasons for the proposed amendments to the MPR maps. First, the MPR designation is used to distinguish the design elements of buildings and sites in areas that are expected to be supportive of transit use and pedestrian activity such as those streets leading to Light Rail Stations, Transit Stations, and higher density areas such as Town Centers. Secondly, the proposal to rezone properties in the Elmonica/Merlo Station Community Area (which accompanies this proposed amendment) presents staff with a good opportunity to update this map to include appropriate design criteria that reflects the type of mixed use development around station communities. The design criteria associated with major pedestrian routes encourages pedestrians to walk and use public transit – concepts that are consistent with the zoning that is proposed for the subject area. Finally, this text amendment anticipates that certain properties along public right-of-ways in the area will develop in the near future and in the process may seek to petition for annexation. As these

properties will also fall within the County's Elmonica/Merlo Station Community area, the City zoning that will eventually be applied to the properties will reflect the City's mixed use concept around station communities and the major pedestrian route design criteria will therefore be appropriate in the design of that new development. Assigning the MPR routes adjacent to these areas will ensure that the future development of annexed properties will be subject to these design standards as development occurs.

Proposed Text:

<u>Section 1:</u> The Development Code, Ordinance No. 2050, effective through Ordinance 4418, Chapter 60, Applications, Section 60.05.55.4, Design Review Standards and Guidelines, Merlo Station Community Area MPR Map will be amended to add the following map:

Section 60.05.55.4
Elmonica/Merlo Station Community



FACTS AND FINDINGS

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact based on evidence provided by the applicant that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2007-0003 (Elmonica / Merlo Major Pedestrian Route TA):

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is a proposed change to the Development Code, excluding changes to the zoning map. TA2007-0003 (Elmonica / Merlo Major Pedestrian Route TA) proposes to amend Chapter 60 of the Beaverton Development Code currently effective through Ordinance 4414 (January 2007). While the proposed amendment is a map, it is not the zoning map that is being amended. Therefore, the TA process is the correct process to amend the MPR map.

Finding: Staff finds that approval criterion 1 has been met.

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

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City-initiated application are not required where the application fee would be paid from the City's General Fund. The Community Development Department, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

Finding: Staff finds that approval criterion 2 has been met.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

Title 1: Requirements for Housing and Employment Accommodations
Title 2: Regional Parking Policy
Title 3: Water Quality and Flood Management Conservation
Title 4: Retail in Employment and Industrial Areas
Title 5: Neighbor Cities and Rural Reserves

Title 6: Regional Accessibility
Title 7: Affordable Housing
Title 8: Compliance Procedures and
Title 9: Performance Measures

TA2007-0003 (Elmonica / Merlo Major Pedestrian Route TA) proposes to amend Development Code Chapter 60, Design Review Principles, Standards, and Guidelines by amending the Merlo Station Community MPR Map. The proposed text amendment will increase the number properties subject to the MPR Design Standards and Guidelines found in Section 60.05. Although the proposed text amendment does not directly impact the City's compliance with Metro's Urban Growth Management Functional Plan, increasing the number of properties subject to MPR regulations improves land use efficiency through building orientation towards public right-of-ways. This change may make it easier to reach Title 1 Housing and Employment Targets by improving the attractiveness of affected properties which in turn may increase the demand for this location. Additionally, because the MPR standards require a pedestrian and transit orientation, there is a greater likelihood of increased pedestrian trips, which in turn may have a corresponding reduction in automobile trips enhancing the City's implementation of lower parking standards required in Title 2 Regional Parking Policy.

Finding: Staff finds that approval criterion 3 has been met.

4. The proposed text amendment is consistent with the City's Comprehensive Plan.

The proposed text amendment expands the geographic area where MPR standards will be applicable. The following Comprehensive Plan Goals, Policies, and Community Plan Policy and Actions items support the expansion of the applicability of the MPR Design Standards and Guidelines.

Goals:

3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

3.8.1 Goal: Station Communities that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

a) Regulate new development in Station Communities to maximize the public infrastructure investment in light rail.

d) Adopt Community Plans identifying Comprehensive Plan Policies applicable to Station Community Areas to provide community vision.

3.8.2 Goal: Develop Station Communities with sufficient intensities to generate light rail ridership and around-the-clock activity.

Policies:

b) Within a 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.

The proposed text amendment is consistent with the above Comprehensive Plan Goals and Policies because it applies the MPR designation to public right-of-ways within the Station Community Areas, which are Mixed Use Areas by definition, and thereby establishes the highest level of design standards available in Section 60.05 of the Development Code. The MPR standards will require building orientation, glazing, and building entrance standards that maximize the public investment in light rail and improve the pedestrian environment of the Elmonica/Merlo Community Area.

Merlo Station

The Merlo Station Community Plan Text recognizes the existing public institutional and industrial uses located within the boundary of the Merlo Station Community but also recognizes the need to increase the intensity of development and pedestrian and transit orientation as new development occurs or older development is expanded. Community Plan Goal 1 states that the Merlo Station Community should develop to support ridership of light rail.

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.

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.

Action 1: Adopt and apply standards that will reduce the likelihood that new non-transit supportive land uses will be established, but will allow the current land uses to continue without becoming non-conforming uses.

Community Plan Goal 3: Guide land development within the Merlo Station Area so that it encourages pedestrian, bicycle and transit travel.

a) Regulate new development in the Merlo Station area so that it becomes more pedestrian and bicycle "friendly."

Action 4: Designate SW Merlo Road as a Major Pedestrian Route, and apply the Major Pedestrian Route standards to new development to encourage safe, convenient, and pleasant pedestrian and bicycle travel.

It is noted in a sidebar to the Action 4 statement that: *These standards include, but are not limited to, requiring building locations within 10 feet of the sidewalk, requiring 50 % of the street frontage to be occupied by buildings rather than parking lots, and requiring that a minimum of 50 % of the first floor wall on the side of a building facing the street be windows and doorways, and requiring that a primary building entrance face the street.*

The Merlo Station Community Area Plan Goals, Policies, and Action items call for specific development standards to ensure design and building orientations towards streets with the Station Area that support increased transit use. The proposed text amendment proposes to apply the Major Pedestrian Route Standards which are part of the Design Review Principles, Guidelines, and Standards framework and would require a minimum of 35 percent street frontage be occupied by any new building and also would require increased window glazing and doorway entrance oriented toward the street.

It should be noted that the proposed MPR designations extend beyond the immediate Merlo Station Community Plan area. Staff have discussed the prospect of expanding the scope for the Merlo Community Plan to include much of the area involved in the current amendment. Until such time, measures can be taken to ensure planning that caters to the Station Community concept progress in keeping with the Comprehensive Plan policies cited above. The proposed amendment is a movement toward achieving that goal.

Finding: ***The proposed text amendment is consistent with the City's Comprehensive Plan and the Merlo Community Plan and, therefore, criterion 4 has been met.***

5. The proposed text amendment is consistent with other provisions within the City's Development Code.

Staff does not find any evidence that the proposed amendment creates impacts or conflicts with other provisions within the Development Code. The proposed text amendment to Development Code Chapter 60, Design Review Principles, Guidelines, and Standards, Section 60.05.55.4, does not conflict with any of the following Chapters of the Development Code: Chapter 20 (Land Uses), Chapter 30 (Non-Conforming Uses), Chapter 40 (Applications), Chapter 50 (Procedures), or Chapter 60 as noted previously .

Finding: ***Staff finds that approval criterion 5 has been met.***

6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed text amendment and are addressed in the findings of fact for approval criteria four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by or would conflict with the proposed text amendments.

Finding: Staff finds that approval criterion 6 has been met.

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

Although staff is submitting this application with proposed quasi-judicial amendments to the Comprehensive Plan Land Use Map, the Zoning Map, and several Comprehensive Plan Transportation Maps, no conflict involving sequencing with the other amendments will occur. No further applications and documents are required of this request.

Finding: Staff find s that criterion 7 is not applicable.

CONCLUSION

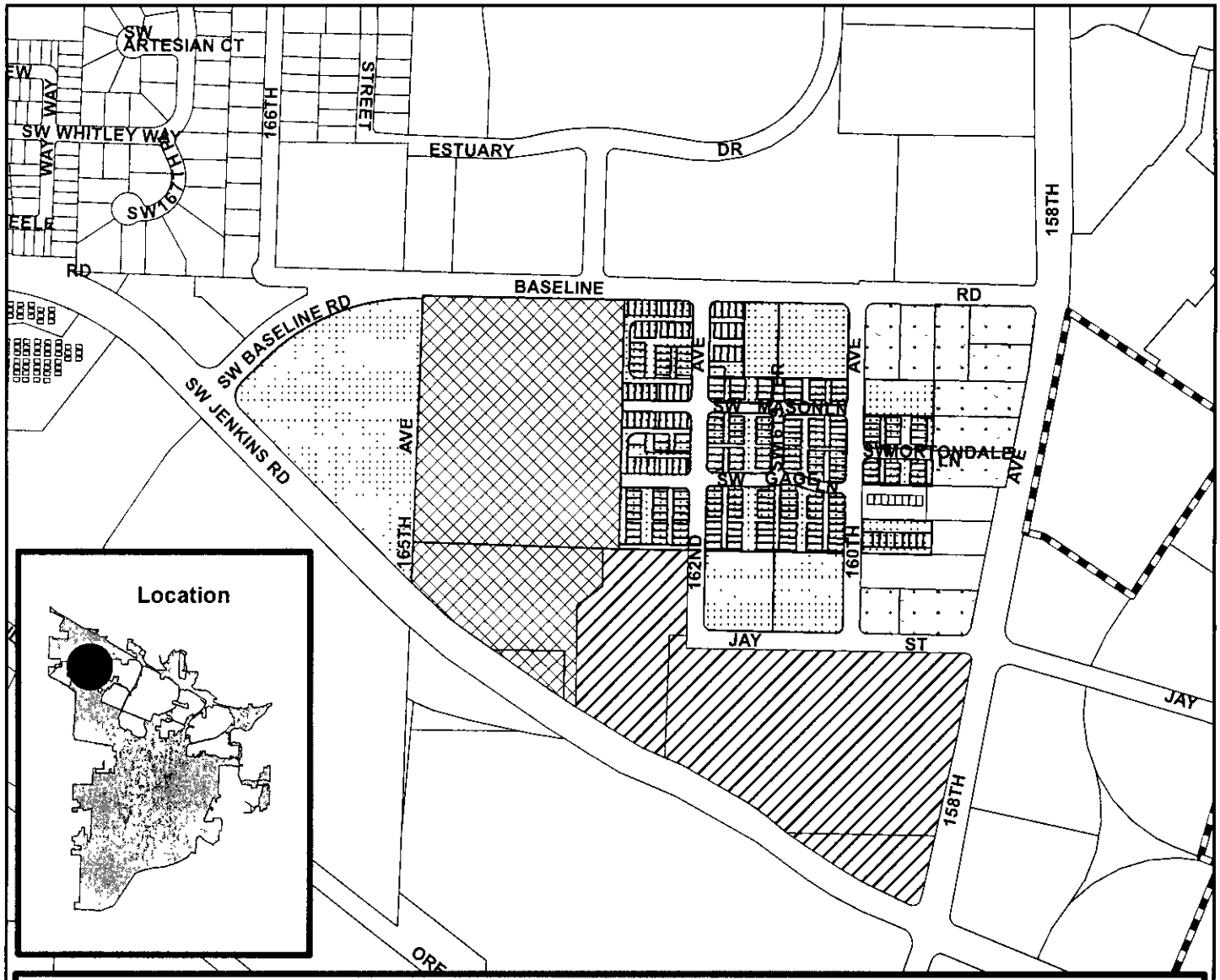
Based on the facts and findings presented, staff concludes that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

ATTACHMENTS

Attachment 1	Map depicting proposed amendments to the City's Comprehensive Plan and Zoning Maps
Attachment 2	Proposed Functional Classification Map: Figure 6.4 in the City's Comprehensive Plan
Attachment 3	Proposed Street Improvement Master Plan Map: Figure 6.5 in the City's Comprehensive Plan
Attachment 4	Proposed Transportation System Plan Local Connectivity Index Map: Figure 6.7 in the City's Comprehensive Plan
Attachment 5	Proposed Transportation System Plan Local Connectivity Map: Figure 6.12 in the City's Comprehensive Plan
Attachment 6	Proposed Major Pedestrian Route Map for the Elmonica / Merlo Station Community: Figure 60.05.55.4 in the City's Development Code
Attachment 7	Street Profile Analysis: Assessment of compatibility between Washington County Special Area Street Profiles and Beaverton's Street Design Profiles
Attachment 8	Map of the Washington County Special Area Street Overlay for the Willow Creek, Merlo, and Elmonica Area: Exhibit 12 in Washington County's A-Engrossed Ordinance 485
Attachment 9	Washington County Resolution and Order 97-166: Adoption of Findings for the Designation of Special Area Streets
Attachment 10	170th/Elmonica Station Area Circulation Study, June 17, 1996 (Prepared by DKS Associates Inc.)
Attachment 11	Memorandum dated April 10, 2007 regarding a delay in the process of applying City Plan and Zoning designations to some annexed properties.

VICINITY MAP

ATTACHMENT "1"



LEGAND

PROPOSED AMENDMENTS TO BEAVERTON'S COMPREHENSIVE LAND USE MAP AND ZONING MAP

- CITY LIMITS
- From WASHINGTON COUNTY TO.R18-24 — To CITY STATION COMMUNITY (SC) LAND USE DESIGNATION and SA-MDR ZONING
- From WASHINGTON COUNTY TO R24-40 — To CITY STATION COMMUNITY (SC) LAND USE DESIGNATION and SC-HDR ZONING
- From WASHINGTON COUNTY TO:RC — To CITY STATION COMMUNITY (SC) LAND USE DESIGNATION NO ZONE CHANGE
- From WASHINGTON COUNTY TO BUS — To CITY STATION COMMUNITY (SC) LAND USE DEGSIGNATION. NO ZONE CHANGE

CITY OF BEAVERTON

CPA2007-0007/ ZMA2007-0006

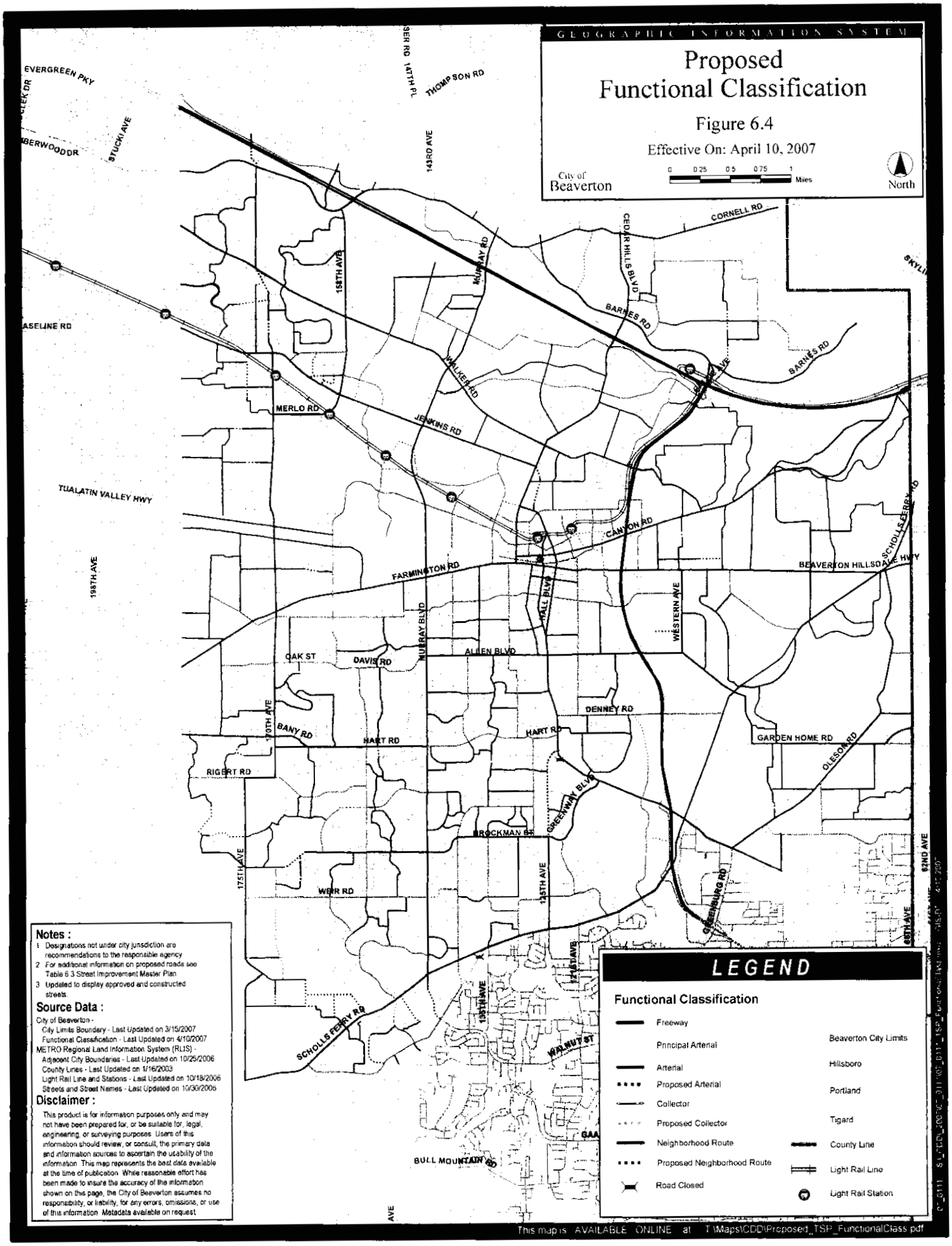
1/2/07

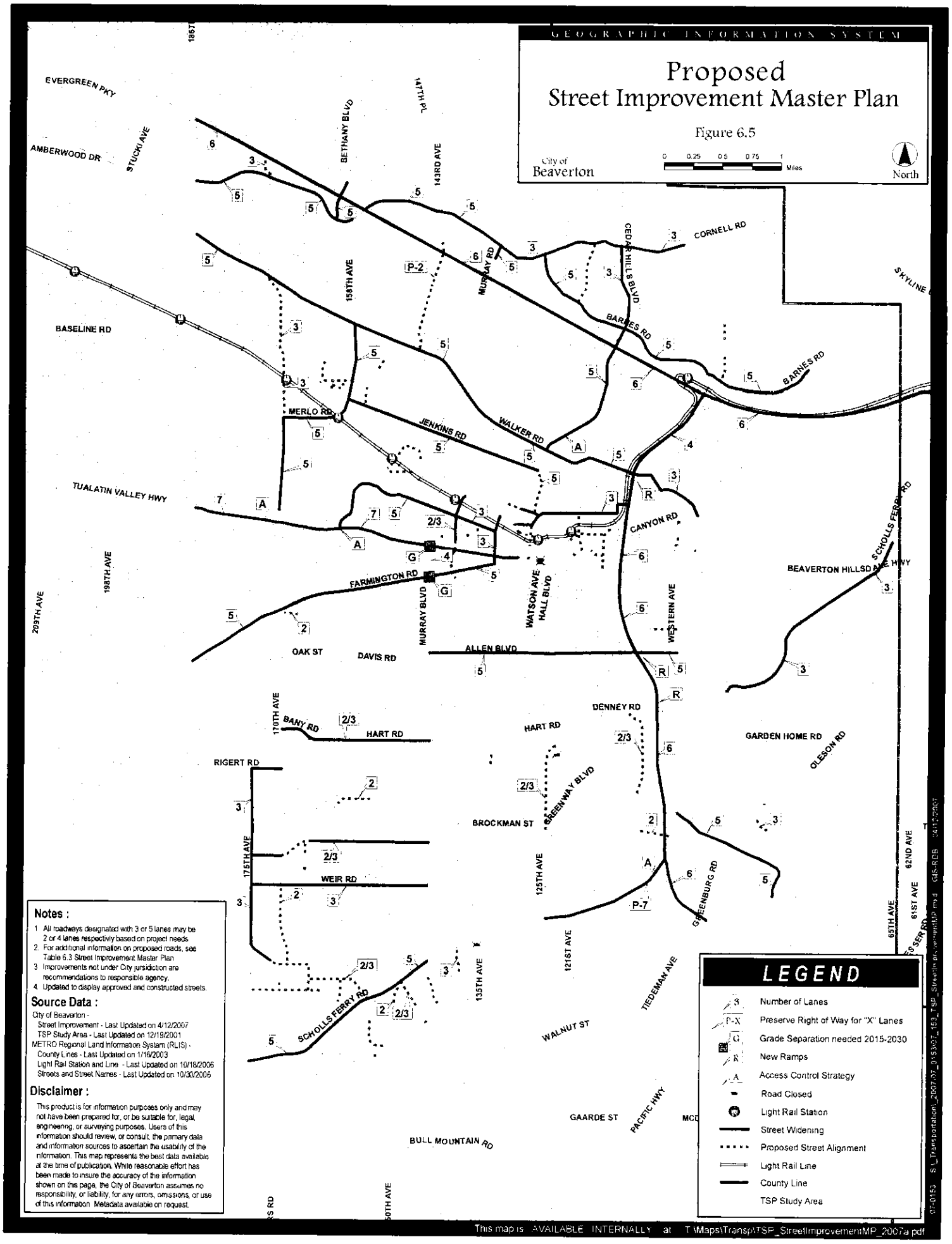
Tax Lot # *MULTIPLE*

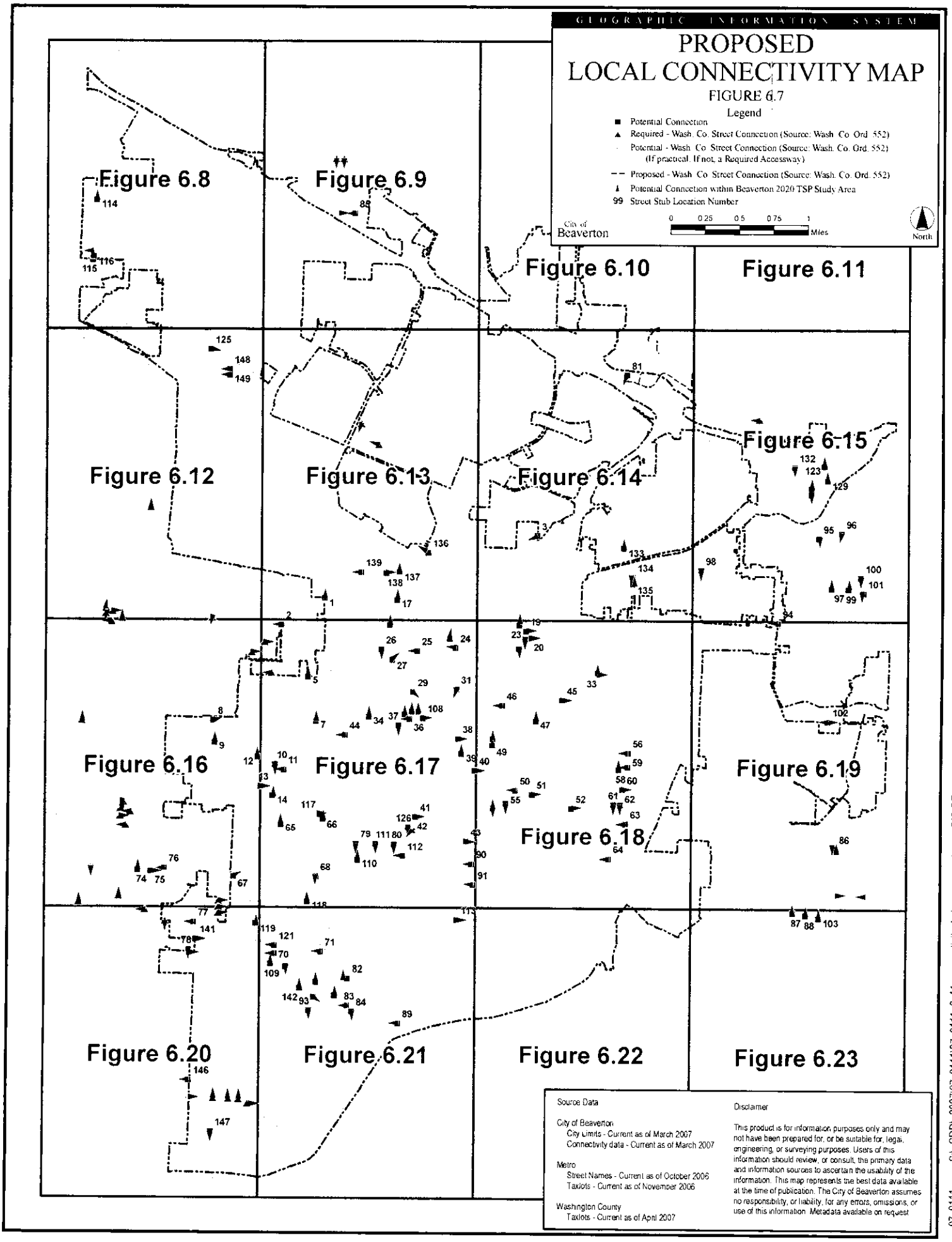
N

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

SW BASELINE AVE/ SW JENKINS RD


GEOGRAPHIC INFORMATION SYSTEM
Proposed
Functional Classification
Figure 6.4
Effective On: April 10, 2007
City of Beaverton
0 0.25 0.5 0.75 1 Miles
North
EVERGREEN PKY
THOMPSON RD
143RD AVE
STUCKI AVE
CORNELL RD
CEDAR HILLS BLVD
BARNES RD
MURRAY RD
158TH AVE
WALKER RD
MERLO RD
JENKINS RD
TUALATIN VALLEY HWY
CANYON RD
FARMINGTON RD
BEAVERTON HILLSDALE HWY
SCHOLLS FERRY RD
HALL BLVD
WESTERN AVE
MURRAY BLVD
ALLEN BLVD
OAK ST
DAVIS RD
DENNEY RD
BANY RD
HART RD
GARDEN HOME RD
OLESON RD
RIGERT RD
GREENWAY BLVD
BROCKMAN ST
175TH AVE
WEIR RD
135TH AVE
GREENBURG RD
WALNUT ST
BULL MOUNTAIN RD
198TH AVE
Notes :
1 Designations not under city jurisdiction are recommendations to the responsible agency
2 For additional information on proposed roads see Table 6.3 Street Improvement Master Plan
3 Updated to display approved and constructed streets.
Source Data :
City of Beaverton -
City Limits Boundary - Last Updated on 3/15/2007
Functional Classification - Last Updated on 4/10/2007
METRO Regional Land Information System (RLIS) -
Adjacent City Boundaries - Last Updated on 10/25/2006
County Lines - Last Updated on 1/16/2003
Light Rail Line and Stations - Last Updated on 10/18/2006
Streets and Street Names - Last Updated on 10/30/2006
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.
LEGEND
Functional Classification
Freeway
Principal Arterial
Arterial
Proposed Arterial
Collector
Proposed Collector
Neighborhood Route
Proposed Neighborhood Route
Road Closed
Beaverton City Limits
Hillsboro
Portland
Tigard
County Line
Light Rail Line
Light Rail Station
This map is AVAILABLE ONLINE at T:\Maps\CDD\Proposed_TSP_FunctionalClass.pdf


GEOGRAPHIC INFORMATION SYSTEM
Proposed
Street Improvement Master Plan
Figure 6.5
City of Beaverton
0 0.25 0.5 0.75 1 Miles
North
EVERGREEN PKY
AMBERWOOD DR
STUCKI AVE
BETHANY BLVD
147TH PL
143RD AVE
CORNELL RD
CEDAR HILLS BLVD
MURRAY RD
150TH AVE
P-2
BARNES RD
SKYLINE
BASELINE RD
MERLO RD
JENKINS RD
WALKER RD
TUALATIN VALLEY HWY
CANYON RD
SCHOLLS FERRY RD
BEAVERTON HILLSDALE HWY
198TH AVE
209TH AVE
FARMINGTON RD
MURRAY BLVD
WATSON AVE
HALL BLVD
WESTERN AVE
OAK ST
DAVIS RD
ALLEN BLVD
170TH AVE
BANY RD
HART RD
DENNEY RD
GARDEN HOME RD
OLESON RD
RIGERT RD
GREENWAY BLVD
BROCKMAN ST
175TH AVE
WEIR RD
125TH AVE
GREENBURG RD
P-7
62ND AVE
61ST AVE
65TH AVE
135TH AVE
121ST AVE
TIEDEMAN AVE
WALNUT ST
GAARDE ST
PACIFIC HWY
BULL MOUNTAIN RD
Notes :
1. All roadways designated with 3 or 5 lanes may be 2 or 4 lanes respectivly based on project needs
2. For additional information on proposed roads, see Table 6.3 Street Improvement Master Plan
3. Improvements not under City jursidiction are recommendations to responsible agency.
4. Updated to display approved and constructed streets.
Source Data :
City of Beaverton -
Street Improvement - Last Updated on 4/12/2007
TSP Study Area - Last Updated on 12/19/2001
METRO Regional Land Information System (RLIS) -
County Lines - Last Updated on 1/16/2003
Light Rail Station and Line - Last Updated on 10/18/2006
Streets and Street Names - Last Updated on 10/30/2006
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.
LEGEND
Number of Lanes
P-X Preserve Right of Way for "X" Lanes
G Grade Separation needed 2015-2030
R New Ramps
A Access Control Strategy
Road Closed
Light Rail Station
Street Widening
Proposed Street Alignment
Light Rail Line
County Line
TSP Study Area
This map is AVAILABLE INTERNALLY at T:\Maps\Transp\TSP_StreetImprovementMP_2007a.pdf



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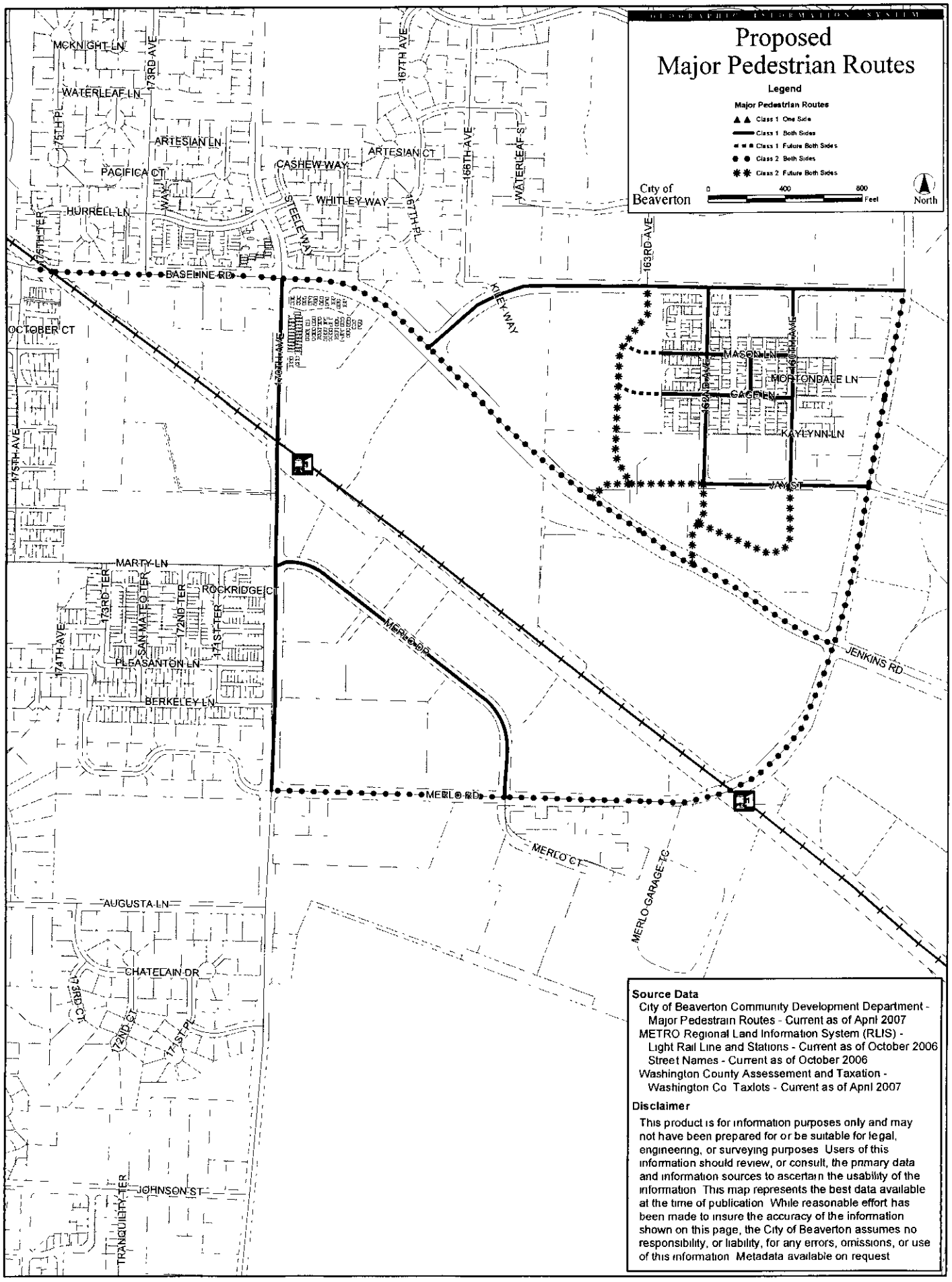
ATTACHMENT "5"
Proposed Figure 6.12

60.05.55.4 Elmonica / Merlo Station Community



Source Data

City of Beaverton Community Development Department - Major Pedestrain Routes - Current as of April 2007
METRO Regional Land Information System (RLIS) - Light Rail Line and Stations - Current as of October 2006
Street Names - Current as of October 2006
Washington County Assessement and Taxation - Washington Co Taxlots - Current as of April 2007

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

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STREET PROFILE ANALYSIS

Staff's attempts to assess compatibility between City and the County street profiles is based upon a process of elimination. Staff began by prioritizing design elements associated with the specific street classification. Priority was given to elements consistent with the underlying intent of the classification. As such, the criteria used to evaluate compatibility between City and County street profiles is based upon the role that the street classification fulfills within the overall functional classification system. From this basis, staff identified disparities according to perceived importance and through a process of elimination reduced the field of alternatives to the City classification which was determined to most closely approximate the County functional street profile.

Special Area Local Streets

Washington County provides three subcategories in the special area local street category identified as SAL-1, SAL-2, SAL-3, and two alternate categories identified as SAL-4 and SAL5. The street design profiles for these streets is Attached.

The intent behind Washington County's special area local streets classification is provided in Section 10.1.J of Washington County's Transportation Plan. That section provides the following:

> Special Area Local Streets *are intended to provide direct property access. They are not intended to serve through traffic. Speeds should be low. Non-transit oriented development traffic would be inappropriate for these facilities. The design of Special Area Local Streets should reflect the residential neighborhood function by accommodating on-street parking on a narrow paved width and which includes traffic calming measures that compel autos to drive slowly. Special Area Local Street should serve only low to medium density residential districts.*

From this description, and specifications derived from other County documents, staff identified qualifying characteristics unique to this functional classification type and was able to make the following observations.

1. Direct property access and traffic capacity: Washington County's special area local streets are not intended to allow for through traffic. This feature is accomplished by various street design criteria which deter through traffic from

using these streets. These include narrow pavement widths, small block lengths, and traffic speed limit requirements of no more than 25MPH.

Staff also calculated the number of average daily trips that may be generated under the SA-MDR zone for the area. In a reasonable worst case scenario for low-rise residential condominium / townhouses (ITE Trip Generation heading #231) - which reflects what is currently in place or being constructed, an average of 140 trips per acre may be generated for this area. This is consistent with the traffic allowances intended for the City's local street functional classification.

Finally, as the City's neighborhood routes, collectors, and arterials are all intended to allow for through traffic they may be removed from consideration as counterparts to the County's Special Area Local Street classification. The remaining field of alternatives consists of the City's L1, L2, and L3 local street profiles.

2. On-street parking: Three of Washington County's standard special area local streets classifications require on-street parking on both sides. This corresponds with the City's L1 and L2 classifications. Additionally, a look at the table below reveals that the County's SAL-5 classification does not require any on-street parking. This corresponds with the City's L3 functional classification.

Washington Co. Special Area Streets

SAL-1	SAL-2	SAL-3	SAL-4	SAL-5
Both Sides	Both Sides	**One Side**	**One Side**	None Required

City of Beaverton Local Streets

L1	L2	L3
Both Sides	Both Sides	None Required

None of the City's L1, L2, or L3 classifications allow parking on one side of the street only. This would eliminate the County's SAL-3 and SAL-4 from consideration. It should also be noted that in site visits, staff observed permitted parking on both sides of every public street designated Special Area Local Street. There was no indication that SAL-3, SAL-4, or SAL-5 have been applied to any streets in the area.

This factor reduces the pool of Washington County special area local streets alternatives to the SAL-1 and SAL-2 functional classifications.

3. Street Profile Comparison: A side-by-side comparison of the remaining street classifications will reveal disparities that exist between Washington County's special area local streets and Beaverton's local street profiles. In the following table, attention was directed toward minimum standards required.

Design Component	Wash. Co. SAL#1	Beaverton L 1	Wash. Co. SAL#2	Beaverton L 2
Right-of-Way	48'	68'	44'	62'
Paved Width	32'	34'	28'	28'
# of Lanes	N/A	2	N/A	1
Bikeway	shared	none	shared	none
Travel Lanes / (Travel Way)	(16')	20'	(12')	(14')
Center Turn Lane	none	none	none	none
Speed	25 MPH	25 MPH	25 MPH	25 MPH
Parking	both sides	both sides	both sides	both sides
Combined Parking Spaces	unspecified	14'	unspecified	14'
Combined Planter Strips	8'	13'	8'	13'
Combined Sidewalk Widths	10'	20' *	10'	20' *
Curb extensions on intersections**	yes	modification	yes	modification

** City requires 10' sidewalks in all multiple use zones.*
*** Staff did not observe any use of curb extensions on site.*

From the characteristics above, staff regard the right-of-way disparities as the primary distinction between the City's local street profiles and Washington County's special area street profiles. The City of Beaverton has no equivalent of this street design concept. Therefore, we must accept this discrepancy as necessary and unavoidable.

Another area of discrepancy pertains to the lane standards that apply to the City's L1 classification. All of Washington County's special area local street classifications, including SAL#1 and SAL#2 provide for a single travel way. Beaverton's L1 provides for a two lane street. Staff regard this distinction as a basic design incompatibility between the two systems. Elimination of this alternative as a counterpart to the County's special area local street functional classification is, therefore, warranted.

In attempting to establish an acceptable level of compatibility, staff has reduced the field of alternatives down to a single local street profile (L2) that would correspond to Washington County's SAS#1 and SAL#2 classifications. A breakdown of some key elements of these streets profiles follows:

SAL#1 / L2		SAL#2 / L2	
Paved Width	-4'	Paved Width	same
# of Lanes	same	# of Lanes	same
Travel Lanes / (Travel Way)	-2'	Travel Lanes / (Travel Way)	+2'
Combined Planter Strips	+5'	Combined Planter Strips	+5'
Combined Sidewalk Widths	+10'	Combined Sidewalk Widths	+10'
Right-of-Way	+14'	Right-of-Way	+18'

Through a process of elimination using Washington County's functional definition for its Special Area Local Street and design profile as a basis for comparison, staff determined that correspondence between the City's Local Street (L2) classification represents the closest approximation to Washington County's SAL#1 and SAL#2 classifications.

Applying the City's L2 standard to Washington County's SAL#1 standard will result in a 4' loss in pavement width - 2' in travel way and 1' in dedicated parking area on each side of the street. This selection does offer the advantage of requiring less right-of-way than the SAL#1/L2 combination which would offer more land area for development. Conversely applying the City's L2 standard to Washington County's SAL#2 standard will not result in any loss in pavement width but will result in an additional 4' of right of way width over the SAL#1/L2 combination.

Because the L2 street profile consists of a single travel way in which autos and bicycle traffic share a common lane, the loss of pavement area in the SAL#1/L2 transition would affect the ability of these two modes to commingle. It should be noted that the standards above represent the minimums required. Given that Washington County's chosen street configuration alternative was selected based upon a number of factors identified in County's circulation study, specifications such as increased pavement widths should be maintained as much as possible. Staff could recommend that as development occurs and street extensions are proposed, paved area be increased to replicate the County's SAL #1 standard.

Finding

Staff finds that applying the City's Local Street (L2) Functional Street Classification to Washington County's Special Area Local Street Functional Classification for the study area, will adequately accommodate the County's transportation planning for the area.

Special Area Commercial Streets:

Washington County provides three subcategories in the special area commercial street category identified as SACM-1, SACM-2, and SACM-3. The distinguishing element that separates one from another is the number of lanes required.

As before, the criteria used to evaluate compatibility between City and County street profiles is based upon the functional role that the street classification fulfills within the overall functional classification system. That role is best expressed in Section 10 of Washington County's Transportation Plan. For special area commercial streets Section 10.1.I of the Plan provides the following description.

Special Area Commercial Streets are intended to serve local access and service needs associated with urban high density residential, mixed use and employment oriented land uses. These roads are not intended to serve through trips but may have significant traffic volumes. The street may not exceed two travel lanes in each direction. Speeds should be low. The design of Special Area Commercial Streets should reflect local intensive urban use by all modes. The road must accommodate autos, trucks, buses and bicycles while also providing transit stop amenities and frequent opportunities for pedestrian crossings. Sidewalks should be wide with tree wells. Special Area Commercial Streets should serve high density residential, mixed use and business districts.

The general intent conveyed in this description along with profile specifications provided in the County's Uniform Road Improvement Design Standards (Attached) allowed staff to identify criteria to evaluate compatibility between City and County street classifications. The analysis can be reduced to the following conclusions.

1. Speeds should be low: Although special area commercial streets are meant to support more traffic than special area local streets, the profile indicates that traffic speeds are not to exceed 25 MPH. This eliminates consideration of the City's arterials and collectors as alternatives to the County's special area commercial street classification. The remaining field of alternatives consists of the City's local streets and neighborhood route classifications.

2. Number of lanes: As demonstrated from the tables below, Washington County's special area commercial street classification provides some flexibility in the number of lanes that can be accommodated. However, a cross-comparison to the City's street classifications (where traffic speeds do not exceed 25 MPH) reveals that several of the County classifications designed for three and four lanes lack City counterparts.

Washington Co. Special Area Streets

SACM-1	SACM -2	SACM -3
2 Lanes	**3 Lanes**	**4 Lanes**

City of Beaverton Local Streets and Neighborhood Routes

L1	L2	L3	NR1	NR2	NR3
2 Lanes	**1 Lane**	2 Lanes	2 Lanes	2 Lanes	2 Lanes

While the City of Beaverton does not provide 3- and 4-lane profiles to correspond with the County's SAC-2 and SAC-3 classifications, Washington County does not provide a SACM 1-lane profile to correspond to the City's L2 classification.

Application of this criteria, therefore, eliminates the County's SAC-2, SAC-3, and the City's L2 classifications from contention.

3. Street parking: All of the County's special area commercial street classifications (including SACM-1) require that on-street parking be permitted on both sides. However, as indicated below, only two of the five remaining City classifications require this standard.

Washington Co
Special Area Streets

SACM-1
Both Sides

City of Beaverton Local Streets

L1	L3	NR1	NR2	NR3
Both Sides	**None Required**	Both Sides	**One Side**	**None Required**

Applying this criterion to the remaining street classifications eliminates the City's L3, NR2, and NR3 from the pool of alternatives. The City's L1 and NR1 classifications remain as prospective counterparts to the County's SACM-1 classification.

4. Street Profile Comparison: A side-by-side comparison of the remaining street classifications highlight disparities that exist.

Design Component	Wa. Co.	City of Beaverton	
	SACM #1	L 1	NR 1
Right-of-Way	46'	68'	70'
Paved Width	40'	34'	34'
# of Lanes	2	2	2
On Street Parking (each side)	8'	7'	7'
Bikeway	shared	none	none
Travel Lane	12'	10'	10'
Center Turn Lane	none	none	none
Speed	25 MPH	25 MPH	25 MPH
Parking	both sides	both sides	both sides
Planter Strip (each side)	0 **	6.5'	7.5'
Sidewalk Width (each side)	9'	10' *	10' *

* All sidewalks in multiple use zones must meet minimum of 10' in width.
** Sidewalks require tree wells.

A breakdown of specific disparities is provided in the following table.

SACM#1 / L1		SACM#1 / NR1	
Paved Width	-6'	Paved Width	-6'
# of Lanes	same	# of Lanes	same
Travel Lanes	-2'	Travel Lanes	-2'
Combined on Street Parking	-2'	Combined on Street Parking	-2'
Combined Planter Strips	+13'	Combined Planter Strips	+15'
Combined Sidewalk Widths	+2'	Combined Sidewalk Widths	+2'
Right-of-Way	+12'	Right-of-Way	+14'

Predominant factors that can be deduced from this table are as follows:

- Applying either the City's L1 or NR1 street classification to the County's SACM#1 classification would result in a minimum required pavement loss of six feet. That loss can be broken down to a loss of one foot of on-street parking on both sides of the street and a two foot loss of lane width in each side of the street.

- Washington County's SAC#1 classification does not require a planter strip while the City's L1 requires a minimum of 6 ½ feet and the NR1 requires a minimum of 7 ½ feet. This disparity, along with an additional minimum sidewalk requirement of one foot, account for the majority of the additional right-of-way requirement.

- A comparison to the City's L1 and NR1 street profiles reveals that aside from an additional one foot planter strip requirement, the cross section profiles for these two classifications are the same.

- Washington County's Special Area Commercial Streets require that sidewalks contain tree wells. The City's L1 and NR1 street profiles include a planter strip to accommodate street trees in place of tree wells.

Points one and two identify the most basic distinctions between the City and County street classifications being considered. Point one in particular identifies the County's emphasis upon maximizing pavement width while minimizing right-of-way. The additional pavement width may be attributable to the street's objective to "*reflect local intensive urban use by all modes. The road must accommodate autos, trucks, buses and bicycles…*". The City cannot provide a comparable alternative to the County's special area street classifications because the City has none. Some degree of give and take will therefore be necessary in selecting a reasonable alternative.

The third point calls attention to the fact that the two remaining alternatives are almost identical in profile. To determine which most closely reflects the intent expressed in the County's description (provided above) it is necessary to look at

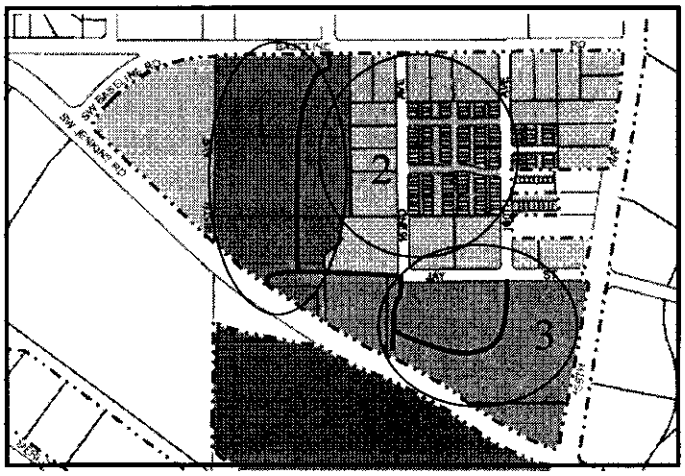
the intent behind these two classifications. The descriptions provided in Chapter Three of the City's Transportation System Plan provides the following definitions:

Local Streets have the sole function of providing access to immediate adjacent land. Service to "through traffic movement" on local streets is deliberately discouraged by design.

Neighborhood Routes are usually long relative to local streets and provide connectivity to collectors or arterials. Because neighborhood routes have greater connectivity, they generally have more traffic than local streets and are used by residents in the area to get out of the neighborhood, but do not serve citywide/large area circulation. Traffic from cul-de-sacs and other local streets may drain onto neighborhood routes to gain access to collectors or arterials.

Both the L1 and NR1 classifications are intended both provide local access and service needs. This feature is consistent with the definition provided by the County's Transportation Plan (included above). However, the County's definition holds that "*Special Area Commercial Streets are intended to serve local access and service needs associated with* ***urban high density residential,***...". Additionally, the description holds that "*[t]hese roads are not intended to serve through trips but may have* ***significant traffic volumes***". These elements favor application of the City's neighborhood route classification over local streets. This assessment is also supported by the following facts.

- Average daily trips: The County has assigned special area commercial streets to two areas in the study area. These areas correspond to Area #1 and Area #3 in the illustration below. The proposed street alignments established by Washington County are indicated by the dark lines on the map. Area #2 has been assigned the County's special area local street classification and was addressed in the previous section.



Area #1: In the Zoning Map amendment segment of this proposal, staff recommended that Area #1 in the illustration above be assigned the City's SC-HDR Zone. This designation is intended to support residential densities proportionate to Washington County's TO:R24-40 allowance of between 24 and 40 units per acre. Staff has calculated that under a reasonable worst case scenario where residential development is constructed at an FAR of 1.0 and where the average unit is 1000 square feet, the area could support a total of 43 units per acre. Under ITE Trip Generation heading #231 (Low-Rise Residential Condominium / Townhouse), an average daily trip generation of 251 per acre could be expected. This trip generation count is well within the capacity threshold for the City's Neighborhood Route Functional Classification.

Area #3: Area #3 is proposed to have the City's SC-MU zone designation assigned to the area to correspond with Washington County's TO:RC designation. Both designations allow retail uses. Again, it is expected that land uses in this zone will generate sufficient traffic to justify the Neighborhood Route over the Local Street classification. Staff calculated that in a reasonable worst case scenario where a 150,000 square foot big-box retail club is present, (the scenario currently in place), an average daily trip generation of 599 autos per acre could be expected. This trip generation count fits within the tolerance threshold for the City's Neighborhood Route Functional Classification.

- The City's functional description for Neighborhood Routes (above) specifies that *"Neighborhood Routes are usually long relative to local streets and provide connectivity to collectors or arterials".* The proposed alignment in area #1 is designed to provide connectivity to several lateral local street connections but also connect to SW Baseline (a collector) to the north and SW Jenkins (an arterial) to the south. Similarly, the proposed alignments in Area #3 connect a number of local streets with SW Jenkins (an arterial) to the south. This attribute of providing linkages between local streets and major thoroughfares is consistent with the role of Neighborhood Routes in the City.

- Jay Street in Area #3 which connects the local streets in the neighborhood with SW 158th Avenue is currently designated a neighborhood route on the City's Functional Classification Map. It should be noted that this classification is not consistent with Washington County's special area local street designation for Jay Street. The County's designation is meant to represent the long range planning for the area once it is fully developed while the City's classification of Jay Street reflects the current circulation needs. The fact that the City's Transportation System Plan has assigned the neighborhood route demonstrates the suitability of the Neighborhood Route to the area and may support staff's belief that the neighborhood route is the most appropriate Classification for the special area commercial street alignments in Area #3. The designation of this street as a neighborhood route may need to be

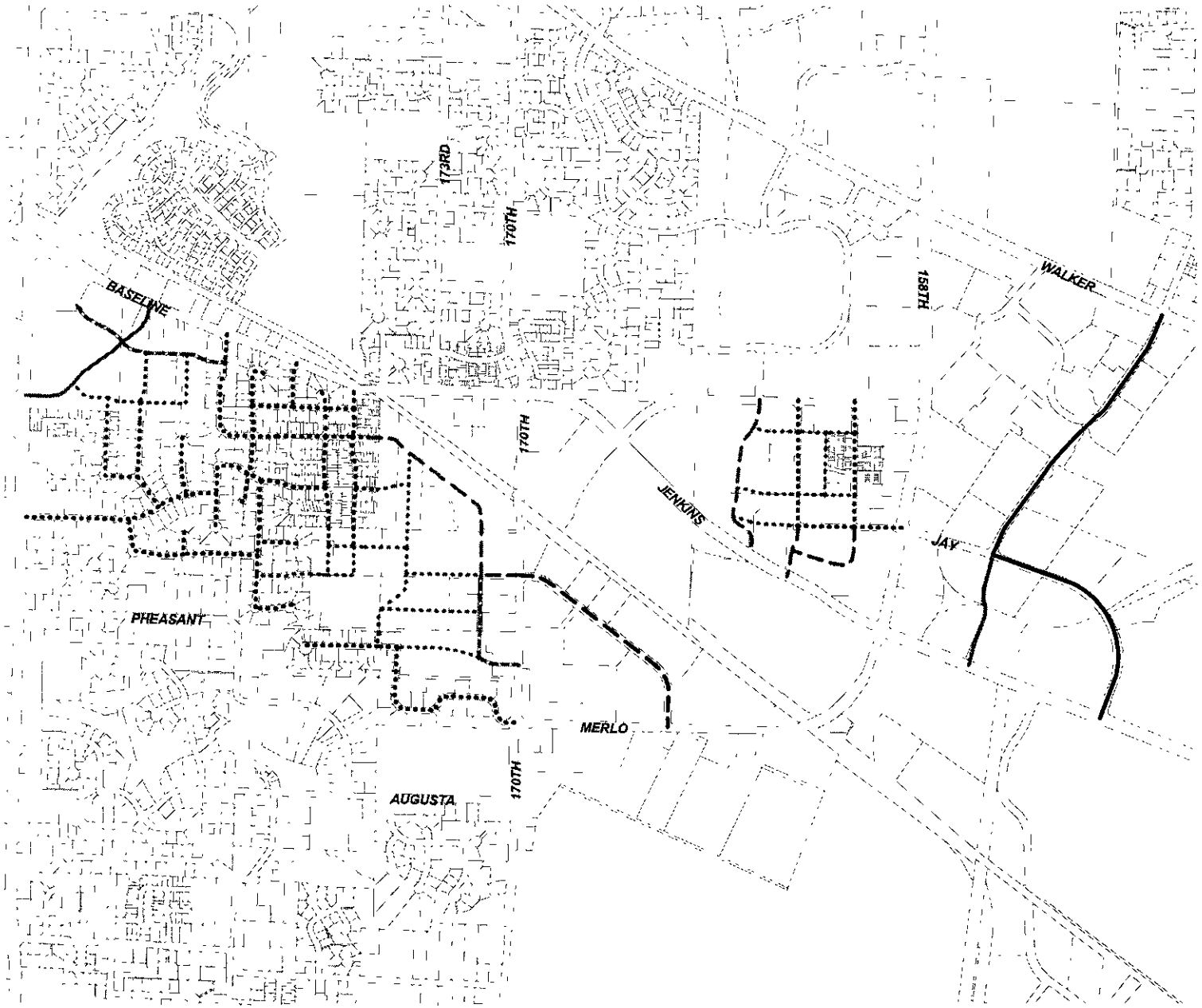
revisited at some point in the future as the new alignments depicted in Areas 1 and 3 are constructed.

- Washington County's functional description for Special Area Commercial Streets specifies that these streets *"are intended to serve local access and service needs associated with urban high density residential, mixed use and employment oriented land uses. These roads are not intended to serve through trips but may have significant traffic volumes."* Although applying City's neighborhood route classification to the special area alignments could provide some measure of through traffic, especially in Area #3, the County incorporated out-of-direction curves in the alignment near intersections in order to deter this activity.

Finding

Staff finds that applying the City's Neighborhood Route (NR1) functional street classification to Washington County's Special Area Commercial Street Functional Classification for Areas 1 and 3, will adequately accommodate the County's transportation planning for the area.

Washington County Special Area Street Overlay Willow Creek, Merlo and Elmonica Area



- Special Area Collector
- Special Area Neighborhood Route
- Special Area Local Street
- Special Area Commercial Street
- Proposed Special Area Collector
- Proposed Special Area Neighborhood Route
- Proposed Special Area Local Street
- Proposed Special Area Commercial Street

N

ATTACHMENT "8"

Rec.

FILED

OCT 30 1997

Washington County
County Clerk

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting Legislative Findings in Support of Ordinances No. 483 to 486	)))	RESOLUTION AND ORDER No. 97-1666

This matter having come before the Washington County Board of Commissioners at its meeting of October 28, 1997; and

It appearing to the Board that the findings contained in Exhibits "A", "B", "C" and "D" summarize relevant facts and rationales with regard to statewide planning goals relating to Ordinances No. 483 to 486; and

It appearing to the Board that the findings attached as Exhibits "A", "B", "C" and "D" constitute appropriate legislative findings with respect to the adopted ordinances; and

It appearing to the Board that in the course of their deliberations the Board has considered the record which consists of all notices, testimony, issue papers, staff reports, correspondence from interested parties, together with other items submitted to the Planning Commission and Board regarding this ordinance; it is, therefore,

RESOLVED AND ORDERED that the attached findings in support of Ordinances No. 483 to 486 are hereby adopted.

DATED this 28th day of October 1997.

	AYE	NAY	ABSENT
PETERS	✓		
CHRISTY	✓		
KATSION	✓		
DUYCK	✓		
ROGERS	✓		

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Andy Duyck
CHAIRMAN

APPROVED AS TO FORM:

Alan C. Rappleyea
Assistant County Counsel
for Washington County, Oregon

Barbara Heitmanek
RECORDING SECRETARY

(JA R&O-483,486)

Oregon Administrative Rules, and Oregon Revised Statutes 195.110. These conclusions are supported by the following facts.

FACTS

1. The standards for public facilities and services in the Community Development Code are in Article V (Public Facilities and Services). A-Engrossed Ordinance 485 did not make amendments to these standards.

2. In 1991 Washington County adopted a Public Facility Plan, consistent with OAR 660, Division 11. This ordinance does not amend that plan.

3. Amendments to the Sunset West Community Plan for the Merlo/Elmonica/Willow Creek Station Areas were made after considering existing community facilities and services in the planning area, including sewer service, water supply and distribution, parks, schools, fire protection and police protection. All affected service providers were informed of and invited to participate in the planning process.

4. Consistent with ORS 195.110 on October 25th, 1994 Washington County adopted Ordinance No. 459, which amended the Washington County Comprehensive Framework Plan for the Urban Area and added the Beaverton School District school facility plan as an element of the County Resource Document. Consistent with the District's school facility plan, the County has coordinated with the District regarding impacts of this ordinance to determine if it significantly impacts school capacity.

Transportation

CONCLUSION:

This topic is addressed by Statewide Planning Goal 12; the Transportation Planning Rule (OAR 660, Division 12); and Titles 2 and 6 of the Metro Urban Growth Management Functional Plan (UGMFP).

Washington County has an acknowledged Transportation Plan (Comprehensive Plan Volume XV) which describes the transportation system necessary to accommodate the transportation needs of Washington County residents. Implementing measures are contained in the Community Development Code.

Amendments to the Sunset West Community Plan and Transportation Plan contained in A-Engrossed Ordinance 485 were made to apply new Transit Oriented Land Use Districts to the Merlo, Elmonica and Willow Creek Station Areas, assign new Special Area street and pedestrian classifications, and describe street alignment corridors.

Plan compliance with Goal 12 is maintained with these amendments to the Sunset West Community Plan and the Transportation Plan. The amendments in A-Engrossed

Ordinance 485 are consistent with the County's acknowledged policies and standards for complying with Goal 12, including the Transportation Planning Rule requirements in OAR 660-12-045 and OAR 660-12-060. A-Engrossed Ordinance 485 was created to ensure consistency with the UGMFP requirements for establishment of planning for light rail station communities and growth targets. These conclusions are supported by the following facts.

FACTS AND SUPPORTING ANALYSIS:

1. Amendments to the Sunset West Community Plan contained in A-Engrossed Ordinance 485 were made to apply new Transit Oriented Land Use Districts in the Merlo, Elmonica and Willow Creek Station Areas. The effects of the application of these new land use districts on the planned transportation system is included in the findings related to OAR 660-12-060 below:

660-12-060 / Plan and Land Use Regulation Amendments

(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:

(a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;

(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs for other modes.

In order to determine whether A-Engrossed Ordinance 485 will "significantly affect" transportation facilities, the County hired DKS Associates to prepare a Circulation Study for the 170th/Elmonica Station Area. Traffic forecasts for each of the circulation alternatives included in the study were developed using a subarea traffic forecasting model. The model was developed by modifying the Metro regional model to reflect the study area street network in more detail and the specific land uses that have been assumed for future development in the area.

Land use quantities for the assumed future development scenario in the study area were developed by Washington County staff The land use quantities were used as input to the trip generation estimates that were directly incorporated in the focus area models. Land use data was developed for the residential (single

family, multi-family) retail, industrial, office and institutional categories. Non-residential land use quantities were converted to equivalent numbers of retail and non-retail employees for the purpose of trip generation. All modeling included "reasonable worst case" population and employment assumptions to determine the potential impacts of these amendments on the planned transportation system.

DKS provided Washington County access to the models utilized in the circulation analysis. Since development of the DKS Final Report, the County has developed new scenarios to better reflect the street networks included in A-Engrossed Ordinance 485.

Additionally, Access Engineering has prepared the 185th Ave Gate Crossing Simulation Analysis which specifically examines the intersection of 185th and Baseline. Also, County planning staff has developed a generalized planning stage arterial level of service analysis (average speed).

(2) A plan or land use regulation amendment significantly affects a transportation facility if it:

(a) Changes the functional classification of an existing or planned transportation facility;

A-Engrossed Ordinance 485 includes a new Transportation Circulation Designation Map to the Sunset West Community Plan which includes new functional classifications for proposed and existing streets in the planning area. Additionally, amendments to the Functional Classification System Map in the Transportation Plan are included.

Policy 9 of the Transportation Plan establishes the Functional Classification Policy of the County. The County's functional classification system is a hierarchical approach which classifies roads by functional purpose to ensure that when linked together, those roadways form a rational, efficient system. The functional classification changes included in A-Engrossed Ordinance 485 have been developed to insure consistency with Policy 9 of the Transportation Plan.

(b) Changes standards implementing a functional classification system;

The County implements functional classification by invoking requirements to limit vehicular access, record non-access reserve strips, dedicate appropriate right-of-way, and construct warranted frontage and road improvements. The changes in the ordinance are consistent with the standards implementing the County's functional classification system. Additionally, new functional classifications and standards were developed as part of these ordinances. The new classifications were applied to roadways in the study area as appropriate.

(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or,

No part of the ordinance will change the County's access management standards or the need for additional access in a manner inconsistent with the functional classification of the roads which are included within or abut the station area.

(d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

As part of A-Engrossed Ordinance 483 (which is adopted concurrently with the adoption of A-Engrossed Ordinance 485) the Mobility Policy in the County's Transportation Plan is amended to adopt Metro's Urban Growth Management Functional Plan level of service policy in Station communities for the purpose of making consistency findings for the Transportation Planning Rule. This policy accepts level of service F in the peak hour, E in the second peak hour and D in the mid-day. The Metro policy recognizes the use of an "average travel speed" methodology as an appropriate way to determine level of service.

The two most congested roadways in the study area are 185th Ave and Baseline Road. Based on a generalized planning average speed analysis, staff has determined that in 2015 in the PM peak, 185th Ave will operate at LOS E between Walker and Johnson (southbound), and LOS E between Johnson and Walker (northbound). Baseline Road will operate at LOS D westbound between 170th and 197th, and LOS D eastbound between 197th and 170th. Thus, in 2015, both roadways should operate at an acceptable level, given the Metro LOS standard and the "average speed" approach.

In implementing OAR 660-12-060 over the past 6 years, staff has consistently used the year 2005 as the "future" year on which to base the analysis. The County's currently acknowledged Transportation Plan was developed for the year 2005.. Since staff has previously concluded, given the METRO Los standard and methodology, that area roadways will operate at an acceptable level in 2015, it is reasonable to assume that they will also operate acceptably in 2005.

It's anticipated that the County will adopt a comprehensive update of the Transportation Plan in spring or summer of 1999, following adoption of Metro's Regional Transportation Plan. The comprehensive update will likely focus on 2015 or 2017. After adoption of the updated Transportation Plan, it will no longer be appropriate to make OAR 660-12-060 findings for the year 2005.

(3) Determinations under subsections (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local governments.

Staff: ODOT, Metro, Beaverton, Hillsboro and Tri-met have been notified of this Ordinance, and their comments have been incorporated as appropriate.

2. Amendments in the Transportation Plan in A-Engrossed Ordinance 485 do not change any policies or standards related to OAR 660-12-045 early implementation requirements. The establishment of new Special Area street and pedestrian classifications supplement and enhance the "safe and convenient pedestrian, bicycle, and vehicular circulation" requirements in OAR 660-12-045(3).

3. Washington County has an acknowledged Transportation Plan which was adopted in 1988 by County land use Ordinances 332 and 333. That Plan, and subsequent adopted and acknowledged amendments to that Plan have made findings that all necessary planning requirements have been met. Except as noted below, A-Engrossed Ordinance 485 does not change the County's acknowledged Transportation Plan policies and implementing strategies.

   a. A-Engrossed Ordnance 485 applies new Special Area street classifications into the Sunset west Community Plan and County Transportation Plan. The new planned Special Area streets are designated for both currently undeveloped lands, and for existing streets in residential and commercial land use districts based on the DKS circulation study and model. The new streets designated in this ordinance are only those necessary to provide the needed through connections in the planning area. Other new streets will be added to provide the complete local circulation needs through application of the development review criteria for block size. The existing streets designated in this ordinance include those streets whose functional classification will change from the existing plan.

   b. A-Engrossed Ordnance 484 applies three (3) new pedestrian classifications which would apply only within the planning area. The Pedestrian District is applied to the area immediately around the light rail transit station where densities are highest and the highest degree of pedestrian activity will be located. This ordinance also designates some off-street pathways needed for circulation. Additional off-street pathways will be required through the development review process to meet block perimeter standards. Together, these elements address the requirements of the County Transportation Plan and Transportation Planning Rule to accommodate non-auto modes of travel.

   c. A-Engrossed Ordinance 485 creates a new Street Corridor map in the Sunset West Community Plan. This map identifies the function and general location of certain required streets in the planning area. While the County finds that the ultimate construction of these roads in the general location identified on the map is important to meet both land use and transportation needs in the planning area, the County recognizes that the final alignment of a street on the ground is appropriately a project

development/final engineering exercise, and is not a systems planning exercise. The new Street Corridor map and associated standards allow street centerlines to be moved within certain corridors through a Type II process. Greater centerline adjustments may be allowed through a Type III process. This issue is discussed in detail in Issue Paper #3 for Ordinance 483.

d. A-Engrossed Ordinance 485 includes new Transportation Circulation designations for some Special Area streets. These streets require the maximum degree of connection to existing streets deemed practicable. These connections are consistent with the intent of Transportation Planning Rule and UGMFP requirements for connectivity.

4. In November of 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP) as an "early implementation" element of the Region 2040 Growth Concept. Because Ordinance 485 was filed in August of 1996, the UGMFP does not legally apply to this ordinance. Even though the UGMFP does not apply, the County has attempted to comply with the applicable transportation provisions of it. Title 6 -Regional Accessibility, is the transportation element of the UGMFP. Title 6 has three broad areas to address; 1) Boulevard Design; 2) Design Standards for Street Connectivity; and 3) Transportation Performance Standards. Only the Transportation Performance Standards apply to A-Engrossed Ordinance 485.

The Transportation Performance Standards in the UGMFP includes four separate areas to address, and are discussed below:

a. Alternative Mode Analysis - This section requires local governments to establish mode split targets which are not less than the regional mode split targets in the RTP. To date, Metro has not established regional mode split targets, therefore Washington County has not addressed them in this Ordinance.

b. Motor Vehicle Congestion Analysis for Mixed Use Areas - This section establishes new level-of-service standards that local governments may use when adopting land use ordinances to establish certain 2040 land use types, including station areas and town centers. A-Engrossed Ordinance 483 adopts these new level-of-service standards into the County Transportation Plan only for the limited use of making adequate level-of-service findings for these ordinances (A-Engrossed Ordinances 483, 484, 485, and 486). The actual level of service analysis for A-Engrossed Ordinance 485 is included at #1 above.

c. Congestion Management - This section requires local governments to consider other actions or programs prior to amending their comprehensive plan to add "significant capacity". A-Engrossed Ordinance 485 does not propose to add capacity to any regional facilities.

d. Motor Vehicle Congestion Analysis Outside of Mixed Use Areas. - This section specifies the congestion analysis needed for areas outside of mixed use land use areas. Station Communities and Town Centers are considered mixed use land use areas in the UGMFP. Because A-Engrossed Ordinance 485 applies only within the Merlo, Elmonica and Willow Creek Station Areas, this section does not apply. Congestion analysis within these districts is addressed above.

Energy Conservation

CONCLUSION

This topic is addressed by Statewide Planning Goal 13. Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan address energy conservation in the urban area of unincorporated Washington County. The Community Development Code implements the energy conservation policies by establishing standards that promote energy-efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance 485. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13. This conclusion is supported by the following facts.

FACTS

A-Engrossed Ordinance No. 485 did not amend the applicable Plan policies or Code provisions related to energy conservation.

Urbanization

CONCLUSION

This topic is addressed by Statewide Planning Goal 14 and Title 1 of the Metro Urban Growth Management Functional Plan (UGMFP). Policies 13, 14, 16, 17, 18 and 19 of the Comprehensive Framework Plan address urbanization within the Regional Urban Growth Boundary. The Community Development Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development. Plan compliance with Goal 14 is maintained with the amendments made by A-Engrossed Ordinance 485. The amendments are consistent with the County's acknowledged policies and strategies for urbanization as required by Goal 14. The amendments are also consistent with Title 1 of the UGMFP. These conclusions are supported by the following facts.

FACTS

1. A-Engrossed Ordinance 485 did not amend the Plan policies or Code standards related to urbanization.

ATTACHMENT "10"

FEB 14 2007
COMMUNITY DEVELOP DEPT

170th/Elmonica Station Area Circulation Study

Final Report

Prepared for
Washington County Department of Land Use
and Transportation Planning Division

Prepared by
DKS Associates, Inc.

June 17, 1996

DKS *Associates*

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June 17, 1996

Hal Bergsma
Washington County Department of Land Use and Transportation
155 North First Avenue
Hillsboro, Oregon 97124

Subject: 170th/Elmonica Station Area Circulation Study - Final Report

Dear Hal:

DKS Associates is pleased to submit this final report for the 170th/Elmonica Station Area Circulation Study. Four bound copies and one reproducible copy have been provided for your use.

Please contact me should you have any questions. We appreciate the opportunity to serve Washington County on this project.

Sincerely,

DKS Associates, Inc.

Robert J. Schulte
Senior Project Manager

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I. INTRODUCTION

The 170th/Elmonica Station Area Circulation Study was conducted in response to concerns of neighborhood residents about the effect of connecting their local streets to street systems serving new development in the vicinity of the future Westside Light Rail station located on the east side of SW 170th Avenue and on the north side of the LRT tracks. This study is part of an overall planning effort underway over the past three years in which Washington County, along with the cities of Beaverton, Hillsboro, and Portland, have been preparing Station Community Plans for areas around stations along the Westside LRT line The county is currently involved in the preparation and evaluation of alternative development/design concepts and drafting local and regional station area plans and implementation strategies.

The study consisted of three major tasks·

- Development and review of background information.
- Development of traffic forecasts.
- Identification of preferred local street network.

The development and review of background information served as a starting point for the analysis and provided a basis of information for the development of the circulation alternatives and evaluation of the analysis results. Traffic forecasts for each of the circulation alternatives were developed using a subarea traffic forecasting model developed specifically for this study. The model was developed by modifying the Metro regional model to reflect the study area street network in more detail and the specific land uses that have been assumed for future development in the area. The model provided the most reliable tool available; however, the primary purpose of the model was for evaluation of the relative long-range impacts of alternative local street networks, not the development of local traffic forecasts that may be considered accurate to within a narrow range of error.

Identification of a preferred local street network involved evaluation of the three circulation alternatives, selection of a preferred alternative, and refinement of the preferred alternative. The evaluation was based on two main criteria: connectivity of the local street network, as specified in Section 408 of the Washington County Community Development Code, and minimization of volume impacts to local streets. In addition, minimization of speed impacts to local streets was considered in the initial development of the alternatives. Refinement of the preferred alternative consisted of testing various measures to mitigate any significant impacts to local streets.

II. DEVELOPMENT AND REVIEW OF BACKGROUND INFORMATION

Background information related to the 170th/Elmonica study area analysis was obtained through a review of previous studies and an inventory of existing study area roadways. Information from existing sources is summarized in the annotated bibliography provided below.

1. Washington County Department of Land Use and Transportation Planning Division, *170th/Elmonica Station Area Plan Background Document*, February 1995

   This background document provides a description of existing transportation facilities and services and traffic conditions in the 170th/Elmonica station area. For roadways, information is provided on the physical characteristics of major streets, as well as traffic counts, levels of service, and accident history. Existing and planned bike/pedestrian paths in the area are described. Service frequencies, passenger facilities, and operations for public transit are presented, together with a description of transit alternatives

2. Washington County Department of Land Use and Transportation Planning Division, *Sunset West Community Plan*, June 1984.

   The transportation section of the community plan describes current transportation conditions, future transportation needs, and transportation improvements addressing future needs for the community plan area. Specific needs and improvements are discussed for 185th Avenue, Cornell Road, 174th Avenue, and Sunset Highway. Existing and future transit service and facilities are described, including issues related to the Westside LRT line. Information on bicycle and pedestrian pathway improvements to be implemented in conjunction with roadway improvements is provided.

3. Washington County Department of Land Use and Transportation Planning Division, *Washington County Transportation Plan*, October 1988.

   The Transportation Plan is a comprehensive analysis and identification of needs associated with the implementation of the development scenarios described in the community plans. It addresses roadway, transit, pedestrian, and bicycle transportation issues and provides information on both specific and system-level requirements. A functional classification is assigned to each major street that is indicative of its existing or planned function and design standards.

4 Tri-County Metropolitan Transportation District, *Westside Corridor Project FEIS*, August 1991.

The purpose of the Final Environmental Impact Statement is to complete the federal environmental review requirements for the Locally Preferred Alternative for the Westside Corridor Project Relevant sections of the FEIS include:

- Chapter One - A discussion of regional and local transportation goals and transportation problems related to the roadway and transit systems
- Chapter Two - A definition and description of the Locally Preferred Alternative and other alternatives considered.
- Chapter Four - A presentation of the transit and roadway impacts as a result of each alternative. Roadway impacts include changes in congestion levels on streets and at key intersections for each alternative, impacts of pedestrian and vehicular activity around stations and park-and-ride lots, and parking impacts.

5. DKS Associates, Inc., *Beaverton/170th Avenue Park-and-Ride Station Impact Study*, October 1994.

The study analyzed future traffic volume impacts of the Beaverton/170th park-and-ride station within the Waterhouse South neighborhood immediately north of the station. Several circulation alternatives were considered to accommodate future traffic levels within the neighborhood. The study contains information on existing and future traffic volumes and patterns in the study area and describes the impacts and potential mitigation measures associated with each alternative.

6. Washington County Department of Land Use and Transportation Planning Division, *Capital Projects Report*, August 1995.

Information is presented on specific near-term transportation capital projects for Washington County. For each project, a project description, vicinity map, physical roadway characteristics, and project schedule is provided.

The inventory of existing study area roadways consisted of the collection of data on roadway characteristics and current daily and p.m. peak hour traffic volumes. Information on non-local roadways in the study area was available from the 170th/Elmonica Station

Area Plan Background Document prepared by the Washington County Department of Land Use and Transportation Planning Division. Baseline Road, SW 170th Avenue, and SW 185th Avenue are all two-lane minor arterials lacking bike lanes or sidewalks. Merlo Road is also a two-lane minor arterial with sidewalks but no bike lanes Augusta Lane is a two lane minor collector having sidewalks and no bike lanes.

As shown in Figure 1, there are currently a number of dead end streets. Information on local streets within the study area was obtained through field survey. This is summarized in Table 1. Most local streets have sidewalks with adequate widths; however, there are no bike lanes Roadway condition is good for all of the streets Roadway condition, as defined in Table 1, is related primarily to the adequacy of the roadway surface Speed limits are 25 mph throughout the local street network.

Street widths are generally 32 - 36 feet, with some cul-de-sacs having a 28 foot width Roadway and right-of-way widths for streets which may experience significantly higher future traffic volume are listed below:

- Jay Street - 32' roadway width
- Frances Street - 32' roadway width
- Pheasant Lane - 50-60' right-of-way width
- Augusta Lane - 32' roadway width west of Pheasant Lane; 36' east of Pheasant Lane
- SW 179th Avenue south of Baseline Road - 32' roadway width

Speed data was available at one location along Jay Street east of 185th Avenue. Speeds are somewhat excessive, with 85th percentile speeds of 35 mph in the westbound direction and 31 mph in the eastbound direction. There are no known speeding problems in the other portions of the study area.

Information on the existing percentage of walk, bicycle, and transit trips was unavailable Existing transit service in the vicinity consists of:

- Route 52 - Farmingon-185th via 185th
- Route 57 - Forest Grove via Tualatin Valley Highway
- Route 60 - Leahy Road via 158th
- Route 67 - Beaverton-Cedar Hills via 158th
- Route 88 - SW 198th Avenue
- Route 91X - Tualatin Valley Highway Express

Table 1
Local Street Inventory
170th/Elmonica Station Area

Road Name	From	To	Sidewalks	Bike Lanes	Roadway Condition	Speed Zone
Jay Street	185th Avenue	179th Court	Only near 185th	No	Good	25
Jay Street	179th Court	178th Avenue	Yes	No	Good	No Post
Frances Street	Jay Street	180th Avenue	No	No	Good	No Post
Frances Street	180th Avenue	178th Avenue	One Side	No	Good	No Post
178th Avenue	Marty Lane	Jay Street	Yes	No	Good	No Post
178th Avenue	Jay Street	Dead End (North)	Yes	No	Good	No Post
178th Place	Corona Lane	Dead End (North)	Yes	No	Good	No Post
179th Avenue	178th Avenue	Baseline Road	Yes	No	Good	No Post
Lawton Street	178th Avenue	Dead End (East)	Yes	No	Good	No Post
Corona Lane	178th Avenue	Dead End (East)	Yes	No	Good	No Post
176th Terrace	Corona Lane	Dead End (North & South)	Yes	No	Good	No Post
177th Terrace	Corona Lane	Dead End (North)	Yes	No	Good	No Post
Marty Lane	178th Avenue	Dead End (East)	One Side	No	Good	No Post
Pheasant Lane	185th Avenue	Augusta Lane	No	No	Good	25
Augusta Lane	Pheasant Lane	170th Avenue	Yes	No	Good	25
Johnson Street	185th Avenue	200 ft East of 185th	Yes	No	Good	25
Johnson Street	200 ft East of 185th	Dead End	No	No	Good	No Post
Augusta Lane	178th Avenue	Pheasant Drive	No	No	Good	No Post
Merlo Road	170th Avenue	Beaver Court	Yes	No	Good	25
Beaver Court	Merlo Road	Dead End (West)	Yes	No	Good	25
174th Avenue	Beaver Court	Dead End (North)	Yes	No	Good	25

Daily traffic count data for several non-local roadways in the study area was available from the Washington County Department of Land Use and Transportation Planning Division. This information was supplemented by conducting daily and p.m. peak hour traffic counts for local streets within the neighborhood Existing daily and p.m peak hour traffic volumes are presented in Figure 1.

Volumes along Baseline Road and SW 185th Avenue are relatively high. Baseline Road carries roughly 13,000 vehicles per day and 1,400 vehicles during the p.m. peak hour Volumes along SW 185th Avenue are even higher, with 23,000 vehicles per day and 2,400 vehicles during the p.m peak hour ADT on SW 170th Avenue and Merlo Road is significantly lower, with roughly 6,000 vehicles per day on each roadway. Current traffic volumes within the neighborhood area are fairly typical for local streets. P.M. peak hour volumes are less than 100 for all of the counted locations, with the exception of Pheasant Lane which carries 130 vehicles. Daily traffic was counted only along Jay Street east of SW 185th Avenue, where the volume is roughly 950 vehicles per day.

III. DEVELOPMENT OF TRAFFIC FORECASTS

P.M peak hour traffic forecasts were prepared for the purpose of analyzing the effects of several circulation alternatives for the 170th/Elmonica station area The forecasts were developed based on Metro's travel demand forecasting model and data from Metro's 2015 medium density development scenario This involved the following activities:

- Development of circulation alternatives
- Preparation of study area land use data
- Development of focus area models based on the Metro model
- Application of models for each circulation alternative

The results of the model were used for assessing the future impacts of each circulation alternative on traffic volumes for existing local streets in the study area as well as testing the effectiveness of various measures for mitigating these impacts.

DEVELOPMENT OF CIRCULATION ALTERNATIVES

Circulation alternatives were developed for serving anticipated future development in the study area. Three alternatives were developed in conjunction with Washington County and City of Beaverton staff, with essentially the same development scenario assumed for each alternative:

- Alternative A - Maximum Local Street Connections (Without Collector)
- Alternative B - Maximum Local Street Connections (With Collector)
- Alternative C - No Local Street Connections (With Collector)

The alternatives were developed through a process of examining the existing local street network, major committed roadway improvements in the vicinity, the type and location of existing and future development, and local topography. An attempt was made to establish a maximum range of alternatives with regard to existing local street impacts, with each alternative having one or more major distinguishing features.

Alternative A, shown in Figure 2, features connections to all existing local streets on both the east and west sides of the study area, as well as new through connections on Augusta Lane and Johnson Street to the south of the study area. Alternative B is similar, but with slightly fewer local connections and a circumferential collector road through the east side of the study area connecting with Baseline Road to the north and 170th Avenue to the east. This alternative also has a new through connection on Johnson Road, but no connection along Augusta Lane Alternative C has no connections with existing local

streets with the exception of a circumferential collector road which, as in Alternative B, connects through 176th Terrace to Baseline Road to the north. All access to future development on the west side of the study area would be provided via the collector road and 170th Avenue and on the east side via Baseline Road and SW 185th Street. No through connection would be provided on either Augusta Lane or Johnson Street.

Several major committed roadway improvements were assumed outside of the immediate study area boundaries These include:

- Jenkins Road extension
- Baseline Road widening (5 lanes) between 170th Avenue and 185th Avenue
- Baseline Road widening (3 lanes) between 185th Avenue and 231st Avenue
- 170th/173rd Avenue widening (3 lanes) between Walker Road and Merlo Road

Future transit service was reflected by the transit system that is implicitly represented in the 2015 vehicle trip forecasts from the Metro model

PREPARATION OF LAND USE DATA

Land use quantities for the assumed future development scenario in each study area were developed by Washington County staff The land use quantities were used as input to the trip generation estimates that were directly incorporated in the focus area models. Land use data was developed for the residential (single family, multi-family), retail, industrial, office, and institutional categories. Non-residential land use quantities were converted to equivalent numbers of retail and non-retail employees for the purpose of trip generation.

Prior to the development of the land use data, it was necessary to establish a zone system for the modeling focus area Within the study area portion of the modeling focus area, Metro traffic analysis zones (TAZ's) were disaggregated into much smaller zones to provide greater accuracy and level of detail in the traffic assignments. The two primary factors considered in the disaggregation process were network loading patterns and having fairly homogenous land uses within a given zone. Within the study area, all or part of three Metro TAZ's were disaggregated into roughly 35 focus area model TAZ's. The zone system definition varied slightly between alternatives due to differences in the local street network configuration. The focus area boundaries are shown in Figure 5, with the focus area TAZ's for each alternative presented in Appendix A. Land use data corresponding to the focus area TAZ's are given in Appendix B.

For Metro TAZ's within the modeling focus area beyond the study area boundaries, the land use data implicitly represented in the Metro vehicle trip matrices was assumed. The focus area boundaries were established by identifying those areas within which the assignment of traffic could be affected by the study area land use and roadway network assumptions A lesser level of zone disaggregation was considered for the Metro TAZ's in these areas. Examination of the zone system, however, indicated that the TAZ's were already small enough to provide sufficiently accurate traffic assignments for purposes of the study

DEVELOPMENT OF TRAFFIC FORECASTS

Although the model used for the study area traffic forecasts is referred to as focus area model, it was actually developed using a "windowing" approach. The strategy with this approach was to modify the Metro regional model so that only those portions of the regional roadway network and vehicle trip matrix relevant to the study area would have to be applied to produce the traffic forecasts. This involved two basic tasks

- Representation of the regional modeling area beyond the focus area boundaries as external stations within both the roadway network and vehicle trip matrix.
- Adding detail to the Metro model network and zone system within the study area

With this arrangement, all through trips and trips between the focus area and remainder of the region pass through the external stations Within the roadway network, external stations were created by coding external zone connections for each roadway crossing the focus area boundary. The remainder of the regional roadway network was then deleted.

An initial focus area trip matrix was created by "collapsing" the regional zone system into the external stations using the traversal assignment procedure within the EMME/2 software package The advantage of this approach is that much less time is required to apply the focus area model than the entire regional model. This is a particularly important consideration when numerous traffic assignments are required for testing network alternatives. For example, a single traffic assignment with the entire Metro model can take up to two hours of computer time, while each focus area model assignment takes roughly one minute. A revised focus area trip matrix was created from the traversal matrix by essentially extracting the trip interchanges for the Metro zones within the study area and replacing them with trip interchanges for the refined study area zones.

The alternative focus area networks were created by adding the local streets within the study area and by making modifications to reflect the focus area zone system for each alternative (adding centroids and centroid connectors for study area zones and deleting centroids and centroid connectors for the associated Metro zones) All existing local streets were coded in the network alternatives A uniform speed of 25 mph and directional capacity of 500 vph was used for existing and future local streets This capacity is different than the capacity for local streets established by Washington County of 1,500 vehicles per day. The capacity used within the model is a theoretical capacity, representing the maximum number of vehicles that could be carried on local street within a one hour period. The capacity defined by Washington County is a functional capacity, reflecting the desired maximum daily traffic volume for local streets, which considers such factors as maintenance of neighborhood livability, safety, and local access

The focus area matrices were assigned to the alternative networks using the equilibrium capacity restraint procedure within the EMME/2 software. The assignments were checked for reasonableness by comparing the link volumes to the assigned volumes from the Metro regional model assignment and by reviewing demand/capacity ratios for local streets and major roadways.

SUMMARY OF TRAFFIC FORECASTS

The traffic forecasts were analyzed with regard to trip generation, trip distribution, and traffic assignment. Trip generation and trip distribution were very similar between the alternatives because the assumed land use scenario was nearly the same and the surrounding major roadway network was identical. The primary differences were in the traffic assignments within the immediate study area, reflecting the differences in assumed local street network.

Within the study area , the estimated total p.m. peak hour trip generation for 2015 is roughly 3,000 trips, compared to an existing p.m. peak hour trip generation of 500 trips. In the area of new development on the east side of the study area, including the LRT station area, future p.m. peak hour trip generation is 1,600 trips Future trip generation from the area of new development on the west side of the study area near SW 185th St. and Baseline Road is roughly 900 trips.

Overall p.m. peak hour trip distribution for the study area is shown in Figure 6. The distribution percentages are for all trips with destinations within the study area. For the p.m peak hour, this is more meaningful than the distribution of trips originating within the study area, since more trips are destined for the study area in the p.m. peak hour. The

predominant areas of trip interchanges are to the east (39%), via Walker Road, Jenkins Road, and T V. Highway, and to the north (27%), via US 26, 158th Avenue, and 185th Avenue

The assigned p.m. peak hour traffic volumes for each alternative are shown in Figures 7 - 9 For Alternative A, the existing local streets with the largest traffic volume impacts are Jay Street, SW 181st Avenue, SW 177th Terrace, Corona Lane, and Augusta Lane. For Alternative B, the largest volume impacts would occur along Jay Street, Frances Street, Pheasant Lane, and Augusta Lane With Alternative C, the only local streets having a significant impact are Pheasant Lane and Augusta Lane It appears that the primary of source of the impacts for Pheasant Lane and Augusta Lane for all of the alternatives is diverted east-west traffic from Baseline Road and T.V. Highway

Future traffic volumes for the major roadways surrounding the study area are very similar for each alternative. Substantial p m. peak hour volumes occur for all of these roadways·

- Baseline Road - 1,500 - 3,600 vph
- Jenkins Road - 2,000 vph
- Merlo Road - 2,000 vph
- 185th Avenue - 2,500 - 3,200 vph
- 170th Avenue - 1,000 - 2,100 vph
- T.V. Highway - 4,500 vph

The volume ranges shown for some of the roadways reflect differences in volume between individual links along the roadway adjacent to study area. Volume differences between the alternatives for particular links are, in some cases, due to the degree of connectivity that was assumed for the local street network within the study area. Generally, better connectivity in the local street network results in lower volumes along the major roadway segments adjacent to the study area.

The associated demand/capacity ratios are shown in Figures 10 - 12. The demand/capacity ratios exceed 1.0 for Baseline Road and Merlo Road in the westbound direction for T.V. Highway in both directions. For local streets, congestion is typically not a significant issue. This is true for the existing local street system within the study area, where demand/capacity ratios are well below 1 0 for all of the alternatives.

A comparison of future and existing p.m. peak hour traffic volumes for selected facilities is provided below in Table 2.

Table 2
170th/Elmonica Study Area
Comparison of 1995 and 2015 P.M. Peak Traffic Volumes

Location	P.M. Peak Hour Traffic Volumes			
	1995	2015 Alt. A	2015 Alt. B	2015 Alt. C
1.179th Ave. s/o Baseline Rd.	25	70	95	25
2.177th Terrace s/o Baseline Rd	95	205	45	95
3 Lawton St e/o 177th Terrace	5	90	10	n/a
4.178th Place s/o Lawton St	70	120	60	115
5.Jay St. e/o 185th Ave.	85	440	385	130
6.Frances St. s/o Jay St.	30	70	210	25
7.Pheasant Lane at 178th Ave.	135	120	250	450
8.185th Ave. n/o Jay St.	2,405	2,640	2,740	2,930
9.Baseline Road w/o 170th Ave.	1,405	3,050	3,210	3,570
10.Marty Lane e/o 178th Ave	15	75	175	35
11.Corona Ln. e/o 177th Terrace	15	150	25	55

The P.M. peak hour volumes shown may be roughly converted to daily volumes by applying a peak/daily traffic volume ratio. In residential areas, this ratio is typically close to 10%. Within the study area, a somewhat lower value of 8.7% was obtained based upon a 24-hour traffic count performed along Jay Street to the east of 185th Avenue.

In order to determine the origins and destinations of traffic using local streets having larger volume impacts, two select link assignments were performed. The first assignment was conducted for Jay Street immediately east of 185th Avenue (see Figure 13). Here, there appears to be a significant proportion of through traffic having a northeast-southwest orientation. This link also serves a number of trips with origin and destinations within the future area of development on the east side of the study area, including the light rail park-and-ride lot. The second select link assignment was conducted for Pheasant Lane at 178th Avenue in Alternative B (see Figure 14). The results of the assignment indicated that the impact is related entirely to through traffic with origins and destinations to the east and west of the study area.

Based upon future volumes and the county's functional daily volume limits for local streets, changes may be needed in functional classification of several existing local streets. This includes Jay Street and Augusta Lane for Alternatives A and B, as well as SW 181st Avenue, SW 177th Terrace, and Corona Lane for Alternative A and Frances Street and Pheasant Lane for Alternative B. For Alternative C, changes in functional classification may be considered for Pheasant Lane and Augusta Lane

IV. IDENTIFICATION OF PREFERRED LOCAL STREET NETWORK

The identification of a preferred local street network involved evaluation of the three circulation alternatives, selection of a preferred alternative, and refinement of the preferred alternative. The evaluation was based on two main criteria connectivity of the local street network, as specified in Section 408 of the Washington County Community Development Code, and minimization of volume impacts to local streets Refinement of the preferred alternative consisted of testing various measures to mitigate any significant impacts to local streets

RELATED TRANSPORTATION POLICIES

Connectivity of the local street network is an important criterion that must be applied in the evaluation of any proposed development scenario. In April of 1995, the Land Conservation and Development Commission adopted Section 660-12-045 of the Transportation Planning Rule This rule requires, in part, that

> "Local governments shall. ensure that new development provides on-site streets and accessways that provide reasonable direct routes for pedestrian and bicycle travel." OAR 660-12-045(3)

In meeting the Transportation Planning Rule, Washington County adopted Ordinance 471 This ordinance included, in part, the following new policy:

> "Safe and convenient bike and pedestrian access is best provided by a well designed street network that minimizes the need for out of direction travel. " Policy 14 of Washington County's Transportation Plan

Ordinance 471 also added a new section to the County's Community Development Code. The intent of this new section was, in part, to require:

> "...a development pattern which provides choices and convenient circulation for pedestrians, bicyclists and transit users as well as motor vehicles." Section 408-1

The existing Washington County Transportation Plan includes a functional classification policy (Policy 9.0) which is used to ensure the roadway system is designed and operates efficiently. The functional classification system includes arterials, collectors and local streets. Generally, arterials are intended to serve long trips, while short trips are

discouraged. On the other hand, local streets are intended to serve short trips, while long trips and through trips are discouraged.

Metro's Regional Framework Plan which implements the 2040 growth concept, may also influence determination of a local circulation alternative. While it's unclear what a final adopted document may include, Metro's "Discussion Draft" of Phase I of the Regional Framework Plan, states, in part:

> "The design of local street systems is generally beyond the scope of the Regional Transportation Plan (RTP) However the aggregate effect of local street design impacts the effectiveness of the regional system when local travel is restricted by a lack of connecting routes, and local trips are forced onto the regional network. Therefore, the RTP will include design standards for connectivity aimed at improving local circulation in a manner that protects the integrity of the regional system " (Page 14 of the February 14, 1996 Discussion Draft)

EVALUATION OF CIRCULATION ALTERNATIVES

The 2015 traffic forecasts discussed in the previous section served as the basis for the evaluation of the alternatives with regard to volume impacts to existing local streets Comparison of Figures 7, 8, and 9 indicate that overall, the lowest volume impacts would occur with Alternative C. The only existing streets having higher volumes with Alternative C than either of the other alternatives are 176th Terrace (which would become part of the new circumferential collector road), 177th Terrace, Corona Lane, Pheasant Lane, and Augusta Lane. The higher volumes on 177th Terrace are primarily the result of cut-through traffic that would be carried by new connections in the other alternatives. Similarly on Corona Lane, the higher volumes are the result of the lack of through connections on other nearby streets. Higher volumes occur along Pheasant Lane and Augusta Lane because of the lack of a connection on Johnson Road and the lack of another east-west through route in the northern part of the study area, as contained in the other alternatives

While local street impacts are generally minimized with Alternative C, only one existing street, 176th Terrace, would be connected with the local network in areas of new development. This is inconsistent with the circulation requirements of Section 408. In addition, the lack of through connections on other streets does result in higher volume impacts on several existing local streets compared to the other alternatives For these reasons, Alternative C was eliminated from further consideration.

Comparison of future traffic volumes between Alternatives A and B indicates that overall, impacts to local streets would be similar With Alternative A, volumes would be higher along Jay Street but lower along Frances Street compared to Alternative B. This difference is primarily due to the lack of an east-west connection across the LRT line on the east side of the study area with Alternative B. The combined volumes for these streets are roughly the same between the two alternatives Volumes along 177th Terrace are significantly higher with Alternative A than Alternative B, however, these additional volumes would be carried along the new collector road to the east in Alternative B, resulting in higher impacts to 176th Terrace. The only other area of significant volume difference between the alternatives is along Pheasant Lane and Augusta Lane With Alternative A, Augusta Lane is connected between 170th Avenue and 185th Avenue, while under Alternative B, the existing disconnection would remain to the west of Pheasant Lane. With this additional east-west connection under Alternative A, volumes are significantly lower along Pheasant Lane and somewhat higher along Augusta Lane to the east of Pheasant Lane.

With regard to connectivity, all existing dead end streets that abut areas of new development would be connected with the local street network in these areas for both Alternative A and Alternative B. Directness of travel, which is another indicator of general accessibility, would be somewhat better in the area of new development on the east side of the study area with Alternative A, however The configuration of the street network within this area provides more continuous routing than with Alternative B, which has more intersections and requires more turning movements

Based on this comparison, Alternative A was selected for further refinement. This was based upon the following factors:

- The new collector road included under Alternative B would require the taking of existing developed property along 176th Terrace.
- The Augusta Lane connection included under Alternative A provides a second east-west connection on the south side of the study area, reducing what would be excessive local traffic volumes along Pheasant Lane with Alternative B.
- In accordance with Section 408 of the Washington County Community Development Code, directness of travel would be somewhat better on the east side of the study area with Alternative A.
- Overall, volume impacts to local streets are similar between the two alternatives.

REFINEMENT OF PREFERRED ALTERNATIVE

As an outcome of the evaluation, two areas of mitigation were identified for Alternative A·

- Reduction of traffic volumes along Jay Street
- Reduction of traffic volumes along Augusta Lane, in particular, to the west of Pheasant Lane.

Two mitigation measures were considered for Jay Street The first would be implementation of traffic calming devices, such as intersection chokers, textured pavement, narrowed street width, and speed humps. The anticipated effect of these measures would be to reduce speeds to an average of roughly of 20 mph. This was reflected in the forecasts by modifying the coded link speeds for Jay street in the model. The results of this measure are shown in Figure 15. As can be seen, p.m. peak hour volumes on the west end of Jay Street were reduced by about 250 vehicles to a total of 190 vehicles per hour, while volumes on the east end were reduced by about 125 vehicles to 55 vehicles per hour. The second measure examined was the deletion of the connection across the LRT line on the east side of the study area From the select link assignment performed previously for Jay Street, it was found that a significant number of vehicles using Jay Street were also using this connection. As shown in Figure 16, the effect of this measure on the traffic forecasts was to reduce volumes from 60-105 vehicles per hour along Jay Street Although this reduction is smaller than what would be attained with traffic calming devices, deletion of the connection across the LRT line was considered more desirable because of the intrusion caused by these devices

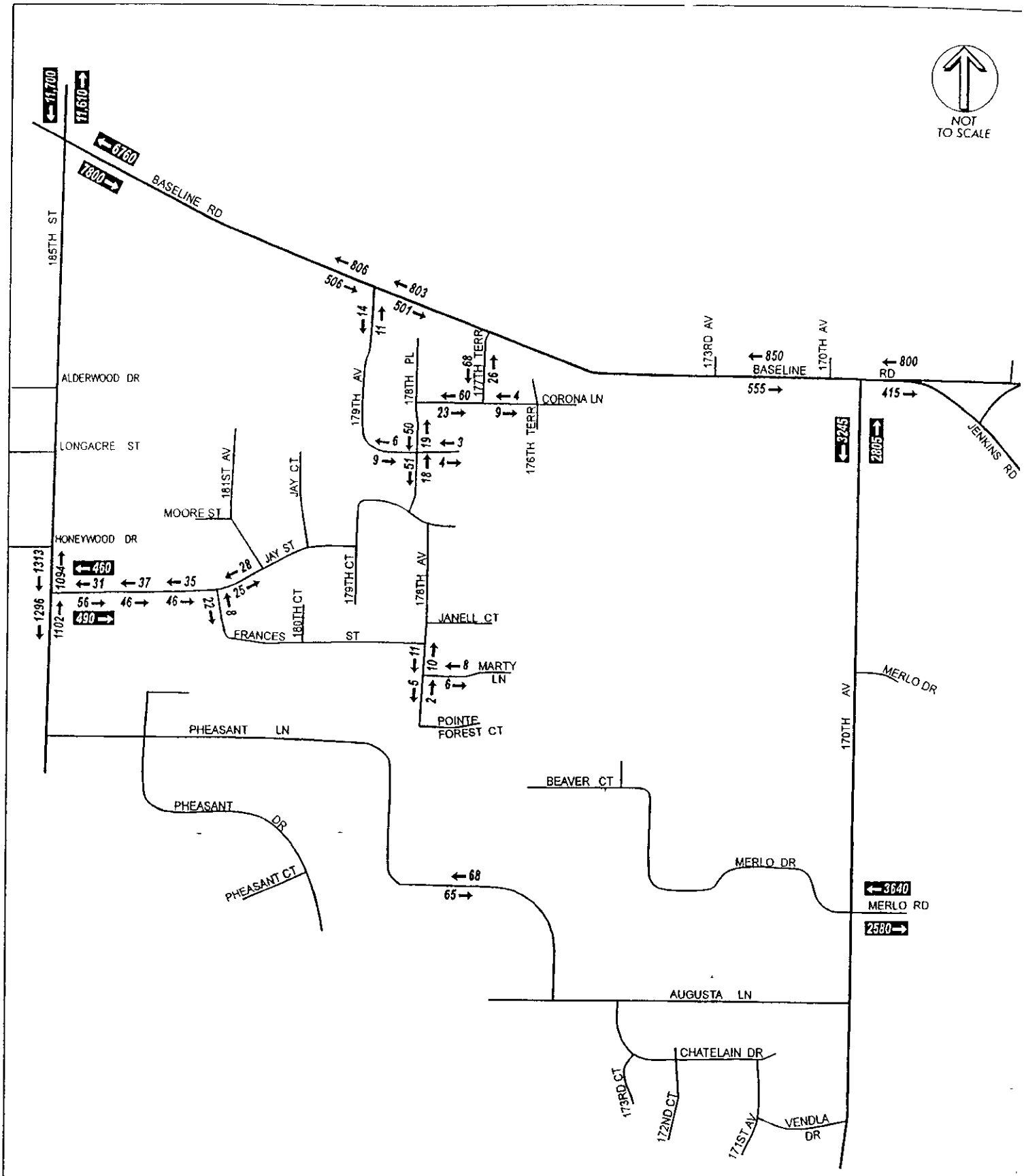
Deletion of this connection also had the effect of increasing volumes along Augusta Lane, however. As shown in Figure 16, volumes increase by roughly 90 vehicles per hour, from 295 vehicles to 385 vehicles west of Pheasant Lane and from 415 vehicles to 505 vehicles east of Pheasant Lane, compared to the original version of Alternative A. The reason for the increase is that vehicles using Jay Street as an east-west cut-through route through the study area in the original version of Alternative A would be diverted to Augusta Lane with the deletion of the link across the LRT line.

To lessen this impact, the implementation of traffic calming devices was considered for Augusta Lane. Again, the anticipated effect would be to reduce speeds to roughly 20

mph along Augusta Lane The results of this measure, together with the disconnection of the link across the LRT line, are shown in Figure 17. As can be seen, volumes are reduced to about 230 vehicles per hour west of Pheasant Lane and to 385 vehicles east of Pheasant Lane

With regard to planned local streets, significant traffic volumes would also occur within the northwest corner of the study area with Alternative A This would be true, in fact, with all of the alternatives. As shown in Figure 7, streets in this area with higher volume impacts would include 181st Avenue (existing) and the 181st Avenue extension, the Longacre Street extension, and the proposed loop street north of the Longacre Street extension. A significant proportion of the traffic on these streets consist of "cut-through" traffic between 185th Avenue and Baseline Road. This diversion would be caused by the long delays occurring at the 185th Avenue/Baseline Road intersection. Potential capacity improvements now being considered by the county for this location would have a mitigating effect with regard to "cut-through" traffic Depending on the level of future traffic in this area, a higher functional classification for one or more of these planned local streets may be appropriate.

Based on these results, Alternative A is recommended as the future study area local street network, modified to reflect the deletion of the link across the LRT line and the implementation of traffic calming devices along Augusta Lane. It is believed this network represents a reasonable balance between the policy requirements of connectivity and directness of travel and the mitigation of traffic volume impacts to existing local streets



Legend

←56 - *PM Peak Hour Traffic Volume*

490 → - *Daily Traffic Volume*

Figure 1
170TH/ELMONICA STATION AREA
EXISTING TRAFFIC VOLUMES

DKS Associates

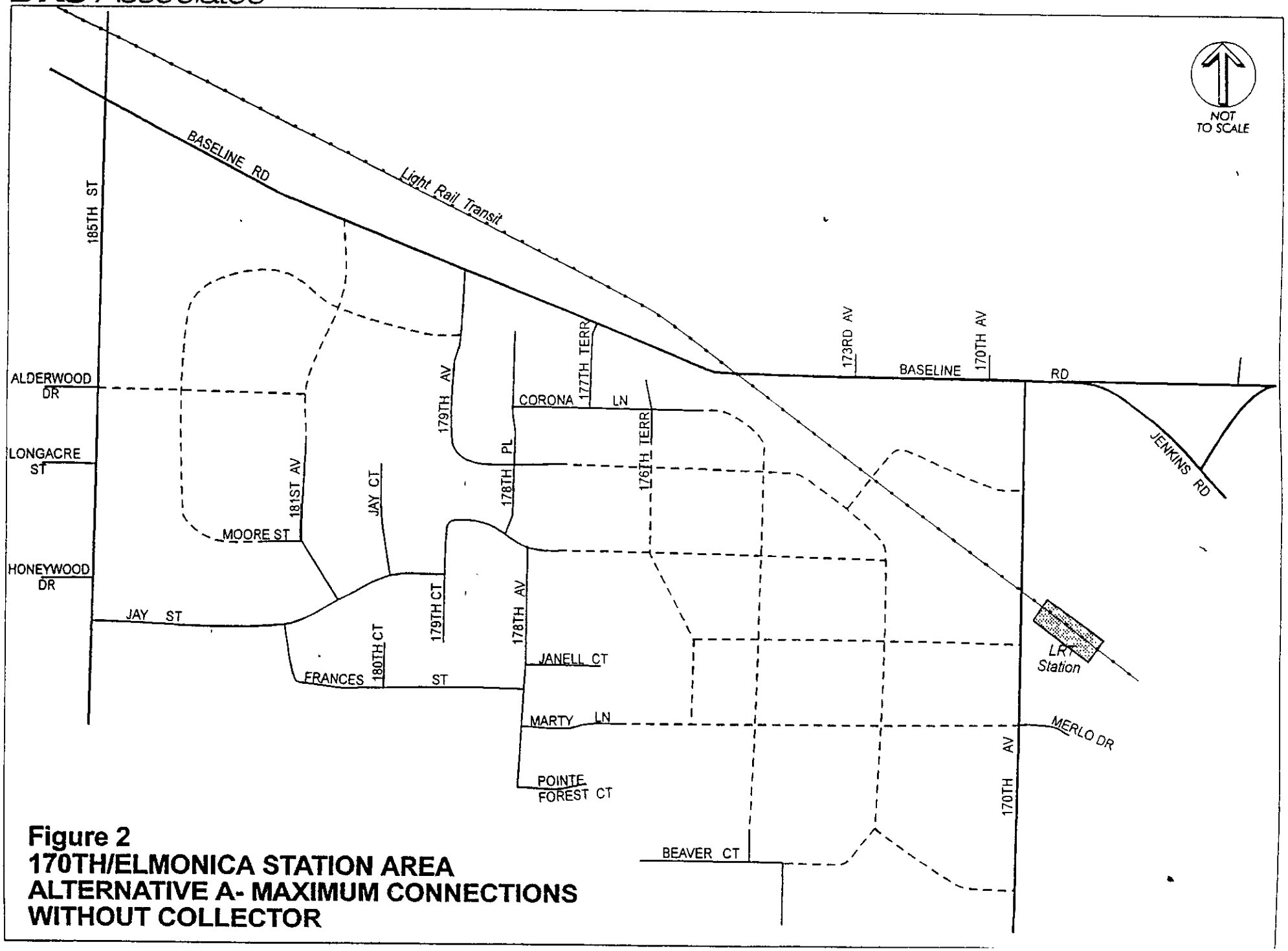


Figure 2
170TH/ELMONICA STATION AREA
ALTERNATIVE A- MAXIMUM CONNECTIONS WITHOUT COLLECTOR

DKS Associates

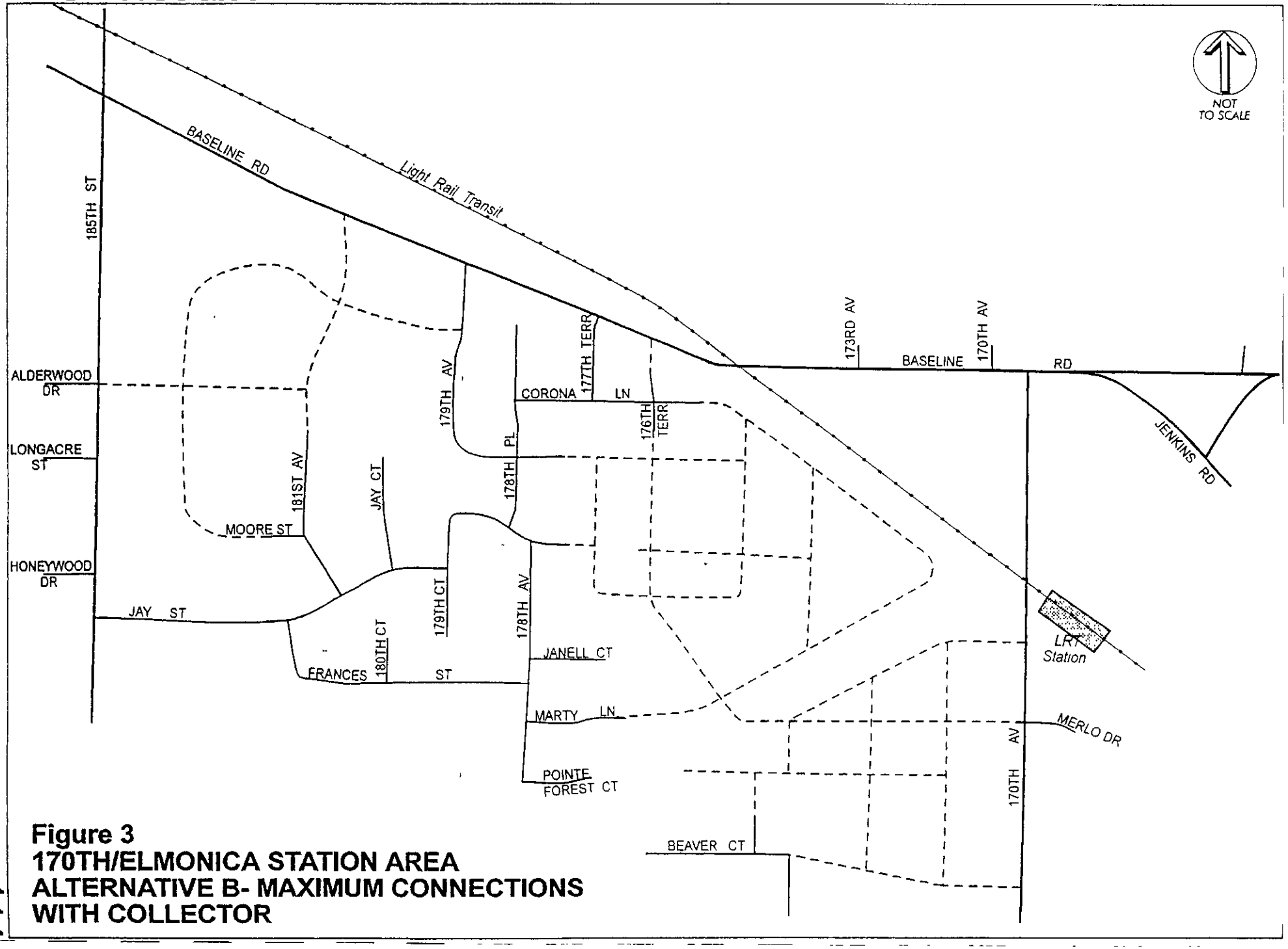


Figure 3
170TH/ELMONICA STATION AREA
ALTERNATIVE B- MAXIMUM CONNECTIONS WITH COLLECTOR

DKS Associates

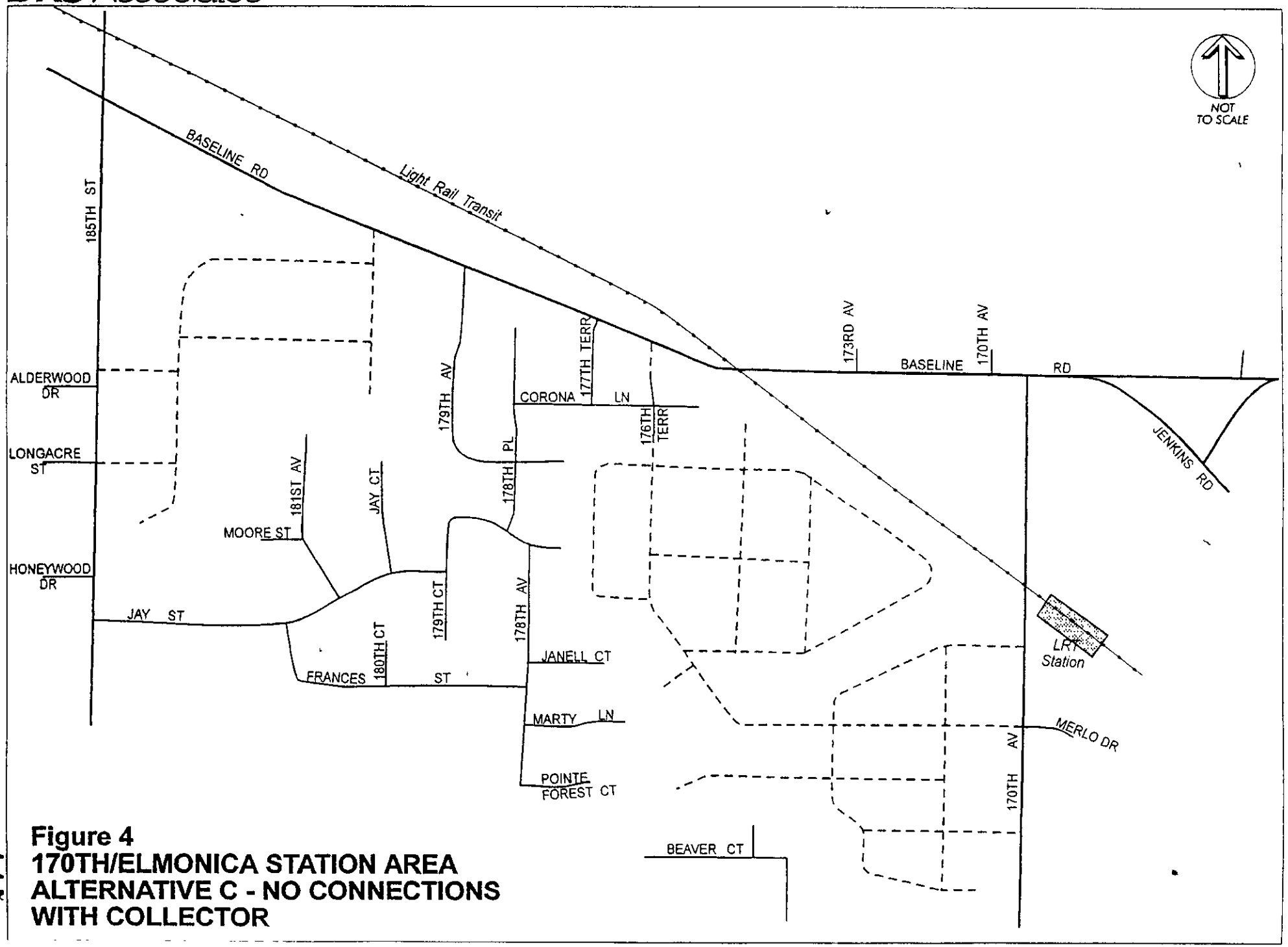


Figure 4
170TH/ELMONICA STATION AREA
ALTERNATIVE C - NO CONNECTIONS WITH COLLECTOR

NOT TO SCALE

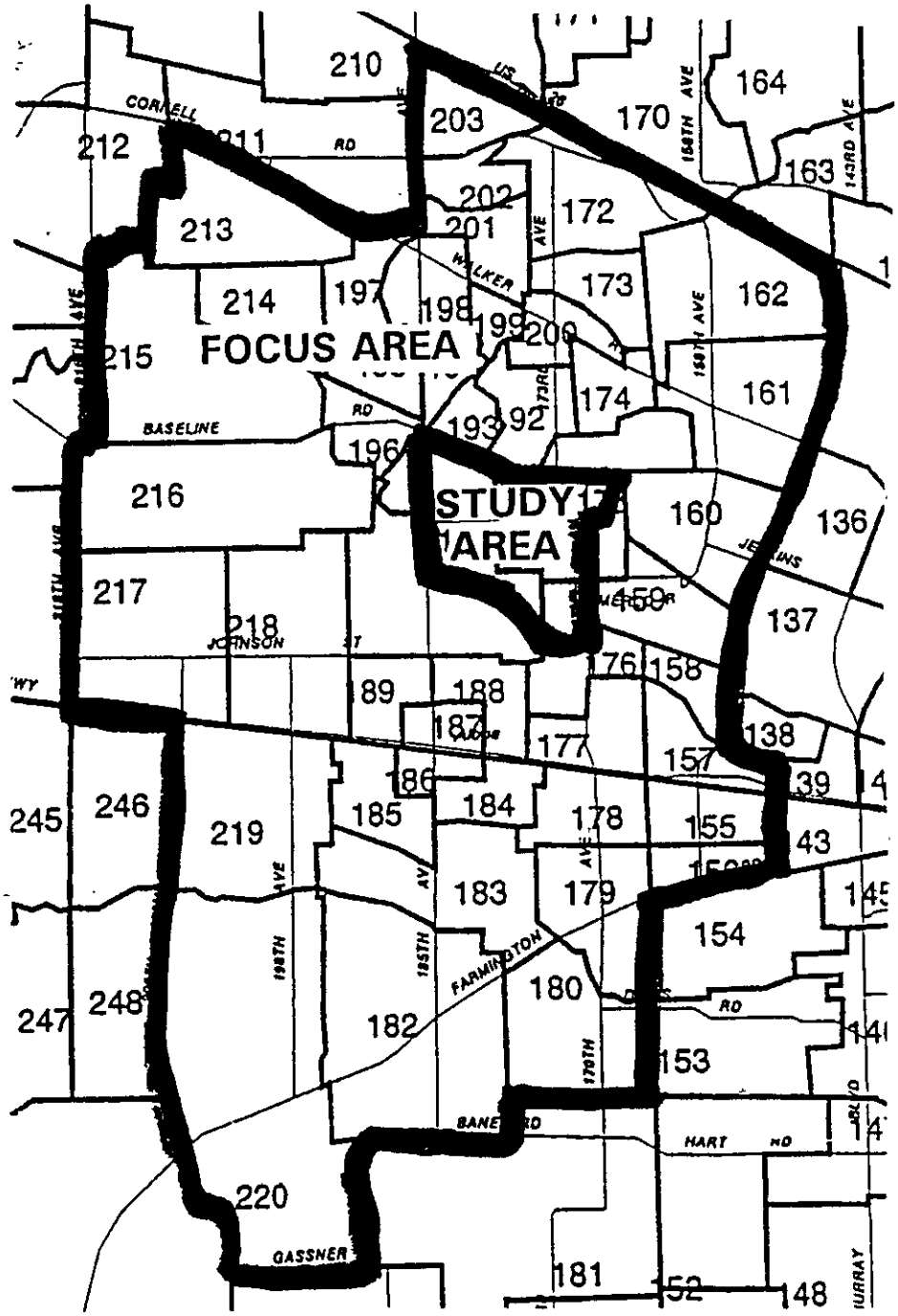


Figure 5
170TH/ELMONICA
STUDY AREA/FOCUS AREA BOUNDARIES

NOT TO SCALE

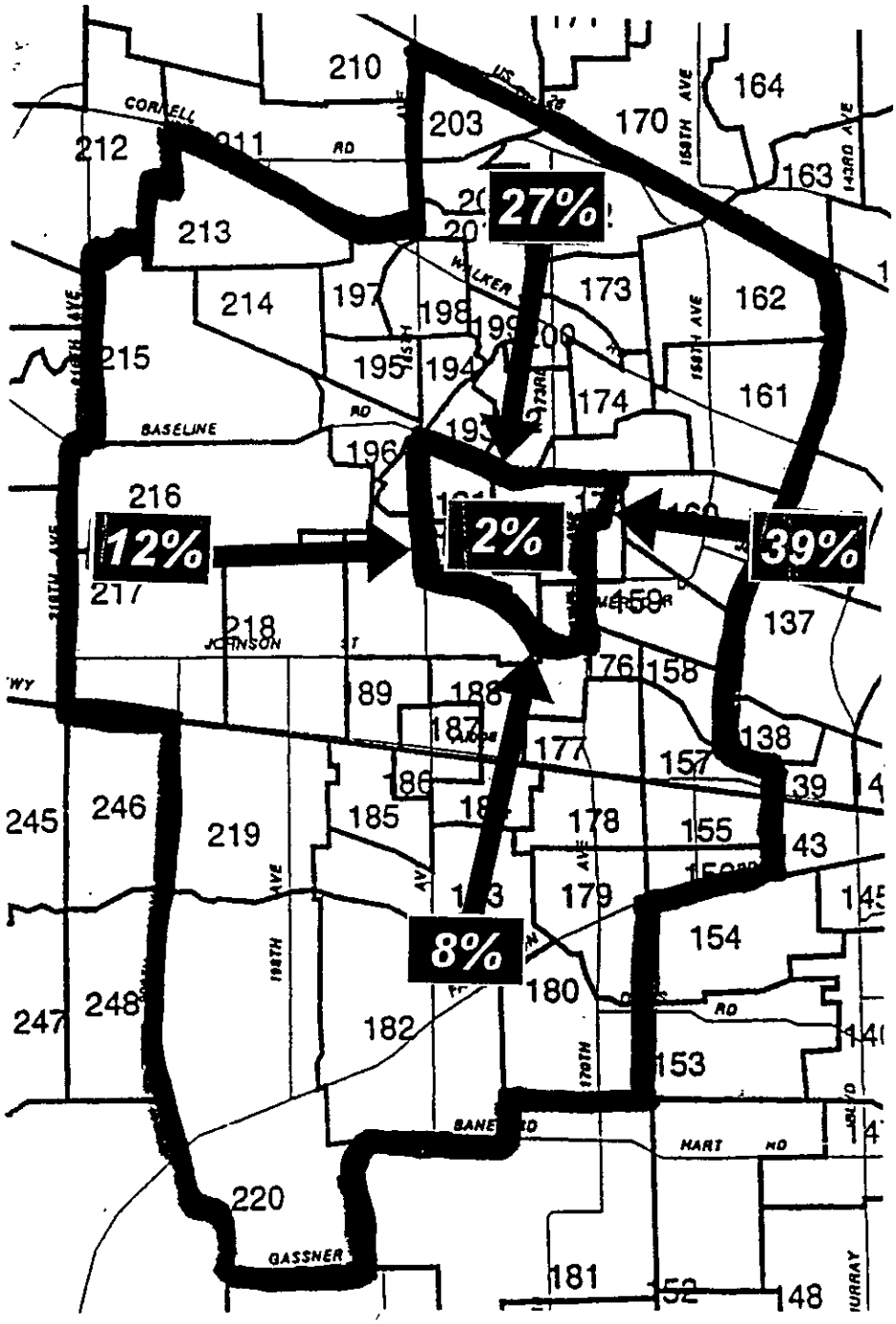
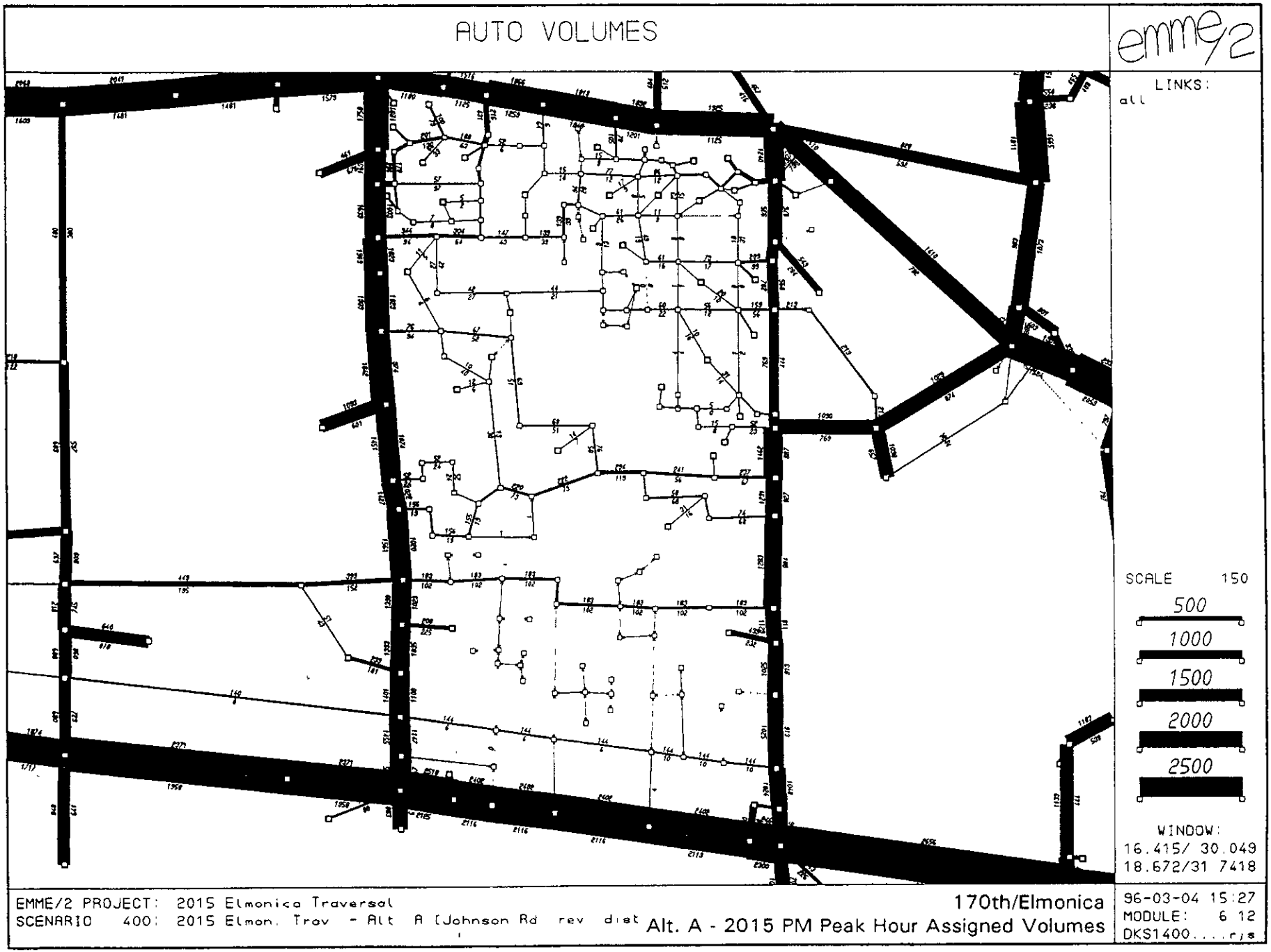


Figure 6
170TH/ELMONICA
PM PEAK HOUR TRIP DISTRIBUTION

* Other Areas = 12%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2000
2500
WINDOW:
16.415/ 30.049
18.672/31 7418
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SCENARIO 400: 2015 Elmon. Trav - Alt A (Johnson Rd rev dist
170th/Elmonica
Alt. A - 2015 PM Peak Hour Assigned Volumes
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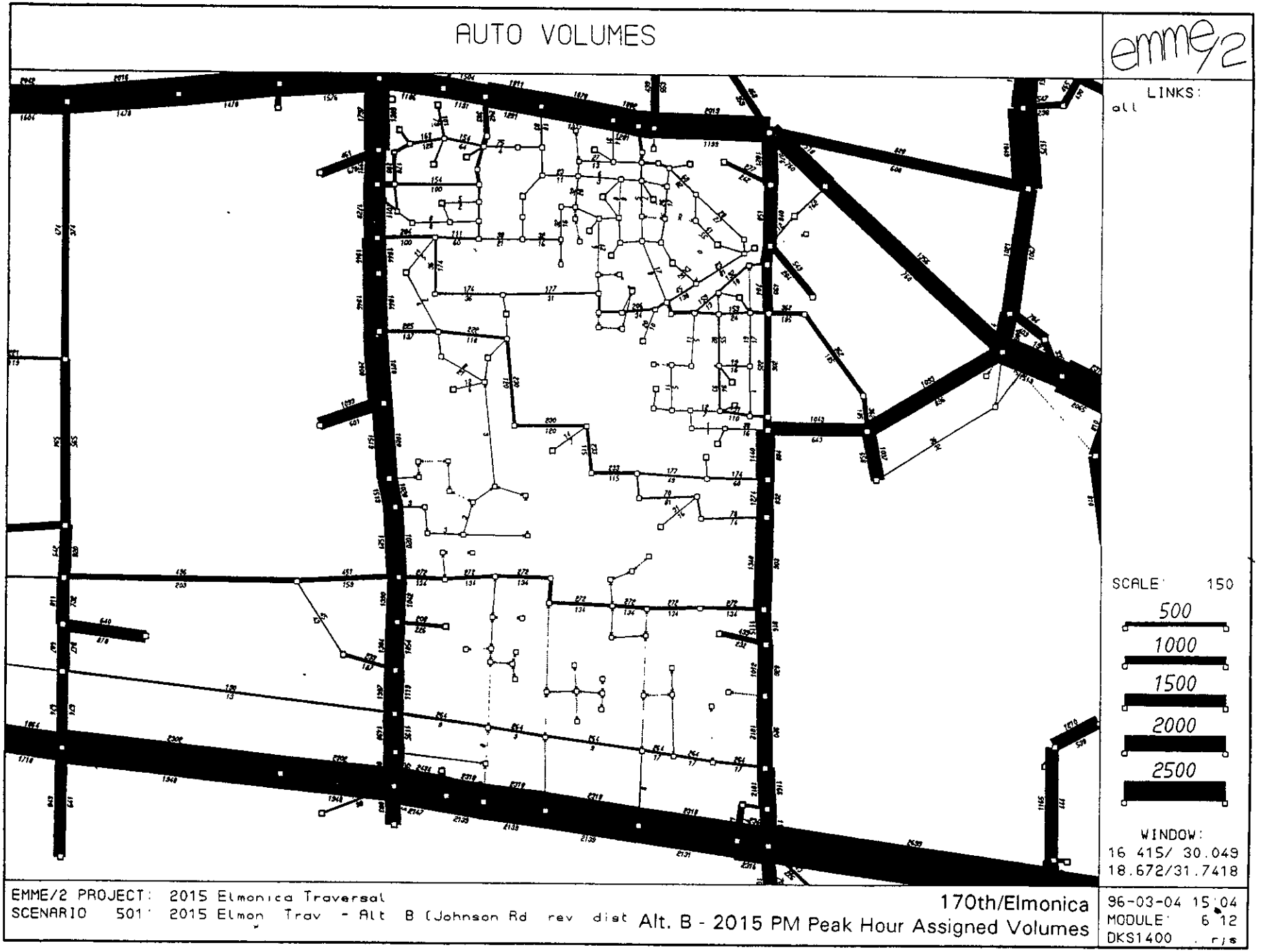
MODULE: 6 12
DKS1400....rjs

Figure 7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16 415/ 30.049
18.672/31.7418
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Alt. B - 2015 PM Peak Hour Assigned Volumes
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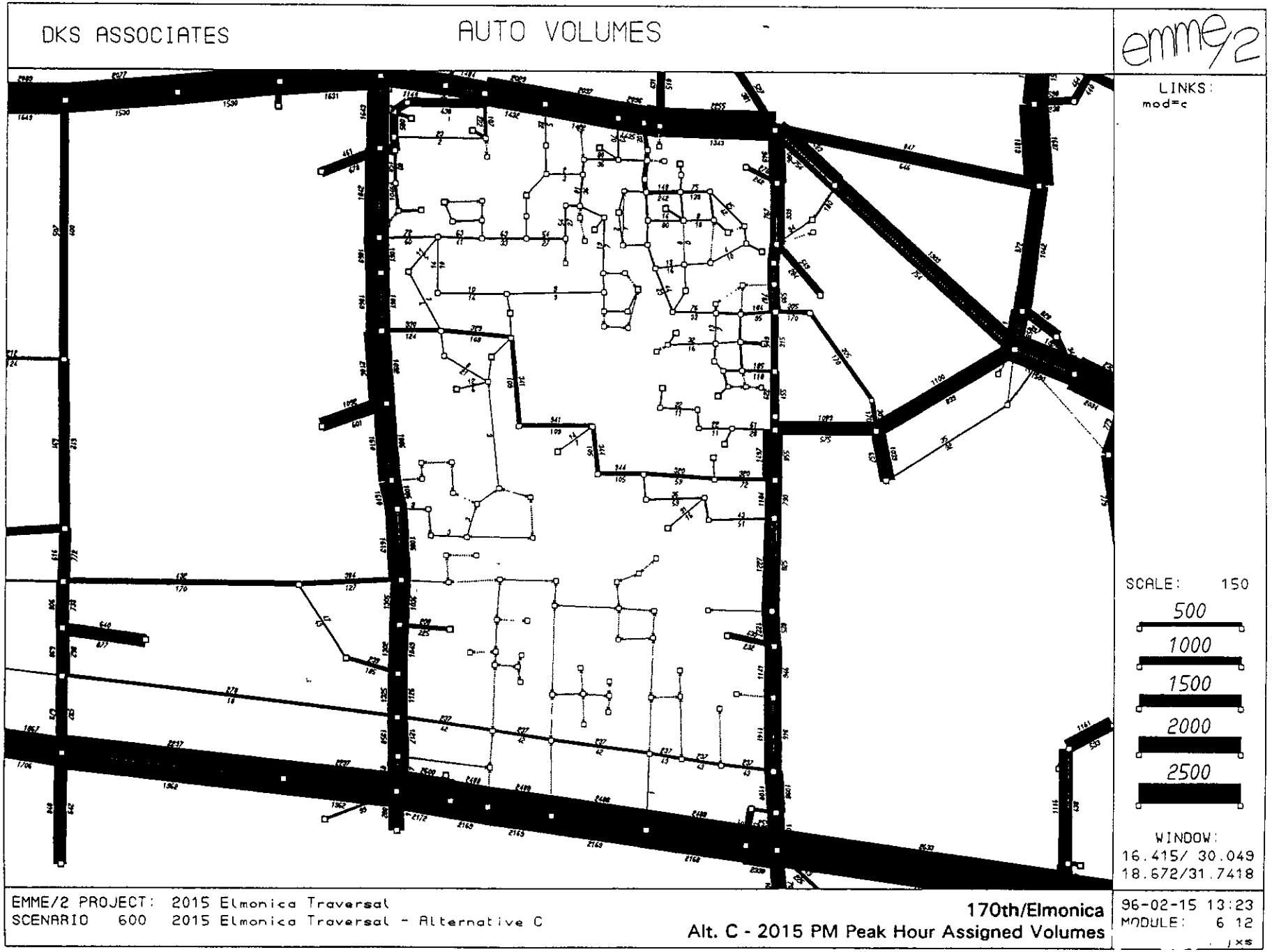
MODULE: 6 12
DKS1400 . r/s

Figure 8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WINDOW:
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18.672/31.7418
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170th/Elmonica
Alt. C - 2015 PM Peak Hour Assigned Volumes
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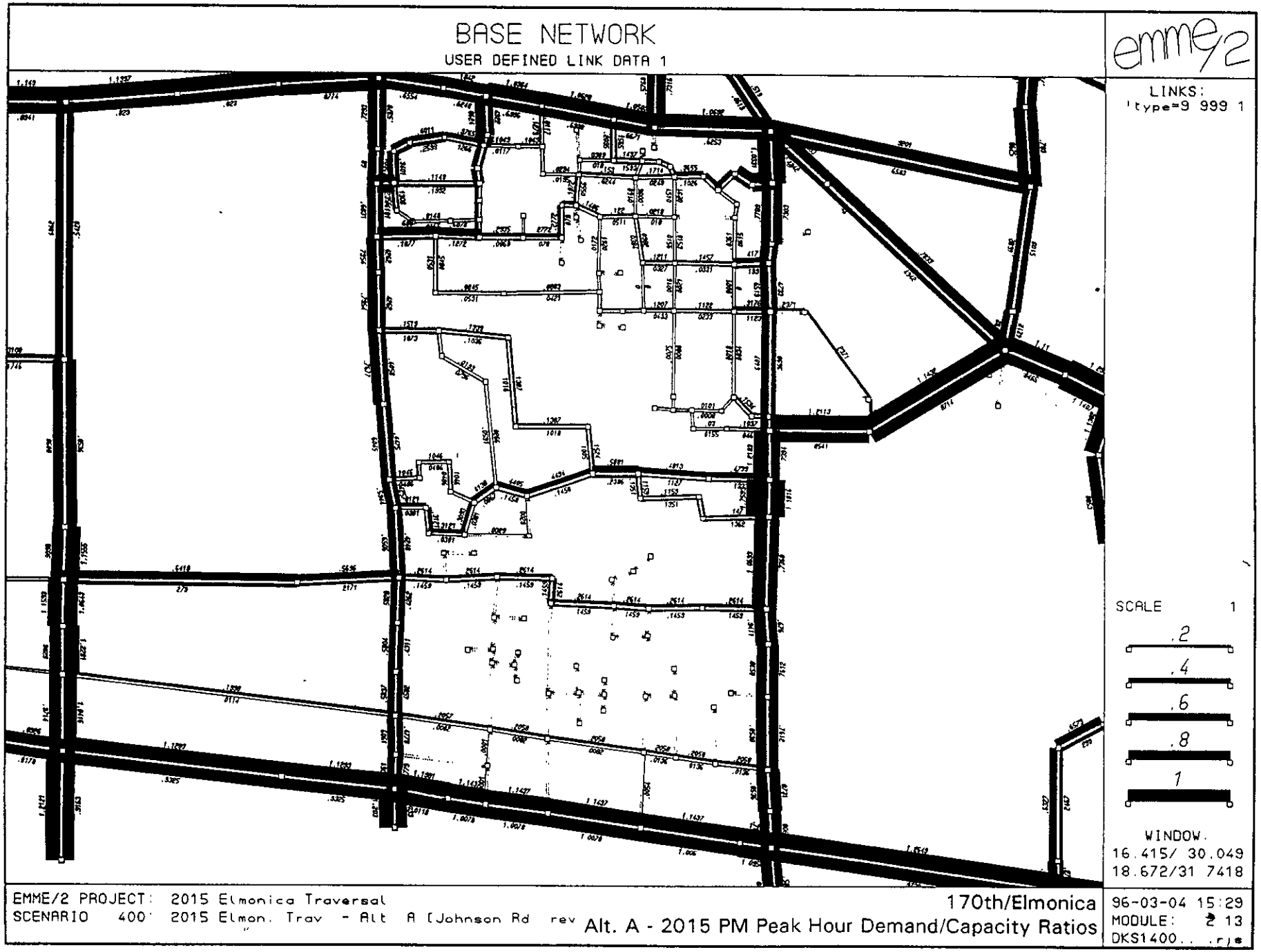
MODULE: 6 12

Figure 9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WINDOW.
16.415/ 30.049
18.672/31 7418
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SCENARIO 400 2015 Elmon. Trav - Alt A [Johnson Rd rev
170th/Elmonica
Alt. A - 2015 PM Peak Hour Demand/Capacity Ratios
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DKS1400...rjs

Figure 10

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Alt. B - 2015 PM Peak Hour Demand/Capacity Ratios
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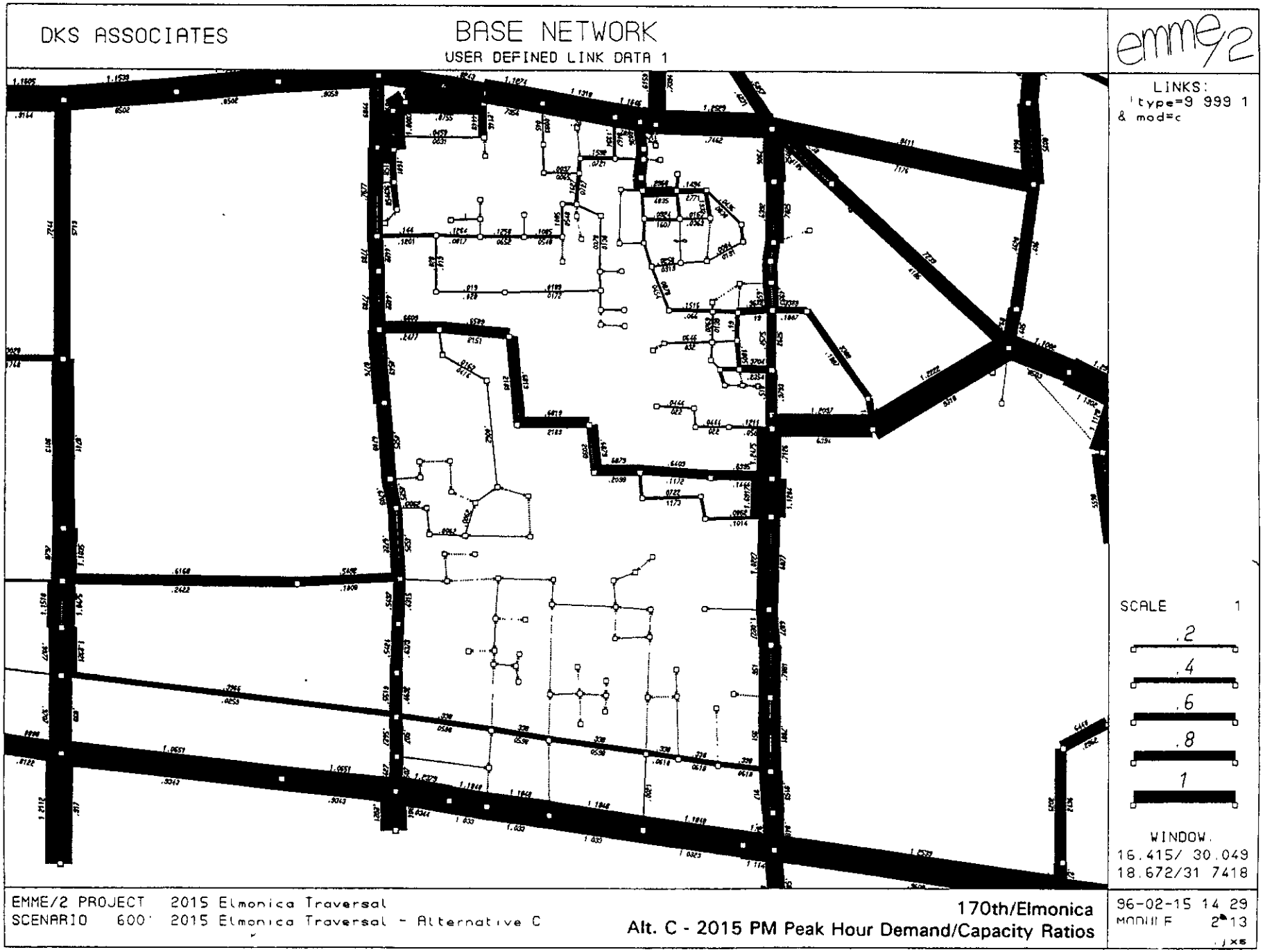
MODULE 2 13
DKS1400 rjs

Figure 11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WINDOW.
16.415/ 30.049
18.672/31 7418
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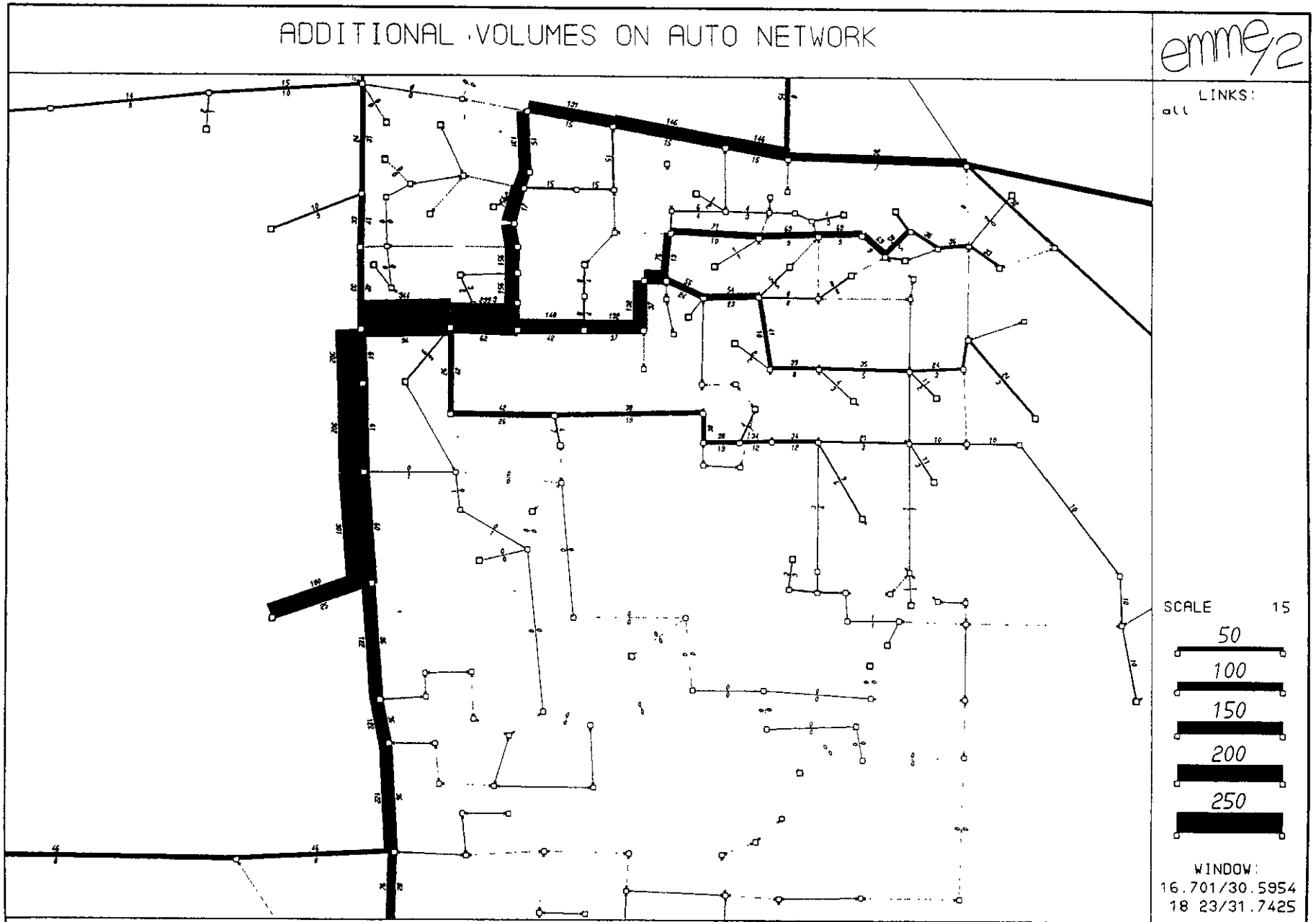
SCENARIO 600 2015 Elmonica Traversal - Alternative C
170th/Elmonica
Alt. C - 2015 PM Peak Hour Demand/Capacity Ratios
96-02-15 14 29
MODULE 2 13

Figure 12



EMME/2 PROJECT 2015 Elmonica Traversal
SCENARIO 400 2015 Elmon Trav - Alt A (Johnson Rd. rev dist

170th/Elmonica
Alt. A - 2015 PM Peak Hour Select Link Assignment
for Jay Street e/o 185th Avenue

96-03-04 15 59
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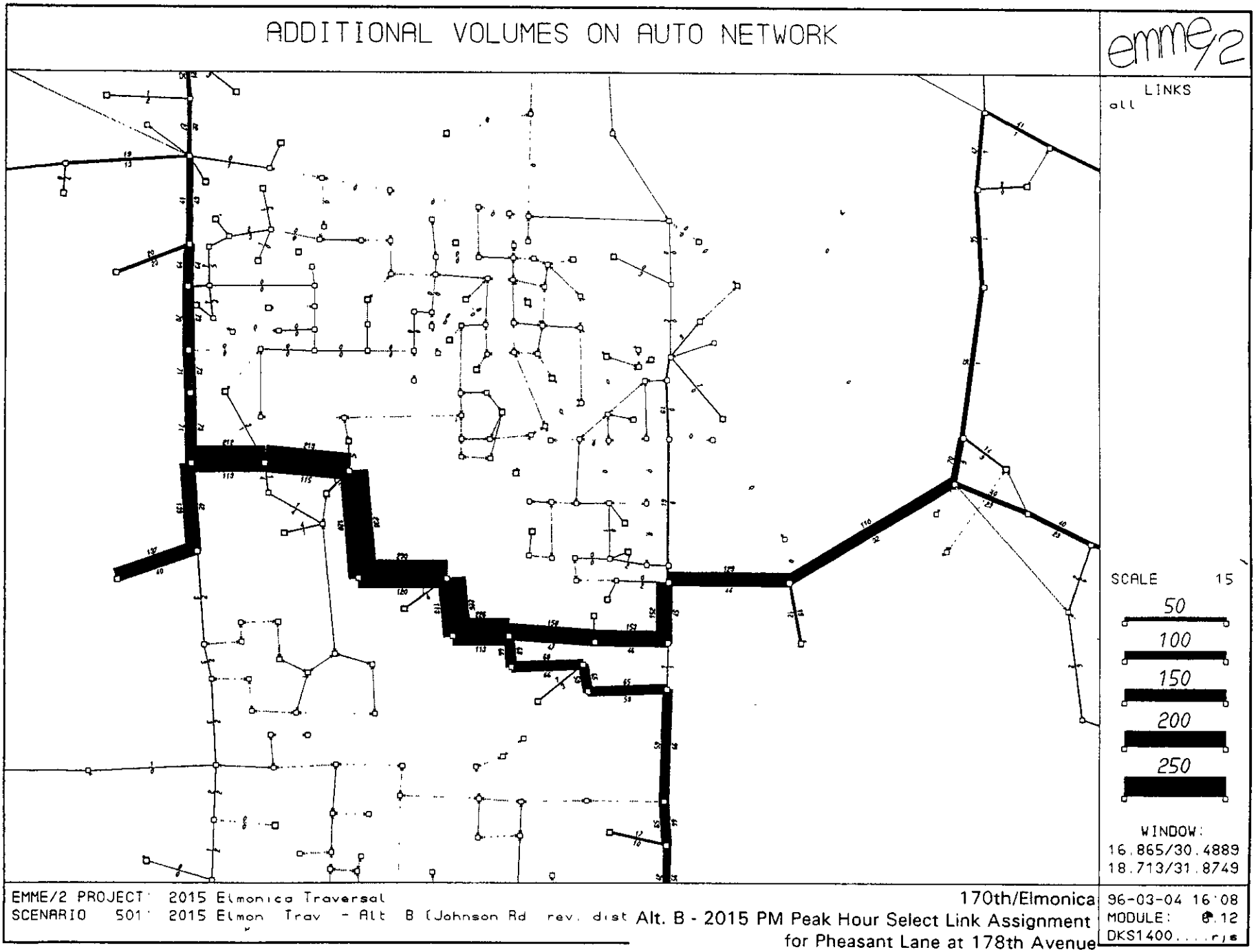
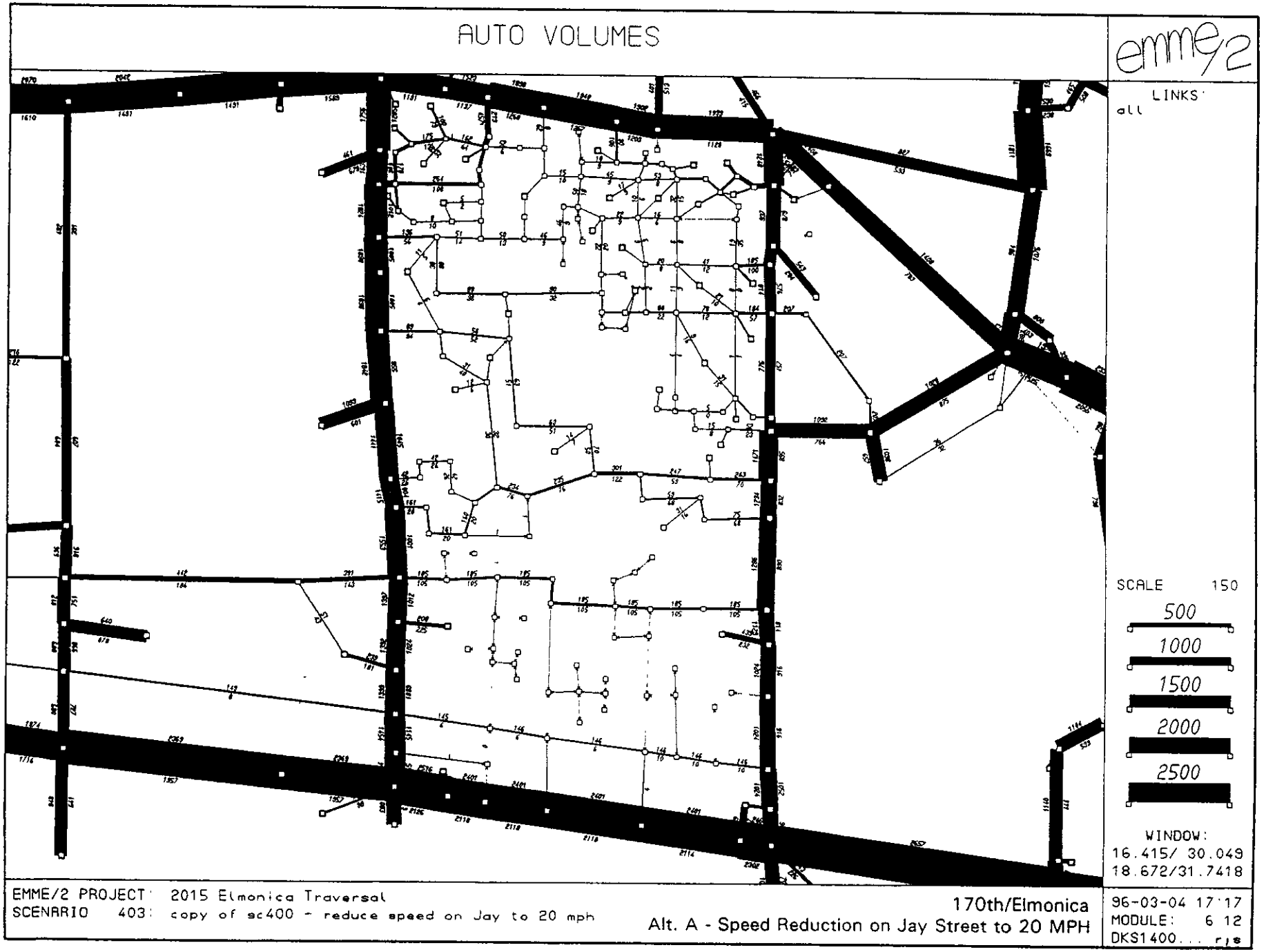
DKS1400....rjs

Figure 13



Alt. B - 2015 PM Peak Hour Select Link Assignment
for Pheasant Lane at 178th Avenue

Figure 14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2500
WINDOW:
16.415/ 30.049
18.672/31.7418
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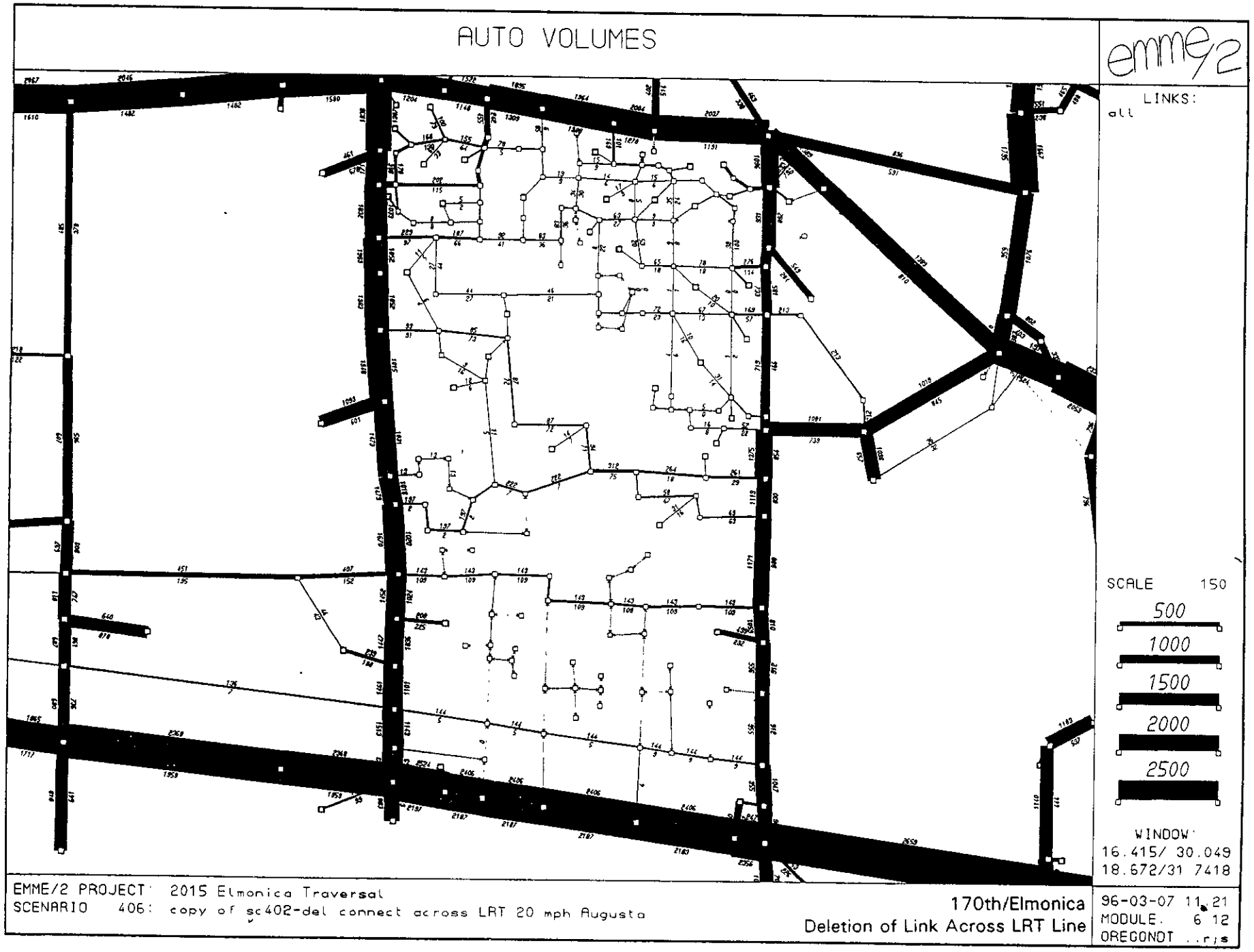
170th/Elmonica
Alt. A - Speed Reduction on Jay Street to 20 MPH
96-03-04 17:17
MODULE: 6 12
DKS1400... rjs

Figure 15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18.672/31 7418
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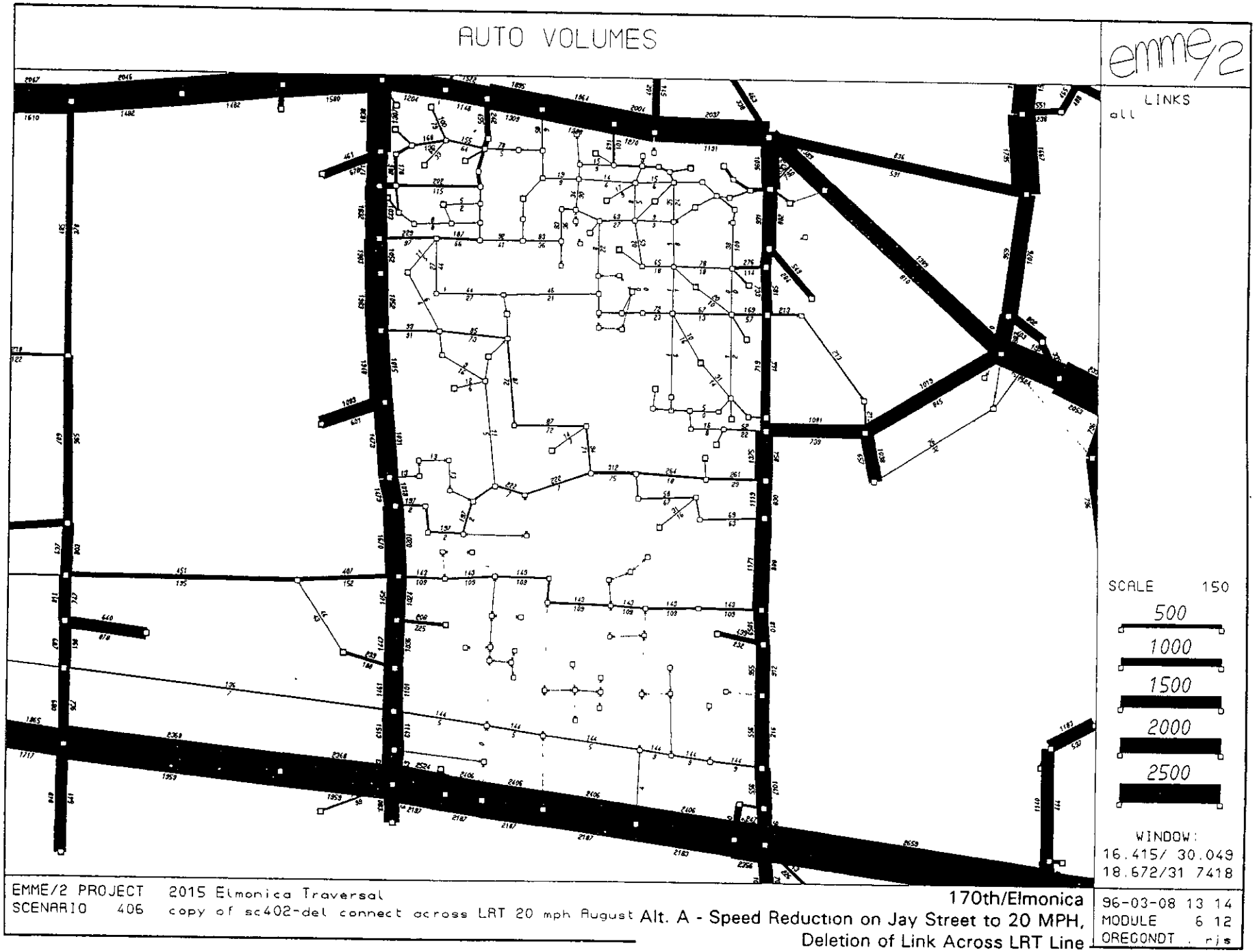
SCENARIO 406: copy of sc402-del connect across LRT 20 mph Augusta
170th/Elmonica
Deletion of Link Across LRT Line
96-03-07 11:21
MODULE: 6 12
OREGONOT ..r/s

Figure 16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18.672/31 7418
EMME/2 PROJECT 2015 Elmonica Traversal
SCENARIO 406 copy of sc402-del connect across LRT 20 mph August
170th/Elmonica
Alt. A - Speed Reduction on Jay Street to 20 MPH,
Deletion of Link Across LRT Line
96-03-08 13 14
MODULE 6 12
OREGONDT . rjs

Figure 17

APPENDIX A
STUDY AREA LAND USE DATA

170th/Elmonica Study Area: Existing 1995											
			Residential		Retail	Industrial	Office	Institutional	Retail	Other	TOTAL
Study Area	Metro	Development Name or Type	SF	MF					Emp	Emp	EMP
Zone	Zone		(DUs)	(DUs)	(sq ft)	(sq ft)	(sq ft)	(sq ft)			
1	175	SFRs	57								
2	191	"	34								
3	191	"	60								
4	175	"	27								
5	190	"	26								
6	190	"	42							3	
7	175	"	50								
8	190	SFRs and vacant	26								
9	190	SFRs	31								
10	175	SFRs? and vacant	44								
11	190	SFRs and vacant (flood plain)	27								
12	175	fourplexes		88							
13	159	elementary school (Beaver Acres)						46,094		60	(472 stude
14	159	SFRs and vacant (flood plain)	71								
15	191	church								2	
16	191	greenhouses									
17	191	greenhouses									
18	191	greenhouses and vacant									
19	191	greenhouses and offices (Panzer Nrsy.)					2400			80	
20	191	kennel, church, residence								7	
21	175	vacant and SFRs	5								
22	175	mixed industrial, comm., SFRs	9			30,000				73	
23	175	vacant									
24	175	vacant, SFR	1								
25	175	vacant and SFRs	3								
26	175	vacant and SFRs	4								
27	175	vacant, SFRs and Adair Homes (part)	3			3000				13	
28	175	LRT station and parking (under const)									
29	175	vacant and SFRs	3								
30	175	vacant and SFR	1								
31	175	vacant and SFRs	2								
32	175	vacant and SFRs	2								
33	175	vacant and SFRs	4								
34	175	vacant and SFR	1								

170th/Elmonica Study Area: Alt. A											
			Residential		Retail	Industrial	Office	Institutional	Retail	Other	TOTAL
Study Area	Metro	Development Name or Type	SF	MF					Emp	Emp	EMP
Zone	Zone		(DUs)	(DUs)	(sq ft)	(sq ft)	(sq ft)	(sq ft)			
1	175	SFRs	57							6	6
2	191	"	34							3	3
3	191	"	60							6	6
4	175	"	28							3	3
5	190	"	38							4	4
6	190	"	45							5	5
7	175	"	51							5	5
8	190	"	28							3	3
9	190	"	35							4	4
10	175	"	49							5	
11	190	"	31							3	3
12	175	four plexes		88							9
13	159	elementary school								60	60*
14	159	SFRs	71							7	7
15	191	apartments and limited retail		72	19,200				32	7	39
16	191	apartments and offices		210			55,000			131	131
17	191	apartments and offices		218			60,000			142	142
18	191	apartments or townhouses		150						15	15
19	191	apts., offices, townhouses, SFRs (small)	25	200			40,000			105	105
20	191	" " " " "	90	170			12,000			48	48
21	175	apts., townhouses, SFRs (small)	9	110						12	12
22	175	retail center at .4 FAR			145,000				240		240
23	175	" " " " "			60,000				100		100
24	175	small lot SFRs	38							4	4
25	175	town houses		135						14	
26	175	apartments and townhouses		235						24	
27	175	retail north of tracks and apartments		80	50,000				85	8	93
28	175	LRT station and park and ride									
29	175	small lot SFRs	65							7	7
30	175	townhouses and open space		105						11	11
31	175	apartments, limited retail, open space		160	40,000				65	16	81
32	175	open space, townhouses, small lot SFRs	33	73						11	11
33	175	apts., townhouses and offices		225			35,000			23	23
34	175	townhouses and small lot SFRs	10	85						10	10
											*students?

170th/Elmonica Study Area: Alt. B											
			Residential		Retail	Industrial	Office	Institutional	Retail	Other	TOTAL
Study Area	Metro	Development Name or Type	SF	MF					Emp	Emp	EMP
Zone	Zone		(DUs)	(DUs)	(sq ft)	(sq ft)	(sq ft)	(sq ft)			
1	175										
2	191										
3	191										
4	175										
5	190										
6	190										
7	175										
8	190										
9	190										
10	175										
11	190										
12	175										
13	159										
14	159										
15	191										
16	191										
17	191										
18	191										
19	191										
20	191										
21	175	same	9	103						11	11
22	175	same			210,000				350		350
23	175	same			60,000				100		100
24	175	same	38							4	4
25	175	same		121						12	12
26	175	LRT station and park and ride lot									
27	175	small lot SFRs	31							3	3
28	175	townhouses, apartments, openspace		187						19	19
29	175	apartments, townhouses, open space		230						23	23
30	175	apartments, open space, retail		85	7000				12	9	21
31	175	open space, small lot SFRs, townhouses	19	26						5	5
32	175	retail, apts., townhouses		89	37,000				62	9	71
33	175	mixed apts. and offices, townhouses, SFRs	20	195			35,000			92	92
34	175	townhouses and small lot SFRs	12	147						16	16

170th/Elmonica Study Area: Alt. C											
			Residential		Retail	Industrial	Office	Institutional	Retail	Other	TOTAL
Study Area	Metro	Development Name or Type	SF	MF					Emp	Emp	EMP
Zone	Zone		(DUs)	(DUs)	(sq ft)	(sq ft)	(sq ft)	(sq ft)			
1	175										
2	191										
3	191										
4	175										
5	190										
6	190										
7	175										
8	190										
9	190										
10	175										
11	190										
12	175										
13	159										
14	159										
15	191	same		72	19200				32	7	39
16	191	apts., offices		420			115,000			234	234
17	191	apts., offices		493			30,000			110	110
18	191	apts., townhouses		359						36	36
19	175	apts., townhouses		113						11	11
20	175	retail center at 4 FAR			210,000				350		350
21	175	retail center at .4 FAR			60,000				100		100
22	175	small lot SFRs	69							7	7
23	175	townhouses		258						26	26
24	175	apartments		259						26	26
25	175	apartments, open space, retail		92	6500				13	9	[illegible]
26	175	LRT station and park and ride									
27	175	townhouses, small lot SFR, open space	27	59						8	8
28	175	townhouses		72						7	7
29	175	apts., retail, offices		283	42,000		25,000		70	78	148
30	175	townhouses or plexes		173						17	17

MEMORANDUM

City of Beaverton
Community Development Department

"make it happen"

To:	**Mayor Rob Drake**
	City Council Members
From:	**Hal Bergsma, Principal Planner**
Date:	**April 10, 2007**
Subject:	***Delay in the process of applying City Plan and Zoning designations to some annexed properties***

Introduction
I recently spoke to Mayor Rob Drake about a situation relating to certain annexation related Zoning Map amendments that raises questions about whether staff should delay their completion to avoid the need to pay for preparation of potentially unnecessary traffic impact analyses. This memorandum has been written at the request of the Mayor to describe the situation and state staff's conclusion about what should be done.

Background
Community Development Department staff continue to work to complete the process of applying City Plan and Zoning designations to properties annexed in the last few years by initiating applications for Comprehensive Plan Amendments and Zoning Map Amendments. In many cases, the map amendments involved are not specified in the Beaverton – Washington County Urban Planning Area Agreement. Such amendments require a public hearing before the Planning Commission, with preparation of a staff report addressing applicable laws and plans including the Statewide Planning Goals and Oregon Administrative Rules (OARs) that interpret the Goals.

A key OAR that must be addressed for all Plan and Zoning map amendments is in Division 12 of Chapter 660, known as the Transportation Planning Rule (TPR). Section 660-012-0060 of the TPR, relating to Plan and Land Use Regulation Amendments, requires that where a zoning map amendment would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A zoning map amendment is likely to significantly affect adjacent roads if the combination of allowed uses that would generate the highest number of vehicle trips, based on estimates prepared by the Institute of Transportation Engineers (ITE), is greater for a proposed zone than an existing zone. In that situation, a detailed analysis of the transportation impacts and the alternative measures to mitigate them must be prepared. Section 60.55.20 of the Development Code contains the City specifications for a Traffic Impact Analysis, including a requirement that it be done by a traffic engineer or a civil engineer licensed by the State.

It has recently become apparent to staff that by converting from two County land use districts, Transit Oriented Retail Commercial (TO:RC) and Transit Oriented Business (TO:BUS), to the most similar City zone, Station Community Multiple Use (SC-MU), there is an increase in the maximum development potential by right and therefore an increase in potential trip generation. This requires preparation of a traffic impact analysis. Since annexation related Plan and Zoning map amendments are initiated by the City, the cost of preparing the traffic impact analysis must be borne by the City. Preparation of such an analysis by a private consultant generally costs between five and ten thousand dollars. Recent experience has been that it takes about three months for a consultant to be selected and for the analysis to be completed.

A pending application to change the zoning for commercial properties on the west side of 158th Avenue between Jenkins Road and Baseline Road, including a Costco store, is affected by this situation. Similarly any City application to rezone annexed properties in an area bound by Baseline Road, 170th Avenue and the LRT tracks, which are now zoned TO:RC, will also require preparation of a traffic impact analysis.

An alternative to rezoning these properties now is to leave them under County zoning until a staff project to update the City zoning districts is completed. This project is now underway and it is anticipated it will be completed, including adoption of implementing ordinances, by June of 2008. (It may be possible to accelerate the schedule for multiple use zones such as the SC-MU district, with ordinance adoption around the end of 2007.) Staff will consider reducing allowed use and density discrepancies between County and City zones as part of the project. If that is the outcome, the City may be able to assign a zone to properties now under the County's TO:RC and TO:BUS districts that will not potentially have a significant impact under the TPR. As a result, there would be no need for the City to pay the extra expense of preparing a traffic impact analysis to assign City zoning.

Conclusion

Although funds could be found in the Community Development Department budget to cover the cost of preparing any traffic impact analyses needed to process Zoning Map Amendments for the properties described above, staff concludes that it would be best to delay these amendments until the process of updating the City's multiple use zoning districts is completed, thereby possibly saving money for City taxpayers. Although these properties will remain under County zoning for awhile longer, staff is not aware of any imminent development that would require City staff to interpret County land use regulations.

c. Alan Rappleyea
Steven Sparks

CITY of BEAVERTON

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

SUPPLEMENTAL STAFF REPORT

TO: Planning Commission

AGENDA DATE: April 25, 2007 **REPORT DATE:** April 25, 2007

FROM: Jeff Salvon, AICP, Associate Planner
Hal Bergsma, Principal Planner

SUBJECT: **CPA2006-007 (Baseline/Jenkins Annexation Related Comprehensive Plan Land Use Map and Transportation Element Map Amendments; ZMA2007-0006 (Baseline/Jenkins Annexation Related Zoning Map Amendment); and TA2007-0003 (Merlo Station Community: Major Pedestrian Route Map Amendment)**

The purpose of this supplemental staff report is to make minor revisions and clarifications to the initial staff report on the subject applications dated April 16, 2007, as follows:

1. Revise recommendation (2) on page 2 of the April 16 staff report to state: *Approval of ZMA-0006 as it pertains to the application of the City's Station Community High Density Residential (SC-HDR) Zone and the City's Station Area Medium Density Residential (SA-MDR) Zone to tax lots specified in Attachment 1 to this report but denial of application of the City's SC-MU Zone to tax lots specified in Attachment 1.*
2. Revise recommendation (3) on page 2 of the April 16 staff report to state: *Approval of amendments to Figures 6.4, 6.5, 6.7, 6.12, and Table 6.6 in Chapter 6 of Volume One of the Comprehensive Plan, the Transportation Element, as shown on page 34 and in Attachments 2, 3, 4 and 5 to this report.* For your information, a larger scale map of the proposed street alignments for the subject area is attached.
3. Revise recommendation (4) on page 2 of the April 16 staff report to state: *Approval of amendment of Section 60.05.55.4 of the Development Code – the Major Pedestrian Route Map for the Merlo Station Community to retitle the map "Elmonica/Merlo Station Community", expand the area of coverage and show proposed Major Pedestrian Routes consistent with Attachment 6 to this report.*

4. Revise the first full paragraph on page 25 of the April 16 staff report to state: *As the observations above illustrate, some degree of variation in density allowance will result from the proposed amendment. Staff determined that rezoning the properties zoned TO:R18-24 to SA-MDR will increase permitted density. However, only five lots in the area that are proposed for application of the SA-MDR zone remain undeveloped. The net increase in potential dwelling units on those lots under the proposed zone is 24. Staff estimates that the TO:R24-40 to SC-HDR rezone could reduce the maximum number of units permitted from 397 to 346 units. Since the total of the trip generation changes resulting from the combination of these rezones is -27, the proposal will not have a negative impact on the surrounding street system. Assessment of a density increase attributable to the TO:RC/SC-MU and the TO:BUS/SC-MU rezones is more complicated given the County's requirement that effects on the local street system be considered as a limiting factor.*

Finally, Joseph Voboril, representing Costco Wholesale Corporation, recommends in a letter to the Planning Commission dated April 19, 2007 (Attachment 2), denial of the entire package of proposed amendments in the subject applications. Although staff is recommending denial of ZMA2007-0006 as it pertains to Costco's properties that are presently in the County's TO:RC land use district, we do not agree with Mr. Voboril that the entire package of amendments should be denied. Assistant City Attorney Bill Scheiderich will address the legal issues raised in Mr. Voboril's letter during the hearing. As for the nonconforming status issue raised by Mr. Voboril, that is a policy issue that should be addressed by the Planning Commission. It is not illegal to apply zoning regulations that create, or in this case expand, a nonconformity. As Mr. Voboril notes in his letter, Measure 37 creates an avenue for Costco to follow should they determine that the City's limitations on nonconforming uses are excessive.

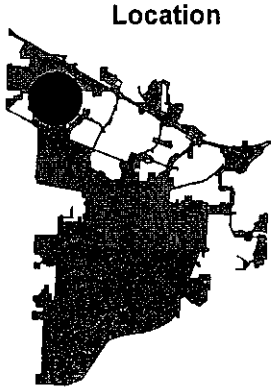
VICINITY MAP

ATTACHMENT 1

STREET ALIGNMENT ILLUSTRATION MAP

- Local Street
- Neighborhood Route
- Potential Local Street Connection (Local Connectivity Map)
- Proposed Neighborhood Route (Functional Classification Map)

Location



CITY OF BEAVERTON

CPA 2007-0007 / ZMA2007-0006

4/25/07

Tax Lot # *MULTIPLE*

N

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

SW BASELINE RD/
SW JENKINS RD

TONKON TORP LLP
ATTORNEYS

1600 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204
503.221.1440

APR 20 2007

COMMUNITY DEVELOP DEPT

JOSEPH S VOBORIL
ADMITTED TO PRACTICE IN OREGON AND WASHINGTON

503.802.2009
FAX 503.972.3709
joe@tonkon.com

April 19, 2007

VIA USPS EXPRESS MAIL

City of Beaverton Planning Commission
c/o Jeff Salvon, City Planner
City of Beaverton Community Development Department
P.O. Box 4755
Beaverton, OR 97076-4755

Re: CPA 2007-007/ZMA 2007-0006
SW Baseline/SW Jenkins Road Comprehensive Plan Land Use Map Amendment, Zoning Map Amendment, and Transportation System Plan Local Connectivity Comprehensive Plan Map Amendment and TA 2007-003 Elmonica/Merlo Major Pedestrian Route Development Code Text Amendment

Dear Members of the Planning Commission:

Our firm represents Costco Wholesale Corporation ("Costco"), the owner of the Costco warehouse facility located at 15901 SW Jenkins Road. On behalf of Costco, we request that the Planning Commission recommend denial of the entire package of amendments referenced above, which will be presented to you at the public hearing currently scheduled for April 25, 2007.

Denial is warranted for the following reasons:

1. Any attempt by the City of Beaverton to replan or rezone the properties that were annexed by Annexation Ordinance 4338 in March of 2005 is premature. At the present time, there is considerable doubt as to whether these properties were validly annexed by the City. In *Costco Wholesale Corporation v. City of Beaverton*, a decision rendered by the Oregon Court of Appeals on June 14, 2006, the Court ruled that the City had misconstrued Oregon's "island annexation" statute. While the City of Beaverton has appealed that decision to the Oregon Supreme Court, the Oregon Supreme Court has yet to render its decision. Until and unless the Oregon Supreme Court reverses the Court of Appeals' decision in *Costco Wholesale Corporation v. City of Beaverton*, it is pointless for the City to replan or rezone the properties that were included in Annexation Ordinance 4338. Clearly, if the Supreme Court affirms the

Court of Appeals' decision, the replanning and rezoning of these properties will be a meaningless exercise.

It is important to note that in its review of the Court of Appeals' decision in *Costco Wholesale Corporation v. City of Beaverton*, the Supreme Court inquired as to whether Senate Bill 887 - the 2005 legislation which imposed a three year moratorium solely on the City of Beaverton – applied to Annexation Ordinance 4338. If the Court concludes that it did, that would be an additional reason for invalidating the annexation of the properties that would be affected by this package of amendments. Having waited for two years, it is unclear why now, when a decision from the Oregon Supreme Court is expected soon, the City has decided to press forward with this package of amendments.

2. As the Staff Report indicates, if these amendments are adopted, the Costco facility will be significantly affected. Costco's tire installation service, which is an allowed use in Washington County's TO:RC district, would become a prohibited use under the City's SC-MU zone. In addition, the City's SC-MU zone sets a maximum building size for a single retail use at 10,000 square feet. The existing Costco facility contains approximately 148,000 square feet.

There is something very wrong when a city attempts to force a property owner into its city limits and then seeks to impose new land use regulations which will create a nonconforming status for the property. Nonconforming status would create serious impediments for purposes of refinancing and casualty insurance. The package of amendments, if adopted and applied to Costco, would significantly impact the value of Costco's property. Since Costco has owned and occupied this facility for several decades, the impact on the property value caused by the land use regulations included in this package of amendments will give rise to a Measure 37 claim. Given the significant impact on value that the regulations would cause, Costco would have little choice but to file such a claim.

3. In its Staff Report, and specifically in the April 10, 2007 memorandum from Hal Bergsma to Mayor Rob Drake, the Staff recommends that the Planning Commission adopt the entire package of amendments but defer action on the rezoning of the commercial properties, including the Costco facility, to SC-MU. Interestingly, the rationale for this recommendation is not because the City has any concerns about the nonconforming status problem that would be created. Rather, the Staff recommends deferral because the City does not want to commission a Traffic Impact Analysis as required by the State's Transportation Planning Rule. The April 10 Memorandum makes it clear that the City wishes to avoid both the time and the expense that such a Traffic Impact Analysis would entail. Instead, the Staff is hopeful that the densities allowed in the SC-MU zone can be reduced during the City's update of the zoning districts which is currently underway. The April 10 Memorandum states as follows:

> "Staff will consider reducing allowed use and density discrepancies between County and City zones as part of the

> project. If that is the outcome, the City may be able to assign a zone to properties now under the County's TO:RC and TO:BUS districts that will not potentially have a significant impact under the TPR (Transportation Planning Rule). As a result, there would be no need for the City to pay the extra expense of preparing a Traffic Impact Analysis to assign City zoning."

The direction in which the Staff wants to go is clear. The City can avoid the cost and expense of a Traffic Impact Analysis (which is estimated to cost between $5,000 - $10,000) and the time that it would take (which is estimated to be three months) and, instead, the City will reduce allowed uses and densities allowed on these properties by virtue of changes that will be made to the SC-MU zone as part of the City's "update" process. In addition to being quite devious, this is very bad land use planning. It's putting the cart before the horse.

If the City of Beaverton desires to assert planning jurisdiction over these properties, then it should do so in the right way. The City should not be reducing allowed uses and densities simply because it does not want to take the time or pay a few dollars to plan correctly. Arbitrarily assigning low densities to these properties will have serious consequences for existing property owners such as Costco and NIKE that rely upon the roads in this area. The City's zoning maps will show densities that will indicate that the street system in this area has sufficient capacity when in reality it will not. While assigning unrealistic densities for planning purposes may be a way to avoid the State's Transportation Planning Rule, it will lead to an inadequate transportation system for those property owners who have already made substantial economic commitments to properties in this area.

Conclusion: For all of the above reasons, the Planning Commission should recommend denial of the entire package of amendments.

Very truly yours,

Joseph S. Voboril

JSV/jmk

BEFORE THE PLANNING COMMISSION FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF CPA2007-0007 AND ZMA2007-0006 REQUESTS TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP AND THE ZONING MAP APPLICABLE TO PROPERTIES LOCATED BETWEEN SW BASELINE AND SW JENKINS ROAD AND IN THE MATTER OF TA2007-0003, A REQUEST TO AMEND THE MAJOR PEDESTRIAN ROUTE MAP FOR THE MERLO STATION COMMUNITY AREA. CITY OF BEAVERTON, APPLICANT.	)	ORDER NO. 1954

These matters came before the Planning Commission on April 25, 2007, on requests for amendments to the City's Comprehensive Plan Land Use Map, certain Comprehensive Plan transportation maps and a table, the Zoning Map, and Development Code text to: (1) apply the City's Station Community (SC) Comprehensive Plan Land Use Map designation and the City's Station Community Multiple Use (SC-MU), Station Community High Density Residential (SC-HDR), and Station Area Medium Density Residential (SA-MDR) zones to 315 parcels; (2) amend Figures 6.4 (Functional Classification Map), 6.5 (Street Improvement Master Plan Map), 6.7 (Transportation System Plan Local Connectivity Map – Index), and 6.12 (Transportation System Plan Local Connectivity Map) and Table 6.6 (Local Connectivity Map Recommendations on Potential Connections) in Volume One, Chapter Six of the City's Comprehensive Plan to designate future street alignments to reflect Washington County's planning for the area; and (3)

amend Section 60.05.55.4 of the Development Code (Major Pedestrian Route Map for the Merlo Station Community) to change the map title to "Elmonica / Merlo Station Community" and to alter existing and assign new Class 1 and Class 2 Major Pedestrian Routes to current and future streets in the Merlo Station Community Area. The properties are located in an area bordered on the south by SW Jenkins Road, on the north of SW Baseline Road, and on the East by SW 158th Avenue. Future street alignments are proposed within this area and major pedestrian routes are proposed for streets originating at the Merlo and Elmonica Light Rail Stations and extending approximately one-half mile into the subject area.

Pursuant to Ordinance 4187 (Comprehensive Plan), Section 1.5.1, and Ordinance 2050 (Development Code), Sections 40.97.15.4.C and 40.85.15.1.C, the Planning Commission conducted a public hearing and considered testimony and exhibits.

The Planning Commission adopts the Staff Report dated April 16, 2007, as amended by the Supplemental Staff Report dated April 25, 2007, as to the applicable criteria contained in Section 1.5.1 of the Comprehensive Plan and Sections 40.97.15.4.C and 40.85.15.1.C of the Development Code and findings thereon; now, therefore:

IT IS HEREBY ORDERED that **CPA2007-0007** is **APPROVED** consistent with staff's recommendation, based on the facts and findings of the Planning Commission on April 25, 2007.

Motion **CARRIED** by the following vote:

AYES:	Winter, Platten, Johansen, San Soucie, and Maks .
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Bobadilla and Stephens.

IT IS HEREBY ORDERED that **TA2007-0003** is **APPROVED** based on the facts and findings of the Planning Commission on April 25, 2007.

Motion **CARRIED** by the following vote:

AYES:	Winter, Platten, Johansen, San Soucie, and Maks .
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Bobadilla and Stephens.

IT IS HEREBY ORDERED that **ZMA2007-0006** is **APPROVED IN PART AND DENIED IN PART** based on the facts and findings of the Planning Commission on April 25, 2007. The part of **ZMA2007-0006** that is **DENIED** is the proposal to apply the City's SC-MU Zone to tax lots 1S105CB04900, 1S105CC00402, 1S105CC00403, 1S105CB01100, 1S105CB01000, 1S105CB00600, 1S105CB00500, 1S105CB00400, 1S105CB00300, 1S105CB00200, 1S105CB00100, 1S105CB01800, and 1S105CB01900 as illustrated in Attachment "1" of the April 16 staff report.

Motion **CARRIED** by the following vote:

AYES:	Winter, Platten, Johansen, San Soucie, and Maks.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	Bobadilla and Stephens.

Dated this 4th day of May, 2007.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1954, 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, May 14, 2007.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

HAL BERGSMA
Planning Services Manager

APPROVED:

DAN MAKS
Chairman

APPROVED AS TO FORM:

BILL SCHEIDERICH
Assistant City Attorney

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: An Ordinance Annexing a Parcel Located at 4980 SW Laurelwood Avenue to the City of Beaverton and Adding the Property to the Raleigh West Neighborhood Association Committee: Expedited Annexation 2007-0001

FOR AGENDA OF: ~~05/14/07~~ 06/04/07 **BILL NO:** 07105

Mayor's Approval:

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 05/07/07

CLEARANCES: City Attorney AP
Planning Services HB

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: 1. Ordinance

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

In 2005 the City received a petition to annex four parcels located adjacent to the subject property. The petition was submitted as a condition in order for the City to extend sanitary and storm facilities onto a proposed new development planned to occur on the properties. Although the owner of the subject parcel was approached by the developer in 2005 with an offer to purchase the property, he opted instead to retain ownership of the property and thereby not be involved in the redevelopment. Plans for development of the adjacent properties have since been prepared and submitted to the City for development review.

The developer and property owner have since come to an agreement on a purchase of the property. Subsequently, the developer has requested that initial plans for development of the adjacent properties be updated to include development of the subject parcel.

INFORMATION FOR CONSIDERATION:

For the City to review the application involving the development of the property, the owner must petition to annex the subject parcel, which is currently unincorporated. This annexation proposal is being initiated in order to fulfill that requirement. Subsequent to annexation, the developer intends to divide the subject parcel into four taxlots fronting a new street that is accessed off Laurelwood Avenue and extends eastward to a cul-de-sac. This ordinance and the staff report address the approval criteria for annexation in Metro Code Chapter 3.09.

Beaverton Code Section 9.06.035A provides City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. This parcel is not currently in a NAC. The Neighborhood Office is recommending that this property be added to the Raleigh West NAC boundary.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4437

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT 4980 SW LAURELWOOD AVENUE TO THE CITY OF BEAVERTON AND ADDING THE PROPERTY TO THE RALEIGH WEST NEIGHBORHOOD ASSOCIATION COMMITTEE: EXPEDITED ANNEXATION 2007-0001

WHEREAS, ORS 222.125 grants the City authority to initiate an expedited annexation process with the consent of all land owners and at least 50 percent of the electors of the territory to be annexed; and

WHEREAS, The owner and sole elector residing at 4980 SW Laurelwood Avenue has signed and submitted a petition to annex the property into the City; and

WHEREAS, This property is in Beaverton's Assumed Urban Services Area, and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and

WHEREAS, This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and

WHEREAS, Council Resolution No. 3785 sets forth annexation policies for the City, and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The property shown on Exhibit A, and more particularly described in Exhibit B, is hereby annexed to the City of Beaverton, effective 30 days after the signing of this Ordinance or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.

Section 2. Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Raleigh West Neighborhood Association Committee Boundary

Section 3. The Council accepts the findings in the staff report attached hereto as Exhibit C as adequate demonstration of compliance with all applicable approval criteria.

Section 4. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

Section 5. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and

telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading May 14, 2007
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

ATTEST:

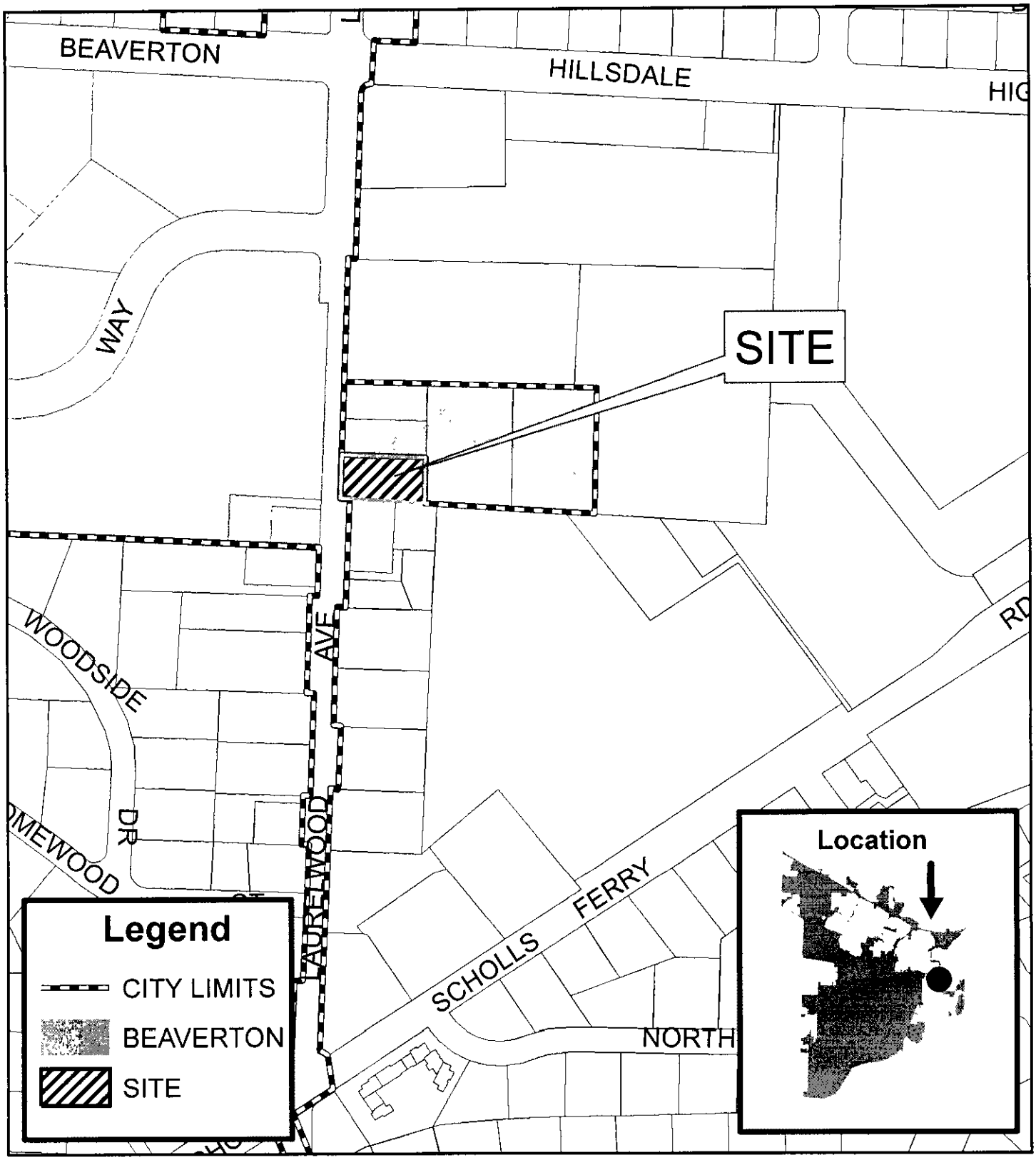
_____
SUE NELSON, City Recorder

APPROVED:

_____
ROB DRAKE, Mayor

VICINITY MAP

EXHIBIT "A"



City of Beaverton

ANX2007-0001

3/28/07

Tax Lot #'s
1S113BC0401

N

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

Application #
ANX2007-0001

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 a Property Located in North Beaverton; CPA 2007-0008/ZMA 2007-0007 (12020 SW Barnes Road)

FOR AGENDA OF: ~~05/14/07~~ 06/04/07 **BILL NO:** 07106

Mayor's Approval:

DEPARTMENT OF ORIGIN: CDD

DATE SUBMITTED: 05/07/07

CLEARANCES: City Attorney
Planning HB

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS:
1. Proposed Ordinance and Exhibit A – Map depicting subject site
2. Staff Report
3. Email communication of record between the property owner and staff
4. Planning Commission Final Order No. 1949

BUDGET IMPACT

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

HISTORICAL PERSPECTIVE:

This ordinance is before the City Council to assign City Comprehensive Plan Land Use Map and Zoning Map designations to one property, replacing the Washington County land use designation. The property was annexed in 2005. It is a .37 acre lot located on the southwest corner of West Stark Street and SW Corby Road, west of Barnes Road, with a site address of 12020 SW Barnes Road. The lot is not within the boundaries of a Beaverton Neighborhood Association Committee.

The property is within a town center as identified on the County's "Town Center Boundaries" map under *Policy 40, Regional Planning Implementation* of the County's Comprehensive Framework Plan for the Urban Area, and is designated County Transit Oriented Business (TO:BUS) on the County's Cedar Hills – Cedar Mill Community Plan.

INFORMATION FOR CONSIDERATION:

This ordinance changes Ordinance No. 4187, Figure III-1, the Comprehensive Plan Land Use Map and Ordinance No. 2050, the Zoning Map, consistent with the Planning Commission's recommendation as memorialized in their Order No. 1949. The City Land Use Map and Zoning Map designations will take effect 30 days after Council adoption and the Mayor's approval of this ordinance.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

ORDINANCE NO. 4438

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE NO. 2050, THE ZONING MAP FOR ONE PROPERTY LOCATED ON THE SOUTHWEST CORNER OF WEST STARK STREET AND SW CORBY DRIVE, WEST OF BARNES ROAD (12020 SW BARNES ROAD); CPA2007-0008/ZMA2007-0007

WHEREAS, The subject property was annexed in 2005 and is being redesignated in this ordinance from Washington County's land use designation to City of Beaverton designations; and

WHEREAS, Since the Beaverton – Washington County Urban Planning Area Agreement is not specific on the appropriate City designations for these parcels, this is a discretionary land use decision and, therefore, a public hearing was held by the Planning Commission March 28, 2007. The Planning Commission voted to recommend approval of the Town Center (TC) Comprehensive Plan Land Use Map designation and the Town Center Multiple Use (TC-MU) Zoning Map designation, as memorialized in their Order No. 1949; and

WHEREAS, The Council incorporates by reference the Community Development Department staff report dated March 21, 2007 by Contract Planner Lisa Edwards and Planning Services Manager Hal Bergsma as to criteria applicable to this request and findings thereon; 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 property, Map and Tax Lot 1S1003BB00200 as shown on Exhibit "A", Town Center (TC).

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the subject property, Map and Tax Lot 1S1003BB00200 as shown on Exhibit "A", Town Center – Multiple Use (TC-MU).

First reading this 14th day of May, 2007.

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

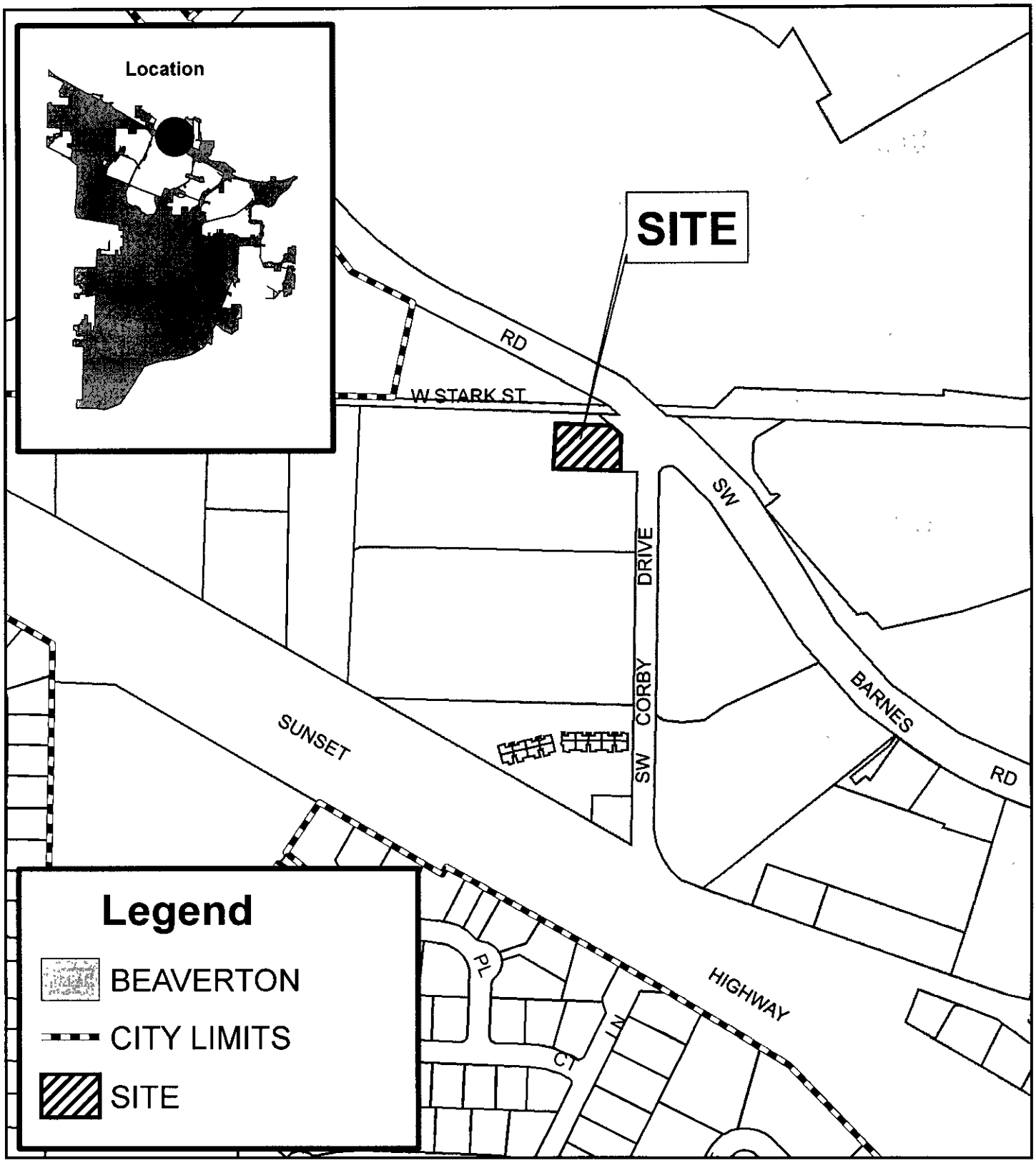
Approved by the Mayor this _____ day of _____, 2007.

ATTEST: APPROVED:

SUE NELSON, City Recorder ROB DRAKE, Mayor

EXHIBIT A

VICINITY MAP



CITY OF BEAVERTON

CPA2007-0008/ ZMA2007-0007

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

2/1/07

Tax Lot #
1S103BB00200

N

SW BARNES RD/
W STARK ST