Notebook

HILLSBORO CITY COUNCIL

Preliminary Agenda
Tuesday, July 17, 2007

7 PM
Hillsboro Civic Center Auditorium

Regular Session
150 E. Main Street

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Please silence all electronic devices. Thank you.

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- Qualified sign language interpreters for persons with speech or hearing impairments.
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When addressing the Council, please use the witness table (center front of the room). All testimony is electronically recorded. Public participation is encouraged. If you wish to speak, please raise your hand or walk to the witness table as the Mayor calls the item, or, on any item not on the agenda, as the Mayor calls for "Communications and Non-Agenda Items." If you are speaking on an item not on the regular agenda, please fill out the card on the table in the back of the room and give to the City Recorder. You are not required to give your address when speaking to the City Council, only your name.

Ordinances and Resolutions marked with an asterisk will not be read in full unless requested by a member of the City Council. Copies were distributed to Council and posted for at least three days, and are available on the north side of the auditorium.

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*** SEE ATTACHED AGENDA ***
Posted – July 12, 2007

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Imlay Cub Scout Pack 195

CALL TO ORDER - Roll Call

1. CONSENT AGENDA:

A. Approve minutes: June 5, 2007
June 19, 2007
July 3, 2007

B. Approve a contract, replacing an existing contract, with Wayne Holmes for the acquisition of property at 257 East Main Street and authorize the Mayor and City Recorder to execute the documents. (Subject to City Attorney review). (Finance Committee recommendation)

C. Approve an agreement with the Hillsboro Downtown Business Association (HDBA) for maintenance services for downtown Hillsboro and authorize the Mayor and City Recorder to execute the documents. (Finance Committee recommendation)

D. Award the purchase of computer replacements and other computer equipment to Dell, Gateway, IBM and Lenovo, which are on a State Price Agreement and are provided for in the 2007-08 fiscal year. (Finance Committee recommendation)

E. Accept the Metropolitan Area Communications Commission/Public Communications Network (MACC/PCN) grant for $29,443 to reimburse the City for the costs of installing PCN service at the new library facility. Finance Committee recommendation)

F. Approve participation in the MACC/PCN grant for $43,000, and authorize that the budget be adjusted to reflect the increase in spending. (Funds will be used to provide equipment for the Broadband Users Group (BUG) internetwork to improve security and efficiency for BUG agencies.) (Finance Committee recommendation)

G. Approve a renewal of the Custodial Contract with Portland Habilitation Center, Inc. (PHC) and authorize the Mayor and City Recorder to execute the documents (subject to City Attorney review). (Finance Committee recommendation)

H. Approve an intergovernmental agreement with Metro to allow the City to access funds from a portion of the recently passed Metro Greenspaces Bond Measure and authorize the Mayor and City Recorder to execute the documents. (Park Commission recommendation)

I. Approve a dedication deed of public right-of-way to extend NW Wilkins Street westerly from NW Arroyo Place to NW Cornelius Pass Road. (Transportation Committee recommendation)

J. Approve a termination of access easement generally located west of Seminole Park No. 2 and east of Beaverton Creek, near the intersection of 197th Avenue and West Baseline Road. (Transportation Committee recommendation)

K. Approve a name change of the Hillsboro Arts and Cultural Council to Hillsboro Arts and Culture Council by adopting **Resolution No.*2217.** *The Hillsboro Arts and Culture Council will continue in its function as the official committee for purposes of advising the City Council on policies and programs pertaining to the arts.* (Hillsboro Arts and Cultural Council recommendation)

L. Authorize and ratify expenditures, public contracts, contract amendments and agreements by adopting **Resolution No. *2218.**

2. PRESENTATIONS AND APPOINTMENTS:

A. None.

3. WAIVER OF ORDINANCE READINGS:

A. Consider motion to waive reading in full and read by title only Ordinance Nos. _____. (The ordinances have been posted and will be available on the table on the north side of Auditorium at the meeting.)

4. PUBLIC HEARINGS:

A. Consider the sale of the Town Theatre and adjoining building located at 257 East Main Street.

5. UNFINISHED BUSINESS:

A. None.

6. NEW BUSINESS:

A. HCP 2-06: DDOS: Consider Planning Commission recommendation regarding amendments to Hillsboro Comprehensive Plan Ordinance No. 2793, as amended. Proposed amendments to multiple sections are related to Density, Design and Open Space (DDOS). **Ordinance No. *_____ is available.**

B. ZOA 5-06: DDOS: Consider Planning Commission recommendation regarding amendments to Hillsboro Zoning Ordinance No. 1945, as amended. Proposed amendments to multiple sections are related to Density, Design and Open Space (DDOS). **Ordinance No. *_____ and Ordinance No*_____ are available.**

C. SOA 2-06: DDOS: Consider Planning Commission recommendation regarding amendments to Hillsboro Subdivision Ordinance No. 2808, as amended. Proposed amendments to multiple sections are related to Density, Design and Open Space (DDOS). **Ordinance No. *_____ and Resolution No.*_____ are available.**

D. Consider Finance Committee recommendation to amend Section 2.04.010 of the Hillsboro Municipal Code (Officer Bonds) by clarifying the requirements for city officer and employee surety bonds. **Ordinance No.*_____is available.**

E. Receive end of session legislative update.

F. Consider endorsement of liquor license applications: *(These requests have been reviewed by the Police Department and no objections have been filed.)*

Full On-Premises Sales – *Allows the sale and service of distilled spirits, malt beverages and wine for consumption on the licensed premises.*

Off-Premises Sales – Allows the sale of malt beverages, wine and cider in factory sealed containers for consumption off the licensed premises and allows sample tastings of malt beverages, wine and cider.

Limited On-Premises Sales - Allows the sale of male beverages, wine and cider for consumption on the licensed premises, and the sale of kegs of malt beverages for off premises consumption.

1. Dandy's Deli LLC, 1075 SE Baseline Rd. – Original Application - Off-premises sales
2. Taylor's Restaurant, 264 E Main Street – Change of Privilege – Full on-premises sales
3. Club El Reventon LLC, 345 SW 17th Ave – Limited on-premises sales

7. COMMUNICATION AND NON-AGENDA ITEMS: (Persons wishing to speak on matters not on the agenda may be recognized at this time. *Please fill out the card on the table in the back of the room and give to the City Recorder.* You are not required to give your address when speaking to the City Council, only your name. Presentations are limited to three minutes, with a maximum total of 15 minutes for this agenda item. More time, if needed, may be provided upon completion of the regular agenda.)

8. ADVICE/INFORMATION ITEMS:

A. Joint City Council work session with the Planning Commission on August 2, 2007, 7 PM, Hillsboro Civic Center, Conference Rooms C113B & C, 150 East Main Street.

ANNUAL COMMUNITY EVENTS:

B. 24th Annual National Night Out Crime & Drug Prevention Event, Tuesday, August 7, 2007, 7 PM, hosted by Hillsboro Police Department, West Precinct, 240 SE 10th Avenue. For information visit: www.ci.hillsboro.or.us.

C. Oregon International Air Show presented by Standard TV & Appliance, *featuring the U.S. Navy Blue Angels* – August 10-12, 2007. For event information visit: www.oregonairhsow.com.

D. Showtime at Shute –Every Thursday through August 16, 7 PM, Shute Park, 8th & Maple (next to Library). For concert schedule visit: www.HCAonline.org.

E. Intel Presents CELEBRATE HILLSBORO featuring Main Street Madness – Downtown Hillsboro, Saturday, August 4, 10 AM to 9 PM and Sunday, August 5, 11 AM to 6 PM. This event features family fun, great music, games, a Guinness Record attempt, Hillsboro Farmers' Market and Antique Fair.

F. Main Street Madness – 3-on-3 Basketball Tournament – Downtown Hillsboro, Saturday, August 4, 8 AM to 8 PM and Sunday, August 5, 8 AM to 6 PM. For information visit the website at www.mainstreetmadness.org.

G. Saturday Farmers' Market in Downtown Hillsboro: Every Saturday, May 5, 2007 through October 27, 2007 from 8 AM to 1:30 PM.

H. Tuesday Marketplace in Downtown Hillsboro: Every Tuesday, June 12, 2007 through August 28, 2007 from 5 PM to 8:30 PM:

I. Sunday Farmers' Market at Orenco Station: Every Sunday, May 13, 2007 through October 7, 2007 from 10 AM to 2 PM.

9. WORK SESSION ITEMS (Item A will be discussed in work session following regular session in Conference Room C113B)

A. Scoggins Dam Title Transfer and Water Supply Background Information

HILLSBORO CITY COUNCIL

Minutes
Tuesday, June 5, 2007

6 PM — **Work Session**
Hillsboro Civic Center Conference Room C113B — **150 E. Main Street**

7 PM — **Regular Session**
Hillsboro Civic Center Auditorium — **150 E. Main Street**

WORK SESSION – 6 PM – CONFERENCE ROOM C113B

A. Update from Metro Councilor Kathryn Harrington

B. Hillsboro 2020 Vision Implementation Committee Progress Report – presented by Erik Jensen and John Coulter

Work Session – Held.

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Mayor Tom Hughes

CALL TO ORDER – Roll Call
Present: Mayor Tom Hughes, Councilors Aron Carleson, Nenice Andrews, Doug Johnson, Joe Keizur and Cynthia O'Donnell
Excused Absence: Councilor Ed Dennis
Staff Present: Tim Erwert, Rob Massar, Sarah Jo Chaplen, Gary Seidel, Lila Ashenbrenner, Barbara Simon, Brett Estes, Debbie Raber, Pat Ribellia, Don Odermott, Rene Heade, Denise Carlson, Jennifer Wells, Tom Arnold, Marion Hemphill, Mike Smith, Amber Deming and City attorneys Pam Beery and Tom Sponsler

1. **CONSENT AGENDA:**

A. Consider minutes: May 15, 2007

B. SN 1-07: NW Hornecker Rd to NW Connell Ave: Consider setting a public hearing for July 3, 2007 at 7:00 PM to consider formally renaming a public street from NW Hornecker Road to NW Connell Avenue due to a transfer of street jurisdiction from Washington County to City of Hillsboro.

C. Acting as the Local Contract Review Board, award contracts to the lowest responsive bidders for the following contracts: (Transportation Committee Recommendation)

1. 2007 Street Maintenance Program

Roger Langelier's Construction	Schedule A	$ 63,209.01
Blackline	Schedule B	$254,094.45
Eagle-Elsner	Schedule C	$1,066,000.00

2. SE 21st Avenue and SE Maple Street Improvements

Werbin West	$1,766,873.10

D. Consider accepting a petition for VAC 07-03 for the vacation of SW 239th Avenue from SW Davis Street north to the terminus of SW 239th Avenue and schedule a public hearing for July 3, 2007 at 7 PM Petitioner is Centex Homes

E. Adopt a resolution authorizing and ratifying expenditures, public contracts, contract amendments and agreements. Resolution No. 2208 was available.

Motion was made by O'Donnell, seconded by Johnson, to approve the Consent Agenda as presented. The motion passed unanimously with Carleson, Keizur, Andrews, Johnson and O'Donnell voting in favor.

RESOLUTION NO. 2208

A RESOLUTION AUTHORIZING AND RATIFYING THE LISTED EXPENDITURES, PUBLIC CONTRACTS, CONTRACT AMENDMENTS AND AGREEMENTS IN ACCORDANCE WITH CHAPTER 2.16 OF THE HILLSBORO MUNICIPAL CODE.

2. PRESENTATIONS AND APPOINTMENTS:

A. Citizen Recognition – presented by the Fire Department

On May 7, 2007 five citizens saved a boy from drowning in the pool located at Quatama Crossing Apartments. Chief Gary Seidel described the event, recognized the citizens (listed below) saving the young child, and presented them with commendation letters.

Elijah Owens
Riley Henningsen
Albert Garcia
Stephen Fast
Andrea Deilke

B. Charter Review Commission Report and Recommendations

Tom Sponsler, City Attorney, gave the history of the existing Hillsboro City Charter. He highlighted the work of the Charter Review Commission and gave three recommendations: 1) recommend that the City Council submit a new City Charter to Hillsboro voters at the November 6, 2007 election; 2) recommend that the City Council adopt ordinances and resolutions to implement the new City Charter upon its January 1, 2008 effective date; and 3) recommend that the City Council consider adopting policies that the Commission believes are more appropriate for ordinances and resolutions than the City Charter.

Mr. Sponslor then described some of the similarities and differences between the existing and proposed charters. He stated the proposed charter carries forward some of the traditions and unique qualities of the existing charter, while updating the document to promote increased efficiency city government operations.

There was discussion related to the various boards and commissions as described in the proposed city charter. John Godsey, Utilities Commissioner, came forward and stated that the proposed Charter captured the concepts of the Utilities Commission. Mayor Hughes recognized the Charter Review Commission for its hard work the past six months. Following some discussion about councilors serving on boards and commissions, Mayor Hughes stated that it may be cleaner and allow for flexibility to leave some language out of the Charter. He stated that promoting regular reports from the various boards and commission would provide more clearer and consistent communication. He also suggested adopting standards by ordinances.

Motion was made by Johnson, seconded by O'Donnell, to schedule a public hearing for June 19, 2007 to hear comments related to the final report and recommendations of the Charter Review Commission on a proposed Hillsboro City Charter. The motion passed unanimously with Keizur, Andrews, Johnson, O'Donnell and Carleson voting in favor.

[Recorder's Note - The Mayor called a five-minute recess.]

C. Request from the City Manager for City Council Confirmation:

Appointment - Hillsboro Police Chief

Lila Ashenbrenner (effective on the last working day prior to Chief Ron Louie's retirement)

Motion was made by Johnson, seconded by O'Donnell, to confirm that Mayor's appointment. The motion passed unanimously with Andrews, Johnson, O'Donnell, Carleson and Keizur voting in favor.

D. Appointments - 53rd Avenue Indoor Recreation Center Task Force Members

1. Darrel Lumaco
2. Dylan Defrees
3. John Coulter
4. Ken Edwards
5. Kim Lierman
6. Lizette Ramirez
7. Rob Benton
8. Steve Callaway
9. Tony Rosatti
10. Aron Carleson
11. Nenice Andrews
12. Julie Karlin
13. Rick Karlin
14. Elizabeth Nahl

Motion was made O'Donnell, seconded by Johnson, to confirm the Mayor's appointments. The motion passed unanimously with Johnson, O'Donnell, Carleson, Keizur and Andrews voting in favor.

3. WAIVER OF ORDINANCE READINGS:

A. Consider motion to waive reading in full and read by title only Ordinance No. 5762.

Motion was made by Keizur, seconded by O'Donnell, to waive the reading in full and read by title only Ordinance No. 5762. The motion passed unanimously with O'Donnell, Carleson, Keizur, Andrews and Johnson voting in favor.

4. PUBLIC HEARINGS:

A. Consider the sale/exchange of real property located at the NE corner of the intersection of SE 10th Avenue and SE Baseline Street (property involving 10th Avenue Police Precinct). The sale/exchange of property is being proposed pursuant to a pending agreement with an adjacent commercial property owner. Resolution No. 2209 was available.

Prior to opening the public hearing Mayor Hughes asked for the staff report. Don Odermott, Planning Department, came forth and presented the staff report. Following the staff report, councilors O'Donnell and Johnson shared their concerns about the amount of parking for employees. Mr. Odermott responded that the parking aspect was reviewed and staff did not foresee any major impacts.

Mayor Hughes opened the public hearing on the property and asked for testimony in support or opposition. There was none. The public hearing was closed.

Motion was made by O'Donnell, seconded by Keizur, that Resolution No. 2209 be adopted. The motion passed unanimously with Carleson, Keizur, Andrews, Johnson and O'Donnell voting in favor.

RESOLUTION NO. 2209

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY.

B. Consider the sale of Tax Lot 1N226DD-01600 located at the intersection of Cornell Road and NW 206th Avenue and consider the following actions:
   1. declare the property as surplus; and
   2. establish a process for disposition.

Prior to opening the public hearing Mayor Hughes asked for the staff report. Marion Hemphill, Administration Department, came forth and presented the staff report.

Mayor Hughes opened the public hearing on the property and asked for testimony in support or opposition. There was none. The public hearing was closed.

Motion was made by O'Donnell, seconded by Keizur, to declare the property as surplus and adopt the process for disposition as listed below. The motion passed unanimously with Keizur, Andrews, Johnson, O'Donnell and Carleson voting in favor.

1) City's broker to market the property and collect offers that include a proposed purchase price and intended use for the land.

2) Compare the proposed use against the minimum acceptable standard of "Medium Density Urban" land use designation of the OSHA/Amberglen Area Plan (office and retail, 3-6 six story buildings, Housing range could include townhouses to apartments/lofts, primarily between 50 and 100 units per acre, Approx. FAR: 1.5, Approx. use mix:71% residential; 6% office; 3% retail; 20% structured parking.)

3) City to choose the most favorable offer combination that meets or exceeds the appraised value of the property.

4) If more than one proposal meets the criteria, negotiate with bidders to enhance their offer.

5) Following review of proposals and negotiation, establish process for City Council review, including a public hearing in compliance with state law, as required.

5. UNFINISHED BUSINESS:

A. None.

6. NEW BUSINESS:

A. Schedule a public hearing for June 19, 2007 to consider Finance Committee recommendation to approve the following actions:

1. Adopt the proposed waste hauler rates; and
2. Consider adopting a new Solid Waste Ordinance and repealing ordinance No. 5650, relating to solid waste management and collection within the City of Hillsboro.

Motion was made by O'Donnell, seconded by Keizur, to schedule a public hearing for June 19, 2007 and consider the actions as set forth above. The motion passed unanimously with Andrews, Johnson, O'Donnell, Carleson and Keizur voting in favor.

B. Consider a resolution approving the Hillsboro 2020 Vision and Action Plan Annual Progress Report: 2006-2007, including the recommended revisions to the Vision Action Plan as referenced in the report. Resolution No. 2210 was available.

John Coulter and Paul Danko, chair and vice chair respectively of the Vision Implementation Committee came forward to thank the lead partners and recommended that the Council adopt the seventh annual report.

Motion was made by Johnson, seconded by O'Donnell, that Resolution No. 2210 be adopted. The motion passed unanimously with Johnson, O'Donnell, Carleson, Keizur and Andrews voting in favor.

RESOLUTION NO. 2210

A RESOLUTION APPROVING THE "HILLSBORO 2020 VISION AND ACTION PLAN ANNUAL PROGRESS REPORT: 2006-2007".

C. HCP 1-07: Neu Property: Consider Planning Commission recommendation to approve a Minor Comprehensive Plan Land Use Map Change from IN Industrial to RL Low Density Residential on one property approximately 9.13 acres in area. The site is generally located east of NE Brookwood Parkway, west of NE Elam Young Parkway, south of the Westside Light Rail, and north of NE Wrenwood Lane and the terminus of NE 49th Avenue and can be specifically identified as Tax Lot 100 on Tax Map 1N2-33AC. Ordinance No. 5762 was available.

In response to a question about access, Brett Estes, Planning Department, clarified that there would be two access streets to the development on the same side of the property. Mr. Estes added that the Planning Department was coordinating with the Fire Department to review options to ensure connectivity and flexibility.

Ordinance No. 5762 was read by title only. Motion was made by Johnson, seconded by Keizur, that Ordinance No. 5762 do pass. Roll call on the motion was as follows: Keizur, aye, Andrews, aye, O'Donnell, aye, Carleson, aye, Johnson, aye. The motion passed unanimously and Ordinance No. 5762 was declared passed.

ORDINANCE NO. 5762

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN, ORDINANCE NO. 2793 AS AMENDED, SECTION 14 COMPREHENSIVE PLAN MAPS, APPROVING A MINOR COMPREHENSIVE PLAN LAND USE AMENDMENT TO REDESIGNATE A CERTAIN TRACT OF LAND FROM IN – INDUSTRIAL TO RL – LOW DENSITY RESIDENTIAL.

D. Consider approving an intergovernmental agreement with the Oregon Department of Transportation for Right-of-Way Services associated with the acquisition of property necessary to provide for the addition of a southbound right turn lane along SE 10th Avenue between E. Main Street and SE Baseline Street and authorize the Mayor and City Recorder to execute the documents.

Motion was made by Keizur, seconded by Andrews, to approve an intergovernmental agreement with the Oregon Department of Transportation for Right-of-Way Services associated with the acquisition of property necessary to provide for the addition of a southbound right turn lane along SE 10th Avenue between E. Main Street and SE Baseline Street and authorize the Mayor and City Recorder to execute the documents. The motion passed unanimously with O'Donnell, Carleson, Keizur, Andrews and Johnson voting in favor.

E. Consider Park Commission recommendation approving a Project Agreement with Washington County for the use of Community Development Block Grant (CDBG) funds for the Bagley Park Renovation Project and authorize the Mayor and City Recorder to execute the documents.

Motion was made by Johnson, seconded by O'Donnell, to approving a Project Agreement with Washington County for the use of Community Development Block Grant (CDBG) funds for the Bagley Park Renovation Project and authorize the Mayor and City Recorder to execute the documents. The motion passed unanimously with Carleson, Keizur, Andrews, Johnson and O'Donnell voting in favor.

F. Consider endorsement of liquor license applications:

1. House of Lamthong, 1503 SE TV Hwy. – Greater Privilege - Full On-premises sales
2. DBA Richard's, 2559 SE TV Hwy. – Additional Privilege - Off-premises Sales

Motion was made by Keizur, seconded by O'Donnell, to approve the endorsements as presented. The motion passed unanimously with O'Donnell, Carleson, Keizur, Andrews and Johnson voting in favor.

7. COMMUNICATION AND NON-AGENDA ITEMS:

A. Sharon Cornish raised concerns related to the need for additional police officers, specifically for the downtown area. She stated that there are not enough officers to handle the vandalism and underage drinking issues taking place at Bagley Park.

8. ADVICE/INFORMATION ITEMS:

ANNUAL COMMUNITY EVENTS:

A. The American Cancer Society Relay for Life, June 23 & 24, 2007, 10 AM – 10 AM, Hillsboro Stadium

B. Hillsboro 4th of July Parade – July 4, 2007, 10 AM and Tuality Healthcare Foundation's Annual Cancer Awareness Treatment Walk (C.A.T. Walk) and Health and Wellness Fair. Registration begins at 7 AM at the Civic Center Plaza.

C. Intel Presents CELEBRATE HILLSBORO featuring Main Street Madness – Downtown Hillsboro, Saturday, August 4, 10 AM to 9 PM and Sunday, August 5, 11 AM to 6 PM. This event features family fun, great music, games, a Guiness Record Attempt, Hillsboro Farmers' Market and Antique Fair.

D. Main Street Madness – 3-on-3 Basketball Tournament – Downtown Hillsboro, Saturday, August 4, 8 AM to 8 PM and Sunday, August 5, 8 AM to 6 PM. For information visit the website at www.mainstreetmadness.org

E. Saturday Farmers' Market in Downtown Hillsboro: Every Saturday, May 5, 2007 through October 27, 2007 from 8 AM to 1:30 PM.

F. Tuesday Marketplace in Downtown Hillsboro: Every Tuesday, June 12, 2007 through August 28, 2007 from 5 PM to 8:30 PM:

G. Sunday Farmers' Market at Orenco Station: Every Sunday, May 13, 2007 through October 7, 2007 from 10 AM to 2 PM.

9. **WORK SESSION ITEMS (Items A & B will be discussed in work session preceding regular session in Conference Room C113B at 6:00 PM; Item C will be discussed in work session following regular session in Conference Room C113B)**

A. Update from Metro Councilor Kathryn Harrington

B. Hillsboro 2020 Vision Implementation Committee Progress Report - presented by Erik Jensen and John Coulter

C. Legislative Update – presented by the City Lobbyist

There being no further business to come before the Council, the meeting adjourned to work session at 8:23 PM.

_____
Mayor

ATTEST: _____
City Recorder

HILLSBORO CITY COUNCIL

Minutes
Tuesday, June 19, 2007

5:30 PM — **Work Session**
Hillsboro Civic Center Conference Room C113B — **150 E. Main Street**

7 PM — **Regular Session**
Hillsboro Civic Center Auditorium — **150 E. Main Street**

WORK SESSION – 5:30 PM – CONFERENCE ROOM C113B

A. Finance Committee Audit Training – presented by Rob Moody of Talbot, Korvola & Warwick

B. Enterprise Resource Planning (ERP) Vendor Contract – presented by Brian Kennedy

Work Session – Held.

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Mayor Tom Hughes

CALL TO ORDER – Roll Call
Present: Mayor Tom Hughes, Councilors Ed Dennis, Nenice Andrews, Doug Johnson and Cynthia O'Donnell
Excused Absences: Councilors Joe Keizur and Aron Carleson
Staff Present: Rob Massar, Sarah Jo Chaplen, Greg Mont, John Taylor, Michelle Wareing, Suzanne Linneen, Amber Deming, Tami Cockeram, Paul Edwards, Mike Smith, Linda Lybecker, Brett Estes, Debbie Raber, Tom Arnold, Gary Seidel, Mary Gruss, Barbara Simon, Brian Kennedy, Debbie Werner and city attorneys Pam Beery and Tom Sponsler

1. CONSENT AGENDA:

A. Approve a Memorandum of Understanding (MOU) between the Hillsboro School District and the Hillsboro Police Department for School Resource Officers and authorize the Mayor and City Recorder to execute the documents. (Finance Committee Recommendation)

B. Authorize a contract amendment to extend the timeframe for the two existing intergovernmental agreements with Washington County for Community Development Block Grant (CDBG) projects, Nos. 7149 and 8128, and authorize the Mayor and City Recorder to execute the documents. (Finance Committee Recommendation)

C. Approve the FY 2007-08 Pay Plan, incorporating the 2.0% COLA for non-represented and management employees and a 2.0% increase to base pay (according to contract) for the Police and Fire Bargaining Unit employees effective July 1, 2007. (Finance Committee Recommendation)

D. Authorize 2006-07 cash carryovers to the 2007-08 Fiscal Year for unexpended projects and revisions to the 2007-08 Fiscal Year Budget as approved. (Finance Committee Recommendation)

E. Authorize Tami Cockeram, Risk Manager, to negotiate and execute property, liability and workers' compensation insurance contracts for Fiscal Year 2007-08, and authorize the Mayor and City Recorder to execute the necessary documents. (Finance Committee Recommendation)

F. Adopt a resolution to authorize transfers of appropriations within funds and resources between funds for 2006-07 Fiscal Year Budget. (Finance Committee Recommendation) Resolution No. 2211 was available.

RESOLUTION NO. 2211

A RESOLUTION AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN FUNDS AND RESOURCES BETWEEN FUNDS.

G. Approve a request from the Police Department to participate in the Fiscal Year 2007 Edward Byrne Memorial Justice Assistance Grant program administered through the United States Department of Justice, which will allow purchase of a laptop computer, supplies and cover training and contract costs to operate the Hillsboro Peer Court. (Finance Committee Recommendation)

H. Adopt a resolution authorizing and ratifying expenditures, public contracts, contract amendments and agreements. Resolution No. 2212 was available.

RESOLUTION NO. 2212

A RESOLUTION AUTHORIZING AND RATIFYING THE LISTED EXPENDITURES, PUBLIC CONTRACTS, CONTRACT AMENDMENTS AND AGREEMENTS IN ACCORDANCE WITH CHAPTER 2.16 OF THE HILLSBORO MUNICIPAL CODE.

Motion was made by O'Donnell, seconded by Dennis, to approve the Consent Agenda as presented. The motion passed unanimously with Dennis, Andrews, Johnson and O'Donnell voting in favor.

2. PRESENTATIONS AND APPOINTMENTS:

A. Appointment: Library Board

Barbara Wright	Reappointment 4 year term – expires June 30, 2011

Motion was made by Dennis, seconded by O'Donnell, to confirm the Mayor's appointment. The motion passed unanimously with Andrews, Johnson, O'Donnell and Dennis voting in favor.

B. Youth Advisory Council (YAC) – Presentation on Achievements for 2006-07 school year by YAC members.

Katya Gorecki and Trista Ten Clay gave a PowerPoint presentation, which included public service announcements that will be played on KUIK's radio station and provided to Hillsboro area high schools for their use. Councilor Dennis encouraged the YAC students to approach a policy-making body if they ever identify a community need in the future.

C. Proclamation: Relay For Life Days – June 23 and 24, 2007.

Mayor Hughes read the proclamation. Rachel Clark-Hoffman, Event Chair for Relay For Life, described the current status of the event, sponsored by the American Cancer Society. This is the fifth year for the event, which serves as a fundraiser for cancer research.

3. WAIVER OF ORDINANCE READINGS:

A. Consider motion to waive reading in full and read by title only Ordinance Nos. 5763 - 5768.

Motion was made by O'Donnell, seconded by Dennis, to waive the reading in full and read by title only Ordinance Nos. 5763–5768. The motion passed unanimously with Johnson, O'Donnell, Dennis and Andrews voting in favor.

4. PUBLIC HEARINGS:

A. Public hearing on the final report and recommendation of the Charter Review Commission on a proposed Hillsboro City Charter. Resolution No. 2213 was available.

Prior to opening the public hearing Mayor Hughes asked for the staff report on Item 4A. Tom Sponsler, City Attorney, came forth and reviewed the staff report presented at the June 5, 2007 City Council meeting. The proposed charter will be referred to the voters of the City at the November 6, 2007 election.

Mayor Hughes opened the public hearing on the final report and recommendation of the Charter Review Commission on a proposed Hillsboro City Charter and asked for testimony in support or opposition. There was none. The public hearing was closed.

Motion was made by Johnson, seconded by O'Donnell, to adopt Resolution No. 2213. The motion passed unanimously with O'Donnell, Dennis, Andrews and Johnson voting in favor.

RESOLUTION NO. 2213

A RESOLUTION CALLING FOR AN ELECTION IN THE CITY OF HILLSBORO ON NOVEMBER 6, 2007 TO SUBMIT A NEW HOME RULE CHARTER TO CITY VOTERS.

B. Consider the Finance Committee recommendation to approve the following actions:
   1. Adopt the proposed waste hauler rates, and
   2. Adopt a new Solid Waste Ordinance (Scenario 1) and repeal Ordinance No. 5650, relating to solid waste management and collection within the City of Hillsboro. Ordinance No. 5763 was available.

Prior to opening the public hearing Mayor Hughes asked for the staff report on Item 4B. Paul Edwards, Purchasing Agent, and Chris Bell, Solid Waste Auditor, came forward and presented the staff report. The ordinance includes the latest rates (Scenario 1) recommended by the Finance Committee at the May 8, 2007 meeting and includes the implementation of roll-cart recycling, which is tentatively scheduled for implementation in September, 2007. The last rate adjustment in Hillsboro was in 2003. Scenario 2 is a full cost of service, with an increase of approximately 13% for residential ratepayers.

Councilor Johnson, referring to the potential subsidy provided by commercial users in Scenario 2, asked how many businesses would be included. Mr. Bell said 1,122. Councilor Johnson received confirmation that the subsidy would only last 12-18 months. Mr. Bell said that then the rate discussion would need to be brought back to City Council for further discussion.

Councilor O'Donnell asked how much of a rate increase would occur after 18 months. Mr. Bell said that it would likely return to the current rate. Councilor O'Donnell asked if customers would be educated on the increase. Mr. Bell replied there would be substantial community outreach.

Mayor Hughes opened the public hearing and asked for testimony in support or opposition.

Deanna Palm, Hillsboro Chamber of Commerce President, testified in support of the Finance Committee's recommendation of Scenario 1. The Chamber does not favor the policy for the business community to absorb the rate changes, but rather advocates everyone paying according to the service received. There were no questions of Ms. Palm and the public hearing was closed.

Councilor Johnson discussed the Finance Committee recommendation and said that he could go either way since, as a business owner, the small subsidy would only last 12-18 months, which seemed manageable. If the haulers are able to adjust their rates every 12-18 months, then that's fine, but he supported the recommendation based on the rate stability issue.

Motion was made by Dennis, seconded by Johnson, to approve Scenario 2. The motion passed unanimously with Dennis, Andrews, Johnson and O'Donnell voting in favor.

Ordinance. No. 5763 was read by title only. Motion was made by O'Donnell, seconded by Dennis, that Ordinance No. 5763 do pass. Roll call on the motion was as follows: Dennis, aye, Andrews, aye, O'Donnell, aye, Johnson, aye. The motion passed unanimously and Ordinance No. 5763 was declared passed.

ORDINANCE NO. 5763

AN ORDINANCE REPEALING ORDINANCE 5650, RELATING TO SOLID WASTE MANAGEMENT AND COLLECTION WITHIN THE CITY OF HILLSBORO; GRANTING A NON-EXCLUSIVE FRANCHISE BY DESIGNATED AREA THEREFORE; AND DEFINING THE TERMS THEREOF; PROVIDING PENALTIES FOR THE VIOLATIONS OF A FRANCHISE AND THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

C. Consider an ordinance adopting a supplemental budget for the 2006-07 Fiscal Year and declaring an emergency. Ordinance No. 5764 was available.

Mayor Hughes opened the public hearing on Item 4C and asked for testimony in support or opposition. There was none. The public hearing was closed.

Ordinance No. 5764 was read by title only. Motion was made by Dennis, seconded by O'Donnell, that Ordinance No. 5764 do pass. Roll call on the motion was as follows: Andrews, aye, O'Donnell, aye, Johnson, aye, Dennis, aye. The motion passed unanimously and Ordinance No. 5764 was declared passed.

ORDINANCE NO. 5764

AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET FOR THE 2006-2007 FISCAL YEAR AND DECLARING AN EMERGENCY.

D. Public Hearing on State Revenue Sharing proposed use, 2007-08 Fiscal Year.

Mayor Hughes opened the public hearing on Item 4D and asked for testimony in support or opposition. There was none. The public hearing was closed.

E. Public Hearing on 2007-08 Fiscal Year Approved Budget and declaring an emergency. Ordinance No. 5765 was available.

Mayor Hughes opened the public hearing on Item 4E and asked for testimony in support or opposition. There was none. The public hearing was closed.

Ordinance No. 5765 was read by title only. Motion was made by O'Donnell, seconded by Dennis, that Ordinance No. 5765 do pass. Roll call on the motion was as follows: Andrews, aye, O'Donnell, aye, Johnson, aye, Dennis, aye. The motion passed unanimously and Ordinance No. 5765 was declared passed.

ORDINANCE NO. 5765

AN ORDINANCE ADOPTING A BUDGET, MAKING APPROPRIATIONS, AND LEVYING A TAX UPON THE TAXABLE PROPERTY OF THE CITY; AND TO CATEGORIZE THE TAXES FOR THE CITY OF HILLSBORO, WASHINGTON COUNTY, OREGON FOR FISCAL YEAR JULY 1, 2007 TO JUNE 30, 2008, AND DECLARING AN EMERGENCY.

[Recorder's Note – Mayor Hughes declared a recess of the City Council and convened the Hillsboro Economic Development Council (HEDC) to hold a public hearing on the HEDC 2007-08 Fiscal Year budget. Following the public hearing Mayor Hughes reconvened the City Council.]

F. AN 5-07: Garner.: Consider approval for annexation of two properties totaling approximately 1.81 acres in area (and associated right-of-way), into the City Limits of Hillsboro. The properties are generally located south of SE Witch Hazel Road, north of SE Alexander Street and Tax Lot 4100 is west of SE Brookwood Avenue and east of SE 49th Avenue, while Tax Lot 5800 is east of SE Brookwood Avenue. The properties can be specifically identified as Tax Lots 4100 and 5800 on Washington County Tax Assessor's Map 1S2-09AD. Ordinance No. 5766 was available.

Prior to opening the public hearing Mayor Hughes asked for the staff report on Items F and G. Brett Estes, Planning Department, came forth and presented the staff reports, including the ORS 197 statement required for the public hearings, described the proposed annexation and zone change and reviewed the approval criteria.

Councilor Johnson pointed out that one of the property lines appears to go through the middle of a house. Councilor O'Donnell asked if a future development on that property would necessitate building removal. Mr. Estes said there are no pending proposals for that property, but if one is submitted then the Planning Commission would work with property owners to deal with existing site anomalies.

Mayor Hughes opened the public hearing on AN 5-07 and asked for testimony in support or opposition. There was none. The public hearing was closed.

Ordinance No. 5766 was read by title only. Motion was made by Johnson, seconded by Andrews, that Ordinance No. 5766 do pass. Roll call on the motion was as follows: Johnson, aye, Dennis, aye, Andrews, aye, O'Donnell, aye. The motion passed unanimously and Ordinance No. 5766 was declared passed.

ORDINANCE NO. 5766
AN 5-07: GARNER

AN ORDINANCE ANNEXING CERTAIN TRACTS OF LAND INTO THE CITY LIMITS OF HILLSBORO AND WITHDRAWING THE TRACTS FROM THE TERRITORIES OF WASHINGTON COUNTY RURAL FIRE PROTECTION DISTRICT NO. 2, WASHINGTON COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, WASHINGTON COUNTY SERVICE DISTRICT FOR URBAN ROAD MAINTENANCE, AND WASHINGTON COUNTY SERVICE DISTRICT NO. 1 FOR STREET LIGHTS, AND DECLARING AN EMERGENCY.

G. ZC 9-07: Garner: Consider Planning Commission recommendation of approval of a zone change from County R-15 Residential (15 units per acre) to City R-7 Single Family Residential and A-1 Duplex Residential on two properties totaling approximately 1.81 acres in area. The properties are generally located south of SE Witch Hazel Road, north of SE Alexander Street and Tax Lot 4100 is west of SE Brookwood Avenue and east of SE 49th Avenue, while Tax Lot 5800 is east of SE Brookwood Avenue. The properties can be specifically identified as Tax Lots 4100 and 5800 on Washington County Tax Assessor's Map 1S2-09AD. Ordinance No. 5767 was available.

Mayor Hughes opened the public hearing on ZC 9-07 and asked for testimony in support or opposition. There was none. The public hearing was closed.

Ordinance No. 5767 was read by title only. Motion was made by O'Donnell, seconded by Andrews, that Ordinance No. 5767 do pass. Roll call on the motion was as follows: Johnson, aye, Dennis, aye, Andrews, aye, O'Donnell, aye. The motion passed unanimously and Ordinance No. 5767 was declared passed.

ORDINANCE NO. 5767
ZC 9-07: GARNER

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY CHANGING THE ZONING OF TWO TRACTS OF RECENTLY ANNEXED PROPERTY FROM COUNTY R-15 RESIDENTIAL (15 UNITS PER ACRE) TO CITY R-7 SINGLE FAMILY RESIDENTIAL AND A-1 DUPLEX RESIDENTIAL.

H. Public hearing on a recommendation to City Council, acting as the Local Contract Review Board, to exempt from competition the award of a specific contract and authorize staff to proceed with negotiations to award a contract to Skanska USA Building Inc. and their subcontractors for Civic Center Complex improvements for a five year period. (Subject to City Attorney Review) *This public hearing has been cancelled and the cancellation has been advertised.*

5. UNFINISHED BUSINESS:

A. None.

6. NEW BUSINESS:

A. Consider awarding a professional services contract for ERP system software to Tyler Technologies, Inc. and authorize the Mayor and City Recorder to execute the documents (subject to City Attorney review).

Motion was made by O'Donnell, seconded by Johnson, to award a professional services contract for Enterprise Resource Planning (ERP) system software to Tyler Technologies, Inc. and authorize the Mayor and City Recorder to execute the documents (subject to City Attorney review). The motion passed unanimously with Andrews, Johnson, O'Donnell and Dennis voting in favor.

B. Item moved to Consent Agenda Item 1G.

C. PUD 6-06: Witch Hazel East: Consider Planning Commission recommendation of a preliminary development plan approval for Witch Hazel East (Meadow Oaks), a 128-lot detached single family Planned Unit Development (PUD), on approximately 18.64 acres of property zoned A-1 Duplex Residential. The property is generally located north of SW Davis Road, south of SE Alexander Street, west of SW 234th Avenue and east of SE Brookwood Avenue. The properties can be specifically identified as Tax Lots 1700, 1800, 1900 and 2000 on Washington County Tax Assessor's Map 1S2-10CA. Ordinance No. 5768 was available.

Ordinance No. 5768 was read by title only. Motion was made by Johnson, seconded by Andrews, that Ordinance No. 5768 do pass. Roll call on the motion was as follows: Dennis, aye, Andrews, aye, O'Donnell, aye, Johnson, aye. The motion passed unanimously and Ordinance No. 5768 was declared passed.

ORDINANCE NO. 5768
PUD 6-06: WITCH HAZEL EAST

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO 1945, AS AMENDED, BY APPROVING A PLANNED UNIT DEVELOPMENT OVERLAY ZONE ON CERTAIN TRACTS OF LAND THROUGH APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR A 128-LOT DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT ON A SITE APPROXIMATELY 18.64 ACRES IN SIZE.

7. COMMUNICATION AND NON-AGENDA ITEMS:

A. None.

8. ADVICE/INFORMATION ITEMS:

A. The American Cancer Society Relay for Life, June 23 & 24, 2007, 10 AM – 10 AM, Hillsboro Stadium.

B. Police Department Change of Command Ceremony, June 29, 2007, 1:30 PM, Hillsboro Civic Center Plaza.

ANNUAL COMMUNITY EVENTS:

C. Tuality Healthcare Foundation's Annual Cancer Awareness Treatment Walk (C.A.T. Walk) and Health and Wellness Fair – July 4, 2007, 8:30 AM. Information is available at www.catwalkfunrun.org.

D. Hillsboro 4th of July Parade – July 4, 2007, 10 AM. Information is available at www.hillsbororotary.org.

E. Saturday Farmers' Market in Downtown Hillsboro: Every Saturday, May 5, 2007 through October 27, 2007 from 8 AM to 1:30 PM.

F. Tuesday Marketplace in Downtown Hillsboro: Every Tuesday, June 12, 2007 through August 28, 2007 from 5 PM to 8:30 PM:

G. Sunday Farmers' Market at Orenco Station: Every Sunday, May 13, 2007 through October 7, 2007 from 10 AM to 2 PM.

9. WORK SESSION ITEMS (Items A & B will be discussed in work session preceding regular session in Conference Room C113B at 5:30 PM; Item C will be discussed in work session following regular session in Conference Room C113B)

A. Finance Committee Audit Training (Mayor and Council welcome) – presented by Rob Moody of Talbot, Korvola & Warwick

B. ERP Vendor Contract – presented by Brian Kennedy

C. City Manager Hiring Process – presented by City Attorney Pam Beery

There being no further business to come before the Council, the meeting was adjourned to work session at 7:49 PM.

_____
Mayor

ATTEST: _____
City Recorder

HILLSBORO CITY COUNCIL

Minutes
Tuesday, July 3, 2007

6:15 PM — **Work Session**
Hillsboro Civic Center Conference Room C113B — **150 E. Main Street**

7:00 PM — **Regular Session**
Hillsboro Civic Center Auditorium — **150 E. Main Street**

WORK SESSION – 6:15 PM – CONFERENCE ROOM C113B

A. City Manager Hiring Process, Standards, Procedures, Criteria and Policy Directives

Work Session – Held.

REGULAR SESSION – 7:00 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Mayor Tom Hughes

CALL TO ORDER – Roll Call
Present: Mayor Tom Hughes, Councilors Aron Carleson, Nenice Andrews, Joe Keizur and Doug Johnson
Excused Absences: Councilors Ed Dennis and Cynthia O'Donnell
Staff Present: Tim Erwert, Sarah Jo Chaplen, Debbie Brodie, Linda Lybecker, Brett Estes, Tina Bailey, Gary Seidel, Barbara Simon, Erik Jensen, Mark Jackson, Amy Heinlen, John Southgate, Amber Deming and City Attorney Pam Beery

1. CONSENT AGENDA:

A. Schedule a public hearing on July 17, 2007 at 7 PM to consider the sale of the Town Theatre and adjoining building located at 257 East Main Street.

B. Schedule a joint work session with the Planning Commission on August 2, 2007, 7 PM, Hillsboro Civic Center, Conference Rooms C113B & C, 150 East Main Street.

C. Acting as the Local Contract Review Board, award contract to the lowest responsive bidder for the following contract: (Transportation Committee Recommendation)

1. SE Oak Street Widening and Waterline Replacement
Landis & Landis Construction Schedule B $1,046,825.80

D. Accept a petition for VAC 07-05 for the vacation of a right-of-way spur off SE 5th Avenue and schedule a public hearing for August 7, 2007 at 7 PM. Petitioners are Ramoncito and Lucy Gallard.

E. Certify the City of Hillsboro is eligible to receive certain State Shared Revenues by adopting Resolution No. 2214.

RESOLUTION NO. 2214

A RESOLUTION CERTIFYING THE CITY OF HILLSBORO ELIGIBLE TO RECEIVE CERTAIN STATE SHARED REVENUES.

F. Declare the City's election to receive State Revenue Sharing Funds by adopting Resolution No. 2215.

RESOLUTION NO. 2215

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS.

G. Authorize and ratify expenditures, public contracts, contract amendments and agreements by adopting Resolution No. 2216.

Motion was made by Johnson, seconded by Andrews, to approve the Consent Agenda as presented. The motion passed unanimously with Carleson, Keizur, Andrews and Johnson voting in favor.

RESOLUTION NO. 2216

A RESOLUTION AUTHORIZING AND RATIFYING THE LISTED EXPENDITURES, PUBLIC CONTRACTS, CONTRACT AMENDMENTS AND AGREEMENTS IN ACCORDANCE WITH CHAPTER 2.16 OF THE HILLSBORO MUNICIPAL CODE.

2. PRESENTATIONS AND APPOINTMENTS:

A. Appointments – Transportation Funding Task Force Members

1. Chuck Cooney, Lexington Village HOA
2. Kimberly Culbertson, Heart of Hillsboro
3. Dan Floyd, NW Grocery Association
4. Jim Frost, S. Hillsboro/Edwards Meadows
5. Darlene Greene, Hillsboro Budget Committee
6. Steve Krautsheild, Tuality Healthcare
7. Tammy LaBeck, Sewell Station HOA
8. Deanna Palm, Chamber of Commerce
9. Carlos Perez, Hillsboro School District
10. Jonathon Williams, Intel Corporation

Motion was made by Johnson, seconded by Joe Keizur, to confirm the Mayor's appointments. The motion passed unanimously with Keizur, Andrews, Johnson and Carleson voting in favor.

3. WAIVER OF ORDINANCE READINGS:

A. Consider motion to waive reading in full and read by title only Ordinance Nos. 5769-5776.

Motion was made by Johnson, seconded by Andrews to waive the reading in full and read by title only Ordinance Nos. 5769-5776. The motion passed unanimously with Andrews, Johnson, Carleson and Keizur voting in favor.

4. PUBLIC HEARINGS:

A. Consider adopting hiring standards, procedures, criteria and policy directives for appointment of a City Manager.

Mayor Hughes opened the public hearing on Item 4A and asked for testimony in support or opposition. There was none. The public hearing was closed.

Motion was made by Johnson, seconded by Keizur, to adopt hiring standards, procedures, criteria and policy directives (including the City Manager Profile and Job Description) for appointment of a City Manager. The motion passed unanimously with Johnson, Carleson, Keizur and Andrews voting in favor.

B. SN 1-07: NW Hornecker Rd to NW Connell Ave: Consider renaming a section of a public street from NW Hornecker Road to NW Connell Avenue due to a transfer of street jurisdiction from Washington County to the City of Hillsboro. Ordinance No. 5769 was available.

Mayor Hughes opened the public hearing on Item 4B and asked for testimony in support or opposition. There was none. The public hearing was closed.

Ordinance No. 5769 was read by title only. Motion was made by Keizur, seconded by Andrews, that Ordinance No. 5769 do pass. Roll call on the motion was as follows: Keizur, aye, Andrews, aye, Carleson, aye, Johnson, aye. The motion passed unanimously and Ordinance No. 5769 was declared passed.

ORDINANCE NO. 5769
SN 1-07: NW HORNECKER ROAD TO NW CONNELL AVENUE

AN ORDINANCE RENAMING A SEGMENT OF NW HORNECKER ROAD TO NW CONNELL AVENUE.

C. VAC 07-02: Consider vacating SW 239th Avenue from Davis Road to its terminus in the City of Hillsboro, in Washington County. (Petition was presented to the City Council on June 5, 2007.) Ordinance No. 5770 was available.

Mayor Hughes opened the public hearing on VAC 07-02 and asked for testimony in support or opposition. There was none. The public hearing was closed.

Ordinance No. 5770 was read by title only. Motion was made by Keizur, seconded by Andrews, that Ordinance No. 5770 do pass. Roll call on the motion was as follows: Carleson, aye, Johnson, aye, Keizur, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5770 was declared passed.

ORDINANCE NO. 5770
VAC 07-02

AN ORDINANCE VACATING SW 239TH AVENUE FROM DAVIS ROAD NORTH THE ROADWAYS TERMINUS, IN THE CITY OF HILLSBORO, IN WASHINGTON COUNTY, OREGON.

5. UNFINISHED BUSINESS:

A. None.

6. NEW BUSINESS:

A. ZC 4-07: Willamette Dental: Consider Planning and Zoning Hearings Board recommendation of approval of a zone change from SCI Station Community Industrial to SCBP Station Community Business Park on a site approximately 3.64 acres in size. The property is generally located south of NE Campus Way, west of NE 71st Avenue (an unimproved right-of-way), north of NE Cherry Drive and east of NW 229th Avenue. The property can be specifically identified as Tax Lot 3700 on Washington County Tax Map 1N2-35BB and is addressed as 6950 NE Campus Way. Ordinance No. 5771 was available.

Ordinance No. 5771 was read by title only. Motion was made by Keizur, seconded by Andrews, that Ordinance No. 5771 do pass. Roll call on the motion was as follows: Keizur, aye, Johnson, aye, Andrews, aye, Carleson, aye. The motion passed unanimously and Ordinance No. 5771 was declared passed.

ORDINANCE NO. 5771
ZC 4-07: WILLAMETTE DENTAL

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY CHANGING THE ZONING OF A TRACT OF PROPERTY FROM SCI (STATION COMMUNITY INDUSTRIAL) TO SCBP (STATION COMMUNITY BUSINESS PARK).

B. ZC 5-07: Fisher's Court: Consider Planning and Zoning Hearings Board recommendation of approval of a zone change from R-7 Single Family Residential to A-1 Duplex Residential on a site approximately 0.20 acres in size. The property is generally located west of NW Freeman Avenue, south of NW Garibaldi Street, north of NW Jackson Street, and east of NW Yonia Court. The property can be specifically identified as Tax Lot 2100 on Washington County Tax Map 1N3-36AC and is addressed as 445 NW Freeman Court. Ordinance No. 5772 was available.

Ordinance No. 5772 was read by title only. Motion was made by Johnson, seconded by Keizur, that Ordinance No. 5772 do pass. Roll call on the motion was as follows: Keizur, aye, Johnson, aye, Carleson, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5772 was declared passed.

ORDINANCE NO. 5772
ZC 5-07: FISHER'S COURT

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED; BY CHANGING THE ZONING OF A CERTAIN TRACT OF PROPERTY FROM R-7 SINGLE FAMILY RESIDENTIAL TO A-1 DUPLEX RESIDENTIAL.

C. ZC 8-07: Walker Road Park: Consider Planning and Zoning Hearings Board recommendation of approval of a zone change from A-1 Duplex Residential to A-3 Multi-family Residential on a site approximately 2.66 acres in size. The property is generally located north of NW Snoqualmie Street, east of NW 192nd Avenue, south of NW Cornell Road, and west of NW 190th Avenue. The property can be specifically identified as Tax Lot 500 on Washington County Tax Map 1N2-36AB. Ordinance No. 5773 was available.

Ordinance No. 5773 was read by title only. Motion was made by Johnson, seconded by Keizur, that Ordinance No. 5773 do pass. Roll call on the motion was as follows: Keizur, aye, Johnson, aye, Carleson, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5773 was declared passed.

ORDINANCE NO. 5773
ZC 8-07: WALKER ROAD NEIGHBORHOOD PARK

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY CHANGING THE ZONING OF A CERTAIN TRACT OF LAND FROM A-1: DUPLEX RESIDENTIAL TO A-3: MULTIFAMILY RESIDENTIAL.

D. Consider Transportation Committee recommendation amending Section 10.12.120 (Special Purpose or Restricted Parking – Schedule H) of the City of Hillsboro Municipal Code by relocating and extending the hours of operation of a loading zone on the north side of E Main Street and declaring an emergency. Ordinance No. 5774 was available.

Ordinance No. 5774 was read by title only. Motion was made by Johnson, seconded by Keizur, that Ordinance No. 5774 do pass. Roll call on the motion was as follows: Johnson, aye, Carleson, aye, Andrews, aye, Keizur, aye. The motion passed unanimously and Ordinance No. 5774 was declared passed.

ORDINANCE NO. 5774

AN ORDINANCE AMENDING SECTION 10.12.120 (SPECIAL PURPOSE OR RESTRICTED PARKING – SCHEDULE H) BY RELOCATING AND EXTENDING THE HOURS OF OPERATION OF A LOADING ZONE ON THE NORTH SIDE OF E MAIN STREET, AND DECLARING AN EMERGENCY.

E. Consider Transportation Committee recommendation amending Section 10.12.110 (Prohibited Parking – Schedule G) of the City of Hillsboro Municipal Code by establishing parking restrictions on SE 44th Avenue and declaring an emergency. Ordinance No. 5775 was available.

Ordinance No. 5775 was read by title only. Motion was made by Keizur, seconded by Andrews, that Ordinance No. 5775 do pass. Roll call on the motion was as follows: Keizur, aye, Andrews, aye, Carleson, aye, Johnson, aye. The motion passed unanimously and Ordinance No. 5775 was declared passed.

ORDINANCE NO. 5775

AN ORDINANCE AMENDING SECTION 10.12.110 (PROHIBITED PARKING – SCHEDULE G) BY ESTABLISHING PARKING RESTRICTIONS ON SE 44TH AVENUE, AND DECLARING AN EMERGENCY.

F. Consider Transportation Committee recommendation amending Section 10.12.110 (Prohibited Parking – Schedule G) of the City of Hillsboro Municipal Code by establishing a parking prohibition along a portion of SE Walnut Street near the Galway Apartments and declaring an emergency. Ordinance No. 5776 was available.

Ordinance No. 5776 was read by title only. Motion was made by Keizur, seconded by Andrews, that Ordinance No. 5776 do pass. Roll call on the motion was as follows: Johnson, aye, Keizur, aye, Carleson, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5776 was declared passed.

ORDINANCE NO. 5776

AN ORDINANCE AMENDING SECTION 10.12.110 (PROHIBITED PARKING – SCHEDULE G) OF THE CITY OF HILLSBORO MUNICIPAL CODE BY ESTABLISHING A PARKING PROHIBITION ALONG A PORTION OF SE WALNUT STREET NEAR GALWAY APARTMENTS AND DECLARING AN EMERGENCY.

G. Consider endorsement of liquor license applications:

1. Casa Colima Inc., 140 SW Oak Street – Original Application - Full On-Premises sales
2. Red Brick Pizza NW Cafes, 2205 NW Allie Ave Ste 730 – Original Application - Limited On-Premises Sales

Motion was made by Keizur, seconded by Johnson, to approve the endorsements as presented. The motion passed unanimously with Carleson, Keizur, Andrews and Johnson voting in favor.

7. COMMUNICATION AND NON-AGENDA ITEMS:

A. Jerry Wiley thanked the police and fire departments in advance for their support for the annual 4th of July Parade.

8. ADVICE/INFORMATION ITEMS:

ANNUAL COMMUNITY EVENTS:

A. Tuality Healthcare Foundation's Annual Cancer Awareness Treatment Walk (C.A.T. Walk) and Health and Wellness Fair – July 4, 2007, 8:30 AM. Information is available at www.catwalkfunrun.org.

B. Hillsboro 4th of July Parade – July 4, 2007, 10 AM. Information is available at www.hillsbororotary.org.

C. Intel Presents CELEBRATE HILLSBORO featuring Main Street Madness – Downtown Hillsboro, Saturday, August 4, 10 AM to 9 PM and Sunday, August 5, 11 AM to 6 PM. This event features family fun, great music, games, a Guiness Record attempt, Hillsboro Farmers' Market and Antique Fair.

D. Main Street Madness – 3-on-3 Basketball Tournament – Downtown Hillsboro, Saturday, August 4, 8 AM to 8 PM and Sunday, August 5, 8 AM to 6 PM. For information visit the website at www.mainstreetmadness.org

E. Saturday Farmers' Market in Downtown Hillsboro: Every Saturday, May 5, 2007 through October 27, 2007 from 8 AM to 1:30 PM.

F. Tuesday Marketplace in Downtown Hillsboro: Every Tuesday, June 12, 2007 through August 28, 2007 from 5 PM to 8:30 PM:

G. Sunday Farmers' Market at Orenco Station: Every Sunday, May 13, 2007 through October 7, 2007 from 10 AM to 2 PM.

9. **WORK SESSION ITEMS (Item A will be discussed in work session preceding regular session in Conference Room C113B at 6:15 PM)**

A. City Manager Hiring Process, Standards, Procedures, Criteria and Policy Directives

There being no further business to come before the Council, the meeting was adjourned at 7:23 PM.

_____
Mayor

ATTEST: _____
City Recorder

CITY OF HILLSBORO

1B

July 3, 2007

TO: Finance Committee

FROM: John Southgate JWS

SUBJECT: Contract with Wayne Holmes

The City acquired the property at 257 E. Main Street (sometimes referred to as the "Music Village" Building) in December, 2001. This small two story commercial structure abuts the Town Theater, which the City acquired in 1996. The City acquired the Music Village Building to enhance the redevelopment potential of the Town Theater – a feasibility study performed earlier in 2001 identified this smaller building as a suitable location for a restaurant and other services which would complement the rehabilitation of the Town Theater.

The City purchased the Music Village Building from Wayne Holmes for $160,000. The City paid $30,000 as a down payment, with the balance of the purchase price in the form of a contract in the amount of $130,000. The contract included a ten year note at 7% per annum, with monthly payments of $1509.41 through December, 2011. The contract includes provisions for pre-payment and assignment. Pre-payment of the loan would trigger a penalty of 8% of the balance owing at the time of pre-payment.

In December, 2006, the City issued a Request for Expressions of Interest for the property. As a result of the this process the City selected a development team led by Denzil Scheller, who intends to acquire both the Town Theater and the Music Village building, with the intention of rehabilitating the properties into an entertainment venue. The City has drafted a Purchase & Sale Agreement with Mr. Scheller for the two properties, which will be brought before City Council on July 17, 2007.

The City now intends to clear the title of the property, by paying down the balance owing on the Holmes contract. Mr. Holmes is willing to carry an unsecured note from the City in the amount of the balance owing (approximately $70,000), with the payment schedule to match the original contract described above. Mr. Holmes has not requested a pre-payment, thereby saving the City approximately $5600 in pre-payment penalties.

Staff requests that the Finance Committee recommend Council authorization to allow the City to enter into a new unsecured note, to pay off the balance owing on the Holmes contract for the Music Village Building under the terms set forth in this memorandum.

1C

CITY OF HILLSBORO

July 3, 2007

TO: Finance Committee

FROM: John Southgate

SUBJECT: Agreements with Hillsboro Downtown Business Association

The City seeks to renew and amend its Agreement with the Hillsboro Downtown Business Association (HDBA) for services related to the maintenance of the Downtown Maintenance District (DMD).

The Agreement, in an amount not to exceed $25,000, would renew an expired Agreement between the City and the HDBA for the maintenance of the sidewalk area within the DMD, located along Main Street and side streets. HDBA's obligations would include litter removal, pruning and replacement of trees and shrubs as necessary, leaf removal, graffiti removal, and maintenance of flower baskets and of seasonal banners and holiday decorations. HDBA's duties do not include "major" maintenance. As per City Code, individual property owners remain responsible for maintaining the sidewalk adjacent to their property in a safe condition, with the City performing regular inspections to determine among other things if trip hazards exist and when tree rings need to be modified to allow for expansion of tree trunks. The City will be responsible for the removal of tree rings as needed. This Agreement has been drafted in consultation with representatives from the Planning and Engineering Departments.

There are sufficient funds set aside in Fund 54 (Property Management Fund) for the Agreement.

Staff requests that the Finance Committee recommend Council authorization to allow the City to enter into an Agreement with the HDBA, as set forth in this memorandum.

10

CITY OF HILLSBORO

MEMORANDUM

DATE: July 10, 2006
TO: Finance Committee
FROM: Greg Mont, Information Services Director
SUBJECT: Request to award purchase of computer replacements and other computer equipment.

Requested Finance Committee Action:

Please consider a request from the Information Services Department to forward a recommendation to the City Council to award the purchase of computer replacements and other computer equipment to Dell, Gateway, IBM, and Lenovo, which are on a State Price Agreement and are provided for in the 2007-2008 fiscal year.

Background:

The 2007-2008 capital outlay budget includes amounts for computer hardware replacements (workstations, printers, monitors, $359,000), new computer hardware ($118,000), and network hardware ($97,300). The majority of purchases will be spread out over the current fiscal year and will be purchased from one of the five State vendors.

These contracts were established through cooperative efforts of the Western States Contracting Alliance ("WSCA") and the State of Minnesota. This WSCA contract has 43 states that are participating or allowing local governments to participate of which Oregon is one. The State of Minnesota led the cooperative effort to do a multi-state procurement for computer product lines.

Purchasing Process:

ORS 279A.205 allows public contracting agencies to participate and purchase from Cooperative Procurements. WSCA contracts that have participating agreements through the State of Oregon become a cooperative procurement which allows the City of Hillsboro to participate. HMC 2.16.080I, authorizes the city to participate in cooperative procurements.

The City pays an annual fee to the State of Oregon to participate in and utilize contracts generated by the State. By utilizing these contracts, the City is able to save substantial time and

money as the state has already entered into the contract with the vendor through a competitive process in this case through WSCA.

Cost:

The estimated amount to be spent under these contracts is $553,600.00. These amounts are scheduled to buy an estimated 150 replacement workstations and assorted other hardware including printers, servers, network and security equipment, and all the necessary miscellaneous components such as mice, keyboards, cabling, etc.

The remaining funds may be spent with other vendors for products that are not available through the vendors on the State Contract.

Recommendation:

Please consider forwarding a request to the City Council to award the purchase of computer replacements and other computer hardware from Gateway, Dell, IBM, and Lenovo or other State of Oregon Contracts as become available.

1E

CITY OF HILLSBORO – INFORMATION SERVICES DEPARTMENT

MEMORANDUM

Date: July 10, 2007
To: Finance Committee
From: Greg Mont, Information Services Director
Subject: MACC/PCN Grant Spring 2007

Requested Finance Committee Action:

Please consider the IS Department's request to participate in the Spring 2007 MACC/PCN grant administered by MACC. Funds from this program will be used to reimburse the City for the costs of installing Public Communications Network (PCN) service at the new library facility.

Background:

The City's franchise with Comcast requires them to install and maintain a network, referred to as the PCN, to be utilized by public entities within the MACC jurisdiction. The City uses this network to connect several of our locations to the City's network and the Washington County Cooperative Library Service (WCCLS) network. This service was installed at the new library for both the patrons and the City staff.

MACC administers a grant program designed to improve the utilization of the PCN network by providing funding for the installation of the PCN at new locations. The City applied for, and was awarded, a grant to reimburse us for the cost of the installation at the new library.

The grant total was $29,443 for the installation. There is no matching fund requirement. The grant has been applied for and awarded but the money has not yet been dispersed.

Recommendation:

It is requested that the Finance Committee forward a recommendation to the City Council to accept the MACC/PIN grant for $29,443 and authorize the appropriation of the funds.

1F

CITY OF HILLSBORO – INFORMATION SERVICES DEPARTMENT

MEMORANDUM

Date: July 10, 2007
To: Finance Committee
From: Greg Mont, Information Services Director
Subject: MACC/PCN Grant Spring 2007

Requested Finance Committee Action:

Please consider the IS Department's request, on behalf of the Broadband User Group (BUG) to participate in the Spring 2007 MACC/PCN grant administered by MACC and authorize that the Budget be adjusted to reflect the increase in spending. Funds from this program will be used to provide equipment for the BUG internetwork to improve security and efficiency for BUG agencies.

Background:

The City of Hillsboro is the managing agency for the Broadband User Group (BUG) which is an organization formed to by the public agencies within Washington County including Washington County, City of Tigard, City of Beaverton, City of Tualatin, City of Lake Oswego, City of Forest Grove, City of Cornelius, City of King City, Washington County Cooperative Library Services (WCCLS), Clean Water Services, Metropolitan Area Communications Commission (MACC), Tualatin Valley Fire and Rescue (TVFR), and City of Hillsboro. This organization shares a computer data network that connects them together as well as to the Internet with the primary goals to improve communications among the agencies and share the common costs associated with the maintenance of data networks.

The network was recently redesigned to incorporate a redundant Internet connection for all BUG partners. All agencies have been successfully migrated to the new network. The next phase of the design is to increase the efficiency of the network to maximize the utilization of the bandwidth purchased by BUG.

MACC administers a grant program designed to improve the utilization of the PCN network by providing funding to projects that either result in creative new uses for the PCN or improves on the

current uses of the PCN. The BUG executive group applied for, and was awarded, a grant to purchase the required hardware to improve the management of the network bandwidth.

The grant total was $43,000 for the hardware. There is no matching fund requirement. The grant has been applied for and awarded but the money has not yet been dispersed.

Recommendation:

It is requested that the Finance Committee forward a recommendation to the City Council to accept the MACC/PIN grant for $43,000 and authorize the appropriation of the funds.

CITY OF HILLSBORO

MEMORANDUM

DATE: July 2, 2007
TO: Finance Committee
FROM: Paul Edwards, Purchasing Agent
SUBJECT: Request to recommend renewal of the City's Custodial Contract

Requested Finance Committee Action:

Please consider a request from the Finance Department to forward a recommendation to City Council to renew the Custodial Contract with Portland Habilitation Center, Inc. (PHC). These services have been budgeted in the 2007-2008 fiscal year budget.

Background:

PHC is a Qualified Rehabilitation Facility (QRF) and under ORS 279 this status makes doing business with a QRF an exempt process from competitive bidding. This contract is a renewal of a previous five (5) year contract that was established in 2002.

The current contract has been updated to show all the new facilities, statute citations and a clause requiring the use of green/environmentally friendly cleaning products.

Once the contract has been signed by the City and PHC the contract and supplemental cost information will be forwarded to the Department of Administrative Services (DAS). DAS will review all of PHC's cost elements to determine if the pricing for the work reasonably recovers the costs of PHC. This process is set out in State Statutes and the Administrative rules of DAS.

In 1977, the Oregon legislature passed the "Products of Disabled Individuals" act. This law obliges all state and local governments, school districts and other tax supported political bodies in Oregon, to purchase goods and services from Qualified Rehabilitation Facilities (QRF) when the product or service meets their requirements.

Cost:

The following is the schedule of costs for the contract:

LOCATION	MONTHLY RATE
Main Library (2850 NE Brookwood Parkway; 18,878 sq. ft.)	$13,391.77
WCCLS (:2850 NE Brookwood Parkway; 1,122 sq. ft.) Incl. above	$0.00
Shute Park Library (775 SE 10th Ave.; 15,000 sq. ft.)	$2,681.76
HPD-3rd Street Transit Center (333 SE Washington St; 275.5 sq. ft.)	$91.42
Central Precinct (250 SE 19th Avenue; 28,000 sq ft)	$6,243.75
Tanasbourne Precinct (20795 NW Cornell, 12,500 sq. ft.)	$2,034.02
Main Fire Hall (240 S 1st, 4,000 sq. ft)	$735.63
Ronler Acres Fire Station (4455 NW 229th, 2,440 sq. ft)	$579.92
Parkwood Fire Station (275 NE 25th Avenue; 1,200 sq. ft)	$278.93
Public Works (142 SE Maple, 7,600 sq. ft.)	$1,192.65
Water Maint. Building (390 West Main St, 2,300 sq. ft.)	$396.59
Water Modular (390 West Main St. 1,800 sq. ft)	$218.36
Parks Maint. Bldg. (1890 NE Griffin Oaks, 2,500 sq. ft)	$1,049.84
Tyson Recreation Center (1880 NE Griffin Oaks, 4,256 sq. ft.)	$1,200.89
Senior Center (750 SE 8th, 8,600 sq. ft.)	$1,651.96
New Parks Administration Building (4400 NW 229, 10,500 sq. ft)	$1,120.14
Water Treatment (4475 SW Fernhill Rd., 4,100 sq. ft.)	$659.98
Cultural Arts Center (527 East Main Street, 8,500 sq. ft.)	$1,943.89
Walnut Street Sub-Station (1050 SE Walnut Street; 250 sq. ft.)	$95.48
River House (4000 SE Rood Bridge Road, 4,332 sq. ft.)	$200.79
Civic Center (150 East Main Street; sq. ft.104,200.)	$24,337.23
Total per month	$60,105.00
Annual Base Amount	$721,260.00
Archives (115 SE 2nd Avenue, approximately 1,500 sq. ft.)	Time & Material
Requested Services (specification items which are not part of the general schedule)	$19.00/hour OT $25.00/hour

Recommendation:

Please consider forwarding a request to the City Council to renew the Custodial Contract with Portland Habilitation Center, Inc., authorizing the Mayor and City Recorder to execute the contract subject to City Attorney review.

CITY OF HILLSBORO
Parks & Recreation

1H

MEMORANDUM

DATE: July 17, 2007

TO: City Council

FROM: Justin Patterson, Assistant Parks and Recreation Director

SUBJECT: Metro Natural Area Bond Measure IGA

REQUEST

The City Council is asked to consider a Park Commission recommendation to authorize the Mayor and City Recorder to execute documents related to an Intergovernmental Agreement with Metro. The overriding purpose of this IGA is to allow the City to access funds from a portion of the recently passed Metro Greenspaces Bond Measure.

BACKGROUND

On November 7, 2006 electors of Metro approved Ballot Measure 26-80 authorizing Metro to issue $227.4 million in bonds to preserve natural areas, clean water, and protect fish and wildlife.

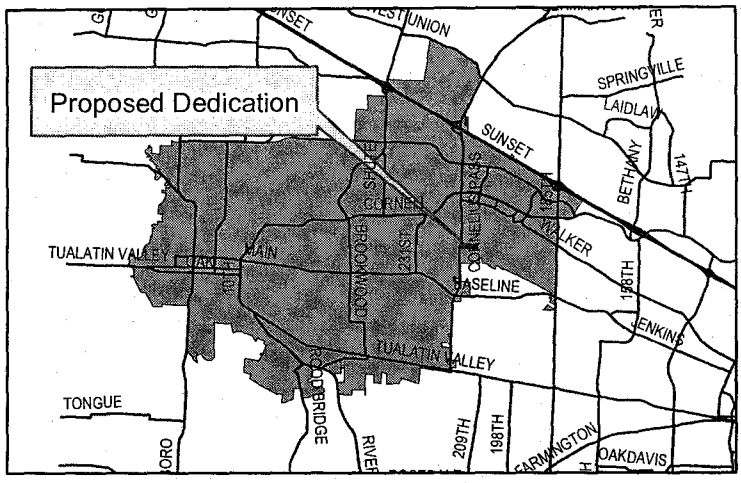
The Measure provided $44 million from bond proceeds to be expended by local park providers for specific projects previously identified as a part of the bond planning process. The process outlined for this bond measure is very similar to the one implemented for the original greenspaces bond measure passed in 1995.

As a designated Local Share Partner, Hillsboro must execute an Intergovernmental Agreement in order to access those local share dollars. Once available, the monies may be used for both acquisition and development of open spaces properties in keeping with the greenspaces bond measure. The City would be responsible for ownership and management of the properties.

RECOMMENDATION

The agreement has been through legal review. In accordance with the recommendation of the Park Commission, staff respectfully requests Council authorize the Mayor and City Recorder to execute documents related to an Intergovernmental Agreement with Metro.

CITY OF HILLSBORO



July 17, 2007

TO: Mayor and City Council

FROM: Michael Filicky, City Surveyor

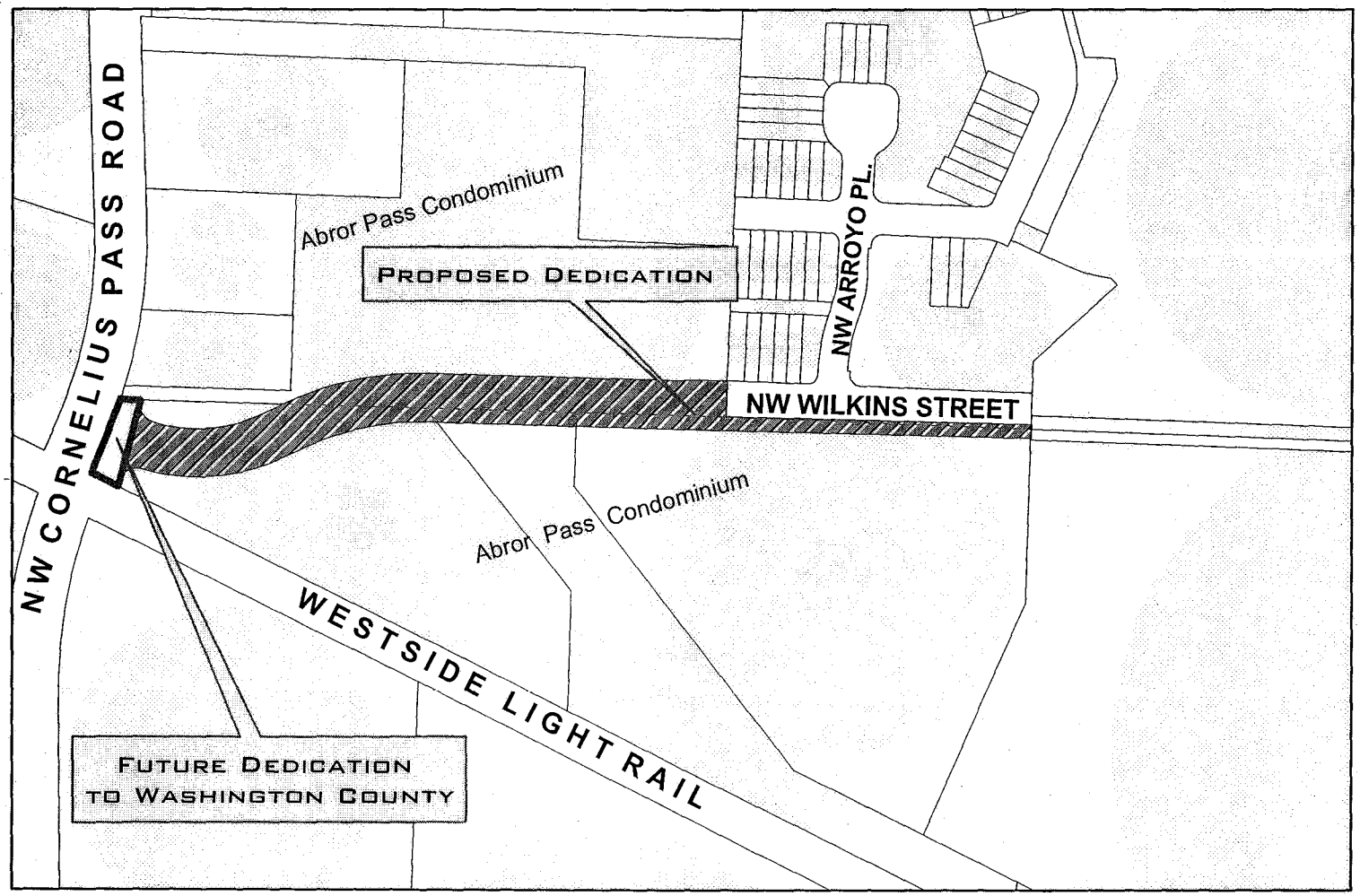
RE: Dedication of public right-of-way to extend NW Wilkins Street westerly from NW Arroyo Place to NW Cornelius Pass Road.

The development of Arbor Pass Condominiums was conditioned by DR 10-06 to grant a public right-of-way dedication to extend NW Wilkins Street westerly to the ultimate width of NW Cornelius Pass Road. Arbor Pass L.L.C., owners of the property, has elected to provide this dedication to fulfill the condition.

Transportation Committee recommends acceptance of the dedication.

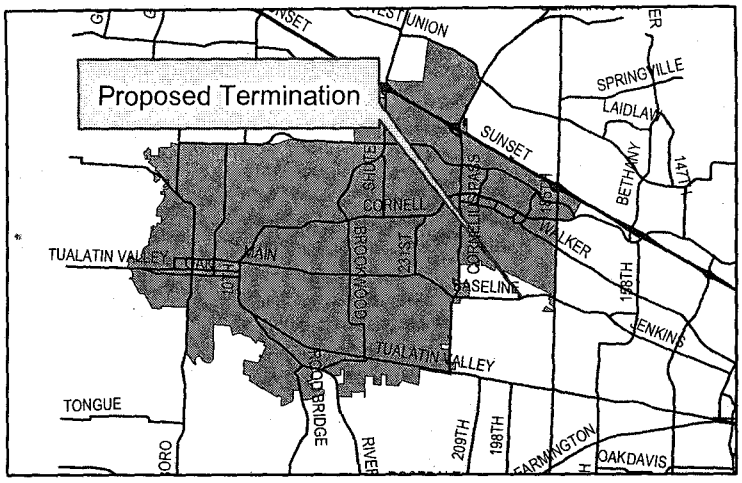
N

NTS



CITY OF HILLSBORO

15



July 17, 2007

TO: Mayor and City Council

FROM: Michael Filicky, City Surveyor

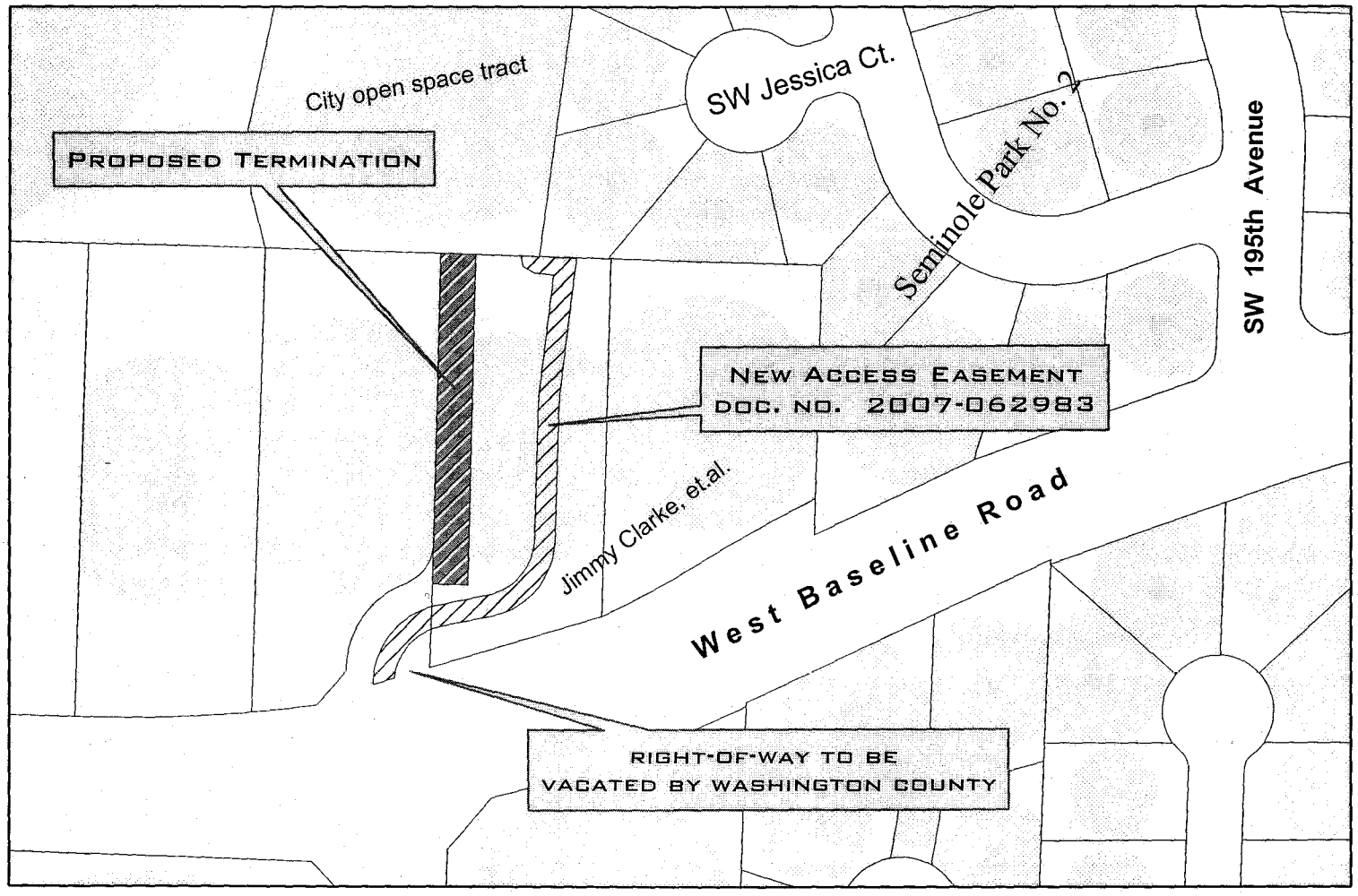
RE: Termination of Access Easement

As a result of Senate Bill 122, the Urban Services Agreement, Tualatin Hills Parks and Recreation District (THPRD) granted to the City an open space tract along with an appurtenant access easement. The tract is generally located west of Seminole Park No. 2 and east of Beaverton Creek, near the intersection of 197th Avenue and West Baseline Road. The easement was created by that deed recorded in Book 270, Page 39. The servient estate of the easement is currently developing. The owners of the servient estate, Jimmy Clarke, et.al., have requested that the City terminate a portion of said access easement. The southerly 80.0 feet of the easement was previously released by THPRD. A new access easement, document number 2007-062983, was recorded on June 6, 2007.

N

NTS

Transportation Committee recommends termination of the easement.



1K

CITY OF HILLSBORO – HILLSBORO PARKS AND RECREATION DEPARTMENT

MEMORANDUM

DATE: **July 17, 2007**

TO: **City Council**

FROM: **Sean Morgan, Cultural Arts Program Manager**

RE: **Name change for the Hillsboro Arts and Cultural Council**

REQUEST

Subsequent to Hillsboro Arts and Cultural Council (HACC) recommendation, the City Council is asked to change the name of this committee to the Hillsboro Arts and Culture Council.

BACKGROUND

In 2006 Mayor Tom Hughes appointed a twelve member Arts Commission Steering Committee of citizen stakeholders to oversee an extensive research and community engagement process facilitated by Bill Bulick of Creative Planning, Inc. The task before the Steering Committee was to define the ultimate vision, mission, structure, roles and initial priorities of the new arts and culture committee. Research on comparable organizational models was conducted and the consultant also suggested options based on his extensive experience in the local cultural development field. From this knowledge base, the Steering Committee made several overarching recommendations for the formation of a new council focused on arts and culture. Among them was the recommendation that the new entity should be named the Hillsboro Arts and Culture Council (HACC Strategic and Community Plan, pg. 12, #4). Unfortunately, this name was mistranslated on the cover of the Strategic and Community Plan, where it appears as Cultural, not Culture. This variance was subsequently used in City Council resolution #2180, which then caused the new committee to be named the Hillsboro Arts and Cultural Council.

During the June 27, 2007 meeting the HACC discussed the error in their name and voted to undergo a name change. They felt that the use of "cultural" was inadvertent and that it did not reflect the intent of the Steering Committee or the standard among comparable arts organizations. A motion was made, and passed by unanimous vote, to recommend City Council action to clarify the name as the "Hillsboro Arts & Culture Council".

RECOMMENDATION

Consider Hillsboro Arts and Cultural Council recommendation to change the name of this committee to the Hillsboro Arts and Culture Council. The Hillsboro Arts and Culture Council will continue in its function as the official committee for purposes of advising the City Council on policies and programs pertaining to the arts and culture.

RESOLUTION NO. 2218

A RESOLUTION AUTHORIZING AND RATIFYING THE LISTED EXPENDITURES, PUBLIC CONTRACTS, CONTRACT AMENDMENTS AND AGREEMENTS IN ACCORDANCE WITH CHAPTER 2.16 OF THE HILLSBORO MUNICIPAL CODE.

WHEREAS, any public contract not previously awarded by the City Council is not authorized until the City Council passes a resolution, and

WHEREAS, a City of Hillsboro contract is not effective to bind the City until the Mayor signs the contract or an order approving execution of the contract and that execution or order is attested to by the City Recorder,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HILLSBORO AS FOLLOWS:

Section 1. The contracts to make the expenditures listed in the attached Schedule A and the individual expenditures in that schedule are authorized and ratified.

Section 2. Any contract or contract amendment listed on Schedule B, which has not been previously awarded by the City Council, is authorized and ratified.

Section 3. No contract or contract amendment authorized by this resolution shall be binding upon the City of Hillsboro until it is signed by the Mayor or the execution is ratified by an order of the Mayor and the signature or order is attested to by the City Recorder.

Introduced and passed this 17 day of July , 2007

_____
Mayor

ATTEST:_____
City Recorder

ORDER NO. 23
(Ref. Resolution No. 2218)

AN ORDER OF THE MAYOR OF THE CITY OF HILLSBORO AUTHORIZING AND RATIFYING EXPENDITURES, CONTRACTS, CONTRACT AMENDMENTS AND OTHER AGREEMENTS.

WHEREAS, any public contract not previously awarded by the City Council is not authorized until the City Council passes a resolution, and

WHEREAS, the City Council has adopted Resolution No. 2218 , date 7/17/2006 authorizing the expenditures listed in Schedule A and the contracts and contract amendments listed in Schedule B, attached to this order and incorporated herein, and

WHEREAS, a contract is not effective to bind the City until the Mayor signs an order approving the contract and that order is attested to by the City Recorder, and,

WHEREAS, the Mayor has delegated authority to execute the contracts and contract amendments listed in Schedule B and wishes to authorize and ratify the execution of those agreements,

IT IS HEREBY ORDERED THAT:

Section 1. The execution of the contracts, contract amendments and agreements to expend money listed in Schedule B and the expenditures listed in Schedule A are ratified and authorized. These listed expenditures, contracts, contract amendments and agreements are considered to be signed by the Mayor and attested to by the City Recorder.

Section 2. A copy of this Order shall be attached to and be a part of each of the contracts, contract amendments, agreements listed in Schedule B and attached to the expenditure list in Schedule A.

Ordered by the Mayor this 17 day of July , 2006

_____
Mayor

ATTEST:_____
City Recorder

PAYROLL MONTH OF JUNE 2007

Schedule A

01 GENERAL FUND	2,112,393.
03 ECONOMIC DEVELOPMENT	2,838.(
07 CADET FUND	4,697.05
09 SWM	64,764.29
10 STREET FUND	101,303.78
16 FUNDED DEPT SWM	4.59
17 FUNDED DEPT SEWER	251.18
18 FUNDED DEP WATER	11,519.69
19 BARNEY JOINT COMMISSION	12,599.60
25 SDC-WATER	237.69
26 SDC-SWM	1,255.35
27 SDC-SEWER	8,913.88
28 TIF	4,353.81
29 SDC-PARKS	
40 STREET PROJECTS	
41 PARKS CAPTIAL PROJECTS	
50 WATER	157,252.53
51 JOINT	94,570.14
52 SEWER FUND	68,387.03
54 PROPERTY MANAGEMENT FUND	1,543.66
61 BROADBAND USERS GROUP	
65 HEDC	20,937.00
67 JACKSON BOTTOM PROJECTS	620.40
70 SUPPORT SERVICES	609,408.58
71 FACILITIES MANAGEMENT	
74 SELF - INSURANCE	11,255.00
75 INTERNAL SERVICES	8,518.95
TOTAL GROSS PAYROLL BY FUND	**$ 3,297,625.90**
INFORMATION ONLY DO NOT ISSUE CHECK	

Amber D

PAYABLES CHECK REGISTER BOOKKEEPING DISBURSEMENT DATE 07/05/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195276	396	ED YANCOSKIE	COMPUTER-GEN	07/05/07	89.56	
195277	422	SIGN MEISTERS	COMPUTER-GEN	07/05/07	166.00	
195278	534	INSTRUCTIONAL VIDEO	COMPUTER-GEN	07/05/07	371.00	
195279	679	EILEEN S KANE	COMPUTER-GEN	07/05/07	450.00	
195280	1037	JOHN SCHMERBER	COMPUTER-GEN	07/05/07	200.20	
195281	1252	POLLARDWATER.COM (DBA)	COMPUTER-GEN	07/05/07	435.51	
195282	1832	MIKE SMITH	COMPUTER-GEN	07/05/07	94.09	
195283	2026	NORTHWEST METAL PRODUCTS OF FOREST GRV	COMPUTER-GEN	07/05/07	850.00	
195284	2108	DICK'S EVERGREEN FENCE&DECK INC	COMPUTER-GEN	07/05/07	4,998.00	
195285	2185	MICHELLE BURR	COMPUTER-GEN	07/05/07	109.61	
195286	2359	WESTSIDE ROCK INC	COMPUTER-GEN	07/05/07	376.09	
195287	2394	INSTITUTE OF POLICE TECHNOLOGY & MGMT	COMPUTER-GEN	07/05/07	890.00	
195288	2427	BRATWEAR (DBA)	COMPUTER-GEN	07/05/07	419.50	
195289	2514	INT'L ASSC OF LAW ENFORCEMENT FIREARMS	COMPUTER-GEN	07/05/07	55.00	
195290	2676	UNIFIRE POWER BLOWERS INC	COMPUTER-GEN	07/05/07	4,314.96	
195291	2714	CORDOVA COMPANY	COMPUTER-GEN	07/05/07	3,500.00	
195292	2732	KEY-SEC SECURITY SERVICES	COMPUTER-GEN	07/05/07	45.00	
195293	2802	DAVID HELFAND	COMPUTER-GEN	07/05/07	650.00	
195294	2824	LAKE CREEK YOUTH RECREATIONAL CAMP INC	COMPUTER-GEN	07/05/07	5,400.00	
195295	2959	ROY GIBSON	COMPUTER-GEN	07/05/07	80.00	
195296	3043	DAN O'LOUGHLIN	COMPUTER-GEN	07/05/07	71.45	
195297	3111	OREGON CORRECTIONS ENTERPRISES	COMPUTER-GEN	07/05/07	8,525.00	
195298	3136	KUIK 1360 TALK RADIO DBA	COMPUTER-GEN	07/05/07	175.00	
195299	3264	TERESA WERNER	COMPUTER-GEN	07/05/07	87.79	
195300	3623	U S BANK	COMPUTER-GEN	07/05/07	291.45	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195301	3702	TACY STEELE	COMPUTER-GEN	07/05/07	125.12	
195302	3965	BRIGHT OUTLOOK WINDOW CLEANERS (DBA)	COMPUTER-GEN	07/05/07	565.00	
195303	4116	ROBERT'S WINDOW CLEANING SERVICE	COMPUTER-GEN	07/05/07	345.00	
195304	4122	DAVE GROSJACQUES	COMPUTER-GEN	07/05/07	933.15	
195305	4328	BARCO PRODUCTS COMPANY	COMPUTER-GEN	07/05/07	274.00	
195306	4366	SAM PHILLIPS	COMPUTER-GEN	07/05/07	88.70	
195307	4560	OREGON FIRE MARSHALLS ASSOC	COMPUTER-GEN	07/05/07	185.50	
195308	4940	VICTOR CASTRO	COMPUTER-GEN	07/05/07	152.85	
195309	5026	AMERICAN LIBRARY ASSOCIATION	COMPUTER-GEN	07/05/07	200.00	
195310	5053	DEBBIE WERNER	COMPUTER-GEN	07/05/07	199.79	
195311	5226	CONTRACTS & CAREERS INC	COMPUTER-GEN	07/05/07	298.78	
195312	5646	TV FIRE & RESCUE	COMPUTER-GEN	07/05/07	300.00	
195313	5648	SUNBELT RENTALS INC	COMPUTER-GEN	07/05/07	373.00	
195314	5673	SECURITY COMMUNICATIONS	COMPUTER-GEN	07/05/07	595.00	
195315	5700	JULIE MILLER	COMPUTER-GEN	07/05/07	945.00	
195316	5991	DALY-STANDLEE & ASSOCIATES INC	COMPUTER-GEN	07/05/07	291.00	
195317	6092	STAR COPY PRINTING	COMPUTER-GEN	07/05/07	1,030.00	
195318	6434	NORTHWEST OCCUPATIONAL MEDICINE CENTER	COMPUTER-GEN	07/05/07	1,717.00	
195319	6529	ANGELO PLANNING GROUP	COMPUTER-GEN	07/05/07	27,879.56	
195320	6649	SNAP-ON INDUSTRIAL	COMPUTER-GEN	07/05/07	6,401.65	
195321	6761	MAGGIE'S BUNS	COMPUTER-GEN	07/05/07	200.00	
195322	6826	ROSS RECREATION EQUIPMENT COMPANY INC	COMPUTER-GEN	07/05/07	4,465.40	
195323	6862	ENGINEERED MONITORING SOLUTIONS	COMPUTER-GEN	07/05/07	16,756.00	
195324	6869	DENISE CARLSON	COMPUTER-GEN	07/05/07	127.92	
195325	7011	GOETTEL & ASSOCIATES INC	COMPUTER-GEN	07/05/07	4,648.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195326	7033	UNIQUE MANAGEMENT SERVICES INC	COMPUTER-GEN	07/05/07	608.60	
195327	7299	T M G SERVICES INC	COMPUTER-GEN	07/05/07	5,945.00	
195328	7317	ARAMARK	COMPUTER-GEN	07/05/07	40.93	
195329	7415	WILCO-AGRILIANCE LLC	COMPUTER-GEN	07/05/07	688.35	
195330	7752	ALPHA COMMUNITY DEVELOPMENT	COMPUTER-GEN	07/05/07	61,253.02	
195331	7826	DANIEL RUTZICK	COMPUTER-GEN	07/05/07	6.00	
195332	7846	OVS - PRO TURF SOLUTIONS	COMPUTER-GEN	07/05/07	2,686.00	
195333	8067	W&H PACIFIC	COMPUTER-GEN	07/05/07	16,020.52	
195334	8165	WATER JET DESIGN	COMPUTER-GEN	07/05/07	7,762.50	
195335	8270	NEW YORK TIMES	COMPUTER-GEN	07/05/07	49.60	
195336	8349	LEXICON TRAINING SERVICES	COMPUTER-GEN	07/05/07	1,341.00	
195337	8412	EMPLOYMENT TRENDS	COMPUTER-GEN	07/05/07	716.80	
195338	8459	ALFRED BOSCO	COMPUTER-GEN	07/05/07	60.00	
195339	8468	TARGET SPECIALTY PRODUCTS	COMPUTER-GEN	07/05/07	114.27	
195340	8493	TRACY WADLEY	COMPUTER-GEN	07/05/07	50.00	
195341	8494	JAMES VANDERAA	COMPUTER-GEN	07/05/07	50.00	
195342	8495	TONIE STANDRIDGE	COMPUTER-GEN	07/05/07	50.00	
195343	8496	JOHN PETERSON	COMPUTER-GEN	07/05/07	50.00	
195344	8497	MEGAN RADONICH	COMPUTER-GEN	07/05/07	50.00	
195345	8498	KEITH REAMS	COMPUTER-GEN	07/05/07	50.00	
195346	8499	CAROLYN SELLS	COMPUTER-GEN	07/05/07	50.00	
195347	8500	SUSAN L SPAKOWSKI	COMPUTER-GEN	07/05/07	50.00	
195348	8501	REBECCA APPERSON	COMPUTER-GEN	07/05/07	50.00	
195349	8502	STEVEN HOGBERG	COMPUTER-GEN	07/05/07	50.00	
195350	8503	CHRIS EDGAR	COMPUTER-GEN	07/05/07	50.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195351	8504	DWAIN FAGERBERG	COMPUTER-GEN	07/05/07	50.00	
195352	8505	DENISE HOLZNAGEL	COMPUTER-GEN	07/05/07	50.00	
195353	8506	MICHAEL CASTLEBERRY	COMPUTER-GEN	07/05/07	50.00	
195354	8507	JULIE BLEYTHING	COMPUTER-GEN	07/05/07	50.00	
195355	8508	BRANDI CHAUFFE	COMPUTER-GEN	07/05/07	50.00	
195356	8509	MARK HULSEY	COMPUTER-GEN	07/05/07	50.00	
195357	8510	JOHNSON GARDNER LLC	COMPUTER-GEN	07/05/07	1,870.00	
195358	8511	JOHN MCVEIGH	COMPUTER-GEN	07/05/07	50.00	
195359	8512	CHRIS MCGOWEN	COMPUTER-GEN	07/05/07	50.00	
195360	8513	JIM MCDONALD	COMPUTER-GEN	07/05/07	50.00	
195361	8514	FRUCTOSO MAGANA	COMPUTER-GEN	07/05/07	50.00	
195362	8515	ROSIE LANDAVERDE	COMPUTER-GEN	07/05/07	50.00	
195363	8516	MATTHEW KUPPERMAN	COMPUTER-GEN	07/05/07	50.00	
195364	8517	JAMIE KELLY	COMPUTER-GEN	07/05/07	50.00	
195365	8518	CHRIS JOHNS	COMPUTER-GEN	07/05/07	50.00	
195366	8519	CALVIN JONES	COMPUTER-GEN	07/05/07	50.00	
195367	8520	KEITH BOWMAN	COMPUTER-GEN	07/05/07	50.00	
195368	8521	DENISE BACON	COMPUTER-GEN	07/05/07	50.00	
195369	8522	JANWAY COMPANY USA INC	COMPUTER-GEN	07/05/07	935.54	
195370	8523	MIRACLE RECREATION EQUIPMENT CO	COMPUTER-GEN	07/05/07	2,411.00	
195371	8524	FIRE EXTINGUISHER SERVICE CENTER	COMPUTER-GEN	07/05/07	116.00	
195372	8525	BILL HASTIE	COMPUTER-GEN	07/05/07	896.77	
195373	8526	COMMERCIAL LEASING INC	COMPUTER-GEN	07/05/07	285.00	
195374	8527	PAUL ANDERSEN	COMPUTER-GEN	07/05/07	50.00	
195375	8528	AMERICAN INDUSTRIAL SUPPLY	COMPUTER-GEN	07/05/07	213.15	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195376	8529	RYAN SHAFFER	COMPUTER-GEN	07/05/07	636.28	
195377	10155	ACME ENTERPRISES	COMPUTER-GEN	07/05/07	147.60	
195378	10169	THE ACTIVE NETWORK LTD	COMPUTER-GEN	07/05/07	525.00	
195379	10427	AG WEST SUPPLY (DBA)	COMPUTER-GEN	07/05/07	982.34	
195380	10443	AIRFILCO INC	COMPUTER-GEN	07/05/07	287.70	
195381	10686	ALLMRO PRODUCTS INC	COMPUTER-GEN	07/05/07	429.07	
195382	10890	ALPHAGRAPHICS (DBA)	COMPUTER-GEN	07/05/07	1,042.22	
195383	10999	ALEXIN ANALYTICAL LABORATORIES INC	COMPUTER-GEN	07/05/07	1,750.50	
195384	11835	AT&T	COMPUTER-GEN	07/05/07	25.60	
195385	12685	BAKER & TAYLOR INC	COMPUTER-GEN	07/05/07	7,994.79	
195386	12688	BAKER & TAYLOR ENTERTAINMENT	COMPUTER-GEN	07/05/07	1,737.82	
195387	12701	BANK OF AMERICA	COMPUTER-GEN	07/05/07	2,497.48	
195388	13679	BAXTER AUTO PARTS INC	COMPUTER-GEN	07/05/07	109.96	
195389	14150	BELL & ASSOCIATES INC	COMPUTER-GEN	07/05/07	1,165.50	
195390	15360	BI-MART CORP	COMPUTER-GEN	07/05/07	642.45	
195391	15450	BLACKSTONE AUDIOBOOKS INC	COMPUTER-GEN	07/05/07	57.60	
195392	15600	BLUMENTHAL UNIFORM COMPANY INC	COMPUTER-GEN	07/05/07	592.25	
195393	16648	BOOK WHOLESALERS INC	COMPUTER-GEN	07/05/07	8,512.24	
195394	17748	BRETTHAUER OIL CO INC-BULK OIL	COMPUTER-GEN	07/05/07	1,268.28	
195395	17750	BRETTHAUER ROAD OIL CO INC	COMPUTER-GEN	07/05/07	7,322.00	
195396	18614	BRUCE CHEVROLET GEO (DBA)	COMPUTER-GEN	07/05/07	2,031.12	
195397	19155	BUILDING MATERIAL SPECIALTIES INC	COMPUTER-GEN	07/05/07	273.00	
195398	21316	CASCADE OCCUPATIONAL MEDICINE	COMPUTER-GEN	07/05/07	1,250.10	
195399	21327	CB DELI	COMPUTER-GEN	07/05/07	97.50	
195400	21520	CDW GOVERNMENT INC	COMPUTER-GEN	07/05/07	7,565.42	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195401	22150	CINTAS FIRST AID & SAFETY (DBA)	COMPUTER-GEN	07/05/07	88.27	
195402	22375	CITY OF HILLSBORO	COMPUTER-GEN	07/05/07	15,977.58	
195403	23679	THE CONDE NAST COLLECTION	COMPUTER-GEN	07/05/07	18.00	
195404	23690	MICHELLE CONNELLY	COMPUTER-GEN	07/05/07	295.60	
195405	25543	CRYSTALTECH	COMPUTER-GEN	07/05/07	14.92	
195406	26087	DAILEY'S TIRE & AUTO SERVICE	COMPUTER-GEN	07/05/07	7,783.21	
195407	30237	EBSCO SUBSCRIPTION SERVICES (DBA)	COMPUTER-GEN	07/05/07	19.95	
195408	30423	ELMER'S FLAG & BANNER INC	COMPUTER-GEN	07/05/07	39.84	
195409	30475	EMERALD GARDENS NW INC	COMPUTER-GEN	07/05/07	3,335.00	
195410	30480	EMPLOYERS OVERLOAD (DBA)	COMPUTER-GEN	07/05/07	10,509.21	
195411	31200	ENDLESS TRAVEL (DBA)	COMPUTER-GEN	07/05/07	1,543.40	
195412	32250	FARMINGTON LANDFILL INC	COMPUTER-GEN	07/05/07	230.00	
195413	32290	FEDERAL EXPRESS CORP	COMPUTER-GEN	07/05/07	70.19	
195414	32550	FERGUSON ENTERPRISES INC NW	COMPUTER-GEN	07/05/07	20.08	
195415	32555	FERGUSON WATERWORKS	COMPUTER-GEN	07/05/07	3,996.41	
195416	32575	FERRELLGAS	COMPUTER-GEN	07/05/07	127.40	
195417	33600	FLAG'N INC	COMPUTER-GEN	07/05/07	83.25	
195418	33704	FORM IDEAS INC	COMPUTER-GEN	07/05/07	728.45	
195419	34561	KROGER - FRED MEYER CUSTOMER CHRGS	COMPUTER-GEN	07/05/07	252.18	
195420	34590	FRYES ACTION ATHLETICS INC	COMPUTER-GEN	07/05/07	1,819.62	
195421	35500	GARMENT GRAPHICS INC	COMPUTER-GEN	07/05/07	417.85	
195422	40535	HALSTEAD'S ARBORICULTURE CNSLTS INC	COMPUTER-GEN	07/05/07	450.00	
195423	43670	HENDERSON TURF & WEAR INC	COMPUTER-GEN	07/05/07	290.14	
195424	44537	HILLSBORO ARGUS (DBA)	COMPUTER-GEN	07/05/07	137.60	
195425	44560	HILLSBORO RV SUPPLY	COMPUTER-GEN	07/05/07	853.55	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195426	44568	HILLSBORO SCHOOL DISTRICT 1J	COMPUTER-GEN	07/05/07	667.00	
195427	44600	H D SUPPLY WATERWORKS LTD	COMPUTER-GEN	07/05/07	1,196.48	
195428	47583	IKON OFFICE SOLUTIONS INC	COMPUTER-GEN	07/05/07	4,529.69	
195429	47589	INDUSTRIAL PRODUCTS DISTRIBUTOR	COMPUTER-GEN	07/05/07	25.55	
195430	47608	INGRAM LIBRARY SERVICES	COMPUTER-GEN	07/05/07	487.59	
195431	47740	INTERSTATE AUTO PARTS WAREHOUSE	COMPUTER-GEN	07/05/07	22.18	
195432	47743	IKON OFFICE SOLUTIONS INC	COMPUTER-GEN	07/05/07	703.82	
195433	51100	KEYSER & ASSOC (DBA)	COMPUTER-GEN	07/05/07	643.05	
195434	52300	KOMPETITIVE EDGE	COMPUTER-GEN	07/05/07	15.00	
195435	54355	LAKESIDE INDUSTRIES	COMPUTER-GEN	07/05/07	876.65	
195436	54815	LANDSCAPE PRODUCTS & SUPPLY DBA	COMPUTER-GEN	07/05/07	178.00	
195437	58400	LUMBERMEN'S	COMPUTER-GEN	07/05/07	200.29	
195438	58405	LOWE'S HOME IMPROVEMENT WAREHOUSE	COMPUTER-GEN	07/05/07	41.15	
195439	62050	MCNEIL LAW OFFICE LLC	COMPUTER-GEN	07/05/07	1,260.00	
195440	62130	MAC'S RADIATOR & REPAIR INC	COMPUTER-GEN	07/05/07	455.00	
195441	63401	MASONS SUPPLY CO INC	COMPUTER-GEN	07/05/07	24.46	
195442	63420	MASTERS INC	COMPUTER-GEN	07/05/07	95.00	
195443	64987	MIDWEST TAPE	COMPUTER-GEN	07/05/07	1,472.43	
195444	65522	MINUTEMAN PRESS - HILLSBORO	COMPUTER-GEN	07/05/07	99.68	
195445	67220	MOTOROLA INC	COMPUTER-GEN	07/05/07	4,502.56	
195446	68425	WALTER E NELSON CO	COMPUTER-GEN	07/05/07	950.91	
195447	69631	NW BOOT & SHOE OUTFITTERS	COMPUTER-GEN	07/05/07	366.90	
195448	69645	NW NATURAL	COMPUTER-GEN	07/05/07	15,317.83	
195449	69650	NW OFFICE INTERIORS	COMPUTER-GEN	07/05/07	505.40	
195450	69665	NORTHWEST TREE SPECIALISTS	COMPUTER-GEN	07/05/07	9,780.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195451	70091	OFFICE DEPOT INC	COMPUTER-GEN	07/05/07	313.37	
195452	70099	OFFICEMAX	COMPUTER-GEN	07/05/07	5,659.24	
195453	70875	OVERALL LAUNDRY SERVICES INC	COMPUTER-GEN	07/05/07	132.73	
195454	70880	OWEN EQUIPMENT COMPANY	COMPUTER-GEN	07/05/07	263.09	
195455	71043	PAC WEST BLUEPRINT COPY & FAX	COMPUTER-GEN	07/05/07	1,386.15	
195456	72593	THE PERSONNEL DEPT	COMPUTER-GEN	07/05/07	748.00	
195457	73613	PIONEER AMERICAS INC	COMPUTER-GEN	07/05/07	2,790.00	
195458	74167	PORTLAND HABILITATION CENTER INC	COMPUTER-GEN	07/05/07	57,460.85	
195459	74313	POWELL'S BOOK'S INC	COMPUTER-GEN	07/05/07	69.56	
195460	74420	PRECISION IMAGES (DBA)	COMPUTER-GEN	07/05/07	620.14	
195461	74507	PREVAILING COMMUNICATIONS	COMPUTER-GEN	07/05/07	675.00	
195462	74885	PUBLIC WORKS SUPPLY INC	COMPUTER-GEN	07/05/07	4,207.30	
195463	75095	QUARTER PIE INC	COMPUTER-GEN	07/05/07	267.87	
195464	75700	RDO EQUIPMENT CO	COMPUTER-GEN	07/05/07	290.50	
195465	75785	RECORDED BOOKS INC	COMPUTER-GEN	07/05/07	1,685.60	
195466	75975	RECREATION RESOURCE INC	COMPUTER-GEN	07/05/07	14,922.00	
195467	76335	CAROL REICH	COMPUTER-GEN	07/05/07	294.88	
195468	77288	RHODIA INC	COMPUTER-GEN	07/05/07	11,864.23	
195469	80214	SALEM PRESS INC	COMPUTER-GEN	07/05/07	83.00	
195470	82507	SCOTTIE'S AUTO BODY REPAIR INC	COMPUTER-GEN	07/05/07	150.00	
195471	82555	SEAWESTERN FIRE APPARATUS & EQUIP	COMPUTER-GEN	07/05/07	137.78	
195472	84420	SIGN PRO	COMPUTER-GEN	07/05/07	1,031.00	
195473	86330	SONITROL - PORTLAND INC	COMPUTER-GEN	07/05/07	27,443.46	
195474	86398	SPIESSCHAERT ENTERPRISES	COMPUTER-GEN	07/05/07	90.13	
195475	89510	SUPERIOR TIRE SERVICE	COMPUTER-GEN	07/05/07	1,446.46	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195476	89593	SYSCO FOOD SERVICES	COMPUTER-GEN	07/05/07	1,867.31	
195477	91427	THOMSON GALE LOCATION 04	COMPUTER-GEN	07/05/07	628.19	
195478	92130	TRAFFIC SAFETY SUPPLY INC	COMPUTER-GEN	07/05/07	684.53	
195479	93053	UPS	COMPUTER-GEN	07/05/07	21.76	
195480	93119	UNIVAR USA INC	COMPUTER-GEN	07/05/07	9,247.50	
195481	93206	US POSTAL SERVICE	COMPUTER-GEN	07/05/07	1,000.00	
195482	94976	WASHINGTON COUNTY FINANCE DIVISION	COMPUTER-GEN	07/05/07	5,253.09	

TOTAL COMPUTER GN 502,409.54

TOTAL DISBURSEMENTS 502,409.54

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CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195483	308	APPLIED INDUSTRIAL TECH INC	COMPUTER-GEN	07/10/07	4,740.75	
195484	534	INSTRUCTIONAL VIDEO	COMPUTER-GEN	07/10/07	39.90	
195485	676	KATHLEEN HONEYCUTT	COMPUTER-GEN	07/10/07	172.66	
195486	738	NORTHWEST ASSOC OF FIRE TRAINERS INC	COMPUTER-GEN	07/10/07	170.00	
195487	874	ULI OREGON/SW WASHINGTON	COMPUTER-GEN	07/10/07	25.00	
195488	1000	CRAIG WILCOX	COMPUTER-GEN	07/10/07	240.00	
195489	1035	LAURA MIKOWSKI	COMPUTER-GEN	07/10/07	80.03	
195490	1037	JOHN SCHMERBER	COMPUTER-GEN	07/10/07	354.89	
195491	1147	BERNIE GIES	COMPUTER-GEN	07/10/07	326.28	
195492	1148	CHERYL GILL	COMPUTER-GEN	07/10/07	67.90	
195493	1202	THE NEWS GUARD	COMPUTER-GEN	07/10/07	36.00	
195494	1212	TED SCHRADER	COMPUTER-GEN	07/10/07	171.65	
195495	1252	POLLARDWATER.COM (DBA)	COMPUTER-GEN	07/10/07	155.68	
195496	1470	ROB MASSAR	COMPUTER-GEN	07/10/07	76.55	
195497	1544	MARKSON LAB SALES	COMPUTER-GEN	07/10/07	154.49	
195498	1672	JOENE GRANT	COMPUTER-GEN	07/10/07	95.06	
195499	1854	WESTSIDE TRANSPORTATION ALLIANCE INC	COMPUTER-GEN	07/10/07	4,850.00	
195500	1906	SMITH & GREAVES	COMPUTER-GEN	07/10/07	1,875.00	
195501	2059	SELF	COMPUTER-GEN	07/10/07	9.97	
195502	2243	SKANSKA USA BUILDING INC	COMPUTER-GEN	07/10/07	53,475.00	
195503	2279	SUE PLAISANCE	COMPUTER-GEN	07/10/07	169.78	
195504	2308	FIRE SYSTEMS WEST INC	COMPUTER-GEN	07/10/07	492.50	
195505	2700	PORTLAND ENGINEERING INC	COMPUTER-GEN	07/10/07	34,234.27	
195506	2855	GEONORTH LLC INC	COMPUTER-GEN	07/10/07	3,912.50	
195507	3201	METRO OVERHEAD DOOR INC	COMPUTER-GEN	07/10/07	1,210.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195508	3533	KATHY WILSON	COMPUTER-GEN	07/10/07	134.35	
195509	3587	SOUTHWICK SPECIALTY ADVG CO	COMPUTER-GEN	07/10/07	1,081.85	
195510	3601	LIBERTY SAFES OF PORTLAND (DBA)	COMPUTER-GEN	07/10/07	669.00	
195511	3631	MOTOSPORT MOTORCYCLES INC	COMPUTER-GEN	07/10/07	165.01	
195512	3672	OREGON MEMORIALS	COMPUTER-GEN	07/10/07	25.00	
195513	3719	AORA	COMPUTER-GEN	07/10/07	250.00	
195514	3955	VERIZON - MISSION HILLS	COMPUTER-GEN	07/10/07	3,800.01	
195515	3969	AMATO COMMUNICATIONS	COMPUTER-GEN	07/10/07	1,200.00	
195516	4213	TV FIRE & RESCUE TRAINING DIVISION	COMPUTER-GEN	07/10/07	120.00	
195517	4507	STONER ELECTRIC INC	COMPUTER-GEN	07/10/07	791.22	
195518	4589	AD TECH PRODUCTS AND SERVICES	COMPUTER-GEN	07/10/07	2,100.00	
195519	4748	ACCURATE INSTALLATION SERVICES INC	COMPUTER-GEN	07/10/07	1,700.00	
195520	4914	LINDA GAUDREAU	COMPUTER-GEN	07/10/07	120.77	
195521	5136	KAY CARMAN	COMPUTER-GEN	07/10/07	597.52	
195522	5158	KELLY ZAKRZEWSKI	COMPUTER-GEN	07/10/07	239.60	
195523	5159	PORTLAND REGIONAL PARTNERS FOR BUSINSS	COMPUTER-GEN	07/10/07	25.00	
195524	5264	HASKIN ELECTRIC INC	COMPUTER-GEN	07/10/07	3,008.06	
195525	5341	MOORE IACOFANO GOLTSMAN INC	COMPUTER-GEN	07/10/07	10,342.16	
195526	5342	OPTIMAL CONTROL SYSTEMS INC	COMPUTER-GEN	07/10/07	506.50	
195527	5599	KROHN'S APPLIANCE SERVICE	COMPUTER-GEN	07/10/07	590.00	
195528	5602	WINSLOW BROOKS	COMPUTER-GEN	07/10/07	59.16	
195529	5831	CONTECH CONSTRUCTION PRODUCTS INC	COMPUTER-GEN	07/10/07	7,055.00	
195530	5872	AMERICAN CANCER SOCIETY	COMPUTER-GEN	07/10/07	35.00	
195531	5966	BECCA VENABLE	COMPUTER-GEN	07/10/07	171.65	
195532	5985	STAR INDUSTRIAL SUPPLY INC	COMPUTER-GEN	07/10/07	3,112.52	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195533	6001	OCE IMAGISTICS	COMPUTER-GEN	07/10/07	181.25	
195534	6002	NAT'L ASSOC OF TOWN WATCH (NATW)	COMPUTER-GEN	07/10/07	439.50	
195535	6008	LYNN ANDREWS	COMPUTER-GEN	07/10/07	92.30	
195536	6319	DIANE GATKE	COMPUTER-GEN	07/10/07	223.66	
195537	6520	STARK STREET LAWN & GARDEN WEST	COMPUTER-GEN	07/10/07	4,069.00	
195538	6554	AMERICAN ASSOCIATION OF NOTARIES	COMPUTER-GEN	07/10/07	18.90	
195539	6640	LRS ARCHITECTS INC	COMPUTER-GEN	07/10/07	717.89	
195540	6652	STACY JEPSON	COMPUTER-GEN	07/10/07	227.00	
195541	6658	ARK MANUFACTURING DBA	COMPUTER-GEN	07/10/07	490.00	
195542	6767	DON PIERCE	COMPUTER-GEN	07/10/07	768.00	
195543	6821	BALL JANIK LLP	COMPUTER-GEN	07/10/07	4,752.00	
195544	7041	LIFE-ASSIST INC	COMPUTER-GEN	07/10/07	454.75	
195545	7282	BONNIE BURBIDGE	COMPUTER-GEN	07/10/07	92.00	
195546	7415	WILCO-AGRILIANCE LLC	COMPUTER-GEN	07/10/07	202.50	
195547	7606	TONKON TORP LLP	COMPUTER-GEN	07/10/07	7,612.80	
195548	7613	AGREEYA SOLUTIONS	COMPUTER-GEN	07/10/07	8,640.00	
195549	7699	K & L GATES LLP	COMPUTER-GEN	07/10/07	31,559.95	
195550	7793	LSK GRAPHICS	COMPUTER-GEN	07/10/07	920.00	
195551	7917	UO ACCOUNTS RECEIVABLE	COMPUTER-GEN	07/10/07	45.00	
195552	8058	VERGIE RIES CONSULTING SERVICES	COMPUTER-GEN	07/10/07	2,300.00	
195553	8117	LSH LIGHTS	COMPUTER-GEN	07/10/07	133.34	
195554	8164	KRISTINA WRIGHT	COMPUTER-GEN	07/10/07	2,100.00	
195555	8211	VISION SHAPE INC	COMPUTER-GEN	07/10/07	320.00	
195556	8292	GRAVISON PRODUCTIONS LLC	COMPUTER-GEN	07/10/07	6,189.00	
195557	8338	GVA KIDDER MATHEWS	COMPUTER-GEN	07/10/07	2,632.50	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195558	8381	PETERSON'S A NELNET COMPANY	COMPUTER-GEN	07/10/07	58.44	
195559	8436	NEPTUNE TECHNOLOGY GROUP INC	COMPUTER-GEN	07/10/07	61,502.16	
195560	8452	TOM HUGHES	COMPUTER-GEN	07/10/07	493.25	
195561	8531	SBW CONSULTING INC	COMPUTER-GEN	07/10/07	6,141.76	
195562	8532	SLIGHTLY IIUSIONAL	COMPUTER-GEN	07/10/07	255.00	
195563	8533	AIA CORPORATION	COMPUTER-GEN	07/10/07	2,500.79	
195564	8534	ASHER GRAPHIC SERVICES	COMPUTER-GEN	07/10/07	2,500.00	
195565	8535	ARBY'S RESTAURANT GROUP WEST REGION	COMPUTER-GEN	07/10/07	262.50	
195566	8538	LORENE BLAKENEY	COMPUTER-GEN	07/10/07	1,028.31	
195567	8540	LAURA BRENNER	COMPUTER-GEN	07/10/07	45.00	
195568	8542	ANNE ABRAMS JOHNSON	COMPUTER-GEN	07/10/07	50.00	
195569	8543	BECKY BUCHANAN	COMPUTER-GEN	07/10/07	42.00	
195570	8544	BEAVER EQUIPMENT SPECIALTY CO	COMPUTER-GEN	07/10/07	2,129.82	
195571	8545	OREGON INTERNATIONAL AIR SHOW	COMPUTER-GEN	07/10/07	294.50	
195572	8547	KUNP-TV	COMPUTER-GEN	07/10/07	500.00	
195573	8548	LAUREL KRAMER	COMPUTER-GEN	07/10/07	90.21	
195574	8549	MODULAR SPACE CORPORATION	COMPUTER-GEN	07/10/07	547.88	
195575	8550	GARVEY SCHUBERT BARER	COMPUTER-GEN	07/10/07	8,325.00	
195576	8551	XEROX DIRECT	COMPUTER-GEN	07/10/07	359.97	
195577	8552	SAUTER SPRAY EQUIPMENT CO	COMPUTER-GEN	07/10/07	649.00	
195578	8553	PORTLAND FENCE	COMPUTER-GEN	07/10/07	37,141.99	
195579	8554	CITY SPRINT DELIVERY INC	COMPUTER-GEN	07/10/07	25.76	
195580	8555	DEJONG PRODUCTS INC	COMPUTER-GEN	07/10/07	304.67	
195581	8556	LAURA FIESELMAN	COMPUTER-GEN	07/10/07	45.00	
195582	8557	SYLVIA HEALY	COMPUTER-GEN	07/10/07	115.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195583	8558	LEAH CALFO	COMPUTER-GEN	07/10/07	50.00	
195584	8559	CRISTAL FINCH	COMPUTER-GEN	07/10/07	16.25	
195585	8560	JANET GREER	COMPUTER-GEN	07/10/07	11.00	
195586	8561	RITA GONZALEZ	COMPUTER-GEN	07/10/07	43.34	
195587	8562	STEPHANIE COX	COMPUTER-GEN	07/10/07	142.00	
195588	8563	PARATI LLC	COMPUTER-GEN	07/10/07	2,152.50	
195589	8564	PACE ENGINEERS INC	COMPUTER-GEN	07/10/07	37,500.00	
195590	8565	BRENDA GUSTOFSON	COMPUTER-GEN	07/10/07	415.00	
195591	8566	BAR CODE SUPPLY CO INC	COMPUTER-GEN	07/10/07	905.00	
195592	8567	CABLEORGANIZER.COM INC	COMPUTER-GEN	07/10/07	550.57	
195593	8568	AV RENTALS & SERVICES	COMPUTER-GEN	07/10/07	375.00	
195594	8569	INSIGHT INVESTMENTS	COMPUTER-GEN	07/10/07	24,933.00	
195595	10007	A & A DRILLING SERVICE INC	COMPUTER-GEN	07/10/07	1,725.00	
195596	10070	A-BEST APPLIANCE (DBA)	COMPUTER-GEN	07/10/07	161.00	
195597	10120	ACE HARDWARE DBA	COMPUTER-GEN	07/10/07	218.11	
195598	10169	THE ACTIVE NETWORK LTD	COMPUTER-GEN	07/10/07	250.00	
195599	10300	AEROTEK COMMERCIAL STAFFING INC	COMPUTER-GEN	07/10/07	690.00	
195600	10439	AIRGAS-NORPAC INC	COMPUTER-GEN	07/10/07	393.91	
195601	10905	AMAZON.COM LLC	COMPUTER-GEN	07/10/07	683.77	
195602	10944	AMERICAN RED CROSS	COMPUTER-GEN	07/10/07	80.00	
195603	11785	AJP NORTHWEST INC	COMPUTER-GEN	07/10/07	278.90	
195604	11835	AT&T	COMPUTER-GEN	07/10/07	53.25	
195605	11942	AWARD SPECIALTIES DBA	COMPUTER-GEN	07/10/07	8.00	
195606	12677	BAKER ROCK RESOURCES	COMPUTER-GEN	07/10/07	1,602.41	
195607	12688	BAKER & TAYLOR ENTERTAINMENT	COMPUTER-GEN	07/10/07	121.51	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195608	14070	BEERY ELSNER & HAMMOND LLP	COMPUTER-GEN	07/10/07	28,701.34	
195609	15400	BIO-TEST REVIEW SERVICES	COMPUTER-GEN	07/10/07	816.00	
195610	16648	BOOK WHOLESALERS INC	COMPUTER-GEN	07/10/07	819.77	
195611	17747	BRETTHAUER OIL CO INC	COMPUTER-GEN	07/10/07	20,118.94	
195612	18110	DEBRA BRODIE	COMPUTER-GEN	07/10/07	88.27	
195613	18200	BROWN & WISER INC	COMPUTER-GEN	07/10/07	79.12	
195614	18614	BRUCE CHEVROLET GEO (DBA)	COMPUTER-GEN	07/10/07	175.98	
195615	20850	CARLSON TESTING INC	COMPUTER-GEN	07/10/07	835.00	
195616	21662	CENTRIC ELEVATOR CORP OF OREGON	COMPUTER-GEN	07/10/07	376.34	
195617	22375	CITY OF HILLSBORO	COMPUTER-GEN	07/10/07	79,283.68	
195618	22376	CITY OF HILLSBORO UTIL COMM	COMPUTER-GEN	07/10/07	17,915.53	
195619	22395	CITY OF PORTLAND	COMPUTER-GEN	07/10/07	609.69	
195620	22486	CLAIR COMPANY INC	COMPUTER-GEN	07/10/07	4,315.69	
195621	22493	CLASS ACT UNIFORMS (DBA)	COMPUTER-GEN	07/10/07	221.50	
195622	22497	CLEAN WATER SERVICES	COMPUTER-GEN	07/10/07	1,230,605.23	
195623	25546	CTS ENGINEERS	COMPUTER-GEN	07/10/07	7,214.00	
195624	25720	L N CURTIS & SONS CORP	COMPUTER-GEN	07/10/07	268.05	
195625	26085	DAILY JOURNAL OF COMM	COMPUTER-GEN	07/10/07	264.66	
195626	27270	DELL MARKETING LP	COMPUTER-GEN	07/10/07	1,448.20	
195627	27940	DIVERSIFIED PRINTERS INK LLC	COMPUTER-GEN	07/10/07	309.00	
195628	29000	DOHERTY FORD INC	COMPUTER-GEN	07/10/07	215.77	
195629	29162	DOYLE TRUCK REPAIR INC	COMPUTER-GEN	07/10/07	904.42	
195630	30248	EC POWER SYSTEMS OF OREGON INC	COMPUTER-GEN	07/10/07	2,616.00	
195631	30423	ELMER'S FLAG & BANNER INC	COMPUTER-GEN	07/10/07	487.45	
195632	30480	EMPLOYERS OVERLOAD (DBA)	COMPUTER-GEN	07/10/07	4,356.67	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195633	31970	EXPRESS MESSENGER SYSTEMS INC	COMPUTER-GEN	07/10/07	73.26	
195634	32255	FARMPLAN	COMPUTER-GEN	07/10/07	866.47	
195635	32550	FERGUSON ENTERPRISES INC NW	COMPUTER-GEN	07/10/07	3,592.15	
195636	33600	FLAG'N INC	COMPUTER-GEN	07/10/07	264.15	
195637	33650	FOLIAGE SERVICES DBA	COMPUTER-GEN	07/10/07	61.00	
195638	35285	ROSA M GALVAN	COMPUTER-GEN	07/10/07	500.00	
195639	35290	GARBARINO DISPOSAL/RECYCLING SERV INC	COMPUTER-GEN	07/10/07	1,046.47	
195640	36650	G I JOES	COMPUTER-GEN	07/10/07	21.98	
195641	37500	ANNE GOETZ	COMPUTER-GEN	07/10/07	206.98	
195642	38580	GRABHORN INC	COMPUTER-GEN	07/10/07	90.00	
195643	38735	GRATTERI'S TIRE & WHEEL CENTERS INC	COMPUTER-GEN	07/10/07	387.79	
195644	41127	HANK'S THRIFTWAY DBA	COMPUTER-GEN	07/10/07	870.30	
195645	44095	HIGHSMITH CO INC	COMPUTER-GEN	07/10/07	423.92	
195646	44537	HILLSBORO ARGUS (DBA)	COMPUTER-GEN	07/10/07	501.20	
195647	44540	HILLSBORO AUTO WRECKING (DBA)	COMPUTER-GEN	07/10/07	35.00	
195648	44544	HILLSBORO DIESEL & TRUCK SERVICE INC	COMPUTER-GEN	07/10/07	442.27	
195649	44563	HILLSBORO PUBLIC LIBRARY	COMPUTER-GEN	07/10/07	254.45	
195650	44565	HILLSBORO TIRE FACTORY (DBA)	COMPUTER-GEN	07/10/07	81.30	
195651	44568	HILLSBORO SCHOOL DISTRICT 1J	COMPUTER-GEN	07/10/07	415.00	
195652	44571	HILLSBORO UMPIRES LLC	COMPUTER-GEN	07/10/07	6,233.00	
195653	44600	H D SUPPLY WATERWORKS LTD	COMPUTER-GEN	07/10/07	2,170.21	
195654	44650	HILLSBORO JAZZERCISE FITNESS CENTER	COMPUTER-GEN	07/10/07	72.00	
195655	45250	HOME DEPOT CREDIT SERVICES	COMPUTER-GEN	07/10/07	1,911.15	
195656	45252	HONEY BUCKETS (DBA)	COMPUTER-GEN	07/10/07	323.41	
195657	46300	HPS PIPE & SUPPLY INC	COMPUTER-GEN	07/10/07	37.36	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195658	47583	IKON OFFICE SOLUTIONS INC	COMPUTER-GEN	07/10/07	7,585.00	
195659	47589	INDUSTRIAL PRODUCTS DISTRIBUTOR	COMPUTER-GEN	07/10/07	298.46	
195660	47775	IRON MOUNTAIN INFORMATION MGMT INC	COMPUTER-GEN	07/10/07	39.49	
195661	52300	KOMPETITIVE EDGE	COMPUTER-GEN	07/10/07	1,123.40	
195662	54812	LANGUAGE LINE SERVICES INC	COMPUTER-GEN	07/10/07	167.89	
195663	54815	LANDSCAPE PRODUCTS & SUPPLY DBA	COMPUTER-GEN	07/10/07	20.00	
195664	56520	LENOVO (UNITED STATES) INC.	COMPUTER-GEN	07/10/07	3,688.44	
195665	57511	LINCOLN EQUIPMENT INC	COMPUTER-GEN	07/10/07	4,687.63	
195666	58400	LUMBERMEN'S	COMPUTER-GEN	07/10/07	200.00	
195667	58408	LSI MARKETING & DESIGN	COMPUTER-GEN	07/10/07	2,755.00	
195668	58410	LUCILLE'S THE TOOL STORE	COMPUTER-GEN	07/10/07	74.85	
195669	64825	METRO NEW HOLLAND INC	COMPUTER-GEN	07/10/07	302.12	
195670	64830	MESHER SUPPLY	COMPUTER-GEN	07/10/07	205.50	
195671	64846	METRO	COMPUTER-GEN	07/10/07	24,537.66	
195672	65522	MINUTEMAN PRESS - HILLSBORO	COMPUTER-GEN	07/10/07	70.60	
195673	67208	MOTOR VEHICLES DIV	COMPUTER-GEN	07/10/07	57.50	
195674	68144	NAT'L FIRE PROTECTION ASSOC	COMPUTER-GEN	07/10/07	4,250.00	
195675	68425	WALTER E NELSON CO	COMPUTER-GEN	07/10/07	161.08	
195676	68685	NET ASSETS CORP	COMPUTER-GEN	07/10/07	2,392.00	
195677	68773	NEXTEL COMMUNICATIONS INC	COMPUTER-GEN	07/10/07	3,393.30	
195678	69650	NW OFFICE INTERIORS	COMPUTER-GEN	07/10/07	585.00	
195679	70030	OCLC INC	COMPUTER-GEN	07/10/07	450.00	
195680	70099	OFFICEMAX	COMPUTER-GEN	07/10/07	1,534.01	
195681	70422	OREGON BUILDING CODES DIV	COMPUTER-GEN	07/10/07	15,623.29	
195682	70649	OREGON DEPT OF REVENUE	COMPUTER-GEN	07/10/07	18,965.52	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195683	70667	OREGON JUDICAL DEPT - FIN & ADMIN SVCS	COMPUTER-GEN	07/10/07	1,922.00	
195684	70679	OREGONIAN PUBLISHING CO LLC	COMPUTER-GEN	07/10/07	2,095.43	
195685	70703	ORENCO WITCHAZEL VOL. FIREMEN'S ASSOC	COMPUTER-GEN	07/10/07	4,792.50	
195686	70875	OVERALL LAUNDRY SERVICES INC	COMPUTER-GEN	07/10/07	224.13	
195687	71043	PAC WEST BLUEPRINT COPY & FAX	COMPUTER-GEN	07/10/07	1,295.00	
195688	71447	PARR LUMBER CO	COMPUTER-GEN	07/10/07	724.09	
195689	72075	LARRY PEDERSON	COMPUTER-GEN	07/10/07	111.56	
195690	72593	THE PERSONNEL DEPT	COMPUTER-GEN	07/10/07	748.00	
195691	73765	PLATT ELECTRIC SUPPLY	COMPUTER-GEN	07/10/07	971.72	
195692	74167	PORTLAND HABILITATION CENTER INC	COMPUTER-GEN	07/10/07	5,219.00	
195693	74500	PRESS TIME PRINTING (DBA)	COMPUTER-GEN	07/10/07	87.46	
195694	74659	PROFESSIONAL & BUDGET DRY CLEANERS DBA	COMPUTER-GEN	07/10/07	145.15	
195695	74775	FRED PRYOR SEMINARS & CAREERTRACK(DBA)	COMPUTER-GEN	07/10/07	298.00	
195696	75095	QUARTER PIE INC	COMPUTER-GEN	07/10/07	237.13	
195697	75785	RECORDED BOOKS INC	COMPUTER-GEN	07/10/07	1,381.60	
195698	76335	CAROL REICH	COMPUTER-GEN	07/10/07	734.97	
195699	78330	RONJONS UNLIMITED INC	COMPUTER-GEN	07/10/07	50.00	
195700	80295	SAIF CORPORATION	COMPUTER-GEN	07/10/07	55,241.47	
195701	82315	SCHOLASTIC LIBRARY PUBLISHING	COMPUTER-GEN	07/10/07	149.75	
195702	84377	SIERRA GLASS INC	COMPUTER-GEN	07/10/07	325.00	
195703	84399	THE SIGN CO	COMPUTER-GEN	07/10/07	112.50	
195704	86330	SONITROL - PORTLAND INC	COMPUTER-GEN	07/10/07	17,383.30	
195705	89480	SUNSET AUTO PARTS INC	COMPUTER-GEN	07/10/07	805.15	
195706	89485	SUN BADGE CO	COMPUTER-GEN	07/10/07	119.00	
195707	92510	TV WASTE RECOVERY INC	COMPUTER-GEN	07/10/07	46.50	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195708	92538	TVI POWER & SPORTS	COMPUTER-GEN	07/10/07	551.23	
195709	93021	U-HAUL INTERNATIONAL	COMPUTER-GEN	07/10/07	10.50	
195710	93053	UPS	COMPUTER-GEN	07/10/07	7.68	
195711	93054	THE UPS STORE #826	COMPUTER-GEN	07/10/07	19.57	
195712	93094	UNITED RENTALS INC	COMPUTER-GEN	07/10/07	44,132.62	
195713	93110	UNITED PIPE & SUPPLY, INC	COMPUTER-GEN	07/10/07	8,798.72	
195714	93206	US POSTAL SERVICE	COMPUTER-GEN	07/10/07	4,186.46	
195715	93275	VAN DOREN RED-E-MIX CONCRETE, INC	COMPUTER-GEN	07/10/07	3,212.75	
195716	93292	VERIZON NORTHWEST	COMPUTER-GEN	07/10/07	12,080.09	
195717	93294	VERIZON SELECT SERVICES INC	COMPUTER-GEN	07/10/07	789.65	
195718	94290	WARD HENSHAW CONSTRUCTION CO INC	COMPUTER-GEN	07/10/07	120,777.45	
195719	94976	WASHINGTON COUNTY FINANCE DIVISION	COMPUTER-GEN	07/10/07	9,588.30	
195720	94986	WASTE MANAGEMENT OF OREGON	COMPUTER-GEN	07/10/07	79.68	
195721	95050	WATER METRICS CO WEST	COMPUTER-GEN	07/10/07	244.35	
195722	96204	WESTERN FARM SERVICE INC	COMPUTER-GEN	07/10/07	266.25	
195723	96239	WESTERN TOOL SUPPLY DBA	COMPUTER-GEN	07/10/07	169.99	

TOTAL COMPUTER GN 2,236,214.67

TOTAL DISBURSEMENTS 2,236,214.67

PAYABLES CHECK REGISTER BOOKKEEPING DISBURSEMENT DATE 06/28/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
BNK-TR	47582	ICMA (PYRL)_	HAND ISSUED	06/30/07	24,068.30	
BNK-TR	72150	PEPSCO	HAND ISSUED	06/30/07	51,940.01	
BNK-TR	94983	WASHINGTON COUNTY FEDERAL CREDIT UNION	HAND ISSUED	06/30/07	68,259.08	
BNK-TR	70664	OREGON SAVINGS GROWTH PLAN	HAND ISSUED	06/30/07	40,143.94	
BNK-TR	44561	HILLSBORO POLICE OFFICERS ASSOCIATION	HAND ISSUED	06/30/07	7,611.00	
BNK-TR	93108	USNB FEDERAL W/H	HAND ISSUED	06/30/07	340,323.32	
BNK-TR	93107	USNB - FICA	HAND ISSUED	06/30/07	501,701.96	
BNK-TR	70659	OREGON DEPT OF REVENUE	HAND ISSUED	06/30/07	191,301.00	
BNK-TR	70653	OREGON DEPT OF REVENUE	HAND ISSUED	06/30/07	21,493.94	
BNK-TR	70658	OREGON DEPT OF REVENUE	HAND ISSUED	06/30/07	3,272.02	
BNK-TR	72594	PERS - EXTRA UNITS	HAND ISSUED	06/30/07	529.34	
BNK-TR	74804	PUBLIC EMPLOYEES RETIREMENT SYSTEM	HAND ISSUED	06/30/07	184,777.12	
BNK-TR	74806	PUBLIC EMPL RETIREMT SYS	HAND ISSUED	06/30/07	425,891.91	
		TOTAL HAND ISSUED			1,861,312.94	
		TOTAL DISBURSEMENTS			1,861,312.94	

PR - A/P wired

6/30/07

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
194968	88891	STANDARD INSURANCE CO	COMPUTER-GEN	06/28/07	100.00	
194969	93111	UNITED WAY	COMPUTER-GEN	06/28/07	1,246.33	
194970	94971	WASHINGTON COUNTY CIRCUIT COURT	COMPUTER-GEN	06/28/07	100.00	

TOTAL COMPUTER GN 626,915.24

TOTAL DISBURSEMENTS 626,915.24

PR A/P vs
6/28/07

PAYABLES CHECK REGISTER BOOKKEEPING DISBURSEMENT DATE 06/28/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
194943	8041	STATE OF OREGON	COMPUTER-GEN	06/28/07	362.89	
194944	8379	OAKBROOK DENNEY	COMPUTER-GEN	06/28/07	1,180.29	
194945	10936	AMERICAN FAMILY LIFE ASSURANCE CORP	COMPUTER-GEN	06/28/07	8,337.24	
194946	10958	AMERICAN UNITED LIFE CORP	COMPUTER-GEN	06/28/07	93.88	
194947	12715	BANK OF THE WEST (PYRL)	COMPUTER-GEN	06/28/07	350.00	
194948	21323	EBS TRUST CCIS	COMPUTER-GEN	06/28/07	3,307.20	
194949	22364	EBS TRUST CCIS	COMPUTER-GEN	06/28/07	2,375.00	
194950	22365	EBS TRUST CCIS	COMPUTER-GEN	06/28/07	150.00	
194951	22366	EBS TRUST CCIS	COMPUTER-GEN	06/28/07	335,157.32	
194952	22367	EBS TRUST CCIS	COMPUTER-GEN	06/28/07	93,001.26	
194953	22368	EBS TRUST CCIS	COMPUTER-GEN	06/28/07	1,249.54	
194954	22369	EBS TRUST CCIS	COMPUTER-GEN	06/28/07	7,376.78	
194955	22370	EBS TRUST CCIS	COMPUTER-GEN	06/28/07	53,429.10	
194956	22379	CITY OF HILLSBORO	COMPUTER-GEN	06/28/07	42,440.14	
194957	23682	CONEXIS	COMPUTER-GEN	06/28/07	2,745.32	
194958	23684	CONEXIS	COMPUTER-GEN	06/28/07	584.00	
194959	23685	CONEXIS	COMPUTER-GEN	06/28/07	18,986.47	
194960	27512	DEPT OF HUMAN RESOURCES	COMPUTER-GEN	06/28/07	12,668.20	
194961	40095	HAWTHORN FARM ATHLETIC CLUB	COMPUTER-GEN	06/28/07	1,623.00	
194962	40510	MONICA J KING	COMPUTER-GEN	06/28/07	150.00	
194963	47580	IAFF (PYRL)	COMPUTER-GEN	06/28/07	6,680.00	
194964	58460	BRIAN D LYNCH	COMPUTER-GEN	06/28/07	1,275.00	
194965	62125	MSA VEBA PLAN ADMINISTRATOR	COMPUTER-GEN	06/28/07	31,715.28	
194966	70095	OFFICER ALIVE INC	COMPUTER-GEN	06/28/07	5.00	
194967	88700	STANDARD INSURANCE COMPANY	COMPUTER-GEN	06/28/07	226.00	

PAYABLES CHECK REGISTER BOOKKEEPING DISBURSEMENT DATE 07/02/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195275	1266	WASHINGTON COUNTY	COMPUTER-GEN	07/02/07	3,500.00	

TOTAL COMPUTER GN 3,500.00

TOTAL DISBURSEMENTS 3,500.00

Amber D

PAYABLES CHECK REGISTER
DISBURSEMENT DATE 07/06/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	BOOKKEEPING	TYPE	CHECK-DT	CHECK-AMT	:NOTE
BNK-TR	72020	PAYCHEX INC		HAND ISSUED	07/06/07	10,909.02	

TOTAL HAND ISSUED 10,909.02

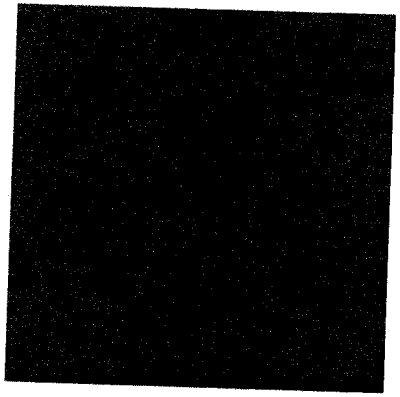
TOTAL DISBURSEMENTS 10,909.02

Wired
7/6/07
NP

PAYABLES CHECK REGISTER BOOKKEEPING DISBURSEMENT DATE 07/06/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
BNK-TR 12705		BANK OF AMERICA	HAND ISSUED	07/03/07	101,635.44	
		TOTAL HAND ISSUED			101,635.44	
		TOTAL DISBURSEMENTS			101,635.44	

Pcard BofA
wire 7/6/07



Schedule B

CONTRACT INPUT FORM

Official Use Only

Contract No: 2006-07-152 **Resolution No:** 2218 **Resolution Date:** 7/17/2007

Type of Contract: Professional Services Contract **Contract Subtype:**

Contract Name: Professional Services Contract - Hillsboro Planning and Zoning Hearings Board

Contract Description: City contract with Daniel Kearns for his services as a Hearings Board officer at an hourly rate of $155/hour, in addition to reasonable expenses under contract provision (postage, copying costs, travel expenses, etc.).

Contract With: Daniel Kearns **Contract No:** 2006-07-152

City Dept(s): Planning **City Contact:** Vickie Ward

Total Cost: **City Funding Source:** 70-100-2-0-769-69-00

Official Use Only

Contract No: 2007-08-154 **Resolution No:** 2218 **Resolution Date:** 7/17/2007

Type of Contract: Professional Services Contract **Contract Subtype:**

Contract Name: Hillsboro Planning and Zoning Hearings Board

Contract Description: Contract for Hearings Board Officer services to attend and conduct public hearings on land use applications and write legal opinions. Hourly rate: $155 per hr. and time and material.

Contract With: Smith & Greaves LLP **Contract No:** 2007-08-154

City Dept(s): Planning **City Contact:** Vickie Ward

Total Cost: **City Funding Source:**

4A

CITY OF HILLSBORO

July 12, 2007

TO: Mayor Hughes & City Council

FROM: John Southgate JWS

SUBJECT: Purchase and Sale Agreement, Town Theater

Summary

Staff seeks City Council action authorizing the Mayor to enter into a Purchase and Sale Agreement and any other ancillary documents, regarding the sale of the Town Theater and the adjoining Music Village Building to Denzil and Lynn Scheller. The Schellers intend to rehabilitate the theater and to incorporate a restaurant and meeting space in the Music Village Building.

Background

The City of Hillsboro acquired the Town Theater in 1996 for $1500, recognizing the enormous potential that the vintage building has to increase the vitality of downtown Hillsboro, especially on evenings and weekends. The City also acquired the adjoining Music Village Building in 2001, so as to better accommodate some kind of restaurant or other food service to complement the theater.

In 2001, the City retained a consultant team, led by BML Architects, to evaluate the feasibility of rehabilitating the two buildings. The consultant report included an assessment of building conditions, including code deficiencies. The report noted several costly challenges in the condition of the property, including the presence of a significant amount of asbestos, seismic/structural deficiencies, and substandard accommodations for the handicapped (per the requirements of the Americans with Disabilities Act). The report included a preliminary cost estimate of approximately $2,400,000 to rehabilitate the building and bring it up to acceptable conditions.

The City allocated $750,000 towards the cost of correcting the condition of the building for productive re-use out of the City's capital funds.

The building continued to deteriorate, with extensive water damage due to leaks in the roof and walls. The City commissioned an update of the 2001 Feasibility Analysis in the Fall of 2006, which noted, among other things, that construction costs have risen by about 30% since 2001.

Notwithstanding the cost challenges associated with the re-use of the two adjoining buildings, the City initiated a Request for Expressions of Interest (RFEI) in December, 2006 for the properties. The City issued the RFEI based on extensive community input. As part of the Downtown Renaissance project and other outreach activities, citizens have expressed frustration with the blighted and worsening condition of the theater. They have also expressed hope that a restored theater could indeed play a key role in the resurgence of downtown Hillsboro. Moreover, the City received several inquiries from prospective purchasers/redevelopers of the theater building, leading staff to conclude that it was a propitious time to formally solicit developer interest.

The RFEI was a broadly worded document, intentionally flexible as to what could be done with the property, including both rehabilitation of the existing structures, or new construction.

The City received four responses to the RFEI. An Advisory Committee was appointed to assist in the review of those expressions of interest, and in February the Advisory Committee (with staff concurrence) unanimously endorsed the Scheller team. Staff and Mr. Scheller then briefed City Council on March 20, 2007. Council indicated strong support for Mr. Scheller's ideas, and staff commenced negotiations with Mr. Scheller on the sale of the property.

The Purchase and Sale Agreement calls for the City to sell the properties to the Schellers for a nominal sales price of $10. The City would also provide the budgeted $750,000 as an allowance, recognizing the seriously deteriorated condition of the buildings.

The Schellers intend to use private funds (debt and equity) and the city allowance to rehabilitate the properties. However, the City will not require the rehabilitation as a condition to providing the allowance to the Schellers. The Schellers are also seeking funding from METRO's Transit Oriented Development (TOD) Program. Metro staff has indicated strong support for the project, recognizing that the rehabilitation of the Town Theater will contribute strongly towards the economic vitality of downtown Hillsboro, which METRO has designated as a Regional Center in its 2040 Growth Plan. METRO funding will be contingent on METRO amending its program to make this type of project eligible for TOD funding.

Mr. Scheller has filed for a design review permit for the project, and he intends to commence abatement of hazardous materials soon after closing on the sale (scheduled for August 15, 2007).

The City Attorney is currently reviewing the Purchase and Sale Agreement, a draft of which is attached to this Memorandum.

Recommendation

Authorize the Mayor to enter into the Purchase and Sale Agreement for the Town Theater and Music Village Buildings, and any other ancillary documents, in such form as approved by the City Attorney.

DRAFT

PURCHASE AND SALE AGREEMENT

(253 AND 257 East Main Street, Hillsboro OR)

DATE: June ___, 2007 (the "Effective Date")

BETWEEN: CITY OF HILLSBORO, OREGON ("Seller")
an Oregon municipal corporation
150 East Main Street, 5th Floor
Hillsboro, OR 97123
ATTN: John Southgate
Fax: (503) 681-6232

AND: DENZIL D. SCHELLER AND LYNN C. SCHELLER ("Purchaser")
209 NE Lincoln Street, Suite C
Hillsboro, Oregon 97124
ATTN: Denzil Scheller
Fax: (503) 640-9845

Recitals

A. Seller owns certain real property commonly referred to as 253 East Main Street ("Theater Building") and 257 East Main Street ("Music Village Building") in Hillsboro, Oregon (the "Property"). A legal description of the Property will be attached to this Agreement as Exhibit A, as soon as such description is available and confirmed by the parties and the Title Company, but not later than the Closing Date. John Southgate, Seller's representative for this Agreement, may confirm the description on behalf of the Seller. No amendment to the Agreement is required in order to attach Exhibit A.

As used in this Agreement, "Property" includes: (i) the real property and improvements, and all related rights and appurtenances, including all right, title and interest of Seller in and to any of the following: any land lying in the bed of any street, road, highway or alley (whether opened or proposed) adjoining such land (to the center line thereof), any oil, gas, or other minerals laying under such land, any water or water rights benefiting such land and any stock evidencing any such rights, any easements benefiting such land and any strips and gores adjoining such land; (ii) all right, title and interest of Seller in permits, governmental approvals, utility rights and utility capacity related to the Property, whether granted by governmental authorities or private persons (collectively, the "Rights");and (iii) the Tangible Personal Property located on the Property. "Tangible Personal Property" shall mean all tangible personal property located on or in the real property or structures on the real property, and owned by the Seller including, without limitation, all furniture, furnishings, signs, draperies, carpeting, heating, air conditioning, and cooling units or systems.

B. Purchaser desires to purchase the Property from Seller, and Seller desires to sell the Property to Purchaser for the price and on the terms and conditions described below.

Agreements

NOW, THEREFORE, in consideration of the mutual promises of the parties set forth below, the receipt and sufficiency of which are hereby acknowledged, Seller and Purchaser agree as follows:

SECTION 1 PURCHASE AND SALE

Seller agrees to sell the Property to Purchaser and Purchaser agrees to purchase the Property from Seller, all on the terms and conditions set forth in this Purchase and Sale Agreement (the "Agreement"). Under any circumstances it shall be the Seller's obligation to convey or cause to be conveyed to the Purchaser at Closing the Tangible Personal Property specified by agreement of Purchaser and Seller prior to Closing. If Seller and Purchaser do not agree to the list of Tangible Personal Property prior to Closing, the Seller shall convey all the Tangible Personal Property in and on the real property as of the date of Closing.

This Agreement shall be effective upon its execution by both Seller and Purchaser, the date of which is set forth at the top of the first page of this Agreement.

SECTION 2 PURCHASE PRICE, PAYMENT

2.1 Purchase Price.

Purchaser agrees to pay to Seller, in cash on the Closing Date, Ten and No/100 Dollars ($10.00) as the purchase price for the Property (the "Purchase Price"), subject to any adjustments and credits set forth in this Agreement.

2.2 Pre-Closing Obligations

Prior to Closing (defined below), Seller will: (i) discharge all liens (including tax liens, liens for assessments and inchoate liens) encumbering the Property or any part of the Property; (ii) cure all title objections that Seller agrees to cure in accordance with Section 3.2; and (iii) satisfy all requirements of the Title Company customarily required of a seller of real property located in Oregon related to issuance of the Purchaser's Title Policy. Until the Closing or termination of this Agreement by Purchaser or Seller, Seller will not, without Purchaser's approval (not to be unreasonably withheld, conditioned or delayed) do any of the following: (a) amend, terminate or otherwise modify, or consent to the amendment, termination or modification of, any Rights related to the Property; (b) grant, create or allow the creation of any easement, right-of-way, encumbrance, lien, restriction, condition, assessment, lease or other cloud on title which affects the Property, or amend, extend or otherwise modify the terms of any existing easement, right-of-way, encumbrance, lien, restriction, condition, assessment, lease or other cloud on title which affects the Property; or (c) sell or otherwise transfer or dispose of all or any part of the Property.

2.3 Allowance

In consideration of the significantly dilapidated condition of the Theater Building, the Seller will provide an allowance to Purchaser in the amount of Seven Hundred Fifty Thousand and No/100 ($750,000.00) ("Allowance"). Purchaser intends to use the Allowance to cure the defective Property conditions, including but not limited to, undertaking seismic improvements and completing environmental remediation of the Property. The Allowance will be deposited into an escrow account with a third party escrow agent, to be managed according to escrow instructions satisfactory to the Purchaser and Purchaser's lender(s), if any.

SECTION 3 PURCHASER'S DUE DILIGENCE, CONDITIONS

3.1 Purchaser's Due Diligence

3.1.1 Purchaser acknowledges and agrees that Seller has delivered copies of all environmental reports and test results for the Property performed by or for Seller, and all other information (including reports or test results performed for other persons) relating to the presence of Hazardous Materials on the Property that is in the possession of Seller or any of its affiliates. Although Seller has agreed to make available, or has already made available, to Purchaser environmental information regarding the Property, Seller and its agents shall have no responsibility or liability for the completeness or accuracy of such information, Seller is making no representation with respect to such documents and information, Purchaser assumes and accepts the entire responsibility for interpreting and assessing the information provided, and Purchaser shall rely solely on Purchaser's own judgment in making Purchaser's decision to purchase the Property.

3.1.2 Purchaser's satisfaction with the condition of the Property is a condition to Closing of the purchase and sale. Notwithstanding any contrary provision of this Agreement, the condition set forth in this subsection shall be deemed satisfied unless Purchaser delivers to Seller written notice (the "Termination Notice") of failure of such condition on or prior to 5:00 p.m. Pacific Time on the sixtieth (60^{th}) day after the Effective Date. If Seller does not timely receive a Termination Notice, Purchaser shall be obligated to proceed with the purchase of the Property, subject to the other terms of this Agreement.

3.1.3 For the purposes of this Agreement, "Hazardous Materials" shall mean any substance, chemical, waste or other material which is listed, defined or otherwise identified as "hazardous" or "toxic" under any federal, state local or administrative agency law or ordinance including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.*; the Federal Water Pollution Control Act, U.S.C. §§ 1251 *et seq.*; the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*; the Hazardous Materials Transportation Act, 49 U.S.C. §§ 1471 *et seq.*; Toxic Substances Control Act, 15 U.S.C. §§ 2601 *et seq.*; Refuse Act, 33 U.S.C. §§ 407 *et seq.*; Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §§ 11001 *et seq.*; Occupational Safety and Health Act, 29 U.S.C. §§ 65 *et seq.*, to the extent it includes the emission of any Hazardous Material and includes any Hazardous Material for which hazard communication standards have been established; Federal Insecticide, Fungicide, and Rodenticide

Act, Federal Pesticide Act of 1978, 7 U.S.C. §§ 136 *et seq.*; Federal Safe Drinking Water Act, 42 U.S.C. §§ 300(f) *et seq.*; or any similar or analogous state or local statute or ordinance, or any regulation, order, rule, or requirement adopted thereunder, as well as any formaldehyde, urea, polychlorinated biphenyls, petroleum, petroleum product or by-product, crude oil, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or mixture thereof, radon, asbestos, and "source," "special nuclear" and "by-product" material as defined in the Atomic Energy Act of 1985, 42 U.S.C. §§ 3011 *et seq.*

3.2 Title Report

3.2.1 As used in this Agreement, "Title Company" shall mean Fidelity National Title Company of Oregon. The escrow officer for the transaction contemplated by this Agreement shall be Kellie S. Dotter. Within ten (10) days after the Effective Date, Purchaser shall obtain from Title Company and review a preliminary title report with respect to the Property, together with all documents and information pertaining to the exceptions to title listed in such report. In addition, Purchaser shall, at its expense, obtain prior to Closing any survey of the Property desired by Purchaser or required by Title Company as a condition to the issuance of the Purchaser's Title Policy described in Section 4.6 below (the "Survey"). Purchaser may advise Seller in writing and in reasonable detail, not later than thirty (30) days after Effective Date, what exceptions to title, if any, listed in the then current preliminary report or disclosed on the Survey are not acceptable to Purchaser (the "Title Objections"). Purchaser shall not, however, unreasonably express disapproval of any exceptions to title and, prior to notifying Seller of any Title Objections, shall endeavor in good faith to cause Title Company to modify and update the preliminary report to reflect requested corrections and revisions. Purchaser's failure to timely deliver a notice of Title Objections to Seller shall be deemed Purchaser's acceptance of all title and survey matters. Seller shall have five (5) business days after receipt of Purchaser's Title Objections to give Purchaser notice that (a) Seller will remove any Title Objections from title (or afford the Title Company necessary information or certifications to permit it to insure over such exceptions) or (b) Seller elects not to cause such exceptions to be removed. Seller's failure to provide notice to Purchaser within such five (5) business day period as to any Title Objection shall be deemed an election by Seller not to remove the Title Objection. If Seller so notifies or is deemed to have notified Purchaser that Seller shall not remove any or all of the Title Objections, Purchaser shall have until sixty (60) days after the Effective Date to determine and to notify Seller whether Purchaser will (i) proceed with the purchase and take the Property subject to such exceptions or (ii) terminate this Agreement.

3.2.2 As used in this Agreement, "Permitted Exceptions" shall include and refer to any and all exceptions to title, excepting solely Title Objections that have been timely identified by Purchaser and that Seller has notified Purchaser pursuant to this Section that Seller is willing to remove.

SECTION 4 CLOSING

4.1 Manner of Closing

The Closing of the purchase and sale of the Property will occur in an escrow to be administered by the Title Company ("Escrow"). The parties agree to provide the Title Company with escrow instructions consistent with the terms of this Agreement.

4.2 Closing Date

The closing date ("Closing" or "Closing Date") shall occur on or before August 15, 2007.

4.3 Documents and Sums to Be Deposited Into Escrow by Seller

On or before the Closing Date, Seller shall deposit the Allowance into Escrow, together with such funds as are necessary to pay Seller's portion of the closing costs, and all of the following:

4.3.1 An original bargain and sale deed in the form attached hereto as Exhibit B (the "Deed"), duly executed by Seller and notarized.

4.3.2 Such documents as the Title Company may require to establish the authority of Seller to complete the sale of the Property as contemplated by this Agreement.

4.4 Documents and Sums to Be Deposited Into Escrow by Purchaser

4.4.1 On or before the Closing Date, Purchaser shall deposit into Escrow such funds (by certified check or wire transfer) as are necessary to complete payment of the Purchase Price in accordance with Section 2.1 of this Agreement and to pay Purchaser's portion of the closing costs. Purchaser shall also deposit into Escrow such documents as the Title Company may require to complete the sale of the Property as contemplated by this Agreement.

4.5 Close of Escrow

On the Closing Date, the Title Company shall:

4.5.1 Deliver the Purchase Price to Seller;

4.5.2 Cause the Deed to be recorded in the Official Records of Washington County, Oregon;

4.5.3 Deliver the Allowance to Lisa Tinlin, or such other person or entity that Purchaser may designate in writing to the Escrow Agent prior to Closing, for administration in accordance with escrow instructions satisfactory to Purchaser; and

4.5.4 Deliver to Purchaser: (i) the Purchaser's Title Policy (defined below) and, (ii) the executed FIRPTA Certificate.

Promptly after Closing, the Title Company shall deliver to each of Purchaser and Seller an accounting of all funds received and disbursed and copies of all executed and recorded or filed documents deposited with the Title Company with the recording or filing information noted on such documents.

4.6 Title Insurance

On the Closing Date, the Title Company shall issue to Purchaser an extended ALTA owner's policy of title insurance (the "Purchaser's Title Policy"), insuring Purchaser as the owner of the Property subject only to non-delinquent real property taxes and assessments and the Permitted Exceptions. The Purchaser's Title Policy shall have a liability limit equal to $525,000. Seller shall pay the premium for standard form coverage, but Purchaser shall pay all costs and expenses, including title insurance premiums, in obtaining extended ALTA coverage and endorsements. Purchaser shall not be entitled to an extended coverage policy if Purchaser has not obtained and delivered to Title Company a Survey.

4.7 Closing Costs

Purchaser shall pay one-half of the Title Company's escrow fee and all recording fees, and Seller shall pay one-half of the Title Company's escrow fee and all transfer or similar taxes.

4.8 Prorations

4.8.1 The Title Company shall prorate, as of the Closing Date, real property taxes and assessments payable in the tax year of the Closing between Purchaser and Seller based upon the number of days the Property is owned by the respective parties during such year. If the Property is subject to taxation for a prior tax year as a result of the transfer of the Property from a public Seller to a taxable purchaser, Purchaser shall pay the taxes for such earlier tax years.

4.8.2 Purchaser acknowledges that the Music Village Building is subject to a lease dated May 1, 2003 with Penny Faro as tenant ("Faro Lease"). The Seller and Faro have amended the Faro Lease, to, among other things, terminate the Faro Lease effective August 31, 2007. The tenant is not obligated to pay rent from the Closing Date to August 31, 2007. Therefore, rent shall not be prorated at Closing.

4.9 Possession

Seller will deliver possession of the Property to Purchaser at Closing, subject only to the Faro Lease.

4.10 Conditions to Purchaser's Obligation

Purchaser's obligation to purchase the Property pursuant to this Agreement is conditioned on satisfaction of the following conditions:

4.10.1 All representations of Seller contained in this Agreement are accurate and complete in all material respects at the time of the Closing as if made again at that time;

4.10.2 Seller performs all of the obligations to be performed by Seller under this Agreement at or before Closing;

4.10.3 Title Company is prepared to issue the Purchaser's Title Policy conforming to the requirements of Section 4.6;

4.10.4 Purchaser is satisfied with the physical and environmental condition of the Property;

4.10.5 Seller has assigned the Faro Lease to Purchaser;

4.10.6 Purchaser has obtained all necessary land use approvals, including design approvals required by the City of Hillsboro, in its regulatory capacity and not as Seller, for Purchaser's intended use of the Property;

4.10.7 The City of Hillsboro, in its regulatory capacity and not as Seller, is prepared to issue a building permit for the Purchaser's renovation, subject only to Purchaser's ownership of the Property, and Purchaser paying appropriate fees; and

4.10.8 Purchaser has funds available, including equity and loan funds, to complete any work on the Property according to its plans.

If the conditions in this Section 4.10 are not satisfied by the Closing Date, Purchaser may postpone the Closing Date until the conditions are satisfied.

4.11 Conditions to Seller's Obligation

Seller's obligation to sell the Property pursuant to this Agreement is conditioned on satisfaction of the following conditions:

4.11.1 All representations of Purchaser contained in this Agreement are accurate and complete in all material respects at the time of the Closing as if made again at that time;

4.11.2 Purchaser has provided evidence that it funds available, including equity and loan funds, to complete any work on the Property according to its plans; and

4.11.3 Purchaser performs all of the obligations to be performed by Purchaser under this Agreement at or before Closing.

4.12 Elections upon Nonoccurrence of Conditions.

If any condition in Section 4.10 or 4.11 is not fulfilled to the satisfaction of the benefited Party or Parties by the earlier of the date for satisfaction stated in this Agreement, or August 15, 2007, (the applicable date being hereinafter referred to as the "Termination Date"), then such benefited Party or Parties may elect to:

4.12.1 Terminate the Agreement, which termination shall become effective ten (10) days after the notice of termination is sent unless, before the ten (10) day period ends, such condition or conditions are satisfied to the reasonable satisfaction of the benefited Party or Parties; or

4.12.2 Waive in writing the benefit of that condition precedent to its obligation to perform under this Agreement; or

4.12.3 Extend the Termination Date to provide for satisfaction of the applicable condition if the other Party agrees in writing to the extension.

SECTION 5 WARRANTIES

5.1 Seller's Warranties

Seller hereby represents and warrants to Purchaser as follows:

5.1.1 Seller has full power and authority to enter into and perform this Agreement in accordance with its terms, and all requisite action has been taken by Seller in connection with the execution of this Agreement and the transaction contemplated by this Agreement.

5.1.2 This Agreement has been duly executed and delivered by Seller and constitutes a valid, binding and enforceable obligation of Seller.

5.1.3 Seller is not a "foreign person" within the meaning of Section 1445(f)(3) of the Internal Revenue Code of 1986, as amended.

5.1.4 There is no litigation, claim or arbitration pending or, to Seller's knowledge, threatened with respect to the Property.

5.1.5 Except as disclosed to the Purchaser in writing, Seller has received no notice from any governmental entity that the Property is in violation of any laws, ordinances, rules or regulations applicable to the Property, including, without limitation, any such laws, ordinances, rules or regulations pertaining to Hazardous Materials.

5.1.6 Seller and each person or entity owning an interest in Seller is (i) not identified on the Specially Designated Nationals and Blocked Persons List maintained by the Office of Foreign Assets Control, Department of the Treasury ("OFAC") and/or on any other similar list maintained by OFAC pursuant to any authorizing statute, executive order or regulation (collectively, the "List"), and (ii) not a person or entity with whom a citizen of the United States is prohibited to engage in transactions by any trade embargo, economic sanction, or other prohibition of United States law, regulation, or Executive Order of the President of the United States, (b) none of the funds or other assets of Seller constitute property of, or are beneficially owned, directly or indirectly, by any Embargoed Person (as hereinafter defined), and (c) no Embargoed Person has any interest of any nature whatsoever in Seller (whether directly or indirectly). The term "Embargoed Person" means any person, entity or government subject to

trade restrictions under law, including but not limited to, the International Emergency Economic Powers Act, 50 U.S.C. §1701 et seq., The Trading with the Enemy Act, 50 U.S.C. App. 1 et seq., and any Executive Orders or regulations promulgated thereunder with the result that the investment in Seller is prohibited by law or Seller is in violation of law. Seller also shall require, and shall take reasonable measures to ensure compliance with the requirement, that no person who owns any other direct interest in Seller is or shall be listed on any of the Lists or is or shall be an Embargoed Person.

5.2 Purchaser's Warranties

Purchaser hereby represents and warrants to Seller as follows:

5.2.1 Purchaser has full power and authority to enter into and perform this Agreement in accordance with its terms, and all requisite action has been taken by Purchaser in connection with the execution of this Agreement and the transactions contemplated hereby.

5.2.2 This Agreement has been duly executed and delivered by Purchaser and constitutes a valid, binding and enforceable obligation of Purchaser.

5.2.3 Purchaser represents and warrants that (a) Purchaser and each person or entity owning an interest in Purchaser is (i) not identified on any List maintained by OFAC and/or on any other similar list maintained by OFAC pursuant to any authorizing statute, executive order or regulation and (ii) not a person or entity with whom a citizen of the United States is prohibited to engage in transactions by any trade embargo, economic sanction, or other prohibition of United States law, regulation, or Executive Order of the President of the United States, (b) none of the funds or other assets of Purchaser constitute property of, or are beneficially owned, directly or indirectly, by any Embargoed Person, and (c) no Embargoed Person has any interest of any nature whatsoever in Purchaser (whether directly or indirectly). Purchaser also shall require, and shall take reasonable measures to ensure compliance with the requirement, that no person who owns any other direct interest in Purchaser is or shall be listed on any of the Lists or is or shall be an Embargoed Person.

5.3 Seller's Disclaimer

Except as expressly set forth in Section 5.1, as of the Effective Date, no warranties, guarantees or representations have been or are being made by Seller or any agent or representative of Seller concerning: (a) the availability of any governmental permits or approvals obtained or to be obtained in connection with Purchaser's use of the Property, except to the extent that such permits or approvals may be obtained by Purchaser applying for, and the City of Hillsboro approving, such permits or approvals through the City's regulatory land use and building permit processes; (b) the suitability of the Property for Purchaser's intended use; (c) the physical condition of the Property; (d) the compliance of the Property with any past or present zoning, land use, building, fire, safety, environmental or other ordinances, restrictions, laws and regulations; (e) the sub-surface condition of the Property; or (f) the presence of any material in, under, or on the Property which is regulated by any ordinance, regulation or law.

5.4 Purchaser's Acknowledgment of AS-IS Sale

Purchaser will accept the Property in its present condition, "AS IS, WITH ALL FAULTS" without any representations or warranties by Seller or any agent or representative of Seller, expressed or implied, except as set forth in Section 5.1 and the documents to be delivered by Seller at Closing. Purchaser acknowledges that Purchaser will ascertain for itself the value and condition of the Property and Purchaser is not relying on, nor has Purchaser been influenced by, any representation of Seller or any agent or representative of Seller regarding the value, condition, or any aspect of the Property, except as set forth in this Agreement. As part of Purchaser's agreement to purchase the Property "AS-IS, WITH ALL FAULTS," and not as a limitation on such agreement, Purchaser hereby unconditionally and irrevocably waives and releases any and all actual or potential rights Purchaser might have regarding any form of warranty, express or implied, of any kind or type, relating to the Property, except for Seller's warranties set forth in this Agreement and the documents to be delivered by Seller at Closing. Such waiver is absolute, complete, total and unlimited in every way.

SECTION 6 BROKERAGE COMMISSIONS

Each of Seller and Purchaser represents to the other that it has had no dealings with any broker or finder in connection with the transactions contemplated by this Agreement. Purchaser shall protect, defend, indemnify, and hold Seller harmless for, from and against any and all other claims, liabilities or demands with respect to any fees or other compensation asserted as a result of Purchaser's actions in connection with this Agreement. Seller shall protect, defend, indemnify, and hold Purchaser harmless for, from and against any and all claims, liabilities or demands with respect to any fees or other compensation asserted as a result of Seller's actions in connection with this Agreement. These indemnities shall survive the Closing or the termination of this Agreement.

SECTION 7 BREACH

7.1 Purchaser's Failure to Close

In the event that Purchaser is obligated under this Agreement to proceed with Closing and pay the Purchase Price and fails to do so, then Seller shall be entitled as Seller's sole remedy, to terminate this Agreement and receive a reimbursement of Seller's third party costs incurred in connection with the transaction contemplated hereby in an amount not to exceed Ten Thousand and No/100 Dollars ($10,000.00) (in which event Purchaser shall provide Seller with copies of all third party reports in Purchaser's possession pertaining to the condition of the Property and the development of the Property).

7.2 Seller's Failure to Close

In the event that Seller is obligated to convey the Property to Purchaser but fails to do so, then Purchaser shall be entitled, as Purchaser's sole remedy, to terminate this Agreement and receive a reimbursement of Purchaser's third party costs incurred in connection with the transaction contemplated hereby in an amount not to exceed Ten Thousand and No/100 Dollars ($10,000.00).

SECTION 8 CONDEMNATION

If after the Effective Date, and prior to Closing, the Property is or becomes subjected to a bona fide threat of condemnation by a body having the power of eminent domain, or is taken by eminent domain or condemnation (or sale in lieu thereof), Seller shall give notice to Purchaser that the Agreement is cancelled.

SECTION 9 DAMAGE OR DESTRUCTION

9.1 Risk of Damage or Destruction

All risk of damage or destruction of the Property after the Effective Date and prior to Closing shall remain with the Seller. If the Property is or becomes damaged, the Seller shall notify the Purchaser of the extent of the damage and the scope of necessary repairs as soon as such information is reasonably available to the Seller, and Purchaser shall give notice within ten (10) business days after receiving Seller's notification, of its election to either proceed with the Closing, or to terminate the Agreement.

9.2 Purchaser's Election to Close

If the Purchaser elects to proceed to Closing, the Seller shall assign any available insurance proceeds to the Purchaser for Purchaser's use in making repairs, but Seller's responsibility for repairs is limited to the applicable insurance proceeds.

9.3 Purchaser's Election to Terminate

If the Purchaser elects to terminate the Agreement, the termination shall be effective as of the date of Purchaser's notice. In the case of termination under this Section 9, no breach of the Agreement shall be deemed to have occurred, and a Party shall have no further claim or remedy against the other party as a result of the termination.

SECTION 10 RIGHT OF FIRST OFFER

In the event that, during the first five years immediately following the Effective Date, Purchaser intends to sell or otherwise convey fee simple ownership of the Property, Purchaser shall not take steps to market the Property, nor respond to an unsolicited offer for the acquisition of the Property, without first giving written notice of that intent or that offer to Seller. Seller and Purchaser shall thereafter negotiate in good faith for a period of sixty (60) days to determine if Purchaser and Seller can agree on the fair market value of the Property and on the other terms and conditions for a Seller re-purchase of the Property. However, this Section 10 is not a right of first refusal or an option; and, accordingly, if Purchaser and Seller cannot reach an agreement after sixty (60) days of good faith negotiations, Purchaser shall be free to sell or otherwise convey the Property.

SECTION 11 GENERAL PROVISIONS

11.1 Assignment

Except for an assignment to a person or entity acting as the qualified intermediary in a tax-deferred exchange, Purchaser may not assign this Agreement or its rights under this Agreement without the written consent of the Seller, which consent shall not be unreasonably withheld or delayed. This Agreement shall be binding upon and inure to the benefit of any permitted assignee or successor in interest to a party.

11.2 Notices

All notices and demands which either party gives to the other under this Agreement shall be sent by hand delivery, by registered or certified mail (postage pre-paid, return-receipt requested), by fax transmission, or by Federal Express or other reputable overnight courier service. All notices and demands shall be given to a party at the address or fax number set forth at the beginning of this Agreement or as may be changed upon written notice to the other party. Notices shall be effective upon the earlier of actual delivery or refusal of a party to accept delivery thereof; *provided that* notices given by fax transmission shall be simultaneously transmitted by another means allowed hereunder.

11.3 Invalidity

If any provision of this Agreement shall be invalid or unenforceable, the remaining provisions shall not be affected thereby, and every provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11.4 Attorneys' Fees

In the event a suit, action, arbitration, or other proceeding of any nature whatsoever, including, without limitation, any proceeding under the U.S. Bankruptcy Code, is instituted, or the services of an attorney are retained with respect to any dispute relating to this Agreement, the prevailing or non-defaulting party shall be entitled to recover from the losing or defaulting party its reasonable attorneys', paralegals', accountants', and other experts' fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith. In the event of suit, action, arbitration, or other proceeding, the amount thereof shall be determined by the judge or arbitrator, shall include fees and expenses incurred on any appeal or review, and shall be in addition to all other amounts provided by law.

11.5 Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

11.6 Prevailing Wage Rates.

The terms of the Agreement do not relate in any way to the renovation of the Property that Purchaser may undertake. The Parties have concluded that any work the Purchaser may undertake after Closing is not subject to payment of Oregon prevailing wage rates for the following reasons:

11.6.1 The Seller is neither the contractor for, nor the developer of the renovation. This Agreement is not intended to be a contract that provides for construction, either directly or through the Purchaser or Purchaser's contractors. The Seller specifically waives any provision of the Agreement to the extent it is construed to provide to the Seller any right to manage, direct or control any construction on the Property. Any rights or duties relating to any construction are the subject of separate contract(s) to which the Seller is not a party.

11.6.2 Notwithstanding the lack of the Seller's involvement in Purchaser's planned renovation in any way, if a claim for prevailing wages is filed relating to the Purchaser's work, Purchaser and Seller agree to cooperate to vigorously defend against the claim. If a defense is unsuccessful, or if the Parties mutually agree to forego a defense or settle a claim in their best interest, the Seller will pay one-half and Purchaser will pay one-half of any wage award and/or costs/penalties that may be assessed by the Oregon Bureau of Labor and Industries.

11.7 Time of the Essence

Time is of the essence in this Agreement.

11.8 Counterparts

This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, when taken together, shall constitute one and the same instrument.

11.9 Amendment to this Agreement

The terms of this Agreement may not be modified or amended except by an instrument in writing executed by Seller and Purchaser.

11.10 Waiver

The waiver or failure to enforce any provision of this Agreement shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

11.11 Statutory Disclaimer

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST

PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

11.12 Consequences of Termination

If Purchaser or Seller terminates this Agreement, neither Purchaser nor Seller will have any further obligation under this Agreement, except for indemnity obligations under Section 6, which shall survive such termination. Nothing in this Section 11.12 is intended to limit the provisions of this Agreement dealing with the disposition funds or documents held in Escrow following termination of the obligations of Purchaser or Seller. In addition, neither the termination of this Agreement nor this Section 11.12 limits the liability of a party for its breach of this Agreement, which liability shall survive termination.

11.13 Survival

Except as otherwise provided in this Agreement, all covenants, undertakings and obligations under this Agreement and all representations and warranties contained in this Agreement will survive Closing and will not be merged into the Deed or other documents delivered under this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

SELLER: CITY OF HILLSBORO, OREGON
a municipal corporation of the State of Oregon

By: _____
Thomas Hughes
Mayor

PURCHASERS:

By: _____
Denzil D. Scheller

By: _____
Lynn C. Scheller

EXHIBIT A

LEGAL DESCRIPTION

(To be attached according to Recital A)

EXHIBIT B

DEED

FORM OF BARGAIN AND SALE DEED

After Recording Return to and
Tax Statements to be sent to:
Mr. Denzil Scheller
209 NE Lincoln Street, Suite C
Hillsboro, Oregon 97124

BARGAIN AND SALE DEED

KNOW ALL PEOPLE, that the CITY OF HILLSBORO, OREGON, a municipal corporation (which, together with any successor public agency designated by or pursuant to law, is herein called the "City"), does hereby grant, bargain, sell and convey to DENZIL D. SCHELLER AND LYNN C. SCHELLER (the "Buyer"), and unto their successors and assigns, all the real property described in Exhibit A, attached hereto and incorporated herein, with the tenements, hereditaments and appurtenances (herein called the "Property"), situated in the County of Washington and State of Oregon:

The Buyer has given $10.00 and other value for this conveyance.

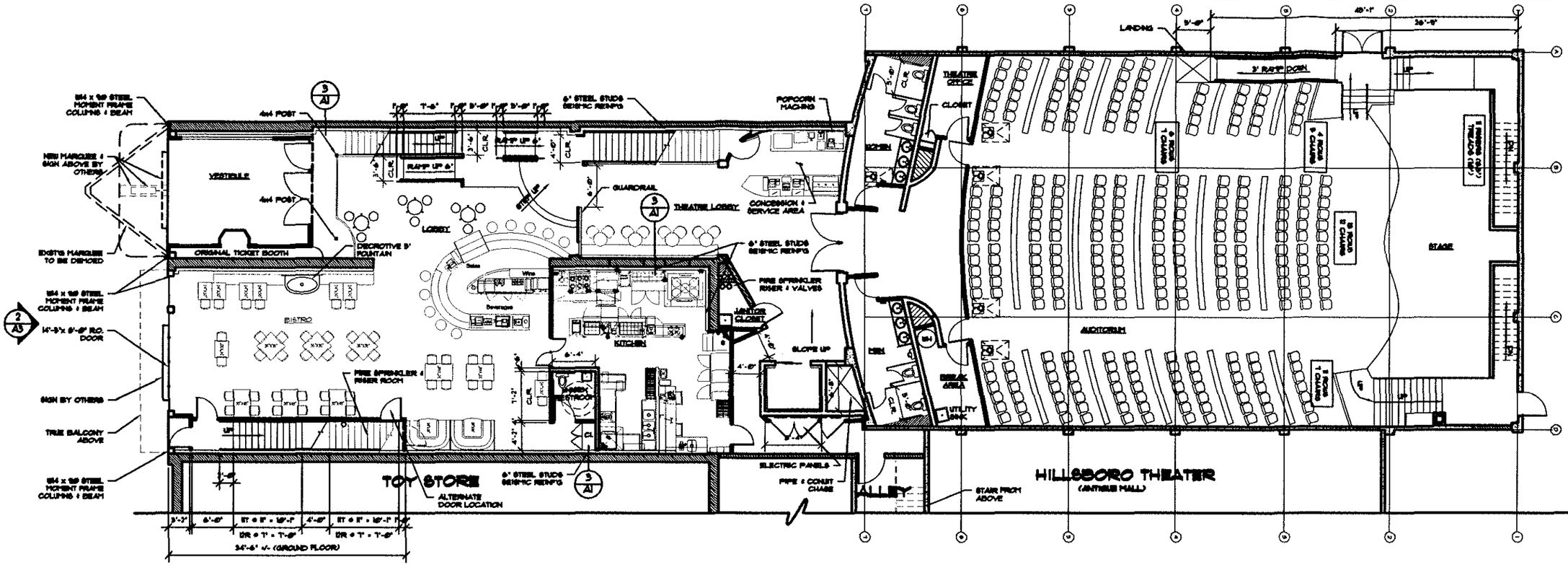
The conveyance is subject to the exceptions shown in Exhibit B, attached hereto and incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

IN WITNESS WHEREOF, the City of Hillsboro, a municipal corporation of the State of Oregon, has caused this Deed to be executed this ___day of _____, 2007.

[Insert signature block and notary for City here.]

Attachments: Exhibit A – Legal Description
Exhibit B – Permitted Exceptions to Title

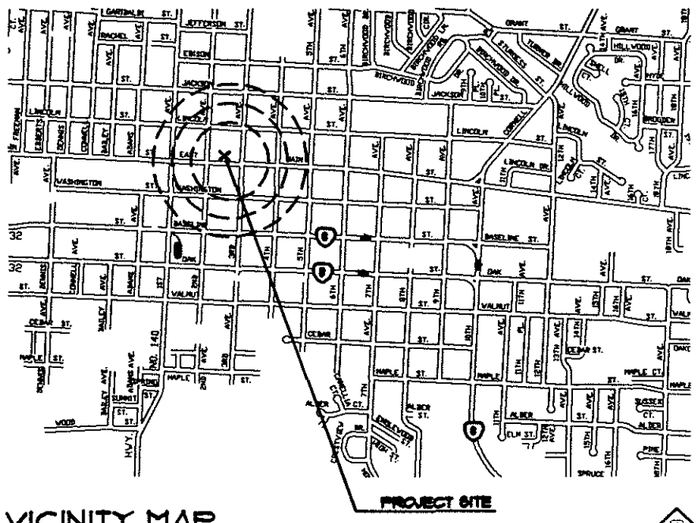


1 / A1 FLOOR PLAN

SCALE: 1/8" = 1'-0"

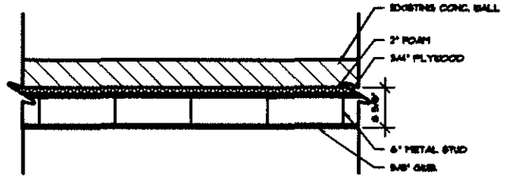
SEATING:

TOTAL SEATING IN AUDITORIUM GROUND FLOOR:	287
HANDICAP:	+4
BALCONY:	+112
	403

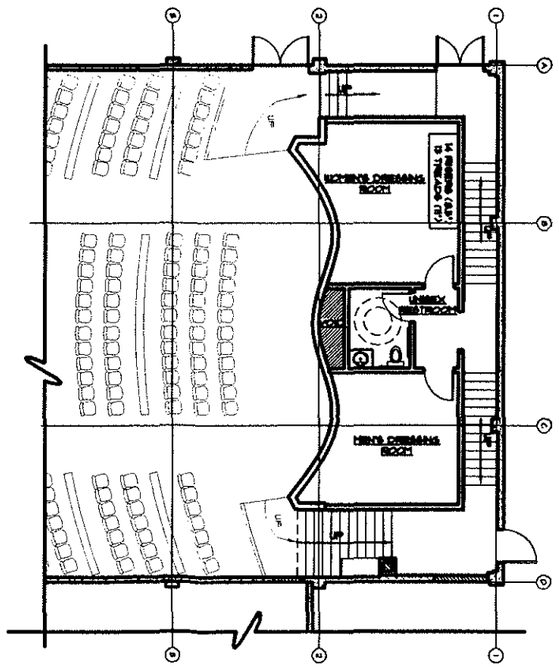


VICINITY MAP

SCALE: N.T.S.



3 / A1 SEISMIC REINF'G DETAIL



2 BASEMENT DR PLAN

RENOVATION FOR: DANIEL SCHELLER

VENETIAN THEATRE/BISTRO

Partin and Hill

© 2007, PA ARCHITECTS

PRELIM NOT FOR

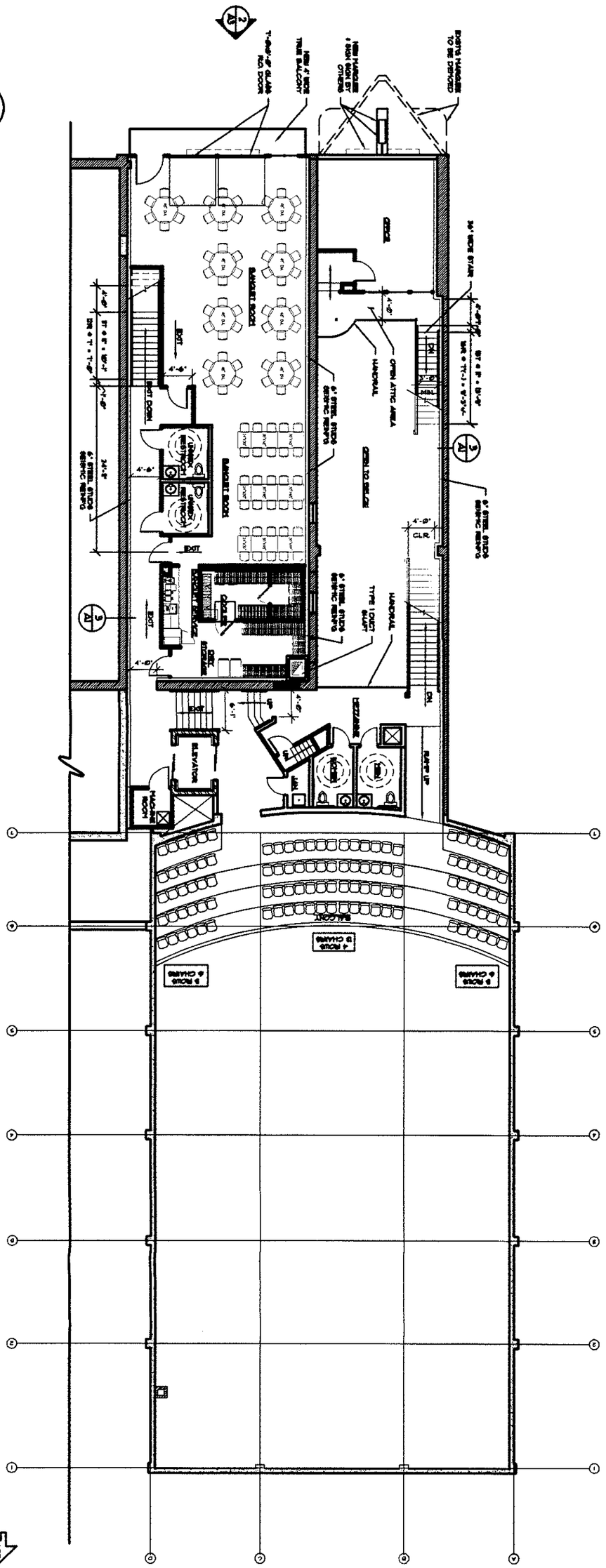
LINE 16 AT FUL (IF NOT 2) SCALE AC

date: 4-

drawn

checked

job no.:

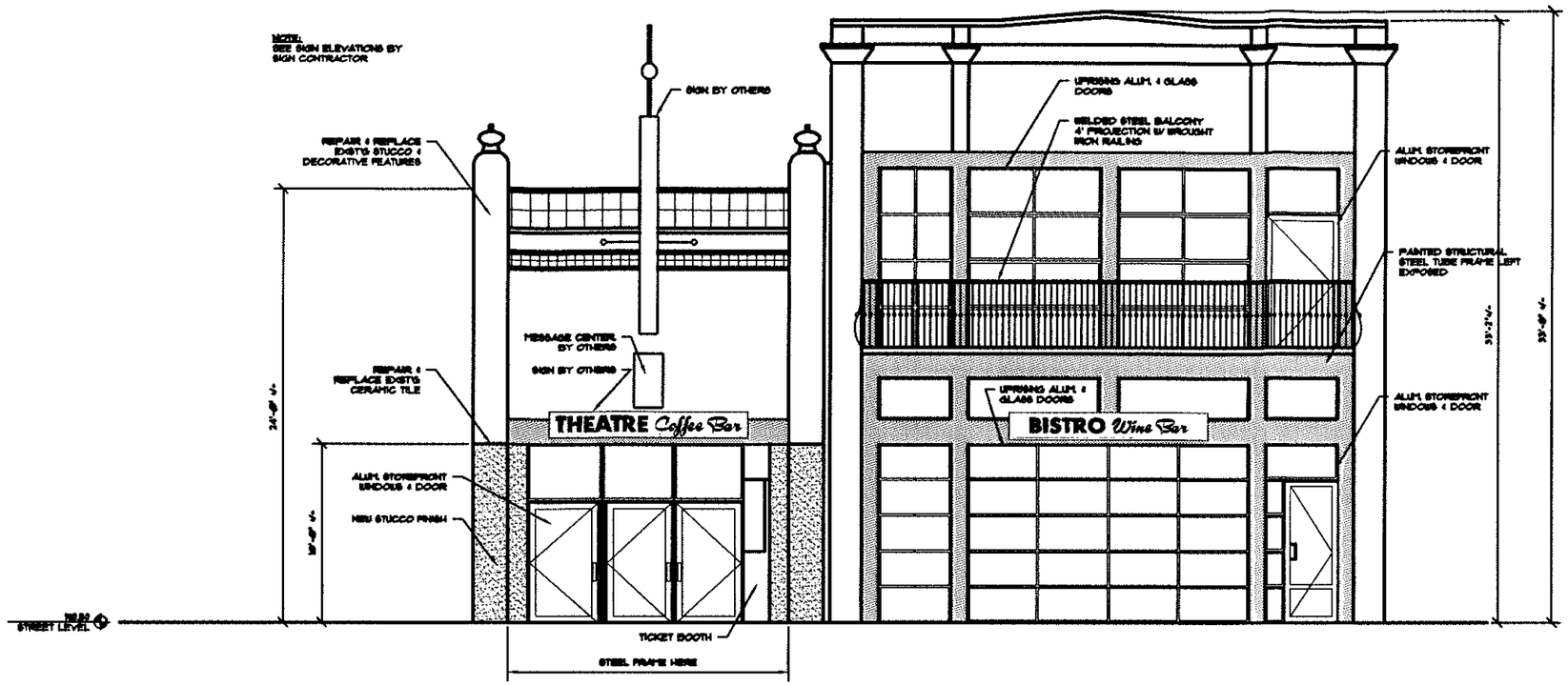


2 2ND FLOOR PLAN

job no.
date: 4-
drawn
checked

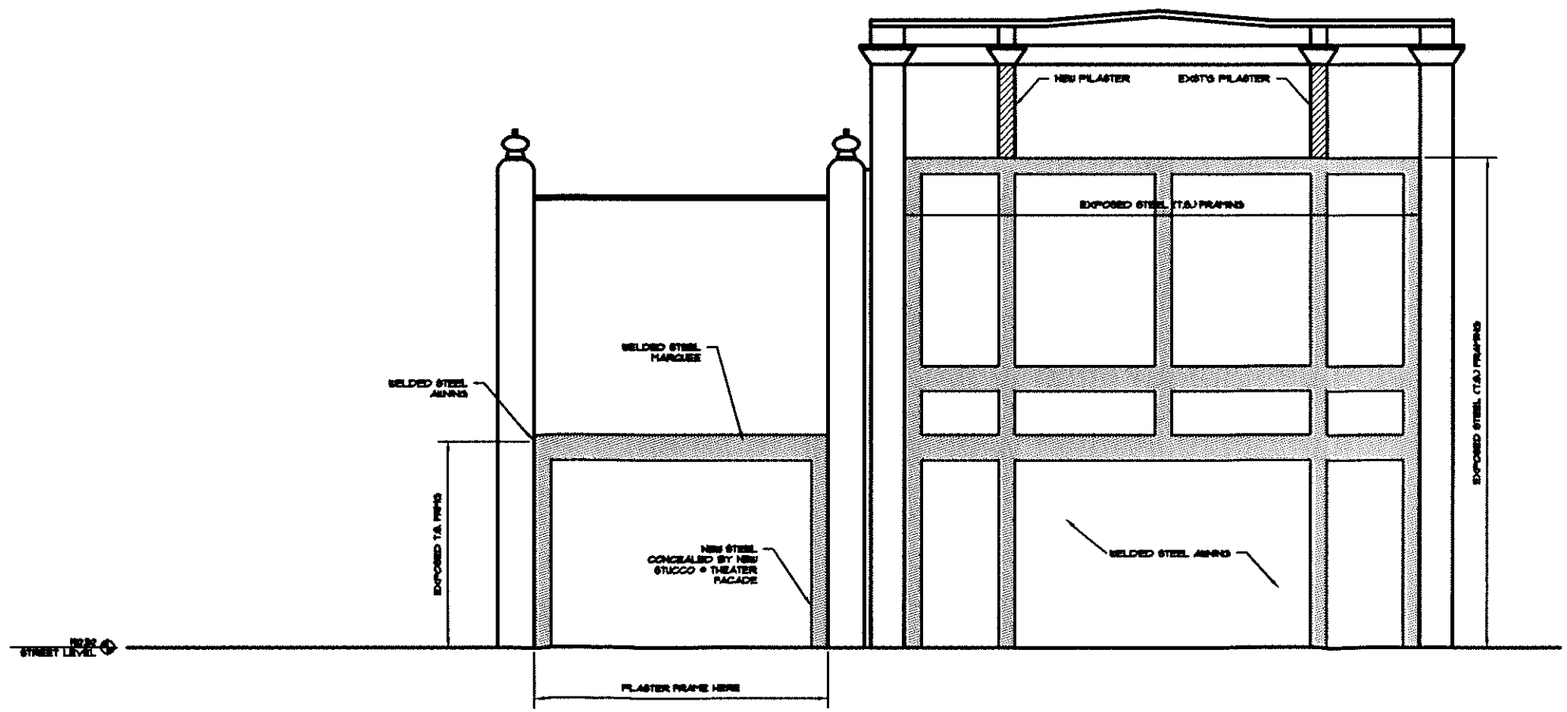
INTERIOR REMODEL FOR:
HILLSBORO TOWN THEATER

Partin and Hill



PROPOSED ELEVATION

SCALE: 1/4" = 1'-0"



Partin and Hill

RENOVATION FOR: DENZIL SCHELLER

VENETIAN THEATRE/BISTRO

LINE E
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CITY OF HILLSBORO

6A, B & C

CITY COUNCIL STAFF REPORT

July 12, 2007

TO: City Council
FROM: Planning Department

RE: Proposed Amendments to the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance regarding Density, Design, and Open Space: Casefile Numbers HCP 2-06; ZOA 5-06; and SOA 2-06

BACKGROUND

At their joint work session in March 2006, the City Council, Planning Commission, and Parks Commission directed Planning Department staff to proceed with amendments to correct specific deficiencies in the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance regarding density, open space, and design. The proposed amendments were nicknamed "Low Hanging Fruit," meaning that they were interim measures, rather than the more comprehensive amendments anticipated in the Major Code Update process. The amendments were divided into four areas:

- Reconcile different definitions of "net acre" or equivalent
- Reconcile inconsistent calculations of residential density
- Reconcile inconsistent definitions and enhancing requirements for usable open space
- Create objective design standards for development

First drafts of the Code amendment language were forwarded to the City Council in June 2006. At a Council work session, the Homebuilders Association of Metropolitan Portland (HBAMP) submitted a letter requesting that they be allowed to review the amendments with staff prior to initiation. Citizens also requested a similar opportunity, and meetings with these parties were held in July and September 2006.

At an October joint work session, Planning staff outlined five areas where changes were suggested from the earlier draft amendments:

- Change definitions of net acreage (and density) to subtract only unbuildable lands
- Establish new minimum and maximum densities for each zone
- Create an administrative review process for preliminary subdivision plat review
- Create an administrative review process for preliminary subdivision plat modification
- Codify and increase notification radii for certain land use applications

Additional revisions were made in the draft language as directed by the City Council and Planning Commission, and the Code amendments were initiated by the Planning Commission in

December 2006. The Commission opened the public hearing on the DDOS Code amendments on February 15, 2007, and continued them to March 14th and April 12th. A joint work session with the City Council was held on May 1st, and the Planning Commission hearings continued on May 23rd and June 13th. On June 27th, the Planning Commission unanimously adopted five resolutions to the City Council recommending approval of the Density, Design and Open Space amendments.

ATTACHED MATERIALS

During the public hearings and work sessions, the Planning Commission received 14 staff reports, including summaries of the public hearings on February 15th, March 14th, April 12th, and May 23rd. Copies of all staff reports are available in the Planning Department.

Although the texts of the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance amendments were included in the Planning Commission resolutions, and in the draft ordinances for Council's consideration, those documents provide a disjointed version of the changes, out of context with the Code sections which they amend. Planning staff prepared, for the final Planning Commission hearing on June 13th, the attached exhibits of selected excerpts from the Comprehensive Plan, Subdivision Ordinance, and Volumes 1 and 2 of the Zoning Ordinance. These "consolidated" exhibits include all the Code amendment language incorporated in the Planning Commission's resolutions and in the draft ordinances, in a more understandable context. Also attached is a final version of the Development Standards and Design Guidelines which were to be adopted by resolution.

In addition, the legislative findings for all five Planning Commission resolutions, prepared by the City Attorney, are attached for the Council members' review. These findings are included with the signature copies of each of the draft ordinances and the draft resolution, as Attachment A. The four draft ordinances and the draft resolution are available for review in the Planning and the Administration Departments.

Please contact the Planning Department at (503) 681-6155 with any questions regarding the proposed Code amendments.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

Deborah A. Raber

Deborah A. Raber AICP
Planning Project Manager

Attachments: Comprehensive Plan excerpts with consolidated amendments
Subdivision Ordinance with consolidated amendments
Zoning Ordinance Volume I excerpts with consolidated amendments
Zoning Ordinance Volume 2 excerpts with consolidated amendments
Development Standards and Design Guidelines ("Attachment B")
Adopted findings for Planning Commission resolutions

CONSOLIDATED DDOS CODE AMENDMENTS
HILLSBORO COMPREHENSIVE PLAN

Section 1. Planning and Citizen Involvement.

(IV) Minor Plan Amendments.

(A) Minor Plan Amendment: Plan Text.

On its own volition, the City Council or Planning Commission may initiate a minor plan amendment to the text of the Comprehensive Plan by resolution whenever a need for such a revision is documented. A minor plan amendment, proposing a change to the text of the Comprehensive Plan, shall be processed pursuant to legislative notice and procedures.

(1) Notice of any public hearing on a minor plan amendment to the Comprehensive Plan text shall be by two (2) publications in a newspaper of general circulation in the City of Hillsboro not less than five (5) days, nor more than twenty (20) days prior to the date of the hearing.

(B) Minor Plan Amendment: Plan Map.

A minor plan amendment proposing a change to the Comprehensive Plan Map designation shall be processed pursuant to quasi-judicial notice and procedures and may be requested at any time by a property owner(s), a person(s) purchasing property under contract, or a person(s) who has the written consent of the property owner.

An applicant for such a Map amendment shall show: 1) that the property is better suited for uses proposed than for the uses for which the property is currently designated by the Plan; and, 2) that a need exists for the proposed Plan Map designation that is not already met by existing Plan Map designations in the general area.

(1) Notice of any public hearing on such a minor plan amendment to the Comprehensive Plan Map shall be by two (2) publications in a newspaper of general circulation in the City not less than 5 days nor more than 20 days prior to the date of the hearing and by mailing written notice not less than 20 days prior to the date of the hearing to owners of property within the area enclosed by lines parallel to and 500 feet from the exterior boundaries of the property involved using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. In addition, the written notice shall be mailed to the community or neighborhood association and the Citizen Participation Organization within which the property is located and to State, county and city agencies or individuals who request such notice. The contents of the written notice shall comply with the applicable State statutory

requirements. The failure of a person to receive the notice specified in this section shall not invalidate any proceedings in connection with the proposed minor revision.

(2) A complete application and supporting information addressing the specific criteria for Plan Map amendments shall be filed with the City Planning Department. In order to defray the costs of processing, the application shall be accompanied by a fee as established by the City Council under Subsection (3) of this section. ***A complete application must include documentation of a neighborhood meeting in compliance with Subsection (4) of this Section.*** (Amended by Ord. No. 4132/3-93; 5312/10-03, and Ord. No. 5597/1-06.)

(3) For the purpose of establishing or revising the fee cited in subsection (2) above, the City Council shall hold a public hearing. Notice of such hearing shall be published in the local newspaper, and the proposed fee schedule shall be available in the Planning Department and on the City's web site. (Added by Ord. No. 5597/1-06.)

(***4***) ***Prior to submittal of an application for a Minor Plan Map Amendment, the applicant shall hold a neighborhood meeting at a location in the closest practicable proximity to the subject site. The meeting shall be held on a weekday evening or weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to the surrounding neighborhood, at the same notification radius required by the City for the minor Comprehensive Plan Map amendment. The applicant shall also post notice of the neighborhood meeting on the site at least seven days before the meeting.***

At the neighborhood meeting, the applicant shall provide preliminary details of the major elements of the development, including number and type of dwellings if applicable, proposed uses, street, lotting, and parking layouts, approximate building locations and heights, and approximate locations for open space and natural resource preservation as applicable. Opportunity shall be provided for attendees to ask questions regarding the proposal. The applicant shall prepare meeting notes of major points, issues, and responses concerning the development proposal that were discussed at the meeting. Only one neighborhood meeting per development proposal is required, but the applicant may hold more meetings if desired.

The neighborhood meeting notes, list of parties notified, dated photographs documenting site posting, copies of all materials provided by the applicant at the meeting, and a signature sheet of attendees shall be included with the development application upon submittal. ~~Applications not including this documentation, or submitted prior to the neighborhood meeting, shall be deemed incomplete.~~

Compliance with the provisions of this section is a jurisdictional requirement of the Hillsboro Comprehensive Plan. Applications shall not be submitted without this documentation, or submitted prior to the neighborhood meeting. If submitted, such applications shall not be accepted by the City.

Section 2. Urbanization.

(IV) Implementation Measures.

(I) Use of services available in the Hillsboro Planning Area will be maximized through the encouragement of new development at maximum densities prescribed by the applicable Comprehensive Plan/land use ordinance, and through the infilling of partially developed areas. ***The social and aesthetic impact of poorly designed development increases with density. Consequently, development proposals above the minimum prescribed density of the applicable zone must demonstrate compliance with any applicable objective development standards and design guidelines adopted by the City Council or the Planning Commission.***

Section 3. Housing.

(III) Policies.

(C) Housing in the planning area shall be designed ***and*** constructed ~~and maintained~~ in a manner that assures safe, healthy and convenient living conditions for the community's citizens. ***Residential projects shall be designed to promote a diverse, pedestrian-scale environment; respect surrounding context and enhance community character; consider security and privacy; and provide usable open space.*** Construction shall be sound, energy-efficient, and of a quality that assures a reasonable structural life and attractive appearance with normal maintenance. ***To apply this policy, the City may adopt development standards and design guidelines to be used in evaluation of residential projects through the subdivision, planned unit development, or development review process.***

(Y) Residential land shall develop within the density range designated by the Comprehensive Plan ***unless higher densities are approved by the City under the Planned Unit Development process.*** ~~However,~~ Density reductions and transfers may ***also*** be allowed within the Significant Natural Resource Overlay (SNRO) District and within Habitat Benefit Areas that fall outside of the SNRO District.

(IV) Implementation Measures.

(A) Developers of tracts of land which are sufficiently large to allow for comprehensive planning shall be encouraged to use the Planned Unit Development (PUD) process in order to permit the application of new technology, greater freedom of design, land development and ownership patterns, greater population densities and economy of land use, thereby promoting a harmonious variety of uses, a more efficient use of public facilities, and the creation of attractive, healthful and stable environments for living, shopping or working. The Planned Unit Development shall be a superimposed zone applied over the existing zone designation(s).

The procedural requirements for processing an application shall be that minimum necessary to adequately review the proposed development, and shall be coordinated with all other required reviews (i.e. Development Review). The PUD provisions of the Zoning Ordinance shall include clear and objective standards consistent with Section 2(III)(C)(6) herein.

Any ownership patterns and dwelling unit types which are allowable in the Residential designation could be included in a Planned Unit Development. Non-residential uses could be included if the use is supportive of the Residential use and is economically justified by the applicant.

Within a PUD, densities may reach ~~the minimum density allowed in the next highest designation~~ ***120 percent of the maximum density allowed in the implementing zone of the applicable Plan designation***. Such a density increase ~~above the existing designation need not be justified~~ ***must be mitigated*** by the applicant ***through provision of usable open space and amenities,***

innovative site design, architectural variety, and quality of construction. ~~Densities in excess of the aforementioned must be justified by the applicant~~. The ~~burden of justification~~ ***level of mitigation*** shall increase as the density increases above that cited.

(G) In order to provide greater flexibility and economy of land use, the Zoning ***and Subdivision Ordinance(s)*** shall ~~allow~~ ***require*** variable lot sizes ***and setbacks*** in single-family residential subdivisions ***of eight lots or larger***. ***At least*** 30% of the lots in a new subdivision ~~may~~ ***shall*** contain less than the average lot area allowed in the applicable zone, but the average of the lot sizes must be that specified for the zone. In addition, the minimum lot size ***approved in a subdivision or PUD*** shall not be less than ~~85%~~ ***75%*** of the average lot size established for each applicable zone. ***The Subdivision Ordinance shall provide clear and objective standards for variations in lot dimensions and structural setbacks, which may also be applied in residential Planned Unit Developments and through the Development Review process***.

CONSOLIDATED DDOS CODE AMENDMENTS
HILLSBORO ZONING ORDINANCE VOLUME I

Section 3. Definitions.

Lot line, front. In the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley. ***In the case of a "flag" lot, the front lot line shall be measured not from the street, but from the closest edge of the "pole" access extended parallel along the dwelling.***

Net Residential Acre. A net residential acre is equal to one acre of developable residential land. Net residential acreage is calculated by adjusting the gross acreage of a parcel or lot by deducting the amount of "undevelopa~~ble~~***ed***" land. Net residential acreage equals the gross square footage of a site minus the undevelopa~~ble~~***ed*** land divided by 43,560. Undevelopa~~ble~~***ed*** land is defined as, and limited to, that which is:

1. Required for dedications of public rights-of-way and easements, and for internal ~~publicways~~ ***streets*** required for fire access;

2. Required for storm water treatment and detention facilities;

3. Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or common areas applied to and credited towards the subject site, and any land dedicated to the City for parks or greenways;

4.. Optional open space within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resource structures;

~~3~~ 5. ~~Required set-asides for and setbacks from wetlands and drainageways;~~ Delineated wetlands, and vegetated corridors as required by Clean Water Services; and

~~4~~ 6. Any land with slopes of twenty-five percent (25%) or greater or within the most current mapped 100-year floodplain (as referenced in Section 131), unless used for building or parking purposes.

Parent Parcel. A lot of record or a lot in a proposed land division which is proposed to be developed with one or more multiple-unit residential structure(s), and which may be further divided to allow individual ownership of each unit.

Third Place. A commonly accessible location within a neighborhood, which is neither "home" nor "work", which functions as a gathering place for social interaction among residents and visitors. Alternatively, a commonly accessible location within a business district or a campus development which fulfills the same function for employees and customers. Such locations are characterized by planned or spontaneously occurring amenities such as hardscaped or landscaped group seating areas and activities equipment. Third places can be either indoors or outdoors, and either publicly or privately owned.

Usable Open Space. ***Planned and improved open areas that provide opportunities for active recreation; passive relaxation; or community interaction. Such areas may include, but are not limited to: children's play areas; pocket parks; improved playing fields or courts; and paved or landscaped pedestrian spaces. Usable open space does not include: foundation landscaping; enlarged or enhanced parking strips or sidewalks; or unimproved or vacant areas. Usable open space may include Resource Level 1, 2, or 3 Significant Natural Resource areas, wetlands or buffers only if such areas are enhanced pursuant to the standards of this Ordinance.***

Section 5. Classification of Zones. For the purposes of this ordinance, the city is divided into zones designated as follows:

ZONE	ABBREVIATED DESIGNATION
Single-family residential	R-10
Single-family residential	R-8.5
Single-family residential	R-7
Single-family residential	R-6
Multi-family residential	A-1
Multi-family residential	A-2
Multi-family residential	A-3
Multi-family residential	A-4
Neighborhood commercial	C-4
Central Commercial ***(deleted by Ordinance No. 4968/11-00)***	C-2
General commercial	C-1
Industrial	M-2
Industrial Park	M-P
Mobile home overlay ***(deleted by Ordinance No. 3029/8-79)***	M-H
Planned Unit Development overlay	PUD
Regulatory Floodplain District	RFD
Fairgrounds Commercial ***(deleted by Ordinance No. 4822/9-99)***	C-F
Special Industrial District overlay	***SID***
Shute Road Special Industrial District overlay	***SSID***
Significant Natural Resource overlay	***SNRO***
Light Rail Station Area Interim Protection Overlay (deleted by Ordinance No. 4976/11-00)	***SAIPO***
Station Community Residential – Low Density	***SCR-LD***
Station Community Residential – Medium Density	***SCR-MD***
Station Community Residential – High Density	***SCR-HD***
Station Community Residential – Village	***SCR-V***
Station Community Residential – Downtown Neighborhood Conservation	***SCR-DNC***
Station Community Residential – Orenco Townsite Conservation	***SCR-OTC***
Station Community Commercial – Central Business District	***SCC-CBD***
Station Community Commercial – Highway-Oriented District	***SCC-HOD***
Station Community Commercial – Station Commercial	***SCC-SC***
Station Community Commercial – Multi-Modal	***SCC-MM***
Station Community Industrial	***SCI***
Station Community Business Park	***SCBP***
Station Community Research Park	***SCRP***
Station Community Fair Complex Institutional	***SCFI***

Section 6. Zoning Map.

(1) The location and boundaries of the zones designated in Section 5 are hereby established as shown on the map entitled "~~Zoning Map of the City of Hillsboro~~," ***"City of Hillsboro Zoning Map"*** ~~dated with the effective date of this ordinance, and signed by the mayor and city recorder and~~ hereafter referred to as the "Zoning Map."

(2) The ***original*** signed copy of the zoning map shall be maintained without change on file in the office of the city recorder. ~~and is hereby made a part of this ordinance~~.

(3) ~~A reproducible copy~~ ***Copies*** of the Zoning Map showing all amendments shall be maintained by the Planning ***and Information Services*** Department***s***.

Residential Zone R-10

Section 8A. Minimum ***and Maximum*** Density***ies***. In the R-10 zone, the minimum density standard is 3 dwelling units per net residential acre. ***The maximum density standard is 3.75 dwelling units per net residential acre.***

Section 10. Lot Size. In an R-10 zone the lot size shall be as follows:

(1) The minimum ***average*** lot area shall be 10,000 sq. ft. with a maximum of one single-family residence (or duplex) per lot. However, in a newly platted or replatted subdivision ***of eight lots or more*** ~~(or portions thereof zoned R-10), the minimum average lot size shall be 10,000 sq. ft. provided that the following conditions are met~~: ***lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.***

~~a. Not to exceed 30% of the R-10 lots in the subdivision contain less than 10,000 sq. ft.~~

~~b. No R-10 lot contains less than 8,500 sq. ft.~~

(2) The minimum lot width***s*** at the front building line shall ~~be~~ ***average*** 70 feet.

(3) The minimum lot depth***s*** shall ~~be~~ ***average*** 90 feet.

(4) Notwithstanding the dimensional and area standards set forth in subsections (1) through (3) above, approved duplex lots may be split in order to allow for dual ownership, ***provided that the parent parcel meets or exceeds the minimum average lot areas and widths specified in Sections 1 and 2.*** The dwelling units shall have a common wall at the zero lot line.

Section 11. Setback Requirements. Except as provided in Sections 88 and 93, in an R-10 zone the yards shall be as follows:

(1) The front yard shall be a minimum of 20 feet, ***except as provided in Subsection 7 of this Section.***

(2) The side yard shall be a minimum of 10 feet, ***except as provided in Subsection 7 of this Section.***

(3) The rear yard shall be a minimum of 20 feet.

(4) All corner lots shall have interior yards of not less than 10 feet, ***except as provided in Subsection 7 of this Section.***

(5) All corner lots shall have front yards of not less than 20 feet, ***except as provided in Subsection 7 of this Section.***

(6) All duplex lots shall meet the setback requirements established in Subsections (1) through (5) above, except that the setback for the zero lot line shall be waived.

(7) In a newly platted or replatted subdivision of eight lots or more ~~(or portions thereof zoned R-10)~~***, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII***

Residential Zone R-7

Section 15A. Minimum ***and Maximum*** Density~~ies~~. In the R-7 zone, the minimum density standard is 5 dwelling units per net residential acre. ***The maximum density standard is 6.25 dwelling units per net residential acre.***

Section 17. Lot Size. In an R-7 zone the lot size shall be as follows:

(1) The minimum ***average*** lot area shall be 7,000 sq. ft. However, in a newly platted or replatted subdivision ***of eight lots or more*** ~~(or portions thereof zoned R-7), the minimum average lot size shall be 7,000 sq. ft. provided that the following conditions are met~~: ***lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.***

~~a. Not to exceed 30% of the R-7 lots in the subdivision contain less than 7,000 sq. ft.~~

~~b. No R-7 lot contains less than 6,000 sq. ft.~~

(2) The minimum lot width***s*** at the front building line shall ~~be~~ ***average*** 60 feet.

(3) The minimum lot depth***s*** shall ~~be~~ ***average*** 90 feet.

(4) Notwithstanding the dimensional and area standards set forth in subsections (1) through (3) above, approved duplex lots may be split in order to allow for dual ownership, ***provided that the parent parcel meets or exceeds the minimum average lot areas and widths specified in Sections 1 and 2.*** The dwelling units shall have a common wall at the zero lot line.

Section 18. Setback Requirements. Except as provided in Sections 88 and 93, in an R-7 zone the yards shall be as follows:

(1) The front yard shall be a minimum of 20 feet, ***except as provided in Subsection 7 of this Section.***

(2) The side yard shall be a minimum of five feet, and the sum of the two side yards shall be a minimum of 13 feet, ***except as provided in Subsection 7 of this Section.***

(3) The rear yard shall be a minimum of 20 feet.

(4) All corner lots shall have one interior yard of not less than five feet and one interior yard of not less than eight feet, the location of which to be determined by the developer, ***except as provided in Subsection 7 of this Section.***

(5) All corner lots shall have front yards of not less than 20 feet, ***except as provided in Subsection 7 of this Section.***

(6) All duplex lots shall meet the setback requirements established in Subsections (1) through (5) above, except that the setback for the zero lot line shall be waived.

(7) In a newly platted or replatted subdivision of eight lots or more ~~(or portions thereof zoned R-7)~~***, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.***

Residential Zone R-6

Section 20E. Minimum ***and Maximum*** Density***ies***. In the R-6 Zone, the minimum density standard is 6 dwelling units per net residential acre. ***The maximum density standard is 7.5 dwelling units per net residential acre.***

Section 20F. Lot Size. In an R-6 zone the lot size shall be as follows:

(1) The minimum ***average*** lot area shall be 6,000 sq. ft. However, in a newly platted or replatted subdivision ***of eight lots or more*** ~~(or portions thereof zoned R-6), the minimum average lot size shall be 6,000 sq. ft. provided that the following conditions are met~~: ***lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.***

~~a. Not to exceed 30% of the R-6 lots in the subdivision contain less than 6,000 sq. ft.~~

~~b. No R-6 lot contains less than 5,000 sq. ft.~~

(2) The minimum lot width***s*** at the front building line shall ~~be~~ ***average*** 55 feet.

(3) The minimum lot depth***s*** shall ~~be~~ ***average*** 85 feet.

(4) Notwithstanding the dimensional and area standards set forth in subsections (1) through (3) above, approved duplex lots may be split in order to allow for dual ownership, ***provided that the parent parcel meets or exceeds the minimum average lot areas and widths specified in Sections 1 and 2***. The dwelling units shall have a common wall at the zero lot line.

Section 20G. Setback Requirements. Except as provided in Sections 88 and 93, in an R-6 zone the yards shall be as follows:

(1) The front yard shall be a minimum of 20 feet, ***except as provided in Subsection 7 of this Section.***

(2) The side yards shall be a minimum of five feet each, ***except as provided in Subsection 7 of this Section.***

(3) The rear yard shall be a minimum of 20 feet.

(4) All corner lots shall have interior yards of not less than five feet, ***except as provided in Subsection 7 of this Section.***

(5) All corner lots shall have one front yard setback of not less than 20 feet and one front yard setback of not less than 10 feet, ***except as provided in Subsection 7 of this Section.*** However, the garage shall have a minimum 20 foot setback.

(6) All duplex lots shall meet the setback requirements established in Subsections (1) through (5) above, except that the setback for the zero lot line shall be waived.

(7) In a newly platted or replatted subdivision of eight lots or more ~~(or portions thereof zoned R-6)~~ ***front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII.***

Residential Zone R-4.5

Section 20K. Purpose and Intent. *The R-4.5 Single Family Residential zone implements the lower densities in the Medium Density Residential Plan designation. This zone provides opportunity for development of single family detached dwelling units on smaller lots.*

Section 20L. Uses Permitted Outright. *Uses permitted outright in an R-6 Zone, excluding duplex dwellings, are permitted outright in an R-4.5 zone. Accessory dwellings are permitted only internally within a detached house, subject to the building height and lot coverage standards in Subsections 20Q and 20 R.*

Section 20M. Conditional Uses Permitted. *A use permitted as conditional in an R-6 zone is permitted as a conditional use in an R-4.5 zone.*

Section 20N. Minimum and Maximum Densities. *In the R-4.5 Zone, the minimum density standard is 8 dwelling units per net residential acre, and the maximum density is 10 dwelling units per net residential acre.*

Section 20O. Lot Size. *In an R-4.5 zone, the lot size shall be as follows:*

(1) The minimum average lot area shall be 4500 square feet. However, in a newly platted or replatted subdivision of eight lots or more lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article IV.
(2) The minimum lot widths at the front building line shall average 50 feet.
(3) The minimum lot depths shall average 80 feet.

Section 20P. Setback Requirements. *Except as provided in Sections 88 and 93, in an R-4.5 zone the yards shall be as follows:*

1) The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be 20 feet, except as provided in Subsection 6 of this Section.
(2) The side yard shall be a minimum of five feet, except as provided in Subsection 6 of this Section.
(3) The rear yard shall be a minimum of 15 feet.
(4) All corner lots shall have interior yards of not less than five feet, except as provided in Subsection 6 of this Section.
(5) All corner lots shall have one front yard setback of not less than 15 feet and one front yard setback of not less than 10 feet, however, the garage door shall have a minimum 20 foot setback, measured to the inside edge of the sidewalk or to the curb as applicable.
(6) In a newly platted or replatted subdivision of eight lots or more, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VI

Section 20Q. Height of Building. *In an R-4.5 zone, buildings shall not exceed a height of 35 feet or two-and-a-half stories, whichever is less.*

Section 20R. Lot Coverage. ***In an R-4.5 zone, buildings shall not occupy more than 55 percent of the area of an interior lot nor 60 percent of a corner lot.***

Section 20S. Sidewalk and Street Tree Standards. ***In an R-4.5 zone, in a newly platted or replatted subdivision, property line sidewalks shall be installed with a minimum 4.5 foot wide planting strip between the curb and the sidewalk. Street trees shall be planted in the planting strip, concurrent with home construction, at two trees per lot for lots with fifty feet of frontage or greater and one tree per lot for lots with less than fifty feet of frontage. Where site conditions are favorable, the City encourages the provision of stormwater management facilities within the planting strip and other low impact development (LID) techniques and practices as described in Section 131B Habitat Friendly Development Practices. Street trees shall be planted in compliance with City standards.***

Duplex Residential Zone A-1

Section 22A. Minimum ***and Maximum*** Density~~y~~***ies***. In the A-1 zone, the minimum ***and maximum*** density standards are as follows:

~~(1) 8 dwelling units per net residential acre for detached single family lots;~~

(2) ~~12~~ ***11*** dwelling units ***minimum, and 16 dwelling units maximum*** per net residential acre ~~for duplexes and multifamily lots~~; and

(3) Developments not approved pursuant to Section 127 Planned Unit Development, within areas identified as Urban Area B and Urban Area C in the ***previous*** Urban Planning Area Agreement between Hillsboro and Washington County (adopted December 28, 1983), may have overall densities in the multi-family portions of mixed density developments in the A-1 zone exceeding ~~one unit per 3000 square feet~~ ***16 dwelling units per net acre***; however, the maximum overall density of the entire mixed density development in the A-1 zone shall be limited to ~~the equivalent of one unit per 3000 square feet~~ ***16 dwelling units per net acre.***

Section 24. Lot Size. In an A-1 zone the lot size shall be as follows:

(1) The minimum ***average*** lot area shall be 4500 square feet for detached single family lots, 6000 square feet for duplex lots and 9000 square feet for multi-family lots, except as provided in Subsections (4) and (5) of this Section. ***However, in a newly platted or replatted subdivision of eight lots or more*** ~~(or portions thereof zoned A-1)~~***, lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VI.***

(2) The minimum lot width***s*** at the front building line shall ~~be~~ ***average*** 50 feet, except as provided for in Subsection (4) of the Section.

(3) The minimum lot depth***s*** shall ~~be~~ ***average*** 85 feet.

(4) Notwithstanding the dimensional and area standards set forth in Subsections (1) and (2) above, approved duplex and multi-family lots may be split in order to allow for dual ownership, ***provided that the parent parcel meets or exceeds the minimum average lot areas and widths specified in Sections 1 and 2.*** The dwelling units shall have a common wall at the zero lot line.

~~(5) Developments proposing lots smaller than 4500 square feet, or lots with depths and widths less than those set forth in subsections (1), (2), and (3) above, for detached single family residences such as rowhouses and courtyard cluster houses, may be approved only pursuant the Planned Unit Development process as specified in Section 127 of this Ordinance. Planned Unit Developments approved for smaller lots under this provision shall be exempt from compliance with Zoning Ordinance Section 127(III) (C).~~

~~(6)~~ ***(5)*** No more than four (4) dwelling units per structure shall be allowed on lots smaller than 22,000 square feet in area.

Section 25. Setback Requirements. Except as provided in Sections 88 and 93, in an A-1 zone the yards shall be as follows:

(1) The front yard of the house shall be a minimum of 15 feet, and the front yard of the garage shall be 20 feet, except as provided in Subsection**s** 7 ***and 8*** of this Section.

(2) The side yards shall be a minimum of five feet, except as provided for in Subsections (6), (7), ***and (8)*** of this Section.

(3) The rear yard shall be a minimum of 15 feet.

(4) All corner lots shall have interior yards of not less than five feet, except as provided in Subsection**s *(7) and (8)*** of this Section.

(5) All corner lots shall have one front yard setback of not less than 20 feet and one front yard setback of not less than 10 feet, ***except as provided in Subsection (7) of this Section.*** However, the garage shall have a minimum 20 foot setback.

(6) The five foot side yard setback required in subsection (2) of this section may be waived for approved duplex and multi-family lots partitioned or subdivided in accordance with Section 24(4), when the proposed property line corresponds with a common wall between individual units.

Waiver of the five foot side-yard setback may include approval of eave, gutter, and other non-structural, non-load-bearing projections extending up to eighteen (18) inches past the common wall property line of a duplex or multi-family lot partitioned or subdivided in accordance with Section 24 (4). Partitions or subdivision of duplex or multi-family lots involving structures with projections extending across the common wall property line shall be conditioned to require provision of reciprocal easements for the encroachment and maintenance of the projections.

(7) Developments proposing zero lot line sideyard setbacks and reduced front and rear yard setbacks, for attached or detached single family residences such as rowhouses and courtyard cluster houses, may be approved only pursuant the Planned Unit Development process as specified in Section 127 of this Ordinance. ~~Planned Unit Developments approved for reduced setbacks under this provision shall be exempt from compliance with Zoning Ordinance Section 127 (III)(C) and 127(III)(I)(1)(a).~~

(8) In a newly platted or replatted subdivision of eight lots or more ~~(or portions thereof zoned A-1)~~***, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VI.***

Multi-Family Residential Zone A-2

Section 29A. Minimum ***and Maximum*** Density~~y~~***ies***. In an A-2 zone, the minimum density standard is 17 dwelling units per net residential acre. ***The maximum density standard is 21.25 dwelling units per net residential acre.***

Section 31. Lot Size. In an A-2 Multi-Family Residential zone, the lot sizes shall be as follows:

(1) The minimum ot size shall be 6000 square feet, except as provided in Subsection (3) of this Section. A minimum of 2,000 square feet of lot area is required per dwelling unit.

(2) The minimum lot width at the front building line shall be 55 feet, and the minimum lot depth shall be 85 feet except as provided for in Subsection (3) of the Section.

(3) Notwithstanding the dimensional and area standards set forth in Subsections (1) and (2) above, approved duplex and multi-family lots may be partitioned or subdivided in order to allow for ownership of each dwelling unit, ***provided that the parent parcel meets or exceeds the minimum lot areas and widths specified in Sections 1 and 2***. The dwelling units shall have a common wall at the zero lot line.

Section 32. Setback Requirements. Except as provided in Sections 88 and 93, in an A-2 zone the yards shall be as follows:

(1) The front yard shall be a minimum of 15 feet.

(2) The side yard shall be a minimum of five feet, and shall be increased one and one-half feet for each additional story over one story.

(3) The rear yard shall be a minimum of ~~five~~ ***ten*** feet, ~~and shall be increased one and one-half feet for each additional story~~.

(4) All corner lots shall have interior yards of not less than five feet, and shall be increased one and one-half feet for each additional story.

(5) All corner lots shall have front yards of not less than 15 feet.

(6) The side yard setbacks required in subsection (2) of this section may be waived for approved duplex and multi-family lots partitioned or subdivided in accordance with Section 31 (3), when the proposed property line corresponds with a common wall between individual units.

Multi-Family Residential Zone A-4

Section 34C. Minimum ***and Maximum*** Density~~y~~***ies***. In the A-4 zone, the minimum density standard is 17 dwelling units per net residential acre. ***The maximum density standard is 21.25 dwelling units per net residential acre.***

Section 34E. Lot Size. In an A-4 Multi-Family Residential zone, the minimum lot size shall be as follows:

(1) The minimum lot size shall be 6000 square feet, except as provided in Subsection (3) of this Section. A minimum of 2,000 square feet of lot area is required per dwelling unit.

(2) The minimum lot width at the front building line shall be 55 feet, and the minimum lot depth shall be 85 feet except as provided for in Subsection (3) of the Section.

(3) Notwithstanding the dimensional and area standards set forth in Subsections (1) and (2) above, approved duplex and multi-family lots may be partitioned or subdivided in order to allow for ownership of each dwelling unit, ***provided that the parent parcel meets or exceeds the minimum lot areas and widths specified in Sections 1 and 2***. The dwelling units shall have a common wall at the zero lot line.

Section 34F. Setback Requirements. Except as provided in Sections 88 and 93, in an A-4 zone the yards shall be as follows:

(1) The front yard shall be a minimum of 15 feet.

(2) The side yard shall be a minimum of five feet, and shall be increased one and one-half feet for each additional story over one story.

(3) The rear yard shall be a minimum of ~~five~~ ***ten*** feet, ~~and shall be increased one and one-half feet for each additional story~~.

(4) All corner lots shall have interior yards of not less than five feet, and shall be increased one and one-half feet for each additional story

(5) All corner lots shall have front yards of not less than 15 feet.

(6) The five foot side yard setback required in subsection (2) of this section may be waived for approved duplex and multi-family lots partitioned or subdivided in accordance with Section 24(4), when the proposed property line corresponds with a common wall between individual units.

Waiver of the five foot side-yard setback may include approval of eave, gutter, and other non-structural, non-load-bearing projections extending up to eighteen (18) inches past the common wall property line of a duplex or multi-family lot partitioned or subdivided in accordance with Section 24 (4). Partitions or subdivision of duplex or multi-family lots involving structures with projections extending across the common wall property line shall be conditioned to require provision of reciprocal easements for the encroachment and maintenance of the projections.

Multi-Family Residential Zone A-3

Section 36A. Minimum ***and Maximum*** Density~~ies~~. In an A-3 zone, the minimum density standard is 23 dwelling units per net residential acre. ***The maximum density standard is 28.75 dwelling units per net residential acre.***

Section 38. Lot Size. In an A-3 Multi-Family Residential zone, the minimum lot size shall be as follows:

(1) The minimum lot size shall be 6000 square feet. A minimum of 1500 square feet of lot area is required per dwelling unit.
(2) The minimum lot width at the front building line shall be 60 feet.
(3) The minimum lot depth shall be 90 feet.
(4) Notwithstanding the dimensional and area standards set forth in Subsections (1) and (2) above, approved duplex and multi-family lots may be partitioned or subdivided in order to allow for ownership of each dwelling unit, ***provided that the parent parcel meets or exceeds the minimum lot areas and widths specified in Sections 1 and 2***. The dwelling units shall have a common wall at the zero lot line.

Section 39. Setback Requirements. Except as provided in Sections 88 and 93, in an A-3 zone the yards shall be as follows:

(1) The front yard shall be a minimum of 10 feet.
(2) The side yard shall be a minimum of five feet, plus an additional one foot for each story over two. On corner lots the side yards shall be a minimum of 10 feet on the side abutting a street.
(3) The rear yard shall be a minimum of ~~five~~ ***ten*** feet, ~~plus an additional one foot for each story over two.~~
(4) The side yard setback required in subsection (2) of this section may be waived for approved duplex and multi-family lots partitioned or subdivided in accordance with Section 24(4), when the proposed property line corresponds with a common wall between individual units.

Waiver of the five foot side-yard setback may include approval of eave, gutter, and other non-structural, non-load-bearing projections extending up to eighteen (18) inches past the common wall property line of a duplex or multi-family lot partitioned or subdivided in accordance with Section 24 (4). Partitions or subdivision of duplex or multi-family lots involving structures with projections extending across the common wall property line shall be conditioned to require provision of reciprocal easements for the encroachment and maintenance of the projections.

Section 48A. Mixed Use Districts

V. REVIEW PROCEDURES

D. Variances

3. Public Hearing on a Variance

Before acting on a request for a variance, the Planning Commission shall consider the variance at a Public Hearing held within 40 days after filing of the application. Not less than ~~10~~ ***20*** days prior to the date of the Hearing, the City Recorder shall give written notice by mail of the hearing to owners of property ~~abutting on the sides of the lot or lots involved and to the owner or owners of the property directly across the street or alley from any lot on which the variance is requested~~ ***situated within a 200 foot radius of the boundary of the property subject to the request*** using for this purpose names and addresses of owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a variance.

Conditional Uses

Section 80. Public Hearing on a Conditional Use. Before acting on a request for a conditional use, the proposed Conditional Use shall be considered by the Hearings Board at a Public Hearing held within 40 days after filing of the application. (Exception: See Section 55, Subsection (1).) The City Recorder shall give notice of the hearing in each of the following manners:

1. By publication of a notice in a newspaper of general circulation in the City not less than four days nor more than 18 days prior to the date of the hearing.

2. By sending notices by mail not less than 10 days prior to the date of the hearing to the ~~property owners within the area enclosed by lines parallel to and 200 feet from the exterior boundaries of the property involved~~ ***owners of property situated within a 500 foot radius of the boundary of the property subject to the request,***, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this section shall not invalidate any proceedings in connection with the application for a conditional use.

Section 88. General Provisions Regarding Accessory Uses. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this Ordinance and shall comply with the following limitations:

~~(3) A guest house may be maintained accessory to a dwelling, provided there are no cooking facilities in the guest house.~~

(4)***(3)*** Regardless of the side and rear yard requirements of the zone, in a residential zone a side or rear yard may be reduced to ~~two~~ ***three*** feet for an accessory structure erected more than 65 feet from a street other than an alley, provided the structure is detached from other buildings by ~~five~~ ***six*** feet or more and does not exceed a height of ~~one story~~ ***ten (10) feet,*** nor an area of 450 square feet ***measured at the outermost points of the foundation or supports. Eaves on accessory structures shall not extend closer than two feet from the property line.***

The 10-foot height of an accessory structure eligible for reduced setbacks as described in this section shall be measured from grade to the mid-point between the roof peak and the roof eave.

Section 88A. Accessory Dwellings:

~~(5) Notice. An applicant for a building permit to construct the accessory dwelling unit pursuant to Section 88A shall give written notice of the commencement of the unit's construction by mail or personal delivery to the owners of property situated within a 100-foot radius of the property boundary of the lot upon which the accessory dwelling will be built. The notice shall be given at least ten (10) days prior to the beginning date of construction of the accessory dwelling unit. Failure to give such notice shall result in a fine to the building permit applicant of $250~~

~~for each owner of property entitled to receive a notice under this subsection who did not receive the notice. However, failure to give the notice shall not invalidate an otherwise properly issued building permit for the unit.~~

(5) Development Review Required. Construction of an accessory dwelling shall be subject to the requirements of Section 133 Development Review / Approval of Plans.

Section 90. Projections from Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar ***non-load-bearing*** architectural features may not project more than two feet into a required yard or into open space as established by coverage standards, ***except as provided in subsections a) and b).***

a) ~~Exception Therefrom:~~ ~~Similar~~ ***Non-load-bearing*** architectural features may not project more than four feet into the required front or rear yards of all dwellings located within the single family and duplex zones. ***However, non-loading architectural features on accessory structures having reduced setbacks are subject to the restrictions in Section 88 (3).***

b) Under the provisions of adopted Development Standards and Design Guidelines, the Planning Commission may approve load-bearing architectural projections into side yard setbacks during review of subdivisions or Planned Unit Developments of eight lots or more.

Variances

Section 106. Authorization to Grant or Deny Variances. ***Excluding the provisions of Section 48A Mixed Use Districts and Section 133 Development Review / Approval of Plans,*** the Hearings Board may authorize variances from the requirements of this Ordinance. ***Variances from the provisions of Sections 48A and 133 may be authorized only by the Planning Commission. Either the Hearings Board or the Planning Commission may authorize variances*** where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the Board ***or the Commission*** may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance.

Section 109. Public Hearing on a Variance. Before acting on a request for a variance, the Hearings Board shall consider the variance at a Public Hearing held within 40 days after filing of the application. Not less than 10 days prior to the date of the Hearing, the City Recorder shall give written notice by mail of the hearing to owners of property ~~abutting on the sides of the lot or lots involved and to the owner or owners of the property directly across the street or alley from any lot on which the variance is requested and shall notify owners of any other lot which the Board deems may be affected by the proposed variance~~ ***situated within a 200 foot radius of the boundary of the property subject to the request,***, using for this purpose names and addresses of owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a variance.

Administration, Enforcement, and Interpretation

Section 117. Enforcement. The Planning Director shall have the power and duty to enforce the provisions of this Ordinance. Notwithstanding any other provision of this ordinance, the Planning Director has the authority to make reasonable accommodations in the application of this ordinance when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling to the extent required by federal or state law. In considering whether an accommodation is reasonable, the Planning Director may consider whether the request puts an undue burden or expense on the city and whether the proposed use creates a fundamental alteration in the zoning ordinance. The accommodation may result in a permitted or conditional waiver of any limitation of this ordinance. An appeal from the ruling of the Planning Director shall be made to the Hearings Board, ***with the exception that an appeal of the Planning Director's decision on a Development Review application shall be made to the Planning Commission under the provisions of Section 133 IX.***

Section 126. R-8.5 Single-family Residential Zone.

(5) Minimum ***and Maximum*** Density~~ies~~. In the R-8.5 zone, the minimum density standard is 4 dwelling units per net residential acre. ***The maximum density standard is 5 dwelling units per net residential acre.***

(6) Lot size. ***In an R-8.5 zone the lot size shall be as follows:***

(a) The minimum ***average*** lot area shall be 8,500 sq. ft. However, in a newly platted or replatted subdivision ***of eight lots or more*** ~~(or portions thereof zoned R-8.5), the minimum average lot size shall be 8,500 sq. ft. provided that the following conditions are met~~: ***lot areas and widths shall be varied as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VI.***

~~a. Not to exceed 30% of the R-8.5 lots in the subdivision contain less than 8,500 sq. ft.~~

~~b. No R-8.5 lot contains less than 7,250 sq. ft.~~

(b) Minimum lot width***s*** at the front building line: Sixty-five (65) feet ***average***.

(c) Minimum lot depth***s:*** Ninety (90) feet ***average.***

(d) Notwithstanding the dimensional and area standards set forth in items (a) through (c) above, approved duplex lots may be split in order to allow for dual ownership, ***provided that the parent parcel meets or exceeds the minimum average lot areas and widths specified in Sections 1 and 2***. The dwelling units shall have a common wall at the zero lot line.

(7) Setback Requirements. Except as provided in Sections 88 and 93, in an R-8.5 zone the yards shall be as follows:

(a) Minimum front yard: Twenty (20) feet, ***except as provided in Subsection 7 of this Section.***

(b) Minimum rear yard: Twenty (20) feet.

(c) Minimum side yard: Six (6) feet, ***except as provided in Subsection g of this Section.***

(d) Minimum interior yards on corner lots: Eight (8) feet, ***except as provided in Subsection g of this Section.***

(e) Minimum front yards on corner lots: Twenty (20), ***except as provided in Subsection g of this Section.***

(f) All duplex lots shall meet the setback requirements established in items (a) through (e) above, except that the setback for the zero lot line shall be waived.

(g) In a newly platted or replatted subdivision of eight lots or more ~~(or portions thereof zoned R-8.5)~~, front yards shall be varied, and side yards may be varied, as specified in the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VI.

Section 127. Planned Unit Development.

III. Standards and Criteria. The following standards and criteria shall govern the application for a PUD within the City:

E. The allowable residential density shall be established for the ~~net development area of the~~ subject property, ***using the net residential acreage as defined in Section 3.*** ~~This net area is calculated by subtracting the area set aside for non-residential uses (i.e. a school, commercial use, floodplain, wetlands, or wetland buffer) from the gross development area. All land areas intended for other uses such as parking and driveways, public utility easements, recreation, and open space, shall be included in the net development area figure. Except for projects located within or partially within the Significant Natural Resources Overlay (SNRO) District, allowable residential density shall be calculated by multiplying the net development acreage by the minimum units/acre of the density range next highest to that allowed according to the Hillsboro Comprehensive Plan Map designation for the property, to determine the number of units permitted.~~ Allowable residential density for projects located within or partially within the SNRO District shall be calculated pursuant to Section 131A (14) ***and (15)***.

An increase in density above the ~~minimum units/acre of the next highest designation specified by the Hillsboro Comprehensive Plan~~ ***maximum density allowed in the implementing zone of the underlying Comprehensive Plan designation*** may be proposed and can be permitted. The applicant must ~~justify~~ ***mitigate*** increased density, and the ~~burden of justification~~ ***level of mitigation*** shall increase as the proposed density increases. At a minimum, the applicant must explain how the increase can be ~~considered to be in conformance with the Plan designation for the site~~ ***offset through provision of usable open space and amenities, innovative site design, architectural variety, and quality of construction*** and demonstrate that any adverse impacts can be mitigated.

Pursuant to Comprehensive Plan Natural Resources, Open Space, Scenic and Historical Sites Policy (E) (5), in a proposed PUD containing Significant Natural Resource Sites, as shown on the SNRO District Map, the allowable densities shall be reduced within the Significant Natural Resources Overlay District, and may be transferred from the Significant Natural Resources Overlay District to the remainder of the site, as specified in Section 131A. Density reductions and transfers may be allowed in the Tualatin Basin regional Goal 5 Program's Habitat Benefit Areas that are not within the Significant Natural Resource Overlay District.

F. Building and parking area setbacks, ***minimum lot area***, lot coverage and building height must conform to the requirements of the zone underlying a majority of the PUD unless a deviation is proposed, considered and approved as a part of the application process. Any such deviation must be justified by the applicant by addressing the exceptions criteria of subsection (K) below. ***Deviations to lot areas and building setbacks which would reduce such dimensions below the minimum of any applicable mandatory variation range of the zone shall not be allowed, although increases in numbers of lots or structures with reduced dimensions may be allowed.*** Such deviation shall only be approved if the Planning Commission finds that the

proposal conforms to the exceptions criteria of subsection (K) below. ***Lotting patterns, setbacks, and architectural design shall conform to the intent of the current Development Standards and Design Guidelines adopted under Subdivision Ordinance Article VI.***

H. ~~At least fifteen percent (15%) of the net development area shall be utilized as Open Space. Open space, covered or uncovered, is the land area to be used for scenic, cultural, landscaping or recreational purposes within the PUD. Open Space does not include proposed drives, streets, or rights-of-way, parking areas and their accessory uses. A performance bond in an amount up to 120% of the total estimated open space improvement costs may be required by the City to insure that these improvements are installed~~. ***Residential PUDs in all non-light rail zones shall provide usable open space within the project based on the gross acreage of the project, as shown in the following table:***

Project Gross Acreage	*Required Usable Open Space*
1.01 to 5.0	*5.0%*
5.01 to 15.0	*7.5%*
15.01 to 25.0	*10.0%*
25.01 to 50.0.	*12.5%*
Over 50.0.	*15.0%*

1. Maintenance of ***private*** open space and other PUD facilities, such as private streets, shall be the responsibility of the Homeowners' Association created in accordance with Oregon Revised Statutes.

2. ***Usable open space in residential PUDs shall be sited and improved to provide active recreational and "third place" amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of the required usable open space area shall be improved for active recreational and "third place" use.***

3. ***Usable open space in residential PUDs may include passive recreational areas only where inventoried Resource Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Such areas or portions thereof may be counted toward the usable open space under the following standards:***

a) ***public accessways and covered viewing areas are provided;***
b) ***only that portion of the inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffer area visible from the viewing area is applicable toward the requirement.***

c) the entire area is enhanced pursuant to Clean Water Services standards and the requirements of Section 131A if applicable; and

d) the visible inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers will not count for more than 25 percent of the required usable open space.

4. Development within areas designated as Town Centers or Main Streets on the Hillsboro 2040 Growth Concept Boundaries Map shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water features and drinking fountains; benches or low walls with seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development.

K. Exceptions.

4. Open Space. The Planning Commission may grant an exception to the Open Space requirements of this Section upon a finding that:

~~a. The overall landscape plan provides for a minimum of fifteen (15) percent of the gross site area to be landscaped.~~

a. The development is within ¼ mile (measured in actual walking distance) of a publicly accessible active open space area such as a public park ~~or school grounds~~; or

b. a minimum of 800 square feet of private open space per lot or dwelling unit is provided for at least 65 percent of the lots or dwelling units in the development. To apply toward this exception, such private individual open space must be configured in contiguous side or rear yards with minimum depths or widths of 10 feet. Second story decks or roof gardens may also apply toward the 800 square foot standard, provided that the decks or gardens are at least 120 contiguous square feet in area.

5. Density. The Planning Commission may grant an exception to allow an increase from the maximum density of the underlying zone, up to a maximum of 120 percent of the underlying density, upon finding that:

a. existing and proposed streets and pedestrian / bicycle systems within and connecting to the development are adequate to support the proposed density;

b. existing and proposed water, sanitary sewer and storm drainage facilities within and connecting to the development are adequate to support the proposed density;

c. the increase does not necessitate unnecessary topographic alterations or impact significant natural resource areas, including impact areas;

d. the development will provide usable open space and other amenities of exceptional quality or quantity, especially active recreational areas;

e. the additional density will be located internal to the project in a manner which decreases the visual impact on adjacent properties; and

f. the development demonstrates innovative site design, outstanding architectural variety, and quality of construction.

g. the development demonstrates a high level of compliance with habitat friendly, low impact development practices as listed in Zoning Ordinance Section 131B.

h. the development demonstrates a high level of compliance with recognized practices for sustainable development, including but not limited to the following: lot and structure orientation for passive and/or active solar energy use; covenants ensuring maintenance of future solar access; use of wind turbines or wind collectors for power generation or passive ventilation; provision of community greenhouses, gardens, or orchards; use of water conserving landscaping; use of storm water harvesting or diversion for irrigation; enhanced tree plantings; and use of green roofs.

IV. Preliminary Application.

B. Application. An application, with the required fee established in Section 129, for preliminary plan approval shall be made by the owner(s) of the affected property, or the owner's authorized agent, on a form prescribed by and submitted to the Planning Department. The applicant shall submit ~~ten~~ ***25*** copies ~~and, for each drawing submitted, also a sepia or other reproducible~~ of each item listed below:

(13) Site plans, street and driveway cross-sections, landscaping and open space plans, fence and wall plans, street tree plans, and building elevations documenting compliance with the intent of any applicable development standards and design guidelines adopted by the City Council or the Planning Commission pursuant to Subdivision Ordinance Article VI.

Application Fees

Section 129. Application Fees. For the purpose of defraying the costs incurred by the City in processing applications, each application initiated by a property owner or authorized agent of the owner shall be accompanied by fees as established by the City Council. The Council shall hold a public hearing to establish land use application fees. Notice of such hearing shall be published in the local newspaper, and the proposed fee schedule shall be available in the Planning Department and on the City's web site.

Section 129A. Neighborhood Meetings

(1) Purpose and Intent. Neighborhood meetings encourage citizen involvement and participation, and identification of issues, early in the development process. The purpose of neighborhood meetings is to provide an opportunity for the applicant, surrounding neighbors and interested parties to meet, to review a development proposal, and to identify issues regarding the proposal. These issues can then be addressed prior to application submittal in a manner consistent with the City's requirements. A neighborhood meeting is intended to facilitate submittal of an application that is more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by reducing continuances and appeals.

(2) Applicability. The following applications shall be subject to the neighborhood meeting requirements: planned unit developments; conditional uses; floodplain alterations or special uses in the floodplain; and Type 2 Significant Natural Resource Permits.

(3) Procedures

A. Neighborhood meetings shall be held at a location in the closest practicable proximity to the subject site. The meeting shall be held on a weekday evening, or weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to surrounding neighborhood, at the same notification radius required by the City for that type of application. The applicant shall also post notice of the neighborhood meeting on the site at least seven days before the meeting.

B. At the neighborhood meeting, the applicant shall provide preliminary details of the major elements of the development, including number and type of dwellings if applicable, proposed uses, street, lotting, and parking layouts, approximate building locations and heights, and approximate locations for open space and natural resource preservation as applicable. Opportunity shall be provided for attendees to ask questions regarding the proposal. The applicant shall prepare meeting notes of major points, issues, and responses concerning the development proposal that were discussed at the meeting. Only one neighborhood meeting per development proposal is required, but the applicant may hold more meetings if desired.

C. The Planning Commission may establish by Resolution specific requirements for notification, posting, and conduct of neighborhood meetings, and may vary the requirements among applications. Once established, requirements may be amended by Planning Commission Resolution.

(4) Neighborhood meetings and application submittal. The neighborhood meeting notes, list of parties notified, dated photographs documenting site posting, copies of all materials provided by the applicant at the meeting, and a signature sheet of attendees shall be included with the development application upon submittal. ~~Applications not including this documentation, or submitted prior to the neighborhood meeting, shall be deemed incomplete~~. If the development proposal is revised after the neighborhood meeting, with the addition of one or more tax lots or the substantial revision of major elements as cited in Section c.2, a second neighborhood meeting with a new notice shall be required before the revised application is submitted.

(5) Non-compliance with requirements. Compliance with the provisions of Section 129A is a jurisdictional requirement of the Hillsboro Zoning Ordinance. Applications shall not be submitted without this documentation, or submitted prior to the neighborhood meeting. If submitted, such application shall not be accepted by the City.

Section 131A. Significant Natural Resources Overlay (SNRO)

(5) Activities and Uses Permitted Outright, Requiring Significant Natural Resources Permit or Prohibited in the Significant Natural Resources Overlay District

a) Uses Requiring a Significant Natural Resources Permit. Uses designated as "SNRP 1a" "SNRP1b" or "SNRP 2" in the table below may be permitted upon the issuance of a Significant Natural Resources Permit (SNRP) pursuant to Section 131A(6).

There are two types of Significant Natural Resources Permits, Type 1 and Type 2.

1. A Type 1 SNRP is an administrative permit whereby the Review Authority is the Planning Director. To distinguish between activities and uses where Development is proposed that may have a greater impact to the SNR and additional public notification is needed, Type 1 Significant Natural Resources Permits are divided into SNRP 1a and SNRP 1b, as follows:

(a) SNRP 1a. Applies when Development greater than five hundred (500) square feet is proposed in Impact Areas, and when less than five hundred (500) square feet of Development is proposed in Level 1 and Level 2 SNR Sites. Notice of a SNRP 1b application shall be provided by sending notices by mail not less than 10 days prior to the date of decision ~~to adjacent property owners located generally within the area enclosed by lines parallel to and 100 feet from the exterior boundaries of the property involved,~~ ***to owners of property situated within a 200 foot radius of the boundary of the property subject to the request,***, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Notice ~~of a Decision regarding SNRP1a application shall be mailed to the applicant and the applicant's representative.~~ ***Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a Significant Natural Resource Permit.***

(b) SNRP 1b. Applies when development greater than five hundred (500) square feet is proposed in Level 1 or Level 2 SNR Sites or less than five hundred (500) square feet of development is proposed in Level 3 SNR Sites. Notice of a SNRP 1b application shall be provided by sending notices by mail not less than 10 days prior to the date of decision to ~~adjacent property owners located generally within the area enclosed by lines parallel to and 100 feet from the exterior boundaries of the property involved~~, ***to owners of property situated within a 200 foot radius of the boundary of the property subject to the request,***, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. ***Failure of a person to receive the notice specified in this Section shall not invalidate any***

proceeding in connection with the application for a Significant Natural Resource Permit.

(14) Residential Land Divisions. When a lot which includes a SNR Site is the subject of a land division application the following provisions apply:

a) Adjustments to the following standards may be approved during the SNRP process to allow development consistent with the purposes of the SNRO District provided consideration is given to the potential impacts on neighboring properties:

1. Minimum required lot width and depth;

2. Minimum required density; and

3. Minimum lot size. Residential lot sizes may be averaged to allow lots less than the minimum lot area required by the underlying zone, as long as the average area for all lots is not less than required by underlying zone. No lot created under this provision shall be less than ~~80%~~ ***75%*** of the minimum lot size required in the underlying zone.

(15) Preservation of SNR in Additional Open Space. At the option of the developer, Significant Natural Resource Area in excess of the requirements for usable open space, which is set aside for that purpose, may be subtracted from the net residential area of the development for density calculation. Additional open space so set aside shall be identified on the final plat (or final development plan if no land division is involved) as a conservation easement of a separate permanent open space tract, with responsibility for maintenance specified as required in Section 131A (14).

[Existing Section (15) to be renumbered as Section (16)]

Cultural Resource Management

Section 132. Cultural Resource Management Ordinance.

(5) Application for Alteration, Demolition or Moving a Designated Cultural Resource.

(a) No designated cultural resource shall be altered, demolished, or moved without prior approval of the Planning Commission.

(b) Cultural resource owners desiring to alter, demolish or move a cultural resource shall apply for a permit to the Planning Commission and shall provide all information considered necessary by the Planning Commission as part of the application.

(c) The Planning Commission shall hold a public hearing and shall evaluate the application with reference to the following actions:

1. the economic or structural necessity of the proposed action;
2. the extent of visible modification to the resource;
3. the relationship of the proposed action to the resource's original character;
4. the possibility of any alternative action which would reduce negative impacts on the cultural resource; and
5. in the case of moving or demolition, the scheduling of redevelopment of the resource site.

Not less than 20 days before the public hearing, the City Recorder shall give written notice by mail of the hearing to owners of property situated within a 200 foot radius of the boundary of the property subject to the request,, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a cultural resource alteration.

(7) ***Preservation of Cultural Resources in Additional Open Space. Upon redevelopment of a Cultural Resource site, additional open space area around significant structures, set aside at the option of the developer, may be subtracted from the net residential area of the development for density calculation. Additional open space so set aside shall be identified on the final plat (or final development plan if no land division is involved) as a conservation easement or a separate permanent open space tract. Responsibility for maintenance and preservation of such tracts or easements shall be specified in covenants, conditions, and restrictions or other legal instrument subject to approval by the Planning Director and recorded prior to approval of a final development plan.***

Section 133: Development Review

III. When required. Development review shall be required for all construction and development on real property as follows:

1. Construction and development in the ***A-1,*** A-2, A-3, A-4, C-1, ~~C-2,~~ C-4, ~~C-F~~, M-P and M-2 zones, excluding the construction or development of single family ~~or duplex~~ dwellings within any of these zones;

2. ***Duplex and*** multifamily structures containing ~~three (3)~~ ***two (2)*** or more dwelling units located within the ~~A-1~~ ***R-10, R-8.5, R-7, and R-6*** zones;

3. ***Duplex and*** multifamily dwellings containing ~~three (3)~~ ***two (2)*** or more dwelling units and attached single family dwelling units within planned unit development districts;

4. Manufactured dwelling parks (excluding the individual manufactured dwellings) as required by Section 77C.(4) of the Zoning Ordinance; and

~~5. Construction and developments in all zones within Station Community Planning Areas, including construction and development of single family dwellings, as required by Section 136.VII.A.1. of the Zoning Ordinance.~~

5. Accessory or ancillary dwellings in any residential zone;

6. Additions or alterations to inventoried Cultural Resources;

7. Construction and development in the SCR-LD, SCR-MD, SCR-HD, and SCR-V zones, excluding detached single family dwellings;

8. All construction and development in the SCR-DNC and SCR-OTC zones, including; detached single family dwellings, ancillary dwellings, accessory structures; and additions to existing structures.

9. Construction and development in the SCC-CBD, SCC-HOD, SCC-SC, SCC-MM, SCFI, SCI, SCBP, and SCRP zones.

V. Standards.

A. All construction and development shall comply with the following standards:

[Subsections 1 through 27 not proposed for change.]

B. ***Attached single family, multi-family, and residential condominium*** ~~Multiple family~~ developments within any ***non-light rail*** zone ~~and planned unit development district~~ shall provide ~~outdoor play equipment and play space suitable for children~~ ***usable open space*** ~~at a minimum of one hundred (100) square feet per each dwelling unit containing at least three bedrooms~~ ***within the project based on the gross acreage of the project, as shown in the following table:***

Project Gross Acreage	*Required Usable Open Space*
1.01 to 5.0	*5.0%*
5.01 to 15.0	*7.5%*
15.01 to 25.0	*10.0%*
25.01 to 50.0.	*12.5%*
Over 50.0.	*15.0%*

1. *Usable open space in such developments shall be sited and improved to provide active recreational and "third place" amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried Resource Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of the required usable open space area shall be improved for active recreational and "third place" use.*

2. *Usable open space may include passive recreational areas only where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Such areas or portions thereof may be counted toward the usable open space under the following standards:*

   a) *public accessways and covered viewing areas are provided;*
   b) *only that portion of the inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffer area visible from the viewing area is applicable toward the requirement.*
   c) *the entire area is enhanced pursuant to Clean Water Services standards and the requirements of Section 131A if applicable; and*
   d) *the visible inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers will not count for more than 25 percent of the required usable open space.*

3. *Development within areas designated as Town Centers or Main Streets on the Hillsboro 2040 Growth Concept Boundaries Map shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water*

features and drinking fountains; benches or low walls with seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development.

VI. Design Standards and Guidelines.

New multi-family residential, commercial, industrial, and institutional developments are subject to the following design standards and guidelines. Except where the word "shall" is used, the criteria are not to be construed as mandatory approval standards subject to review and approval.

A. Design Standards.

1. ***Buildings shall demonstrate pedestrian scale and orientation on the elevation facing the public street. Street-side building facades shall be varied and articulated to provide visual interest ~~to pedestrians~~ and avoid a flat appearance.***

2. ***Utilitarian functions shall be shielded from public view. Delivery and loading operations, HVAC equipment, trash compacting and collection, and other utility and service functions shall be incorporated into overall building and landscaping design. Visual and acoustic impacts of these functions, and wall- or ground-mounted mechanical, electrical and communications equipment shall be screened. ~~from adjacent residentially-zoned properties~~.***

3. ***Surface stormwater retention, detention and treatment facilities shall be integrated into site landscaping, or placed underground. In campus developments, stormwater facilities should be consolidated to reduce the area devoted to such use. Consolidated facilities shall also be naturally integrated into the site design, landscaping and usable open space.***

4. ***In townhouse and multi-family residential developments, uniform building design and architectural repetition shall be avoided. Townhouse structures shall demonstrate discernible differences in façade articulation, colors, materials, and detailing between units. Multi-family structures larger than four units shall include ridge and gable offsets, saddles, dormers, or other structural features to avoid extended uniform roof lines. Exceptions to this standard may be approved for development where the architecture style reflects a historically symmetrical pattern or rhythm.***

5. ***In townhouse and multi-family developments, maintenance access to rear yards for interior lots or units shall be provided without the necessity for easements through adjacent lots or properties.***

6. ***Except as noted below, all public utility distribution and service connections to new buildings shall be underground. Aerial utility service (electricity, telephone, cable, etc.) may be used in new construction where all of the following circumstances apply:***

a. *The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aerially rather than underground;*

b. *The project is located between other utility users on the same block face;*

c. *It would not be practicable to serve the new project underground without also serving the neighboring uses; and*

d. *The neighboring uses on the same block face and the utility company are unwilling to pay the additional cost of undergrounding their service;*

7. *Developments abutting streets or corridors where overhear utilities may be placed underground in the future shall install underground utility duct banks to facilitate future relocation of such utilities.*

B. *Design Guidelines*

1. *Building design should be site specific, fit into the context of the area, preserve important view corridors, complement the natural setting and other nearby buildings, and relate to adjacent public and private streets.*

2. *Building facades should balance features which make them more prominent while retaining pedestrian scaled detailing. Diversity of architectural styles is encouraged. Building architecture is particularly important at intersections, where special corner architectural features should be incorporated.*

3. *Prominent public assembly and civic buildings such as theaters, hotels, cultural centers, schools, churches, and government buildings should include appropriately-scaled building features, such as towers, cupolas or pediments.*

4. *Edges of development projects should be designed to harmonize with and enhance adjoining public and private streets. Edges adjacent to transit streets and major pedestrian routes should include street furniture such as seating, shelters, ornamental pedestrian scale lighting and an inside row of canopy trees to complement those in the curbside landscape strip.*

5. *Developments should be designed to encourage informal surveillance of public areas from buildings, public and private streets and from adjacent developments. Sight lines to and from buildings, and within and around the site should maximize pedestrian visibility of store entrances, public areas and transit stops.*

6. *For buildings designed for occupancy by general retail, office and service commercial businesses, traditional storefront elements are encouraged for any facade facing a major pedestrian route. These elements include:*

a. *Front and side building walls placed within 10 feet of abutting street right-of-way boundaries.*
b. *Clearly delineated upper and lower facades.*
c. *Large display windows and recessed entry in the lower façade.*
d. *Smaller, regularly spaced windows in upper stories.*
e. *Decorative trim such as window hoods around upper floor windows.*
f. *Decorative cornices near the top of the facade.*
g. *Piers or pilasters, typically masonry.*

7. *Upper stories should be articulated with features such as bays and balconies.*

8. *To balance horizontal features on longer facades, vertical building elements should be emphasized.*

9. *Sloped roofs should be compatible with roof lines and slope of adjacent buildings, add interest to and reduce the scale of large buildings, and complement the character of buildings in adjacent developments.*

10. *Windows allowing views into interior activity areas or displays in non-residential buildings are encouraged. At the pedestrian level, glass curtain walls, reflective glass and painted or darkly tinted glass, smooth faced concrete block, concrete panels, steel panels, and non-durable materials are discouraged unless privacy issues are involved.*

11. *Exterior building materials and colors should be harmonious and compatible with materials and colors in adjacent developments. Soft lighting of the building exterior which complements the architectural design is encouraged if the light source is not visible.*

12. *Building entrances should include clearly recognizable features such as: canopies, porticoes, recessions, projections, arcades, and raised cornice parapets. Pedestrian spaces at entrances incorporating landscaping and eating amenities are encouraged.*

13. *Exterior masonry finishes should include decorative patterns.*

14. *Ornamental devices, such as molding, entablatures, pediments and friezes, are encouraged at the roofline.*

15. *Internal sidewalks should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, and planter walls which define circulation and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. Design of these features and outdoor spaces together should (i) enhance tie site features together, (ii) relate to a common use area, and (iii) complement the surrounding streetscape.*

16. *Landscaping should be designed as an integral part of the site, streetscape, building design and parking area. Landscaping should also*

be used to enhance pedestrian orientation by creating a sense of enclosure and to reduce the scale of large buildings and paved areas. Arbors or trellises supporting landscape materials should be considered for ornamentation of exterior walls.

17. Signage should be consistent with the nature and scale of the project and its environment. Exterior signage should be architecturally compatible with the building and neighboring buildings.

18. Residential and mixed use projects containing residential uses should include a range of housing types and styles to suit a variety of lifestyles and incomes, both on an ownership and rental basis

19. Commercial, industrial, institutional, mixed use, and multi-family residential buildings constructed with less than three feet (3') setback to any parallel sidewalk or pedestrian way should incorporate features over sidewalk or pedestrian way for weather protection.

~~VI~~ ***VII*** On-site pedestrian access. *[Section renumbered only – no other changes].*

~~VII~~ ***VIII*** Special development standards at or near major transit stops.
[Section renumbered only – no other changes].

~~VIII~~ ***IX*** Special standards for pedestrian/bicycle accessways.
[Section renumbered only – no other changes].

X. Variances and Appeals.

The Planning Director's decision to approve, approve with conditions, or deny an application for Development Review may be appealed to the Planning Commission, within 15 days after the date of mailing of the Director's decision, by filing written notice with the City Recorder. All appeals filed shall be accompanied by payment of a fee equal to one-half the fee paid for the original Development Review application.

If an appeal is filed, the Planning Commission shall hold a hearing at least for argument on the matter, and shall receive as testimony the decision of the Planning Director, together with all materials related to the application and the documentation supporting the decision. Notice of the Planning Commission hearing shall be made by the same procedure used for the Development Review application.

~~IX~~ ***XI*** Review and Enforcement.

Applications for development review shall be reviewed by the Planning Director as limited land use decisions. ***Notice of a Development Review application shall be provided by sending notices by mail not less than 14 days prior to the date of decision to owners of property situated within a 200 foot radius of the boundary of the property subject to the request,, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in***

this Section shall not invalidate any proceeding in connection with the application for a Development Review approval.

The City building official may issue a certificate of occupancy only after the improvements required by development review approval have been completed, or a schedule for completion and a bond or other financial guarantee for their completion have been accepted by the City. If construction has not begun within one year from the date of development review approval, such approval shall expire unless an extension is requested and granted by the Planning Director.

~~V~~ ***XII*** Application Within Station Community Planning Areas.

Where any applicable provision of this Section conflicts with any applicable provision in Sections 135, 136, 137, 138, 139, 140, 141 or 142 of this Ordinance, the more restrictive provision shall apply.

CONSOLIDATED DDOS CODE AMENDMENTS
HILLSBORO ZONING ORDINANCE VOLUME 2

Section 136: STATION COMMUNITY PLANNING AREAS

III. DEFINITIONS

II. Net Acre. One acre of developable land. Net acreage is calculated by adjusting the gross acreage of a parcel or lot by deducting the amount of "undevelopa~~ble~~***ed***" land. Net acreage equals the gross square footage of a site minus undevelopa~~ble~~***ed*** land divided by 43,560. Undevelopa~~ble~~***ed*** land is defined as, and limited to, that which is:

1. Required for dedications of public rights-of-way and easements, and for internal streets required for fire access;
2. Areas necessary to accommodate truck loading docks, along with the minimum amount of maneuvering area necessary to safely utilize such a loading dock;
3. Required stormwater treatment and detention facilities;
4. Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or commons areas applied to and credited towards the subject site, and any land dedicated to the City for parks or greenways;
5. ***Optional open space within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resource structures;***
5.6. ~~Required setasides for and setbacks from wetlands and drainageways~~; ***delineated wetlands and vegetated corridors as required by Clean Water Services;***
6.7. Any area or facility where occupancy is prohibited for safety reasons, such as electrical transformer platforms, industrial chemical and/or gas storage areas, or other similar hazardous facility or area; and
7.8. Any land with slopes of twenty-five percent (25%) or greater or within the mapped 100-year floodplain, unless used for building or parking purposes.

GGG. Third Place. A commonly accessible location within a neighborhood, which is neither "home" nor "work", which functions as a gathering place for social interaction among residents and visitors. Alternatively, a commonly accessible location within a business district or a campus development which fulfills the same function for employees and customers. Such locations are characterized by planned or spontaneously occurring amenities such as hardscaped or landscaped group seating areas and activities equipment. Third places can be either indoors or outdoors, and either publicly or privately owned.

[Subsequent subsections to be renumbered as necessary].

KKK. Usable Open Space. Planned and improved open space or outdoor facilities, required as part of new development, that provide active or passive recreational or relaxation opportunities, ***or community interaction. Such areas may include,*** ~~including,~~ but not limited to, any one or more of the following: parks; play areas; improved playing fields; publicly accessible natural or wildlife viewing areas, arboretums and gardens, ponds and water features; maintained and landscaped lawn with trees and seating areas; natural or landscaped walking paths and running trails; public and private pedestrian spaces; and other similar environments.

In residential developments and mixed use residential/commercial buildings, easily accessible decks, patios, courtyards and roof surfaces open and available to the public or for the common use of building tenants that contain seating areas and/or recreation facilities, and provide appropriate landscaping, qualify under this definition unless such areas are within or exclusively associated with the operation of a commercial establishment.

Usable open space shall not include: landscape strips or inconsequential enlargements or enhancements of landscaping adjacent to the sidewalk even if equipped with a bench; shrubs, flowers and other low profile landscaping around buildings, sidewalks and parking areas; required minimum building setback areas; yards associated with private dwellings; or open, unimproved fields or vacant land unless part of a publicly accessible natural or wildlife viewing area.

Usable open space also shall not include wetlands, natural areas, wildlife habitat, streams or stream banks, and riparian and wetland upland areas <u>where access or improvements are prohibited</u> under Federal or State law or regulation (including OAR 660-23, DLCD Goal 5 regulations as they may from time-to-time be amended), under provisions of the City of Hillsboro Municipal Code or Zoning Ordinance, or under applicable regulations of the Washington County Clean Water Services. However, if such Significant Natural Resource Area ***Resource Level 1, 2, or 3*** areas are publicly accessible; ~~and~~ if ***covered*** viewing areas and improvements are allowed and made at the periphery of the area to enhance access to and viewing of the wildlife and/or natural areas; ***and if the area is enhanced pursuant to applicable standards***; ***then*** all of the improvements, including pathways to the viewing areas, and ~~one-half of the access restricted area located within the project or multi-phased development property~~ ***that portion of the natural area within sight of the improvements*** ~~shall~~ ***may*** count as usable open space, provided the same restricted area has not already been counted as usable open space in a previously approved project or development. ***However, such improvements and viewable natural areas may not be counted as more than 25 percent of the required usable open space area.*** A viewing area that would otherwise qualify under this provision that is located on private property within a secured area but that is accessible, used and useful to employees, residents, and other authorized visitors to the site, qualifies under this exception.

VII. DEVELOPMENT REVIEW AND RELATED CITY DEVELOPMENT CODE

B. Development Review - SCR-V District, and Phased Developments within a SCPA Commercial, Industrial or Institutional District

4. Concept Development Plan Submittal: Development Information. The following information also shall be shown on the Concept Development Plan at a minimum scale of one inch equals one hundred feet (1"=100') and may include multiple sheets provided a single sheet depicting the entire plan area at greater scale is included with the submittal:

d. Conceptual drawings, illustrations and building elevations for all proposed attached single family and multi-family dwellings and all non-residential and mixed use buildings; typical multi-family and attached single family residential floor plans; and proposed exterior building materials and color boards typifying each of the listed housing products and typical non-residential and mixed use buildings to be constructed within the development. ~~At the option of the applicant, this requirement may be delayed by the applicant until submittal of the Detailed Development Plan, but in that case the Planning Commission shall give public notice of and hold a hearing on this aspect of the development proposal~~.

At the option of the applicant, submittal of detailed plans may be deferred to the Detailed Development Plan application. However, in that case the Concept Development Plan application must include sufficiently detailed building locations, dimensions, elevations, and building and landscaping materials palettes to clearly establish the standards by which the Detailed Development Plan will be reviewed administratively under Sections 7, 8 and 9. The Planning Commission may impose conditions on approval of the Concept Development Plan regarding changes in the detailed site plans or elevations as necessary to insure compliance with Sections 137 and 138.

X. VARIANCES

A. Purpose

The development and design standards in Sections 137 through 142 are intended to achieve the purposes of Section 136 and implement the goals and policies of the Comprehensive Plan. Variances to these standards are discouraged. However, some sites may be difficult to develop in compliance with these regulations. In those instances, the Variance process provides relief where the proposed development continues to meet the intended purpose of these regulations. ***Due to the heightened impacts of ~~inappropriate~~ development and design in the higher intensity Station Community Planning Areas, requests for Variances from the provisions of***

Section 137 through 142 shall be reviewed by the Planning Commission, rather than by the Planning and Zoning Hearings Board.

B. Standards

1. Variances to the requirements of Sections 137 through 142 need not comply with the criteria in Sections 106 and 107 of this Code, but shall follow the procedure of Sections 108 through 111. Variances to the provisions of Sections 137 through 142 shall be subject to the criteria listed below. The ~~Hearings Board~~ ***Planning Commission*** may authorize Variances from the requirements of Sections 137 through 142 and may attach conditions which it finds necessary in order to carry out the purpose and intention of those Code sections.

2. Variance requests by an applicant that has an approved Concept Development Plan as provided in Section 136.VII.B., shall be subject to the provisions of Sections 136.VII.B.2.e. and B.7.b.

3. A Variance may be granted to any development regulation or design standard contained in Sections 137 through 142, excluding those regulations listed in paragraph 5. below, provided the ~~Hearings Board~~ ***Planning Commission*** finds that by granting the Variance:

   a. The adjustment will equally or better meet the purposes of the Station Community Planning Area and of the regulation to be modified;

   b. The Variance or cumulative Variance adjustments results in a project which is still consistent with the overall purpose and intent of the district; and

   c. The Variance will not result in significant detrimental impacts to the environment or the natural, historic, cultural or scenic resources of the City.

4. The ~~Hearings Board~~ ***Planning Commission*** may approve a Variance from the standards listed below if, in addition to the criteria listed in subsection (B) (3), the proposal meets the following criteria:

Section 137: DEVELOPMENT REGULATIONS FOR STATION COMMUNITY PLANNING AREAS

II. DEVELOPMENT CRITERIA

Tables 1.a through 1.n contain the development criteria which shall apply within each Station Community Planning District. Criteria may vary depending on the distance of the project from a light rail station site. These differences, if any, are shown in the applicable table as requirements applying to development within 1,300 feet of a station site, between 1,301 and 2,599 feet of the station site, and development 2,600 or more feet from a light rail station site. The development criteria for a particular district or use consists of the combined requirements of Tables 1.a through 1.n and subsections III. through XI.

Table 1.e: Development Criteria, Station Community Residential - High Density (SCR-HD)
This District is not applicable to properties more than 2600 feet from an LRT Station.

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION
1.	MINIMUM LOT SIZE	None if lots approved through subdivision or partition, otherwise 1,800 square feet	
2.	MINIMUM LOT WIDTH	~~None if lots approved through subdivision or partition, otherwise 20 feet~~ ***18 feet for rear-loaded lots; 22 feet for front loaded lots***	
3.	MINIMUM LOT DEPTH	None if lots approved through subdivision or partition, otherwise 85 feet	
4.	MINIMUM RESIDENTIAL DENSITY	24 dwelling units per net acre	
5.	MAXIMUM RESIDENTIAL DENSITY	30 dwelling units per net acre. Up to 45 units per acre may be approved under discretionary approvals.	
6.	ANCILLARY DWELLING UNITS	Not allowed	
7.	MINIMUM FLOOR AREA RATIO	0.50; 0.75 for hotels, residential hotels and indoor recreational facilities in free standing buildings.	0.4; 0.5 for hotels and residential hotels
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	None.	
9a.	MINIMUM SETBACK FROM STREETS AND ALLEYS	5 feet, or additional as necessary to accommodate building code, public utility easement or public open space requirements.	
9b.	MINIMUM SETBACK, ELSEWHERE	***Sides:*** 5 feet; 0 feet on common wall of attached units; ***Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.***	
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: Mid-Rise Apartments: 15 Feet Front: Multi-Family And Garden Apartments: 15 Feet Front: Rowhouses And Townhouses: 13 Feet Side (All Housing Types): 5 Feet; none on alleys	
11.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.	
12.	MINIMUM BUILDING HEIGHT	2 stories	
13.	MAXIMUM BUILDING HEIGHT	5 stories	
14.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3	
15.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3	
16.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.	
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.	
18.	MIXED USE BUILDINGS	Allowed on a limited basis. See Section136 Table 2.	
19.	SIDEWALKS	See Section 137.XV.	
20.	MINIMUM LOT FRONTAGE	~~20 feet~~ ***equivalent to minimum lot width***	
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT		

(Amended by Ord. No. 4930/7-00.)

Table 1.f: Development Criteria, Station Community Residential - Medium Density (SCR-MD)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
1.	MINIMUM LOT SIZE	None if lots approved through subdivision or partition, otherwise 2,000 square feet for a single family dwelling without an ancillary dwelling unit; 4,500 square feet for a duplex or a single family detached dwelling with a detached ancillary dwelling unit, or 3,200 square feet for a dwelling with an attached ancillary unit. None for other use types.		
2.	MINIMUM LOT WIDTH	~~None if lots approved through subdivision or partition, otherwise 20 feet~~ ***18 feet for rear-loaded lots; 22 feet for front loaded lots***		
3.	MINIMUM LOT DEPTH	None if lots approved through subdivision or partition, otherwise 85 feet		
4.	RESIDENTIAL DENSITY:			
a.	MINIMUM/MAXIMUM ADJACENT TO ESTABLISHED RESIDENTIAL NEIGHBORHOODS	See Section 137.V.		
b.	MINIMUM ELSEWHERE	18 dwelling units per net acre		
c.	MAXIMUM ELSEWHERE	23 Dwelling Units Per Net Acre; Up to 36 units per acre may be approved under discretionary approvals.		
5.	ANCILLARY DWELLING UNITS	Allowed See Section 137		
6.	MINIMUM FLOOR AREA RATIO	0.5	0.4	
7.	NON-RESIDENTIAL DENSITY OBJECTIVE	None.		
8a.	MINIMUM SETBACK FROM STREETS AND ALLEYS (SEE ALSO SECTION 139)	5 feet, or additional as necessary to accommodate building code, public utility easement or public open space requirements.		
8b.	MINIMUM SETBACK ELSEWHERE	***Sides:*** 5 feet; 0 feet on common wall of attached units ***Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.***		
9.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: Mid-Rise Apartments: 15 feet Front: Multi-Family And Garden Apartments: 15 feet Front: Rowhouses And Townhouses: 13 feet Front: Single family Detached And Duplexes: 13 feet Side (All Housing Types): 5 feet; none on alleys		
10.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.		
11.	MINIMUM BUILDING HEIGHT	Single Family Detached: 2 story; Multi-family: 2 story		
12.	MAXIMUM BUILDING HEIGHT	3 stories		
13.	MINIMUM OFF-STREET PARKING	See Table 3		
14.	MAXIMUM OFF-STREET PARKING	See Table 3		
15.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.		
16.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.		
17.	MIXED USE BUILDINGS	Allowed on a limited basis. See Section136 Table 2		
18.	SIDEWALKS	See Section 137.XV.		
19.	MINIMUM LOT FRONTAGE	~~20 feet~~ ***equivalent to minimum lot width***		
20.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT			

(Amended by Ord. No. 4545/4-97 and 4930/7-00.)

Table 1.g: Development Criteria, Station Community Residential - Low Density (SCR-LD)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
1.	MINIMUM LOT SIZE	None if lots approved through subdivision/partition, otherwise 3,600 square feet for a single family detached dwelling without an ancillary dwelling unit; 6,000 square feet for a duplex or a single family detached dwelling with an ancillary dwelling unit.		
2.	MINIMUM LOT WIDTH	~~None if lots approved through subdivision or partition, otherwise~~ 30 feet		
3.	MINIMUM LOT DEPTH	None if lots approved through subdivision or partition, otherwise 85 feet		
4.	RESIDENTIAL DENSITY:			
a.	MINIMUM/MAXIMUM ADJACENT TO ESTABLISHED RESIDENTIAL NEIGHBORHOODS	See Section 137.V		
b.	MINIMUM ELSEWHERE	9 dwelling units per net acre		
c.	MAXIMUM ELSEWHERE	14 dwelling units per net acre. Up to 18 units per acre may be approved under discretionary approvals.		
5.	ANCILLARY DWELLING UNITS	Allowed See Section 137		
6.	MINIMUM FLOOR AREA RATIO	0.5	0.4	
7.	NON-RESIDENTIAL DENSITY OBJECTIVE	None		
8a.	MINIMUM SETBACK FROM STREETS AND ALLEYS	10 feet, or additional as necessary to accommodate building code, public utility easement or public open space requirements.		
8b.	MINIMUM SETBACK, ELSEWHERE	***Sides:*** 5 feet; 0 feet on common wall of attached units; ***Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.***		
9.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: Rowhouses and townhouses: 13 feet Front: Single family detached and duplexes: 13 feet Side (All housing types): 5 feet; none on alleys		
10.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.		
11.	MINIMUM BUILDING HEIGHT	1 story		
12.	MAXIMUM BUILDING HEIGHT	2 stories		
13.	MINIMUM OFF-STREET PARKING	1.0 space/dwelling unit		
14.	MAXIMUM OFF-STREET PARKING	See Table 3		
15.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.		
16.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.		
17.	MIXED USE BUILDINGS	Not applicable		
18.	SIDEWALKS	See Section 137.XV.		
19	MINIMUM LOT FRONTAGE	~~20 feet~~ ***equivalent to minimum lot width***		
20.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	20 feet		

(Amended by Ord. No. 4545/4-97 and 4930/7-00.)

Table 1.h: Development Criteria, Station Community Residential – Village (SCR-V)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
1.	MINIMUM LOT SIZE	2,000 square feet for a single family detached dwelling without an ancillary dwelling unit; 4,500 square feet for a duplex or a single family detached dwelling with a detached ancillary dwelling unit; or 3,200 square feet for a detached single family dwelling with an attached ancillary dwelling unit. None for other use types.		
2.	MINIMUM LOT WIDTH	None		
3.	MINIMUM LOT DEPTH	None		
4.	RESIDENTIAL DENSITY:			
a.	MINIMUM	24 dwelling units per net acre	15 dwelling units per net acre	7 dwelling units per net acre
b.	MIN /MAX ADJACENT TO ESTABLISHED RESIDENTIAL NEIGHBORHOODS	See Section 137.V.		
c.	MAXIMUM	None	60 dwelling units per net acre	45 dwelling units per net acre
5.	ANCILLARY DWELLING UNITS	Allowed See Section 137		
6.	MINIMUM FLOOR AREA RATIO	For non-residential uses, 0.50 within 1,300 feet of a light rail station site; 0.40 elsewhere in the District. 0.50 in all areas for emergency service facilities, hotels, residential hotels and indoor recreational facilities in free standing buildings, except hotels within 800 feet of a LRT station shall be 0.75		
7.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 45 persons per net acre		
8a.	MINIMUM SETBACK FROM STREETS AND ALLEYS	No minimum setbacks except as necessary to accommodate building code, public utility easement or public open space requirements.		
8b.	***MINIMUM SETBACK ELSEWHERE***	***Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.***		
9.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: Mid-Rise Apartments: 15 feet Front: Multi-Family and Garden Apartments: 15 feet Front: Rowhouses and Townhouses: 13 feet Front: Single family detached and duplexes: 19 feet Side (all housing types): None Commercial development in the SCR-V shall comply with the setback requirements for the SCC-SC District.		
10.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.		
11.	MINIMUM BUILDING HEIGHT	2 stories within 800 feet of a LRT station, otherwise 1 story. See also 137.X	1 story	
12.	MAXIMUM BUILDING HEIGHT	3 stories		
13.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3		
14.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3		
15.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.		
16.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.		
17.	MIXED USE BUILDINGS	Where residential use is provided, retail and/or pedestrian-related office or service uses are permitted on the ground and second floors, office uses are permitted on and above the second floor, and residential units are permitted on and above the second floor. See also Sections 137.V. and XIV. for requirements in mid-rise apartments for commercial use.		
18.	SIDEWALKS	See Section 137.XV.		
19.	MINIMUM LOT FRONTAGE	None. All lots to be served by public or private streets or alleys.		

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
20.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	At least 50% of the net acreage in a SCR-V project shall be residential. Mixed use residential/commercial buildings may be up to an additional 20%. Up to 10% of net acreage may be neighborhood commercial uses. Up to 20% of net acreage may be other employment uses.		

Table 1.i: Development Criteria, Station Community Residential – Orenco Townsite Conservation (SCR-OTC)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN THE DISTRICT	
1.	MINIMUM LOT SIZE	Residential: 7,500 square feet Commercial: None	
2.	MINIMUM LOT WIDTH	Residential: 50 feet Commercial: None	
3.	MINIMUM LOT DEPTH	Residential: 150 feet Commercial: None	
4.	MINIMUM RESIDENTIAL DENSITY	6 dwelling units per net acre throughout the District	
5.	MAXIMUM RESIDENTIAL DENSITY[1]	12 dwelling units per net acre throughout the District See Section 140	
6.	ANCILLARY DWELLING UNITS	Allowed throughout the District. See Section 140	
7.	MINIMUM FLOOR AREA RATIO	0.40 throughout the District	
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 45 persons per net acre	
9a.	MINIMUM SETBACK FROM STREETS AND ALLEYS	Residential: See Section 140 Commercial: Same as for SCC-SC District	
9b.	***MINIMUM SETBACK ELSEWHERE***	***Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door.***	
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Residential: See Section 140 for Residential Commercial: Same as for SCC-SC District	
11.	VISION CLEARANCE	See Section 137.IX.B	
12.	MINIMUM BUILDING HEIGHT	Residential: 1 story throughout the District Commercial: Same as for SCC-SC District	
13.	MAXIMUM BUILDING HEIGHT	Residential: 2 stories throughout the District Commercial: Same as for SCC-SC District	
14.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3	
15.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3	
16.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.	
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., And 138.VIII.C.2. and D.	
18.	MIXED USE BUILDINGS	Same as for SCC-SC District	Not applicable
19.	SIDEWALKS	See Section 137.XV. and Section 140	
20.	MINIMUM LOT FRONTAGE	None. Flag lots not allowed in District. All lots to be served by public street or public or private alley.	
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	See Section 140	

(Amended by Ord. No. 4930/7-00.)

[1] Maximum may only be achieved through use of ancillary dwellings. No attached housing is allowed within the District, except as provided in Section 140.III.C.4.

Table 1.j: Development Criteria, Station Community Residential – Downtown Neighborhood Conservation (SCR-DNC)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN THE DISTRICT
1.	MINIMUM LOT SIZE	None if approved through subdivision/partition, otherwise 2,000 square feet for a single family dwelling without an ancillary dwelling unit; 4,500 square feet for a duplex or a single family detached dwelling with a detached ancillary dwelling unit, or 3,200 square feet for a dwelling with an attached ancillary unit. 2,000 square feet for other residential uses and commercial uses allowed within the District.
2.	MINIMUM LOT WIDTH	~~None if approved through subdivision/partition, otherwise 20 feet~~ ***18 feet for rear-loaded lots; 22 feet for front loaded lots***
3.	MINIMUM LOT DEPTH	None if approved through subdivision/partition, otherwise 85 feet
4.	MINIMUM RESIDENTIAL DENSITY	15 dwelling units per net acre within 1300 feet of a LRT station; 9 units per net acre from 1301 to 2600 feet from a LRT Station.
5.	MAXIMUM RESIDENTIAL DENSITY	23 dwelling units per net acre within 1300 feet of a LRT station; 14 units per net acre from 1301 to 2600 feet from a LRT Station. Additional density possible in Arterial Exception Areas: See Section 139 III.
6.	ANCILLARY DWELLING UNITS	Allowed throughout the District.
7.	MINIMUM FLOOR AREA RATIO	Not applicable
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	None
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS (SEE ALSO SECTION 139)	Front: 15 feet; 20 feet on East Main Street from 5th to 10th Side: 5 feet; none on alleys. See also Section 139
10.	MINIMUM SETBACK ELSEWHERE	***Sides:*** 5 feet; 0 feet on common wall of attached units ***Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door*** Additional setbacks possibly required in Arterial Exception Areas: see Section 139 III.
11.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: 25 feet, Side: 15 feet Within the Arterial Exception Area as defined in Section 139.III.C., exceptions of up to ten feet additional setback adjacent to a public street shall be granted administratively upon determination by the Planning Director that 100% of the additional setback would be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or other such usable pedestrian space as a feature of the development.
12.	VISION CLEARANCE	See Section 137.IX.B.
13.	MINIMUM BUILDING HEIGHT	1 story
14.	MAXIMUM BUILDING HEIGHT	2 stories or 35 feet, whichever is less. ***Additional height possible in Arterial Exception Areas: see Section 139 III***
15.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
16.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
17.	MINIMUM USABLE OPEN SPACE	See Section 137 XII.
18.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D. ***Additional landscaping possibly required in Arterial Exception Areas: see Section 139 III***
19.	MIXED USE BUILDINGS	See Section 139
20.	SIDEWALKS	See Section 137.XV
21.	MINIMUM LOT FRONTAGE	~~Flag lots not allowed in District.~~ ***Equivalent to minimum lot width.*** All lots to ~~be served by~~ ***have frontage on*** public ***or private*** street or ~~public or private~~ alley.
22.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	See Section 139.

(Amended by Ord. Nos. 4930/7-00 and 5293/7-03.)

III. MINIMUM LOT SIZE

B. Standards

1. See Table 1 of this Section.

2. Applications for ***residential*** subdivisions and minor land partitions within Station Community districts with flexible lot sizes shall include site plans showing how development in the subdivision or partition will comply with applicable standards for building footprints and setbacks, frontage, access and parking for all lots, and Usable Open Space.

3. Pursuant to the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VI, and to ensure that new development in the Station Community Planning Areas includes variety within the allowed flexibility of the standards contained in Section 137 II., tentative plats for detached residential subdivisions of eight lots or more in Station Community Planning Areas shall include a variety of lot areas. At a minimum, the variation in area shall be a minimum of 20% from the smallest to the largest lot.

4. To ensure that new development is compatible with the historically diverse lotting patterns in the neighborhoods surrounding the downtown, tentative plats for smaller detached residential subdivisions of four lots or more, or two or more adjacent partitions developed by the same applicant, zoned SCR-LD, SCR-MD, or SCR-DNC within the Downtown Station Community Planning Area shall comply with the lot area variation standards in Subsection 3.

IV. MINIMUM LOT WIDTH AND DEPTH

B. Standards

1. See Table 1 of this Section.

2. Applications for ***detached residential*** subdivisions and minor land partitions within Station Community Districts with flexible lot sizes shall include site plans showing how development in the subdivision or partition will comply with applicable standards for building footprints and setbacks, frontage, access and parking for all lots, and Usable Open Space.

3. Pursuant to the Lot Dimension Variation Requirements adopted under Subdivision Ordinance Article VI, and to ensure that new development in the Station Community Planning Areas includes variety within the allowed flexibility of the standards contained in Section 137 II., tentative plats for detached residential subdivisions of eight lots or more in Station Community Planning Areas shall

include a variety of lot widths. At a minimum, the variation in width shall be a minimum of 20% from the narrowest lot to the widest lot.

4. To ensure that new development is compatible with the historically diverse lotting patterns in the neighborhoods surrounding the downtown, tentative plats for smaller detached residential subdivisions of four lots or more, or two or more adjacent partitions developed by the same applicant, zoned SCR-LD, SCR-MD, or SCR-DNC within the Downtown Station Community Planning Area shall comply with the lot width variation standard in Subsection 3.

V. MINIMUM AND MAXIMUM RESIDENTIAL DENSITIES, AND ANCILLARY DWELLING UNITS

B. Standards

13. Ancillary dwelling units are permitted in the SCR-MD, SCR-LD. SCR-V SCR-DNC and SCR-OTC Districts upon compliance with the following standards:

a. The ancillary dwelling unit shall be located on the same lot as an existing single family dwelling or duplex. No more than one ancillary dwelling unit shall be permitted per lot.

b. No ancillary dwelling shall be permitted on a lot with less area than specified in Tables 1.

c. An ancillary unit shall comply with applicable building, fire, and health and safety codes.

d. Placement of an ancillary unit shall conform to existing requirements for the primary residence, including but not limited to building height, setback and side yard requirements. The ancillary unit need not maintain separation from the primary structure when there is an architectural or structural connection between the dwellings.

e. The total gross floor area of an ancillary unit shall not exceed 1,000 square feet.

f. An ancillary dwelling unit shall not be occupied by more than three (3) related or unrelated persons. (Added by Ord. No. 5667/9-06.)

g. One off-street parking space for an ancillary unit shall be required.

h. The exterior appearance of an ancillary unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, color,

exterior building materials, roofing form, other architectural features and landscaping.

Ancillary dwelling units in all SCPA districts are subject to the requirements of Section 133 Development Review / Approval of Plans.

XII. MINIMUM USABLE OPEN SPACE REQUIREMENTS

B. Standards

9. Usable open space in residential developments shall be sited and improved to provide active recreational and "third place" amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried Resource Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of the required usable open space area shall be improved for active recreational and "third place" use.

10. Higher density developments nearer light rail stations shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water features and drinking fountains; benches or low walls with seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development.

XIII. MINIMUM LANDSCAPING, NATURAL RESOURCE AND MATURE TREE PRESERVATION REQUIREMENTS

B. Standards

1. For all development, any portion of a site not occupied by buildings, parking, improvements, usable open space or protected natural resources shall be landscaped in a manner consistent with the requirements in Section 138. Where practicable, landscaping species and materials shall be selected to correspond in scale with the structures in the project, including selection of taller-sized species adjacent to taller buildings, if not prohibited by overhead utility lines or reduced setbacks. Also where practicable, if specimen trees (as defined and described in Section B.3) have been removed for project construction, selection of landscaping species and materials shall include replanting of similar species at the largest available size. (Amended by Ord. No. 4930/7-00.)

2. As part of the Development Review process, a project in any SCPA District containing ten (10) or more gross acres, or a project of any size,

including residential subdivision projects that would otherwise be exempt from development Review, that proposes to impact any inventoried significant natural resource as defined and set forth in OAR 660-23, DLCD Goal 5 regulations as they may from time-to-time be amended, shall identify and address the preservation of wildlife habitat, natural vegetation, wetlands, water quality, riparian areas and other natural resources and upland buffer areas important to the ecosystem on or in the vicinity of the proposed development site. Such development and subdivision proposals shall also identify specific development alternatives which would avoid or reduce such impacts and recommended measures to mitigate any impacts that result from the selected alternative. Development and subdivision alternatives and measures that mitigate the impact of the project on natural resources may be conditions of approval for any required development, subdivision, or building permit or authorization.

3. ~~In carrying out the provisions of the previous paragraph,~~ ***P***rojects, subdivisions and all of their elements ***in any SCPA district*** shall be planned, sited and constructed so as to avoid to the maximum practicable extent, the alteration of existing natural resource areas and the destruction or damage of mature, healthy trees on the site. No single Douglas Fir tree greater than twenty-four inch (24") diameter[1], or any type of deciduous tree greater than twenty inches (20") in diameter, or a single Grand Fir, Ponderosa Pine, Western Red Cedar, or hardwood tree with a diameter greater than twelve inches (12"), or a stand of three (3) trees or more trees exceeding twelve inch (12") diameter (or smaller if the species is at full maturity with less than 12") shall be cut, mutilated, destroyed, or damaged[2], nor shall a natural resource area be altered as the result of a project or subdivision unless the impact is identified and specifically approved based on the criteria cited in paragraph 4, below, along with any appropriate mitigation measures, as part of the Development Review process. Such a study shall identify all areas where the potential of windthrow may occur as a result of the proposed development and shall include a determination of the risk and measures recommended by a certified arborist to prevent windthrow as a result of cutting clusters of trees.

Section 140: ORENCO SCPA DEVELOPMENT REGULATIONS AND DESIGN STANDARDS

II. PURPOSE

B. The purpose of the regulations and standards applicable to the Orenco Townsite Conservation District is to conserve the historical and cultural significance of the area of the original community of Orenco by:

2. Preserving, restoring and enhancing the landscape features of the townsite as designed by the Oregon Nursery Company, ***particularly the original street trees;***

III. DEVELOPMENT REGULATIONS

F. Minimum and Maximum Setbacks from Streets and Alleys

The Standards of Section 137 shall apply except that:

1. In the SCR-OTC District the setback requirements shall be as follows:

Minimum Front	**5 feet**
Maximum Front	**20 feet**
Minimum Side	**5 feet; sum of two side yards minimum 15 feet**
Maximum Side	**None**

K. Minimum Landscaping, Natural Resource and Mature Tree Preservation

The Standards of Section 137 shall apply except that:

1) Within the Orenco Conservation District (SCR-OTC), all development shall replant missing or damaged street trees with species found on the block face as planted by or consistent with the Oregon Nursery Company planting plan and in accord with the OTC District Street Tree Plan (Figure 1) and shall install landscaping within the project consistent with the historic plantings within the community as listed on the recommended planting list (Figure 2). ***Replacement street trees shall be sized at a minimum 2 ½ -inch caliper, grade B or better. Replacement elm trees shall be disease-resistance species only.***

2) Within the Orenco Conservation District (SCR-OTC), ***original mature street trees within the public right-of-way shall be retained unless irrevocably diseased or damaged. Mature street trees shall be removed only with prior permission from the ~~City~~ Planning Department based on a report from a registered arborist. Tree removal shall be supervised by a registered arborist or professional tree service.***

3) For purposes of this section, "mature street trees" are defined as trees in the public right-of-way at or greater than the following diameters four feet above grade:

a) Fir, Pine, Cedar, or other evergreen conifer: 24 inches;
b) Elm, Maple, Walnut, Birch, or other deciduous: 20 inches;
c) Apple, Pear, Peach, Prune, or other fruit: 12 inches; or
d) Ornamental or other species not included above: 12 inches.

4) Mature street trees may be necessarily pruned by the owner of the adjacent property or by the City of Hillsboro at any time, without permission or arborist supervision, for the following purposes:

a) to remove dead, diseased, or previously damaged branches;

b) To maintain adequate sight distance of traffic control devices. Such sight distance shall be determined by the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets, and the latest edition of the Federal Highway Administrations Manual of Uniform Traffic Control Devices (MUTCD).

c) To comply with the requirements of Hillsboro Municipal Code Section 8.20.010 regarding trimming limbs projecting into or over streets or sidewalks which may obstruct vision or interfere with the use or maintenance of the street or sidewalk.

5) Mature street trees may be optionally pruned by the owner of the adjacent property, without permission or arborist supervision, subject to the following standards:

a) Deciduous trees may be optionally pruned to thin or raise the tree crown for purposes of safety or tree health. Optional pruning should not remove more than 10% of the existing crown in a year.

b) Optional pruning of deciduous and conifer evergreen trees should occur during the dormant season (late fall to early winter);

c) Optional pruning of fruit and ornamental trees should occur prior to the growing season (late winter to early spring);

d) Best management practices should be followed regarding equipment, cut angles, branch selection, and other standards.

5) Unhealthy pruning practices, such as crown height reduction, topping, tipping, pollarding, topiary pruning, bark ripping, flush cutting, and stub cuts, should be avoided.

IV. DESIGN STANDARDS

J. Orenco Townsite Conservation Standards

3. The architectural style of new construction shall be restricted to those which replicate major design elements of the 1900-1930 Craftsman, Bungalow and Shingle architectural style of the original townsite. (See the Orenco Station Community Background Report for examples and illustrations of the appropriate architectural types.) New construction shall include the following features:

~~c. The front of the residential garage is to be setback not less than five feet (5') from the front facade of the dwelling.~~

c. Garages for the main residential dwelling shall be either:

1. detached and located behind the dwelling, farther from the street than the primary plane of the rear elevation of the dwelling; or

2. located within the mass of the dwelling, with the garage doors on the rear elevation.

CONSOLIDATED DDOS CODE AMENDMENTS
HILLSBORO SUBDIVISION ORDINANCE

ARTICLE I

Section 1. Title. This ordinance shall be known as the subdivision ordinance of the City of Hillsboro, Oregon.

Section 2. Purpose. In order to accomplish the orderly development of land within the corporate limits of the City of Hillsboro and to promote and protect the public health, safety and welfare, the City of Hillsboro deems it necessary to enact this ordinance pursuant to ORS 92.0101 TO 92.245 AND 92.990 as amended by Chapter 643 Oregon Laws, 1975, inclusive, entitled "Plats and Subdivisions" and all laws now or subsequently amendatory thereto.

Section 3. Definitions. As used in this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

(1) Access. The ability to cross between public and private property.

(2) County. Washington County, Oregon.

(3) Development review committee. Committee charged with coordinating the diverse aspects of reviewing tentative plats comprised of City Manager designees, including the City Planning Director or his representative and a minimum of two designees selected from the City Engineer, Building Superintendent, Public Works Director, Fire Chief, Fire Marshal and Police Chief.

(4) Easement. A right to the use of real property granted by the owner to specific persons, firms, corporations or the public.

(5) Final plat. A plat of a subdivision prepared for filing with the County, first submitted to the City for Planning Commission approval, containing the elements and requirements et forth in this ordinance and applicable State law.

(6) Green Streets. Public or private streets designed to allow roadways to better manage stormwater runoff quantity and quality within the right-of-way over the long term. Design elements and facilities that can be used to accomplish this include, but are not limited to, minimizing paving and/or using pervious paving materials, maximizing street tree coverage, using multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems, reducing cul-de-sac radii and using vegetated islands in the center. (Added by Ord. No. 5728/3-07)

(7) Habitat Benefit Areas. In accordance with the Tualatin Basin Fish & Wildlife Habitat Program, areas shown on Metro's Regionally Significant Fish and Wildlife Habitat Inventory map as containing Classes I, II, and III riparian corridors/wildlife habitat and Class A Upland Wildlife Habitat. Ord. No. 5728/3-07)

(8) Light rail station site. Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail station stop, such as the station platform, a park-and-ride lot, bus stops, and other similar facilities. Station site locations shall be determined by the City of Hillsboro in the manner set out in Section 135 of the Zoning Ordinance (Ord. No. 1945, as amended). For determining distance from a given light rail station site boundary, measurement shall be made from the nearest boundary of the station site to the point of interest to which measurement is being made. Maps to be used in making this determination shall be the current Washington County Tax Assessors Maps and, as applicable, the most recent right-of-way maps drawn for the Westside Light Rail Project or the Hillsboro Extension of the Westside Light Rail Project. (Added by Ord. 4466/8-96.)

(9) Lot. A unit of land that is created by a subdivision of land.

(10) Major partition. A division of land into two or three parcels within a calendar year which involves the creation of a road or street.

(11) Map. A final diagram, drawing or other writing concerning a major partition or a minor partition.

(12) Minor partition. A division of land into two or three parcels, within a calendar year, which does not involve the creation of a road or street.

(13) Nearby. When used in connection with bicycle and pedestrian access, means uses within one-half mile distance of such access which can reasonably be expected to be used by pedestrians. (Added by Ord. 4466/8-96.)

(14) Neighborhood activity center. Neighborhood activity centers include, but are not limited to, existing or planned parks, schools shopping areas, employment centers, transit stops, recreational centers, meeting rooms, theaters, museums, and other pedestrian oriented land uses that attract or are capable of attracting a significant level of daily pedestrian usage. (Added by Ord. 4466/8-96.)

(15) Net Buildable Area. The area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:

~~a. elevation within a 100-Year Floodplain; as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps.~~

~~b. location within a wetland as defined by the Federal Interagency Committee for Wetland Delineation, Federal Manual for Identifying and Delineating Jurisdictional Wetlands;~~

~~c. slopes exceeding 45%,~~

a. Required for dedications of public rights-of-way and easements, and for internal streets required for fire access;

b. Areas necessary to accommodate truck loading docks, along with the minimum amount of maneuvering area necessary to safely utilize such a loading dock;

c. Required stormwater treatment and detention facilities;

d. Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or common areas applied to and credited towards the subject site, and any land dedicated to the City for parks or greenways;

e. Optional open space within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resource structures;

f. Delineated wetlands, and vegetated corridors as required by Clean Water Services;

g. Any area or facility where occupancy is prohibited for safety reasons, such as electrical transformer platforms, industrial chemical and/or gas storage areas, or other similar hazardous facility or area; and

h. Any land with slopes of twenty-five percent (25%) or greater or within the most current mapped 100-year floodplain (as referenced in Section 131), unless used for building or parking purposes.

(16) Parcel. A unit of land that is created by a partitioning of land.

(17) Partition. Either an act of partitioning land or an area or tract of land partitioned.

(18) Partition land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. However, partition land does not include: division of land resulting from lien foreclosures, creation of cemetery lots, divisions of land made pursuant to court order, including but not limited to estate or intestate succession, or the adjustment of a lot line by the relocation of a common boundary where the change does not conflict with requirements established in the zoning ordinance of the City of Hillsboro.

(19) Pedestrian/bicycle accessway, or Accessway. Any off-street path or way designed and constructed for use by pedestrians and bicyclists which provides direct routes within and from new subdivisions and planned unit developments to other residential areas, transit streets, shopping areas and neighborhood activity centers where such routes are not otherwise provided by the street system. Pedestrian/bicycle accessways through parking lots are generally physically separated from adjacent vehicle parking, parallel vehicle parking, of vehicular traffic by curbs or similar devices and include landscaping, trees and lighting. Where pedestrian/ bicycle accessways cross driveways, they are generally raised, paved or marked in a manner that provides for convenient and recognized access for pedestrians. (Added by Ord. 4466/8-96.)

(20) Pedestrian connection. A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, pedestrian walkways, pedestrian/bicycle accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard-surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. Where site conditions are favorable to stormwater infiltration, the City encourages, where technically feasible and appropriate the use of pervious pedestrian pathway. (Added by Ord. No. 4466/8-96 and Amended by Ord. No. 5728/3-07.)

(21) Planning Commission. The Planning Commission of the City of Hillsboro.

(22) Planning Director. The Planning Director of the City of Hillsboro or the Planning Director's designee. (Added by Ord. No. 4466/8-96.)

(23) Plat. A map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(24) Property Line Adjustment. The relocation of a common boundary line between two or more abutting properties, which does not create an additional lot or parcel, and which does not reduce the areas or dimensions of existing lots or parcels, or the setbacks of structures thereon, below the minimum standards established by the applicable zone.

(25) Public improvements. The physical structures and facilities that are developed, owned and maintained by public agencies to house governmental functions and provide water, power, waste disposal, transportation and similar services in accordance with established public policy.

(26) Reasonably direct. When used in connection with bicycle and pedestrian access, "reasonably direct" means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

(27) Safe and convenient. When used in connection with bicycle and pedestrian access, "safe and convenient" means bicycle and pedestrian routes, facilities and improvements that are reasonably free from hazards (particularly types or levels of automobile traffic which would interfere with or discourage short pedestrian or bicycle travel trips), that provide a reasonably direct route of travel between the place of origin and place of destination, and that meet the travel needs of pedestrians and bicyclists considering destination and length of trip and an optimum trip length for pedestrian of generally one-quarter to one-half mile.

(28) Street or road. A public or private way that is created to provide ingress or egress for persons to more than one lot, parcel, area or tract of land.

(29) Subdivide land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

(30) Subdivision. An act of subdividing land or an area or tract of land subdivided as defined in this ordinance.

(31) Third Place. A commonly accessible location within a neighborhood, which is neither "home" nor "work", which functions as a gathering place for social interaction among residents and visitors. Alternatively, a commonly accessible location within a business district or a campus development which fulfills the same function for employees and customers. Such locations are characterized by planned or spontaneously occurring amenities such as hardscaped or landscaped group seating

areas and activities equipment. Third places can be either indoors or outdoors, and either publicly or privately owned.

(32) Transit stop. Any posted bus or light rail stop. (Added by Ord. No. 4466/8-96.)

(33) Transit trunk route. Any arterial or collector street upon which Tri-Met currently provides continuous 20-minute service during weekday business hours. Upon City adoption of its Transportation System Plan, "transit trunk route" means any arterial, collector or other street identified as a transit trunk route in that plan or any subsequent amendment thereto. (Added by Ord. No. 4466/8-96.)

(34) Usable Open Space. Planned and improved open areas that provide opportunities for active recreation; passive relaxation; or community interaction. Such areas may include, but are not limited to: children's play areas; pocket parks; improved playing fields or courts; and paved or landscaped pedestrian spaces. Usable open space does not include: foundation landscaping; enlarged or enhanced parking strips or sidewalks; or unimproved or vacant areas. Usable open space may include Resource Level 1, 2, or 3 Significant Natural Resource areas, wetlands or buffers only if such areas are enhanced pursuant to the standards of this Ordinance.

ARTICLE II

Tentative Subdivision Application

Section 1. Application Procedure and Submittal Requirements. To initiate a subdivision within the City of Hillsboro the following procedures must be followed: (Section 1 Amended by Ord. No. 4466/8-96.)

(A) Obtain certification from the City Engineering Department on forms provided by the City that the following are available to the site:

(1) Municipal water with sufficient volume and pressure to serve the proposed development.

(2) Sanitary sewer with sufficient treatment plant capacity and line capacity to serve the proposed development.

(3) Storm sewer with sufficient line capacity to adequately provide the necessary drainage.

If any of these certifications cannot be made because the utilities cannot be provided at the property boundary, the City Engineer shall state on the form whether the utilities could be provided by extension or replacement of existing lines or construction of pumping stations and will provide an estimate of the cost of extension, replacement or the pump station. A signed statement by the developer ~~that it is his~~ ***of the*** intent to advance the funds necessary for the required extension, replacement or pump station will be acceptable in conjunction with the Engineers' statements to serve in lieu of a full certification. If certification or statement in lieu of certification cannot be given due to a lack of utilities, further processing of the proposed subdivision can proceed only if the developer furnishes a statement that he fully realizes that no development of the tract can proceed until utilities are available and that no time schedule for their availability can be provided.

(B) An application, using forms provided by the City of Hillsboro Planning Department, must be filed with said department in completed form a minimum of 30 days prior to the Planning Commission meeting at which said application is to be considered. ~~(Subsections (A) and (B) may proceed simultaneously).~~

(C) In order to defray the costs of processing, a filing fee must be submitted with the application. Said filing fee shall be established by the City Council, under Article X of this Ordinance.

(D) ~~Ten~~ ***Twenty-five copies*** ~~and a transparency~~ of the tentative subdivision, ***a narrative addressing the approval criteria,*** and any other informational maps required shall be submitted with the application and filing fee. A list of information required on or accompanying the tentative subdivision plat shall be available from the Planning Department. This list shall be provided upon request.

(E) In addition to the certificates, maps and other documents required under sections (A) through (D) of this Section, the applicant shall provide the following information on the tentative plat or in supporting documents:

(1) A vicinity map showing the following information within 500 feet of the proposed subdivision: the locations of existing subdivisions and partitions and unsubdivided or unpartitioned land ownership; the locations and sizes of existing utilities; and the locations and dimensions of existing streets, sidewalks, transit trunk routes and transit stops, bike routes and bike ways, and pedestrian/bicycle accessways.

(2) The locations and widths of proposed streets, sidewalks, pedestrian/bicycle accessways, and other pedestrian connections or bicycle ways within the subdivision.

(3) The locations, widths and purposes of proposed easements within the subdivision.

(4) A map showing how proposed streets, sidewalks, bike routes and bike ways and pedestrian connections within the proposed subdivision may be extended onto adjoining undeveloped properties so as not to preclude their efficient development.

(5) A subdivision connectivity analysis prepared by an architect, engineer or other appropriate professionals licensed by the State or Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing and planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties showing how lotting and street patterns within the proposed subdivision will extend to and/or from such adjacent properties.

(6) A geotechnical investigation report which shows the following: slope stability studies, on-site site grading, cutting and filling; structural foundation requirements; surface and subsurface drainage recommendations; erosion vulnerability; building or grading limitations, including top of slope offsets and areas restricted for site grading; recommendations for construction of streets, utilities, and structures of the site; and identification of any portions of the site requiring further evaluation by a geotechnical or structural engineer. Unless the Planning Director determines that a geotechnical investigation is warranted due to site-specific characteristics, projects meeting all of the following criteria are exempt from this requirement:

(a) construction value of the project is $150,000 or less; and

(b) the project will not involve the import, export, and/or on-site movement of more than 100 cubic yards of earth; and

(c) there is no evidence of any previous fill on the site to a depth exceeding one foot; and

(d) the project does not include proposed fill on the site to a depth exceeding one foot; and

(e) no portion of the site has a slope in excess of ten percent (10%).

(7) Site plans, street and driveway cross-sections, landscaping and open space plans, fence and wall plans, street tree plans, and building elevations documenting compliance with any applicable development standards and design guidelines adopted by the City Council or the Planning Commission pursuant to Article VI.

(8) In residential projects of eight or more lots, to demonstrate compliance with General Architectural Design and Construction Standards and Guidelines adopted under Article VI of this Ordinance, the applicant shall submit front, side and rear elevation, color palettes, and plot plans for all proposed residential structures.

At the option of the applicant, documentation of compliance with the General Architectural Design and Construction Standards and Guidelines may be delayed until submittal of the final plat, but in that case public notice of the final plat review shall be given as required in Section 2.

The City Council shall adopt by Resolution a fee, to be charged in addition to the tentative plat fee or the final plat fee as applicable, to defray the costs of reviewing the documentation required under this subsection.

(F) Any proposed subdivision within the City of Hillsboro, which meets the definition of "development" as contained in Chapter 1 Section 1.02.15 of the *Washington County Clean Water Service's Design and Construction Standards and Regulations Pertaining to the Sanitary Sewerage and Storm and Surface Water Management Systems, including Regulations for Erosion Control and Protection of Water Quality Sensitive Areas,* shall be reviewed for compliance with, and shall comply with the applicable provisions and procedures of Chapter 3, *Standard Design Requirements for Storm and Surface Water* of the CWS's Design and Construction Standards and Regulations for Sanitary Sewerage and Storm and Surface Water Management Systems. Accordingly, as part of the application submittal requirements, the applicant shall submit either: 1) a determination by CWS that Site Assessment is not necessary, Or 2) CWS Service Provider Letter. (Added by Ord. No. 4983/12-00.)

(G) Prior to submittal of an application for a tentative subdivision plat, the applicant shall hold a neighborhood meeting at a location in the closest practicable proximity to the subject site. The meeting shall be held on a weekday evening or weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to surrounding neighborhood, at the same notification radius required by the City for the tentative subdivision plat. The applicant shall also post notice of the neighborhood meeting on the site at least seven days before the meeting.

At the neighborhood meeting, the applicant shall provide preliminary details of the major elements of the development, including number and type of dwellings if

applicable, proposed uses, street, lotting, and parking layouts, approximate building locations and heights, and approximate locations for open space and natural resource preservation as applicable. Opportunity shall be provided for attendees to ask questions regarding the proposal. The applicant shall prepare meeting notes of major points, issues, and responses concerning the development proposal that were discussed at the meeting. Only one neighborhood meeting per development proposal is required, but the applicant may hold more meetings if desired.

The neighborhood meeting notes, list of parties notified, dated photographs documenting site posting, copies of all materials provided by the applicant at the meeting, and a signature sheet of attendees shall be included with the development application upon submittal. ~~Applications not including this documentation, or submitted prior to the neighborhood meeting, shall be deemed incomplete.~~

Compliance with the provisions of this section is a jurisdictional requirement of the Hillsboro Subdivision Ordinance. Applications shall not be submitted without this documentation, or submitted prior to the neighborhood meeting. If submitted without this documentation, such applications shall not be accepted by the City.

~~Section 2. Public Notice. The Planning Director shall mail a notice of the proposed subdivision to property owners within 200 feet of the proposed subdivision not less than 10 days prior to the date the tentative subdivision plan is submitted to the Planning Commission for its consideration. The name of the owners shall be as shown upon the current records of the County Assessor. Said notice shall state the time, date and location of the Planning Commission meeting at which the proposed plat will be considered. The notice shall also state the proposed number of lots, the proposed use and shall be accompanied by a map showing the site and approximate street layout of the proposed subdivision in relation to the immediately surrounding area.~~

Section 2. Determination of Administrative or Planning Commission Review. An application for approval of a tentative subdivision plat may be processed either administratively through the Planning Department, or under a public hearing process through the Planning Commission.

(A) An applicant for tentative subdivision plat approval may request Planning Commission review upon submittal of the application at any time prior to the Planning Department determination of application completeness.

(B) Upon review of an application for tentative subdivision plat approval, prior to the determination of application completeness, the Planning Director may decide that the application warrants Planning Commission review due to either of the following factors:

1. the likelihood of significant interest or opposition from surrounding property owners or affected agencies; or
2. the presence of issues requiring significant discretion during the review process, or review by a second party (such as variances).

(C) Any application for tentative residential subdivision plat approval exceeding the following thresholds shall be processed only through Planning Commission review:

1. ***gross site acreage of five (5) acres or more;***
2. ***total number of proposed lots greater than 20***
3. ***total number of proposed dwelling units greater than 20;***
4. ***site location within a light rail district or conservation district; or***
5. ***inclusion within the site of Significant Natural Resource Overlay district(s).***

Section 3. Public Notice. A public notice of the tentative subdivision plat application shall be mailed to property owners within 500 feet of the proposed subdivision not less than 30 days prior to the date of the Planning Director's decision, or not less than 20 days before the Planning Commission public hearing, as applicable. For this purpose the names and addresses of the owners as shown on the current records of the County Assessor shall be used. The notice shall state the proposed number of lots, the proposed use and shall be accompanied by a map showing the site and approximate street layout of the proposed subdivision in relation to the immediately surrounding area. Failure of a person to receive the notice specified in this section shall not invalidate any proceedings in connection with the application for preliminary subdivision plat.

~~Section 3. Development Review. The Planning Director shall distribute copies of the application, tentative plat and any other pertinent information to the appropriate City department heads and to all affected governmental agencies and utility companies for review and comment.~~

~~(A) If sufficient questions or concerns are expressed by department heads, a meeting of the development review committee will be called to review the proposed tentative plat at least 15 days prior to the Planning Commission meeting at which the tentative plat is to be considered. The applicant or his agent will be invited to attend this meeting. The purpose of the meeting will be to discuss the technical aspects of the proposed development and to bring to the attention of the developer any concerns which the staff or other agencies might have regarding the development. The Planning Department will prepare a report summarizing the matters discussed at the meeting. A copy of this report will be sent to the developer or his agent. Said report shall make appropriate recommendations as to alterations or conditions which the staff feels are necessary for tentative plat approval.~~

~~(B) If, in his opinion, the concerns or questions raised by department heads are not sufficient to require a meeting of the development review committee, the Planning Director shall proceed to review the tentative plat and prepare a report as to its suitability. Said report shall make appropriate recommendations as to alterations or conditions necessary for tentative plat approval.~~

~~(C) A copy of the report of either the committee or the Planning Director shall be made available to the applicant not less than 10 days prior to the Commission meeting. If the applicant wishes to revise the plat, any revisions must be submitted to the Planning Director not less than five days prior to the Planning Commission meeting. If~~

~~revisions are submitted, the Planning Director shall evaluate them and prepare a supplemental report as to their suitability or any necessary conditions or alterations.~~

Section 4. Administrative Review. The Planning Director shall distribute copies of the application, tentative plat and any other pertinent information to appropriate City department heads, affected governmental agencies and utility companies for review and comment.

(A) If sufficient questions or concerns are expressed, a meeting of department heads, governmental agencies, and utility companies may be called to review the proposed tentative plat. The applicant or the applicant's agent may be invited to attend this meeting. The purpose of the meeting will be to discuss the technical aspects of the proposed development and advise the developer regarding any concerns which the staff or other agencies might have regarding the development, and to make appropriate recommendations as to alterations or conditions which the staff feels are necessary for tentative plat approval.

(B) Following receipt of comments from department heads, affected governmental agencies, utility companies, and the public, the Planning Director or the Director's designee shall review the tentative plat and prepare a staff report. The staff report shall analyze issues of concern and make appropriate recommendations as to alterations or conditions necessary for tentative plat approval.

(C) A copy of the staff report shall be made available to the applicant and the public not less than seven days prior to the date of the Director's decision. If the applicant wishes to revise the plat based on the staff report, the applicant shall submit a 60-day extension of the statutory 120-day limitation, and notice of the revised plat shall be sent to owners of surrounding property pursuant to Section 3. Following receipt of any additional comments, the Director shall evaluate the revisions and prepare a supplemental report regarding any changes in necessary conditions.

Section 5. Planning Commission Review. If the applicant or the Planning Director has determined that the tentative subdivision plat application will be reviewed by the Planning Commission, the Planning Director shall proceed through the process cited in Section 4 (A) through (C) of this Article, except that the staff report shall be made available to the applicant and the Planning Commission not less than seven days prior to the date of the Planning Commission public hearing. On the specified date, the Planning Commission shall conduct a public hearing on the tentative subdivision plat application as prescribed by its own Rules and Procedures and by state statute.

Section 4 ***6***. Planning Commission ~~Review~~ ***or Administrative Approval***. ~~The Planning Director shall forward copies of all pertinent information regarding the proposed subdivision, and the Planning Commission shall review the materials at a public meeting.~~

(A) In considering approval, conditional approval or denial of a tentative plat, the Planning Commission ***or the Planning Director*** shall consider whether the proposed subdivision:

(1) Complies with the zoning ordinance and other applicable land use regulations, ***including the minimum and maximum residential densities of the zone if applicable.***

(2) Provides necessary public utilities and facilities including, but not limited to, water, sanitary sewer, storm sewer, streets, parks, fire protection, and police protection.

(3) Facilitates safe and convenient bicycle and pedestrian connections and access within and from the proposed subdivision to nearby shopping centers, industrial parks, transit stops and neighborhood activity centers.

(4) Facilitates the efficient development of and safe, access to adjoining undeveloped properties.

(5) Complies with the street and bicycle/pedestrian design standards in Section ~~5~~ ***8*** of this Article and the pedestrian/bicycle accessway standards in Section ~~6~~ ***9*** of this Article.

(6) Complies with the usable open space standards in Section 7 of this Article.

(7) Conforms ~~in its design~~ with ***the Development Standards and Design Guidelines adopted under Article VI of this Ordinance, and*** with any other applicable standards adopted by the City Council or Planning Commission.

(8) Warrants conditions of approval to minimize traffic or other adverse impacts on adjacent properties or to enable a determination that applicable approval standards are met.

(B) The ***Planning*** Commission ***or the Planning Director*** shall approve the proposed tentative plat only if it finds that the tentative plat satisfies the standards in subsection A of this Section. The ***Planning*** Commission ***or the Planning Director*** may impose such approval conditions as ~~it deems~~ necessary to assure compliance with those standards. The ***Planning*** Commission ***or the Planning Director*** may deny the proposed tentative plat if ~~it finds that~~ the tentative plat does not comply with the standards in subsection A (1) - (8) of this Section.

(1) If the ***Planning*** Commission ***or the Planning Director*** finds that there are inadequacies in public facilities, services, and/or utilities, the ***Commission or Director*** may condition approval of the subdivision only upon finding that such deficiencies can be corrected in a timely manner.

(2) If the ***Planning*** Commission ***or the Planning Director*** finds that the tentative plan does not comply with the applicable design standards for subdivisions in subsections A (1) - (8) of this Section, the Commission ***or Director*** may ~~require the applicant to revise and resubmit the tentative plat,~~ approve the tentative plat with conditions, or deny the tentative plat.

(3) ~~Approval, conditional approval, denial or deferral for purposes of revision and resubmission shall be by a majority of a quorum of the Commission.~~ The ***Planning*** Commission ***or the Planning Director*** shall notify the applicant and parties of ~~it's~~ ***the*** decision in the manner established by state law. ~~Any decision of the Commission may be appealed to the under the provisions of Article VIII of this ordinance.~~

Section 7. Appeal of Decision on Tentative Subdivision Plat. A decision by the Planning Commission may be appealed to the City Council under the provisions of Article VIII of this Ordinance. A decision by the Planning Director may be appealed to the Planning Commission under the provisions of Article VIII of this Ordinance.

Section ~~5~~ ***8***. Street and Pedestrian/Bicycle Design Standards.

[No changes proposed in this Section except renumbering the section title].

Section ~~6~~ ***9***. Pedestrian/Bicycle Accessways.

[No changes proposed in this Section except renumbering the section title].

Section 10. Usable Open Space. Unless an exception is approved under the standards in subsection e below, residential subdivisions in all zones shall provide usable open space within the project based on the gross acreage of the project, as shown in the following table:

Project Gross Acreage	***Required Usable Open Space***
1.01 to ~~10.00~~ 5.00	***5.0%***
5.01 to 15.00	***7.5%***
15.01 to 25.0	***~~7.5%~~ 10.0%***
Over 25.01	***~~10.0%~~ 12.5%***

a. Maintenance of common private open space and other facilities such as private streets shall be the responsibility of the Homeowners' Association created in accordance with Oregon Revised Statutes.

b. Usable open space in residential subdivisions shall be sited and improved to provide active recreational and "third place" amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of the required usable open space area shall be improved for active recreational and "third place" use.

c. Usable open space in residential subdivisions may include passive recreational areas only where inventoried Resource Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Such areas or portions thereof may be counted toward the usable open space under the following standards:

1) public accessways and covered viewing areas are provided;
2) only that portion of the inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffer area visible from the viewing area is applicable toward the requirement.

3) the entire area is enhanced pursuant to Clean Water Services standards and the requirements of Section 131A if applicable; and

4) the visible inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers will not count for more than 25 percent of the required usable open space.

d. Development within areas designated as Town Centers or Main Streets on the Hillsboro 2040 Growth Concept Boundaries Map shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water features and drinking fountains; benches or low walls with seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development.

e. The Planning Commission may grant an exception to the Open Space requirements of this Section upon finding that:

1. The subdivision is within ¼ mile (measured in actual walking distance) of a publicly accessible active open space area such as a public park; or

2. a minimum of 800 square feet of private open space per lot is provided for at least 65 percent of the lots in the subdivision. To apply toward this exception, such private open space must be configured in contiguous side and/or rear yards with minimum depths or widths of 10 feet. Second story decks or roof gardens may also apply toward the 800 square foot standard, provided that the decks or gardens are at least 120 contiguous square feet in area.

Section ~~7~~ ***11***. Limitation of Approval. Approval of a tentative plat shall not constitute approval of the final plat for record. Rather, it shall be a guide for the preparation of the final plat for submission to the Planning ~~Commission~~ ***Director*** for approval.

(A) Approval of the tentative plat shall be in effect for one year from the date of approval by the Planning Commission. During this time a final plat shall be prepared and submitted to the City. ~~If the applicant is unable to complete the final plat~~ ***If the final plat application is not submitted*** in this period, the Planning ~~Commission~~ ***Director*** may extend the approval period for one year. Requests for extension of approval time shall be submitted in writing ***prior to the one year expiration date***. Failure of the applicant to prepare and submit a final plat within the prescribed time period shall cause the plat to become null and void.

If further consideration is requested, the tentative plat shall be resubmitted for consideration, subject to the tentative plat provisions of this ordinance. If any phase of a development submitted to the Planning ~~Commission~~ ***Director*** for final approval is approved and recorded with Washington County within the prescribed time period, the one-year time limit shall be extended to the remaining portion of the development. This extension may be renewable for a period of one year upon approval of the Planning ~~Commission~~ ***Director***.

(B) Approval of the tentative plat where public facilities, services, and/or utilities essential to development of the site are inadequate does not obligate the City or any other agency to a schedule or financial commitment to provide such services. The applicant is advised to negotiate commitments from the appropriate authorities before proceeding with the final plat.

Section ~~8~~ ***12***. Modification of Tentative Plat Approval. Application for modifications in the lotting pattern and/or the conditions of approval of an approved tentative subdivision plat shall be reviewed by the Planning ~~Commission~~ ***Director*** pursuant to the procedures specified in Sections 2, 3, and 4 of this article. In order to defray the costs of processing, applications for modification of an approved tentative subdivision plat shall be accompanied by payment of a fee as established by the City Council under Article X of this Ordinance. The ~~Commission~~ ***Director*** shall approve a proposed modification of an approved tentative plat only upon finding that the proposed modification equally or better complies with the subdivision approval criteria listed in Section 4 (A) of this Article. The Commission may impose such approval conditions on the modification as it deems necessary to assure compliance with those standards. The ~~Commission~~ ***Director*** may deny the proposed modification if it finds that the modification does not equally or better comply with the standards in Section 4 (A).

ARTICLE III

Final Plat Procedure

Section 1. Submission of Final Plat. In order to receive consideration for final plat approval, the applicant shall have the subdivision surveyed and a final plat prepared in substantial conformance with the tentative plat as approved. The subdivider shall submit ~~the original drawing(s), tracing(s)~~ ***25 copies of the final plat*** and any supplementary information to the Planning Director, ***including detailed elevations, color palette, and plot plans as required by Article II, Section 6 (C), unless submitted with the preliminary plat.*** A list of information required on and materials required for the final plat shall be available from the Planning Department.

Section 2. Final Plat Check Fee. At the time of submission of a final plat for approval, an application fee as established by the City Council under Article X of this Ordinance shall be paid to the City in order to defray the costs of processing the application.

The purpose for said plat check fee is to defray expenses incurred for conducting subdivision plat checks. The final plat check fee in no way assures approval and cannot be refunded once the plat check has been accomplished.

Section 3. Review of Final Plat.

(A) Upon receipt of the final plat, accompanying data and appropriate plat check fee, the Planning Director shall examine the documents to determine that the subdivision as shown conforms to the tentative plat as approved, meets the conditions of approval if conditionally approved and meets zoning ordinance requirements. If he determines there has not be full compliance he shall advise the subdivider and his agent of the changes, corrections and/or additions that must be made and shall afford the subdivider or his agent the opportunity to make such changes, corrections or additions.

(B) (Repealed by Ord. No. 2960/11-78.)

(C) If the submittal of the detailed elevations, color palette, and plot plans required by Article II, Section 6 (C), was deferred to submittal of the final plat, a notice of final plat application review shall be sent to property owners within 500 feet of the proposed subdivision, as required in Article II, Section 3.

(D) The final plat application shall be reviewed under the same standards and regulations in effect when the preliminary plat application was deemed complete, unless the applicant consents in writing to the application of standards adopted after submittal of the preliminary plat.

Section 4. Approval of Final Plat.

(A) ~~When the Planning Director determines~~ ***A determination by the Planning Director that*** the final plat conforms with the tentative plat as approved or has met applicable conditions if approved conditionally, ***and*** the requirements of this Ordinance have been met, ~~and secures the signature of the City Engineer, whose signature shall certify the platting laws of this State have been met~~, ***shall constitute authorization for***

the presiding officer of the Planning Commission to sign the final plat. ~~the Planning Director shall have the matter placed on the next Planning Commission agenda. The final plat shall be approved by a majority or a quorum of the Planning Commission if that Commission determines that all applicable conditions of tentative approval have been met and the plat conforms with the approved tentative plat. If some conditions of tentative approval cannot be met until after final approval, the Commission may grant the final approval subject to those conditions. Approval of the final plat shall be evidenced by the signature thereon of the President of the Planning Commission, or in his absence the Vice-President, with the date of such approval. If the final plat be disapproved, the Planning Commission shall enter findings of fact stating the basis of disapproval~~. ***If the final plat is determined not to conform with the tentative plat as approved, or has not met applicable conditions if approved conditionally, the Planning Director shall provide findings of fact stating the basis for disapproval***. The subdivider may then either submit a new plat for consideration or appeal the decision as provided in Article VII of this Ordinance.

(B) Following ~~approval by the Planning Commission~~, ***signature by the presiding officer of the Planning Commission***, the Planning Director shall notify the subdivider that the final plat has been approved by the City and forwarded to the County Surveyor for purposes of conducting the plat check in conformance with O.R.S. Chapter 92, and subsequent processing by the County to result in recording of the plat.

Section 5. Filing of Final Plat. Approval shall be effective for six months after the signature of the ~~President~~ ***presiding officer*** of the Planning Commission is obtained. The Planning Director may extend the effective period, not to exceed six months, upon written request of the subdivider. If the final plat is not recorded by the subdivider within this time, the final plat shall be null and void. The subdivision may then be resubmitted to the City of Hillsboro for consideration subject to all tentative plat provisions of this ordinance.

ARTICLE IV

Major Partition Procedures

Section 1. Submitting the Major Partition Map. No person shall create a street, road, public or private way in the City of Hillsboro for the purpose of partitioning an area or tract of land without the approval of the Planning ~~Commission~~ ***Director***. A person desiring to so partition land within the City shall file an application with the Planning Director on forms provided by the City Planning Department, together with ~~25~~ ***12*** copies and the fees required by this ordinance. The application shall include the information specified in Article II, Sections (1) (A), ~~and~~ ***(1) (E), (1) (F), and (1) (G).***

Section 2. Major Partition Map Filing Fee. Applicable for a Major Partition. An application fee as established by the City Council under Article X of this Ordinance shall be paid to the City of Hillsboro by the applicant at the time of submission of the application for a major partition, in order to defray the costs of processing the application. All recording costs for legal instruments required by the City must also be paid by the applicant. (Amended by Ord. No. 3322/5-82; 5314/10-03; and 5595/1-06).

Section 3. Review of Major Partition. ~~An application for a major partition must be considered by the Planning Commission~~. Upon receipt of the application for a major partition, the Planning Director shall proceed as follows:

(a) Check the proposal against ~~the Comprehensive Plan~~, ***the Zoning Ordinance including the minimum and maximum residential densities of the zone if applicable***, the requirements of this ordinance and any regulations applicable to the land.

(b) Distribute one copy of the major partition map to each affected department and ask for comment within ~~10~~ ***14*** days.

~~(c) See that the City Engineer checks the major partition map and site to determine the accuracy of the map and inform the Planning Director of his findings.~~

(c) Send written notice by mail, not less than 20 days before the decision, to owners of property situated within a 200 foot radius of the boundary of the property subject to the request, using for this purpose the name and address of the owners as shown upon the current records of the County Assessor. Failure of a person to receive the notice specified in this Section shall not invalidate any proceeding in connection with the application for a major partition preliminary plat.

(d) Prepare a ***staff*** report reviewing the major partition proposal; ~~within 10 days after receiving certification of the accuracy of the map from the City Engineer;~~ said ***staff*** report shall ~~recommend that the Planning Commission~~ either approve or conditionally approve the major partition if such partition does not impede the future use of the tract, adversely affect the sale or logical development of any remainder of the tract or any adjoining land or access thereto; and if the proposal conforms to applicable statutes, rules, standards and ordinances. ***If the Planning Director finds that the major***

partition proposal does not conform to applicable standards, or if it impedes future use of the tract or adjacent properties, the Director shall deny the major partition, and the staff report shall include findings stating the reasons for denial.

~~(e) Furnish a copy of the staff report to the applicant.~~

(f) ~~Place the major partition proposal on the next regular agenda of the Planning Commission. The Planning Commission shall consider the proposal based on the criteria listed in (d) above and shall either approve, conditionally approve or deny the proposed partition. If the Commission votes to deny such a request, it must first adopt findings stating the reasons for denial. After the Commission has reached a decision on the partition, the Planning Director shall notify the applicant in writing of the decision. In case of denial, the notification shall include the findings of the Commission and a summary of the appeal provisions. If the partition is approved, the Planning Director shall so note on the map and return said map to the applicant for recording with the County. If the partition is approved with conditions, the Planning Director shall so note on the map.~~

Section 4. ~~Filing of Map~~. ***Final approval***. When the conditions ***of approval on the tentative plat*** have been met, and upon payment of a fee as established by the City Council under Article X of this Ordinance to defray the costs of processing the application, ~~he~~ ***the Planning Director*** shall ~~release the map to the applicant for filing of surveys and recording of deeds~~ ***sign the final plat and release it for recording*** with the County. ~~and filing of the approved partition map with the City Recorder~~.

Approval or conditional approval of a major partition ~~map~~ ***plat*** shall become null and void if the map is not recorded with the County within ~~90 days~~ ***12 months*** of the date of approval or conditional approval. ***A single six month extension may be granted by the Planning Director if requested in writing before the expiration of the initial six month period. If the major partition map is not recorded within the required time,*** the major partition may then be resubmitted to the City for consideration, subject to all provisions of this article.

Section 5. ***Appeal***. Any decision of the ~~Commission~~ ***Director*** may be appealed pursuant to Article VIII of this ordinance.

ARTICLE V

Minor Partition

Section 1. ***Submittal Requirements and*** Administrative Procedure. Minor partitions shall be reviewed, approved, approved with conditions, or denied by the Planning Director.

(A) An application for minor land partition shall be filed with the City on the form provided by the Planning Department, together with 12 copies and the fees required by Article X of this Ordinance. The application shall include the information specified in Article II, Sections (1) (A), (1 (E), (1 (F), and (1)(G).

(B) Applications for minor partition approval shall be reviewed for compliance with Zoning Ordinance requirements regarding minimum and maximum densities, lot dimensions, and other applicable Zoning Ordinance provisions, and under administrative rules approved by the Planning Commission.

In addition to these rules, the Planning Director shall require that minor partition applications include geotechnical investigation reports as specified in Article II, Section (1) (E) (6). Unless the Planning Director determines that a geotechnical investigation is warranted due to site-specific characteristics, projects meeting all of the following criteria are exempt from this requirement: the construction value of the project is $150,000 or less; the project will not involve the import, export, and/or on-site movement of more than 100 cubic yards of earth; there is no evidence of any previous fill on the site to a depth exceeding one foot; the project does not include proposed fill on the site to a depth exceeding one foot; and no portion of the site has a slope in excess of ten percent (10%).

Section 2. Review and Approval. Approval, conditional approval, or denial will be made based on conformance of a preliminary partition plat with applicable standards, statutes, rules and ordinances. Approval of the final partition plat shall be based upon conformance with any applicable conditions, and shall be evidenced by the signature thereon of the Planning Director, with the date of such approval. Any decision of the Planning Director may be appealed according to the provisions of Article VIII of this Ordinance.

Section 3. Fees. For purposes of defraying the cost incurred by the City in processing preliminary and final plats for minor partition applications, each application by a property owner or the authorized agent of the owner for preliminary or final partition plat approval shall be accompanied by fees as established by the City Council under Article XII of this Ordinance. All recording costs for legal instruments required by the City must also be paid by the applicant.

Section ~~2~~ ***4***. Lot Size Limitation for Partitions. A parcel of land or the aggregate of contiguous parcel under the same ownership, containing sufficient net buildable area to allow creation of ~~five~~ ***four*** or more lots meeting the minimum requirements of Zoning Ordinance No. 1945 as amended, shall be divided only in conformance with the procedures and standards specified in Articles II and III of this Ordinance. ~~The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Planning Director.~~

A parcel, partitioned solely for the purpose of segregating one separate smaller parcel for an existing or proposed single family house, shall be exempt from the provisions of Section ~~2~~ ***4***. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone.

Article VI

Property Line Adjustments

Section 1. Administrative Procedure. Property line adjustments shall be reviewed, approved, approved with conditions, or denied by the Planning Director or the Director's designee. Applications for property line adjustments shall be made on a form prescribed by the Planning Director, and shall be accompanied by payment of a fee as determined by the City Council. Approval, conditional approval, or denial will be made based on the following standards:

(a) conformance of both properties with the minimum dimensional (lot depth, width, and area) standards of the applicable zone after the proposed adjustment;

(b) conformance of any structures on either property with the minimum and maximum setback standards of the applicable zone after the proposed adjustment;

(c) if either or both of the affected properties are eligible for additional development, the proposed adjustment will neither preclude opportunity for such additional development nor reconfigure the properties in a pattern which might obviate public improvements required as condition of such additional development.

ARTICLE ~~VI~~ ***VII***

~~General Principles of Design and Improvement Standards~~
Development Standards and Design Guidelines

Section 1. Conformance. The design of and improvements in subdivisions or partitions shall conform with the ~~elements~~ ***policies*** of the Comprehensive Plan ~~for the City~~, ***the standards of the Zoning Ordinance,*** and ~~with~~ other applicable standards ~~established~~ ***adopted*** by the Planning Commission or City Council.

Section 2. Standards The Planning Commission and City Council may adopt development standards and design guidelines for any element of development within a subdivision, including but not limited to the following: lotting patterns; building orientation, design, and placement; circulation and parking design; streets and infrastructure construction; and landscaping and usable open space.

Section 3. Applicability. The Planning Commission, the City Council, and the Planning Director or the Director's designee may apply the development standards and design guidelines adopted for subdivisions to other land use applications reviewed by the City, including planned unit developments and development review, where such standards are clearly applicable.

ARTICLE ~~VII~~ ***VIII***

Appeal

Section 1. Appeal. An appeal to the City Council ***or Planning Commission*** from any final decision of the Planning Commission or Planning Director may be made by filing written notice with the City Recorder within 15 days after such decision is made. A fee must be submitted with the filed notice of appeal, ~~in an amount~~ equal to one-half the fee ~~paid~~ for the original application. ***If the appeal is of the Planning Director's decision on a tentative subdivision plat application, the amount of the appeal fee shall be one-tenth of the fee for the original application.***

(A) Notice shall set forth in detail the nature of the decision and the grounds upon which the appeal is being made.

(B) The City Council ***or the Planning Commission*** following the filing of said appeal, shall set a time for a hearing on the appeal to be held within 40 days of receipt by the City Recorder.

~~(C) Unless specifically excepted by the Council, appeals shall be based on the record before the Planning Commission which shall consist of minutes and exhibits of proceedings, the findings and actions of the Planning Commission and response to questions of the City Council members, and testimony specifically related to the findings. The proceedings shall be conducted in accordance with rules adopted by Council. The Council shall make findings based on the record before it and testimony received by it. The disposition of the appeal shall be final.~~

(C) Unless specifically excepted by the Council or the Commission, appeals shall be based on the record before the Planning Commission or the Planning Director.

1. The Planning Director's Record of Decision shall consist of the application materials, comments from department heads and affected agencies, public notification affidavits, public testimony, staff reports, conditions of approval, and supporting findings, and the Notice of Decision.

2. The Planning Commission's Record of Decision shall consist of the materials listed in Subsection 1, the minutes and exhibits of the public hearing, and the adopted Resolution and supporting findings.

(D) Either the City Council or the Planning Commission proceedings, as applicable, shall be conducted in accordance with the rules adopted by that body. Either the Council or the Commission, as applicable, shall make findings based on the Record before it and testimony received by it, and may uphold, modify, or overturn the earlier Decision.

(E) ***An appeal to the City Council of the Planning Commission's decision, either on a tentative subdivision plat or on appeal of a Planning Director's decision, may be made by filing written notice with the City Recorder within 15 days of the date of the Decision. Any such appeal shall be processed according to the requirements of this section.***

~~(D)~~***(F)*** All final orders made pursuant to the procedures set forth in this article shall be reviewable by the Circuit Court of the State of Oregon

ARTICLE ~~VIII~~ *IX*

Amendments

Section 1. Amendment. Amendment to this ordinance may be initiated by the City Council or the Planning Commission. Before consideration of an amendment by the City Council, the Planning Commission shall hold a public hearing on the proposed amendment. Notice of the hearing shall be by three publications in a newspaper of general circulation in the City, the first to be at least 10 but not more than 20 days prior to the date of hearing, and the last not more than 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Commission shall forward a recommendation regarding the proposed amendment to the City Council. The Council may consider the proposed amendment without public hearing, or may wish to call a hearing on the matter. In the event Council elects to consider the matter at a public hearing, notice of such hearing shall be the same as for hearing before the Planning Commission.

ARTICLE ~~IX~~ *X*

Interpretation and Enforcement

Section 1. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, said portion or portions shall be deemed a separate, distinct and independent provision, and such judgment shall not affect the validity of the remaining portions of this ordinance.

Section 2. Repeal. Ordinance Nos. 1707 and 2487, 2661 and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Section 3. Violations and Penalties. In addition to penalties provided by State law, violation of any of the provisions of this ordinance by an applicant or his agent shall be considered a misdemeanor and shall result, upon conviction thereof, in punishment by a fine of not more than $300.00, or by imprisonment of not more than 30 days, or both. Violation of this ordinance or any of the provisions thereof shall be deemed a separate misdemeanor for each day that such violation continues to exist. In addition to any fine or imprisonment, the cost of completing or correcting any improvements required by this ordinance and incurred by the City may be assessed to a person convicted of violation of this ordinance.

ARTICLE ~~X~~ *XI*

Fees

Section 1. Fees. The City Council shall hold a public hearing to establish or revise the subdivision or partition fees referenced in this Ordinance. Notice of such hearing shall be published in the local newspaper, and the proposed fee schedule shall be available in the Planning Department and on the City's web site.

Development Standards and Design Guidelines (Adopted by the Planning Commission pursuant to Subdivision Ordinance No. 2808 Article VI)

A. Purpose: These standards and guidelines are intended to insure project design and construction which:

1. Provides adequate, structurally sound public and private streets and utilities;
2. Allows logical, efficient development or redevelopment of adjacent properties;
3. Promotes a range of lot sizes, structural design, setbacks, and housing choices within new developments;
4. Respects surrounding context and enhances community character;
5. Considers security and privacy; and
6. Provides usable open space.

Except where the word "shall" is used, the standards and guidelines are not to be construed as mandatory. However, requests for exceptions or variances from these standards and guidelines will be reviewed in the context of the project's overall consistency with their intent.

Although these standards are intended to apply primarily to single family and townhouse residential development, they may be applied by the Planning Commission or Planning Director (or the Director's designee) to multi-family residential, commercial, industrial, or institutional development as applicable. If the application of these standards and guidelines conflict with more specific requirements in the Zoning Ordinance or other applicable regulations, the more strict standards shall apply.

B. Lot Dimension Variation Standards. The lot dimension variation requirements of this section are intended to encourage a variety of lot widths, areas, and setbacks, and providing developers flexibility in response to varying site conditions. ***These requirements are not intended to apply to townhouse or multi-family residential development.***

1. The following standards shall apply on single family residential subdivisions or Planned Unit Developments of eight or more lots, outside areas designated Station Community Planning Area on the Comprehensive Plan Map:

   a. At least 30 percent of the lots in the subdivision or PUD shall have areas which are below the average lot size in the applicable zone. Areas of such "compact lots" shall not be reduced below ~~85%~~ ***75%*** of the average lot area of the applicable zone.
   b. At least 30 percent of the lots in the subdivision or PUD shall have lot widths at the building line which are below the average lot width in the applicable zone. Widths of such "narrow lots" shall not be reduced below ~~85%~~ ***75%*** of the average lot width of the applicable zone.

c. At least 30 percent of the lots in the subdivision or PUD shall have widths which are above the average lot width in the applicable zone. ~~Widths of such "wide" lots shall not exceed more than 110% of the average lot width of the applicable zone.~~

d. To create lots with varying areas and widths, lots depths within the subdivision or PUD may be varied ~~up to 20%~~ below or above the average lot depth in the applicable zone.

e. The compact, narrow, wide ***and shallow*** lots required in sections a, b, c ***and d,*** above, should be dispersed throughout the development.

2. To ensure that new development in the Station Community Planning Areas includes variety within the allowed flexibility of the standards contained in Section 137 II., tentative plats for subdivisions or PUDs of eight lots or more in Station Community Planning Areas shall include a variety of lot widths and areas. At a minimum, the variation in area shall be 20% from the smallest to the largest lot, and the variation in width shall be 20% from the narrowest lot to the widest lot. ***These requirements are not intended to apply to townhouse or multi-family residential development.***

3. To ensure that new development is compatible with the historically diverse lotting patterns in the neighborhoods surrounding the downtown, tentative plats for subdivisions, PUDs of four lots or more, or two or more adjacent partitions ***by the same developer***, zoned SCR-LD, SCR-MD, or SCR-DNC within the Downtown Station Community Planning Area shall include a variety of lot widths and areas. At a minimum, the variation in area shall be 20% from the smallest to the largest lot, and the variation in width shall be 20% from the narrowest lot to the widest lot. ***These requirements are not intended to apply to townhouse or multi-family residential development.***

C. **Setback Variation Standards**. The setback variation requirements of this section are intended to encourage a wider range of structural design, setbacks, and housing choices within new development, and provide developers with flexibility in response to varying site conditions. The following standards shall apply on single family residential subdivisions or Planned Unit Developments of eight or more lots, outside areas designated Station Community Planning Area on the Comprehensive Plan Map. ***These requirements are not intended to apply to townhouse or multi-family residential development.***

1. At least 40 percent of the lots in the subdivision or PUD shall have front yard setbacks less than the specified distance in the applicable zone. This reduced setback shall apply only to the residence portion of the structure which may not be reduced below 75% of the specified setback. Application of the reduction is restricted as follows:

a. Side street setbacks on corner lots in subdivisions which allow reduced setbacks shall not be further reduced;

b. Front yard setback of the garage portion of the structure shall not be reduced below 19 feet;

c. Adequate angles of repose are maintained for public and private utilities.

2. Side yard setbacks in all zones may be reduced to allow ***load-bearing*** architectural projections such as, but not limited to: bay windows; oriel windows; and alcoves. Such projections may extend up to four feet into the required setback, provided that:

   a. A minimum three-foot setback is provided from the projection to the property line;
   b. Architectural projections on adjacent structures are not aligned opposite one another;
   c. The length of the architectural projection is not more than 25 percent of the length of the wall from which it projects; and
   d. Adequate angles of repose are maintained for public and private utilities.

D. Public Utilities and Site Grading

1. Adequate public water, sanitary sewer and storm drainage facilities sufficient to serve the level of development approved shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development construction. Service providers shall be presumed correct in the evidence which they submit relating to the adequacy and availability of such facilities and services to the development. All facilities shall be designed to comply with adopted City standards. A development may be required to extend, modify or replace an existing off-site public water, sanitary sewer or storm drainage facility or system to the extent necessary to provide adequate public facilities or services to the development site. The development applicant may request from the City System Development Charge credits and/or City reimbursements for utility improvements or oversizing of facilities as may be required under this provision.

2. Structural footprints shall be sited to provide adequate area for installation and maintenance of public and private utilities in compliance with City standards. If necessary, the City may require preliminary development applications to provide detailed utility plans showing horizontal and vertical locations of public and private utilities to demonstrate adequate angles of repose, and may require additional setbacks or easement width to assure adequate separation of utilities before and after construction.

3. Unnecessary grade changes shall be avoided. Retaining walls shall be provided where needed and shall consist of such structural design and materials sufficient to serve their intended purpose. Grading and contouring shall take place with particular attention to minimizing the possible adverse effects of grading and contouring on the natural vegetation and physical appearance of the development site. It is the intent of this provision that, where minimizing such adverse effects of grading and contouring within the development site unavoidably results in creating physical barriers to pedestrian and bicycle circulation, priority shall be given to minimizing such adverse effects. However, the Planning Director shall work with the applicant to develop and apply practicable solutions whenever possible, taking into account the current and proposed use of the development site, that achieve

both objectives. As used in this provision, "natural vegetation" does not include commonly recognized weeds and brush.

4. ***Grading and erosion control plans submitted with development applications shall include "shadow grading" plans showing how changes in site grade at the property line can be accommodated as necessary on adjacent property. Grade changes of one foot or more at the property line, or any grade change which reverses direction of site drainage at the property line shall be avoided.***

5. ***Final construction drawings for development projects shall include grading plans confirming that site grading within the PUD will not impede or impound existing storm drainage from surrounding properties. If deemed necessary by the City Engineer, plans and construction drawings shall include drainage tiles, private storm lines or catch basins, or other alternative means to adequately convey the storm runoff away from adjacent properties to the new storm drainage lines in the development. Any drainage tiles, private storm drainage lines, catch basins, or other alternative improvements considered necessary by the City Engineer shall be included in project construction.***

4.***6.*** In areas identified as hazard areas by the Comprehensive Plan, development shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. Designs shall minimize the number and size of cuts and fills, and any structural fill shall be designed in accordance with standard engineering practices by a civil or geotechnical engineer licensed by the State of Oregon. The Planning Director may impose such conditions as are necessary to minimize the risk of erosion, slumping, landslides and property damage.

~~5.~~***7.*** Drainage shall be provided in accordance with City drainage master plan requirements and design standards. The Planning Director may impose conditions to ensure that waters are drained from the development site so as to limit degradation of water quality consistent with the Clean Water Service's Resolution and Order No. 91-47 as applicable within Hillsboro's City limits or any other drainage standards as may be subsequently adopted by the City Council. Drainage plans shall be reviewed and approved by the City Engineer for conformance with the adopted City drainage standards prior to construction.

~~6.~~***8.*** Any project which meets the definition of "development" as contained in Chapter 1 Section 1.02.15 of the *Washington County Clean Water Service's Construction Standards and Regulations Pertaining to the Sanitary Sewerage and Storm and Surface Water Management Systems, including Regulations for Erosion Control and Protection of Water Quality Sensitive Areas,* shall be reviewed for compliance with, and shall comply with the applicable provisions of Chapter 3, *Standard Design Requirements for Storm and Surface Water* of the CWS's Construction Standards and Regulations for Sanitary Sewerage and Storm and Surface Water Management Systems.

~~7.~~***9.*** Surface stormwater retention, detention and treatment facilities shall be integrated into site landscaping, or placed underground. In campus

developments, stormwater facilities should be consolidated to reduce the area devoted to such use. Consolidated facilities shall also be naturally integrated into the site design, landscaping and usable open space.

10. ***Except as noted below, all public utility distribution and service connections to new buildings and developments shall be underground. Aerial utility service (electricity, telephone, cable, etc.) may be used in new construction where all of the following circumstances apply:***

    a. ***The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aerially rather than underground;***

    b. ***The project is located between other utility uses on the same block face;***

    c. ***It would not be practicable to serve the new project underground without also serving the neighboring uses; and***

    d. ***The neighboring uses on the same block face and the utility company are unwilling to pay the additional cost of undergrounding their service(s).***

11. ***Developments abutting streets or corridors where overhead utilities may be placed underground in the future shall install underground utility duct banks and/or vaults as specified by the utility companies to facilitate future relocation of such utilities.***

E. Private Streets, Alleys, and Common Driveways. Private streets, alleys and common driveways constructed in subdivisions, minor or major partitions, or Planned Unit Developments shall comply with the following standards:

1. Common Driveways:

Minimum Pavement Width (1 lot)	10 feet
Minimum Pavement Width (2 lots)	15 feet
Minimum Pavement Width (3 to 6 lots)	20 feet
Minimum Improvement section (1 or 2 lots)	70,000 lb. axle load; 1 foot gravel shoulder on each side
Minimum Improvement section (3 to 6 lots)	city street section; standard crown; rolled curb on each side
Alternative improvement section	city street section; shed crown; rolled curb and 1-foot gravel shoulder

Water service	***public water lines prohibited in improvements < 20 feet wide; public fire service prohibited in all common driveways***
Drainage	Catch basins provided with curb only; provide laterals if curbs not constructed.

2. Private Street or Alley Sections serving front loaded units on each side:

Maximum capacity and length	lesser of either 12 units or 125 feet if dead-end; 25 units and 200 feet if open at both ends
Minimum tract width	22 feet. Adjustable only with approval of Engineering, Building, and Water Departments and all affected utilities
Associated PUEs	12 feet behind curb where franchise utilities locate; first 2 feet behind curb reserved for water only curbside PUE to include sidewalk and angle of repose easements Minimum width adjustable only with approval of Engineering, Building, and Water Departments and all affected utilities)
Minimum improvement width	20 feet with no on-street parking; 28 feet with single side parking; 32 feet with double side parking
Minimum improvement section	city street section; standard crown; rolled curbs (alternative section: city street section, shed crown; rolled curb and 1-foot gravel shoulder)
Drainage	Catch basins provided with curb only; provide laterals if curbs not constructed
Water service	***public water lines and public fire service permitted if approved by Water Department***
Sidewalks	Single side if total street length < 100 feet; both sides if street length > 100 ft. or if open at both ends
Street lights	Private: minimum 6 foot posts; 1 per lot; to be installed during home construction
Street trees	from City list, or as approved by Planning Director; planted with root barriers behind sidewalk or curb; plan to be approved during preliminary project review

3. Public or Private Alley Sections (outside SCPAs) serving front loaded or rear loaded units on each side:

Maximum capacity and length	lesser of either 12 units or 125 feet if dead-end; 25 units and 200 feet if open at both ends.
Minimum tract or R-O-W width	22 feet. Adjustable only with approval of Engineering, Building; and Water Departments and all affected utilities
Associated PUEs	12 feet behind curb @ side where franchise utilities locate; first 2 feet behind curb reserved for water only curbside PUE to include sidewalk and angle of repose easements (Minimum width adjustable only with approval of Engineering, Building, and Water Departments and all affected utilities)
Minimum improvement width:	20 feet, with no on-street parking (see Figure 1);
Minimum improvement section:	city street section; standard crown; rolled curbs (alternative section: city street section, shed crown; rolled curb and 1-foot gravel shoulder)
Water service	***public water lines and public fire service permitted if approved by Water Department***
Drainage:	Catch basins provided with curb only; provide laterals if curbs not constructed
Sidewalks:	single side if total street length < 100 fee; both sides if street length > 100 ft. or if open at both ends.
Street lights:	Private: minimum 6 foot posts; 1 per lot; to be installed during home construction
Street trees:	from City list, or as approved by Planning Director; planted with root barriers behind sidewalk or curb; plan to be approved during preliminary project review

F. Landscaping, Tree Preservation, and Usable Open Space

1. Landscaping in parking strips and common open space areas shall be installed according to plans approved by the City, prior to acceptance of public infrastructure. Landscaping shall be installed in all yards adjacent to a public or private street prior to final building inspections. Natural existing landscaping may be used to meet landscaping requirements. Landscape design and landscaping

areas shall serve their intended functions and shall not adversely impact surrounding areas. Required landscaping shall include a mix of vertical elements (trees) and horizontal elements (grass, ground cover, etc.).

2. Site planning, including the siting of roadways, utility easements, and structures shall provide, wherever practicable, for the protection of trees eight-inch caliper or greater, measured four feet from ground level. Development approval may be conditioned to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include the retention of a qualified consulting arborist or horticulturist both during and after site preparation, and a special tree maintenance and management program to provide protection to the trees as recommended by the arborist or horticulturist.

3. Usable open space improvements shall be sited and improved to provide active recreational and "third place" amenities intended to provide appropriate opportunities for physical activity and interaction among residents within a development. Except where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of required usable open space area shall be improved for active recreational and "third place" use.

   Usable open space in residential subdivisions may include passive recreational areas only where inventoried Significant Natural Resources, 100-year floodplain, or delineated wetlands and wetlands buffers are present on site. Such areas or portions thereof may be counted toward the usable open space under the standards specified in Zoning Ordinance Section 127. III. H; Zoning Ordinance Section 137. XII. B. 3.; or Section Subdivision Ordinance Article II (7).

   Development within areas designated as Town Centers or Main Streets on the Hillsboro 2040 Growth Concept Boundaries Map shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water features and drinking fountains; benches or low walls with seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development.

G. Fences, ~~and~~ Walls, and Berms

1. Perimeter street fences and walls shall be installed by the developer prior to the acceptance of public infrastructure, according to the standards listed in the following table:

Project Character	Preferred Standard
Arterial or collector frontage; double front-loaded (garage and front door facing interior street)	1st: masonry or brick walls; ***with anti-graffiti sealant;*** 2nd: solid wood fence with masonry or brick columns with cap board, ***and with anti-graffiti sealant;*** All fences to be six feet high except in vision clearance areas. ***Construction to include a minimum 3- foot wide landscaped strip between the sidewalk and the fence or wall.***
Arterial or collector frontage; rear loaded; (front door facing arterial or collector; garage facing interior street)	1st: masonry or brick walls; 2nd: metal fence with masonry or brick columns; 3rd: solid wood fence with cap board. All fences to be four feet high except in vision clearance areas. Individual gates to be provided for single family dwellings; consolidated gates to be provided for multi-family or rowhouses.
Neighborhood route or local street frontage; double front-loaded (garage and front door facing interior street)	Fences and walls discouraged as part of project construction.
Neighborhood route or local street frontage; front loaded; (garage and front door facing neighborhood route street)	Uniform fencing plan, to be approved during subdivision, PUD, or DR review.
Perimeter fence or wall adjacent to surrounding property (not street frontage)	Uniform fencing plan, to be approved during subdivision, PUD, or DR review.

2. Interior yard fences and walls shall be constructed during home construction, according to a uniform fencing plan approved during preliminary review.

3. As an alternative to perimeter fences or walls, projects may include perimeter berms. Such berms shall be a maximum six feet in height, with a maximum 25 percent slope. If approved, berms shall include the following improvements: stabilizing landscaping on all areas of the slopes; irrigation; and provision for drainage at the toe of all slopes.

H. Street Trees Subdivisions and Planned Unit Developments shall install street trees on public street frontages in compliance with the following standards:

Minimum size: 2 ½ inch caliper, measured 4 feet above grade

Distance and Spacing: 1 tree per lot frontage up to 40 feet;

	2 trees per lot frontage 40 to 100 feet; otherwise 30 feet on center
Location:	in planter strip with property line sidewalks; 3 feet behind curb with curbtight sidewalks
Species:	from approved City list; or as approved by Planning Director
Specifications:	City approved root barriers and ground covers required. Plan to be approved during preliminary subdivision or PUD review.

I. General Architectural Design and Construction – Single Family Residences and Duplex /or Two-Unit Townhouses

1. Detailing on Visible Elevations. Buildings shall demonstrate variation and detailing on all elevations facing and visible from public or private streets, including elevations which may be separated from such streets by open areas such as rail rights-of-way, access streets, or parking lots. Street-side building elevations, except where required to be in conformance with the design standards of a SCPA Conservation District, shall be varied and articulated to provide visual interest to pedestrians and avoid a flat appearance. Street-side elevations of residential buildings shall incorporate discernible and architecturally appropriate features such as, but not limited to: cornices; extended side eaves; barge and fascia boards; changes in gable siding; belly bands; symmetrical windows; enhanced window trim and framing; bay windows; and wrap-around porches. Street side elevations of non-residential buildings shall incorporate discernible and architecturally appropriate features; such as, but not limited to: cornices; bases; display windows; ornamental masonry, belt courses; bays and recesses; arcades, unique entry areas or other treatments for visual interest.

2. Use of High-Quality Materials. Unless otherwise restricted by the design guidelines of a SCPA Conservation District, new buildings shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence and durability. Materials such as, and including, masonry, stucco, stone, cedar shakes and shingles, concrete or concrete-wood mix siding, articulated architectural concrete masonry units (CMU), and similar durable architectural materials are allowed. Materials such as, and including, T-111 siding, plain or plain painted plywood and strandboard sheets, EIFS siding, and similar exterior materials are prohibited.

3. Non-repetitive Architecture. Architecture in new residential developments will be evaluated during preliminary review as a combination of three primary features and three secondary features. The primary features are height/mass; setback from the street; and roof pitch/gable orientation. Secondary features are structure width, façade articulation, and color/materials/detailing. To avoid monotonous, repetitive architecture in new residential developments, the following standards should be applied on the front facades ***of all single family structures constructed in projects of eight or more lots***:

a. within each block face or eight-lot interval, whichever is less, no two adjacent houses shall repeat more than two of the three primary features. If two primary features are repeated in adjacent houses, then at least two of the three secondary features must be substantially different.

b. within each block face or eight-lot interval, whichever is less, at least three different combinations of primary features should be present.

[This standard should be applied as follows: in an eight-lot interval, no two adjacent houses could have the same front setback, the same roof pitch and gable orientation, and the same height. If two adjacent houses were proposed to repeat any two of those three features, then two of the three secondary features (façade articulation, width, or color/materials/detailing) would have to be varied to meet the standard. Also in the eight-lot interval, at least three different front setbacks, heights, and roof pitch / gable combinations would be present.]

J. Crime Prevention Through Environmental Design (CPTED). Development applications shall demonstrate natural access control, natural surveillance, and territorial reinforcement:

- ***Natural access control – physical guidance of pedestrians and vehicles coming and going from an area through placement of entrances, exits, signs, fencing, landscaping and lighting.***
- ***Natural surveillance - organization of physical features, activities, and people to maximize visibility through clear sight lines and definition of spaces.***
- ***Territorial reinforcement – use of physical features expressing ownership (fences, pavement treatments, art, signage, and landscaping) to create a hierarchy of spaces: public; semi-private; and private.***

Developments should use the following guidelines as appropriate for the specific project type. Other design guidelines may be used if the applicant can demonstrate that the alternative design equally or better meets the CPTED principles.

1. ***Site signage should provide information and orientation internally within the site and in reference to adjacent landmarks.***
2. ***In commercial and industrial areas, external building features such as windows, doors, lighting and fencing should be designed and maintained to provide visibility to and from adjacent properties and the public right-of-way.***
3. ***Points of entry and exit for pedestrians and vehicles should be clearly identified, and designed in a manner which encourages legitimate activity and discourages illegitimate activity.***
4. ***Open spaces should be designed and maintained to provide enhanced visibility and minimize areas of entrapment or concealment. Narrow***

spaces with poor sight lines or expansive spaces with no definition among uses should be avoided.

5. ***Open spaces should be located within projects so that surrounding uses provide natural surveillance. If open spaces are behind buildings, low opacity fences, not walls, should be used to establish territory. Maximum natural surveillance should be provided in children's play areas, but incompatible areas such as basketball courts and tot lots should be separated by distance.***

6. ***Any open space parking areas should be located near streets for easy observation, and internal circulation systems for emergency vehicles should be designed into open spaces located away from streets. Bicycle paths should be located near park activities or on streets.***

7. ***Landscaping should be designed and maintained to minimize concealment or entrapment, to eliminate potential for loitering or camping by transients, and to maintain clear sight lines from public streets to activity areas wherever possible.***

8. ***Vehicular spaces should be designed to minimize vehicular/pedestrian conflicts, and provide safety features for pedestrians such as raised or separated sidewalks through parking areas and along building frontages.***

9. ***Commercial and industrial buildings should enhance security through use of "invisible" measures such as shatter resistant glass, but avoid "fortress" features such as scissor gates and barbed wire.***

10. ***Deep building entrances should be lighted and building numbers posted where clearly visible from the street or sidewalk.***

11. ***Safety should be enhanced behind buildings with adequate lighting, limited access, signage; rear entrances for commercial activities, surveillance with windows or cameras. areas behind buildings, including storage and alleys, should be designed for visibility, security, and ease of on-going maintenance.***

12. ***Trash receptacles should be designed in a manner that promotes on-going maintenance.***

13. ***In residential developments, features such as front porches, back porches, and decks which encourage clear sight lines and natural surveillance of front yards, streets and alleys, sidewalks, and common open areas should be encouraged. Fences, hedges and walls that block street views on local streets and cul-de-sacs should be discouraged.***

14. ***Sufficient lighting should be provided for both the sidewalk and the street, especially where these elements are separated.***

15. ***Where appropriate, traffic calming measures such as on-street parking, gateway features, chokers, medians, and chicanes should be used to discourage through traffic on local streets.***

16. ***Infill development should recognize the location of surrounding buildings and vehicular and pedestrian access routes to avoid creation of left over or limited use areas which could encourage concealment or entrapment.***

Attachment A

FINDINGS AND CONCLUSIONS

Minor Amendments to Comprehensive Plan Ordinance No. 2793, Zoning Ordinance No. 1945, Volumes 1 and 2, and Subdivision Ordinance No. 2808

Case File Numbers HCP 2-06; ZOA 5-06; and SOA 2-06
Density, Open Space and Design ("DDOS") Amendments

I. INTRODUCTION

In March 2006, the Hillsboro City Council, Planning Commission, and Parks Commission conducted a joint work session concerning needed improvements in the City's Comprehensive Plan (HCP), Zoning Ordinance (ZO) and Subdivision Ordinance (SDO) and directed Planning Department staff to proceed with amendments to correct specific deficiencies in those regulations regarding density, open space, and design. The proposed amendments are intended as interim measures to improve the City's development regulations prior to a planned more comprehensive Major Code Update process. The interim amendments were divided into four areas:

- Reconcile different definitions of "net acre" or equivalent
- Reconcile inconsistent calculations of residential density
- Reconcile inconsistent definitions and enhance requirements for usable open space
- Create objective design standards for development

In order to address these identified deficiencies, the Planning staff presented proposed modifications that would make the following changes in the adopted regulations:

- Change definitions of net acreage (and density) to subtract only unbuildable lands
- Establish new minimum and maximum densities for each zone
- Create an administrative review process for preliminary subdivision plat review
- Create an administrative review process for preliminary subdivision plat modification
- Codify and increase notification radii for certain land use applications

The Planning Commission initiated staff-recommended amendments by Resolution No. 1590-P on December 13, 2006. Pursuant to the procedures established in the HCP at Section 1(IV), Minor Plan Amendments, ZO Section 116, and SDO Article VII, the Planning Commission held a work session on January 29, 2007, and conducted public hearings on February 15, March 14, April 12, May 23 and June 13, 2007, and conducted a final joint work session with the City Council on May 1, 2007. Public testimony received throughout the process helped to shape the final amendments forwarded to the City Council for adoption.

II. OVERVIEW OF AMENDMENTS

The final amendments are included in Planning Commission Resolutions 1617-P, 1618-P, 1619-P, 1620-P. and 1621-P. The amendments were originally included in a series of "Attachments" and were revised during the course of the public hearings. The amendments were identified as Attachments A through K, and can be summarized as follows:

Attachment A

- Revise definitions of Net Acreage in ZO Volumes I and II
- Revise definition of Net Buildable Acre in SDO

Attachment B

- Adopt maximum densities in standard zones
- Adjust the density range in the A-1 zone to implement the upper end of the RM Plan designation density range
- Create a new R-4.5 zone to implement the lower end of the RM Plan designation density range

Attachment C

- Revise density calculations to remove "automatic" density bonuses for Planned Unit Developments (PUDs)
- Establish new criteria for exceptions for increased density in PUDs
- Include references to minimum and maximum densities in subdivision and partition standards
- Amend HCP language to reflect current policy regarding project densities
- Amend HCP language for consistency with ZO and SDO amendments

Attachment D

- Add and revise definitions in ZO and SDO to reflect emphasis on "usable open space" (UOS)
- Establish new ZO and SDO definitions of "Third Place" as cited in new UOS standards
- Increase rear yard setbacks in selected zones to encourage provision of usable yards
- Amend PUD and subdivision criteria to provide additional standards for UOS
- Amend ZO Volume II to provide additional standards for UOS

Attachment E

- Provide for appeals of variances on design issues to be heard by Planning Commission
- Establish regulatory basis for variation in lot dimensions and setbacks
- Establish regulatory basis for application of stronger development standards and design guidelines

Attachment F

- Development Standards and Design Guidelines (to be adopted by Planning Commission and City Council)

Attachment G

- Increase notification radii for most land use applications
- Redefine flag lot setbacks to encourage more compatible infill development
- Reconcile minimum lot width and minimum lot frontage in residential light rail districts
- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment G.1

- Establish requirements for mandatory neighborhood meetings on certain development applications

Attachment H

- Establish new administrative processes for subdivision and major partition review

Attachment I

- Revise lot size threshold between subdivisions and minor land partitions
- Establish procedures and criteria for Property Line Adjustment applications
- Enhance protection for mature street trees in historic Orenco
- Revise setback requirements in historic Orenco for better consistency with historic architectural styles

Attachment J

- Increase setbacks and definition for accessory structures, consistent with building code
- Require Development Review for accessory dwellings to insure compatibility with primary structures
- Require Development Review for duplexes and two-unit townhouses
- Adjust lot dimension variation requirements in Significant Natural Resource Areas consistent with new Development Standards

Attachment K

- Clarify intent to preserve mature trees in light rail zones outside Significant Natural Resource Areas
- Establish administrative review process for Detailed Development Plans

III. COMPLIANCE WITH THE CITY OF HILLSBORO COMPREHENSIVE PLAN

A. Identification of the Amendments as "Minor Amendments"

The City followed the process established at Section 1(III) of the HCP for review of proposed minor amendments to the Comprehensive Plan. A "Minor Plan Amendment" is defined as "any change to the Comprehensive Plan which is not a major plan amendment." A "Major Plan Amendment," in turn, is defined as follows at Section 1(II)(G):

"Major Plan Amendment" includes any significant change to the Comprehensive Plan text or map initiated by the City Council of Planning Commission. A "significant change" is one that amends or refines both the Plan text and map, has operative effect over a large geographic area and is likely to have significant environmental, energy, economic and social consequences.

Finding: The proposed amendments do not amend both the Plan text and map. All three elements of the definition of "major plan amendment" must be met in order for an amendment to meet the definition. In addition, the amendments will not have significant environmental, energy, economic and social consequences as they are modifications designed to eliminate internal inconsistencies and to improve design and open space associated with development in the City.

Conclusion: The City followed the appropriate process for a minor plan amendment as required by the HCP. Further, as required by state law, the City provided the required notice to the state Department of Land Conservation and Development more than 45 days prior to the first public hearing on the proposed amendments as required by ORS 197.610. Notice was also provided to Metro as part of the City's coordination efforts. Metro responded that the changes were consistent with applicable requirements.

Therefore, the applicable requirements for classifying and processing the proposed amendments are met.

B. Minor Amendment Criteria

Minor Amendments to the HCP may be made if a need for revision is documented. HCP Section 1(IV)(A). The proposed amendments meet this criterion based on the Planning Commission staff reports dated January 23, February 9, April 6, May 16, June 8 and June 13, 2007, identifying specific internal inconsistencies and deficiencies in the current regulations and proposing solutions with new language.

In addition, the HCP requires that amendments can be submitted by the City, government agencies and property owners. These amendments were initiated by the Planning Commission for Hillsboro by Resolution 1590-P on December 13, 2006.

C. Goals and policies of the Comprehensive Plan

Section 1. Planning and Citizen Involvement.

The Plan establishes processes that are designed to facilitate public involvement in revisions to the Plan and implementing regulations. Specifically, at Section 1(IV), a process is established for consideration of minor amendments such as this one. Newspaper notice was provided as required by Section IV(A)(1).

Findings: The Planning Commission initiated these amendments and conducted three public work sessions and six public hearings over the course of its eighteen-month review of these revisions. Direct response to public input at these meetings is evidenced in the record by revisions to the proposed amendments and planning department staff responses to each issue raised in reports dated March 8 and 13, 2007, and May 16, 2007 and June 8, 2007.

The amendments also propose to increase the public notice requirements (Attachment G) to increase the likelihood that citizens will be aware of proposed land use actions and facilitate their participation.

Conclusion: The process requirements of the Comprehensive Plan have been met.

Section 2. Urbanization.

The Urbanization element of the Comprehensive Plan seeks to provide for orderly and efficient transition from rural to urban uses through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.

Findings: The proposed amendments are consistent with the goal and policies of the Urbanization element of the Comprehensive Plan because the Plan envisions that as development occurs there is a need to accommodate all types of uses and the planned population densities through the planning period. Among the specific policies in the Urbanization section of the Plan are policies that require that regulations be designed to support needed expansions of public facilities, and that require coordination with other affected governmental entities. The proposed amendments facilitate certainty for the development community and insure maximization of infill and development by providing consistent standards and clarifying requirements for density, setbacks and lot dimensions.

As also noted above, these amendments were coordinated with Metro, which in its code establishes density requirements that must be achieved within the regional urban growth boundary of which Hillsboro is a part. The enhanced clarity in calculation of density will assure that the City can document its compliance with these requirements.

Conclusion: Applicable policies of the Urbanization section of the Plan are met.

Section 3. Housing.

The goal of the Housing chapter of the Plan is to provide for the housing needs of the citizens of Hillsboro and the surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient numbers and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.

Findings: Among the specific policies in the Housing section of the Plan are policies that are directly relevant to this amendment in that they: identify the need to maintain buildable land

supply; assure that housing provides safe, healthy and convenient living conditions; encourage affordable housing through smaller lot sizes; and provide incentives through zoning and land use controls to achieve those goals. The proposed amendments assure maximization of the city's buildable land supply by clarifying the calculation of density and consistently identifying how those calculations are made. Smaller lot sizes are encouraged through the planned unit development process and the use of density bonuses which are also clarified and improved in these amendments. Open space is better defined in the amendments in light of the new higher density environment, clarifying that it must be usable open space and recognizing a "third place" is needed when dwelling units are smaller and more densely situated. These provisions contribute to a safe, healthy and convenient environment. As stated above, providing consistency throughout the city's land use regulations assures the housing construction community (whose representatives had direct input during the public process) can provide for the housing needs of Hillsboro's citizens.

Conclusion: The applicable policies of the Housing section of the Plan are met.

Section 4. Agricultural Lands.

The goal of the Agricultural Lands section of the Plan is to utilize farms as open space and provide a method for maintaining agricultural lands outside the urban growth boundary for farm use.

Findings: This section is not applicable to the proposed amendments as Statewide Goal 3 does not apply within urban growth boundaries. However, by clarifying the calculation of density, providing for quality open space within the city's new developments and providing certainty in the city's regulations, pressures are reduced on expanding the regional urban growth boundary to include agricultural lands, thereby furthering the objective of maintaining those lands in production until they are needed for urban uses.

Section 5. Forest Lands.

The goal of the Forest Lands section of the Plan is to conserve forested lands and significant trees in the planning area.

Findings: This section of the Plan is not impacted by these amendments. However, the clarification of calculation of density and the ability to transfer density in planned unit developments as well as clarification of setbacks should facilitate preservation of significant trees in the planning area.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites.

The goal of this Section of the Plan is to preserve the variety of natural and historical resources in the City.

Findings: This Section of the Plan implements Statewide Planning Goal 5. The proposed amendments do not impact this Section of the Plan, although as noted above the amendments should clarify and improve the need for and requirements applicable to establishment and maintaining of open space within the City.

Section 7. Air, Water and Land Resource Quality.

The goal of this Section of the Plan is to maintain and improve the quality of the air, water and land resources of the city and prevent waste discharges from developments from degrading or threatening those resources.

Findings: These amendments do not affect this Section of the Plan. All developments must comply with adopted City standards for air, water and land resource quality. The proposed amendments provide the opportunity to improve air quality and efficient use of land resources within the city based on clarity of calculation of density, establishment of minimum and maximum densities, and requirements for open space.

Section 8. Natural Disasters and Hazards.

The goal of this section of the Plan is to protect life and property within the planning area from natural disasters and hazards.

Findings: The proposed amendments do not affect this Section of the Plan. Development proposals will remain subject to existing regulations and building code provisions which apply to any development designated natural hazard areas in the City.

Section 9. Recreation.

The goal of this Section of the Plan is to provide a parks and recreation facilities plan and program including a variety of open spaces, parks and recreation facilities.

Findings: The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting this Section of the Plan. Among the specific Policies in this Section are policies requiring dispersal of parks and recreation facilities in neighborhoods and the establishment of park-like improvements to developed properties. These policies will be specifically met by the proposed amendments based on improved development standards for open space, setbacks and street trees.

Conclusion: The applicable policies of this Section of the Plan are met.

Section 10. Economy.

The goals of this Section of the Plan are to expand, improve and diversify the economy of the planning area, provide local employment opportunities, conserve energy by reducing commuting distances, and expand the tax base and economic independence of the area.

Findings: This Section of the Plan is not implicated directly in these amendments. However, the increased clarity in the City's regulations will provide certainty to the development community and industry and can help promote the attraction of commercial and industrial development.

Section 11. Energy.

The goal of this Section of the Plan is to conserve energy through the design and location of land use activities in the City.

Findings: Among the policies in this Section of the Plan is a policy that states the City may use a variety of implementation methods to encourage achievement of the energy goal of the Plan, including density of use, particularly housing density, availability of light, wind and air, and compatibility among competing land use activities. By clarifying the calculation of density in residential zones, and requiring usable open space throughout the City, the City is directly complying with the identified policy.

Conclusion: The applicable policy of this Section is met.

Section 12. Public Facilities and Services.

The goal of this Section of the Plan is to implement Statewide Planning Goal 11. The Plan envisions the provision of public facilities and services in an orderly and efficient manner and utilizing the provision of those services as a method for guiding urbanization within the Hillsboro Planning Area.

Findings: The proposed amendments implement Plan policies that include park and recreation facilities within the definition of this Section by assuring usable open space in developments. The uniform calculation of density will allow the City and other service providers to better predict the need for public facilities to serve development.

Conclusion: Applicable policies of this Section of the Plan are met.

Section 13. Transportation.

The goal of this Section of the Plan is to implement Statewide Planning Goal 12 by ensuring provision of a safe, convenient, efficient and economic transportation system based on the City's Transportation System Plan.

Finding: This Section of the Plan is not relevant to the proposed amendments as they do not relate to transportation facilities. All development will still be required to comply with adopted City plans and regulations related to transportation facilities.

The *remaining Sections of the Plan* do not apply to the proposed amendments. They include community plans, a Severability provision, and the City's Transportation System Plan.

IV. COMPLIANCE WITH THE STATEWIDE PLANNING GOALS

As noted above, the goals and policies contained in the City's Comprehensive Plan reflect and are intended to implement requirements of the Statewide Planning Goals. Because the findings addressing applicable Plan policies are relevant to compliance of these amendments with the Statewide Planning Goals, those earlier findings are incorporated herein by this reference in additional support of the determination of goal compliance.

Following are findings concerning compliance of the amendments with applicable statewide Goals:

1. Goal 1: Citizen Involvement. The adoption of the comprehensive plan amendments has been the subject of extensive public review, and has provided ample opportunities for public input. As such, the amendment complies with Goal 1.

   The Planning Commission held six public hearings on the amendment, in February through June, 2007, and conducted additional work sessions detailed above.

   The City's process complied fully with its Plan requirements for citizen involvement and the amendments include increased public notice of development applications. The amendments in their final form reflect responsiveness to public input during the process.

2. Goal 2: Land Use Planning. Goal 2 requires legislative decisions to be based on an adequate information base, consider alternatives, and implement policies that are consistent with the Goals. Additionally, Goal 2 requires coordination with affected governmental units prior to the adoption of such amendments. Goal 2 is met in several ways by the adopted amendments.

   i) The amendments improve the internal consistency of the City's regulations and were informed by a lengthy public process. As the record reveals, a variety of information, offered by City Staff and Hillsboro residents, were considered and helped shape the amendments.
   ii) Prior to adopting the amendment, the City considered alternatives to the amendments, and believes that the policies of the Plan are met by the amendments.
   iii) As these findings demonstrate, the amendments are consistent with the Goals.

iv) Prior to adopting the amendments, the City coordinated with potentially affected governmental units, including Metro, DLCD and Washington County.

3. Goal 3: Agricultural Lands. This goal is not applicable to land inside urban growth boundaries.

4. Goal 4: Forest Lands. This goal is not applicable to land inside urban growth boundaries.

5. Goal 5: Natural Resources. This goal is not applicable to the adoption of the amendments. Pursuant to OAR 660-023-0250(3), Goal 5 only applies if:

   (a) The [amendment] creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

   (b) The [amendment] allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

   (c) The [amendment] amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

   Because the amendments do not implicate either (a), (b) or (c) above, Goal 5 does not apply to this legislative enactment by the City. The City further notes that the Land Use Board of Appeals (LUBA) has most recently held that Goal 5 does not impose decisional criteria that are independent of the criteria set out in OAR 660, Division 23. Therefore, the Goal 5 rule specifies that Goal 5 applies only in the circumstances set out in OAR 660-023-0250(3).

6. Goal 6: Air, Land and Water Resources Quality. This goal is not applicable to the adoption of the amendments, as land, air or water resources are not directly affected by the amendments.

7. Goal 7: Natural Disasters and Hazards. This goal is not applicable to the adoption of the amendments, as the amendments do not address hazard areas or areas prone to natural disasters. Other regulations and standards specifically exist to satisfy the City's duties under Goal 7.

8. Goal 8: Recreation. To the extent this goal applies to the amendments, the amendments comply with the goal. The amendments have new requirements clarifying the need to provide usable open space to mitigate higher overall residential and employment densities and thus contribute directly to meeting Goal 8 as implemented by the City's Plan. The Goal will be specifically met by the

proposed amendments based on improved development standards for open space, setbacks and street trees.

9. Goal 9: Economy of the State. This goal is not applicable, as the amendments do not directly impact economic interests related to commercial and industrial lands.

10. Goal 10: Housing. The findings for amendments potentially affecting the amount of buildable land within a given jurisdiction must show that sufficient land will continue to be available for the development of needed housing types. Based on the following findings, the City finds that Goal 10 is satisfied.

    i) The City's comprehensive plan states that an adequate supply of developable land for low, medium and high density housing must exist to meet 20-year population projections.
    ii) The City believes that, based upon the current supply of developable land for the above noted housing types, more than an adequate supply of developable land will continue to exist after the amendments are implemented.
    iii) By creating uniformity and clarity in the density options for development, the amendments will only increase the availability of a variety of needing housing types in the City.

11. Goal 11: Public Facilities and Services. This goal is not applicable to the adoption of the amendments, as they do not address public facilities and services, and no evidence suggests that the amendment will have a deleterious effect on public facilities and services.

12. Goal 12: Transportation. This goal is not applicable to the adoption of the amendments, as they do not implicate the City's Transportation System Plan, its transportation networks, nor do they rezone any property.

13. Goal 13: Energy Conservation. This goal is not applicable to the adoption of the amendments, as the amendments are unlikely to improve or degrade the City's efforts to conserve energy.

14. Goal 14: Urbanization. The amendments comply with Goal 14. Consistent with Goal 14's requirements, the amendments will help to ensure that the marketplace will have choices in its residential zones, as it will provide for the possibility of more density variety in the City. As noted above, the amendments will also reduce the pressure for premature inclusion of land within the regional urban growth boundary by maximizing efficiency of uses through consistent calculations of density, and requirements for open space.

The remaining Statewide Planning Goals do not apply to these amendments.

IV. CONCLUSION

The proposed amendments comply with applicable provisions of the Hillsboro Comprehensive Plan and Statewide Goals.

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CITY OF HILLSBORO

MEMORANDUM

DATE: Thursday, July 05, 2007

TO: Finance Committee

FROM: Tami Cockeram, Risk Manager

SUBJECT: Amendment to Hillsboro Municipal Code 2.04.010 – Municipal Officers

Please consider forwarding a recommendation to City Council for approval of adopting the amended Municipal Code 2.040.10, as recommended by the City Attorney, effective immediately.

Background Information: Currently Section 2.04.010 of the Hillsboro Municipal Code requires specific bonds and amounts for certain city officers that do not appropriately reflect the City's actual risk exposure. The City currently has in place a total of 12 bonds with a total cost of $21,031. In addition to the individual bonds, the City also has in place a $1,000,000 Crime policy insuring the City for direct loss of money or securities caused by theft or forgery by an officer, employee or agent of the City, acting alone or in collusion with others. The Crime policy also covers the faithful performance of City employees. Faithful performance is defined as, *faithfully performing the duties and obligations of a position as required by law and which would constitute malfeasance, willful neglect of duty, or bad faith.*

State requirements for bonding include the Finance Director, City Recorder and DEQ bonds for those employees who are required to perform DEQ emissions testing on City vehicles. These bonds will continue to be paid under the proposed revisions.

Budget Impact: By reducing the number of positions requiring bonds, the budgeting requirement will be reduced by approximately $13,000 annually.

Recommendation: Please consider forwarding a recommendation to the City Council to adopt an ordinance amending the Hillsboro Municipal Code 2.04.010 Officer and employee bonds.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE HILLSBORO MUNICIPAL CODE, SECTION 2.04.010, BY CLARIFYING THE REQUIREMENTS FOR CITY OFFICER AND EMPLOYEE SURETY BONDS

WHEREAS, Section 2.04.010 of the Hillsboro Municipal Code establishes the requirement that City officers and employees execute surety bonds payable to the city; and

WHEREAS, the current language of Section 2.04.010 has been in place since prior to the codification of the current Municipal Code in 1992; and

WHEREAS, the current language of Section 2.04.010 is out of date, does not require any particular form of bond, does not allow flexibility for the city to require additional bonds, and requires specific bonds and amounts that are no longer appropriate in light of City insurance policies and coverage limits; and

WHEREAS, the City Council wishes to update the provisions of Section 2.04.010 while still complying with applicable legal requirements concerning officer and employee bonds.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.04.010 of the Hillsboro Municipal Code is hereby amended to read as follows:

2.04.010 Officer and employee bonds.

A. City officers and employees shall execute surety bonds payable to the city in an amount set by council resolution as appropriate to the officer's or employee's organizational role. The council must require bonds for the city director of finance and assistant director of finance, and may require bonds of other officers and employees in its discretion. Each bond, as appropriate, shall protect the city against dishonesty, crime and include an endorsement for the faithful performance of assigned duties. Any officer or employee who fails to qualify for such bonding as required herein shall be subject to forfeiture of such office or employment. Such bonds shall continuously remain in effect with all premiums to be paid by the city.

B. All bonds shall be approved as to form and execution by the city attorney and as to sufficiency of the surety by the City Manager or designee, and shall thereafter be filed with the city recorder.

Section 2. This Ordinance shall take effect thirty days following its adoption by the Council and approval by the Mayor.

Passed by the Council this 17th day of July, 2007.

Approved by the Mayor this 17th day of July, 2007.

_____
Mayor

ATTEST: _____

City Recorder

6E

TONKON TORP LLP
ATTORNEYS

1600 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204
503.221.1440

MEMORANDUM

To: Members of the Hillsboro City Council

From: Jack Isselmann

Date: July 11, 2007

Subject: End of Session Legislative Update

Overview

It is our great pleasure to submit this post-Legislative session report to you. The regular session of the 74th Oregon Legislative Assembly adjourned on June 28, 2007. All of our priority legislation passed. The one exception to this being HB 2540, where we elected to switch strategies when we learned that Hillsboro could accomplish its goals administratively without new legislation. The administrative remedy would not have come to light, however, without filing the bill which received a hearing in the House.

On the defensive side, we also obtained many satisfactory outcomes. For example we worked with coalitions to defeat or diminish the negative impact of several pieces of legislation related to broad changes in the collective bargaining law and prevailing wage law. Our coalition participation forced compromises and concessions by the proponents of these problematic bills resulting in legislation that either didn't pass or, when passed, were less harmful to the city.

In total we monitored 105 bills and provided weekly updates to designated city staff for 24 weeks. Details regarding key legislative measures follow. We hasten to add that our success this session would not have been possible without the support of many city staff and your colleagues on the Council. In particular, Pat Ribellia, John Southgate, Commissioner Carlson and Mayor Hughes offered essential and dedicated contributions to the entire Legislative effort. There exist several important post-session elements that are detailed below. We have greatly valued the opportunity to work on behalf of the City of Hillsboro and appreciate any additional opportunities to work together as the City requires.

HILLSBORO PRIORITY LEGISLATION

Parking Garage Appropriation **HB 3066, HB 5036**

Description: Authorizes issuance of $7 million in lottery bonds to finance public parking facility in downtown area of City of Hillsboro.

Sponsored by: Representatives D Edwards, Riley, Senator Starr; Representatives Barker, Bonamici, Bruun, Galizio, Greenlick, Macpherson, Read, Senators Avakian, Burdick, Deckert, Devlin

Hillsboro Position: **Support**

Bill History: **Introduced as HB 3066, later folded into HB 5036**
Referred to House Workforce and Economic Development with subsequent referral to Ways and Means.
4-16 Public Hearing
4-25 Work Session. Passed unanimously to Ways & Means
Folded into budget bill, HB 5036
6-23 Assigned to Subcommittee On Capital Construction and Bonding. Work Session held. Returned to Full Ways and Means Committee.
6-25 Recommendation: Do pass with amendments and be printed A-Engrossed.
6-26 Passed House. Carried by Edwards D., Roblan. Ayes, 42; Nays, 18--Boquist, Burley, Butler, Cameron, Dallum, Esquivel, Gilliam, Girod, Krummel, Maurer, Minnis, Olson, Richardson, Scott, Smith G., Smith P., Thatcher, Whisnant. Potential conflict(s) of interest declared by Nathanson, Smith G.
Referred to Senate President's desk then to Ways and Means.
6-26 Recommendation: Do pass the A-Eng. bill.
Passed Senate. Carried by Devlin. Ayes, 27; Nays, 2--Beyer, Kruse; Absent, 1--George, L.
6-28(H) Speaker signed.
6-29(S) President signed.

Status: **Awaiting governor's signature.**

Advocacy: Our signature item this Legislative session, the bonding for the Downtown Hillsboro parking facility was approved in the final hours of the Legislative session. We have already commenced contact with the Oregon Economic Development Department which will negotiate a grant agreement with the City.

Vintage Downtowns **HB 2540**

Description: Authorizes Director of Department of Consumer and Business Services to adopt code for rehabilitation of commercial and multifamily residential structures located in vintage downtown districts.

Sponsored by: Committee on Business and Labor

Hillsboro Position: **Support**

Bill History: **(House)** Referred to Workforce and Economic Development.
3-2 Public Hearing and Work Session held.

Status: **Abandoned legislation to pursue alternative solution.**
Advocacy: We worked with the Department of Consumer and Business Services to obtain an administrative opinion that accomplishes much of what we hoped to accomplish with the bill.

Gain Share SIP Enhancement **SB 954**

Description: Requires persons receiving property tax exemptions under strategic investment program (SIP) to use alternative withholding procedures on wages paid to employees at project site.
Sponsored by: Senator Deckert; Senators Avakian, Burdick, Devlin, L George, Johnson, Starr, Reps. Barker, Bonamici, Bruun, Flores, Galizio, Macpherson, Read
Hillsboro Position: **Support**
Bill History: **(Senate)** Referred to Finance and Revenue
4-2 Public Hearing
4-3 Public Hearing Cancelled.
4-25 Work Session
5-3 Work Session
5-8 Work Session
5-9 Work Session
5-21 Passed unanimously out of committee with a "Do Pass" recommendation
5-25 Passed Senate. Carried by Deckert. Ayes, 20; Nays, 7; Excused, 3.
(House) Referred to Revenue
6-6 Public Hearing and Work Session held.
6-11 Work Session held.
6-18 Recommendation: Do pass with amendments and be printed B-Engrossed.
6-22 Passed House. Carried by Read. Ayes, 47; Nays, 1--Dallum; Excused, 1--Tomei; Excused for Business of the House, 11--Boquist, Burley, Edwards D., Galizio, Garrard, Hanna, Jenson, Morgan, Nathanson, Nolan, Shields.
Vote explanation(s) filed by Dallum.
(Senate) 6-22 Senate concurred in House amendments and repassed bill.Ayes, 20; Nays, 5--Beyer, Johnson, Kruse, Schrader, Verger; Absent, 4--Bates, Carter, Gordly, Winters; Excused, 1--Metsger.
6-25 President signed.
6-25 Speaker signed.
Status: **Awaiting Governor's Signature**

Advocacy: We have worked with Washington County representatives to secure support for the bill in the Senate. It is anticipated the City will see new revenue as a result of this measure beginning in 2008.

METRO PARTNERSHIP LEGISLATION

Regional Plan Compliance — SB 722

Description: Modifies standard for review by metropolitan service district of comprehensive plans and land use regulations of cities and counties within district to determine whether comprehensive plans and land use regulations substantially comply with regional framework plan and functional plans.

Sponsored by: Senator Starr, Representatives D Edwards, Riley

Hillsboro Position: **Support**

Bill History: **(Senate)** Referred to Environment and Natural Resources.
- 4-17 Public Hearing and Work Session
- 4-19 Recommendation: Do pass
- 4-23 Carried over to 04-24 by unanimous consent.
- 4-24 Passed Senate. Carried by Avakian. Ayes, 28; Excused, 2

(House) Referred to Gov't Accountability and Information Technology.
- 5-8 Public Hearing and Work Session, Passed unanimously out of committee.
- 5-14 Passed House. Ayes, 57; Excused, 3

Status: **Chapter 176, 2007 Laws. Effective date January 1, 2008.**

Advocacy: We worked with Metro in the interim to develop SB 722 that introduces a "substantial compliance" standard in the context of Metro's review of regional plan requirements. The bill passed both chambers unanimously and was signed by the Governor. The bill will now be assigned to a section of the 2007 Chapter Laws.

Urban/Rural Reserves — SB 1011

Description: Authorizes counties and metropolitan service districts to designate rural reserves not included in urban growth boundaries or rural communities.

Sponsored by: Committee on Judiciary

Hillsboro Position: **Support**

Bill History: **(Senate)** Referred to Environment and Natural Resources.
- 4-10 Public Hearing
- 4-24 Public Hearing
- 4-26 Work Session; Passed Committee on 3-2 vote
- 5-10 Passed on the Senate floor; Carried by Avakian Ayes 20, Nays 7, Excused 3

(House) Referred to Energy and Environment

5-21 Public Hearing Held
5-23 Work Session Held
5-30 Work Session; Passed Committee on 6-0 vote do pass and be printed B-Engrossed.
6-11 Passed House. Carried by Dingfelder. Ayes, 38; Nays, 14--Boone, Boquist, Butler, Esquivel, Garrard, Gilliam, Gilman, Minnis, Nelson, Olson, Schaufler, Smith P., Thatcher, Whisnant; Excused, 2--Cannon, Morgan; Excused for Business of the House, 6--Barnhart, Edwards D., Galizio, Jenson, Macpherson, Nolan.

(Senate) 6-13 Senate concurred in House amendments and repassed bill.Ayes, 20; Nays, 8--Atkinson, Beyer, Ferrioli, George, G., George, L., Kruse, Morse, Whitsett; Excused, 2--Bates, Schrader.

Status: **Signed by the Governor 6-28. Effective immediately.**

Advocacy: We worked to amend the bill to obtain the necessary votes out of committee and on the Senate floor. We secured support in the House and concurrence by the Senate. We are now involved with city staff in the detailed rule making process that will occur before January before the Land Conservation and Development Commission.

Metro's 2-Year Extension **HB 2051**

Description: Requires Metro to complete first inventory, determination and analysis of housing capacity and need within urban growth boundary that is due on or after December 1, 2007, by December 31, 2009.

Sponsored by: House Interim Committee on Land Use for Metro

Hillsboro Position: **Support**

Bill History: **(House)** Referred to Energy and the Environment.
2-16 Public Hearing
2-19 Public Hearing
2-28 Work Session
3-6 Recommendation: Do pass with amendments, be printed A-Engrossed, and be placed on Consent Calendar.
3-12 Read third time under Consent Calendar. Passed. Ayes, 55; Nays, 2; Excused, 3

(Senate) Referred to Environment and Natural Resources.
4-10 Public Hearing
4-24 Public Hearing
5-17 Work Session
5-22 Work Session; 5-0 Committee vote with "do pass" recommendation
5-24 Passed Senate. Ayes, 23; Nays 6; Excused, 1

Status: **Effective December 1, 2007.**

Advocacy: This is the companion bill to SB 1011 that allows additional time for urban growth boundary expansion so that Metro and counties can designate urban reserves and rural reserves.

COALITION ACTIVITY

Prevailing Wage — **HB 2557, HB 2944, HB 2140**

Description: Requires BOLI Commissioner upon request to determine whether a project is public works on which payment of prevailing wage rate is required. Modifies definition of "public works". Exempts certain projects from prevailing wage provisions.

Sponsored by: Committee on Business and Labor

Hillsboro Position: **Neutral as amended**

Bill History:
(House) Referred to Business and Labor.
2-21 Public Hearing held.
4-27 Work Session held.
5-4 Without recommendation as to passage and be referred to Elections, Ethics and Rules.
(House) HB 2944, the new vehicle had already passed House on 4-16. Carried by Schaufler. Ayes, 40; Nays, 19; Excused, 1
(Senate) Referred to Commerce.
5-16 Public hearing held
5-23 Work Session scheduled and cancelled
5-24 Contents of bill are "stuffed" in HB 2140 which moved to Senate floor with "Do Pass Recommendation" on 5-0 vote in Senate Education Committee
6-6 Motion on Senate floor to refer to Rules carried.
6-8 Work group convened.
6-13 Work Session held. Do pass as amended.
6-23 Passed Senate. Carried by Morse, Walker. Ayes, 27; Absent, 3--Carter, Gordly, Winters.
(House) 6-25 House concurred in Senate amendments and repassed bill. Ayes, 51; Nays, 4--Boquist, Butler, Cameron, Gilman; Absent, 4--Burley, Flores, Minnis, Whisnant; Excused, 1--Maurer.
6-28 Speaker signed.
6-29(S) President signed.

Status: **Awaiting governor's signature.**

Advocacy: Helped lead a coalition of similarly situated cities including working in a work group that created amendments to the bill that enable Hillsboro to complete some of its planned downtown redevelopment without the requirement of prevailing wage rules.

Collective Bargaining — **SB 400**

Description: Modifies definition of "employment relations" to include safety issues that have impact on on-the-job safety of certain employees who are prohibited from striking, and staffing levels that have significant impact on on-the-job safety of certain employees who are prohibited from striking.

Sponsored by: Senators Brown, Prozanski; Rep. Schaufler

Hillsboro Position: **Opposed; Pursued Amendments**

Bill History: **(Senate)** Referred to Commerce.
2-7 Public Hearing
2-19 Work Session
2-26 Recommendation: Do pass.
3-7 Passed Senate. Ayes, 20; Nays, 6
(House) Referred to Business and Labor.
3-14 Public Hearing and Work Session
3-16 Recommendation: Do pass with amendments and be printed A-Engrossed.
3-21 Failed House. Carried by Barker, Schaufler.
Ayes, 29; Nays, 27. Barker served notice of possible reconsideration.
3-22 Vote reconsideration carried. Ayes, 42; Nays, 13
Motion to re-refer to Business and Labor carried. Re-referred.
4-11 Work Session
4-12 Recommendation: Do pass with amendments and be printed B-Engrossed.
4-16 Tabled. Ayes, 30; Nays, 28.
4-24 Motion to take from table carried. Ayes, 33; Nays, 25
Motion to re-refer to Business and Labor carried. Ayes, 55; Nays, 3
4-27 Work Session
5-2 Recommendation: Do pass with amendments and be printed C-Engrossed.
5-8 Passed House. Ayes, 44; Nays, 14.
(Senate) 5-10 Senate Concurrence with House Amendments, Ayes 19; Nays 9.

Status: **Chapter 141, 2007 Laws; Effective January 1, 2008**

Advocacy: We have worked with the Oregon Association of Chiefs of Police, the League of Oregon Cities and other interested municipalities to negotiate amendments to the bill that will assist in managing costs during collective bargaining.

Description: Establishes presumption that certain cancers are compensable occupational diseases for certain firefighters.
Sponsored By: Committee on Commerce at the request of Bob Livingston
Hillsboro Position: **Opposed**
Bill History: **(Senate)** Referred to Commerce.
3-26 Public Hearing held.
4-30 Work Session held.
5-8 Recommendation: Without recommendation as to passage and be referred to Rules. Referred to Rules by order of the President.
5-16 Work Session held.
5-18 Work Session held. Recommendation: Do pass with amendments. (Printed A-Eng.)
5-30 Passed Senat. Carried by Brown, Prozanski. Ayes, 17; Nays, 13--Atkinson, Beyer, Ferrioli, George, G., George, L., Johnson, Kruse, Morse, Nelson, Schrader, Starr, Verger, Whitsett.
(House) Referred to Elections, Ethics and Rules.
6-11 Public Hearing and Work Session held. Recommendation: Do pass with amendments and be printed B-Engrossed.
6-19 Motion on the floor to rerefer to Elections, Ethics and Rules carried. Rereferred.
6-21 Work Session held.
Status: **In committee upon adjournment**
Advocacy: We worked with a broad coalition including the Oregon Association of Fire Chiefs to keep this bill in Committee and avoid a floor vote.

City Liability **SB 280**

Description: Increases amount of non-economic damages that may be awarded in civil action seeking damages arising out of bodily injury.
Sponsored by: Interim Committee on Judiciary
Hillsboro Position: **Opposed**
Bill History: Referred to Senate Judiciary.
4-23 Public Hearing
4-26 Work Session
Status: **Dead in committee.**
Advocacy: Worked with the League of Cities and a number of other municipalities to defeat this measure.

CLOSELY MONITORED LEGISLATION

Public Records **SB 671**

Description:	Allows public body to release condensed version of factual information in record in lieu of disclosing record.
Sponsored by:	Senator Burdick, Rep Garrard at the request of the Oregon Newspaper Publishers Association
Hillsboro Position:	Potential concerns
Bill History:	**(Senate)** Referred to Judiciary. 3-28 Public Hearing and Work Session held. Recommendation: Do pass with amendments. 4-12 Passed Senate. Carried by Burdick. Ayes, 26; Nays, 1-Nelson; Excused, 3--Bates, Carter, Westlund. **(House)** Referred to Judiciary. 5-14 Public Hearing and Work Session held. Recommendation: Do pass with amendments. 6-4 Passed House. Carried by Bonamici. Ayes, 56; Excused, 2--Boquist, Burley; Excused for Business of the House, 2--Nolan, Mr. Speaker. **(Senate)** concurred in House amendments and repassed bill. Ayes, 27; Nays, 2--Atkinson, Nelson; Absent, 1--Burdick.
Status:	**Chapter 513, 2007 Laws. Effective date, June 20, 2007.**
Advocacy:	Monitored closely and worked with the League of Cities, Counties and other municipality interests to ensure that the bill was acceptably amended to protect attorney/client privilege.

Public Records	**SB 554**
Description:	Requires public body to respond to written request for public record as soon as practicable and without unreasonable delay.
Sponsored by:	Committee on Judiciary at the request of Oregon Newspaper Publishers Association
Hillsboro Position:	Potential concerns
Bill History:	**(Senate)** Referred to Judiciary. 2-21 Public Hearing held. 3-28 Work Session held. Recommendation: Do pass with amendments. 4-17 Passed Senate. Carried by Burdick.Ayes, 28; Excused, 2--Deckert, Gordly. **(House)** Referred to Judiciary. 5-14 Public Hearing and Work Session held. Recommendation: Do pass. 6-4 Passed House. Carried by Read. Ayes, 51; Excused, 1--Burley; Excused for Business of the House, 8--Berger, Buckley, Esquivel, Hunt, Roblan, Rosenbaum, Thatcher, Tomei.
Status:	**Chapter 467, 2007 Laws. Effective date, January 1, 2008.**

Advocacy: Monitored closely and worked with the League of Cities, Counties and other municipality interests to ensure that the bill was amended to mitigate unreasonable records requests.

Enterprise Zones **SB 151**

Description: Extends the sunset on enterprise zones from June 2009 to June 2013 and directs OECDD to study the efficacy of this and other development assistance programs.

Sponsored by: Governor Kulongoski for OECDD

Hillsboro Position: **Support**

Bill History:

(Senate) Referred to Business Transportation and Workforce
1-17 Public Hearing
2-26 Public Hearing
3-14 Work Session
3-28 Work Session. Recommendation: Do pass with amendments and be referred to Finance and Revenue by prior reference. Referred to Senate Finance and Revenue
4-24 Public Hearing
5-3 Work Session
5-22 Passed Senate, Carried by Burdick, Ayes 29- Nays 1- Walker

(House) Referred to Revenue.
6-12 Public Hearing and Work Session held.
6-13 Public Hearing and Work Session held.
6-14 Work Session held. Recommendation: Do pass with amendments
6-26 Passed House. Carried by Barnhart. Ayes, 58; Nays, 1--Shields; Excused, 1--Morgan.

(Senate) 6-26 Motion to refuse to concur in House amendments carried by voice vote. Senators Deckert, Chair, Johnson, Starr appointed Senate conferees.
6-27 Rules suspended. Motion to reconsider carried.
Rules suspended. Senate concurred in House amendments and repassed bill. Ayes, 26; Nays, 2--Monroe, Schrader; Absent, 1--George L.; Excused, 1--Carter. Gordly, excused, granted unanimous consent to vote aye.

Status: **Awaiting signatures of President, Speaker and Governor.**

Advocacy: The City recently sponsored a new Enterprise Zone. We have worked with the League of Oregon Cities and economic development officials throughout Oregon to support passage of this legislation.

Dumpster Diving **SB 437**

Description: Allows removal of recyclable material from solid waste disposal receptacles under certain circumstances.
Sponsored by: Senator Prozanski at the request of Jim Hoover, Waste Recovery Systems
Hillsboro Position: Opposed
Bill History: **(Senate)** Referred to Environment and Natural Resources.
4-17 Public Hearing held.
Status: **In committee upon adjournment**
Advocacy: We worked with the LOC to oppose the bill and agreed to be listed on a one pager publicly opposing it on the grounds that it would override many cities' existing ordinances outlawing such businesses.

Double Majority **HJR 15**

Description: Proposing amendment to Oregon Constitution modifying double majority voting requirement on local property tax measures. Refers measure to the voters.

Sponsored by: Rep Hunt, Senator Devlin; Senators Avakian, Morrisette, Morse, Walker and Westlund.
Hillsboro Position: Support
Bill History: **(House)** Referred to Workforce and Economic Development.
3-9 Public Hearing held.
3-26 Public Hearing held.
4-30 Public Hearing and Work Session. Recommendation: Be adopted.
Passed House. Carried by Riley. Adopted. Ayes, 53; Nays, 2--Hunt, Scott; Excused, 4--Boquist, Butler, Minnis, Rosenbaum; Excused for Business of the House, 1--Macpherson.
(Senate) Referred to Rules.
6-13 Public Hearing and Work Session held.
6-18 Recommendation: Do adopt with amendments. Not concurring Ferrioli, Kruse.Minority Recommendation: Do adopt with different amendments.
6-20 Motion to substitute Minority Report for Committee Report failed. Ayes, 10; Nays, 19--Avakian, Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Monroe, Morrisette, Prozanski, Schrader, Verger, Walker, Westlund, President Courtney; Absent, 1--Starr.
Majority report Adopted. Carried by Deckert, Devlin. Ayes, 20; Nays, 9--Atkinson, Beyer, Ferrioli, George, G., George, L., Kruse, Nelson, Whitsett, Winters; Absent, 1--Starr.

(House) 6-21 concurred in Senate amendments and readopted measure. Ayes, 42; Nays, 15--Butler, Dallum, Garrard, Gilliam, Girod, Krieger, Lim, Minnis, Nelson, Olson, Richardson, Scott, Smith G., Smith P., Thatcher; Excused, 1--Whisnant; Excused for Business of the House, 2--Edwards C., Nathanson.
6-29 Speaker signed.

Status: **Awaiting President's and Governor's signatures**

School SDCs **SB 366**

Description: Authorizes school district to establish impact fee on creation of lot or parcel.
Sponsored by: Senator Schrader; Rep. Tomei
Hillsboro Position: **Support**
Bill History: **(Senate)** Referred to Finance and Revenue.
3-2 Public Hearing
3-21 Public Hearing
4-4 Public Hearing
4-12 Work Session
Status: **In Committee upon adjournment. Considered a backup vehicle for SB 1036.**
Advocacy: **See SB 1036**

School Construction Excise Tax (CETs) **SB 1036**

Description: Restricts local government power to impose construction excise taxes. Allows school districts to impose excise tax for new construction.
Sponsored by: Senator Deckert; Senators Bates, Brown, Burdick, Devlin, Johnson, Metsger, Monnes Anderson, Monroe, Morrisette, Morse, Prosanski, Starr, Walker, Westlund, Winters, Representatives Beyer, Burley, Dallum, Flores, Gilliam, Greenlick, Hanna, Komp, Krummel, Morgan, Olson, Riley, Roblan, Scott
Hillsboro Position: **Neutral**
Bill History: **(Senate)** Referred to Finance and Revenue.
4-4 Public Hearing
4-12 Work Session
5-1 Work Session; Passed out of Committee
5-10 Passed on the Senate floor; Ayes 22; Nays 6
(House) Referred to Revenue
5-23 Public Hearing Held.
6-8 Work Session held.
6-11 Work Session held. Recommendation: Do pass with amendments
6-18 Passed House. Carried by Hunt. Ayes, 50; Nays, 9--Butler, Cowan, Edwards D., Esquivel, Gelser, Krieger, Minnis,

Morgan, Nelson; Excused for Business of the House, 1--Nathanson.

(Senate) 6-21 Motion to refuse to concur in House amendments carried by voice vote. Senators Deckert, Chair, Starr, Walker appointed Senate conferees.
6-21(H) Representatives Barnhart, Burley, Hunt appointed House conferees.
6-22(S) Work Session held. Conference Committee Recommendation: The Senate concur in House amendments dated 06-13 and B-Engrossed bill be further amended and repassed.
6-24 Senate adopted Conference Committee Report and repassed bill. Ayes, 24; Nays, 5--Avakian, George, G., Monnes Anderson, Verger, Whitsett; Absent, 1--George, L.

(House) 6-24 House adopted Conference Committee Report.
6-26 Repassed. Ayes, 50; Nays, 9--Butler, Cowan, Edwards D., Gelser, Krieger, Minnis, Nathanson, Nelson, Scott; Excused, 1--Morgan.

Status: **Passed both chambers. Awaiting Governor's signature**

Advocacy: Worked with Metro and others to ensure that current CET programs were not negatively impacted by the bill.

cc: Kristine Phillips

6E
Additional
report

REMARKS: 2007 CITY LEGISLATIVE AGENDA REPORT

PRE-2007 SESSION:

- City 2007 Legislative Program Priorities Established in Fall '06:
  - 3 Rounds of City Departmental Inquiries of Potential 2007 Legislative Issues.
  - One-Sheet, 3-Tiered 2007 Legislative Agenda Ok'd by Council in January, 2007.
    - Top 3 Agenda Priorities:
      - Vintage Downtown Rehab Code Enabling Bill.
      - Clarify Regional Land Use Authority Bill
      - Legislative Appropriation for Downtown Parking Garage.

DURING 2007 SESSION:

- Mayor: Hillsboro's chief spokesman; Assisted by Councilor Carleson.
- Lobbyist & staff formed various partnerships and coalitions on particular bills (LOC, Regional Partners, OACP, WashCo. others).
- Lobby & City Staff – technical and strategic support.

2007 SESSION RESULTS: (Jack Presentation)

NEEDED CITY WORK- 2007 INTERIM & 2008 SESSION

- During the Interim:
  - Follow up Needed: Negotiate OECDD Grant Agreement for Release of $7M Parking Garage Appropriation.
  - Participate in Regional Lobby Group: Collaborative Lobbying Effort on 2008 Transportation & Infrastructure Funding Legislative Proposals.
  - Sort Out Local Shares from "Gain Share Bill".
  - Develop 2008 City Legislative Priorities.
- Conduct 2008 Legislative Program

STAFF-RECOMMENDATION:

- Execute 2nd Addendum to Tonkon Torp Legislative Services Contract – September 1, 2007 effective date:
  - Extend Contract Termination Date to March 15, 2008.
  - Increase Contract Fee Amount by $35,000.00 (Not to Exceed $100,000.00). Funds already Budgeted.
  - Revise Contract Work Scope to reflect Needed 2007 Interim and 2008 Session City Lobbying Services.
- Process 2nd Addendum for Finance Committee and City Council Approval in August, 2008.

****

CITY OF HILLSBORO

MEMORANDUM

DATE: July 10th, 2007

TO: Mayor and City Council

FROM: Hillsboro Police Department
Amber Deming, City Recorder

SUBJECT: Request for liquor license endorsement

Please consider staff recommendations for the following liquor license application:

1. Taylor's Restaurant, 264 E Main Street – Full on-premises sales
2. Dandy's Deli LLC, 1075 SE Baseline Road 4C – Off-premises sales
3. Club El Reventon LLC, 345 SW 17th Ave – Limited on-premises sales

The Police Department has reviewed the applications and recommends Council endorsement. If you have any questions, please do not hesitate to call the Hillsboro Police Department (503-681-6174) or Amber Deming (503-681-6117).

Attachments:
OLCC Liquor License Applications

REQUEST FOR CITY COUNCIL ENDORSEMENT No. 164-07

Liquor License Application

City of Hillsboro, Oregon

To assist the City of Hillsboro in its review of your application for a liquor license, the following information is required.

PAID JUL 06 2007 By 29830

Indicate type of application:

- ☐ $100.00 Original Application
- ☐ $ 75.00 Change of Ownership
- ☐ $ 75.00 Change of location
- ☒ $ 75.00 Change in privilege
- ☐ $ 35.00 Renewal or Temporary
- ☐ $ 25.00 Off-premises sales

License type:

- ☒ Full on-premises sales
- ☐ Limited on-premises sales
- ☐ Off-premises sales
- ☐ Temporary sales license

BUSINESS NAME: TAYLOR'S RESTAURANT

Business Address: 264 E. MAIN ST

Applicant: STEVE KLOSER - KLOSER THAN YOU THINK, INC
(Full Name)

Home Address: [redacted]

Driver's License: [redacted]

Co-Applicant: [redacted]
(Full Name)

If more than one co-applicant, provide complete information on each (attach page(s) as necessary).

Home Address: _____
Street Home Phone

_____
City State Zip Business Phone

Driver's License No.: _____ State: _____

Note: If applicant is a corporation, list name and address of home offices: _____

I hereby attest that the information provided above is true and accurate to the best of my knowledge. It is understood that the City may request additional or supplemental information during the course of processing this application.

Date: 7/6/07

_____
Signature(s) of Applicant(s) or Agent(s)

City Business License No.: 007987 Receipt No. _____

Note: This page is to be filled out for new applications, change of ownership, change of location, change of class of license and temporary licenses.

Describe in detail the nature of the establishment you propose to operate. (For example, is your facility going to be a tavern, a family dining establishment, a neighborhood grocery store, part of a community shopping center, a special purpose retail outlet like a wine shop, etc.) If additional space is necessary, please use the back of this form, or attach additional page(s).

Family Dining & Lounge

Days and hours of operation Mon – Thu 11 am to 8:30 pm / Fri 11 am to midnight / Sat 8 am to midnight pm

Ratio of projected food sales to alcohol sales: 85% food 15% Alcohol

Service Capacity (i.e. maximum number of customers that can be accommodated at any give time): 120

Previous business names and addresses where you have ever been licensed. (Use reverse side of this application for additional space if necessary.)

Eastside Eatery - Bellevue, WA

Has the applicant ever been issued a liquor license? Yes ☑ No ☐

If yes, describe below the nature and location of the outlet(s), the type of license, and the dates during which the license was held.

Eastside Eatery - Bellevue, WA / Pizza Restaurant / circa 1989-1993

Has the applicant ever been cited or had a compliance plan in effect for a liquor license? Yes ☐ No ☑

If yes, describe below the nature of the license sought, the location of the proposed outlet, the date of the citation, and reasons for the citation.

Is any building remodeling planned? If so, generally describe. NO

Police Department: Approved ☐ Denied ☐

Signature

Comments:

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- [X] Full On-Premises Sales ($402.60/yr)
  - [X] Commercial Establishment
  - [ ] Caterer
  - [ ] Passenger Carrier
  - [ ] Other Public Location
  - [ ] Private Club
- [ ] Limited On-Premises Sales ($202.60/yr)
- [ ] Off-Premises Sales ($100/yr)
  - [ ] with Fuel Pumps
- [ ] Brewery Public House ($252.60)
- [ ] Winery ($250/yr)
- [ ] Other: _____

ACTIONS

- [ ] Change Ownership
- [ ] New Outlet
- [X] Greater Privilege
- [ ] Additional Privilege
- [ ] Other _____

Applying as:

[ ] Individuals [ ] Limited Partnership [ ] Corporation [ ] Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

_____ (name of city or county)

recommends that this license be:

Granted [ ] Denied [ ]

By: _____ (signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: J Janis

Date: 7-10-06

90-day authority: [ ] Yes [X] No

1. Applicant(s): [See SECTION 1 of the Guide]
   ① Kloser Than You Think Inc ③ _____
   ② _____ ④ _____
2. Trade Name (dba): TAYLOR'S RESTAURANT
3. Business Location: 264 E. MAIN Hillsboro WA OR 97123 (number, street, rural route) (city) (county) (state) (ZIP code)
4. Business Mailing Address: SAME AS ABOVE (PO box, number, street, rural route) (city) (state) (ZIP code)
5. Business Numbers: 503 590 7010 (phone) (fax)
6. Is the business at this location currently licensed by OLCC? [X] Yes [ ] No
7. If yes to whom: KLOSER THAN You think Type of License: Limited
8. Former Business Name: _____
9. Will you have a manager? [X] Yes [ ] No Name: Steve Kloser (manager must fill out an individual history form)
10. What is the local governing body where your business is located? Hillsboro (name of city or county)

[redacted]

Applicant(s) Signature(s) and Date:

① _____ Date 5/31/07 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

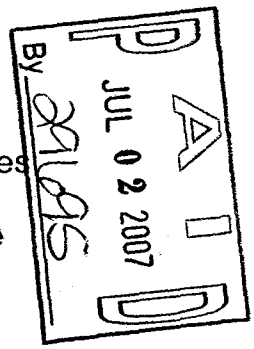
1-800-452-OLCC (6522)

www.olcc.state.or.us

REQUEST FOR CITY COUNCIL ENDORSEMENT No. 162-07

Liquor License Application
City of Hillsboro, Oregon

To assist the City of Hillsboro in its review of your application for a liquor license, the following information is required.



Indicate type of application:

- [X] $100.00 Original Application
- [ ] $ 75.00 Change of Ownership
- [ ] $ 75.00 Change of location
- [ ] $ 75.00 Change in privilege
- [ ] $ 35.00 Renewal or Temporary
- [ ] $ 25.00 Off-premises sales

License type:

- [ ] Full on-premises sales
- [ ] Limited on-premises sales
- [X] Off-premises sales
- [ ] Temporary sales license

BUSINESS NAME: Dandy's Deli LLC

Business Address: 1075 SE Baseline Rd. HC.

Applicant: Dandy's Deli LLC.
(Full Name)

Home Address: _____
Street Home Phone

_____ 503-310-5159
City State Zip Business Phone

Driver's License No.: _____ State: _____

Co-Applicant: _____
(Full Name)

If more than one co-applicant, provide complete information on each (attach page(s) as necessary).

Home Address: _____
Street Home Phone

_____
City State Zip Business Phone

Driver's License No.: _____ State: _____

Note: If applicant is a corporation, list name and address of home offices: _____

_____

_____

I hereby attest that the information provided above is true and accurate to the best of my knowledge. It is understood that the City may request additional or supplemental information during the course of processing this application.

Date: July 2, 2007 _____
Signature(s) of Applicant(s) or Agent(s)

City Business License No.: Pending Receipt No. _____

Note: This page is to be filled out for new applications, change of ownership, change of location, change of class of license and temporary licenses.

Describe in detail the nature of the establishment you propose to operate. (For example, is your facility going to be a tavern, a family dining establishment, a neighborhood grocery store, part of a community shopping center, a special purpose retail outlet like a wine shop, etc.) If additional space is necessary, please use the back of this form, or attach additional page(s).

Deli serving BEER and WINE, selling LOTTERY and VIDEO POKER

Days and hours of operation: 9AM to 12PM 7 days a week

Ratio of projected food sales to alcohol sales: 60/40

Service Capacity (i.e. maximum number of customers that can be accommodated at any give time): 18

Previous business names and addresses where you have ever been licensed. (Use reverse side of this application for additional space if necessary.)

N/A - NONE NEW entity

Has the applicant ever been issued a liquor license? Yes ☐ No ☒

If yes, describe below the nature and location of the outlet(s), the type of license, and the dates during which the license was held.

Has the applicant ever been cited or had a compliance plan in effect for a liquor license? Yes ☐ No ☒

If yes, describe below the nature of the license sought, the location of the proposed outlet, the date of the citation, and reasons for the citation.

Is any building remodeling planned? If so, generally describe. Interior space is being remodeled to accommodate business

Police Department: Approved ☑ Denied ☐

Signature

Comments:

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales ($402.60/yr)
  - ☐ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ☒ Limited On-Premises Sales ($202.60/yr)
- ☒ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other _____

Applying as:

☐ Individuals ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

_____
(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: J Jones

Date: 6-20-07

90-day authority: ☐ Yes ☑ No

1. Applicant(s): [See SECTION 1 of the Guide]

① Dandy's Deli LLC ③ [redacted]

② [redacted] ④ _____

2. Trade Name (dba): Dandip Deli

3. Business Location: 10755 SE Busseline Rd Suite 7 Hillsboro Washington Ore 97123
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: P.O Box 1562 Beaverton Oregon 97075
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-310-5159 503-643-3099
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? ☒ Yes ☐ No Name: Josh Holgate
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Hillsboro
(name of city or county)

[redacted]

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [redacted] mgr LLC Date 4-11-07 ③ [redacted] Date 4-11-07

② [redacted] Date 4-11-07 ④ _____ Date _____

1-800-452-OLCC (6522)

www.olcc.state.or.us

REQUEST FOR CITY COUNCIL ENDORSEMENT No. 1603-07
Liquor License Application
City of Hillsboro, Oregon

To assist the City of Hillsboro in its review of your application for a liquor license, the following information is required.

Indicate type of application:

- [X] $100.00 Original Application
- [ ] $ 75.00 Change of Ownership
- [ ] $ 75.00 Change of location
- [ ] $ 75.00 Change in privilege
- [ ] $ 35.00 Renewal or Temporary
- [ ] $ 25.00 Off-premises sales

License type:

- [ ] Full on-premises sales
- [X] Limited on-premises sales
- [ ] Off-premises sales
- [ ] Temporary sales license

PAID JUL 02 2007 By 29696

BUSINESS NAME: CLUB EL REVENTON, LLC

Business Address: 345 SW 17th AV. HILLSBORO, OR 97123

Applicant: MIGUEL ANGEL CASTRO
(Full Name)

Home Address: [redacted]

Driver's License [redacted]

Co-Applicant: N/A
(Full Name)

If more than one co-applicant, provide complete information on each (attach page(s) as necessary).

Home Address: _____
Street Home Phone

_____
City State Zip Business Phone

Driver's License No.: _____ State: _____

Note: If applicant is a corporation, list name and address of home offices: _____

I hereby attest that the information provided above is true and accurate to the best of my knowledge. It is understood that the City may request additional or supplemental information during the course of processing this application.

Date: 7-2-07 _____
Signature(s) of Applicant(s) or Agent(s)

City Business License No.: 07952 Receipt No. _____

Note: This page is to be filled out for new applications, change of ownership, change of location, change of class of license and temporary licenses.

Describe in detail the nature of the establishment you propose to operate. (For example, is your facility going to be a tavern, a family dining establishment, a neighborhood grocery store, part of a community shopping center, a special purpose retail outlet like a wine shop, etc.) If additional space is necessary, please use the back of this form, or attach additional page(s).

Dance Club

Days and hours of operation: THURSDAY TO SUNDAY 9:00 pm to 2:00 am

Ratio of projected food sales to alcohol sales: NO food

Service Capacity (i.e. maximum number of customers that can be accommodated at any give time):

Previous business names and addresses where you have ever been licensed. (Use reverse side of this application for additional space if necessary.)

None

Has the applicant ever been issued a liquor license? Yes ☐ No ☒

If yes, describe below the nature and location of the outlet(s), the type of license, and the dates during which the license was held.

Has the applicant ever been cited or had a compliance plan in effect for a liquor license? Yes ☐ No ☒

If yes, describe below the nature of the license sought, the location of the proposed outlet, the date of the citation, and reasons for the citation.

Is any building remodeling planned? If so, generally describe. None

Police Department: Approved ☒ Denied ☐

Signature

Comments:

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales ($402.60/yr)
  - ☐ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ☑ Limited On-Premises Sales ($202.60/yr)
- ☐ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☑ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other _____

Applying as:

☑ Individuals ☐ Limited Partnership ☐ Corporation ☑ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

_____
(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: Steve Sandel

Date: 6/29/07

90-day authority: ☐ Yes ☐ No

1. Applicant(s): [See SECTION 1 of the Guide]
   ① MIGUEL ANGEL CASTRO ③ Club El Reventon LLC
   ② _____ ④ _____
2. Trade Name (dba): CLUB EL REVENTON
3. Business Location: 345 SW 17th Av Hillsboro Washington OR 97123-3834
   (number, street, rural route) (city) (county) (state) (ZIP code)
4. Business Mailing Address: 2850 SW Cedar Hills Blvd. #221 Beaverton, OR 97005
   (PO box, number, street, rural route) (city) (state) (ZIP code)
5. Business Numbers: 503-268-2082
   (phone) (fax)
6. Is the business at this location currently licensed by OLCC? ☐Yes ☑No
7. If yes to whom: _____ Type of License: _____
8. Former Business Name: _____
9. Will you have a manager? ☐Yes ☑No Name: _____
   (manager must fill out an individual history form)
10. What is the local governing body where your business is located? City of Hillsboro / Washington County
    (name of city or county)

[redacted]

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① _____ Date 5-4-07 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

1-800-452-OLCC (6522)

www.olcc.state.or.us

Common Types of OLCC Licenses:

Full On-Premises Sales (F):

This type of license allows the sale and service of distilled spirits, malt beverages, and wine for consumption on the licensed premises. The OLCC issues Full On-Premises Sales (F) licenses to caterers (F-CAT), commercial establishments (F-COM), private clubs (F-CLU), public passenger carriers
(F-PC), and other public locations (F-PL).

- Previously hard liquor dispenser license (DA, DB, DC)

Limited On-Premises Sales (L):

This license allows the sale of malt beverages, wine and cider for consumption on the licensed premises, and the sale of kegs of malt beverages for off premises consumption.

- Previously RMB (Tavern) license

Off Premises Sales (O):

This license allows the sale of malt beverages, wine, and cider in factory sealed containers for consumption off the licensed premises and allows sample tastings of malt beverages, wine, and cider.

- Previously called a package store license

Wholesale Malt Beverage and Wine (WMBW):

This license allows storage, import, export, and wholesale sale of wine (21% alcohol or less) to wholesale and retail licensees, allows wine tastings, and the sale of wine and male beverages for customers to drink at the business and "to go" in sealed containers.

Brewery Public House (BP):

This license allows the manufacture, storage, sale, and exportation of malt beverages. Retail sales may be for on or off premises consumption. Also allows sales of wine and cider containing no more than 21% alcohol.

DATE OF MEETING: 7/17
AGENDA ITEM#: 9A
EXPECTED TIME: 30 min

HILLSBORO CITY COUNCIL WORK SESSION ITEM SUMMARY

ITEM TITLE: Scoggins Dam Title Transfer and Water Supply background information

PRESENTED BY: Kevin Hanway DEPARTMENT: Water Dept.

VISION ACTION ITEM? Y_____NX VISION ACTION ITEM #:_____

ITEM DESCRIPTION: (why submitted to Work Session and explain background information)

Information will be provided at the meeting.

BUDGET/FINANCE IMPACT: (explain the fiscal impact, current year and ongoing)

FUTURE ACTION EXPECTED:

STAFF RECOMMENDATION:

ATTACHMENTS INCLUDED:

RECLAMATION
Managing Water in the West

Tualatin Project
Tualatin River Subbasin, Oregon

CLATSOP
TILLAMOOK
WASHINGTON
COLUMBIA
CLARK
MULTNOMAH
YAMHILL
CLACKAMAS
TILLAMOOK
WASHINGTON

Columbia River
Willamette River
Scappoose
Portland
Banks
North Plains
Forest Grove
Cornelius
Hillsboro
Spring Hill Pumping Plant
Patton Valley Pumping Plant
Joint Water Commission Water Treatment Plant
CWS Rock Creek Facility
Henry Hagg Lake
Lee Falls
Haines Falls: Hillsboro Reservoir
Barney Reservoir
Wapato Diversion
Gaston
Beaverton
Tigard
Lake Oswego
Tualatin
Sherwood
West Linn
Gladstone
Oregon City
Wilsonville
Milwaukie
Newberg
Carlton
Yamhill
Lake Oswego Corporation Diversion Dam
Willamette Falls

CAMPBELL CR, ROUNDY CR, PANTHER CR, ROCK CR, DENNY CR, PLENTYWATER CR, MCKAY CR, CUMMINGS CR, DAIRY CR W FK, WILLAMS CR, WHITCHER CR, POLIWASKI CR, HENDERSHALL CR, MURTASH CR, BRUNSWICK CANYON, NIE CR, STRASSEL CR, KUDER CR, ROCK CR, GARRIGUS CR, BIG CANYON CR, DAIRY CR E FK, GUMM CR, NF GALES CR, FINGER CR, COFFEE CR, BEAVER CR, GALES CR, SADD CR, PARK FARM CR, BLEDSOE CR, HURT BRANCH, CEDAR CANYON, BATEMAN CR, LITTLE BEAVER CREEK, SE GALES CR, GALES CR, WHITE CR, FIR CR, ILER CREEK, BAUSCH CR, MCKAY CR, JACKSON CR, STORCK CR, ROCK CR, LOUSIGNOUT CR, DAIRY CR W FK, WARBLE CR, HOLCOMB CR, CLEAR CR, THOMAS CR, DEER CR, ROARING CR, FISHER CR, LEE CREEK, SCOGGIN CR, PARSONS CR, SAIN CR, E FORK SAIN CR, SUNDAY CR, MAPLE CR, VEY CR, TANNER CR, PRICKETT CR, GALES CR, CARPENTER CR, COUNCIL CR, DAIRY CR, DAWSON CREEK, BRONSON CREEK, WILLOW CR, ROCK CR, BEAVERTON CR, CEDAR MILL CR, JOHNSON CR, GOLF CR, DILLEY CR, ONEIL CR, SCOGGINS CR, HERRING CR, ROARING CR, TUALATIN R, CHRISTENSEN CR, CHRISTENSEN CREEK, GORDON CR, BUTTERNUT CR, JOHNSON CR, FANNO CR, ASH CR, FANNO CREEK, IMBER CR, WILLIAMS CANYON, GOODIN CR, WAPATO CR, HILL CR, BANNISTER CR, BURRIS CR, MCFEE CR, GULE CANYON, AYERS CREEK, AYERS CR, HEATON CR, BAKER CR, CEDAR CREEK, ROCK CREEK, CHICKEN CR, GOOSE CR, BELL CR, OSWEGO CANAL, SAUM CR, ATHEY CR, WILSON CR

0 2 4 6 8 Miles

Point of Interest
Potential JWC Raw Water Pipeline
TVID Pipeline
Barney Diversion Pipeline
Oswego Canal
TVID Boundary
City Limit Boundary
County
Stream
Tualatin River
Major River or Waterbody

Sources:
Bureau of Reclamation, PN Region
Oregon Geospatial Enterprise Office
Tualatin Valley Irrigation District (TVID)

Area of Interest
OREGON

Prepared by Bureau of Reclamation, PNGIS
on November 6, 2006

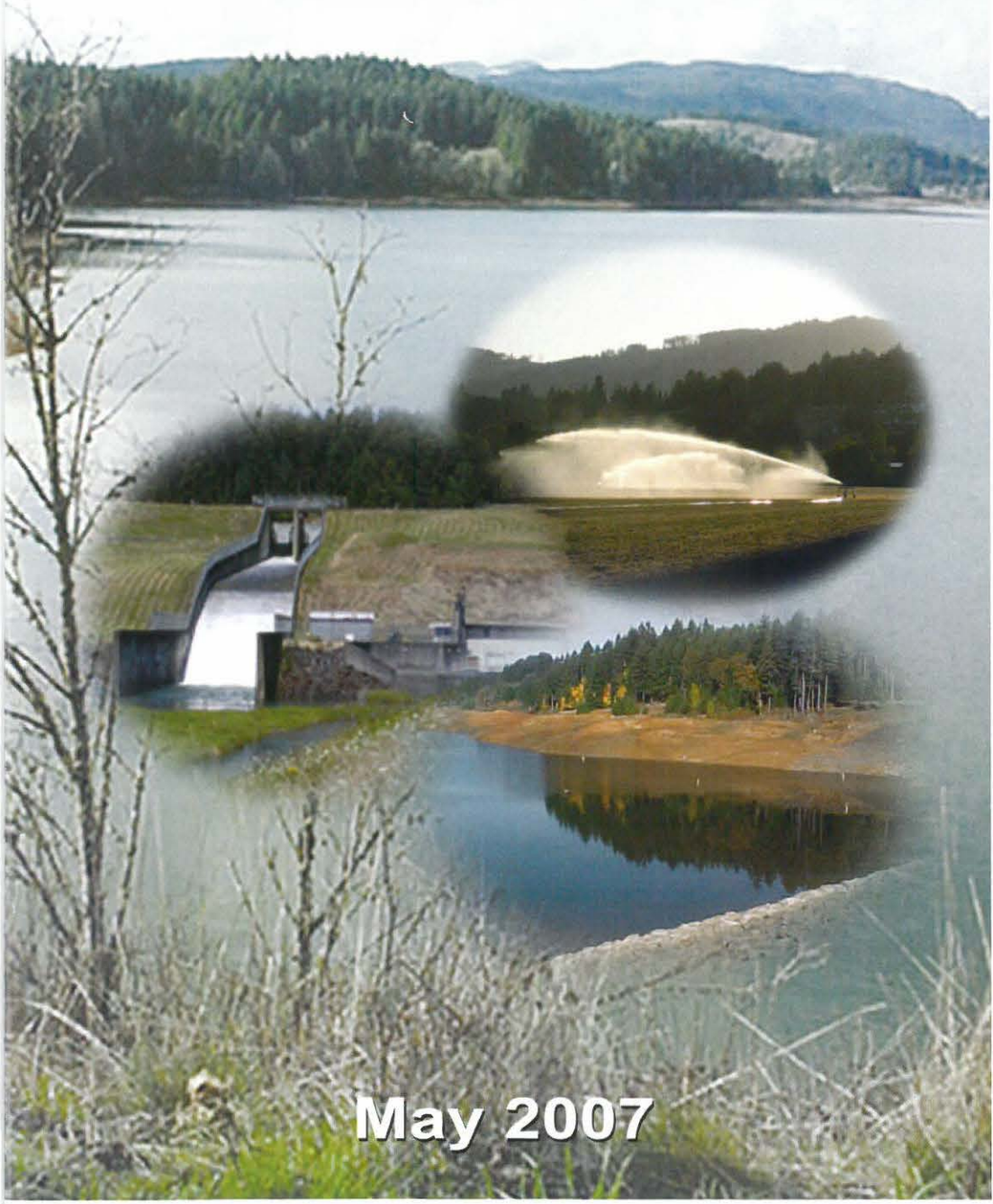
Frontispiece

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Tualatin Project Title Transfer

Washington County, Oregon

Congressional Funding Request



May 2007

Federal appropriations of $500,000 requested to study Tualatin Project Title Transfer

Cooperating agencies for the Tualatin Project Title Transfer are requesting $500,000 in FY 2008 to fund the US Bureau of Reclamation's portion of the environmental and comprehensive facilities review. Local agencies will fund the balance of the project. Total cost for the project is estimated to be $1 million.

Local water agencies consider ownership of Tualatin Project

Washington County, Oregon water resource agencies are working closely with the federal government to consider a full or partial transfer of the US Bureau of Reclamation's Tualatin Project (Scoggins Dam, related facilities and other real property) from the United States to local ownership. Reclamation's "Framework for Transfer of Title" (August 1995) encourages the federal government to consider the "... transfer title of facilities that could be efficiently and effectively management by non-federal entities." Title transfer has been further reinforced by Reclamation's "Managing for Excellence" action plan (February 2006) that calls for the study of "... where opportunities exist for mutually beneficial transfer of title to project sponsors in order to eliminate Reclamation's responsibility and costs for those facilities."

Transfer would streamline water resource management and reduce Federal obligations

Title Transfer offers several potential benefits to both local water resource managers and the federal government. Local ownership and control of facilities and water rights will reduce decision-making complexity, improve flexibility and allow for more efficient management of water resources in the Tualatin Basin. Title Transfer would also allow the federal government to divest itself of responsibility for ongoing operation, maintenance, replacement, management, regulation of, and liability for the project.

Local water resource agencies currently own and operate Barney Reservoir which provides municipal water and river flow augmentation water for communities in the Tualatin Basin. Coordination of dam operations could be improved with local ownership of the Tualatin Project. Local ownership could also offer significant time and cost savings for future improvements.

"Transferring title to local ownership would reduce the federal government's long-term costs while saving time and money and improve our ability to manage water resources in the Tualatin Basin"

Tom Brian
Washington County Commission
and Clean Water Services' Board Chair

"If we can reduce our costs through local ownership of the irrigation facilities, then we need to consider that"

Jim Love,
Tualatin Valley Irrigation
District Board Chair

Title Transfer earns strong support

The repayment contract holders for the existing facility have passed resolutions supporting the consideration of Title Transfer. These agencies include the Tualatin Valley Irrigation District (TVID), Clean Water Services, the Cities of Hillsboro, Beaverton, and Forest Grove and Washington County. Other water supply partners including Tualatin Valley Water District and the Cities of Tigard and Tualatin are also joining in the study of Title Transfer. Many of these local partners will also provide funding for the study of Title Transfer.

Congressional Authorization needed for Title Transfer

Local water resource agencies are working closely with state and federal officials to determine the cost, benefits and impacts of a potential title transfer to determine what is in the best interest of the US government, the applicants and the public. The Partners are also working closely with Oregon's Congressional delegation to secure federal funding to assess the current condition of the facilities under consideration as part of the overall investigation.

"The Partners should consider Reclamation's Title Transfer Program"

US Bureau of Reclamation Commissioner *John Keys III* (retired), November 2005

Tualatin Project Facilities

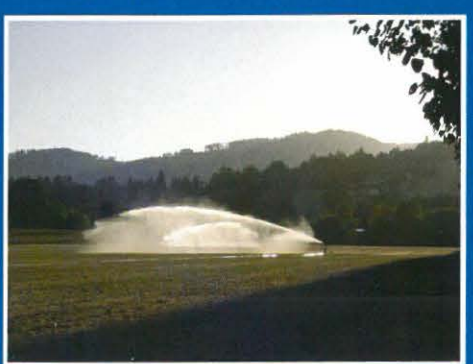
The Tualatin Project facilities currently owned by Reclamation include:

Scoggins Dam

- 151 foot-high zoned earthfill structure
- Spillway, Intake structure and Outlet works

Hagg Lake and Adjoining Federal lands

- 2600 acres of reservoir and federal lands
- Recreational Facilities (6 sites)
- Perimeter Road (11 miles)



Irrigation Facilities (TVID)

- Springhill and Patton Valley Pump Plants
- 98.5 miles pipeline
- Lands and easements
- District office and other structures

Title Transfer

Task	Start	Completion
Environmental Review	March 2007	March 2008
Public Review Process	February 2007	Ongoing
Congressional Authorization		November 2008

Contacts

Clean Water Services
(503) 681-3600
www.CleanWaterServices.org

Tom Brian, Chair
Washington County Board of Commissioners and Clean Water Services Board of Directors

Bill Gaffi, General Manager
(503) 681-3600
gaffib@CleanWaterServices.org

Tom VanderPlaat
Water Supply Project Manager
(503) 681-5107
vanderplaatt@CleanWaterServices.org

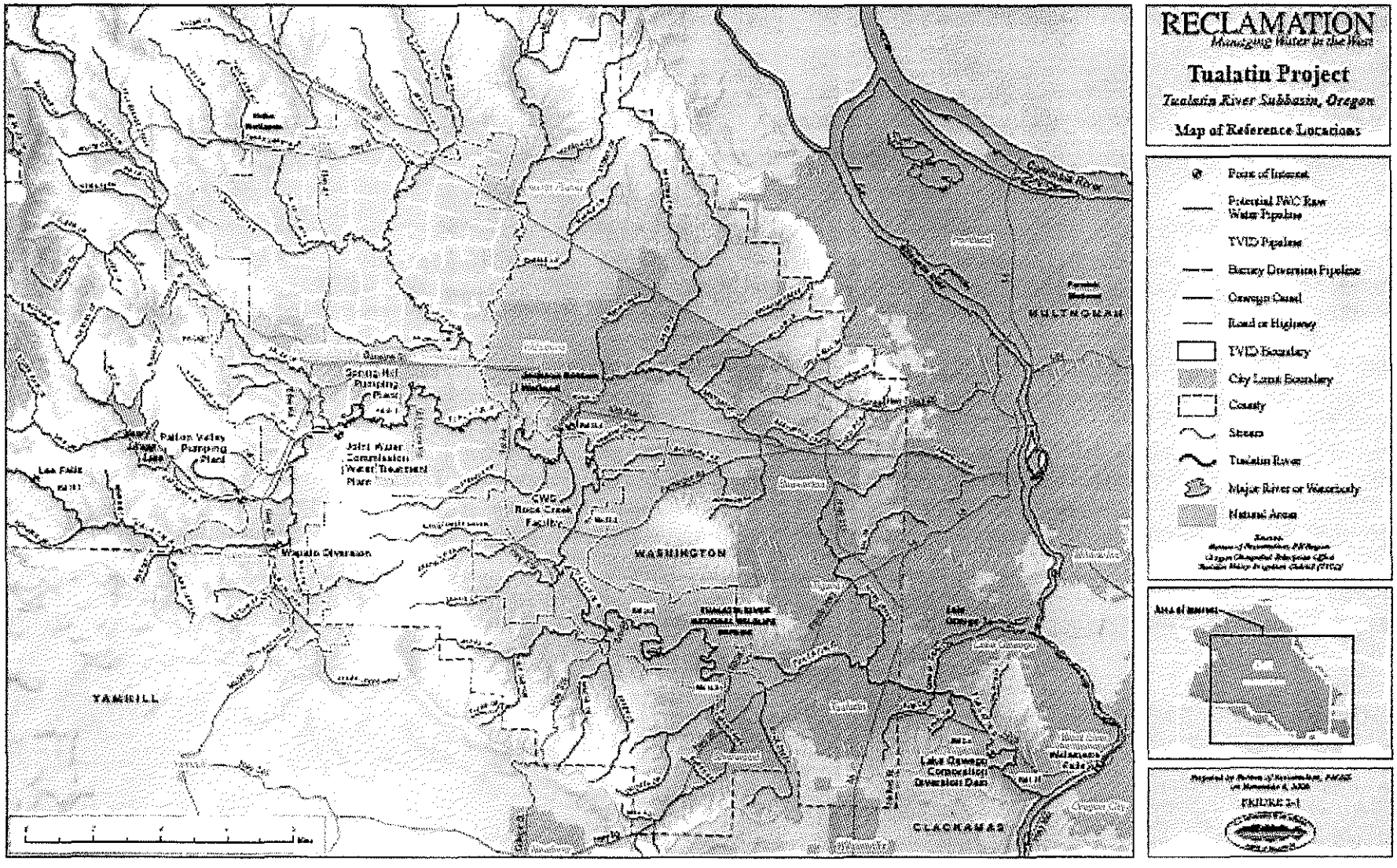
Mark Jockers
Government & Public Affairs Manager
(503) 681-4450
jockersm@CleanWaterServices.org

Washington, D.C. Contact
Thane Young
Van Scoyoc Associates
(202) 638-1950
tyoung@vsadc.com

Title Transfer Cooperating Agencies

City of Beaverton	*Mayor Rob Drake*	(503) 526-2481
City of Forest Grove	*Mayor Richard Kidd*	(503) 359-3200
City of Hillsboro	*Mayor Tom Hughes*	(503) 681-6139
Clean Water Services	*Tom Brian*, Chair	(503) 681-3600
Lake Oswego Corporation	*Mark Eves, Board*	(503) 227-6226
City of Tualatin	*Mayor Lou Ogden*	(503) 691-3011
Tualatin Valley Irrigation Dist.	*Jim Love*, Chair	(503) 357-3118
Tualatin Valley Water District	*Jim Doane*, Chair	(503) 642-1511
Washington County	*Tom Brian*, Chair	(503) 846-8681
U.S. Bureau of Reclaimation	*James Hess* Assoc. Director for Operations & Maint.	(202) 513-0543
	Mike Relf Activity Manager Pacific NW Region	(208) 378-5106
	Ron Eggers Local Area Manager	(503) 872-2795

Long Term Water Supply Planning for City of Hillsboro and the Region


RECLAMATION
Managing Water in the West
Tualatin Project
Tualatin River Subbasin, Oregon
Map of Reference Locations
Point of Interest
Potential TWC Raw Water Pipeline
TVID Pipeline
Barney Diversion Pipeline
Oswego Canal
Road or Highway
TVID Boundary
City Limit Boundary
County
Stream
Tualatin River
Major River or Waterbody
Natural Areas
Area of Interest
Scoggins Dam
Henry Hagg Lake
Patton Valley Pumping Plant
Joint Water Commission Water Treatment Plant
Lake Oswego Corporation Diversion Dam
Lake Oswego
Sherwood
Tualatin
Wilsonville
Newberg
Tigard
Durham
Tualatin River National Wildlife Refuge
WASHINGTON
YAMHILL
CLACKAMAS
MULTNOMAH
FIGURE 2-1

Water Service Area

- Over 300,000 people and businesses in nine communities rely on Joint Water Commission
- JWC includes Hillsboro, Forest Grove, Beaverton, TVWD and Tigard
- Hillsboro also supplies the water for Gaston, Cornelius and LA Water Coop
- JWC supplies the water for North Plains

Water Supply System Limitations:

- Current Water Sources:
  - Winter – Tualatin River
  - Summer (Peak Season) – Primarily stored water from Hagg Lake and Barney Reservoir
- Hillsboro's share of stored water is adequate to serve average "peak season" demand of 24.5 million gallons per day
- Water Department projects Hillsboro's average summer demand will reach 24.5 mgd between 2015 and 2019
- Tualatin River channel capacity limitations

Water Supply Project
Partner Interests

- Tualatin Valley Water District need also urgent – need to replace Portland water supply source by 2015
- Clean Water Services needs more water immediately for water quality / flow augmentation
- Other partners planning for long term water supply needs through 2050

Tualatin Basin Water Supply Project

- Hillsboro addresses the *demand* side through conservation programs and rate structure
- Still need additional *supply*
- Best option is a raise of Scoggins Dam, coupled with raw water pipeline and water treatment plant expansions
- Propose to double capacity of Hagg Lake
- Partners in the Project: Clean Water Services, Tualatin Valley Water District, Forest Grove, Beaverton, Tigard

Water Supply Project Costs

- $400 million - Total estimated Project Cost
  - $200 million – Scoggins Dam Raise
  - $100 million – Raw Water Pipeline
  - $100 million – WTP Expansions to 155 MGD
- Hillsboro share: $120 million
- Investigating potential for cost savings and improved operations

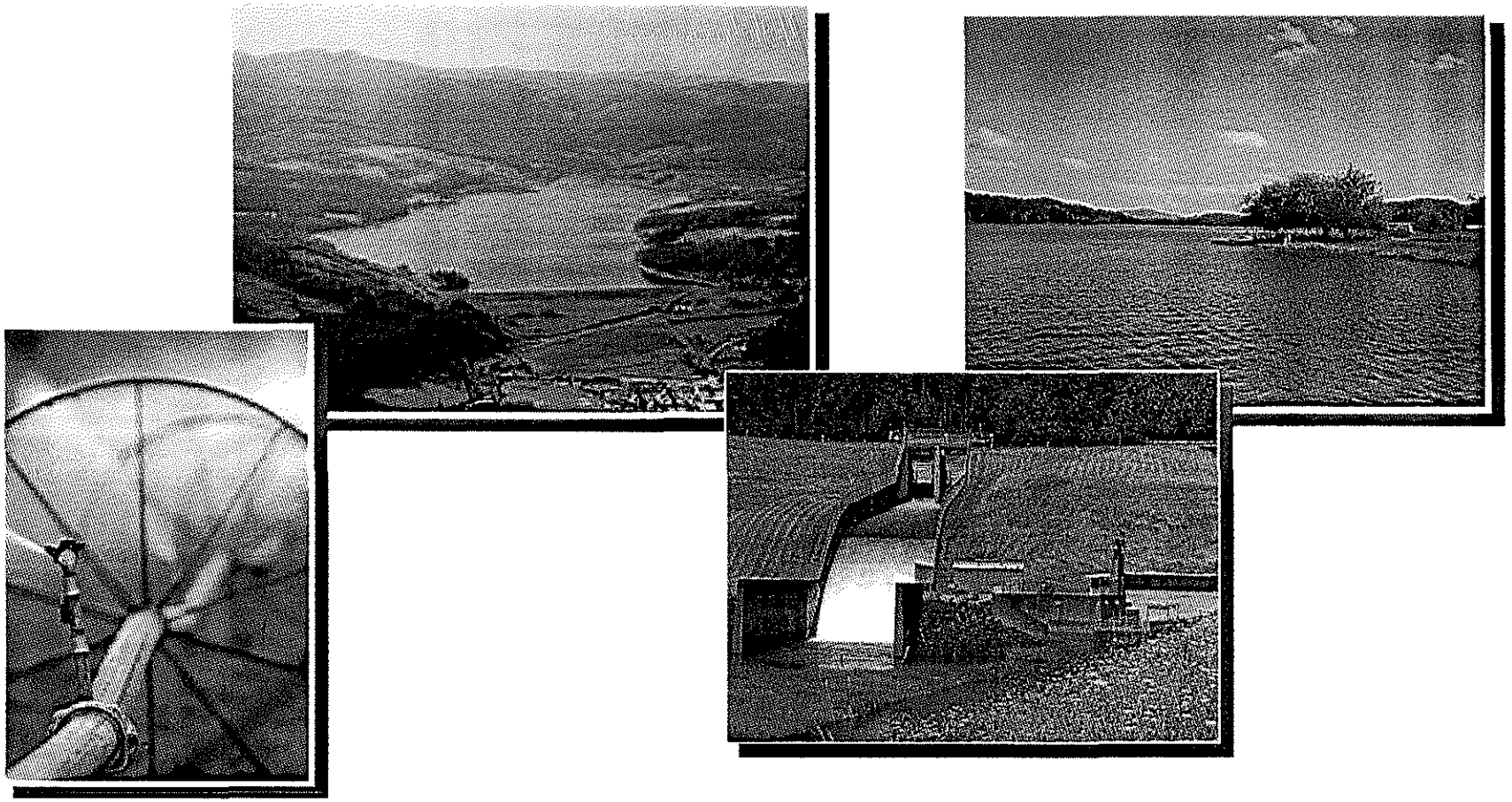
Schedule for Water Supply Project Approval and Construction

Project Deadline – June 2016

• Draft Planning Report / EIS	June 2007
• 90 day Public Comment	June – Aug. 2007
• Final EIS /Permitting/ROD	Sept. 2007 – Jan. 2009
Congressional Authorization	March 2009
• Design	Jan 2009 – June 2010
• Construction	June 2010 – June 2015

Tualatin Project Title Transfer

Ownership Framework



Exploring local ownership for improved water management

Scoggins Dam Ownership

- U.S. Bureau of Reclamation owns and operates Scoggins Dam and associated land and facilities
- Will be responsible for design, permitting and construction of dam raise
- Reclamation encouraged Water Supply Project partners to investigate benefits of local ownership

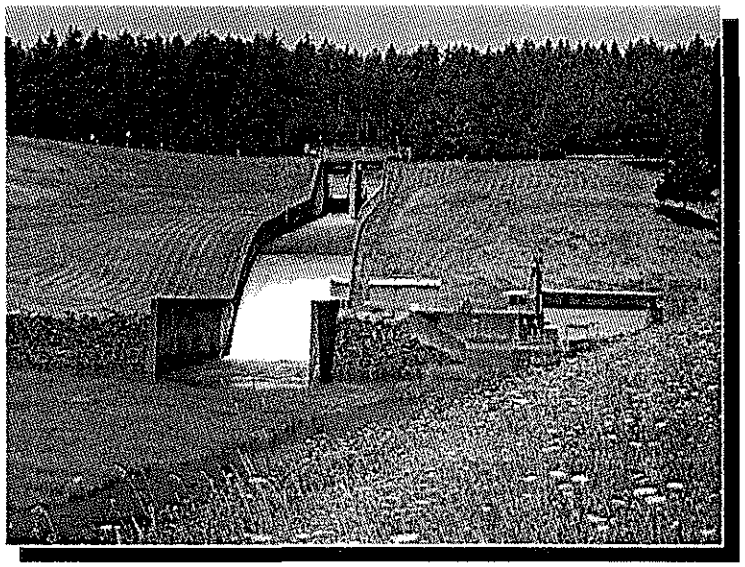
Existing Tualatin Project Contractors

Contractor and % share of Hagg Lake

- ✓ Tualatin Valley Irrigation District – 54.5 %
- ✓ Clean Water Services – 24.9%
- ✓ City of Hillsboro – 7.4%
- ✓ City of Forest Grove – 6.6%
- ✓ City of Beaverton – 5.9%
- ✓ Lake Oswego Corporation – 0.7%
- ✓ Washington County Facilities – TBD%

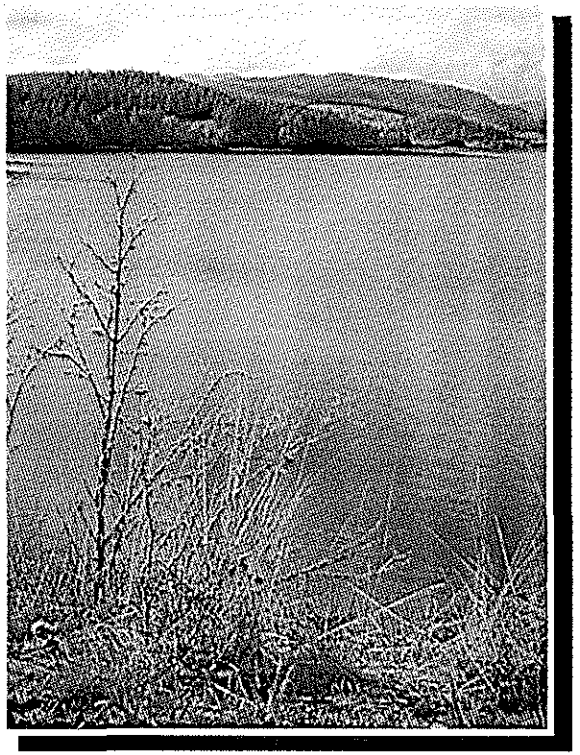
Benefits of Title Transfer

- Flexibility
- Efficiency
- Improved integration
- Reduce Federal obligations
- Time and cost savings for future improvements



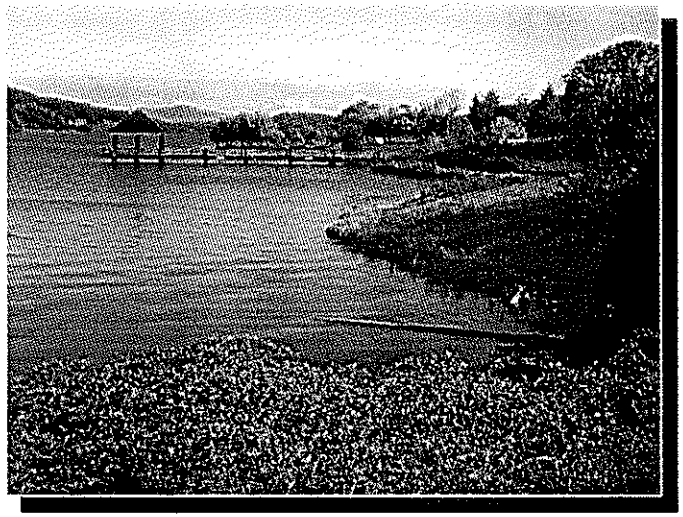
Cost and What's Transferred

- Cost of transfer: $6 - $11 million (to be negotiated)
- Transferred assets:
  - Tualatin Project facilities
  - Land and water rights and easements
  - Operation and maintenance responsibilities
  - Legal liability
  - Regulatory requirements



Title Transfer Study Elements

- Facilities assessment
- Confirm projected costs and savings
- Negotiate cost of transfer
- MOA with Reclamation
- Ownership Framework



Governance Task Group

- Repayment contractors and local partners
  - ✓ Clean Water Services
  - ✓ City of Beaverton
  - ✓ City of Hillsboro
  - ✓ City of Forest Grove
  - ✓ City of Tigard
  - ✓ Lake Oswego Corporation
  - ✓ Washington County
  - ✓ TVID
  - ✓ TVWD
- Facilitated process—June-Dec 2007

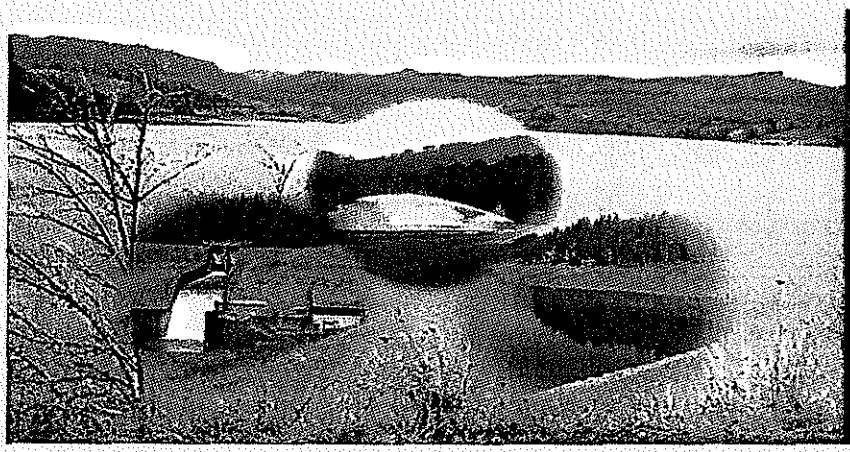
Draft Principles of Agreement

- Efficient operations
- Flexibility/adaptability
- Ability to enter/exit
- All partners retain existing benefits
- Addresses liability issues

Title Transfer Tasks and Schedule

- Title Transfer track concurrent with and independent of Water Supply Project track

Task	Schedule
Draft Principles of Agreement	July 2007
Select preferred ownership framework	August 2007
Develop outline of agreement	Sept 2007
Recommendation on ownership agreement	Oct-Dec 2007
Approval by Hillsboro City Council and other partners	2008



Tualatin Project Title Transfer

Local water agencies consider ownership of Tualatin Project

Washington County, Oregon water resource agencies are working closely with the federal government to consider a full or partial transfer of the US Bureau of Reclamation's Tualatin Project from the United States to local ownership.

"Transferring title to local ownership would reduce the federal government's long-term costs while saving time and money and improve our ability to manage water resources in the Tualatin Basin."

--Chair Tom Brian,
Washington County

Water resource agencies endorse study of Title Transfer

Investigation of a Tualatin Project Title Transfer has earned strong support from repayment contract holders, water supply partners and stakeholders who want to learn more about the cost, benefits and impacts of local ownership of the facilities. The boards or commissions of the following organizations have passed a resolution endorsing the investigation of Title Transfer:

- *Clean Water Services*
- *Tualatin Valley Water District*
- *Tualatin Valley Irrigation District*
- *Hillsboro Utilities Commission*
- *City of Hillsboro*
- *City of Beaverton*
- *Tigard Intergovernmental Water Board*
- *City of Forest Grove*
- *City of North Plains*
- *City of Tualatin*
- *Washington County*

Study of Title Transfer has also received letters of support from the Tualatin River Watershed Council and the Oregon Council of Trout Unlimited.