Packet

CITY OF HILLSBORO

HILLSBORO CITY COUNCIL

Preliminary Agenda
Tuesday, August 7, 2007

7 PM
Hillsboro Civic Center Auditorium

Regular Session
150 E. Main Street

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Please silence all electronic devices. Thank you.

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting.

The City will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting:

- Qualified sign language interpreters for persons with speech or hearing impairments.
- Qualified bilingual interpreters.

To obtain services, please call 503.681.6100

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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 – August 2, 2007

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Council President Joe Keizur

CALL TO ORDER - Roll Call

1. CONSENT AGENDA:

A. Approve a dedication of additional public right-of-way of SE Lone Oak Street, northwesterly from its intersection with SE Alexander Street. (Transportation Committee Recommendation)

B. Accept a petition for VAC 07-03 for the vacation of a public pedestrian easement, located north of NW Quatama Road and west of NW 206th Avenue and schedule a public hearing for September 4, 2007 at 7 PM. Petitioner is West Hills Development.

C. Authorize the Mayor and City Recorder to execute a standard developer contract for each of the following:

Project Name	Developer
Dolores Park	Aspen Northwest, LLC
Elementary #25	Hillsboro School District 1J
N. First Avenue Partition	Jason Rucker
Kalahari Ridge	Ray & Janie Deltjen
McKay Creek Town homes	Five Star Builders
Parks @ Tanasbourne	RCM Development, LLC
Stonehaven	Venture Properties, Inc.
Sunrise Place	D & D Development

D. Approve a public improvement contract for renovation work at Bagley Park and authorize the Mayor and City Recorder to execute the documents. (Park Commission recommendation)

E. Authorize and ratify expenditures, public contracts, contract amendments and agreements by adopting **Resolution No. *2220.**

2. PRESENTATIONS AND APPOINTMENTS:

A. Presentation on the Drive Less/Save More campaign by Metro Councilor Kathryn Harrington and Metro Regional Transportation Options Manager Pam Peck.

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. AN 6-07: Toman: Consider approval for annexation of one property approximately 1.17 acres in area into the City Limits of Hillsboro. The property is generally located south of NW Camp Ireland Street, west of NW 313th Avenue, and north of NW Lenox Street and can be specifically identified as Tax Lot 1600 on Washington County Tax Assessor's Map 1N3-25AB. **Ordinance No. *_____ is available.**

B. ZC 11-07: Toman: Consider Planning Commission recommendation of approval of a zone change from County R-9 Residential (9 units per acre) to City R-7 Single Family Residential on one property approximately 1.17 acres in area. The property is generally located south of NW Camp Ireland Street, west of NW 313th Avenue, and north of NW Lenox Street and can be specifically identified as Tax Lot 1600 on Washington County Tax Assessor's Map 1N3-25AB. **Ordinance No. *_____ is available.**

C. VAC 07-05: Consider vacating a spur of right-of-way located off of SE 5th Avenue north of the Southern Pacific Railroad right-of-way in the City of Hillsboro, in Washington County (Petition was presented to the City Council on July 3, 2007). **Ordinance No.* _____ is available.**

5. UNFINISHED BUSINESS:

A. None.

6. NEW BUSINESS:

A. ZC 7-07: Weber/Wetter II: Consider Planning and Zoning Hearings Board recommendation of approval of a zone change from R-10 Single Family Residential to R-8.5 Single Family Residential on one property approximately 5.86 acres in area. The property is generally located south of NE Rogahn Street, west of NE Charlois Drive, north of NE Eaglenest Court, and east of NE Jackson School Road. The property can be specifically identified as Tax Lot 1000 on Washington County Tax Assessor's Map 1N2-30AC. **Ordinance No. *_____ is available.**

B. Consider Transportation Committee recommendation amending Section 10.08.030 (Stop Streets – Schedule B) of the City of Hillsboro Municipal Code by creating additional stopped streets southbound on NE 55th Avenue at West Baseline Road and Northbound on NE 57th Avenue at NE Ernest Street and declaring an emergency. **Ordinance No.* _____ is available.**

C. Consider amending Section 10.12.110 (Prohibited Parking – Schedule G) of the City of Hillsboro Municipal Code by establishing parking prohibitions on portions of NE Ernest Street, NE 55th Avenue, and NE 57th Avenue and declaring an emergency. (Transportation Committee Policy) **Ordinance No.* _____ is available.**

D. Consider Transportation Committee recommendation amending Section 10.08.030 (Stop Streets – Schedule B) of the City of Hillsboro Municipal Code by creating additional stopped streets within the Arbor Roses Subdivision along SE 11th Avenue and SE Bianca Streets and declaring an emergency. **Ordinance No.* _____ is available.**

E. Consider Transportation Committee recommendation amending Section 10.12.110 (Prohibited Parking – Schedule G) of the City of Hillsboro Municipal Code by establishing parking prohibitions along a portion of SE Spruce Street Spur (between SE 24th/28th Avenues) and declaring an emergency. **Ordinance No.* _____ is available.**

F. Consider Transportation Committee recommendation providing for a temporary reduction in vehicle speeds (45 mph to 35 mph) on SE Brookwood Avenue from SE/SW Davis Road to SE Witch Hazel Road and declaring an emergency. **Ordinance No.* _____ is available.**

G. Consider Transportation Committee recommendation providing for a temporary reduction in vehicle speeds (55 mph to 35 mph) on NW Wilkins Drive from NW Cornelius Pass Road to NW 206th and declaring an emergency. **Ordinance No.* _____ is available.**

H. Consider amending Section 13.08.010 (Adoption of County Agency Regulations) of the City of Hillsboro Municipal Code for the adoption of Clean Water Services (CWS) Resolution and Order No. 07-31; establishing rates, fees and charges to be effective upon passage and repealing the adoption of CWS R&O No. 06-22 and declaring an emergency. **Ordinance No. *_____ is available.** *(CWS Resolution and Order 07-31 is referenced as Exhibit A (71 pages) to this ordinance, and is on file and available for review in the office of the City Recorder.)*

I. Acting as the Local Contract Review Board, consider awarding the Davis Road Sanitary Sewer Improvements contract to the lowest responsive bidder, Emery & Sons Construction for $ 2,829,121.00.

J. Consider Park Commission recommendation to approve a purchase and sales agreement for acquisition of real property in the Orenco neighborhood and authorize the Mayor and City Recorder to execute the documents.

K. Consider Park Commission recommendation to authorize a partnership opportunity between the Hillsboro School District (HSD) and the Hillsboro Parks and Recreation Department to expand gymnasium facilities to better accommodate HSD needs and the greater community.

L. Consider amending Section 3.10.020 of the City of Hillsboro Municipal Code relating to inventory searches of closed containers in impounded vehicles and declaring an emergency. **Ordinance No.*_____is available.**

M. Consider endorsement of liquor license application: *(This request has been reviewed by the Police Department and no objections have been filed.)*

Limited On-Premises Sales - 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.

1. Tokyo, 2331 NW 185th Ave. – Original Application - 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:**

ANNUAL COMMUNITY EVENTS:

A. 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.

B. 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.

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

D. 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.

E. 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.

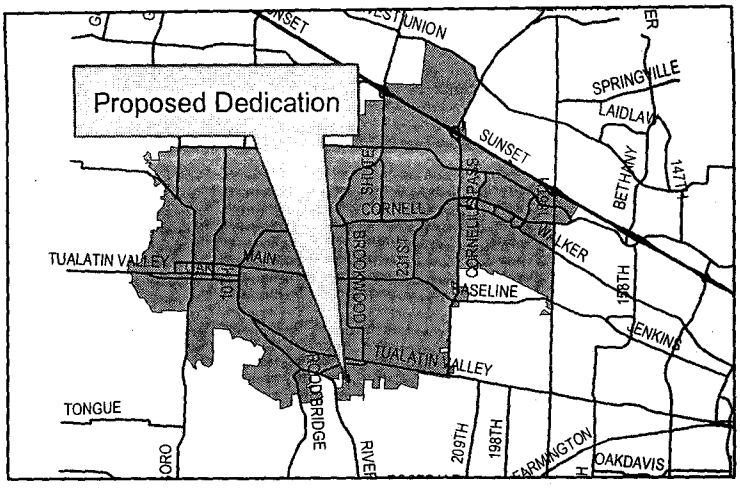
F. Saturday Farmers' Market in Downtown Hillsboro: Every Saturday, May 5, 2007 through October 27, 2007 from 8 AM to 1:30 PM.

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

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

CITY OF HILLSBORO

1A



August 7, 2007

TO: Mayor and City Council

FROM: Michael Filicky, City Surveyor

RE: Grant of additional public right-of-way dedication to allow the extension of SE Lone Oak Street northwesterly from its intersection with SE Alexander Street...

Tract CC of the plat of Brookwood Crossing #3 is owned by the City. DR Horton, the developer of an adjacent site, has requested that the City dedicate a portion of Tract CC to facilitate their fulfillment of condition 6 of PUD 7-05, Brookwood Crossing #5. The dedication would allow the northwesterly extension of SE Lone Oak Street into Brookwood Crossing #5. Planning Department indicates that this dedication will meet the requirements of the Witch Hazel Village Community Plan.

Transportation Committee recommends granting of the public street dedication.

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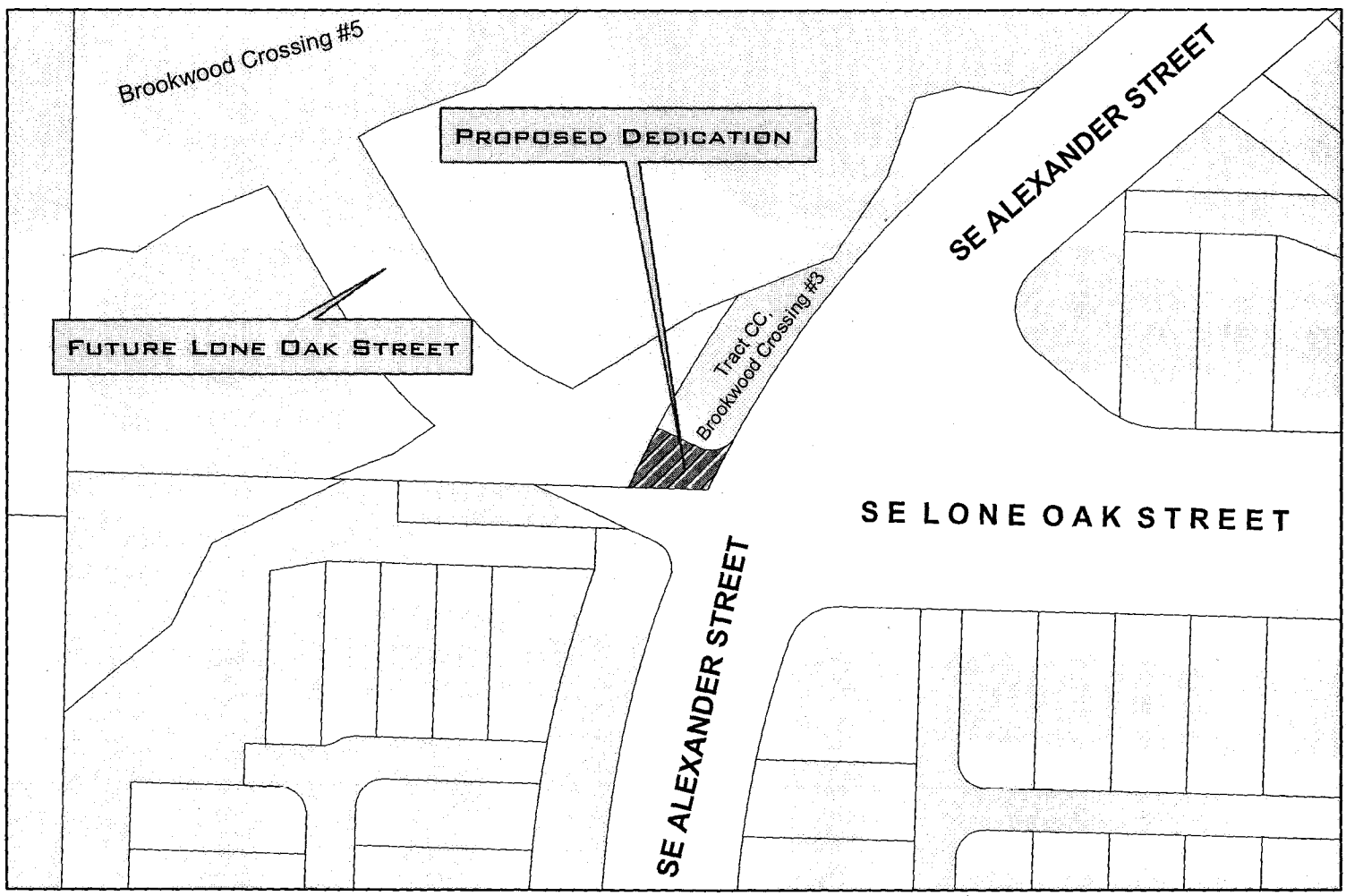
NTS



CITY OF HILLSBORO

1B

Public Works Department, Engineering Division

August 7, 2007

To: Mayor and City Council

From: Tina Bailey, Project Manager

Re: VAC 07-03: Petition for Public Pedestrian Easement Vacation

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Arbor Quatama LLC has submitted a petition for the vacation of a public pedestrian easement vacation located north of NW Quatama Road and west of NW 206th Avenue. As defined in Section 164 of the Amended City Charter, the following information has been submitted:

1. Written consent of the owners of a majority of the frontage within the consent zone;

2. An affidavit of publication from the Argus, indicating that the notice of intent to petition the Council has been published;

3. A fee in the amount of $610.00;

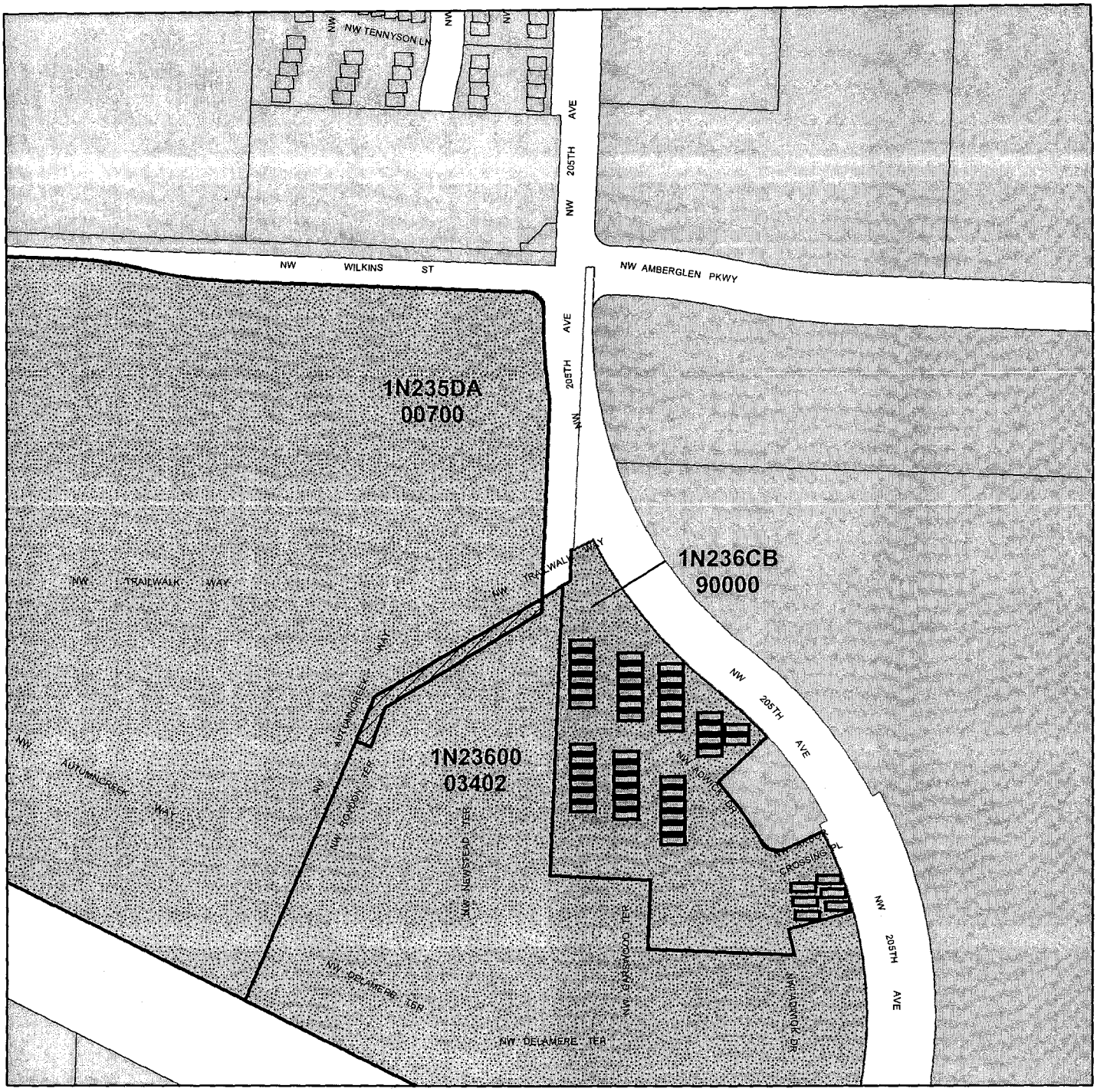
4. A bond in the amount of $200.00 as set forth in Chapter 12.04.050 of the Municipal Code.

Please accept the petition and schedule a public hearing for the regular Council meeting on September 4, 2007. Prior to the public hearing, City staff will notify residents in the immediate area, utility companies, City departments and other public agencies for comment. An engineer's report will be available at the public hearing.

Attachments: Petition
Map

150 E Main Street
Hillsboro, Oregon 97123

Office: 681-6146
Fax: 681-6245



Proposed Pedestrian Easement Vacation PP 1998-029

Legend

- Proposed Vacation (Approximate)
- Consent Zone Properties

N
W E
S

1 inch equals 200 feet

Consent Zone Information (As of 04-04-07)

TAX ID	OWNER	OWNER II	ADDRESS	CITY	STATE	ZIP	FRONTAGE
1N235DA00700	QUATAMA HOUSING LIMITED PARTNERS	BY TUDOR FOUNDATION	411 UNIVERSITY ST STE 1200	SEATTLE	WA	98101	447.38
1N2360003402	ARBOR QUATAMA LLC	BY WEST HILLS DEVELOPMENT CO	15500 SW JAY ST	BEAVERTON	OR	97006	456.3
1N236CB90000	ARBOR CROSSING CONDO AT	QUATAMA UNIT OWNERS	UNKNOWN	UNKNOWN			65
				TOTAL FRONTAGE			968.68
				MINIMUM FRONTAGE			485

PETITION FOR VACATION OF STREET, ALLEY OR EASEMENT

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF HILLSBORO, OREGON:

We, the undersigned, do hereby petition the City Council for the vacation of that street or alley or portion thereof as described in Exhibit _____ attached hereto. With this petition we have included an affidavit of publication for five weeks in a local newspaper; acknowledged signature(s) of the owner(s) in fee simple of a majority of the real property affected by the proposed vacation, as required by the Amended Charter of the City of Hillsboro, Oregon.

The vacation is being requested because:

If vacated, the land will revert to and become a part of the original lot or tract from which it was derived.

Tax lot and map number of petitioner's land:

1N2360003402	Arbor Quatama LLC
Tax Lot No.	Owner
7-27-07	
Signature Date	Signature Date
Signature	Signature
Dennis E Saelhoff	
Printed Name	Printed Name
Arbor Quatama LLC	
Representing	Representing
735 SW 158th Ave	
Street Address	Street Address
Beaverton OR 97007	
City, State, Zip Code	City, State, Zip Code
503-641-7342.	
Telephone Number	Telephone Number

CONSENT FOR VACATION OF STREET OR ALLEY

To the Honorable Mayor and City Council of the City of Hillsboro, Oregon:

We, the undersigned, hereby consent to the vacation of that street or alley or portion thereof in the City of Hillsboro, as described in Exhibit "A", attached hereto. We hereby certify that we are the owners in fee simple or the real property indicated below.

Tax Map and Tax Lot numbers: 1N2 36 3402 1N2 36CB 10000

Signature	Signature
Dennis E. Sackhoff.	Dennis E. Sackhoff.
Printed Name	Printed Name
Arbor Quatama LLC	Arbor Crossing Condominiums at Quatama
Representing	Representing
735 SW 158th Ave	c/o NW Community Management P.O. Box 23099
Street Address	Address (if different)
Beaverton, OR 97006.	Tigard OR 97281
City, State, Zip Code	City, State, Zip Code
Bus. 641-7342 Fax: 641-7661	503-670-8111
Telephone Number	Telephone Numbers

State of Oregon)
)
County of Washington)

This instrument was acknowledged before me on

July 27th, 2007 by Dennis E. Sackhoff

Miriam Wilson
Notary Public of Oregon

My commission expires: September 6, 2010

OFFICIAL SEAL
MIRIAM WILSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 409677
MY COMMISSION EXPIRES SEPTEMBER 6, 2010

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 7, 2007

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: Dolores Park

Description: Public improvements are being constructed to serve a new 47 lot subdivision located at 450/470 NW 231st Avenue (1N234DA02300 & 02400).

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Aspen Northwest, LLC

	Construction	Deposit
Street	$497,031.00	$17,396.09
Storm	$261,185.00	$9,141,.48
Sanitary	$135,961.00	$5,438.44
Water	$134,952.00	$5,398.08
TOTAL	$1,029,129.00	$37,374.08

Attachment: Location Map

123 W. Main Street, Suite 250
Hillsboro, Oregon 97123-3999

Office: 681-6146
Fax: 681-6245

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 14, 2007

TO: Utilities Commission

FROM: Roy Gibson, Public Works Director

PROJECT: Dolores Park

Description: Public improvements are being constructed to serve a new 47 lot subdivision located at 450/470 NW 231st Avenue (1N234DA02300 & 02400).

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

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Storm	$261,185.00	$9,141,.48
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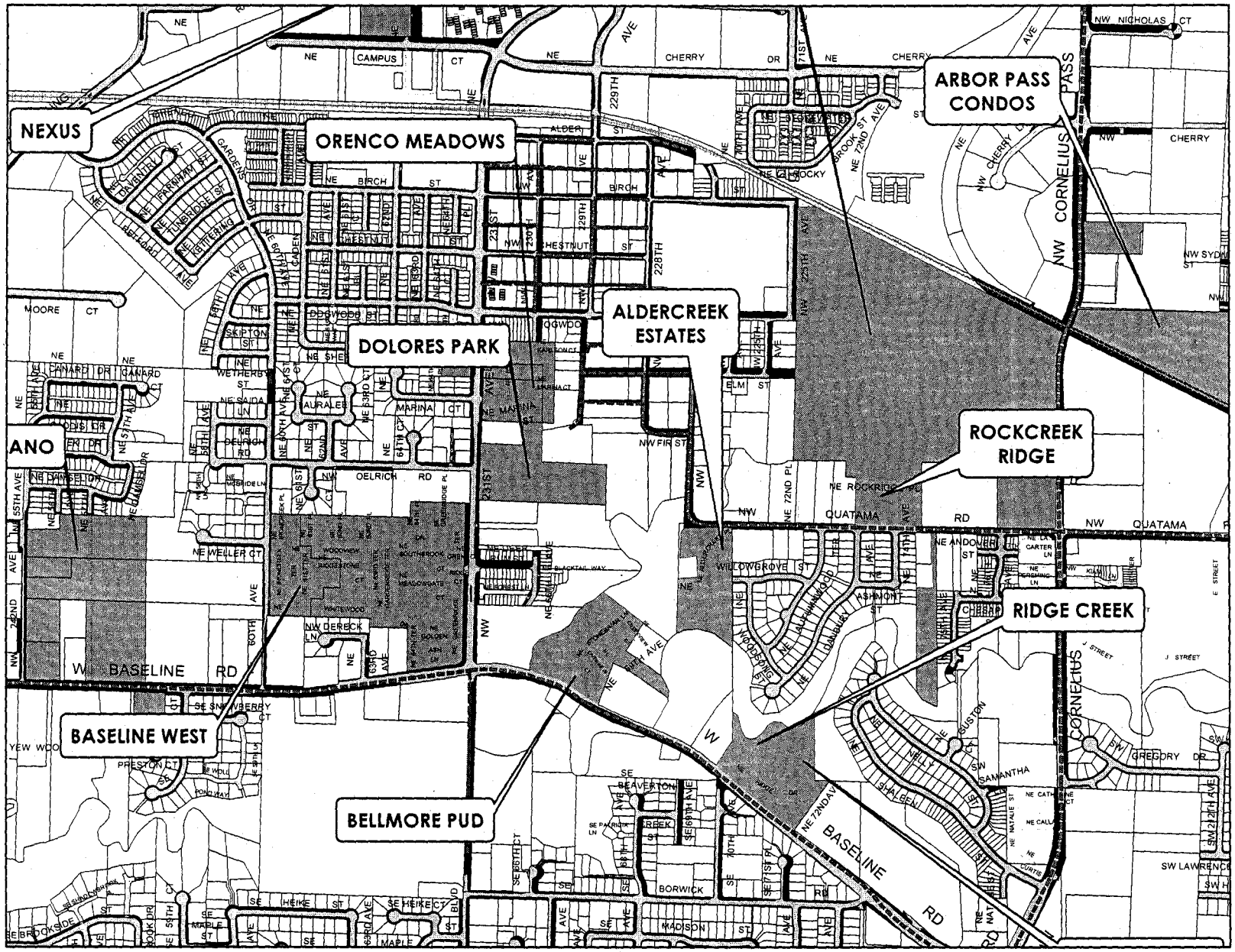

DEVELOPER PROJECT

DOLORES PARK

Developer:

Aspen Northwest LLC

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 7, 2007

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: Elementary #25

Description: Public improvements required to serve a new elementary school located at 645 NE Lincoln (1N231DB11000)

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Hillsboro School District 1J

	Construction	Deposit
Street	$2224,015.00	$8,960.60
Storm	$20,925.00	$1,046.25
Sanitary	$4,535.00	$340.13
Water	$10,630.00	$750.00
TOTAL	$260,105.0	$11,096.98

Attachment: Location Map

150 E Main, Fourth Floor
Hillsboro, Oregon 97123

Office: 681-6146
Fax: 681-6245

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 14, 2007

TO: Utilities Commission

FROM: Roy Gibson, Public Works Director

PROJECT: Elementary #25

Description: Public improvements required to serve a new elementary school located at 645 NE Lincoln (1N231DB11000)

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Hillsboro School District 1J

	Construction	Deposit
Street	$2224,015.00	$8,960.60
Storm	$20,925.00	$1,046.25
Sanitary	$4,535.00	$340.13
Water	$10,630.00	$750.00
TOTAL	$260,105.0	$11,096.98

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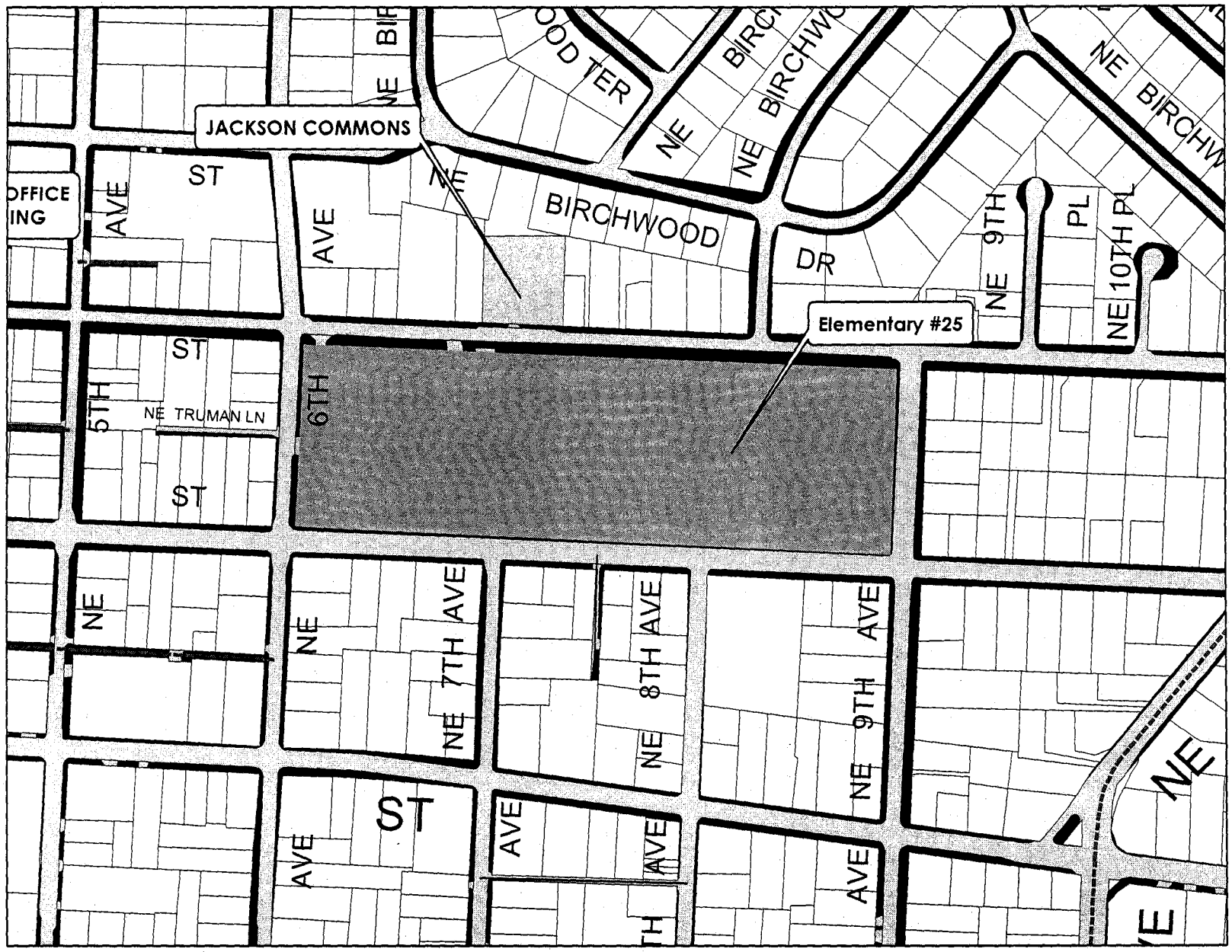

DEVELOPER PROJECT

ELEMENTARY #25

Developer:

Hillsboro School District 1J

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CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 7, 2007

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: North First Avenue Partition

Description: Public improvements are being constructed to serve a new 3 lot partition located at 327 North First Avenue (1N231CB05400)

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Jason Rucker

	Construction	Deposit
Street	$5,523.00	$414.23
Storm	$390.00	$29.25
Sanitary	$15,092.00	$754.60
Water	$1,600.00	$750.00
TOTAL	$22,605.00	$1,948.08

Attachment: Location Map

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CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 14, 2007

TO: Utilities Commission

FROM: Roy Gibson, Public Works Director

PROJECT: FIRST AVENUE PARTITION

Description: A single tax lot being partitioned into three tax lots.

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Jason Rucker

	Construction	Deposit
Street	$5,52300	$414.23
Storm	$390.00	$29.25
Sanitary	$15,092.00	$754.60
Water	$1,600.00	$750.00
TOTAL	$22,605.00	$1,948.08

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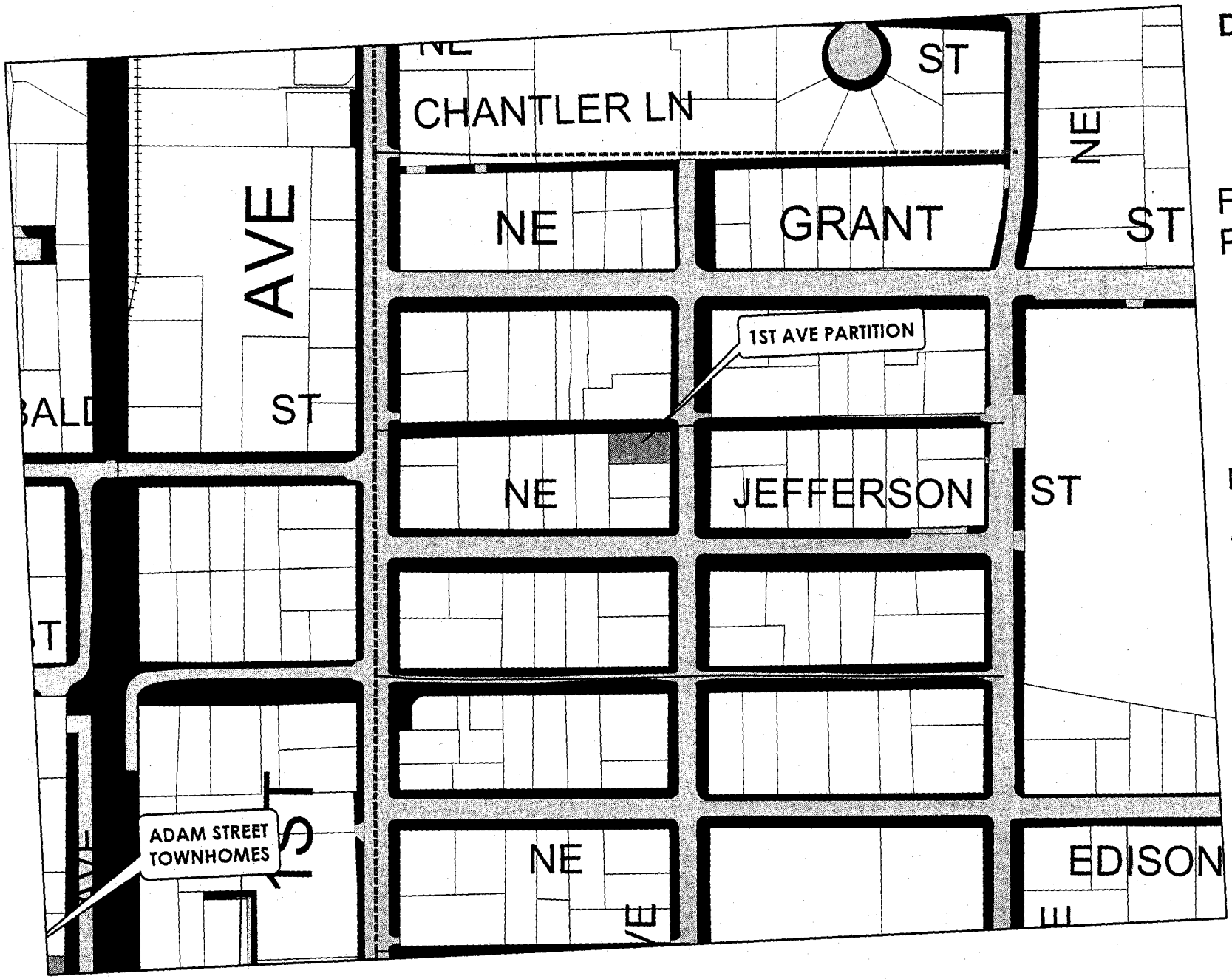

DEVELOPER PROJECT

FIRST AVE PARTITION

Developer:

Ty Clark
Rentals LLC

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 7, 2007

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: Kalahari Ridge

Description: New 4 lot subdivision located at 21980 NW Quatama Road (1N235CC00200 & 201)

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Ray & Janie Deltjen

	Construction	Deposit
Street	$67,265.00	$2,690.60
Storm	$34,562.00	$1,728.10
Sanitary	$27,582.00	$1,379.10
Water	$17,043.00	$852.15
TOTAL	$146,452.00	$6,649.95

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CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 14,2007

TO: Utilities Commission

FROM: Roy Gibson, Public Works Director

PROJECT: Kalahari Ridge

Description: New 4 lot subdivision located at 21980 NW Quatama Road (1N235CC00200 & 201)

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Ray & Janie Deltjen

	Construction	Deposit
Street	$67,265.00	$2,690.60
Storm	$34,562.00	$1,728.10
Sanitary	$27,582.00	$1,379.10
Water	$17,043.00	$852.15
TOTAL	$146,452.00	$6,649.95

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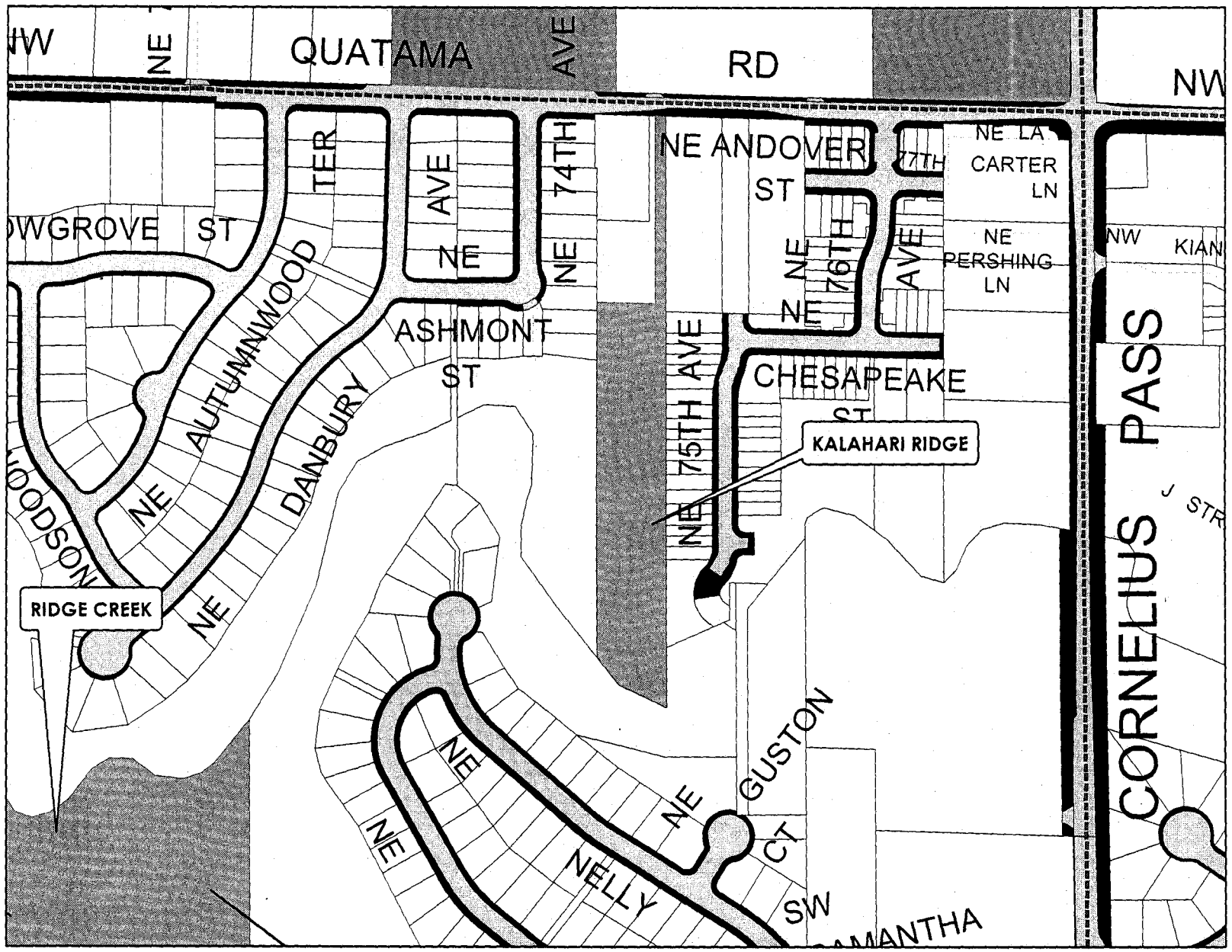

Developer Project

KALAHARI RIDGE

Developer:

Ray & Janice Deltjen

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 07, 2007

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: McKay Creek Townhomes

Description: Public improvements required to serve a new 154 & 164 NW Connell Ave.

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Five Star Builders, Inc.

	Construction	Deposit
Street	$8,634.00	$647.55
Storm	$13,151.00	$657.55
Sanitary	$0.00	$0.00
Water	$0.00	$0.00
TOTAL	$21,785.00	$1,305.10

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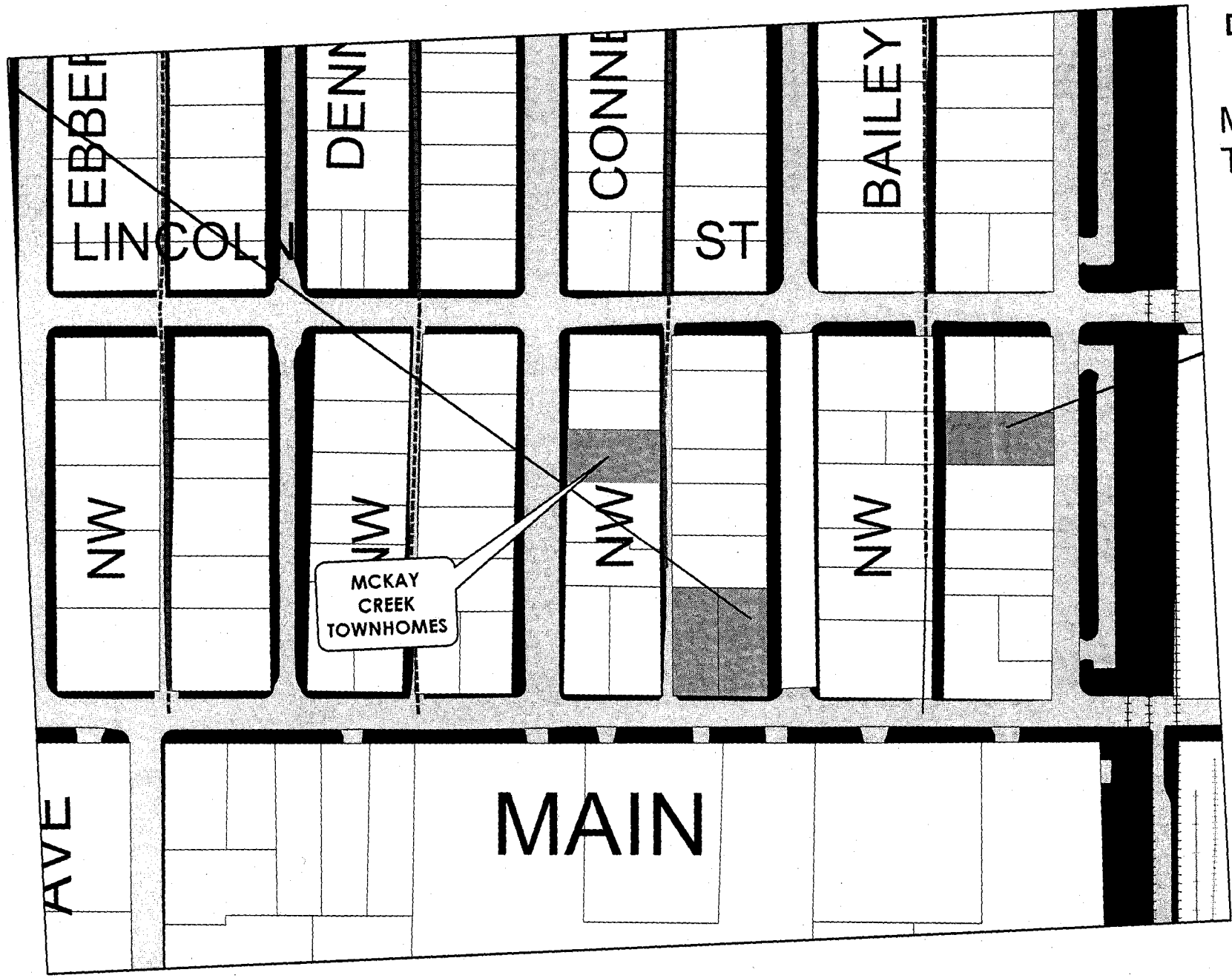

DEVELOPER PROJECT

MCKAY CREEK TOWNHOMES

Developer:

Five Star Builders, Inc.

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 07, 2007

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: Parks @ Tanasbourne

Description: Public improvements required to serve a new 102 lot subdivision located at 1N236AA00200.

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: RCM Development LLC

	Construction	Deposit
Street	$227,721.60	$9,108.86
Storm	$181,818.80	$7,272.75
Sanitary	$168,984.60	$6,759.38
Water	$0.00	$0.00
TOTAL	$578,525.00	$23,141.00

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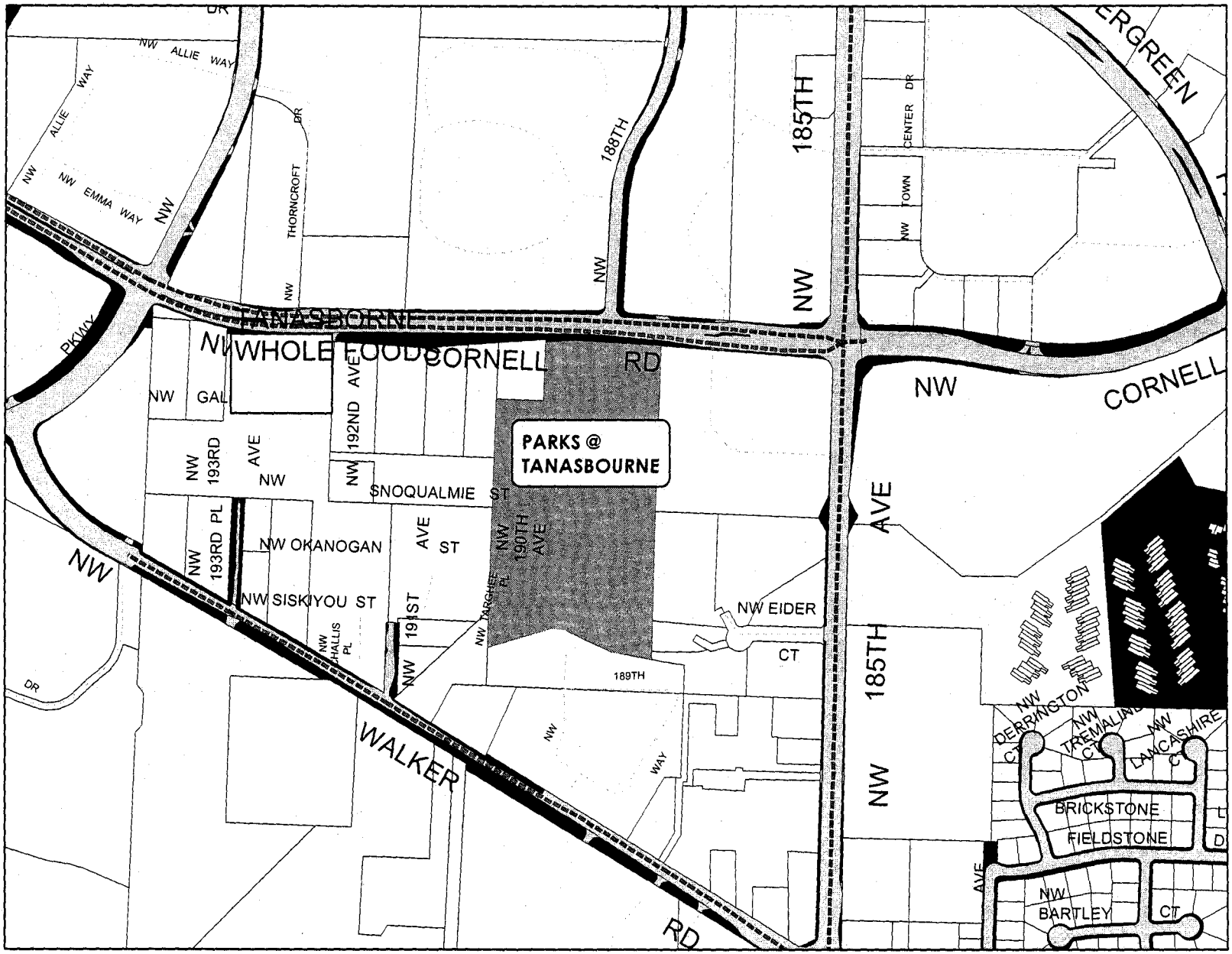
Office: 681-6146
Fax: 681-6245



DEVELOPER PROJECT

PARKS @ TANASBOURNE

Developer:

RCM Development, LLC

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 7, 2007

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: Stonehaven

Description: Public improvements required to serve a new 32 lot subdivision located at 3175 SE Rood Bridge Road (1S208D00700 & 1S208DC06600)

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Venture Properties, Inc

	Construction	Deposit
Street	$269,650.00	$9,437.75
Storm	$173,987.00	$6,959.48
Sanitary	$105,489.00	$4,219.56
Water	$75,915.00	$3,036.60
TOTAL	$625,041.00	$23,653.39

Attachment: Location Map

150 E Main, Fourth Floor
Hillsboro, Oregon 97123

Office: 681-6146
Fax: 681-6245

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 14, 2007

TO: Utilities Commission

FROM: Roy Gibson, Public Works Director

PROJECT: Stonehaven

Description: Public improvements required to serve a new 32 lot subdivision located at 3175 SE Rood Bridge Road (1S208D00700 & 1S208DC06600)

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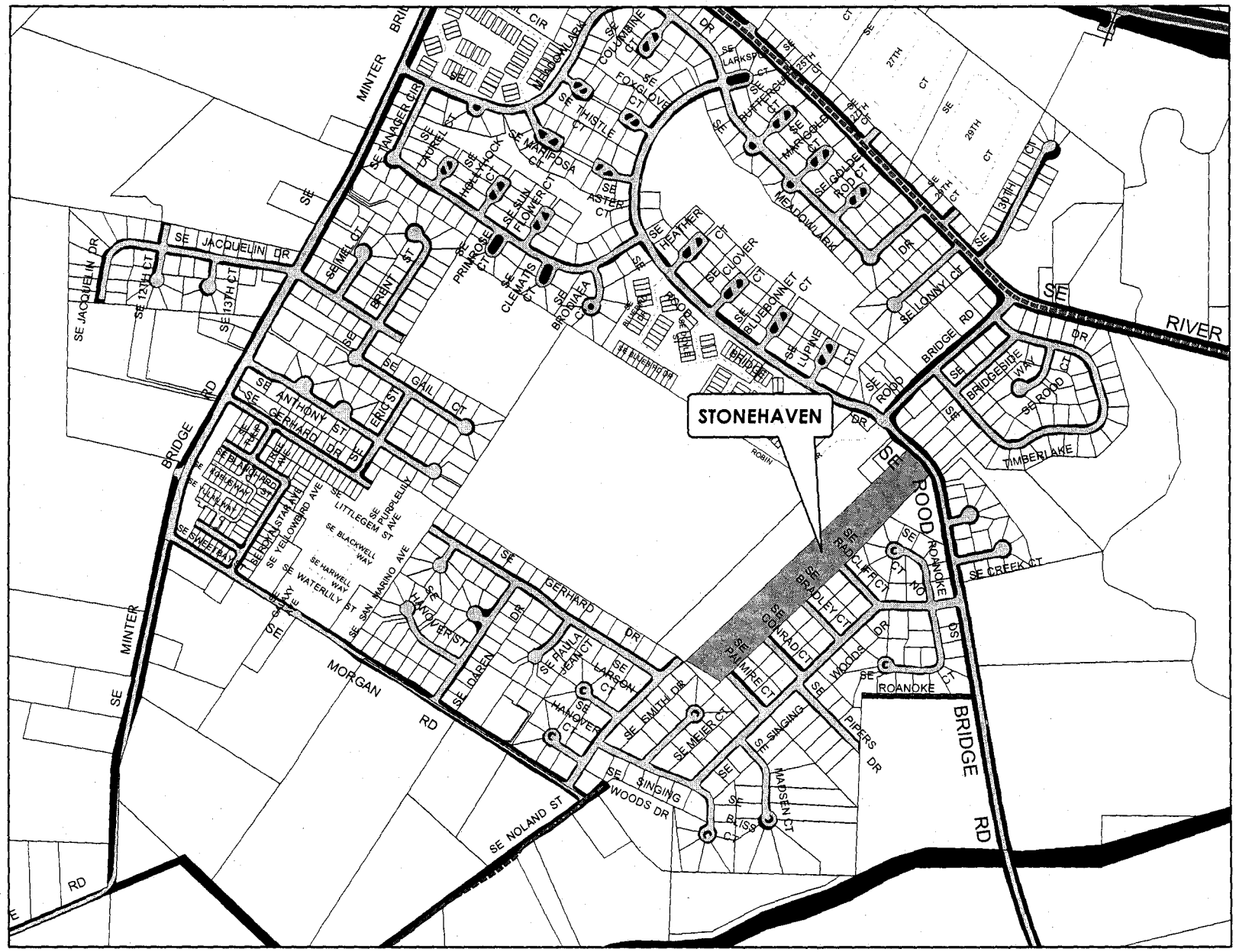
Attachment: Location Map

150 E Main, Fourth Floor
Hillsboro, Oregon 97123

Office: 681-6146
Fax: 681-6245



DEVELOPER PROJECT

STONEHAVEN

Venture Properties, Inc

N
W E
S

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 7, 2007

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: Sunrise Place

Description: Public improvements required to serve a 13 lot subdivision located at 1329 NE Sunrise Lane (1N229CC04900 & 5000)

The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: D&D Development

	Construction	Deposit
Street	$63,472.00	$2,538.88
Storm	$8,125.00	$609.38
Sanitary	$30,225.00	$1,511.25
Water	$13,457.50	$672.88
TOTAL	$115,279.50	$5,332.39

Attachment: Location Map

150 E Main, Fourth Floor
Hillsboro, Oregon 97123

Office: 681-6146
Fax: 681-6245

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: August 14, 2007

TO: Utilities Commission

FROM: Roy Gibson, Public Works Director

PROJECT: Sunrise Place

Description: Public improvements required to serve a 13 lot subdivision located at 1329 NE Sunrise Lane (1N229CC04900 & 5000)

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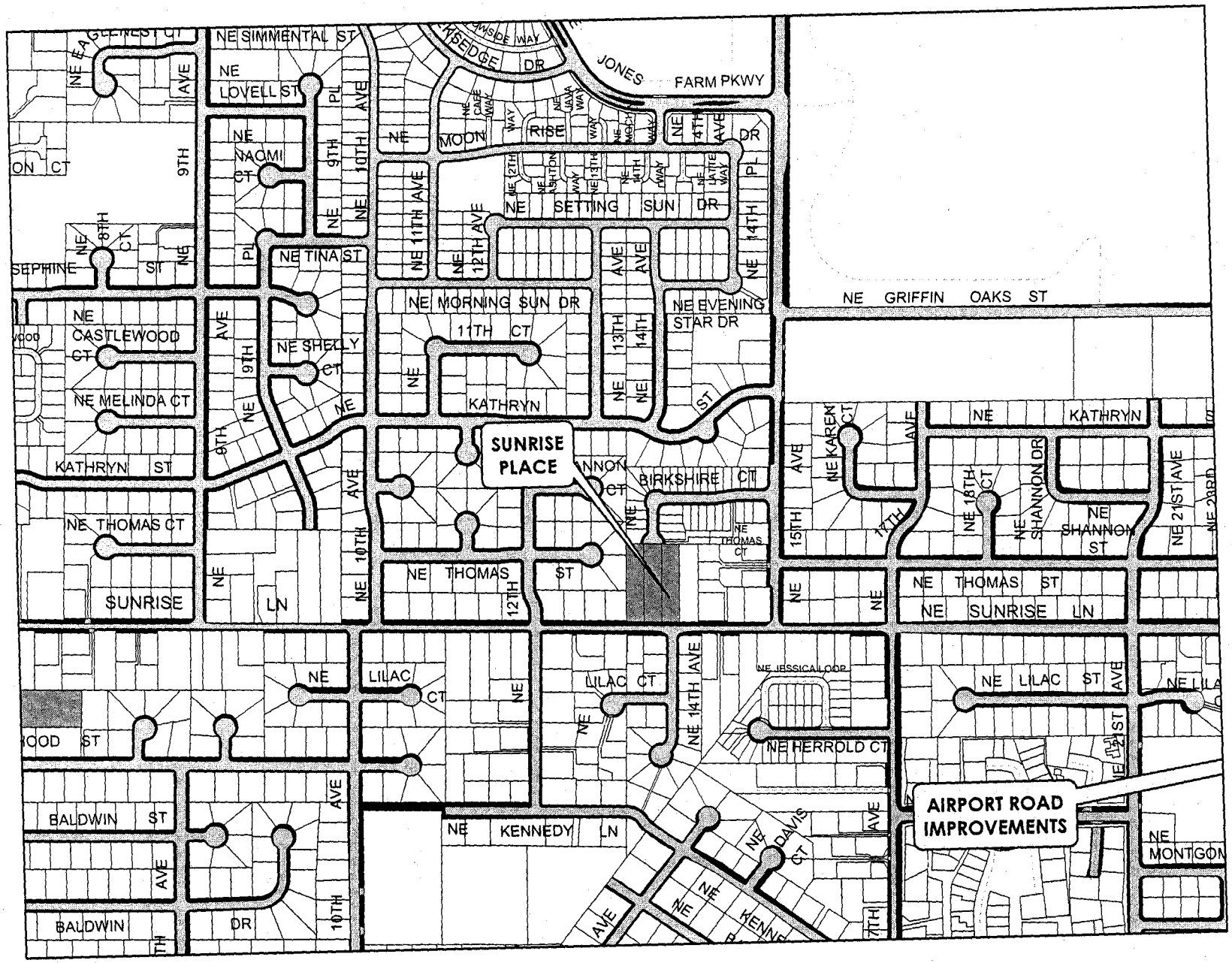
TOTAL	$115,279.50	$5,332.39

Attachment: Location Map

150 E Main, Fourth Floor
Hillsboro, Oregon 97123

Office: 681-6146
Fax: 681-6245

Developer Project



SUNRISE PLACE

Developer:

D&D Development

CITY OF HILLSBORO
Parks & Recreation

10

MEMORANDUM

DATE: August 2, 2007

TO: City Council

FROM: Kevin Smith, Development Manager

RE: Consider award of contract for Bagley Park Improvements

REQUEST

Staff respectfully requests that City Council authorize award of a public improvement contract to Interwest Construction, Inc. for a total contract amount of $408,254.00 for renovation improvements to Bagley Park.

BACKGROUND

On July 19, 2007, five sealed bids were opened in response to an invitation to bid for renovation improvements to Bagley Park. Proposed improvements include a new shelter, replacement of the restroom, sidewalk upgrades, playground improvements and other various enhancements to the park. The results of the bid were as follows:

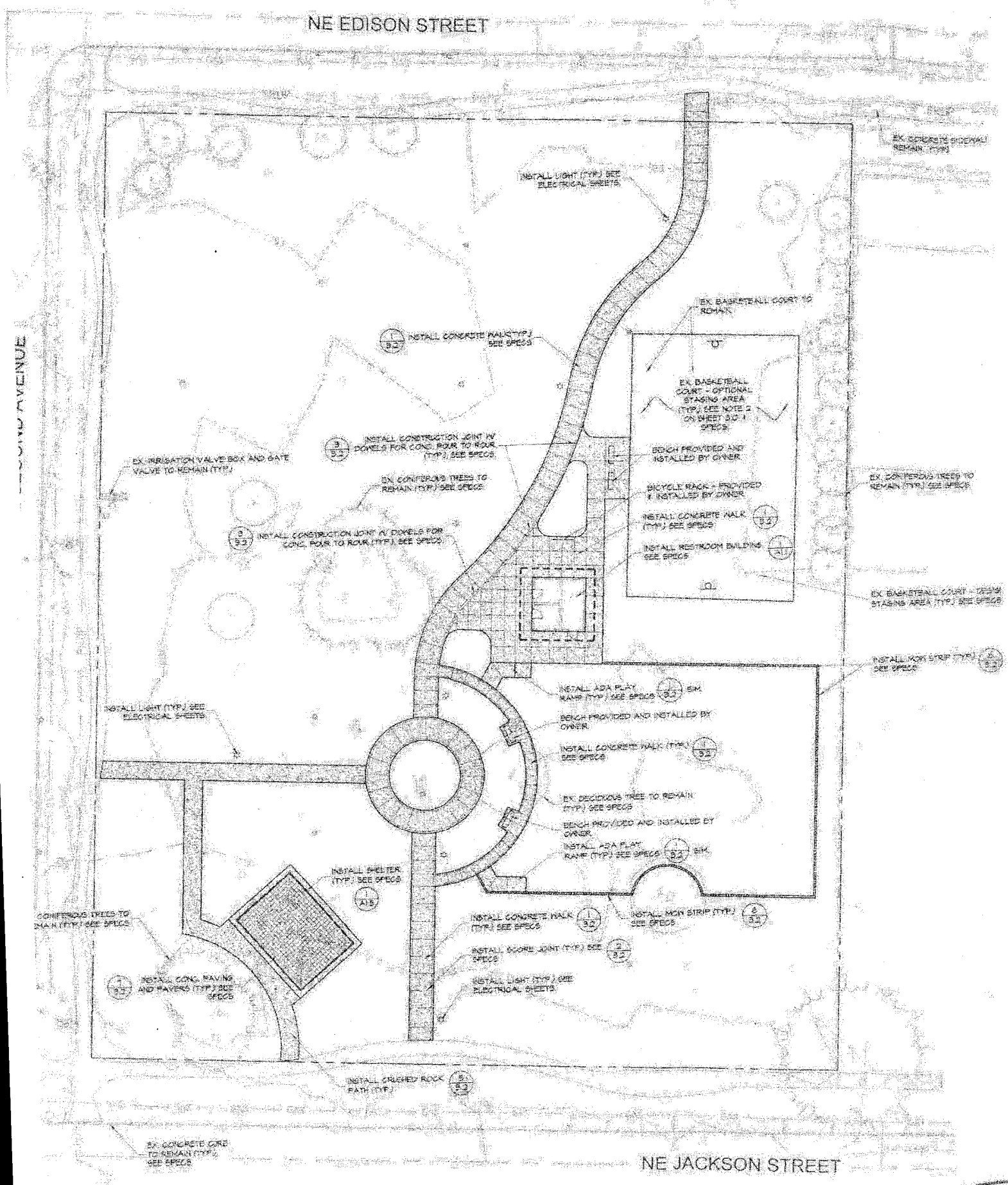
Interwest Construction, Inc.	$408,254.00
Shearer & Associates, Inc.	$415,119.00
JP Contractors, Inc.	$449,270.00
Clear Span Construction	$455,013.04
Civilworks NW, Inc.	$510,300.00

The consultants estimate for the project was $449,961.00. No bids were rejected due to incomplete submittals and no protests were filed.

On July 24, 2007, the Park Commission voted unanimously to forward a recommendation to the Council to award the contract to Interwest Construction, Inc.

RECOMMENDATION

Based on the Park Commission's recommendation, staff recommends that the City Council award a public improvement contract to Interwest Construction, Inc. for a total contract amount of $408,254.00 and authorize the Mayor and City Recorder to execute the necessary documents.


NE EDISON STREET
NE JACKSON STREET
EX. CONCRETE SIDEWALK TO REMAIN (TYP.)
INSTALL LIGHT (TYP.) SEE ELECTRICAL SHEETS
EX. BASKETBALL COURT TO REMAIN
INSTALL CONCRETE WALK (TYP.) SEE SPECS
EX. BASKETBALL COURT - OPTIONAL STAGING AREA (TYP.) SEE NOTE 2 ON SHEET 3.0 & SPECS
INSTALL CONSTRUCTION JOINT W/ DOWELS FOR CONC. POUR TO POUR (TYP.), SEE SPECS
BENCH PROVIDED AND INSTALLED BY OWNER
EX. IRRIGATION VALVE BOX AND GATE VALVE TO REMAIN (TYP.)
EX. CONIFEROUS TREES TO REMAIN (TYP.) SEE SPECS
BICYCLE RACK - PROVIDED & INSTALLED BY OWNER
INSTALL CONCRETE WALK (TYP.) SEE SPECS
INSTALL RESTROOM BUILDING SEE SPECS
EX. BASKETBALL COURT - TEMP. STAGING AREA (TYP.) SEE SPECS
INSTALL MOW STRIP (TYP.) SEE SPECS
INSTALL ADA FLAT RAMP (TYP.) SEE SPECS SIM.
BENCH PROVIDED AND INSTALLED BY OWNER
INSTALL CONCRETE WALK (TYP.) SEE SPECS
EX. DECIDUOUS TREE TO REMAIN (TYP.) SEE SPECS
BENCH PROVIDED AND INSTALLED BY OWNER
INSTALL ADA FLAT RAMP (TYP.) SEE SPECS SIM.
INSTALL SHELTER (TYP.) SEE SPECS
CONIFEROUS TREES TO REMAIN (TYP.) SEE SPECS
INSTALL CONCRETE WALK (TYP.) SEE SPECS
INSTALL MOW STRIP (TYP.) SEE SPECS
INSTALL SCORE JOINT (TYP.) SEE SPECS
INSTALL CONC. PAVING AND PAVERS (TYP.) SEE SPECS
INSTALL LIGHT (TYP.) SEE ELECTRICAL SHEETS
INSTALL CRUSHED ROCK PATH (TYP.)
EX. CONCRETE CURB TO REMAIN (TYP.) SEE SPECS

1E

RESOLUTION NO. 2220

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 7 day of August, 2007

_____
Mayor

ATTEST:_____
City Recorder

ORDER NO. 24
(Ref. Resolution No. 2220)

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. 2220, date 8/7/2006 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 7 day of August, 2006

_____
Mayor

ATTEST:_____
City Recorder

Amber D

PAYABLES CHECK REGISTER
CHK-# VND-# NAME BOOKKEEPING TYPE DISBURSEMENT DATE 08/01/07 GF20060 PAGE 1

		CHECK-DT	CHECK-AMT	:NOTE
BNK-TR 72020 PAYCHEX INC				
	HAND ISSUED	08/01/07	6,856.21	
TOTAL HAND ISSUED			6,856.21	
TOTAL DISBURSEMENTS			6,856.21	

Wired 8/1/07
NP

Schedule A

Amber D

PAYABLES CHECK REGISTER BOOKKEEPING

DISBURSEMENT DATE 07/13/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195724	1037	JOHN SCHMERBER	COMPUTER-GEN	07/13/07	68.80	
195725	1212	TED SCHRADER	COMPUTER-GEN	07/13/07	90.35	
195726	5966	BECCA VENABLE	COMPUTER-GEN	07/13/07	90.35	
195727	8570	K C JONES	COMPUTER-GEN	07/13/07	262.00	
195728	8571	JOHN STEWART	COMPUTER-GEN	07/13/07	137.24	
195729	8572	DOUGLAS S WETTER	COMPUTER-GEN	07/13/07	37.12	

TOTAL COMPUTER GN 685.86

TOTAL DISBURSEMENTS 685.86

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
196185	74420	PRECISION IMAGES (DBA)	COMPUTER-GEN	07/26/07	151.12	
196186	74885	PUBLIC WORKS SUPPLY INC	COMPUTER-GEN	07/26/07	274.90	
196187	75975	RECREATION RESOURCE INC	COMPUTER-GEN	07/26/07	1,497.00	
196188	76313	REEDVILLE CATERING INC	COMPUTER-GEN	07/26/07	813.36	
196189	77288	RHODIA INC	COMPUTER-GEN	07/26/07	14,709.77	
196190	79346	ROYAL MOORE/BUICK/NISSAN INC	COMPUTER-GEN	07/26/07	99.72	
196191	80295	SAIF CORPORATION	COMPUTER-GEN	07/26/07	20,935.99	
196192	84399	THE SIGN CO	COMPUTER-GEN	07/26/07	50.00	
196193	84420	SIGN PRO	COMPUTER-GEN	07/26/07	174.00	
196194	87120	STANDARD & POOR'S CORPORATION	COMPUTER-GEN	07/26/07	298.00	
196195	89593	SYSCO FOOD SERVICES	COMPUTER-GEN	07/26/07	2,275.67	
196196	90123	TALX CORPORATION	COMPUTER-GEN	07/26/07	358.31	
196197	92130	TRAFFIC SAFETY SUPPLY INC	COMPUTER-GEN	07/26/07	170.03	
196198	92475	TV FIRE & RESCUE	COMPUTER-GEN	07/26/07	30.10	
196199	93053	UPS	COMPUTER-GEN	07/26/07	103.28	
196200	93119	UNIVAR USA INC	COMPUTER-GEN	07/26/07	25,741.00	
196201	93294	VERIZON SELECT SERVICES INC	COMPUTER-GEN	07/26/07	30,830.88	
196202	94949	WASHINGTON CO CONSOLIDATED COMM AGENCY	COMPUTER-GEN	07/26/07	272,462.43	
196203	96239	WESTERN TOOL SUPPLY DBA	COMPUTER-GEN	07/26/07	25.00	
196204	99000	XO COMMUNICATIONS	COMPUTER-GEN	07/26/07	230.14	
196205	99856	MARY ZINKIN PH D	COMPUTER-GEN	07/26/07	6,388.18	
196206	99865	ZUMAR INDUSTRIES INC	COMPUTER-GEN	07/26/07	63.00	

TOTAL COMPUTER GN 836,746.47

TOTAL DISBURSEMENTS 836,746.47

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
196160	47743	IKON OFFICE SOLUTIONS INC	COMPUTER-GEN	07/26/07	4,980.66	
196161	48400	J & L JAIME	COMPUTER-GEN	07/26/07	409.09	
196162	51870	K D L HARDWARE INC	COMPUTER-GEN	07/26/07	87.74	
196163	54815	LANDSCAPE PRODUCTS & SUPPLY DBA	COMPUTER-GEN	07/26/07	20.00	
196164	56520	LENOVO (UNITED STATES) INC.	COMPUTER-GEN	07/26/07	2,099.45	
196165	63401	MASONS SUPPLY CO INC	COMPUTER-GEN	07/26/07	2,043.23	
196166	63420	MASTERS INC	COMPUTER-GEN	07/26/07	32.50	
196167	65522	MINUTEMAN PRESS - HILLSBORO	COMPUTER-GEN	07/26/07	318.32	
196168	66650	MORNINGSTAR INC	COMPUTER-GEN	07/26/07	145.00	
196169	67280	MT HOOD CHEMICAL CORP	COMPUTER-GEN	07/26/07	176.90	
196170	69623	NORTHSIDE FORD TRUCK SALES INC	COMPUTER-GEN	07/26/07	207.62	
196171	69637	NORTHWEST CONCESSION SUPPLY INC	COMPUTER-GEN	07/26/07	638.50	
196172	69650	NW OFFICE INTERIORS	COMPUTER-GEN	07/26/07	1,431.15	
196173	70030	OCLC INC	COMPUTER-GEN	07/26/07	325.00	
196174	70099	OFFICEMAX	COMPUTER-GEN	07/26/07	4,513.60	
196175	70376	OLYMPIC SECURITY SERVICES INC	COMPUTER-GEN	07/26/07	240.00	
196176	70647	OREGON FIRE CHIEFS ASSOC INC	COMPUTER-GEN	07/26/07	520.00	
196177	70677	THE OREGONIAN - HILLSBORO #2 DIST	COMPUTER-GEN	07/26/07	60.00	
196178	70875	OVERALL LAUNDRY SERVICES INC	COMPUTER-GEN	07/26/07	1,006.57	
196179	70880	OWEN EQUIPMENT COMPANY	COMPUTER-GEN	07/26/07	696.00	
196180	71004	PACE-WAY FRAME & AXLE	COMPUTER-GEN	07/26/07	546.14	
196181	71015	PACIFIC LAMP WHOLESALE	COMPUTER-GEN	07/26/07	101.00	
196182	72190	PEPSI-COLA COMPANY INC	COMPUTER-GEN	07/26/07	275.25	
196183	73613	PIONEER AMERICAS INC	COMPUTER-GEN	07/26/07	2,790.00	
196184	74163	PORTLAND GENERAL ELECTRIC	COMPUTER-GEN	07/26/07	231,831.77	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
196135	22376	CITY OF HILLSBORO UTIL COMM	COMPUTER-GEN	07/26/07	10,010.51	
196136	22497	CLEAN WATER SERVICES	COMPUTER-GEN	07/26/07	270.00	
196137	23590	COMCAST CABLE	COMPUTER-GEN	07/26/07	95.00	
196138	23995	COOK PAGING OR (DBA)	COMPUTER-GEN	07/26/07	11.27	
196139	25543	CRYSTALTECH	COMPUTER-GEN	07/26/07	14.92	
196140	25546	CTS ENGINEERS	COMPUTER-GEN	07/26/07	5,590.00	
196141	26085	DAILY JOURNAL OF COMM	COMPUTER-GEN	07/26/07	1,164.64	
196142	26097	DATA 911 (DBA)	COMPUTER-GEN	07/26/07	587.00	
196143	27270	DELL MARKETING LP	COMPUTER-GEN	07/26/07	10,134.20	
196144	29050	DOMESTIC VIOLENCE RESOURCE CENTER	COMPUTER-GEN	07/26/07	1,978.02	
196145	29162	DOYLE TRUCK REPAIR INC	COMPUTER-GEN	07/26/07	94.24	
196146	29323	D&S CYCLE SUPPLY (DBA)	COMPUTER-GEN	07/26/07	672.95	
196147	30480	EMPLOYERS OVERLOAD (DBA)	COMPUTER-GEN	07/26/07	10,977.38	
196148	31700	DAVID EVANS & ASSOC INC	COMPUTER-GEN	07/26/07	1,267.50	
196149	32250	FARMINGTON LANDFILL INC	COMPUTER-GEN	07/26/07	230.00	
196150	33704	FORM IDEAS INC	COMPUTER-GEN	07/26/07	374.96	
196151	42950	HEATON AUTOMOTIVE	COMPUTER-GEN	07/26/07	585.90	
196152	44537	HILLSBORO ARGUS (DBA)	COMPUTER-GEN	07/26/07	2,346.20	
196153	44540	HILLSBORO AUTO WRECKING (DBA)	COMPUTER-GEN	07/26/07	50.00	
196154	44567	HILLSBORO TOWING SERVICE DBA	COMPUTER-GEN	07/26/07	469.50	
196155	44571	HILLSBORO UMPIRES LLC	COMPUTER-GEN	07/26/07	2,122.00	
196156	45225	WAYNE L HOLMES	COMPUTER-GEN	07/26/07	1,509.41	
196157	46805	HUTCHINS TV & APPLIANCE INC	COMPUTER-GEN	07/26/07	511.00	
196158	47583	IKON OFFICE SOLUTIONS INC	COMPUTER-GEN	07/26/07	3,117.80	
196159	47740	INTERSTATE AUTO PARTS WAREHOUSE	COMPUTER-GEN	07/26/07	50.01	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
196110	8724	KAYCEE KEIZUR	COMPUTER-GEN	07/26/07	50.00	
196111	8725	SHELDON PHILLIPS	COMPUTER-GEN	07/26/07	600.00	
196112	8726	JORDAN THOMPSON	COMPUTER-GEN	07/26/07	100.00	
196113	10150	ACME CONSTRUCTION SUPPLY CO INC	COMPUTER-GEN	07/26/07	23.00	
196114	10180	A&E IMAGING INC	COMPUTER-GEN	07/26/07	599.59	
196115	10443	AIRFILCO INC	COMPUTER-GEN	07/26/07	1,023.13	
196116	10905	AMAZON.COM LLC	COMPUTER-GEN	07/26/07	79.37	
196117	11030	ARCH WIRELESS OPERATING CO IN	COMPUTER-GEN	07/26/07	1,116.57	
196118	11720	ASAP SOFTWARE	COMPUTER-GEN	07/26/07	37,600.46	
196119	11835	AT&T	COMPUTER-GEN	07/26/07	30.17	
196120	11900	AUTO WHEEL SERVICE INC	COMPUTER-GEN	07/26/07	62.20	
196121	13678	BATTERIES NW INC	COMPUTER-GEN	07/26/07	70.95	
196122	13679	BAXTER AUTO PARTS INC	COMPUTER-GEN	07/26/07	84.58	
196123	13680	BATTERIES PLUS #212 (DBA)	COMPUTER-GEN	07/26/07	87.56	
196124	15255	BIG 5 SPORTING GOODS	COMPUTER-GEN	07/26/07	199.96	
196125	15292	BIKE N HIKE (DBA)	COMPUTER-GEN	07/26/07	400.95	
196126	15600	BLUMENTHAL UNIFORM COMPANY INC	COMPUTER-GEN	07/26/07	2,419.36	
196127	16648	BOOK WHOLESALERS INC	COMPUTER-GEN	07/26/07	184.69	
196128	17747	BRETTHAUER OIL CO INC	COMPUTER-GEN	07/26/07	19,429.79	
196129	17748	BRETTHAUER OIL CO INC-BULK OIL	COMPUTER-GEN	07/26/07	876.69	
196130	18614	BRUCE CHEVROLET GEO (DBA)	COMPUTER-GEN	07/26/07	1,318.96	
196131	20210	CABLE HUSTON BENEDICT & HAAGENSEN LLP	COMPUTER-GEN	07/26/07	148.00	
196132	21327	CB DELI	COMPUTER-GEN	07/26/07	102.90	
196133	22112	CHEVRON USA	COMPUTER-GEN	07/26/07	144.17	
196134	22371	CITY COUNTY INSURANCE SERVICES TRUST	COMPUTER-GEN	07/26/07	550.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
196085	8699	NAILS 4 U	COMPUTER-GEN	07/26/07	105.00	
196086	8700	DANETTE VANDOMELEN	COMPUTER-GEN	07/26/07	36.00	
196087	8701	BUENA VISTA CUSTOM HOMES	COMPUTER-GEN	07/26/07	53.65	
196088	8702	DEAN NORTHRUP	COMPUTER-GEN	07/26/07	304.00	
196089	8703	WAYNE POLLY	COMPUTER-GEN	07/26/07	200.00	
196090	8704	US DEPARTMENT OF STATE	COMPUTER-GEN	07/26/07	143.25	
196091	8705	NICHOLAS HEYDENRYCH	COMPUTER-GEN	07/26/07	7.00	
196092	8706	COOPER OTTUM	COMPUTER-GEN	07/26/07	300.00	
196093	8707	KILEY HELLER	COMPUTER-GEN	07/26/07	50.00	
196094	8708	MIKE VANLIEW	COMPUTER-GEN	07/26/07	1,412.50	
196095	8709	RYAN GRAHAM	COMPUTER-GEN	07/26/07	555.00	
196096	8710	CARRIE GOOD	COMPUTER-GEN	07/26/07	30.00	
196097	8711	LACEY WILKINSON	COMPUTER-GEN	07/26/07	42.00	
196098	8712	RICHARD FAUNT	COMPUTER-GEN	07/26/07	862.50	
196099	8713	ALEXA WALKER	COMPUTER-GEN	07/26/07	875.00	
196100	8714	FARWEST GOLF	COMPUTER-GEN	07/26/07	160.00	
196101	8715	KATIE SCHRIBER	COMPUTER-GEN	07/26/07	53.00	
196102	8716	SONTA THOMPSON	COMPUTER-GEN	07/26/07	200.00	
196103	8717	AUSTIN CUMMINGS	COMPUTER-GEN	07/26/07	600.00	
196104	8718	MELISSA ROSE	COMPUTER-GEN	07/26/07	110.00	
196105	8719	JOHN SAVAGE	COMPUTER-GEN	07/26/07	850.00	
196106	8720	ISREAL ANNOH	COMPUTER-GEN	07/26/07	750.00	
196107	8721	RYAN GOODYEAR	COMPUTER-GEN	07/26/07	300.00	
196108	8722	GREG MCKELVEY	COMPUTER-GEN	07/26/07	875.00	
196109	8723	GEOFF METTS	COMPUTER-GEN	07/26/07	450.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
196060	8674	CLIA LABORATORY PROGRAM	COMPUTER-GEN	07/26/07	150.00	
196061	8675	CATHY THOMAS	COMPUTER-GEN	07/26/07	200.00	
196062	8676	NORMA ROMAN	COMPUTER-GEN	07/26/07	200.00	
196063	8677	PATRICK ANDERSON	COMPUTER-GEN	07/26/07	50.00	
196064	8678	ELISA JOY PAYNE	COMPUTER-GEN	07/26/07	50.00	
196065	8679	THOMAS PECK	COMPUTER-GEN	07/26/07	50.00	
196066	8680	COLLEEN PHILLIPS	COMPUTER-GEN	07/26/07	50.00	
196067	8681	CAROL PLUMMER	COMPUTER-GEN	07/26/07	50.00	
196068	8682	JULIA RAINBOLT	COMPUTER-GEN	07/26/07	50.00	
196069	8683	HERIBERTO RODRIGUEZ	COMPUTER-GEN	07/26/07	50.00	
196070	8684	MEY SAETERN	COMPUTER-GEN	07/26/07	50.00	
196071	8685	DAN SEEBERGER	COMPUTER-GEN	07/26/07	50.00	
196072	8686	DAN SHORES	COMPUTER-GEN	07/26/07	50.00	
196073	8687	RICHARD SMITH	COMPUTER-GEN	07/26/07	50.00	
196074	8688	SUZANNE SPENCER	COMPUTER-GEN	07/26/07	50.00	
196075	8689	CRISTY STEINBEIGLE	COMPUTER-GEN	07/26/07	50.00	
196076	8690	AARON STOKER	COMPUTER-GEN	07/26/07	50.00	
196077	8691	JON JANEWAY	COMPUTER-GEN	07/26/07	24.00	
196078	8692	GREG VANDEHEY	COMPUTER-GEN	07/26/07	50.00	
196079	8693	MARGARET WHALEN	COMPUTER-GEN	07/26/07	50.00	
196080	8694	ANDREW LOSLI	COMPUTER-GEN	07/26/07	29.00	
196081	8695	VICKI VANDEHEY	COMPUTER-GEN	07/26/07	195.00	
196082	8696	MICHAEL RAY	COMPUTER-GEN	07/26/07	82.67	
196083	8697	BEATRIZ AVILA	COMPUTER-GEN	07/26/07	50.00	
196084	8698	MARY NAHL	COMPUTER-GEN	07/26/07	36.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
196035	8649	GREG BENNETT	COMPUTER-GEN	07/26/07	50.00	
196036	8650	MARK BIANCHINI	COMPUTER-GEN	07/26/07	50.00	
196037	8651	JENNIFER BLAZEK	COMPUTER-GEN	07/26/07	50.00	
196038	8652	LARRY BRADLEY	COMPUTER-GEN	07/26/07	50.00	
196039	8653	JANMARIE KANCHANARANYA	COMPUTER-GEN	07/26/07	50.00	
196040	8654	STEVEN KEENON	COMPUTER-GEN	07/26/07	50.00	
196041	8655	JEFF KIRKPATRICK	COMPUTER-GEN	07/26/07	50.00	
196042	8656	HOLLY MARTINEZ	COMPUTER-GEN	07/26/07	50.00	
196043	8657	CRAIG MEYER	COMPUTER-GEN	07/26/07	50.00	
196044	8658	BETTY MIGCHIELSEN	COMPUTER-GEN	07/26/07	50.00	
196045	8659	SEYED MIRPOURIAN	COMPUTER-GEN	07/26/07	50.00	
196046	8660	CHERYL MORGAN	COMPUTER-GEN	07/26/07	50.00	
196047	8661	CARY MORRIS	COMPUTER-GEN	07/26/07	50.00	
196048	8662	NANCY OREAR	COMPUTER-GEN	07/26/07	50.00	
196049	8663	JANA BASDEN	COMPUTER-GEN	07/26/07	50.00	
196050	8664	FBIRA	COMPUTER-GEN	07/26/07	78.00	
196051	8665	CASCADIAN LANDSCAPERS INC	COMPUTER-GEN	07/26/07	56.08	
196052	8666	BRIAN HEADRICK	COMPUTER-GEN	07/26/07	70.00	
196053	8667	CONVERGINT TECHNOLOGIES LLC	COMPUTER-GEN	07/26/07	260.00	
196054	8668	BRYAN CASPER	COMPUTER-GEN	07/26/07	97.00	
196055	8669	EMILY DETTERMAN	COMPUTER-GEN	07/26/07	24.00	
196056	8670	DENNIS DOAN	COMPUTER-GEN	07/26/07	15.00	
196057	8671	WILLIAM HAMMEL	COMPUTER-GEN	07/26/07	97.00	
196058	8672	STEPHANIE HEILMAN	COMPUTER-GEN	07/26/07	60.00	
196059	8673	HILLSBORO BAND BOOSTERS ASSOC	COMPUTER-GEN	07/26/07	700.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
196010	6340	NEWTON MANUFACTURING CO	COMPUTER-GEN	07/26/07	325.25	
196011	6359	CLACKAMAS COUNTY FIRE DISTRICT NO 1	COMPUTER-GEN	07/26/07	125.00	
196012	6649	SNAP-ON INDUSTRIAL	COMPUTER-GEN	07/26/07	61.17	
196013	6831	JOHN STABLES	COMPUTER-GEN	07/26/07	25.00	
196014	7033	UNIQUE MANAGEMENT SERVICES INC	COMPUTER-GEN	07/26/07	465.40	
196015	7655	PETER CORVALLIS PRODUCTIONS	COMPUTER-GEN	07/26/07	1,481.50	
196016	7720	LAUREL ACRES KENNELS	COMPUTER-GEN	07/26/07	102.00	
196017	8058	VERGIE RIES CONSULTING SERVICES	COMPUTER-GEN	07/26/07	64.96	
196018	8112	ROSE CITY MESSENGER SERVICE INC	COMPUTER-GEN	07/26/07	31.75	
196019	8143	GARY SEIDEL	COMPUTER-GEN	07/26/07	841.00	
196020	8267	STEVE VUYLSTEKE	COMPUTER-GEN	07/26/07	36.00	
196021	8417	RICKY ICENOGLE	COMPUTER-GEN	07/26/07	201.26	
196022	8436	NEPTUNE TECHNOLOGY GROUP INC	COMPUTER-GEN	07/26/07	16,426.79	
196023	8459	ALFRED BOSCO	COMPUTER-GEN	07/26/07	75.00	
196024	8598	PEGGY KERN	COMPUTER-GEN	07/26/07	15.00	
196025	8639	DAVID PIERCE	COMPUTER-GEN	07/26/07	768.00	
196026	8640	FOREST COSTANZO	COMPUTER-GEN	07/26/07	50.00	
196027	8641	CHUCK ESKOLA	COMPUTER-GEN	07/26/07	50.00	
196028	8642	DIANA FARLOW	COMPUTER-GEN	07/26/07	50.00	
196029	8643	RITA FEUERBACH	COMPUTER-GEN	07/26/07	50.00	
196030	8644	DAVID FITZSIMMONS	COMPUTER-GEN	07/26/07	50.00	
196031	8645	RANDY GUTIERREZ	COMPUTER-GEN	07/26/07	50.00	
196032	8646	DARRELL HALL	COMPUTER-GEN	07/26/07	50.00	
196033	8647	DONNA HETKE	COMPUTER-GEN	07/26/07	50.00	
196034	8648	ROBERT BEALL	COMPUTER-GEN	07/26/07	50.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195985	3111	OREGON CORRECTIONS ENTERPRISES	COMPUTER-GEN	07/26/07	983.92	
195986	3464	LORNA MILLER	COMPUTER-GEN	07/26/07	700.00	
195987	3493	PITNEY BOWES PURCHASE POWER	COMPUTER-GEN	07/26/07	500.00	
195988	3507	WALTZ SHERIDAN CRAWFORD INC	COMPUTER-GEN	07/26/07	250.00	
195989	3623	U S BANK	COMPUTER-GEN	07/26/07	226.43	
195990	3739	CHRISTINE NAVARRO	COMPUTER-GEN	07/26/07	255.00	
195991	3902	BARKER RINKER SEACAT ARCHITECTURE	COMPUTER-GEN	07/26/07	22,022.35	
195992	3969	AMATO COMMUNICATIONS	COMPUTER-GEN	07/26/07	2,602.50	
195993	4103	OREGON ASSOC OF USA BOXING	COMPUTER-GEN	07/26/07	459.00	
195994	4213	TV FIRE & RESCUE TRAINING DIVISION	COMPUTER-GEN	07/26/07	35.00	
195995	4411	OREGON MUNI FINANCE OFFICERS ASSOC INC	COMPUTER-GEN	07/26/07	85.00	
195996	4571	NATIONAL FIRE FIGHTER CORP	COMPUTER-GEN	07/26/07	1,008.39	
195997	4627	ENVIRO CLEAN EQUIPMENT INC	COMPUTER-GEN	07/26/07	1,358.00	
195998	4758	SPORTSMITH	COMPUTER-GEN	07/26/07	9.78	
195999	4809	WASHINGTON COUNTY CARTOGRAPHY&RECORDS	COMPUTER-GEN	07/26/07	31.00	
196000	4933	KNC TROPHIES (DBA)	COMPUTER-GEN	07/26/07	132.50	
196001	5288	VERIZON - BALTIMORE	COMPUTER-GEN	07/26/07	696.35	
196002	5463	GREY HOUSE PUBLISHING	COMPUTER-GEN	07/26/07	897.90	
196003	5599	KROHN'S APPLIANCE SERVICE	COMPUTER-GEN	07/26/07	60.00	
196004	5641	ADVENTIST HEALTH	COMPUTER-GEN	07/26/07	450.00	
196005	5700	JULIE MILLER	COMPUTER-GEN	07/26/07	1,010.00	
196006	5875	ASSOCIATED BUSINESS SYSTEMS	COMPUTER-GEN	07/26/07	190.50	
196007	6057	DAVE SELLERS	COMPUTER-GEN	07/26/07	443.85	
196008	6181	ARMANDO M GONZALES	COMPUTER-GEN	07/26/07	3,575.00	
196009	6187	RHYS THOMAS	COMPUTER-GEN	07/26/07	500.00	

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PAYABLES CHECK REGISTER BOOKKEEPING DISBURSEMENT DATE 07/26/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195960	117	BOB TOP CANOPIES	COMPUTER-GEN	07/26/07	50.00	
195961	168	HENRY PRATT CO	COMPUTER-GEN	07/26/07	123.98	
195962	896	ED VANCE	COMPUTER-GEN	07/26/07	164.00	
195963	925	JOHN RASMUSSEN	COMPUTER-GEN	07/26/07	164.00	
195964	964	THE WOODCARVER SIGNS (DBA)	COMPUTER-GEN	07/26/07	540.00	
195965	1000	CRAIG WILCOX	COMPUTER-GEN	07/26/07	980.00	
195966	1406	VALUE LINE PUBLISHING	COMPUTER-GEN	07/26/07	798.00	
195967	1474	PACIFIC NORTHWEST LIBRARY ASSOC	COMPUTER-GEN	07/26/07	160.00	
195968	1647	WEISS RATINGS INC	COMPUTER-GEN	07/26/07	462.50	
195969	1871	ASSOC OF CERTIFIED FRAUD EXAMINERS	COMPUTER-GEN	07/26/07	150.00	
195970	1945	RANDY MARSH	COMPUTER-GEN	07/26/07	521.26	
195971	2037	CEDAR CANYON BOTTLED WATER INC	COMPUTER-GEN	07/26/07	360.00	
195972	2061	WWCEC	COMPUTER-GEN	07/26/07	563.00	
195973	2078	ELAINE SMITH	COMPUTER-GEN	07/26/07	195.00	
195974	2279	SUE PLAISANCE	COMPUTER-GEN	07/26/07	15.00	
195975	2308	FIRE SYSTEMS WEST INC	COMPUTER-GEN	07/26/07	165.00	
195976	2335	CUMMINS-ALLISON CORP	COMPUTER-GEN	07/26/07	353.00	
195977	2359	WESTSIDE ROCK INC	COMPUTER-GEN	07/26/07	359.70	
195978	2368	INT'L ASSC OF ARSON INVESTIGATORS INC	COMPUTER-GEN	07/26/07	75.00	
195979	2494	AUTO RECONDITIONING U.B.A.D CORP	COMPUTER-GEN	07/26/07	200.00	
195980	2737	JASON BLOUNT	COMPUTER-GEN	07/26/07	58.00	
195981	2766	JONES & ROTH PC	COMPUTER-GEN	07/26/07	1,660.00	
195982	2849	AMERICAN EXTERMINATION PLUS INC	COMPUTER-GEN	07/26/07	105.00	
195983	2939	DENISE LEACH	COMPUTER-GEN	07/26/07	129.00	
195984	2961	PORTLAND COMMUNITY COLLEGE	COMPUTER-GEN	07/26/07	405.00	

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CHK-#	VND-#	NAME	BOOKKEEPING	TYPE	CHECK-DT	CHECK-AMT	:NOTE
196207	3770	GERALD MCKEE		COMPUTER-GEN	07/26/07	201.26	

TOTAL COMPUTER GN	201.26
TOTAL DISBURSEMENTS	201.26

PAYABLES CHECK REGISTER BOOKKEEPING DISBURSEMENT DATE 07/19/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195959	8599	JAMIE OHLER	COMPUTER-GEN	07/19/07	200.00	

TOTAL COMPUTER GN 200.00

TOTAL DISBURSEMENTS 200.00

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PAYABLES CHECK REGISTER BOOKKEEPING DISBURSEMENT DATE 07/19/07 GF20060 PAGE 1

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195730	704	DIVISION OF MOTOR VEHICLES	COMPUTER-GEN	07/19/07	7.00	
195731	753	USA TODAY	COMPUTER-GEN	07/19/07	87.00	
195732	1000	CRAIG WILCOX	COMPUTER-GEN	07/19/07	480.00	
195733	1176	IMPERIAL SCOTT SPECIALTIES INC	COMPUTER-GEN	07/19/07	4,074.50	
195734	1215	OREGON SCHOOL RESOURCE OFFICER ASSOC	COMPUTER-GEN	07/19/07	600.00	
195735	1229	CATHI BONATO	COMPUTER-GEN	07/19/07	57.23	
195736	1266	WASHINGTON COUNTY	COMPUTER-GEN	07/19/07	77.50	
195737	1311	PARTNERS IN TRAINING CONSULTANTS INC	COMPUTER-GEN	07/19/07	250.00	
195738	1459	OREGON CODE ENFORCEMENT ASSOC	COMPUTER-GEN	07/19/07	430.00	
195739	1630	WILLAMETTE WEEK	COMPUTER-GEN	07/19/07	310.00	
195740	1669	TRANSOFT SOLUTIONS	COMPUTER-GEN	07/19/07	320.00	
195741	1906	SMITH & GREAVES	COMPUTER-GEN	07/19/07	1,426.00	
195742	2394	INSTITUTE OF POLICE TECHNOLOGY & MGMT	COMPUTER-GEN	07/19/07	625.00	
195743	2494	AUTO RECONDITIONING U.B.A.D CORP	COMPUTER-GEN	07/19/07	125.00	
195744	2631	HAWTHORN FARM ATHLETIC CLUB LLC	COMPUTER-GEN	07/19/07	404.00	
195745	2953	BILL SNYDER	COMPUTER-GEN	07/19/07	50.85	
195746	3043	DAN O'LOUGHLIN	COMPUTER-GEN	07/19/07	12.55	
195747	3214	STEVE'S MACHINING	COMPUTER-GEN	07/19/07	954.25	
195748	3502	TERESA GIBSON	COMPUTER-GEN	07/19/07	62.25	
195749	3507	WALTZ SHERIDAN CRAWFORD INC	COMPUTER-GEN	07/19/07	3,000.00	
195750	3566	JUSTICE SYSTEMS INC	COMPUTER-GEN	07/19/07	3,580.00	
195751	3611	WILD REPUBLIC	COMPUTER-GEN	07/19/07	168.98	
195752	3846	PORTLAND TRIBUNE (DBA)	COMPUTER-GEN	07/19/07	75.00	
195753	3906	AISC INC	COMPUTER-GEN	07/19/07	135.00	
195754	3946	ALLDATA	COMPUTER-GEN	07/19/07	1,500.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195755	4049	LISA HUMPHREYS	COMPUTER-GEN	07/19/07	85.98	
195756	4411	OREGON MUNI FINANCE OFFICERS ASSOC INC	COMPUTER-GEN	07/19/07	170.00	
195757	4742	MIKE BANTA	COMPUTER-GEN	07/19/07	74.98	
195758	4748	ACCURATE INSTALLATION SERVICES INC	COMPUTER-GEN	07/19/07	177.00	
195759	4809	WASHINGTON COUNTY CARTOGRAPHY&RECORDS	COMPUTER-GEN	07/19/07	5.50	
195760	4810	VLMK CONSULTING ENG	COMPUTER-GEN	07/19/07	1,377.71	
195761	4858	TINA BAILEY	COMPUTER-GEN	07/19/07	62.25	
195762	4909	INT'L ASSOC FOR PROPERTY & EVIDENCE	COMPUTER-GEN	07/19/07	325.00	
195763	4940	VICTOR CASTRO	COMPUTER-GEN	07/19/07	32.35	
195764	5016	JULIE NIX	COMPUTER-GEN	07/19/07	150.75	
195765	5146	COPS TOWING DBA	COMPUTER-GEN	07/19/07	298.00	
195766	5325	STROBECK DESIGN INC	COMPUTER-GEN	07/19/07	1,738.00	
195767	5381	TRUDI COGGINS	COMPUTER-GEN	07/19/07	47.23	
195768	5551	ACCELA INC	COMPUTER-GEN	07/19/07	34,451.92	
195769	5629	JEANNETTE M LAUNER	COMPUTER-GEN	07/19/07	800.00	
195770	5645	ALLIANT SYSTEMS	COMPUTER-GEN	07/19/07	5,817.00	
195771	5744	AMERICAN VETERANS SECURITY LLC	COMPUTER-GEN	07/19/07	104.97	
195772	5772	RELIANT ELEVATOR COMPANY	COMPUTER-GEN	07/19/07	1,104.61	
195773	5824	KIMBERLI FITZGERALD	COMPUTER-GEN	07/19/07	525.00	
195774	5892	PORTLAND AFTER-SCHOOL TENNIS	COMPUTER-GEN	07/19/07	997.50	
195775	6008	LYNN ANDREWS	COMPUTER-GEN	07/19/07	14.07	
195776	6061	E*VANCED SOLUTIONS INC	COMPUTER-GEN	07/19/07	1,400.00	
195777	6195	NUMARA SOFTWARE INC	COMPUTER-GEN	07/19/07	3,775.00	
195778	6225	THYSSENKRUPP ELEVATOR	COMPUTER-GEN	07/19/07	555.87	
195779	6322	UNITEX DIRECT	COMPUTER-GEN	07/19/07	848.23	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195780	6428	SNIPERCRAFT INC	COMPUTER-GEN	07/19/07	480.00	
195781	6434	NORTHWEST OCCUPATIONAL MEDICINE CENTER	COMPUTER-GEN	07/19/07	1,717.00	
195782	7001	HILLSBORO TUESDAY MARKET	COMPUTER-GEN	07/19/07	2,500.00	
195783	7085	TRANS LUX	COMPUTER-GEN	07/19/07	54.72	
195784	7267	FLEETMAX INC	COMPUTER-GEN	07/19/07	1,400.00	
195785	7428	RED LION HOTEL - HILLSBORO	COMPUTER-GEN	07/19/07	79.20	
195786	7846	OVS - PRO TURF SOLUTIONS	COMPUTER-GEN	07/19/07	100.00	
195787	7852	TEAM HR LLC	COMPUTER-GEN	07/19/07	1,050.00	
195788	8042	WES ERVIN	COMPUTER-GEN	07/19/07	788.71	
195789	8057	PGP VALUATION INC	COMPUTER-GEN	07/19/07	3,600.00	
195790	8258	JAMES LASHBAUGH	COMPUTER-GEN	07/19/07	603.15	
195791	8270	NEW YORK TIMES	COMPUTER-GEN	07/19/07	662.16	
195792	8371	ORIGINA CANADA	COMPUTER-GEN	07/19/07	6,450.00	
195793	8412	EMPLOYMENT TRENDS	COMPUTER-GEN	07/19/07	526.40	
195794	8452	TOM HUGHES	COMPUTER-GEN	07/19/07	71.30	
195795	8456	3CMA	COMPUTER-GEN	07/19/07	350.00	
195796	8530	MEGAN ZAVERTNIK	COMPUTER-GEN	07/19/07	25.00	
195797	8536	ANA BADUA	COMPUTER-GEN	07/19/07	25.00	
195798	8539	THUY TRAN	COMPUTER-GEN	07/19/07	84.00	
195799	8545	OREGON INTERNATIONAL AIR SHOW	COMPUTER-GEN	07/19/07	150.00	
195800	8546	DAVID BRIMER	COMPUTER-GEN	07/19/07	7.00	
195801	8573	CRYSTAL FERRIS	COMPUTER-GEN	07/19/07	63.75	
195802	8574	JENNIFER ORMOND	COMPUTER-GEN	07/19/07	60.83	
195803	8575	LORRAINE SINGLETON	COMPUTER-GEN	07/19/07	7.00	
195804	8576	MARGARET THOMAS	COMPUTER-GEN	07/19/07	50.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195805	8577	SUSAN ROMANI	COMPUTER-GEN	07/19/07	100.00	
195806	8578	JODIE TARKINGTON	COMPUTER-GEN	07/19/07	200.00	
195807	8579	CECILIA WAITS	COMPUTER-GEN	07/19/07	60.00	
195808	8580	RICK YENTAS	COMPUTER-GEN	07/19/07	35.00	
195809	8581	DEBBIE SCHMUGAR	COMPUTER-GEN	07/19/07	122.00	
195810	8582	EHLEEZA ABAD	COMPUTER-GEN	07/19/07	52.00	
195811	8583	NATALIE ALLAN	COMPUTER-GEN	07/19/07	61.00	
195812	8584	PATRICIA PETTERSON	COMPUTER-GEN	07/19/07	29.00	
195813	8585	ALICIA YANTES	COMPUTER-GEN	07/19/07	15.00	
195814	8586	PUBLISHERS CLEARING HOUSE	COMPUTER-GEN	07/19/07	11.00	
195815	8587	SIGN WIZARDS	COMPUTER-GEN	07/19/07	894.00	
195816	8588	SWCA INC	COMPUTER-GEN	07/19/07	6,677.93	
195817	8589	PAUL ALBERTINE	COMPUTER-GEN	07/19/07	29.00	
195818	8590	ALEKSANDR PLYUSHCHEV	COMPUTER-GEN	07/19/07	11.00	
195819	8591	KIRSTEN SAVERY	COMPUTER-GEN	07/19/07	62.00	
195820	8592	ANGEL SMITH	COMPUTER-GEN	07/19/07	29.00	
195821	8593	JAMES SNIDER	COMPUTER-GEN	07/19/07	15.00	
195822	8594	LAURA WHITE	COMPUTER-GEN	07/19/07	7.50	
195823	8595	UNIVERSITY PSYCHIATRY	COMPUTER-GEN	07/19/07	1,365.00	
195824	8596	BARBARA MADSEN	COMPUTER-GEN	07/19/07	60.00	
195825	8597	CHARLES BALICONIS	COMPUTER-GEN	07/19/07	8.00	
195826	8599	JAMIE OHLER	COMPUTER-GEN	07/19/07	215.00	
195827	8600	CLAUDIA LANDON SAUCEDO	COMPUTER-GEN	07/19/07	150.00	
195828	8601	CARLY MESSNER	COMPUTER-GEN	07/19/07	15.00	
195829	8602	RICHARD JONES	COMPUTER-GEN	07/19/07	29.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195830	8603	MARILYN BIBB	COMPUTER-GEN	07/19/07	79.00	
195831	8604	DYLAN BENSON	COMPUTER-GEN	07/19/07	19.00	
195832	8605	HOT CLUB SANDWICH	COMPUTER-GEN	07/19/07	800.00	
195833	8606	JOHN HOSKINS	COMPUTER-GEN	07/19/07	60.00	
195834	8607	ROBERT BEERS	COMPUTER-GEN	07/19/07	29.00	
195835	8608	CROW DEVELOPMENT	COMPUTER-GEN	07/19/07	450.00	
195836	8609	SCOTT HEWETSON	COMPUTER-GEN	07/19/07	29.99	
195837	8610	KRISTINA DUCKWORTH	COMPUTER-GEN	07/19/07	60.00	
195838	8611	ETHAN HANSEN	COMPUTER-GEN	07/19/07	24.00	
195839	8612	WILLIAM HARRINGTON	COMPUTER-GEN	07/19/07	29.00	
195840	8613	MARILYN HAWKS	COMPUTER-GEN	07/19/07	29.00	
195841	8614	MATTHEW HENROID	COMPUTER-GEN	07/19/07	36.00	
195842	8615	GEORGINA HILL	COMPUTER-GEN	07/19/07	29.00	
195843	8616	RUSSELL HONEYCUTT	COMPUTER-GEN	07/19/07	84.00	
195844	8617	JUSTINE HUM	COMPUTER-GEN	07/19/07	61.00	
195845	8618	ALVINO FLORES CORTES	COMPUTER-GEN	07/19/07	200.00	
195846	8619	TRISTA TEN CLAY	COMPUTER-GEN	07/19/07	25.00	
195847	8620	BRIAN LABRIE	COMPUTER-GEN	07/19/07	640.80	
195848	8621	BRIAN LABRIE	COMPUTER-GEN	07/19/07	3,000.00	
195849	8622	SARAH KREINBERG	COMPUTER-GEN	07/19/07	45.00	
195850	8623	EDWARD BARNES	COMPUTER-GEN	07/19/07	500.00	
195851	8624	BERNHARDT GOLF	COMPUTER-GEN	07/19/07	83,239.00	
195852	8625	WAYNE HORVITZ	COMPUTER-GEN	07/19/07	500.00	
195853	8626	BARBARA HERTEL	COMPUTER-GEN	07/19/07	154.00	
195854	8627	MONICA RAMIREZ	COMPUTER-GEN	07/19/07	181.25	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195855	8628	BEN ROBY	COMPUTER-GEN	07/19/07	505.69	
195856	8629	SBS CONSTRUCTION LLC	COMPUTER-GEN	07/19/07	1,682.00	
195857	8630	JOLENE STINSON WILLIAMS	COMPUTER-GEN	07/19/07	42.00	
195858	8631	YAMHILL FIRE PROTECTION DISTRICT	COMPUTER-GEN	07/19/07	20.00	
195859	8632	VERIZON NORTHWEST	COMPUTER-GEN	07/19/07	14,214.83	
195860	8633	MANTEK	COMPUTER-GEN	07/19/07	863.10	
195861	8634	ROBERTA BRECHER	COMPUTER-GEN	07/19/07	160.00	
195862	8635	JENNIFER FROHRING	COMPUTER-GEN	07/19/07	200.00	
195863	8636	CLYDE ARMORY	COMPUTER-GEN	07/19/07	6,120.00	
195864	8637	CHRIS RUSSELL	COMPUTER-GEN	07/19/07	1,200.00	
195865	8638	GREGORY TERRILL	COMPUTER-GEN	07/19/07	3,368.80	
195866	10890	ALPHAGRAPHICS (DBA)	COMPUTER-GEN	07/19/07	3,636.30	
195867	10944	AMERICAN RED CROSS	COMPUTER-GEN	07/19/07	1,087.00	
195868	10947	AMERICAN PAYROLL ASSOCIATION INC	COMPUTER-GEN	07/19/07	165.00	
195869	11835	AT&T	COMPUTER-GEN	07/19/07	1,583.25	
195870	13678	BATTERIES NW INC	COMPUTER-GEN	07/19/07	27.20	
195871	18200	BROWN & WISER INC	COMPUTER-GEN	07/19/07	110.63	
195872	20880	CAROLLO ENGINEERS PC	COMPUTER-GEN	07/19/07	14,684.55	
195873	21327	CB DELI	COMPUTER-GEN	07/19/07	36.20	
195874	22372	CITY OF HILLSBORO PARKS & RECREATION	COMPUTER-GEN	07/19/07	13,000.00	
195875	22373	CITY OF FOREST GROVE	COMPUTER-GEN	07/19/07	37.83	
195876	22395	CITY OF PORTLAND	COMPUTER-GEN	07/19/07	7,950.00	
195877	22400	CIVILWORKS NW INC	COMPUTER-GEN	07/19/07	189,176.98	
195878	23590	COMCAST CABLE	COMPUTER-GEN	07/19/07	338.53	
195879	23680	CONCORD PIANO	COMPUTER-GEN	07/19/07	60.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195880	26100	DAVIS LOCK & SAFE INC "JOHNS"	COMPUTER-GEN	07/19/07	250.00	
195881	27230	RICHARD H DEHAAN JR	COMPUTER-GEN	07/19/07	673.52	
195882	27509	DEPT OF ADMIN SERVICES MOTOR POOL	COMPUTER-GEN	07/19/07	93.89	
195883	30450	EMBARQ KC	COMPUTER-GEN	07/19/07	167.89	
195884	30452	EMBARQ TX	COMPUTER-GEN	07/19/07	43.57	
195885	31970	EXPRESS MESSENGER SYSTEMS INC	COMPUTER-GEN	07/19/07	116.75	
195886	33325	FISHER IMPLEMENT CO	COMPUTER-GEN	07/19/07	950.00	
195887	33640	DEBI FLEISHER	COMPUTER-GEN	07/19/07	395.14	
195888	35500	GARMENT GRAPHICS INC	COMPUTER-GEN	07/19/07	129.50	
195889	36465	GEOPACIFIC ENGINEERING INC	COMPUTER-GEN	07/19/07	135.00	
195890	36467	GEORGIE'S CERAMIC & CLAY INC	COMPUTER-GEN	07/19/07	187.00	
195891	38577	GRAINGER	COMPUTER-GEN	07/19/07	169.48	
195892	40535	HALSTEAD'S ARBORICULTURE CNSLTS INC	COMPUTER-GEN	07/19/07	150.00	
195893	44537	HILLSBORO ARGUS (DBA)	COMPUTER-GEN	07/19/07	1,636.15	
195894	44541	HILLSBORO CHAMBER OF COMMERCE INC	COMPUTER-GEN	07/19/07	205.00	
195895	44545	HILLSBORO DOWNTOWN BUSINESS ASN	COMPUTER-GEN	07/19/07	259.50	
195896	44549	HILLSBORO/FOREST GROVE/BEAVERTON/	COMPUTER-GEN	07/19/07	309,963.93	
195897	44551	HILLSBORO/FOREST GROVE/BVTN/TVWD/USA	COMPUTER-GEN	07/19/07	18,210.77	
195898	44552	HILLSBORO GARBAGE DISPOSAL INC	COMPUTER-GEN	07/19/07	2,200.98	
195899	44558	HILLSBORO LANDFILL INC	COMPUTER-GEN	07/19/07	190.80	
195900	45265	HSM SECURITY MONITORING	COMPUTER-GEN	07/19/07	71.20	
195901	45350	LIN HOWELL	COMPUTER-GEN	07/19/07	3,440.00	
195902	47696	INT'L ASSOC OF FIRE FIGHTERS	COMPUTER-GEN	07/19/07	4,837.00	
195903	47740	INTERSTATE AUTO PARTS WAREHOUSE	COMPUTER-GEN	07/19/07	145.71	
195904	47775	IRON MOUNTAIN INFORMATION MGMT INC	COMPUTER-GEN	07/19/07	372.00	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195905	51100	KEYSER & ASSOC (DBA)	COMPUTER-GEN	07/19/07	338.40	
195906	52300	KOMPETITIVE EDGE	COMPUTER-GEN	07/19/07	1,463.94	
195907	56065	LEAGUE OF OREGON CITIES	COMPUTER-GEN	07/19/07	55,329.24	
195908	56498	LEGACY LABORATORY SERVICES	COMPUTER-GEN	07/19/07	1,943.30	
195909	56500	LEVEL 3 COMMUNICATIONS LLC	COMPUTER-GEN	07/19/07	2,000.00	
195910	56600	LEXISNEXIS (DBA)	COMPUTER-GEN	07/19/07	1,097.21	
195911	58410	LUCILLE'S THE TOOL STORE	COMPUTER-GEN	07/19/07	104.70	
195912	58420	NANCY LUPRO	COMPUTER-GEN	07/19/07	374.19	
195913	64500	MEN'S HEALTH	COMPUTER-GEN	07/19/07	25.00	
195914	65522	MINUTEMAN PRESS - HILLSBORO	COMPUTER-GEN	07/19/07	317.83	
195915	67208	MOTOR VEHICLES DIV	COMPUTER-GEN	07/19/07	117.00	
195916	68425	WALTER E NELSON CO	COMPUTER-GEN	07/19/07	218.80	
195917	69665	NORTHWEST TREE SPECIALISTS	COMPUTER-GEN	07/19/07	1,670.00	
195918	70550	OPEN ONLINE (DBA)	COMPUTER-GEN	07/19/07	748.05	
195919	70651	OREGON MAYORS ASSOCIATION	COMPUTER-GEN	07/19/07	219.00	
195920	70652	OREGON LIBRARY ASSOCIATION INC	COMPUTER-GEN	07/19/07	70.00	
195921	70654	OREGON PEACE OFFICERS ASSOC	COMPUTER-GEN	07/19/07	45.00	
195922	70665	OREGON MUSEUM OF SCIENCE & INDUSTRY	COMPUTER-GEN	07/19/07	250.00	
195923	70675	OREGONIAN PUBLISHING CO LLC	COMPUTER-GEN	07/19/07	2,322.12	
195924	72020	PAYCHEX INC	COMPUTER-GEN	07/19/07	84.21	
195925	72593	THE PERSONNEL DEPT	COMPUTER-GEN	07/19/07	1,381.46	
195926	72605	PETRA HYGIENIC SYSTEMS INTN'L LIMITED	COMPUTER-GEN	07/19/07	560.00	
195927	74153	PORTLAND PATROL INC	COMPUTER-GEN	07/19/07	6,568.03	
195928	74164	PORTLAND GENERAL ELECTRIC /ST LIGHTS	COMPUTER-GEN	07/19/07	68,349.03	
195929	74165	PORTLAND GENERAL ELECTRIC	COMPUTER-GEN	07/19/07	305.48	

CHK-#	VND-#	NAME	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195930	74196	POSTMASTER - HLSB BRANCH	COMPUTER-GEN	07/19/07	33,000.00	
195931	74675	PROVIDENCE HEALTH SYSTEM	COMPUTER-GEN	07/19/07	128.50	
195932	78330	RONJONS UNLIMITED INC	COMPUTER-GEN	07/19/07	140.00	
195933	82555	SEAWESTERN FIRE APPARATUS & EQUIP	COMPUTER-GEN	07/19/07	645.57	
195934	83320	SHAPE MAGAZINE	COMPUTER-GEN	07/19/07	14.97	
195935	83895	SHRM	COMPUTER-GEN	07/19/07	320.00	
195936	84420	SIGN PRO	COMPUTER-GEN	07/19/07	170.00	
195937	86330	SONITROL - PORTLAND INC	COMPUTER-GEN	07/19/07	60.00	
195938	86398	SPIESSCHAERT ENTERPRISES	COMPUTER-GEN	07/19/07	139.82	
195939	87075	STAGG PROPERTY LLC	COMPUTER-GEN	07/19/07	6,400.00	
195940	87076	STAGG PROPERTIES	COMPUTER-GEN	07/19/07	296.79	
195941	89593	SYSCO FOOD SERVICES	COMPUTER-GEN	07/19/07	1,756.46	
195942	90155	TANASBOURNE BUSINESS PARK 1	COMPUTER-GEN	07/19/07	10,421.00	
195943	91538	TILLAMOOK PEOPLE'S UTILITY DISTRICT	COMPUTER-GEN	07/19/07	57.75	
195944	92158	TRI COUNTY MOVING LTD	COMPUTER-GEN	07/19/07	136.50	
195945	92455	TV COMMUNITY TV	COMPUTER-GEN	07/19/07	70.00	
195946	92520	TVWD - INVOICES	COMPUTER-GEN	07/19/07	9,058.93	
195947	92521	TVWD - UTILITY BILLS	COMPUTER-GEN	07/19/07	1,404.18	
195948	92538	TVI POWER & SPORTS	COMPUTER-GEN	07/19/07	1,073.32	
195949	92540	TYLER TECHNOLOGIES INC	COMPUTER-GEN	07/19/07	186,733.00	
195950	93110	UNITED PIPE & SUPPLY, INC	COMPUTER-GEN	07/19/07	166.07	
195951	93290	VERIZON WIRELESS, BELLEVUE	COMPUTER-GEN	07/19/07	19,948.45	
195952	93292	VERIZON NORTHWEST	COMPUTER-GEN	07/19/07	97.23	
195953	93351	VEICON TECHNOLOGY INC	COMPUTER-GEN	07/19/07	13,854.50	
195954	94976	WASHINGTON COUNTY FINANCE DIVISION	COMPUTER-GEN	07/19/07	309.80	

CHK-#	VND-#	NAME	BOOKKEEPING	TYPE	CHECK-DT	CHECK-AMT	:NOTE
195955	95043	WATER GEAR INC		COMPUTER-GEN	07/19/07	225.26	
195956	97055	WHITE CAP		COMPUTER-GEN	07/19/07	30.97	
195957	99980	ZURBRUGG DEVELOPMENT CO - RENTS		COMPUTER-GEN	07/19/07	3,000.00	
195958	99987	ZURBRUGG CONSTRUCTION CO INC		COMPUTER-GEN	07/19/07	20,897.00	

TOTAL COMPUTER GN 1,256,935.45

TOTAL DISBURSEMENTS 1,256,935.45

Schedule B

CONTRACT INPUT FORM

Official Use Only

Contract No: 2007-08-159 **Resolution No:** 2220 **Resolution Date:** 8/7/2007

Type of Contract: Personal Services Contract **Contract Subtype:**

Contract Name: Planning Commission Transcription Services Contract

Contract Description: Transcription for the preparation of Planning Commission minutes

Contract With: ABC Transcription Services **Contract No:** 2007-08-159

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

Total Cost: **City Funding Source:** 70-100-2-0-770-70-00

Official Use Only

Contract No: 2007-08-160 **Resolution No:** 2220 **Resolution Date:** 8/7/2007

Type of Contract: Intergovernmental Agreement **Contract Subtype:**

Contract Name: Hillsboro School District 1J and City of Hillsboro (Parks and Recreation Department)

Contract Description: The purpose of this agreement is to define cooperative efforts between the School District and the City to find efficiencies for providing facilities and services in the best interest of the community.

Contract With: Hillsboro School District **Contract No:** 2007-08-160

City Dept(s): Parks & Recreation **City Contact:** Sue Boucher

Total Cost: **City Funding Source:**

Official Use Only

Contract No: 2007-08-161 **Resolution No:** 2220 **Resolution Date:** 8/7/2007

Type of Contract: Personal Services Contract **Contract Subtype:** Vendor Agreement

Contract Name: Agreement to Provide Public Communications Network Services

Contract Description: Annual contract defining terms and costs associated with PCN connected sites.

Contract With: Comcast **Contract No:** 2007-08-161

City Dept(s): Information Services **City Contact:** Greg Mont

Total Cost: $72,856.00 **City Funding Source:** Network Services

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Official Use Only

Contract No: 2007-08-162 **Resolution No:** 2220 **Resolution Date:** 8/7/2007

Type of Contract: Construction Contract **Contract Subtype:** Amendment

Contract Name: Civic Center DDA Amendment #3

Contract Description:

Contract With: Specht Development **Contract No:** 2007-08-162

City Dept(s): Capital Planning & Development **City Contact:** Toni Plunkett

Total Cost: **City Funding Source:** Fund 71

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revised

Schedule B

CONTRACT INPUT FORM

Official Use Only

Contract No: 2007-08-159 **Resolution No:** 2220 **Resolution Date:** 8/7/2007

Type of Contract: Personal Services Contract **Contract Subtype:**

Contract Name: Planning Commission Transcription Services Contract

Contract Description: Transcription for the preparation of Planning Commission minutes

Contract With: ABC Transcription Services **Contract No:** 2007-08-159

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

Total Cost: **City Funding Source:** 70-100-2-0-770-70-00

Official Use Only

Contract No: 2007-08-160 **Resolution No:** 2220 **Resolution Date:** 8/7/2007

Type of Contract: Intergovernmental Agreement **Contract Subtype:**

Contract Name: Hillsboro School District 1J and City of Hillsboro (Parks and Recreation Department)

Contract Description: The purpose of this agreement is to define cooperative efforts between the School District and the City to find efficiencies for providing facilities and services in the best interest of the community.

Contract With: Hillsboro School District **Contract No:** 2007-08-160

City Dept(s): Parks & Recreation **City Contact:** Sue Boucher

Total Cost: **City Funding Source:**

Official Use Only

Contract No: 2007-08-161 **Resolution No:** 2220 **Resolution Date:** 8/7/2007

Type of Contract: Personal Services Contract **Contract Subtype:** Vendor Agreement

Contract Name: Agreement to Provide Public Communications Network Services

Contract Description: Annual contract defining terms and costs associated with PCN connected sites.

Contract With: Comcast **Contract No:** 2007-08-161

City Dept(s): Information Services **City Contact:** Greg Mont

Total Cost: $72,856.00 **City Funding Source:** Network Services

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Official Use Only

Contract No: 2007-08-162 **Resolution No:** 2220 **Resolution Date:** 8/7/2007

Type of Contract: Construction Contract **Contract Subtype:** Amendment

Contract Name: Civic Center DDA Amendment #3

Contract Description:

Contract With: Specht Development **Contract No:** 2007-08-162

City Dept(s): Capital Planning & Development **City Contact:** Toni Plunkett

Total Cost: **City Funding Source:** Fund 71

Official Use Only

Contract No: 2007-08-164 **Resolution No:** 2220 **Resolution Date:** 8/7/2007

Type of Contract: Personal Services Contract **Contract Subtype:**

Contract Name: Clowns Unlimited

Contract Description: For the 24th Annual National Night Out Crime & Drug Prevention Event: Tuesday, August 7, 2007, 7 PM, hosted by Hillsboro Police Department, West Precinct

Contract With: Clowns Unlimited **Contract No:** 2007-08-164

City Dept(s): Police **City Contact:** Patti Williams

Total Cost: $549.00 **City Funding Source:** Donation

Reducing single-person trips saves time and money.

Drive less. Save more.
www.DriveLessSaveMore.com

Drive less. Save more.

www.DriveLessSaveMore.com

Want to save time and money?

Spend less time in your car. Reducing the number of car trips you make each week can save you time on the road and save you money on gas, parking and routine vehicle maintenance. You'll save wear and tear on yourself, too.

Try combining your errands. Just think of where you need to go and plan your route accordingly. You'll spend less time in your car and have more time to spend on things you really enjoy.

Trip chaining is easy to do.

- ***Start by developing a list of errands for the week.*** Think ahead about everything you need.
- ***Combine errands.*** Do you need to pick up your dry cleaning today? Why not pick it up tomorrow when you go grocery shopping? Try combining errands in just one trip.
- ***Plan the best route.*** Avoid backtracking.
- ***Decide on the best day and time*** to get multiple errands done. Avoid rush-hour traffic.

Using other travel options can reduce your weekly car trips, too. Hop on a bus or join a carpool. And exercise other options, like riding your bike or walking, whenever possible.

AAA Oregon
CH2M Hill
City of Portland
City of Vancouver
City of Wilsonville-SMART
Hudson News PDX
Metro
Oregon Department of Transportation
Oregon Truckers Association, Inc.
Pacific Power
Qwest
Stacy and Witbeck, Inc.
TriMet
Washington County
Wells Fargo
Westside Transportation Alliance

Go to: www.DriveLessSaveMore.com for more information. Sign a pledge online for a chance to win a prize.

Please let us know if you are willing to eliminate at least one single-person car trip a week. *(Please check all that apply.)*

___ **YES!** I will combine errands to reduce weekly car trips.
___ **YES!** I will take the bus or MAX to reduce weekly trips.
___ **YES!** I will carpool to reduce weekly trips.
___ **YES!** I will bike to reduce weekly trips.
___ **YES!** I will walk to reduce weekly trips.
___ **YES!** I want more information on travel options.

_____
(signature)

Optional (Names will be entered into monthly prize drawings.)

Name: _____ E-mail: _____

Phone: _____ Zip: _____

Send to DriveLess/SaveMore at: Metro, 600 NE Grand Ave., Portland, OR 97232

Drive Less/Save More Event Highlights

Regional Events

- Cinco de Mayo, May 3-May 6
- Springwater Bridge Opening, May 19
- Wilsonville Arts Festival, June 2-June 3
- Oregon Zoo Concert, June 27, July 25, August 8, August 15
- Tualatin Crawfish Festival, August 11

Washington County Events

- Cedar Mills Farmer's Market, July 28 and August 11
- Beaverton Farmer's Market, June 23, July 28 and August 18
- Forest Grove Farmer's Market, August 29
- Forest Grove Children's Fair, May 12
- Hillsboro Farmer's Market, June 12 and August 7
- Tigard Farmer's Market, June 24 and August 26

Sponsors, Partners and Supporters

We appreciate our sponsors, partners and supporters. We thank them for helping to make the campaign possible. Through their continued support, we are able to bring you some of the best transportation and driving resources available to help save you time, money and more. Please visit their web sites to learn more about each organization.

AAA Oregon

Commuter Solutions – a SMARTER way to go!

Metro – People Places Open Spaces

Oregon Department of Transportation

UPS

City of Portland, Oregon – 1851

RVTD – Rogue Valley Transportation District

Ride Connection

TriMet – See where it takes you.

City of Vancouver, Washington

Washington County, Oregon

SMART – South Metro Area Regional Transit

(More)

AMEC Earth & Environmental
Better World Club
Bicycle Transportation Alliance
Bonneville Power Administration
Burgerville
C-Tech Industries
Christensen Shipyards Ltd
CH2M Hill
Clark College
Clark County, Washington
Columbia Corridor Association
Columbia River CSO
Columbia River Mental Health Services
Columbian, The
Enterprise Rent-A-Car
Federal Highway Administration – Federal Lands
Hudson News PDX
Intel
Kiewit Befiner Berger (KBB)
KPFF Consulting Engineers
Neil Kelly
Nutrition Now, Inc.
Oregon Health and Science University
Oregon Interfaith Global Warming Campaign
Oregon Truckers Association, Inc.
Pacific Power
Panasonic Shikoku Electronics Corporation of America
Parsons Brinckerhoff
Pioneer Organics
Polar Graphics
Port of Portland
Portland Community College
Providence Health Systems
Qwest
Regence BlueCross BlueShield of Oregon
Sharp
Stacy and Witbeck, Inc.
Tensolite
Think Local
Tidland Corporation
Washington State Department of Social & Health Services, division of children & family services
Washington State Department of Social and Health Services, division of child support
Washington State Department of Transportation, Southwest region
Washington State University, Vancouver
Wells Fargo
Westside Transportation Alliance

Carpool and Vanpool

When two or more people share a ride to a common or nearby destination it's a carpool. Carpool Match NW is an excellent resource to form carpools and reduce the burden of driving. A carpool is both simple to set up and very flexible. You decide the number of passengers, if drivers and vehicles rotate, and how expenses are shared. Your carpool may operate every day or only when it's convenient. Gather more information and register today at **www.carpoolmatchNW.org** or call (503) 227-7665.

Hillsboro mass transit options

TriMet serves Hillsboro area residents with 4 bus lines and MAX light rail. For further information on stops and time arrivals visit: **www.trimet.org** or 503-238-RIDE (7433).

Transit safety

TriMet's priority is to maintain a safe transit system. Transit security personnel patrol Tri-Met vehicles and facilities. Security cameras as well GPS receivers monitor buses, trains, MAX stations, and parking garages. Each MAX train has up to four emergency intercoms to reach the operator. Additionally, TriMet ensures complete accessible to riders with vision impairment or limited mobility.

Walking and bicycling

For work commutes or weekly errands discover the relaxing convenience of traveling by foot or bicycle. Metro's Bike There! regional bike map is a great resource to find ideal routes to stroll or to bike following multi-use paths and low traffic streets. Additionally, you can log on to **www.bycycle.org**, which offers Internet trip planning to find those tranquil byways to grocery stores and more. Go grab some fresh air!

Drive less. Save more.
www.DriveLessSaveMore.com

Metro

People places • open spaces

Clean air and clean water do not stop at city limits or county lines. Neither does the need for jobs, a thriving economy and good transportation choices for people and businesses in our region. Voters have asked Metro to help with the challenges that cross those lines and affect the 25 cities and three counties in the Portland metropolitan area.

A regional approach simply makes sense when it comes to protecting open space, caring for parks, planning for the best use of land, managing garbage disposal and increasing recycling. Metro oversees world-class facilities such as the Oregon Zoo, which contributes to conservation and education, and the Oregon Convention Center, which benefits the region's economy.

Your Metro representatives

Metro Council President – David Bragdon
Metro Councilors – Rod Park, District 1; Brian Newman, District 2; Carl Hosticka, deputy council president, District 3; Susan McLain, District 4; Rex Burkholder, District 5; Robert Liberty, District 6.
Auditor – Alexis Dow, CPA

METRO
PEOPLE PLACES
OPEN SPACES

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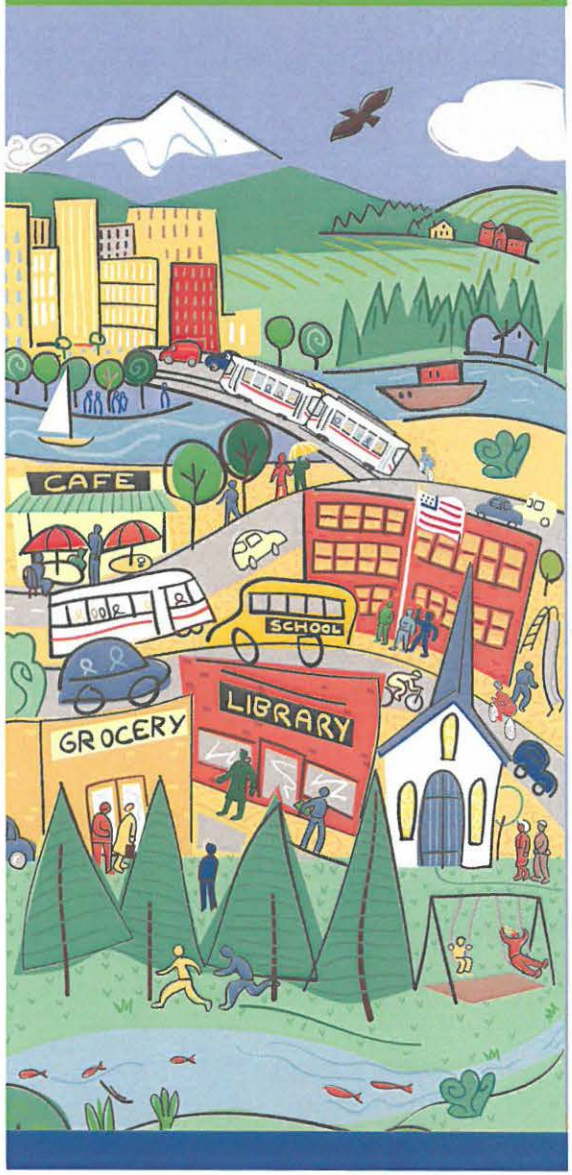
HILLSBORO

TRAVEL OPTIONS GUIDE



Drive less. Save more.
www.DriveLessSaveMore.com

HILLSBORO

TRAVEL OPTIONS GUIDE

Everyday, people throughout Hillsboro are getting where they need to be without the hassles of gas prices, traffic and parking woes.

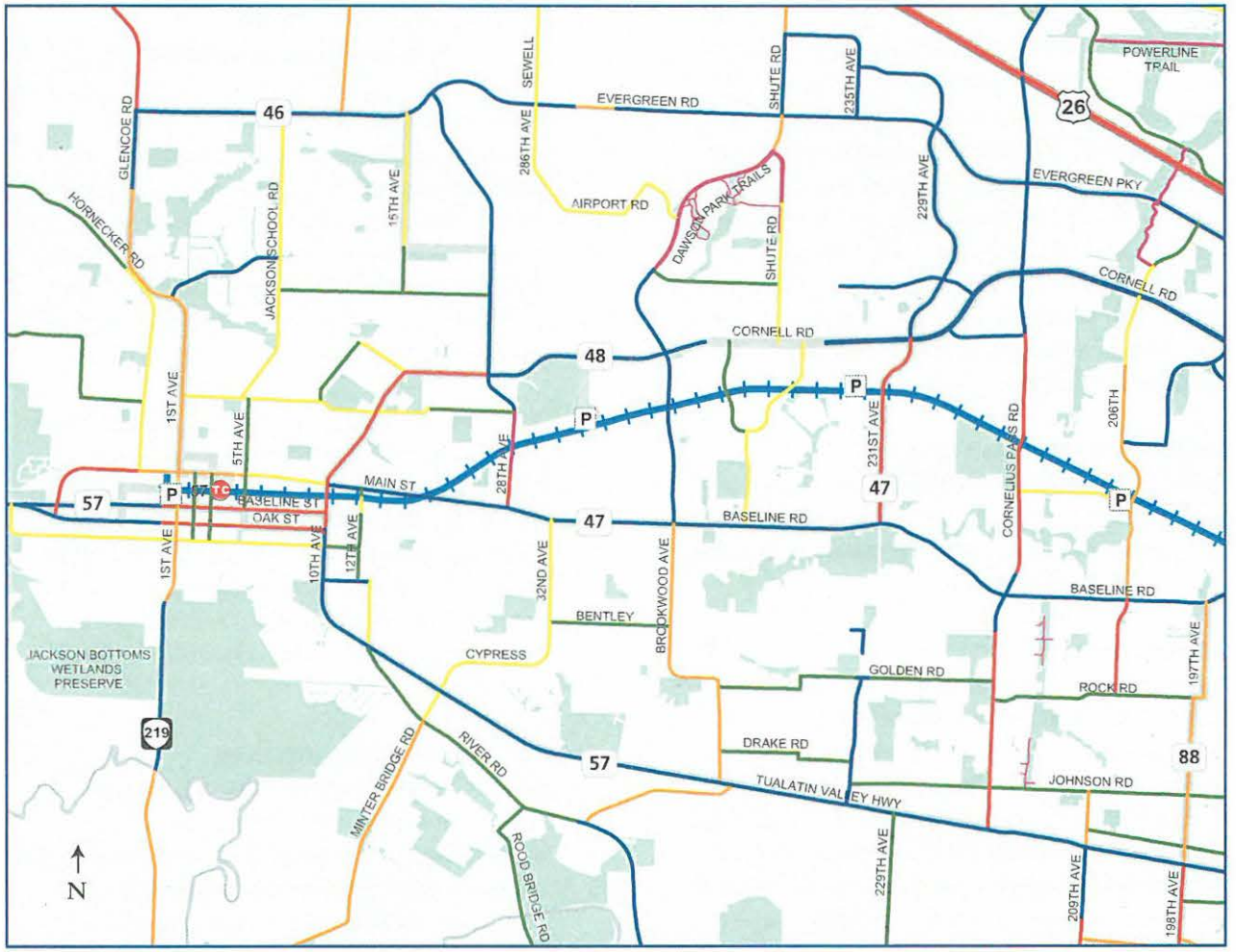
The area's many travel options give residents a lot of personal choices.

So get moving with flexible and economical travel options like public transit, walking, biking, carpooling or vanpooling and other ways to be mobile.

Find a new way to travel.

Research shows that nearly two-in-three residents believe it would not be difficult to take one less car trip each week.

If each household in the region eliminated just two single-person car trips (one round-trip) each week, there could be a four to five percent reduction in the number of cars on the road.



Area buses and MAX

MAX Blue Line
46
47
48
52
57
59
67
88
89

Legend

- Bike lane
- Low traffic street
- Moderate traffic street
- High traffic street
- Regional multi-use path
- Local multi-use path
- TC — Transit Center
- Light rail
- 8 — Bus line
- P — Park & Ride

Vanpooling resources

- **Metro Vanpool** (www.metro-region.org/vanpool) - can help you get a vanpool rolling with an incentive that covers up to 50% of van lease costs. The program also provides information about how to organize a vanpool with your employer and co-workers.

Walking resources

- **Oregon Walk + Bike to School** (www.walknbike.org) - provides parents, teachers and students with useful information about walking and biking to school.
- **Willamette Pedestrian Coalition** (www.americawalks.org/wpc) - a citizen's action group that seeks to make walking a pleasure throughout the Portland metro area.

Biking resources

- **2007 Bike There! Map** (www.metro-region.org/bikethere) - Metro's bike map can help you find the best and safest way to travel around the region.
- **Bicycle Transportation Alliance** (www.bta4bikes.org) - The BTA is a non-profit bicycle organization based in Portland. BTA projects include bike safety programs and "Safe Routes for Kids programs."
- **Bikes on TriMet** (www.trimet.org/guide/bikes.htm) - learn how to combine bikes with public transportation.

Other travel options resources

- **City of Portland Office of Transportation** (www.portlandonline.com/transportation) - offers a variety of links to travel option services throughout the region.
- **Citizens of the Road** (www.easytoshare.com) - provides tips for cyclists, motorists, pedestrians and transit riders on how to travel safely together.
- **Metro** (www.metro-region.org/traveloptions) - provides information on transportation planning as well as travel options.

For more information, go to www.DriveLessSaveMore.com Ph. 503-813-7566

Walking

Walking is great for your health and is effective for short trips or when combined with other travel options. Even a short walk to a transit stop can benefit your health. Many downtown areas boast pedestrian-friendly environments. And area trails, such as the Springwater Trail, offer pleasant walking routes that link neighborhoods to shopping and other services. Best of all, walking is free!

Bicycling

Biking is a great choice for short to medium trips. In a region known for great cycling, there are many reasons to consider biking as a transportation option from cost savings to improving your health and fitness. A variety of conveniences throughout the metro area, including bike lockers, racks and changing facilities, make biking a practical travel option.

Travel Options Resources

Public transit services

- **TriMet** (www.trimet.org) - contains an interactive system map that gives street-level detail about routes, bus stops, MAX stations and more throughout the region.
- **SMART** (www.ridesmart.com) - provides bus service in the Wilsonville area. Passengers ride for free.
- **CTRAN** (www.c-tran.com) - Clark County Washington's public transit provider with 26 bus routes, carpool and vanpool services, a bike and bus program, and much more.

Carpool resources

- **CarPoolMatchNW** (www.carpoolmatchnw.org) - an easy and convenient way to find someone to share a ride in Oregon and S.W. Washington. Free service.
- **eRideShare.com** (www.erideshare.com) - a free service connecting travelers for long distance trips across the state or across the country.

-continued-

Travel Options Give Personal Choice

Everyday, people throughout the Metro region are getting where they need to be without the hassles of gas prices, traffic and parking woes. The Portland area's many travel options give residents a lot of personal choices.

Public Transit

Using public transit is an easy and inexpensive transportation alternative. Annual ridership has grown every year for the past 17 years as more services and routes are added. And, while 30 percent of riders use the bus or MAX train to get to work, nearly a quarter use it for recreation, shopping and personal business. Frequent service, park and ride lots, and online trip planning make public transit convenient and reliable.

Carpooling & Vanpooling

Ridesharing—either in a carpool or vanpool—can be a great way to get where you need to go whether it is work or getting the kids to soccer practice. Just two people can form a carpool. And arrangements may be more flexible than you might think. Plus, finding someone to share a ride with is easy and convenient using the variety of matching services available in the metro area. Ridesharing can help you save on commuting costs and make your commute more stress free.

-over-

Drive Less/Save More

Today's roads are becoming more and more congested. It's projected that by 2025, residents in the Portland metro and SW Washington area will spend an additional 50 hours in traffic per year as the population grows. Congestion is also taking a toll on local businesses and the economy.

Faced with significant limitations to expanding transportation infrastructure, the Drive Less/Save More Campaign seeks to increase awareness of the benefits of reducing single-person car trips. This strategy is part of the solution to congestion and infrastructure issues, as well as to reducing Oregon's and SW Washington's energy/ gasoline consumption.

If each household in the region eliminated two car trips per week, there could be a four to five percent reduction in the number of cars on the road.*

There are many ways to reduce single-person car trips. Depending on where a person lives or works, many travel options are easily within reach.

More residents in the greater Portland and SW Washington area are taking advantage of mass transit and car pooling, as well as walking and biking. These travel options are more practical than many people think because services have expanded during the last five years. Residents can now enjoy more travel options and more personal choices.

For almost every driver, there's also a practical, cost-saving option that can help reduce single-person car trips. It's called trip chaining. Trip chaining is about thinking ahead, planning errands, finding the best route to take, and getting it all done in a single trip.

-over-

Reducing single-person car trips: trip chaining style

Trip chaining is an easy way to cut down on travel, and it offers many benefits.

- Combining errands into a single trip can save hours a week on the road and money at the pump.
- Transportation costs account for an estimated 16 percent of household spending for Portland area families, second only to housing costs.

More about the Drive Less/Save More Campaign

The Drive Less/Save More Campaign is a unique public awareness initiative developed by the Oregon Department of Transportation, Metro, TriMet, Washington County, City of Vancouver, and many other public and private partners.

The Drive Less/Save More Campaign will inform the public about transportation choices and encourage simple, convenient actions that people can take to save time and money.

The two-year pilot effort will take place mostly in the Portland's metro and SW Washington area and then is scheduled to go statewide. The primary campaign tools are paid media, news media, word-of-mouth communications and considerable grassroots communications. It is modeled after Oregon's anti-tobacco and recycling campaigns that successfully address individual behavior change.

Note: A "car trip" is defined as a single, one-way trip.
**This information is derived from Metro's travel model and is based on year 2000 information.*

For more information, go to www.DriveLessSaveMore.com Ph. 503-813-7566

Be A *Smart* Driver

Think you have little control when it comes to getting stuck in traffic? Think there's really nothing you can do? Think again! Trip chaining and other travel options are easy ways to cut down on your time on the road. And they can save you money, too!

Each time you drive, it's money out of your pocket. Operating costs quickly add up—gas, parking, car maintenance and more! And that's on top of spending all that time in your car when you'd rather be doing something else.

Did you know?

- Most American families spend more on transportation than on healthcare, education or food.
- Shopping and leisure activities account for over half of all car trips.
- A daily commute of 20 miles round trip in your car can add up to more than $2,000 per year, not including parking!
- It's projected that area residents will spend an additional 50 hours in traffic per year in the future as congestion increases.

-over-

How trip chaining works

Trip chaining takes a little planning, but it's easy to do.

- Start by developing a list of errands for the week.
- Plan the best route. Try using online services and/or GPS technologies.
- Decide on the best day and time to get multiple errands done.
- Avoid rush-hour traffic.

To drive or not to drive?

Sometimes being a smart driver is about knowing when travel options are the best way to get around. Think about taking the bus or MAX, carpooling, biking or walking. You've got more choices than you think—even if it's just hopping on the bus to get to that lunch meeting rather than taking your car.

Top 10 Ways To Trip Chain

Trip chaining, or combining several errands into one trip, saves time and money and increases peace of mind. There are lots of ways to work trip chaining into your schedule. **Here are some suggestions:**

1. **Plan ahead.** Take a moment to plan out your route and think about what else you might need to get done.

2. **Make a list.** Think about everything that you need and get it all done at once. That way, you won't need to make a last-minute trip to the store.

3. **Find the most efficient route.** There are a number of Internet sites that can help you plan the shortest, most efficient route. GPS receivers can also help you plot the best route.

4. **Try making only right turns.** United Parcel Service (UPS) experts have determined that left turns tend to take more time and waste more gas than right turns because drivers often have to wait for traffic and/or the light to change.

5. **Avoid backtracking.** Doubling back creates needless travel that can be avoided by following a more efficient, pre-planned route and using a list so you get everything you need.

6. **Combine errands.** Do you need to pick up your dry cleaning today? Why not pick it up tomorrow when you go grocery shopping? Try combining errands into just one trip.

-over-

7. **Use closer stores.** Explore your neighborhood shops. Try walking to lunch at the bistro down the street instead of driving to one farther away.

8. **Group your appointments together.** If both of your kids need to go to the dentist, make it just one trip!

9. **Consider one-stop shopping.** Many stores and shopping centers may offer you the opportunity to get all of your errands done in just one stop.

10. **Count the time and money you save!**

Note: A "car trip" is defined as a single, one-way trip.

Portland Metro And SW Washington Area Transportation Facts

More trips, more time on the road...

- Each household in the region travels approximately 39 miles a day. If a person's car gets 22 miles per gallon and gas costs $2.64, then those 39 miles represent $4.68 a day in gas alone. That's about $1,708 a year!
- Each household in the region makes almost 45 car trips a week.
- The average commuter today spends an extra 39 hours per year on the road due to gridlock.
- By 2025, area residents will spend an additional 50 hours in traffic per year as our population grows.

Travel speeds decrease...

- Travel speeds have decreased as congestion has increased.

Non-work trips add to traffic flow woes...

- Non-work trips (for shopping, recreation and errands) are estimated to account for 67 percent of all trips in the region. Almost half of these trips are made by individuals driving alone.

-over-

Individuals can make a difference...

- If each household in the region eliminated two car trips per week, there could be a four to five percent reduction in cars on the road.

What residents are saying...

A recent 2005 regional study shows that residents are willing to reduce single-person car trips...

- Congestion is the leading transportation-related concern today in the Portland metro and SW Washington area.
- Most residents believe it is important to reduce single-person car trips to ease traffic congestion.
- It is widely recognized that taking fewer single-person car trips would help reduce pollution and our country's dependence on foreign oil.
- Nearly two-in-three residents believe it would not be difficult to take one less car trip each week.
- More than eight-in-ten residents say they would be likely to take fewer car trips to save on gas and time.
- Trip chaining is the most likely option for residents in reducing single-person car trips followed by mass transit.

Note: A "car trip" is defined as a single, one-way trip.

The Cost of Congestion

Oregonians and SW Washingtonians are now driving more miles in more cars than ever before. That means increased traffic. The 2005 Urban Mobility Report ranks Portland the 20th most congested city in the country, compared to 85 other major cities. And it's going to get worse. By 2025, the population in the Portland area is projected to increase by an additional one million people.

So, how does congestion impact the Portland metro area? It's more than just a longer work commute. Congestion carries a heavy price tag for residents and businesses alike. It costs local jobs, billions of dollars to our economy, and business opportunities.

- A recent study conducted by the Portland Business Alliance, Port of Portland and Metro found that congestion will cost our local economy 6,500 jobs and $844 million a year by 2025, including lost worker productivity, higher transportation costs and lost business earnings.
- Congestion threatens Portland's competitiveness as a major gateway and distribution center for domestic and international markets.
- The time that workers spend commuting affects schedule options and delivery capabilities, while making recruitment more difficult and expensive.
- Truck traffic is expected to increase by 120 percent over the next 20 years, compared with about 45 percent for car traffic.
- Businesses are reporting that traffic congestion is already costing them money due to longer travel times, lost productivity, reduced markets, and increased inventories.

-over-

Congestion hurts local businesses

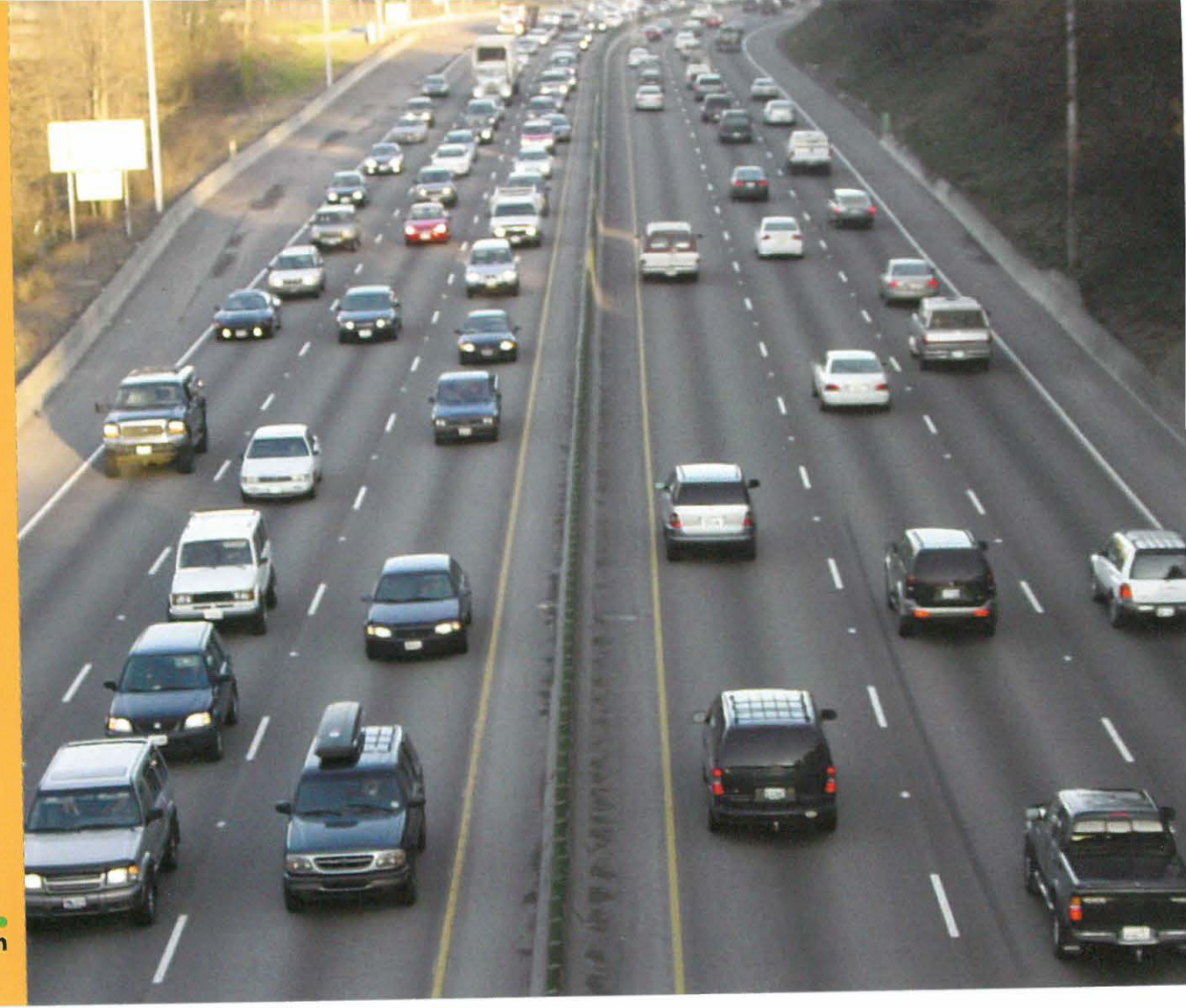
- Traffic congestion not only means delivery delays and higher gas costs — it also can mean missed connections and lost business opportunities.
- Many small and large businesses are already reporting that congestion is impacting their productivity and competitiveness.
- With congestion increasing in the region, many local businesses are at a competitive disadvantage, forcing them to relocate, absorb added costs or raise their prices.

Congestion hurts competitiveness

- Intel has missed deliveries, which affects production lines across the globe. Congestion has forced the company to move its last time for shipments leaving Portland up two hours.
- Sysco Foods opened a new regional distribution center in Spokane to better serve eastern Washington and Oregon markets. And other companies are following suit.
- Providence Health Systems' increased medical supply delivery times are resulting in a $1 million-to-$1.5 million relocation of warehousing and support operations.
- OrePac has increased inventories by seven-to-eight percent, which represents a lost opportunity for other investments.

For the entire *Cost of Congestion to the Economy of the Portland Region* report, go to www.portlandalliance.com/pdf/Congestion_Report.pdf.

Reducing single-person trips saves time and money.



Drive less. Save more.
www.DriveLessSaveMore.com

Want to save time and money?

Spend less time in your car. Reducing the number of car trips you make each week can save you time on the road and money on gas, parking and routine vehicle maintenance. You'll save wear and tear on yourself, too.

Try combining your errands. Just think of where you need to go and plan your route accordingly. You'll spend less time in your car and have more time to spend on things you really enjoy.

Trip chaining is easy to do.

- ***Start by developing a list of errands for the week.*** Think ahead about everything you need.
- ***Combine errands.*** Do you need to pick up your dry cleaning today? Why not pick it up tomorrow when you go grocery shopping? Try combining errands in just one trip.
- ***Plan the best route.*** Avoid backtracking.
- ***Decide the best day and time*** to get multiple errands done. Avoid rush-hour traffic.

Using other travel options can reduce your weekly car trips, too. Hop on a bus or join a carpool. And exercise other options, like riding your bike or walking, whenever possible.

AAA Oregon
CH2M Hill
City of Portland
City of Vancouver
City of Wilsonville-SMART
Hudson News PDX
Metro
Oregon Department of Transportation
Oregon Truckers Association, Inc.
Pacific Power
Qwest
Stacy and Witbeck, Inc.
TriMet
Washington County
Wells Fargo
Westside Transportation Alliance

Go to: www.DriveLessSaveMore.com for more information.
Sign a pledge online for a chance to win a prize.

Drive less. Save more.

www.DriveLessSaveMore.com

Please let us know if you are willing to eliminate at least one single-person car trip a week. *(Please check all that apply.)*

____ **YES!** I will combine errands to reduce weekly car trips.

____ **YES!** I will take the bus or MAX to reduce weekly trips.

____ **YES!** I will carpool to reduce weekly trips.

____ **YES!** I will bike to reduce weekly trips.

____ **YES!** I will walk to reduce weekly trips.

____ **YES!** I want more information on travel options.

_____
(signature)

Optional (Names will be entered into monthly prize drawings.)

Name: _____

Phone: _____ Zip: _____

E-mail: _____

Send to DriveLess/SaveMore at:
Metro, 600 NE Grand Ave., Portland, OR 97232

PROCLAMATION

WHEREAS, Latinos have significantly contributed to the livelihood of our Hillsboro community, as well as Washington County; and

WHEREAS, the Latino community respects and values United States customs and culture and simultaneously exercises their option to continue their own native values and cultural practices; and

WHEREAS, the City of Hillsboro recognizes the value and importance of Latino contributions to our lives, finding it appropriate to recognize the special relationship with those people who came to the Hillsboro area.

WHEREAS, there will be a picnic in honor of the children of Latino families who came to Washington County in the 1960s, 1970s and 1980s on August 12, 2007 at Rood Bridge Park.

NOW, THEREFORE, BE IT RESOLVED, that I, Tom Hughes, Mayor of Hillsboro, hereby proclaim August 2007 as

FAMILIAS HISPANAS OF WASHINGTON COUNTY MONTH

to recognize the Latino contributions and presence in Hillsboro and Washington County.

Tom Hughes, Mayor
August 7, 2007

CITY OF HILLSBORO

4A

August 2, 2007

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Annexation of Property into the City Limits of Hillsboro – **File No. AN 6-07: Toman**

Attached are materials relating to a proposed annexation of approximately 1.17 acres of land into the City of Hillsboro. The property under consideration is located generally south of NW Camp Ireland Street, west of NW 313th Avenue, and north of NW Lenox Street. The property can be specifically identified as Tax Lot 1600 on Washington County Tax Assessor's Map 1N3-25AB and is addressed as 31400 NW Camp Ireland Street.

Pursuant to the requirements of Metro Code Chapter 3.09.050, a staff report was made available 15 days prior to the hearing. A copy of the staff report is attached for your review.

A proposed ordinance and findings have also been attached for your consideration.

Please retain these materials until a final action has been taken on this matter. If you have any questions, please contact the Planning Department at (503) 681-6153.

Respectfully submitted,

HILLSBORO PLANNING DEPARTMENT

R. Brett Estes, AICP
Planning Supervisor

Attachments: Draft Ordinance
Exhibit A - legal description and historical data
Exhibit B - findings
Staff report and maps

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The tract of land, described in Exhibit A, is declared to be annexed to the City of Hillsboro, Oregon.

Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the following districts upon the effective date of the annexation: 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 #1 for Street Lights.

Section 3. The findings attached as Exhibit B are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(f) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Section 4. Inasmuch as it is necessary that this annexation become effective soon, so as to avoid unnecessary hardship to the property owners and allow for the immediate provision of City services, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council this 7th day of August, 2007.

Approved by the Mayor this 7th day of August, 2007.

_____
Mayor

ATTEST: _____
City Recorder

City of Hillsboro
Annexation 6-07: Toman
legal description
NS, July 11, 2007

Exhibit 'A'

A tract of land in the northeast quarter of Section 25, Township 1 North, Range 3 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Commencing at the northeast corner of Lot 13 of Milne Acres, a duly recorded subdivision in said county;

thence South 89°52' West, along the north line of said lot, a distance of 147.0 feet to the northeast corner of that tract of land conveyed to Bradley K. Toman and Cynthia J. Toman by deed recorded February 25, 1980 as Document No. 80-6394 in Deed Records of said county, said point being the true point of beginning;

thence South 89°52' West, along the north line of said tract, a distance of 435.6 feet to the northwest corner thereof;

thence South, along the west line of said tract and the west line of that tract of land conveyed to Bradley K. Toman and Cynthia J. Toman by deed recorded November 17, 1983 as Document No. 83-42591 in Deed Records of said county, a distance of 117.0 feet to the southwest corner of the latter said Toman Tract;

thence North 89°52' East, along the south line of said tract, a distance of 435.6 feet to the southeast corner thereof;

thence North, along the east lines of said Toman Tracts, a distance of 117.0 feet to the point of beginning.

ANNEXATION CERTIFIED
BY dh
JUL 20 2007
WASHINGTON COUNTY A&T
CARTOGRAPHY

35065.00

WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

80006394

EVANGELYN K. HUNTINGTON ..... *Grantor,*

conveys and warrants to BRADLEY K. TOMAN and CYNTHIA J. TOMAN, husband and wife ..... *Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in* Washington *County, Oregon, to-wit:*

Beginning at a point on the North line of Lot 13, MILNE ACRES, in Washington County, Oregon, at the Northwest corner of that tract conveyed to Arthur R. Huntington and wife by Deed Book 231, page 495; thence South on the West line of said Huntington Tract, 100 feet; thence East parallel with the North line of said Lot 13, a distance of 435.6 feet; thence North parallel with the West line of said Huntington Tract, 100.0 feet to the North line of said Lot 13; thence West on said North line 435.6 feet to the place of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The said property is free from encumbrances except statutory powers and assessments of the Tualatin Valley Irrigation District.

The true consideration for this conveyance is $ 64,800.00 .. *(Here comply with the requirements of ORS 93.030)*

Dated this 21st *day of* February , *19* 80

Evangelyn K. Huntington
Evangelyn K. Huntington

STATE OF OREGON, County of Washington) ss. February 21 , 1980

Personally appeared the above named Evangelyn K. Huntington

and acknowledged the foregoing instrument to be her *voluntary act and deed.*

Before me: Eugene Wyatt

(OFFICIAL SEAL) *Notary Public for Oregon—My commission expires:* November 27, 1981

Recorded by Chicago Title 344.71402

After recording return to:

Bradley K. & Cynthia J. Toman
31400 Camp Ireland Road
Hillsboro, Oregon 97123

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements shall be sent to the following address:

Bradley K. & Cynthia J. Tomah
31400 Camp Ireland Road
Hillsboro, Oregon 97123

NAME, ADDRESS, ZIP

STATE OF OREGON
County of Washington } ss

I, Roger Thomssen, Director of Records and Elections and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

ROGER THOMSSEN, Director of Records & Elections

3 pg 1 fee

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F. 9558

FORM No. 633—WARRANTY DEED (Individual or Corporate). STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR. 97204

1-1-74

WARRANTY DEED

83042591

KNOW ALL MEN BY THESE PRESENTS, That Gabriel G. Kubichek

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Bradley K. and Cynthia J. Toman *, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of* Washington *and State of Oregon, described as follows, to-wit:*

beginning at a point on the north line of lot 13, Milne Acres, in Washington County, Oregon, at the northwest corner of that tract conveyed to Arthur R. Huntington and Velva E. Huntington by deed book 231, page 495; then south on the west line of said Huntington tract, 100.0 feet to the true point of beginning; then east parallel with the north line of said lot 13, a distance of 435.6 feet; thence south parallel with the west line of said Huntington tract, a distance of 17.0 feet; then west parallel with the north line of said lot 13, a distance of 435.6 feet; then north on the west line of said Huntington tract 17.0 feet to the place of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 1500. ~~① (Here comma is of the consideration which is the whole part of the consideration)~~ *(The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)*

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 14 *day of* October *, 19* 83 *; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.*

Gabriel G. Kubichek 10/14/83

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, County of Washington } ss.

October 14, 19 83

Personally appeared the above named Gabriel G. Kubichek and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: Kimberly A. Sander

(OFFICIAL SEAL) Notary Public for Oregon

My commission expires: 1-20-85

STATE OF OREGON, County of) ss.

, 19

Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of , a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

Gabriel G. Kubichek
3585 N.W. 313th Ave.
Hillsboro, Oregon 97124
GRANTOR'S NAME AND ADDRESS

Bradley K. & Cynthia J. Toman
31400 N.W. Camp Ireland Road
Hillsboro, Oregon 97124
GRANTEE'S NAME AND ADDRESS

After recording return to:
Bradley K. & Cynthia J. Toman
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.
Bradley K. & Cynthia J. Toman
NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON
County of Washington } SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.

Donald W. Mason, Director of Assessment and Taxation, Ex-Officio Chief Deputy Clerk

5.00 C

1983 NOV 17 PM 1:04

KNOW ALL MEN BY THESE PRESENTS that

Adkinson, husband and wife,

in consideration of Ten and no/100

to them paid by Arthur R. Huntington and Velva E. Huntington, husband

and wife,

do hereby grant, bargain, sell and convey unto the said

Huntington, husband and wife,

their heirs and assigns all the following described real property, with the appurtenances, hereditaments and appurtenances thereto belonging or in anywise appertaining, situated in the County of Washington and State of Oregon, bounded and described as follows, to-wit:

Beginning at the northeast corner of tract No. 13, Alpine Acres, and running thence west, along the north line of said tract 660.0 feet; thence south to the south line of said tract No. 13; thence East to the southeast corner of said tract No. 13; thence north to the northeast corner of said tract No. 13, the place of beginning, containing five acres, more or less.

To Have and to Hold, the above described and granted premises unto the said Arthur R. Huntington and Velva E. Huntington, husband and wife,

their heirs and assigns forever.

And W. R. Adkinson and Katherine Adkinson, husband and wife,

the grantor above named do covenant to and with the above named grantee their heirs and assigns that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

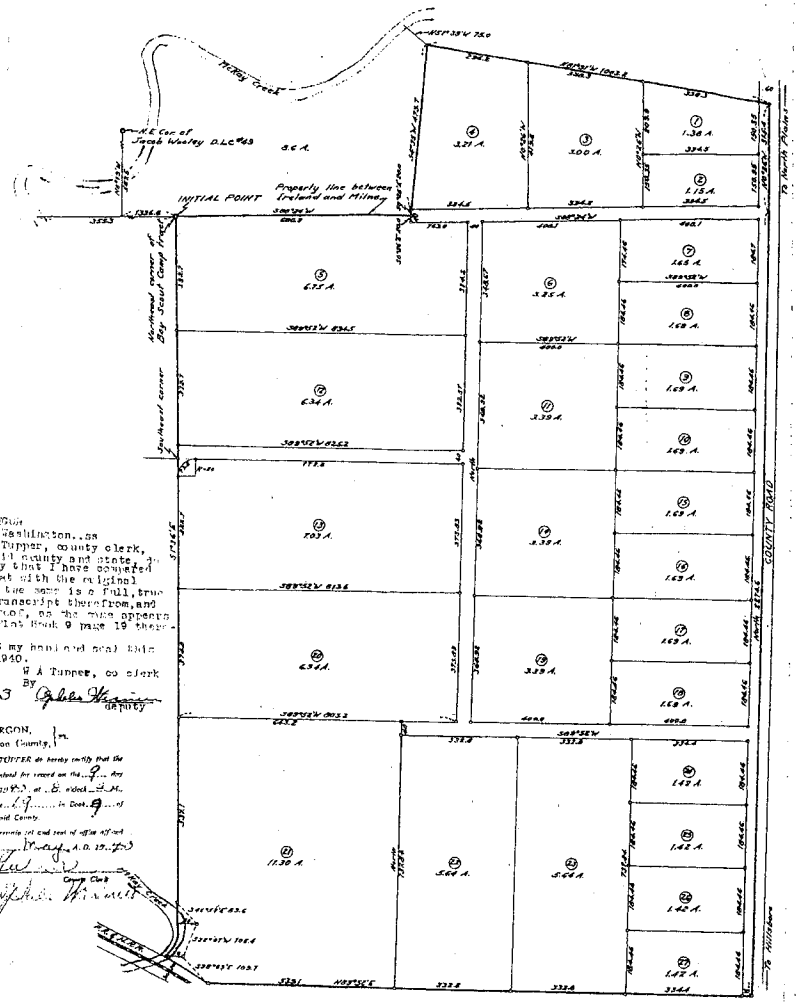
In Witness Whereof, they have hereunto set their hands and seals this 8th day of June, 1945.

Executed in the Presence of

MILNE ACRES

Situated in Sections 24 & 25, T1N, R3W, W.M.

Scale: 1" = 200'



STATE OF OREGON
County of Washington..ss
I, W.A.Tupper, county clerk, in and for said county and state, do hereby certify that I have compared the attached plat with the original thereof, that the same is a full, true and correct transcript therefrom, and the whole thereof, as the same appears of record in Plat Book 9 page 19 thereof.

Witness my hand and seal this 9 day of May 1940.

W.A. Tupper, co clerk

By Ophelia Hansen deputy

STATE OF OREGON, } ss.
County (County), }

I, W. A. TUPPER do hereby certify that the attached plat was received for record on the 9 day of May, 1940, at 8 o'clock A.M. and recorded in Book 9 of Records of Plats of said County.

Witness my hand hereunto set and seal of office affixed this day of May A.D. 19..

County Clerk

By Ophelia Hansen Deputy

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:-

That we, Elizabeth M. Ireland, a single woman, Joseph L. Cowrse and Effie Cowrse, husband and wife, and John Milne, a single man, are the owners in fee simple of the lands in Sections 24 and 25, T1N, R3W, W.M. as shown on the attached plat, and more particularly described in the Surveyor's Certificate hereunto attached, and have caused the same to be surveyed and platted into lots and streets as shown on the plat hereunto attached and is to be hereafter "MILNE ACRES," and that we hereby dedicate all streets and roads as shown thereon to the public for public use forever.

Witness — Elizabeth M. Ireland (Seal)

Witness — Joseph L. Cowrse (Seal)

Witness — Effie Cowrse (Seal)

Witness — John Milne (Seal)

State of Oregon
County of Washington } ss.

This is to certify that on this 8th day of April 1940, before me, a Notary Public in and for the County of Washington, State of Oregon, personally appeared the within named Elizabeth M. Ireland, Joseph L. Cowrse, Effie Cowrse, and John Milne, who are known to me to be the identical persons named in, and who executed the foregoing instrument and who acknowledged to me that they executed the same freely and voluntarily and for the purposes therein set forth.

Witness my hand and official seal this day and year last above mentioned.

My Commission expires Feb. 19-1942

Notary Public

SURVEYOR'S CERTIFICATE

State of Oregon
County of Washington } ss.

I, L.L. Hostetter, County Surveyor for Washington County, Oregon, hereby certify that during April 1940, accurately surveyed, subdivided and platted into lots and streets, the following described tract of land in Sections 24 & 25, T1N, R3W W.M., Washington County, Oregon, to wit:-

Beginning at the INITIAL POINT, a 5" x 36" iron pipe driven 6" below the surface of the ground at a point from which the northeast corner of the Jacob Wesley D.L.C. #63 bears S89° 34' W 1338.6 feet and N01°31' W 3382.6 feet; thence from the above described point of beginning S 89° 34' W 2020 feet more or less to the center of McKay Creek; thence in the center of McKay Creek 125 feet more or less to the northerly right of way line of the Nor. Pac. Ry. & Nav. Co. R.R. right of way; thence along said right of way line on a curve to the right 750 feet more or less to a point; thence N 28° 12' E 283.2 feet to a point in the center of the County Road; thence in the center of said road North 2274.6 feet to a point; thence continuing in the center of said road N 0° 26' W 315.6 feet to a point; thence N 61° 31' W 1003.2 feet to a point; thence S 47° 57' W 472.7 feet to a point; thence S 0° 26' E 20.0 feet to a point; thence S 89° 26' E 680.9 feet to the place of beginning.

That the attached plat is a true and correct representation of lots and streets as staked upon the ground with iron pipes at all lot corners.

Subscribed and sworn to before me this 8th day of May, 1940.

County Clerk

Seal

Seal

Approved May 8, 1940 — County Judge

Approved May 8th 1940 — County Surveyor

Approved May 8-1940 — Commissioner

Taxes paid from 1930 to 1940 inclusive — Sheriff

Approved May 8-1940 — Commissioner

by — Dep. Sheriff

Approved May 11th-1940 — County Assessor

By Helen Steinke, Dep.

Attest this 8th day of May, 1940 — County Clerk

9-19

EXHIBIT B

FINDINGS IN SUPPORT
TOMAN ANNEXATION
FILE NO. AN 6-07

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

Two petitioners representing one property requested City Council approval for annexation of approximately 1.17 acres into the city limits of Hillsboro.

The property under consideration is located generally south of NW Camp Ireland Street, west of NW 313th Avenue, and north of NW Lenox Street. The property can be specifically identified as Tax Lot 1600 on Washington County Tax Assessor's Map 1N3-25AB and is addressed as 31400 NW Camp Ireland Street. The total Measure 50 Base Value is $124,300.

The site slopes gradually towards the southwest. A single family residence, an associated outbuilding and numerous trees are located on the lot.

NW Camp Ireland Street is identified as a local residential street and NW 313th Avenue is identified as a Neighborhood Route in the City of Hillsboro Transportation System Plan (TSP).

The City of Hillsboro Goal 5 Natural Resource Inventory identifies Significant Natural Resources and associated impact area on the western portion of the site. The entire lot is within the 250-foot area of potential impact on the Clean Water Services Sensitive Areas Pre-Screen Map.

II. PROCEDURAL REQUIREMENTS

In accordance with ORS 222.125 the petition for annexation from the property owners constituted 100 percent of the property owners and at least 50 percent of the registered voters residing on the property. Notice of the proposed annexation was given as specified by Metro Code Chapter 3.09.030 and ORS 222.120. A staff report was prepared and available 15 days prior to the hearing as stipulated by Metro Code Chapter 3.09.050. A public hearing on the matter was conducted by the City Council on August 7, 2007.

III. APPLICABLE APPROVAL CRITERIA

Metro Code Chapter 3.09.050(d) specifies the minimum review criteria for a proposed annexation. The six minimum applicable criteria are as follows:

1) *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;*

FINDING: There is currently a Hillsboro Urban Service Provider Agreement in place for this area, dated April 2, 2003, as required by ORS 195.065 (Senate Bill 122). The units of local government which have entered into this agreement are as follows: Washington County; City of Hillsboro; City of Beaverton; Metro; Clean Water Services; TriMet; Tualatin Valley Park and Recreation District; Tualatin Valley Fire and Rescue District; Tualatin Valley Water District; and Washington County Fire District No. 2. The annexation is consistent with the applicable provisions of the Agreement, specifically Section 1 Roles and Responsibilities(C) and (E).

2) *Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;*

FINDING: The property is identified as being within Urban Area A of the Urban Planning Area Agreement (UPAA) between Washington County and the City of Hillsboro, adopted on December 15, 1998. Pursuant to that agreement, *"the City shall regulate the conversion of vacant land to urban uses in Urban Area A through the extension of water and sewer service, land partitioning requirements, provision of transportation facilities and annexations within the area. Land within Urban Area A shall not be converted to urban uses prior to annexation to the City."* Section IV (A) of the UPAA also specifies that *"all land in Area A shall annex to the City prior to development. As used in this subsection, "development" includes the construction of any residential dwelling unit structure or related accessory structures."* Annexation of this property would be consistent with the UPAA, and allow the petitioners the ability to further develop the property.

3) *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;*

FINDING: The annexation would be consistent with the following Comprehensive Plan policies and implementation measures:

Section 2. Urbanization Policy (III)(A) Urbanization within the planning area shall be consistent with the goals and policies of this Plan. Development shall occur according to the availability of urban services and within the context of the Urban Planning Area Agreement. The City and other government agencies shall encourage property owners to maintain the present rural use and character of undeveloped or underdeveloped lands within the Hillsboro Planning Area until such land is required and proposed for urban use and the necessary urban services are available.

Section 2. Urbanization Implementation Measure (IV)(A)(5) The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.

Section 2. Urbanization Implementation Measure (IV)(G) All land in the Hillsboro Planning Area is assumed to be available for annexation and/or development, consistent

with the Comprehensive Plan, zoning, subdivision regulations, and the Urban Planning Area Agreement.

Section 12. Public Services Implementation Measure (V)(C)(2) The City shall require properties to annex to the City prior to the provision of sanitary sewer service.

Section 12. Public Services Implementation Measure (V)(I)(2) The City shall require properties in the urban area to annex to the City prior to the provision of water service.

In particular, the annexation would be consistent with Section 2. Urbanization Implementation Measure (IV)(A)(5), supporting the annexation of infill areas; and Section 2. Urbanization Implementation Measure (F), all land in the Hillsboro Planning Area is assumed to be available for annexation.

4) *Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;*

FINDING: The annexation would be consistent with regional framework and functional plans. The City's current plan designation for the property is RL- Low Density Residential, which is consistent with the regional urban growth goals and objectives. The property has been recommended for R-7 Single Family Residential zoning, and the City Council will consider the recommended zone immediately following approval of the annexation (ZC 11-07).

5) *Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;*

FINDING: There is an eight–inch City water line located in the NW Camp Ireland right-of-way, adjacent to the site. There is a ten–inch sanitary sewer line located in the NW Camp Ireland right-of-way, adjacent to the site, which terminates from the west, short of the full length of the site. There is a ten-inch sanitary sewer line located in the NW 4th Avenue right-of-way that extends south through the western portion of the site. There is an eighteen-inch City storm sewer line located in the NW Camp Ireland right-of-way, adjacent to the site.

Fire and police protection would be provided by the City of Hillsboro and the property would be withdrawn from the 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 as of the effective date of the annexation.

Annexation of the subject property would not interfere with the provisions of public facilities and services.

6) *Consistency with other applicable criteria for the boundary change in question under state and local law.*

FINDING: Pursuant to ORS 222.524, the City of Hillsboro has determined that withdrawal of the property from the 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 is in the best interest of the City.

IV. TESTIMONY FROM NECESSARY PARTIES

No written testimony was received prior to or at the public hearing from a necessary party as defined in Metro Code Chapter 3.09.020(j), nor was oral testimony received by the City Council from a necessary party at the public hearing.

V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED IN FINDINGS

- Staff Report dated July 23, 2007.

CITY OF HILLSBORO

July 23, 2007

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Annexation of Property into the City Limits of Hillsboro – **File No. AN 6-07: TOMAN**

REQUEST

The petitioners, Bradley and Cynthia Toman, request City Council approval for annexation of approximately 1.17 acres into the City Limits of Hillsboro. The purpose of the annexation is to allow the site to develop under the City's land use regulations. The property owners are Bradley and Cynthia Toman.

SITE DESCRIPTION

The property under consideration for annexation is located generally south of NW Camp Ireland Street, west of NW 313th Avenue, and north of NW Lenox Street. The property can be specifically identified as Tax Lot 1600 on Washington County Tax Assessor's Map 1N3-25AB and is addressed as 31400 NW Camp Ireland Street. The total Measure 50 Base Value is $124,300. The property is located within Urban Area "A" as defined by the Urban Planning Area Agreement.

The site slopes gradually towards the southwest. A single family residence, an associated outbuilding and numerous trees are located on the lot.

NW Camp Ireland Street is identified as a local residential street and NW 313th Avenue is identified as a Neighborhood Route in the City of Hillsboro Transportation System Plan (TSP).

The City of Hillsboro Goal 5 Natural Resource Inventory identifies Significant Natural Resources and associated impact area on the western portion of the site. The entire lot is within the 250-foot area of potential impact on the Clean Water Services Sensitive Areas Pre-Screen Map.

DESCRIPTION OF SURROUNDING AREA

Area	Plan	Zoning	Land Uses
North	RL – Low Density Residential	PUD R-7 Single Family Residential	Single Family Residential
East	RL – Low Density Residential	R-7 Single Family Residential	Undeveloped
South	RL – Low Density Residential	PUD R-7 Single Family Residential	Single Family - Undeveloped
West	RL – Low Density Residential	CO – Unincorporated County	Single Family Residential (large lot)

PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City	8"	NW Camp Ireland Street	Adjacent (north)
Sanitary Sewer	City	10"	NW Camp Ireland Street	Adjacent (northwest)
	City	10"	Runs north/south through site at terminus of NW 4th Avenue	Western edge of site
Storm Drain	City	18"	NW Camp Ireland Street	Adjacent (north)

TRANSPORTATION FACILITIES

Streets	Existing R-O-W	Improvement	Plan Designated R-O-W	Improvement
NW Camp Ireland	45 feet +/-	30 feet +/-	54 feet	32 feet
Sidewalk Improvements	**Existing**		**Plan Designated**	
NW Camp Ireland	5 foot sidewalk, 5 foot planter strip on north side. Unimproved on south side, adjacent to site.		5 foot sidewalk, 5 foot planter strip on both sides.	
Mass Transit	**Bus Route**		**Distance to Site**	
Bus	Route 46 / Glencoe Road		1,000 feet +/-	
Bicycle Lane	**Existing**		**Plan Designated**	
NW Camp Ireland	None		None	

APPLICABLE PLAN POLICIES AND IMPLEMENTATION MEASURES

Section 2. Urbanization Policy (III)(A). Urbanization within the planning area shall be consistent with the goals and policies of this Plan. Development shall occur according to the availability of urban services and within the context of the Urban Planning Area Agreement. The City and other government agencies shall encourage property owners to maintain the present rural use and character of undeveloped or underdeveloped lands within the Hillsboro Planning Area until such land is required and proposed for urban use and the necessary urban services are available.

Section 2. Urbanization Implementation Measure (IV)(A)(5). The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow

subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.

Section 2. Urbanization Implementation Measure (IV)(G). All land in the Hillsboro Planning Area is assumed to be available for annexation and/or development, consistent with the Comprehensive Plan, zoning, subdivision regulations, and the Urban Planning Area Agreement.

Section 7. Air, Water and Land Resource Quality Policy (III)(B). The City shall design a storm sewer and sanitary sewer master plan and develop implementation measures necessary to assure that a storm sewer and sanitary system are provided to areas designated urban. The plan shall be designed to accommodate the growth anticipated in undeveloped portions of the Hillsboro Planning Area.

Section 12. Public Services Implementation Measure (V)(C)(2). Consistent with the adopted UPAA and other agreements with service providers the City shall require properties in the urban area to annex to the City prior to the provision of water service by the City or Tualatin Valley Water District (TVWD).

Section 12. Public Services Implementation Measure (V)(D)(1)(b) Consistent with the adopted UPAA and other agreements with service providers within **Urban Area "A"** the City shall require properties to annex to the City prior to the provision of sanitary sewer service.

APPROVAL CRITERIA

1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

4) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

5) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

6) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

7) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval;

8) Consistency with other applicable criteria for the boundary change in question under state and local law.

DISCUSSION

The petitioners request annexation of the property into the City Limits of Hillsboro. The petitioners represent 100 percent of the property owners as required by ORS 222.125. At present, the City Limits abut the site on the north, south and east sides.

There is an eight–inch City water line located in the NW Camp Ireland right-of-way, adjacent to the site. There is a ten–inch sanitary sewer line located in the NW Camp Ireland right-of-way, adjacent to the site, which terminates from the west, short of the full length of the site. There is a ten-inch sanitary sewer line located in the NW 4th Avenue right-of-way that extends south through the western portion of the site. There is an eighteen-inch City storm sewer line located in the NW Camp Ireland right-of-way, adjacent to the site.

If approved, fire and police protection would be provided to the property by the City of Hillsboro and the property would be automatically withdrawn from the following districts as of the effective date of the annexation:

Washington County Rural Fire Protection District No. 2
Washington County Service District for Enhanced Law Enforcement
Washington County Service District for Urban Road Maintenance
Washington County Service District #1 for Street Lights

The annexation would be consistent with the applicable Comprehensive Plan policies and implementation measures listed on pages 2 and 3. In particular, the annexation would be consistent with Section 2. Urbanization Implementation Measure (IV)(A)(5), supporting the annexation of infill areas; and Section 2. Urbanization Implementation Measure (F), all land in the Hillsboro Planning Area is assumed to be available for annexation.

The property is identified as being within Urban Area A of the Urban Planning Area Agreement (UPAA) between Washington County and the City of Hillsboro, adopted on December 15, 1998. Pursuant to that agreement, *"the City shall regulate the conversion of vacant land to urban uses in Urban Area A through the extension of water and sewer service, land partitioning requirements, provision of transportation facilities and annexations within the area. Land within Urban Area A shall not be converted to urban uses prior to annexation to the City."* Section IV (A) of the UPAA also specifies that *"all land in Area A shall annex to the City prior to development. As used in this subsection, "development" includes the construction of any residential dwelling unit structure or related accessory structures."* Annexation of this property would be consistent with the UPAA, and allow the petitioner the ability to further develop the site.

The annexation would be consistent with regional framework and functional plans. The City's current plan designation for the site is RL – Low Density Residential which is consistent with the regional urban growth goals and objectives. The property has been recommended for R-7 Single Family Residential zoning, and the City Council will consider the recommended zone immediately following consideration of the annexation (Casefile No. ZC 11-07).

There is currently a Hillsboro Urban Service Provider Agreement in place for this area, dated April 2, 2003, as required by ORS 195.065 (Senate Bill 122). The units of local government which have entered into this agreement are as follows: Washington County; City of Hillsboro; City of Beaverton; Metro; Clean Water Services; TriMet; Tualatin Valley Park and Recreation District; Tualatin Valley Fire and Rescue District; Tualatin Valley Water District; and Washington

County Fire District No. 2. The annexation is consistent with the applicable provisions of the Agreement, specifically Section 1 Roles and Responsibilities(C) and (E).

No written testimony has been received from neighboring property owners. Neither has any testimony been received from necessary parties, defined in Metro Code Chapter 3.09.020(j) as follows: any county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory, Metro, and any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory.

RECOMMENDATION

Should the Council choose to approve the subject annexation petition, staff recommends that the annexation ordinance become effective immediately upon submission to the Secretary of State, unless contested by a necessary party as defined in Metro Code Chapter 3.09.020(j). If the proposal is contested by a necessary party then the effective date of the annexation can be no earlier than 10 days after the decision is reduced to writing pursuant to Metro Code Chapter 3.09.050(f).

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

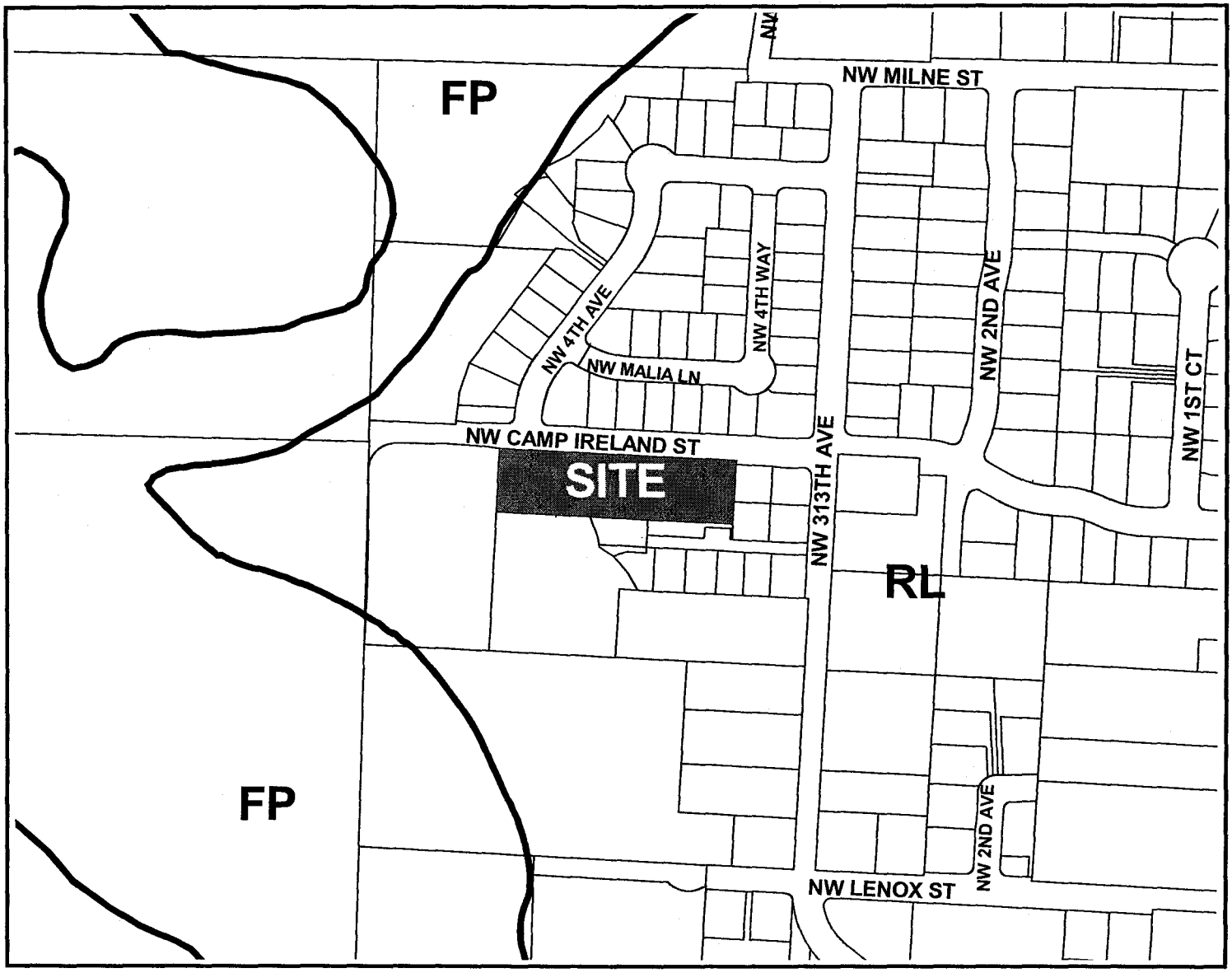
Dawn Duray

Dawn Duray
Urban Planner I

Attachments:
Comprehensive Plan Map
Zoning Map
Clean Water Services Sensitive Area Pre Screen Map
Goal 5 – Significant Natural Resources Overlay District/Aerial Map

AN 6-07 & ZC 11-07: TOMAN

REQUEST FOR ANNEXATION OF ONE PROPERTY APPROXIMATELY 1.17 ACRES IN SIZE INTO THE CITY LIMITS AND ASSOCIATED CITY-INITIATED ZONE CHANGE FROM COUNTY R-9 (NINE UNITS PER ACRE) TO R-7 SINGLE FAMILY RESIDENTIAL.

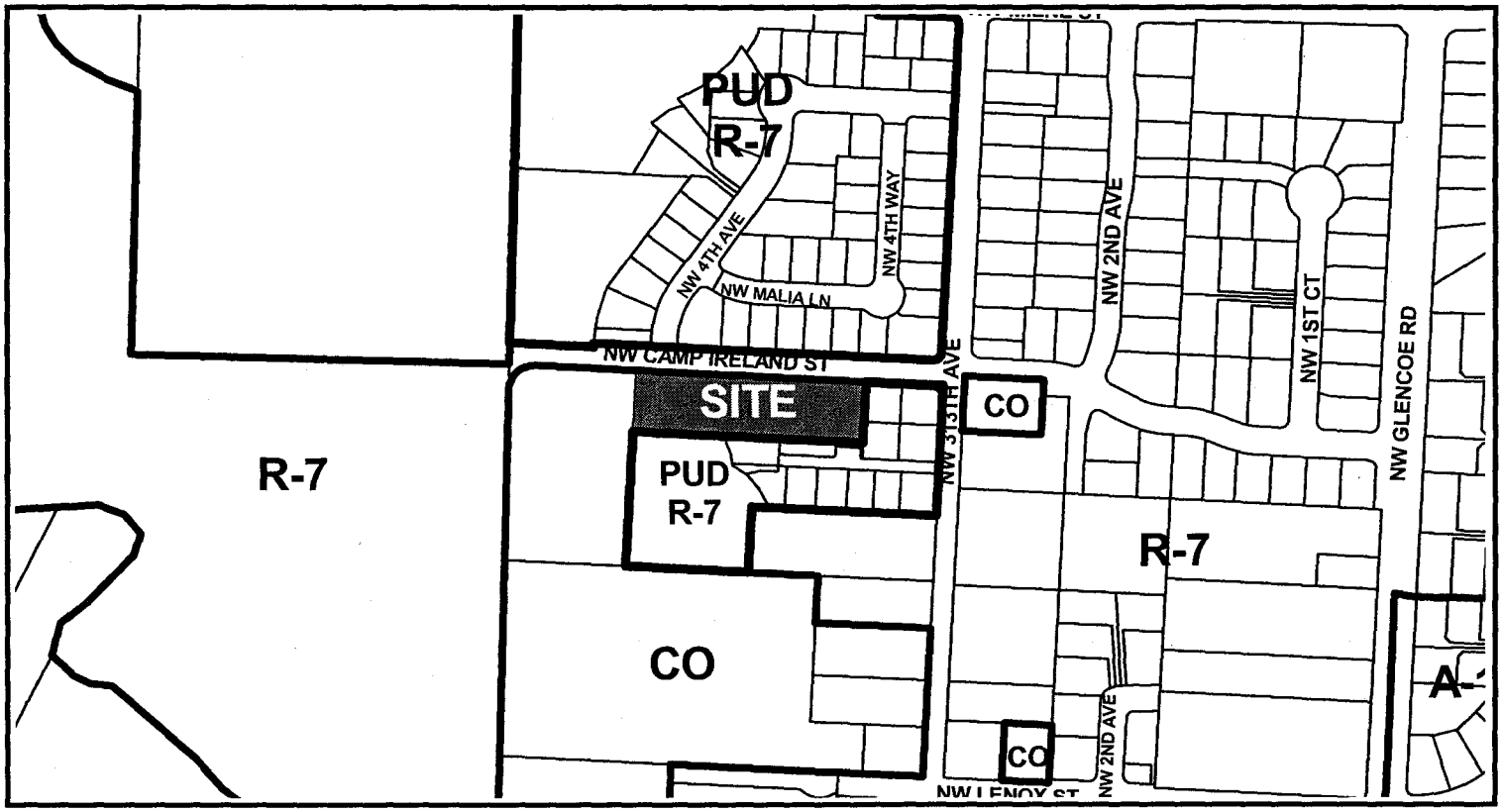


Comprehensive Plan Designations

RL	- Low Density Residential (3-7 units per acre)	**C**	- Commercial	**MU**	- Mixed Use
RM	- Medium Density Residential (8-16 units per acre)	**IN**	- Industrial	**CO**	- County
RH	- High Density Residential (17-23 units per acre)	**PF**	- Public Facility		
RMR	- Mid-Rise Residential (24 - 30 units per acre)	**OS**	- Open Space		
SCPA	- Station Community Planning Area	**FP**	- Floodplain		

AN 6-07 & ZC 11-07: TOMAN

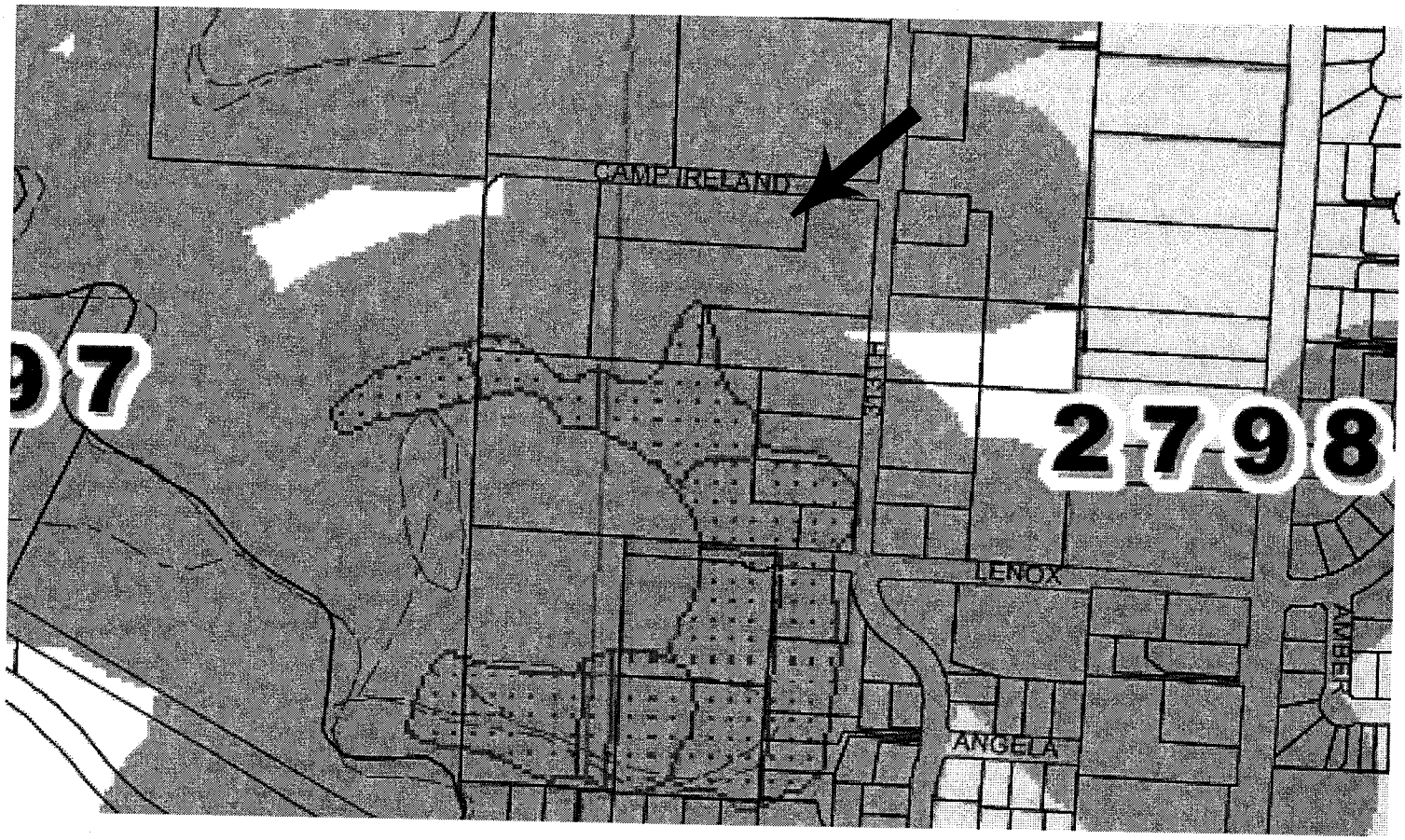
REQUEST FOR ANNEXATION OF ONE PROPERTY APPROXIMATELY 1.17 ACRES IN SIZE INTO THE CITY LIMITS AND ASSOCIATED CITY-INITIATED ZONE CHANGE FROM COUNTY R-9 (NINE UNITS PER ACRE) TO R-7 SINGLE FAMILY RESIDENTIAL.



City of Hillsboro Zoning Designations					
R-6	Single Family Residential	**R-8.5**	Single Family Residential	**A-1**	Duplex Residential
R-7	Single Family Residential	**R-10**	Single Family Residential	**A-2**	Multi-Family Residential
SCC-SC	Station Community Commercial - Station Commercial			**A-3**	Multi-Family Residential
SCC-MM	Station Community Commercial - Multi-Modal			**A-4**	Multi-Family Residential
SCC-CBD	Station Community Commercial - Central Business District			**C-1**	General Commercial
SCC-HOD	Station Community Commercial - Highway Oriented District			**C-4**	Neighborhood Commercial
SCBP	Station Community Business Park			**PUD**	Planned Unit Development
SCRP	Station Community Research Park			**M-2**	Industrial
SCI	Station Community Industrial			**M-P**	Industrial Park
SCR-HD	Station Community Residential - High Density			**SID**	Special Industrial District
SCR-MD	Station Community Residential - Medium Density			**SSID**	Shute Special Industrial District
SCR-LD	Station Community Residential - Low Density			**CO**	Unincorporated County
SCR-V	Station Community Residential - Village			**ANX**	Recent Annexation
SCFI	Station Community Fair Complex Institutional			**MU-N**	Mixed Use - Neighborhood
SCR-OTC	Station Community Residential - Orenco Townsite Conservation Overlay			**MU-C**	Mixed Use - Commercial
SCR-DNC	Station Community Residential - Downtown Neighborhood Conservation				

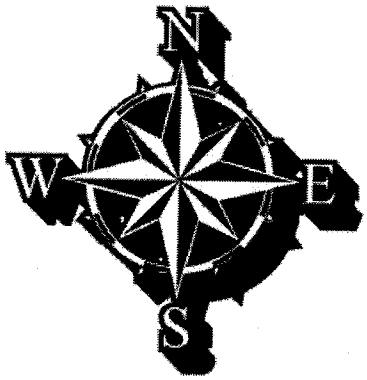
AN 6-07: TOMAN

Clean Water Services
Sensitive Area Pre-Screen Map



Legend

- GIS.WasCo_taxlots
- p_stm
- Streams2002
- STM_LINE
- Buffer_of_STM_LINE
- GIS.CWSB
- QTR_SEC
- Hillsboro



Clean Water Services
Our commitment is clear.

Aerial Photo / Significant Natural Resources / Floodplain Map

N

City Limits
fema100
Protection Level 1
Protection Level 2
Protection Level 3
Impact Area
Taxlots

Note: Tax Lot boundaries do not line up with aerial photo.

CITY OF HILLSBORO

4B

August 2, 2007

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Approval of Zone Change - File No. ZC 11-07: Toman

Attached are materials relating to a City-initiated zone change from County R-9 Residential (9 units per acre) to City R-7 Single Family Residential on one property approximately 1.17 acres in area. The purpose of the proposed zone change is to implement the RL Low Density Residential Comprehensive Plan designations on the property following annexation (Casefile No. AN 6-07). The property proposed for the zone change are generally located south of NW Camp Ireland Street, west of NW 313th Avenue, and north of NW Lenox Street. The property can be specifically identified as Tax Lot 1600 on Washington County Tax Assessor's Map 1N3-25AB.

A staff report is attached for your review. A proposed ordinance has also been attached for your consideration.

Please retain these materials until a final action has been taken on this matter. If you have any questions, please contact the Planning Department at (503) 681-6153.

Respectfully submitted,

HILLSBORO PLANNING DEPARTMENT

R. Brett Estes, AICP
Planning Supervisor

Attachments: Draft Ordinance and exhibits
Attachment "A" Staff report and maps

ORDINANCE NO. _____

ZC 11-07: TOMAN

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY CHANGING THE ZONING OF ONE TRACT OF RECENTLY ANNEXED PROPERTY FROM COUNTY R-9 RESIDENTIAL (9 UNITS PER ACRE) TO CITY R-7 SINGLE FAMILY RESIDENTIAL.

WHEREAS, a certain tract of land described herein has recently been annexed to the City of Hillsboro, and

WHEREAS, rezoning of annexed tracts of land from a County zone to a City zone prevents code enforcement problems associated with the City attempting to administer the land use laws of Washington County, and

WHEREAS, the City of Hillsboro Planning Commission approved Resolution No. 1624-P on July 11, 2007, initiating the zone change on the recently annexed property described below, and

WHEREAS, the City Council hereby adopts the staff report, including the recommended conditions of approval, attached hereto as Attachment "A", as findings in regard to this matter, and

WHEREAS, based on those findings, the City Council hereby determines that the zone change conforms with the Hillsboro Comprehensive Plan and Zoning Ordinance, and the particular zone recommended is the best suited for the subject site.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The following described tract of land is hereby rezoned from County R-9 Residential (9 units per acre) to City R-7 Single Family Residential as outlined in Sections 2 and 3 below:

Tax Lot 1600, on Washington County Tax Map 1N3-25AB
Section 25, Township 1 North, Range 3 West, Willamette Meridian

Section 2. City of Hillsboro Zoning Ordinance No. 1945, as amended, is further amended by zoning Tax Lot 1600 as R-7 Single Family Residential.

Section 3. Approval of this zone change is subject to the following conditions:

1) Prior to issuance of building permits for new construction on the site, or approval of a land use action as defined in Implementation Measure (B) of the Transportation Plan, the owner(s) shall provide additional street right-of-way dedication for NW Camp Ireland Street, to meet the standards of the Transportation Plan.

2) Prior to the issuance of building permits for new construction on the site, or approval of a land use action as defined in Implementation Measure (B) of the Transportation Plan, the owner(s) shall either construct road improvements to NW Camp Ireland Street, or shall record a waiver of remonstrance stating an intent not to remonstrate against a future local improvement which may be formed for the improvement of NW Camp Ireland Street in lieu of constructing road improvements. The determination of required road improvements or a waiver of remonstrance shall be made by the City Engineer, based on the level of impact of the proposed land use action.

3) Pursuant to Zoning Ordinance Section 131A3.b.3., City zoning on those portions of the subject properties identified as Significant Natural Resource Area or as Impact Area, on the City's adopted Goal 5 Inventory shall include the Significant Natural Resource Overlay District. Development on those portions of the subject properties shall be subject to the provisions of Section 131A.

4) A Clean Water Services Service Provider Letter shall be required prior to issuance of permits for any new development on the site, and the new development shall comply with any conditions required by the Letter.

Section 4. The City Planning Director is hereby instructed to cause the official zoning map, a part of Ordinance No. 1945, to be amended to include the zone change set forth in Section 1 hereof.

Section 5. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

Passed by the Council this 7th day of August, 2007.

Approved by the Mayor this 7th day of August, 2007.

_____
Mayor

ATTEST: _____
City Recorder

CITY OF HILLSBORO

ATTACHMENT "A"

July 30, 2007

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Approval of Zone Change – ZC 11-07: Toman

REQUEST

The City of Hillsboro, acting as applicant, requests a zone change from County R-9 Residential (9 units per acre) to City R-7 Single Family Residential on one property approximately 1.17 acres in area. The purpose of the proposed zone change is to implement the RL Low Density Residential Comprehensive Plan designation on the property following annexation. The property owners are Bradley and Cynthia Toman.

The City received an associated annexation application (AN 6-07: Toman) which will be reviewed by the City Council at their August 7, 2007 meeting. Pursuant to Zoning Ordinance Section 97, the Planning Commission approved Resolution Number 1624-P on July 11, 2007, initiating this zone change request.

SITE DESCRIPTION

The property under consideration for annexation is located generally south of NW Camp Ireland Street, west of NW 313th Avenue, and north of NW Lenox Street. The property can be specifically identified as Tax Lot 1600 on Washington County Tax Assessor's Map 1N3-25AB.

The site slopes gradually towards the southwest. A single family residence, an associated outbuilding and numerous trees are located on the lot.

NW Camp Ireland Street is identified as a local residential street and NW 313th Avenue is identified as a Neighborhood Route in the City of Hillsboro Transportation System Plan (TSP).

The City of Hillsboro Goal 5 Natural Resource Inventory identifies Significant Natural Resources and associated impact area on the western portion of the site. The entire lot is within the 250-foot area of potential impact on the Clean Water Services Sensitive Areas Pre-Screen Map.

DESCRIPTION OF SURROUNDING AREA

Area	Plan	Zoning	Land Uses
North	RL – Low Density Residential	PUD R-7 Single Family Residential	Single Family Residential
East	RL – Low Density Residential	R-7 Single Family Residential	Undeveloped
South	RL – Low Density Residential	PUD R-7 Single Family Residential	Single Family - Undeveloped
West	RL – Low Density Residential	CO – Unincorporated County	Single Family Residential (large lot)

PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City	8"	NW Camp Ireland Street	Adjacent (north)
Sanitary Sewer	City	10"	NW Camp Ireland Street	Adjacent (northwest)
	City	10"	Runs north/south through site at terminus of NW 4th Avenue	Western edge of site
Storm Drain	City	18"	NW Camp Ireland Street	Adjacent (north)

TRANSPORTATION FACILITIES

Streets	Existing R-O-W	Improvement	Plan Designated R-O-W	Improvement
NW Camp Ireland	45 feet +/-	30 feet +/-	54 feet	32 feet

Sidewalk Improvements	Existing	Plan Designated
NW Camp Ireland	Unimproved adjacent to site	5 foot sidewalk, 5 foot planter strip

Mass Transit	Bus Route	Distance to Site
Bus	Route 46 / Glencoe Road	1,000 feet +/-

Bicycle Lane	Existing	Plan Designated
NW Camp Ireland	None	None

APPLICABLE PLAN POLICIES AND IMPLEMENTATION MEASURES

Section 2. Urbanization Implementation Measure (IV)(A)(5) The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.

Section 2. Urbanization Implementation Measure (I) Land uses identified by the Comprehensive Plan Land Use Map have been determined to be the most suitable needed by the City. To meet the burden of proof for a proposed zone change, it is both necessary and sufficient to show that the proposed zone change is consistent with and represents the highest land use allowed by the Comprehensive Plan Land Use Map, and in the case of zone changes in the residential

areas, the proposed zone shall allow development of housing at a density within the range designated by the Land Use Map. In addition, the City may attach clear and objective conditions to the zone change provided such conditions are consistent with the Comprehensive Plan, the Zoning Ordinance, and other rules and policies regulating development in the City.

Section 2. Urbanization Implementation Measure (M) The land use map shall designate property in the Hillsboro Planning Area as Low, Medium, High or Mid-Rise Residential, Mixed-Use, Commercial, Industrial, Open Space, Floodplain, Public Facility or Station Community Planning Area. As used in this subsection, "Mixed-Use" means a mix of residential and commercial uses either vertically or horizontally. The land use map may also designate the boundaries of Hillsboro "community plan" areas. Residential land outside Station Community Planning Areas shall be designated Low, Medium, or High density, or Mid-Rise Residential, so as to provide the opportunity for an overall density of 10 units per net acre, and a 50% detached single family/50% attached single family or multi-family split on new construction.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites (E) (2) The Natural Resources Management Program Ordinance shall include a map which generally identifies the extent and location of significant wetlands, riparian corridors and wildlife habitat areas and their impact areas, as identified in the adopted *"List of Significant Goal 5 Natural Resource Sites in the City of Hillsboro"* and its supporting document the *"City of Hillsboro Goal 5 Natural Resources Inventory and Assessment Report"*, and the ESEE analyses, completed pursuant to the Goal 5 and Oregon Administrative Rules 660, Division 23 provisions.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites (E) (5) Development projects located in or partially within the overlay area for the Natural Resources Management Program Ordinance map shall address preservation of wildlife habitat, natural vegetation, wetlands, water quality, open space and other natural resources important to the ecosystem in the vicinity of the proposed development site. During the Development Review process, development projects and subdivision applications in Station Community Planning Areas shall address the potential impacts of proposed projects on these resources, shall address provisions of Zoning Ordinance No. 1945 Section 127.III.L and Section 127 IV.B.3.e through h, and shall incorporate measures to mitigate any impacts that result from the proposed development

Section 13. Transportation – Implementation Measure (B) Approval of land use actions on properties including or adjacent to rights-of-way and street improvements which are less than that specified in the Transportation Plan and Maps shall require: dedication of adequate land for public right-of-way to meet that specified in the Plan; construction of the required interior street system; and construction of, or execution of a non-remonstrance deed restriction for the specified street improvements immediately adjacent to the properties. For the purpose of this measure, land use actions are limited to zone changes, planned unit developments, conditional uses, variances, expansions of non-conforming uses, development reviews, site plan reviews, subdivisions, major partitions and minor partitions.

APPROVAL CRITERIA

Zoning Ordinance No. 1945, Section 114 (2) specifies the approval criteria for a proposed zone change as follows:

a. That the request must conform with the Hillsboro Comprehensive Plan and this Ordinance;

b. That, where more than one designation is available to implement the Comprehensive Plan designation (e.g. R-7 vs. R-10), the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.

Section 114(1) of the Zoning Ordinance lists conditions that may be attached to a zone change approval:

a. Street improvements within and/or abutting the development;
b. Street dedication within and/or abutting the development;
c. Joint use/access agreement;
d. Improvement agreements for the installation of necessary on-site public facilities;
e. Utility easements;
f. Landscaping;
g. Off-street parking;
h. Storm drainage easements;
i. Off-site public improvements when the rezoning and subsequent development will contribute significantly to the need for such off-site improvements;
j. Development Review approval by the Planning Commission; for projects in zones or locations for which development requirements and design standards are specified in the Zoning Ordinance;
k. Screening and/or fencing;
l. Limiting access;
m. Surety and performance bonds;
n. Non-remonstrance clauses.

DISCUSSION

The City Comprehensive Plan designation for the property is RL – Low Density Residential. There are three zones available to implement the RL Comprehensive Plan designation in this area: R-10, R 8.5 and R-7 Single Family Residential. Neighboring properties to the north, east, and south of the subject property are designated RL and are zoned R-7 Single Family Residential. The adjacent property directly to the west is inside the Urban Growth Boundary but is still in Washington County.

The City of Hillsboro Planning Department's Staff Report on the annexation, dated July 23, 2007, recommends that the subject properties should be rezoned to R-7 Single Family Residential. The Planning Commission has also recommended the R-7 zone.

TESTIMONY RECEIVED

No written comments or testimony have been received to date from adjacent property owners or affected agencies.

RECOMMENDATION

Should the City Council choose to approve the requested zone change, the Planning staff recommends that the following conditions be placed on the property:

1) Prior to issuance of building permits for new construction on the site, or approval of a land use action as defined in Implementation Measure (B) of the Transportation Plan, the owner(s) shall provide additional street right-of-way dedication for NW Camp Ireland Street, to meet the standards of the Transportation Plan.

2) Prior to the issuance of building permits for new construction on the site, or approval of a land use action as defined in Implementation Measure (B) of the Transportation Plan, the owner(s) shall either construct road improvements to NW Camp Ireland Street, or shall record a waiver of remonstrance stating an intent not to remonstrate against a future local improvement which may be formed for the improvement of NW Camp Ireland Street in lieu of constructing road improvements. The determination of required road improvements or a waiver of remonstrance shall be made by the City Engineer, based on the level of impact of the proposed land use action.

3) Pursuant to Zoning Ordinance Section 131A3.b.3., City zoning on those portions of the subject properties identified as Significant Natural Resource Area or as Impact Area, on the City's adopted Goal 5 Inventory shall include the Significant Natural Resource Overlay District. Development on those portions of the subject properties shall be subject to the provisions of Section 131A.

4) A Clean Water Services Service Provider Letter shall be required prior to issuance of permits for any new development on the site, and the new development shall comply with any conditions required by the Letter.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

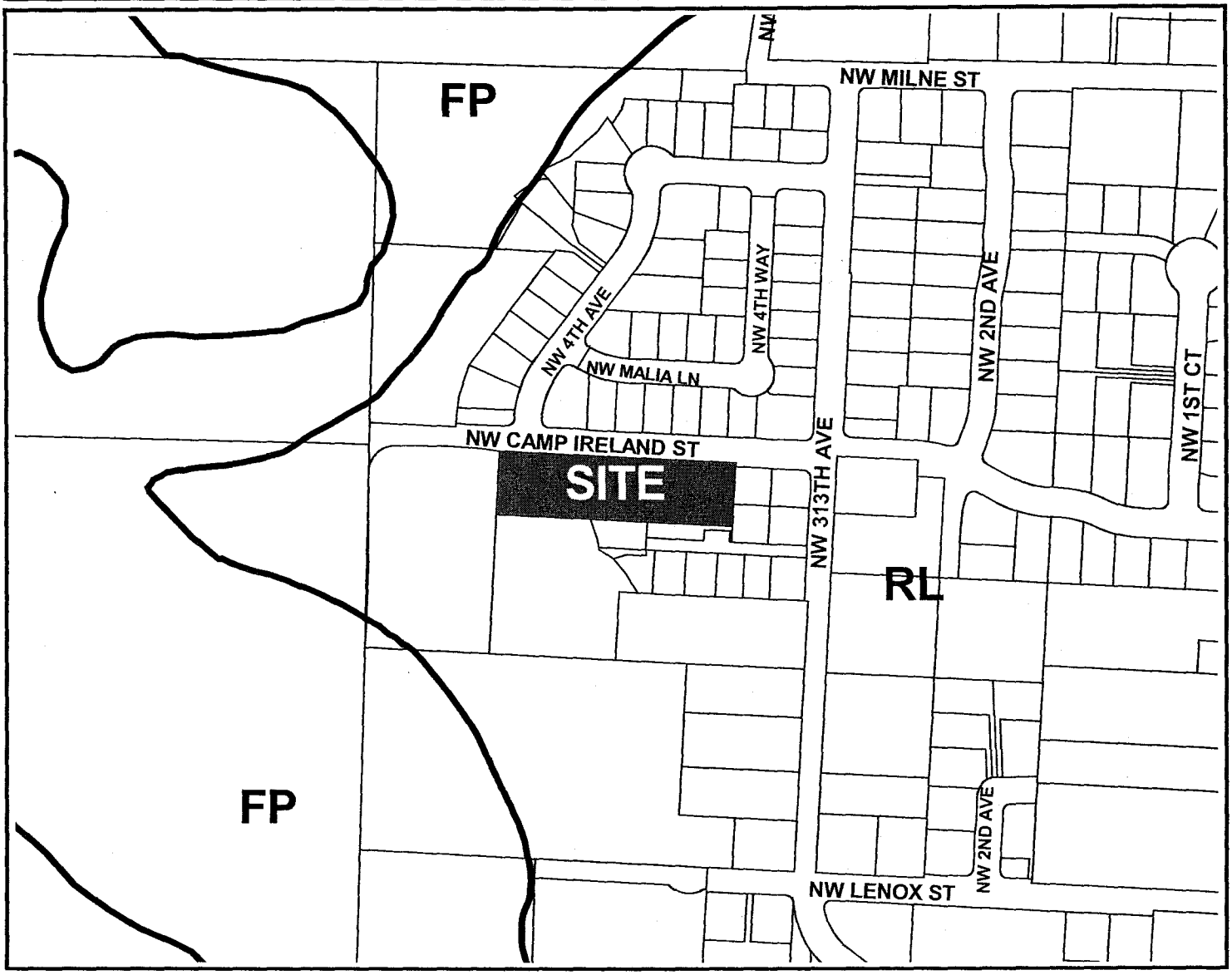
Dawn Duray

Dawn Duray
Urban Planner I

Attachments: Comprehensive Plan and Zoning maps
Clean Water Services Sensitive Areas Pre-Screen Map
Significant Natural Resources Overlay District Map/Aerial Photo

AN 6-07 & ZC 11-07: TOMAN

REQUEST FOR ANNEXATION OF ONE PROPERTY APPROXIMATELY 1.17 ACRES IN SIZE INTO THE CITY LIMITS AND ASSOCIATED CITY-INITIATED ZONE CHANGE FROM COUNTY R-9 (NINE UNITS PER ACRE) TO R-7 SINGLE FAMILY RESIDENTIAL.

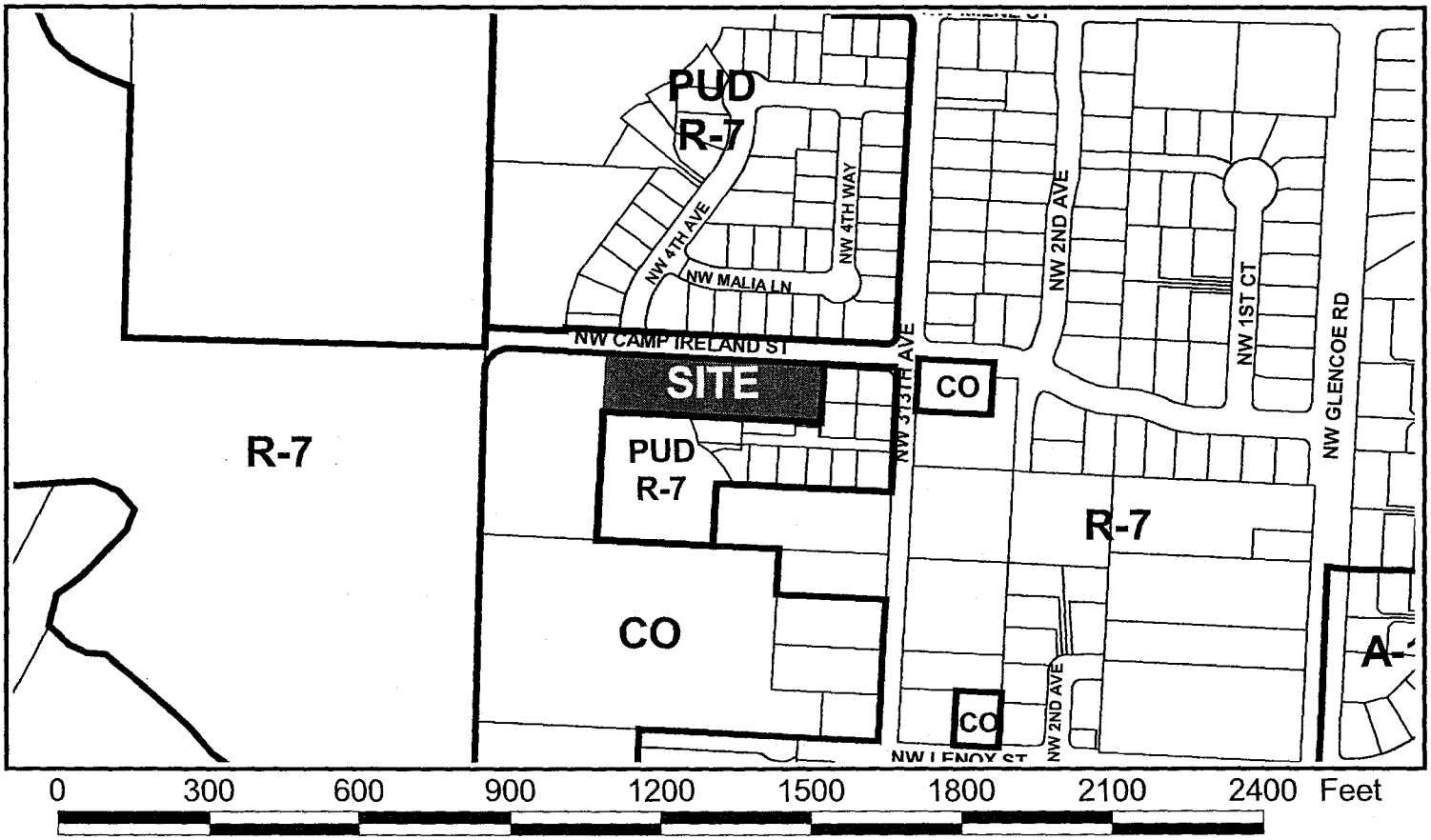


Comprehensive Plan Designations

RL	- Low Density Residential (3-7 units per acre)	**C**	- Commercial	**MU**	- Mixed Use
RM	- Medium Density Residential (8-16 units per acre)	**IN**	- Industrial	**CO**	- County
RH	- High Density Residential (17-23 units per acre)	**PF**	- Public Facility		
RMR	- Mid-Rise Residential (24 - 30 units per acre)	**OS**	- Open Space		
SCPA	- Station Community Planning Area	**FP**	- Floodplain		

AN 6-07 & ZC 11-07: TOMAN

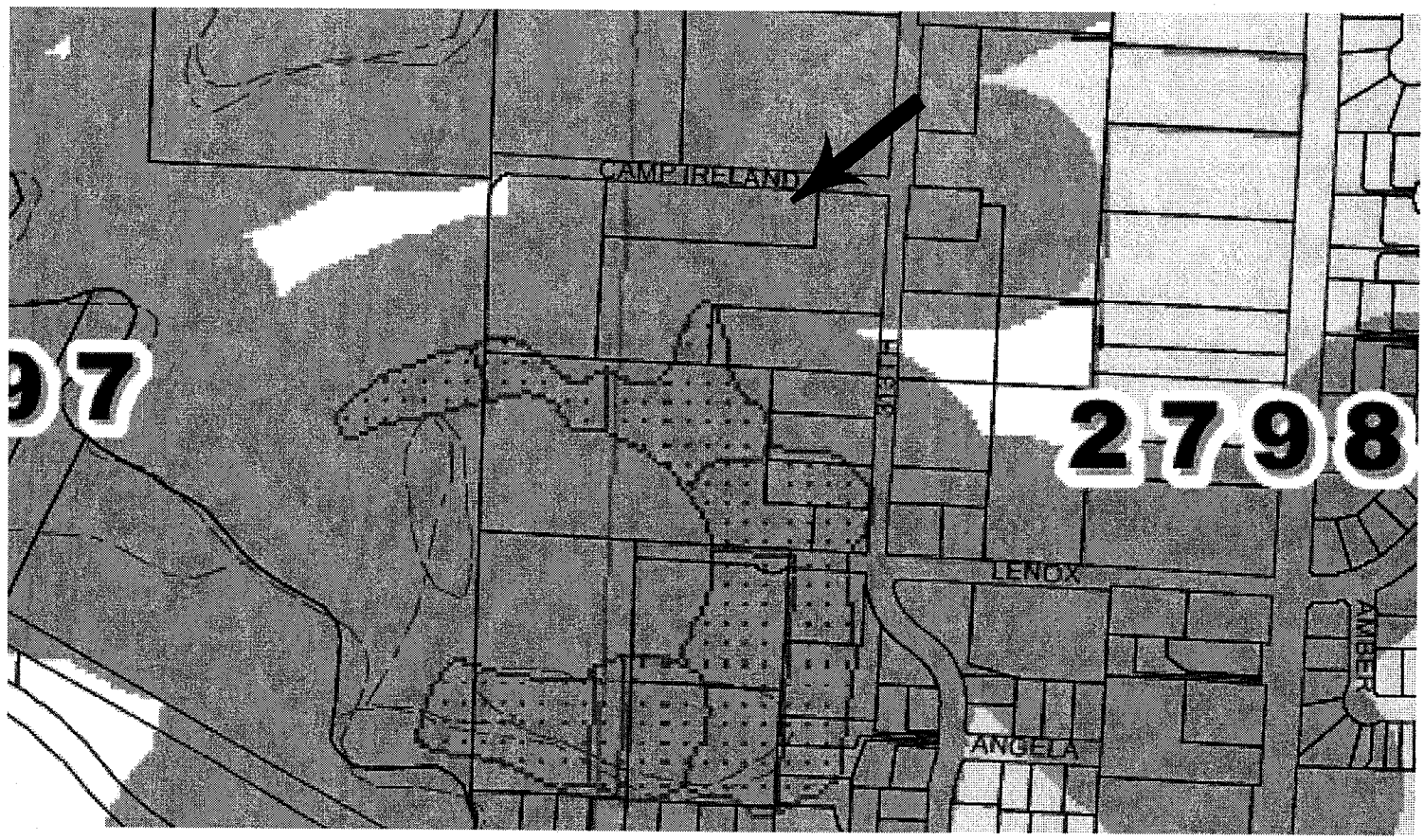
REQUEST FOR ANNEXATION OF ONE PROPERTY APPROXIMATELY 1.17 ACRES IN SIZE INTO THE CITY LIMITS AND ASSOCIATED CITY-INITIATED ZONE CHANGE FROM COUNTY R-9 (NINE UNITS PER ACRE) TO R-7 SINGLE FAMILY RESIDENTIAL.



City of Hillsboro Zoning Designations					
R-6	Single Family Residential	**R-8.5**	Single Family Residential	**A-1**	Duplex Residential
R-7	Single Family Residential	**R-10**	Single Family Residential	**A-2**	Multi-Family Residential
SCC-SC	Station Community Commercial - Station Commercial			**A-3**	Multi-Family Residential
SCC-MM	Station Community Commercial - Multi-Modal			**A-4**	Multi-Family Residential
SCC-CBD	Station Community Commercial - Central Business District			**C-1**	General Commercial
SCC-HOD	Station Community Commercial - Highway Oriented District			**C-4**	Neighborhood Commercial
SCBP	Station Community Business Park			**PUD**	Planned Unit Development
SCRP	Station Community Research Park			**M-2**	Industrial
SCI	Station Community Industrial			**M-P**	Industrial Park
SCR-HD	Station Community Residential - High Density			**SID**	Special Industrial District
SCR-MD	Station Community Residential - Medium Density			**SSID**	Shute Special Industrial District
SCR-LD	Station Community Residential - Low Density			**CO**	Unincorporated County
SCR-V	Station Community Residential - Village			**ANX**	Recent Annexation
SCFI	Station Community Fair Complex Institutional			**MU-N**	Mixed Use - Neighborhood
SCR-OTC	Station Community Residential - Orenco Townsite Conservation Overlay			**MU-C**	Mixed Use - Commercial
SCR-DNC	Station Community Residential - Downtown Neighborhood Conservation				

AN 6-07: TOMAN

Clean Water Services
Sensitive Area Pre-Screen Map

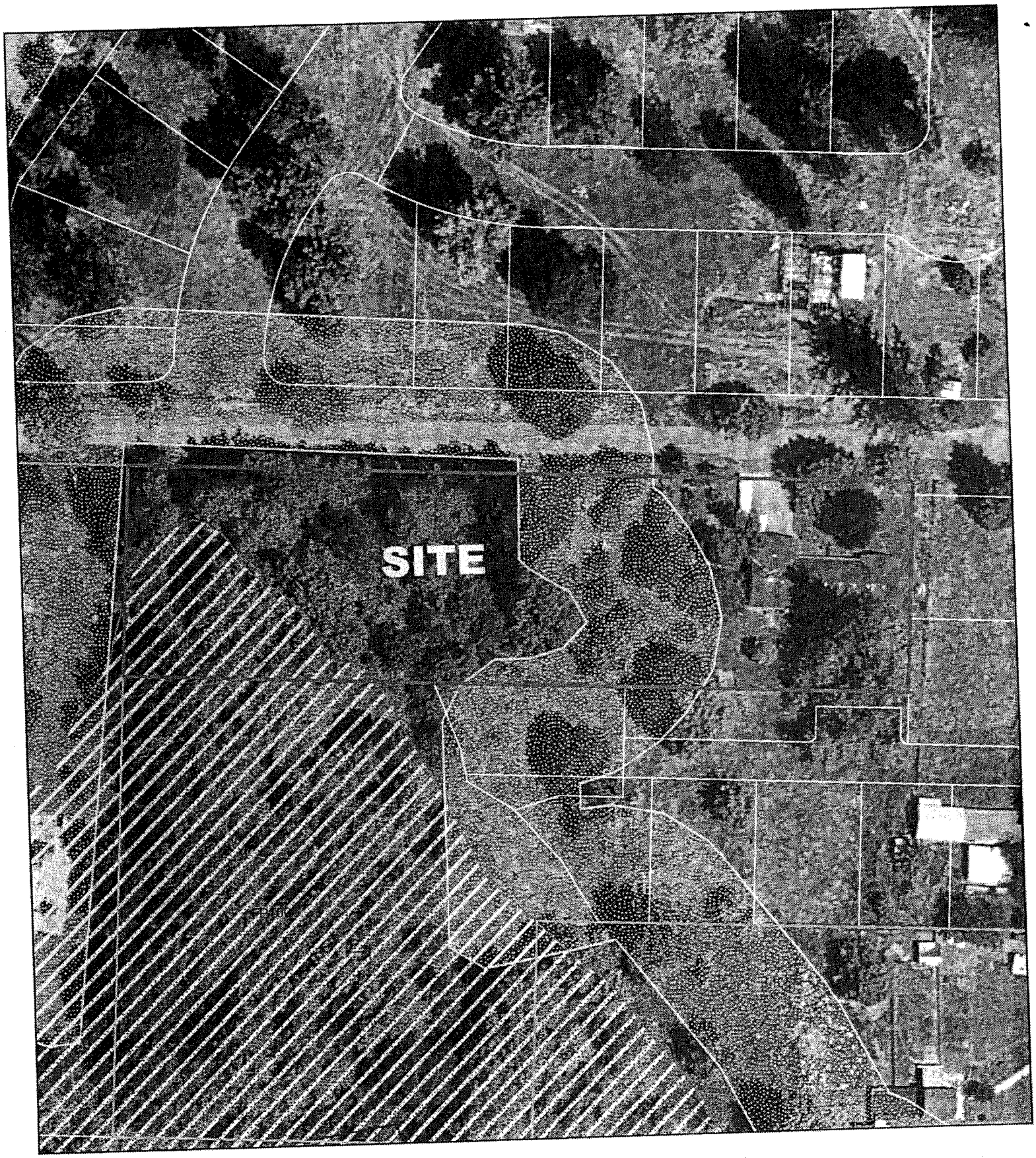


Legend

- GIS.WasCo_taxlots
- p_stm
- Streams2002
- STM_LINE
- Buffer_of_STM_LINE
- GIS.CWSB
- QTR_SEC
- Hillsboro

N
W E
S

Clean Water Services
Our commitment is clear



Aerial Photo / Significant Natural Resources / Floodplain Map

Note: Tax Lot boundaries do not line up with aerial photo.

CITY OF HILLSBORO

4C

Public Works Department, Engineering Division

August 7, 2007

To: Mayor and City Council

From: Tina Bailey, Project Manager

Re: VAC 07-05, SE 5th Avenue Spur

On July 3, 2007 a petition was presented to the City Council requesting the vacation of a right of way spur located off of SE 5th Avenue north of the Southern Pacific Railroad right of way. As a result of the petition, Council scheduled the public hearing on this matter for this date. Notice of the proposed vacation was circulated to property owners within the consent zone, utility companies, public agencies, and City of Hillsboro department managers.

The following comments have been received with regards to the proposed vacation:

Franchised Utility Review

- **MCI:**
  Has responded indicating that they have no facilities within the proposed vacation.

Public Agency Review

No public agency responses were received.

City Departmental Review

- **Public Works Department:**
  Has responded indicating public sanitary sewer facilities exist in the vacation. A public easement should be reserved for the sanitary sewer line and utilities. Public works has also questioned who will obtain ownership of the right of way and who will be responsible for maintenance.
- **Planning Department:**
  Has responded indicating the proposed vacation will land lock tax lot 1S206BD-00900 which is not permitted. This issue could be resolved either through a lot consolidate of lots 1S206BD -00800 and -00900, through a lot line adjustment of these lots such that they each have frontage onto the resultant SE 5th Avenue right of way, or through a replat of these lots for future development.
- **Administration:**
  Has responded indicating a public sewer easement should be retained for the sewer line to allow for the repair and maintenance of the line.

150 E. Main Street, Fourth Floor
Hillsboro, Oregon 97123-3999

Office: 681-6146
Fax: 681-6245

Discussion and Recommendation:

Engineering review has resulted in the following findings:

1. Based on current record, public sanitary sewer facilities exist within the proposed vacation. A public storm and utility easement should be retained over the right of way as a condition of the vacation.

2. Vacation of the right of way would land lock tax lot 1S206BD-00900. The vacation however is being pursued to allow for redevelopment. This redevelopment will either involve the consolidation of lots 1S206BC -00800 and -00900 into one lot or the replat of the two lots into a subdivision. Access issues can be resolved through either method. A condition withholding recording of the vacation until the lots have been consolidated or until it can be simultaneously recorded with a replat of the two properties should be attached to the vacation.

3. Petitioner has submitted the written consent of the owners of a majority of the real property fronting on both sides of the proposed street vacation, and on an extension thereof, one hundred feet in both directions, as required by Section 164 of the Amended Charter.

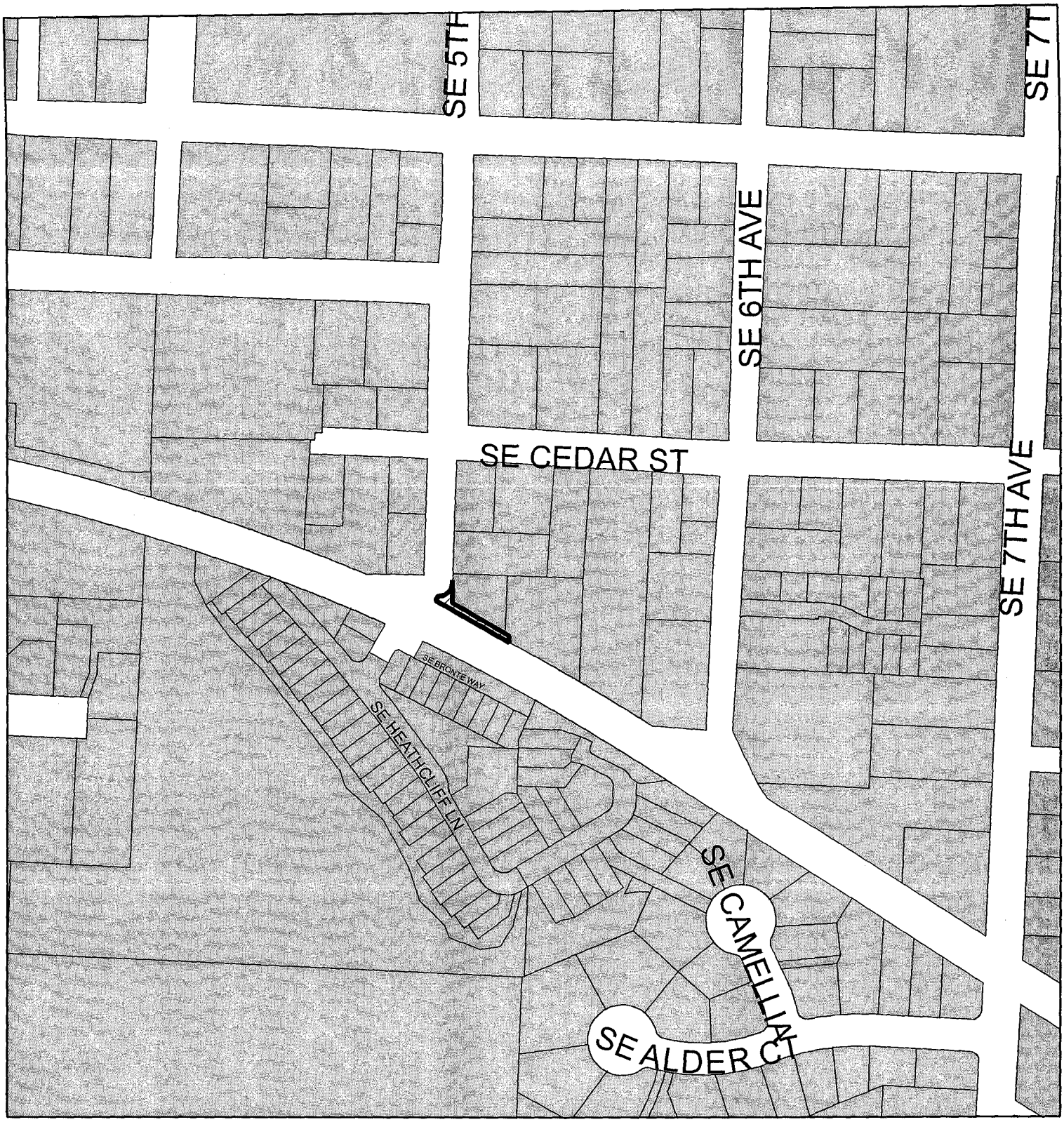
4. The interest of the public would not be prejudiced by the vacation of the street as requested by the petitioner provided that conditions listed in items 1 and 2 are attached to the vacation.

Approval of the petition is recommended with the following conditions:

1. A public sanitary sewer and utility easement is reserved over the entire vacated right of way.

2. The recording of this vacation shall be subject to the simultaneously recording of a plat on tax lots 1S206BD-00800 and -00900 in which all resultant lots have legal access or following the consolidation of tax lots 1S206BD-00800 and -00900 to one legal lot.

Attachments: Ordinance
Map



VAC 07-05: Proposed Vacation of SE 5th Avenue Spur

Legend

PROPOSED VACATION

N
W E
S

1 inch equals 200 feet

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF SE 5TH AVENUE SOUTH OF SE WALNUT STREET AND NORTH OF SE BRONTE WAY, IN THE CITY OF HILLSBORO, IN WASHINGTON COUNTY, OREGON.

WHEREAS, on the 3rd day of July 2007 there was filed with the City Council of the City of Hillsboro, Oregon a petition for the vacation of certain portions of a public roadway, and

WHEREAS, the City Council has found that the petition had the consent, pursuant to Section 165, Chapter XV of the Amended Charter of the City of Hillsboro, Oregon, of the requisite number of owners in fee simple of the real property fronting on both sides of the roadway and on a one hundred foot extension from each terminus of the portions of roadway sought to be vacated, and that all things necessary to be kept, performed and done have been so kept, performed and done, and

WHEREAS, the City Council has found, pursuant to a public hearing on August 7, 2007 that it will not be prejudicial to the public to vacate the portion of public roadway hereinafter described.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The following-described section of public roadway, located in the City of Hillsboro, Oregon, is hereby vacated. Upon the effective date of said vacation, possession of the land shall revert to the owner of record as prescribed by the Oregon Revised Statutes and the Amended Charter of the City of Hillsboro:

A tract of land situated in the northwest quarter of Section 6, Township 1 South, Range 2 West of the Willamette Meridian, in the City of Hillsboro, County of Washington and State of Oregon, being more particularly described as follows:

Commencing at the northwest corner of that tract described in Parcel 1 of that Fee No. 2003-033693 and surveyed by James Shaffer in August 1951; thence South 00°00'00" East, along the west line of said tract a distance of 27.25 feet to a non-tangent curve and the POINT OF BEGINNING; thence 44.15 feet, along the arc of a 32.77 foot radius curve to the right through a central angle of 77°12'02" (the chord bears South 44°31'46" West 40.89 feet) to a point of non-tangency; thence South 24°22"18" West, a distance of 13.74 feet to a point on a non-tangent curve on the northeasterly right of way line of the Southern Pacific Railroad; thence 158.1 feet along the arc of 3019.48 foot radius curve to the right through a central angle of 03°00'29" (the chord bears South 65°36'12" East 158.50 feet to a point of non-tangency; thence North 00°00'00" West, a distance of 17.78 feet to a point of non-tangent curve; thence along a curve to the left being 16.00 feet from and parallel to said Southern Pacific Railroad right of way line, 121.00 feet along the arc of a 3035.48 foot radius curve to the left through a central angle of 02°17'02" (the chord bears North 65°23'17" West 120.00 feet); thence North 00°00'00" West, a distance of 38.97 feet to the POINT OF BEGINNING. This tract contains 2801 square feet more or less.

Section 2. The following conditions are attached to this vacation:

1. A public sanitary sewer and utility easement is reserved over the entire vacated right of way.

2. The recording of this vacation shall be subject to the simultaneously recording of a plat on tax lots 1S206BD-00800 and -00900 in which all resultant lots have legal access or following the consolidation of tax lots 1S206BD-00800 and -00900 to one legal lot.

Section 3. The Public Works Director of the City of Hillsboro is directed to record a true copy of this ordinance in the Recorder's Office of Washington County, Oregon, and to deliver a true copy of this ordinance to the petitioner in this matter.

Passed by the City Council this 7th day of August 2007.

Approved by the Mayor this 7th day of August 2007.

_____
Mayor

ATTEST: _____
City Recorder

CITY OF HILLSBORO

COA

July 31, 2007

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Approval of a Zone Change – ZC 7-07: Weber-Wetter II

REQUEST

Attached are materials relating to an owner-initiated zone change from R-10 Single Family Residential to R-8.5 Single Family Residential on one property approximately 5.86 acres in size. The purpose of the zone change request is to change the zoning for the subject property to the higher density R-8.5 zone for future redevelopment of the site with detached single family residences. The site proposed for the zone change is generally is located south of NE Rogahn Street, west of NE Charlois Drive, north of NE Eaglenest Court, and east of NE Jackson School Road. The site can be specifically identified as Tax Lot 1000 on Washington County Tax Assessor's Map 1N2-30AC and the recently vacated portion of NE 9th Avenue. The site is currently occupied by Sonrise Baptist Church (addressed at 770 NE Rogahn Street). Church facilities include two larger buildings, one smaller accessory building, and associated parking.

A staff report is attached for your review. The Planning and Zoning Hearings Board has recommended approval of the proposed zone change with three conditions. Hearings Board Opinion No. 1652, dated July 6, 2007, regarding this matter is attached.

A proposed ordinance has also been attached for your consideration.

Please retain these materials until a final action has been taken on this matter. If you have any questions, please contact the Planning Department at (503) 681-6153.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

R. Brett Estes, AICP
Planning Supervisor

Attachments: Draft Ordinance
Hearings Board Opinion No. 1652
Written testimony received at June 6, 2007 PZHB Hearing
Staff report and maps

ORDINANCE NO. _____

ZC 7-07: WEBER-WETTER II

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 R-10: SINGLE FAMILY RESIDENTIAL TO R-8.5: SINGLE FAMILY RESIDENTIAL.

WHEREAS, the City of Hillsboro Planning and Zoning Hearings Board held a public hearing on the proposed zone change on June 6, 2007, and voted to recommend to the City Council that the subject zone change be granted, based on the findings adopted by the Board as Opinion No. 1652, dated July 6, 2007, and

WHEREAS, the City Council hereby adopts the findings of the Planning and Zoning Hearings Board as its own in regard to this matter, and

WHEREAS, based on those findings, the City Council hereby determines that the zone change conforms with the Hillsboro Comprehensive Plan and Zoning Ordinance, and the particular zone recommended is the best suited for the subject site.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The following described tract of land is hereby rezoned from R-10: Single Family Residential to R-8.5: Single Family Residential.

Tax Lot 1000 on Washington County Tax Map 1N2-30AC, Section 30, Township 1 North, Range 2 West, Willamette Meridian, on record as of July 16, 2007, a copy of which is attached hereto and thereby made a part of this Ordinance.

Section 2. Approval of this zone change is subject to the following conditions:

1. Approval of any future land use actions, as defined in Implementation Measure (B) of the Transportation Plan, shall be conditioned to require additional street right-of-way dedications along the site's frontage along NE Rogahn Street as necessary to meet the standards of the Transportation Plan.

2. Approval of a future land use actions, as defined in Implementation Measure (B) of the Transportation Plan, shall be conditioned to require reconstruction of the sidewalk adjacent to the site and to install a planter strip in compliance with Transportation Plan requirements, as approved by the City Engineer.

3. A Clean Water Services service provider letter shall be required prior to issuance of permits for any new development on the site, and any new development shall comply with any conditions required by that letter.

Section 3. The City Planning Director is hereby instructed to cause the official zoning map, a part of Ordinance No. 1945, to be amended to include the zone change set forth in Section 1 hereof.

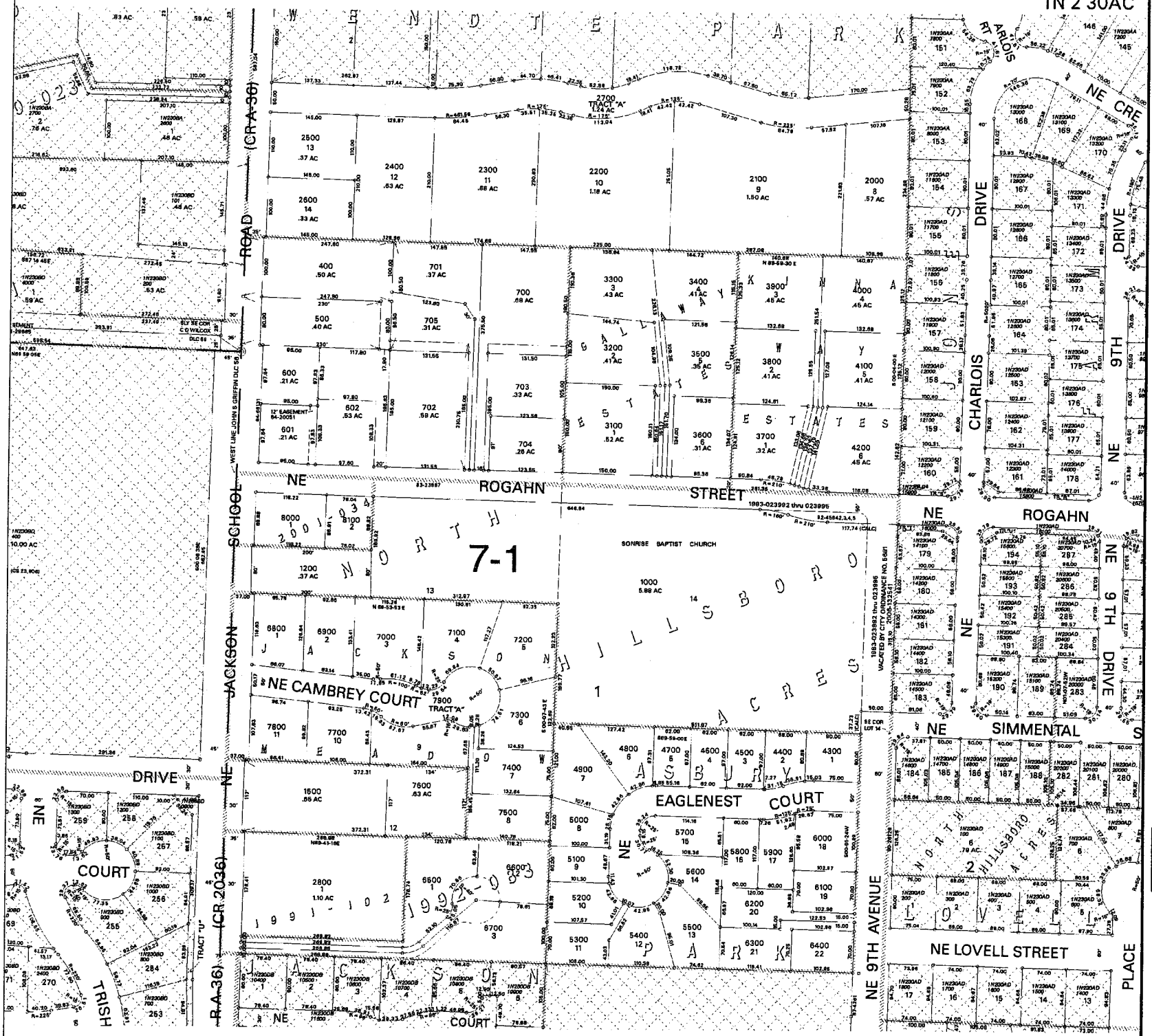
Section 4. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

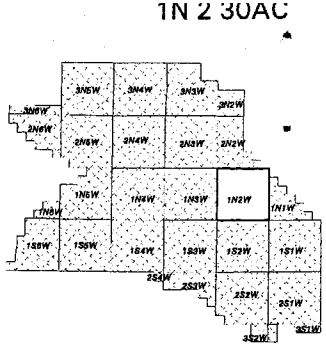
Passed by the Council this 7th day of August, 2007

Approved by the Mayor this 7th day of August, 2007

_____
Mayor

ATTEST: _____
City Recorder





WASHINGTON COUNTY OREGON
SW1/4 NE1/4 SECTION 30 T1N R2W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

SECTION 30

Cancelled Taxlots For: 1N230AC

100, 200, 201, 300, 1701, 1800, 1900, 1600, 800, 900, 2900, 3000, 1300, 1400, 1100,

Assessment
CARTOGRAPHY
Taxation

PLOT DATE: July 16, 2007
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

HILLSBORO
1N 2 30AC

dlg1n2w30

BEFORE THE PLANNING AND ZONING HEARINGS BOARD FOR THE CITY OF HILLSBORO, OREGON

In the matter of an application for a zone change from City R-10 Single-Family Residential zoning to City R-8.5 Single-Family Residential zoning for 5.86 acres in the City of Hillsboro, Oregon.	City File No. ZC 7-07 (Weber/Wetter) Opinion No. 1652

I. Summary:

This Opinion is the decision of the Planning and Zoning Hearings Board approving with conditions this application for a zone change from R-10 Single-Family Residential zoning to R-8.5 Single-Family Residential zoning for a 5.86-acre parcel. This decision is based on the May 31, 2007 Staff Report as supplemented by the Findings of Fact and Conclusions of Law and conditions of approval set forth in this Opinion.

II. Subject Property, the Applicant and Proposal:

The subject property consists of a single tax lot (which includes the recently relocated 9th Avenue right-of-way along the eastern side of the site) generally located south of NE Rogahn Street, west of NE Charlois Drive, north of NE Eaglenest Court and east of NE Jackson School Road (TL 1000 on Map 1N2-30AC), with a street address of 770 NE Rogahn Street. The property is currently developed with, and used as, the Sonrise Baptist Church, which includes two larger buildings, one smaller accessory building and associated parking lots. The Church has sold the property and moved its operations to a larger site. The current owner is Inland Pacific Oregon, LLC. The Applicant is Weber/Wetter (contact: Tom Weber), and the applicant's representative is SR Design LLC.

The proposal is to rezone the property from the current R-10 to a higher density residential designation (R-8.5) and then subdivide the property for residential development. The applicant had previously (in 2006) applied to rezone the property from R-10 to R-7 Single-Family Residential (City File No. ZC 26-06); however, the Planning and Zoning Hearings Board denied that request in a March 7, 2007 opinion (Opinion No. 1631) because the proposed zone was perceived to be too dense and would not maximize the preservation of mature trees on the property. The current proposal represents a revision of the overall development plan in light of the opposition generated during the prior Board proceeding.

The property's Comprehensive Plan designation is RL (Low Density Residential), and four zones implement this zone: R-6, R-7, R-8.5 and R-10. For locational reasons, the R-6 zone is not allowed in this situation, leaving R-7, R-8.5 and R-10 as the only lawful options for this property. The City's Goal 5 Significant Natural Resource Inventory identifies no Significant Natural Resources or associated Impact Areas on this property, and the Clean Water Services Sensitive Areas Pre-Screen Map shows the majority of the property as outside the area of potential impact. Only a small part of the western portion of the site is indicated as being within the area of potential impact. Consequently, the site is developable. The only constraint appears to be a significant number of mature trees on the site. However, those trees have no special protection under the City's land use regulations. According to the applicant, the proposed R-8.5 zoning would be compatible and consistent with zoning and development on the

surrounding properties. Although, that was also its position in the earlier proposal for R-7 zoning.

III. Local Procedure and Applicable Law:

The City duly noticed and held a public hearing on this application on June 6, 2007 before the Planning and Zoning Hearings Board (the Board), consisting of Chairman Daniel Kearns and members George Fetzer and Walter Hellman. At the commencement of the hearing, the Chairman made the procedural statements required by ORS 197.763 (5) and (6) and 197.796. No member of the Board had any ex parte contacts, conflicts of interest or biases to report. There were no procedural objections or objections to the participation of any member of the Board in this matter, and no person requested a continuance or that the record be kept open. The Staff Report listed the approval criteria, which were recited by City Planner Jennifer Wells during the hearing, and recommended 3 conditions of approval. The applicable approval criteria are set forth in Section 114(2) of Zoning Ordinance No. 1945 which requires that both of the following be met:

1. *The request must conform with the Hillsboro Comprehensive Plan and the Zoning Ordinance;*

2. *That, where more than one designation is available to implement the Comprehensive Plan designation (e.g. R-7 vs. R-10), the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.*

In addition, the following Comprehensive Plan Policies are applicable as approval criteria in this matter: Urbanization Implementation Measures IV(A), IV(I) and J, Housing Policies B, D, L, M and Y, Transportation Implementation Measures (B) and VII(O)(4).

IV. Summary of the Proceeding and Record:

The subject site, surrounding area and availability of transportation and public utilities are described in the staff report, and these sections are adopted and incorporated herein by the Board. The applicant, Tom Weber, his attorney, John Junkin, and planning consultant, Jeff Caines of SR Design, testified about the application, generally answered questions about the proposal and responded to opponent testimony. The applicant expressed his acceptance of staff's recommended conditions. Testifying in opposition to this zone change request were Dan Vandehey, Dawn Vandehey, Jens Housley, Holly Frohlick, Mike McCall and Harold Britton. At and prior to the hearing, several letters and a petition with 75 signatures were submitted into the record. The issues and objections raised by these people and the opposition letters are discussed in the next section. No one else testified, and no one requested a continuance or that the record be kept open. Accordingly, the record closed at the conclusion of the June 6, 2007 hearing and contains the application materials, two opposition letters (dated May 28 and June 6) one petition in opposition with 75 signatures, a copy of the prior PZHB decision (dated March 7, 2007), the May 31, 2007 staff report, and an audio recording of the June 6th hearing.

V. Discussion:

Collectively, the opponents to this proposal assert that R-8.5 is not consistent with the surrounding neighborhoods and is too dense a designation. They argue that R-8.5 would produce too many houses, too many impacts, too much traffic, and would result in the loss of

too many of the site's mature trees. Generally speaking, these were also the reasons for the Board's denial of the proposal to rezone this site from R-10 to R-7.

As a starting point, the Board notes that, without exception, the applicable Comprehensive Plan policies and implementation measures are expressed in discretionary and aspirational terms, such as to "encourage" a particular attribute, rather than clear, objective or mandatory terms. The Board can understand the decision of the prior Board with regard to the proposal for R-7 zoning, but finds that the same concerns are not relevant for this less dense R-8.5 proposal.

The Board finds that the preservation of mature trees presents the potential of several conflicting results. First, nothing in the City's land use regulations requires the preservation of these trees; they have no special protected designation and the City does not have a tree cutting permit program. Consequently, the current property owner can cut and remove these trees at any time without the City's review or consent. Second, mature Douglas Fir trees frequently are infirm and subject to wind-throw and other weather related calamity. This frequently results, at best, in the trees being removed by subsequent property owners for safety reasons and, at worst, property damage and personal injury when trees that were saved fall and drop limbs. Finally, it is not clear to the Board that there will be an appreciable difference in the number of trees saved in an R-10 subdivision, as compared to an R-8.5 or R-7 zoned subdivision. The Board finds that the aspirational language in Housing Policy M[1] urging the preservation of trees does not dictate one zone over the other in this case. Consequently, we find that the current proposal for R-8.5 zoning is consistent with this policy, to the extent it is applicable at all, because it requires the encouragement of tree preservation through the development process, and does not compel denial of R-8.5 zoning simply because there is a possibility (and likelihood) that some trees would have to be removed in the development of this lot.

The Board received testimony from both sides as to the zoning and character of development in the surrounding area. Rather than rely on the characterizations of others, the Board draws its own conclusions from the City's adopted zoning maps, tax lot maps and the factual information in the record as opposed to opinions expressed at the hearing. From this, the Board notes that the site is surrounded on two sides (east and south) by residential densities greater (more dense) than what is proposed here in the form of R-7 zoned subdivisions. The subdivision east of the site, in particular, appears to have smaller than standard lot sizes for an R-7 zone through use of a planned unit development (PUD). North of the site are subdivisions zoned R-10 with lots that are over-sized, even by R-10 standards and appear to be nonconforming with regard to the city's minimum density requirements. Further south of the site, beyond the expanse of R-7 zoned subdivisions, is an area of R-10 zoning, again with relatively large lots. Near the northern boundary of this R-10 zoned area appear to be lots zoned R-8.5. Scattered throughout this area, especially to the east are developed parcels zoned A-1 and A-2.

What emerges is a pattern of single-family residential development at varying densities, but mostly zoned R-7, i.e., mostly smaller lot sizes and greater density that what is proposed

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[1] Housing Policy M appears to apply to development proposals, as opposed to zone change requests, and provides that "The development of housing shall allow for the retention of lands for open space and recreation within the planning area, encourage the preservation of trees within developments where possible, and be consistent with the goals and policies of this Plan."

here (R-8.5). Consistent with this pattern is the petition submitted by the opponents to this development, a majority of whom reside on R-7 zoned land. The opponents to this proposal asserted that the area is characterized by large lots and R-10 zoning and that this density should be preserved and extended by R-10 zoning for this site. The Board disagrees. There is a wide diversity of zones, densities and lotting patterns surrounding this site, ranging from a significant number of over-sized R-10 zoned lots, conforming R-10 lots, conforming R-7 subdivisions, smaller than standard R-7 lots, a smattering of R-8.5 lots and even a few pockets of multi-family zoning (A-1 and A-2). From this wide degree of variation, the Board concludes that any of the available RL zones is appropriate for this site and would be consistent and compatible with the existing zoning and development patterns in the area, *i.e.,* R-10, R-8.5 and R-7.

In this context we interpret Urbanization Implementation Measure IV(I),[2] which is clearly applicable to zone changes, to encourage the selection of an applicable zone that maximizes density. The proposed zone (R-8.5) accomplishes this objective; whereas, R-10 does not. We specifically reject the suggestion that the City should zone land so as to be compatible with the near-by over-sized and apparently nonconforming R-10 zoned residential lots. Nonconforming situations are supposed be exceptions to comprehensive land use planning that, over time, will eventually be brought into conformance with applicable zoning. While the near-by over-sized residential lots may never be redeveloped consistently with current zoning, at a minimum, their existence cannot be used to justify down-zoning infill parcels such as this one.

Similarly, Urbanization Implementation Measure J compels us to select the zone that "represents the highest use allowed by the Comprehensive Plan Land Use Map... ." While not explicitly stated, we interpret this policy as calling for higher density in infill development situations, such as this one, so long as the requested zone and density are consistent with the range allowed by the applicable Comprehensive Plan designation.

The opposition petition submitted into the record asserts that rezoning this parcel to R-8.5 would create a pocket of R-8.5 zoning that is inconsistent with the surrounding R-10 zoned property. We disagree. First, the surrounding property is mostly R-7, not R-10. Second, there is no evidence in this record that shows, or convinces us, that R-8.5 zoning is inconsistent with R-10 zoned and developed land. In fact, we find the opposite to be true, *i.e.,* all three RL zoning districts appear to be quite consistent and compatible with one another. Finally, Housing Policy B calls for zoning that encourages a variety of housing types that are consistent with the applicable Comprehensive Plan designation. We interpret this to militate against the same zoning and in favor of a variety of zoning. To accept the opponents' argument on this point would be to compel the same zoning designation throughout this area, which would remove the Board's discretion to evaluate the discretionary plan policies that apply to this application. To accept the opponents' argument would require either R-10 or R-7 zoning for this property, again an interpretation that eliminates the discretion that the Board clearly has in this matter.

On balance, we find that the proposed R-8.5 zoning is consistent with and represents the highest use allowed by the RL Comprehensive Plan designation. This proposal for R-8.5 zoning complies with all of the Comprehensive Plan provisions cited in the staff report for the reasons stated above and in the applicant's narrative.

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[2] Urbanization Implementation Measure IV (I) provides that "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."

VI. Conclusion and Decision:

The Board adopts staff's summary and analysis of the approval criteria set forth in the Discussion section of the Staff Report and the applicant's narrative and justification for the proposal under the applicable zone change criteria and Comprehensive Plan provisions, all of which is incorporated herein by the Board. On this basis, the Board concludes that the application meets all of the applicable approval criteria, and the application is hereby approved subject to the following conditions:

1. Approval of any future land use actions, as defined in Implementation Measure (B) of the Transportation Plan, shall be conditioned to require additional street right-of-way dedications along the site's frontage along NE Rogahn Street as necessary to meet the standards of the Transportation Plan.

2. Approval of any future land use actions, as defined in Implementation Measure (B) of the Transportation Plan, shall be conditioned to require reconstruction of the sidewalk adjacent to the site and to install a planter strip in compliance with Transportation Plan requirements, as approved by the City Engineer.

3. A Clean Water Services service provider letter shall be required prior to issuance of permits for any new development on the site, and the new development shall comply with any conditions required by that letter.

Date of Decision: July 6, 2007.

PLANNING AND ZONING HEARINGS BOARD

By: _____
Daniel Kearns, Chairman

Board Member Action:	Agree/Object	Date:
George Fetzer	Agree	7/6/07
Walter Hellman	Agree	7/3/07

WRITTEN TESTIMONY RECEIVED AT JUNE 6, 2007 PZHB HEARING

- May 28, 2007 letter from Dawn Vandehey including signature sheets and a map showing the location of the signatories
- June 6, 2007 letter from Karen Hershey with attachments
- June 6, 2007 copies of portions of the Hillsboro Zoning Map from Jeff Caines, SR Design
- June 6, 2007 letter with attached photos and copies of portions of the Hillsboro Zoning Map from Dawn Vandehey

CITY OF HILLSBORO
PLANNING DEPARTMENT

JUN 05 2007

RECEIVED BY

May 28, 2007

City of Hillsboro
Planning Director
150 East Main Street
Hillsboro Oregon 97123

Re: Zone Change request ZC 7 – 07, Webber Wetter II

The intent of this letter is to respectfully notify the members of the Planning and Zoning Hearings Board that the undersigned persons object the aforementioned property zone being changed from its current zone of R10 to the requested zone of R8.5.

The property in question, tax lot 1000 on Washington County Tax Assessor's Map 1N2-30AC, is currently zoned R10, which is consistent with the majority of surrounding properties. The properties North, Northwest and Southwest of tax lot 1000 are zoned R10. The properties to the South are zoned R7 but average 8000 square feet or larger. There are five homes that border tax lot 1000 to the East that have lots that are consistent with true R7 zoning in lot size. However, those five homes are on the Western edge of a newer subdivision that lies to the East.

There are several valid reasons for objecting to the current zone change request from R10 to R8.5. First, changing to R8.5 will create a pocket of R8.5 zoning that is inconsistent with the surrounding neighborhood. There is no other R8.5 in the vicinity of the property in question. Because of the lack of consistency that R8.5 zoning would cause, it is not the best suited zone for the property in question.

Tax lot 1000 is currently zoned R10, which has a maximum density of 3.75 homes per acre allowing for roughly 20 homes to be built on the property. There is a stand of old-growth oak trees on the Southeast corner, numerous long-standing fir trees and other varieties of older, well-developed trees scattered all across the property. Maintaining the current R10 zone will allow for more of those trees to be saved and left standing if the potential builder has more room to place the footprint of a home being built on a specific lot. This will allow for more feasible options to save the existing trees. Leaving as many of the currently standing trees as possible will help maintain the current look and consistency of the neighborhood. The properties on the North, West and South of tax lot 1000 have all maintained many of the older, existing trees when the lots were developed. This argument is supported by Hillsboro Comprehensive Plan Section 3 Housing, Policy M, which encourages the preservation of open space and trees within the development.

Also for consideration is the need for larger size lots and larger homes in Hillsboro. The Hillsboro Comprehensive Plan supports this argument under Section 3, Policy B, which encourages a variety of housing units available at various prices in order to maximize housing choices for the public. There are numerous smaller lots and home sizes already

offered within the city. There are very few properties offered like the ones in our neighborhood, which offer large lots with larger homes and a park-like setting.

Since the property is already zoned R10 it is reasonable to infer that the existing R10 zone is still consistent with, and represents the highest use allowed by, the Comprehensive Plan Land Use Map as when the R10 zone was originally placed on the property. In determining what is best suited for the property in question, one needs to consider the character of the surrounding neighborhood. Our neighborhood is made up of large lots, large trees, well established landscaping and open spaces. Our neighborhood offers a living space that is rarely found anywhere but should be offered in Hillsboro if we are to follow the Hillsboro Comprehensive plan.

Mr. Webber and Mr. Wetter would have us all believe that changing the zone on tax lot 1000 is what is best suited for the property and best suited for our neighborhood. The truth is that the only people that the zone change is best suited for are Mr. Webber and Mr. Wetter. Mr. Webber has stated that he does not wish to develop the property at the current zone of R10 because it will not be profitable enough for him. Our contention is that this should not be about Mr. Webber's profit margin, but instead about what is truly best suited for the neighborhood that we live in. And secondly, what is best suited for the City of Hillsboro based on the Hillsboro Comprehensive Plan.

Thank you for your time and attention to this matter.

Sincerely,

The undersigned neighbors of tax lot 1000.

Attachment: signature sheet(s)
map + key

Lot 1000 Signature Sheet

	Name (Print)	Address	Phone Number	Signature
1	Ronda L Evans	891 NE Eaglenest	503-648-5534	Ronda L Evans
2	CHARLES D. ANDREWS	~~883~~ NE EAGLENEST	503-681-2355	
3	Karen Hershey	867 NE Eaglenest Ct	503-693-6855	
4	Richard Coon	855 NE Eaglenest ct	503-693-8599	
5	Kanena Coon	859 NE Eaglenest ct	503-693-8599	
6	Steven Viner	845 NE EAGLENEST CT	503-640-3348	
7	Shelley Viner	845 NE Eaglenest Ct	503 640-3348	Shelley Viner
8	Melanie Swinson	821 NE Eaglenest Ct.	503-706-6130	
9	Carol Mosheal	805 NE Eaglenest ct	503 648 9124	
10	Kami Kellow	818 NE Eaglenest Ct.	503-640-6214	Kami Kellow
11	CHRIS COLE	826 NE EAGLENEST CT	503-547-0875	
12	Matthew Merten	898 NE Eaglenest Ct.	503-846-0885	
13	Dawn Vandehey	897 NE Eaglenest Ct	503-640-9180	Dawn N. Vandehey
14	Karen Mourich	886 NE Eaglenest Ct.	503-640-3162	Karen D. Mourich
15	Jeff Mourich	886 NE Eaglenest Ct	503-640-3162	
16	JOHN STEWART	26663 NE CHARLOIS DR	503-640-2376	
17	Brenda Stewart	2663 NE Charlois Dr	503-640-2376	Brenda L Stewart
18	Hubert Kuchinsky	855 NE ROGAHN ST	503 648-3531	
19	Sandy LaRon Rhodes	851 NE Rogahn St	503 640 9234	Sandy LaRon Rhodes
20	Cindy Phillips	843 NE Rogahn St.	503-640-2481	
21	MICHAEL PHILLIPS	843 NE ROGAHN ST	503-640-2481	
22	Teresa Bump Brungard	847 NE Rogahn St.	503-640-2761	Teresa Bump Brungard
23	MICHAEL McCALL	791 NE ROGAHN ST.	503-693-6007	
24	CAROLYN McCALL	791 NE ROGAHN ST	503-693-6007	
25	Barbara Gearin	779 NE Rogahn St	503-648-8239	Barbara Gearin

Lot 1000 Signature Sheet

	Name (Print)	Address	Phone Number	Signature
26	Paul Galloway	775 NE Rogahn	503-648-1222	Paul Galloway
27	Emily Galloway	775 NE Rogahn	503-648-1222	Emily Galloway
28	Jan Byerley	765 NE Rogahn	503-648-6097	Jan Byerley
29	JIM HUNTER	757 NE Rogahn	503 640 8000	
30	John HARTNER	753 NE ROGAHN	503 681 9105	
31	Billie Crandall	747 N.E. Rogahn	503-648-3868	Billie Crandall
32	Rod Eggiman	735 NE Rogahn	503 640 0353	Kodak EasyShare
33	Mike Foster	725 NE Rogahn	503-640-2125	
34	Tiffany Barrett	729 NE ROGAHN ST	503-803-3320	
35	Kathy Stevens	3320 NE Jackson School Rd	503-844-6139	
36	Pearl Pfaff	740 NE Rogahn	503-640-3653	
37	Patrick Doyle	767 NE Rogahn	503-640-8870	Patrick Doyle
38	Colleen Dempsey	767 NE Rogahn St.	503-640-8870	
39	THOMAS C. MASTEN	795 NE. ROGAHN Cr.	503-648-7170	
40	Diana Stultz	783 NE Rogahn St	503-640-3145	
41	Matt Noll	787 NE Rogahn ST		
42	Kathleen Noll	787 N.E Rogahn	248 363 5439	
43	Stephanie McVean	738 N.C. Cambrey Ct	503-681-8740	
44	Bruce McVean	738 NE Cambrey Ct.	503-681-8740	
45	Jerry Lang	756 NE Cambrey CT	503-693-1585	
46	Jindie Lang	756 NE Cambrey CT	503-693-1585	
47	HAROLD BRITTON	768 NE Cambrey CT	503 648-0512	
48	JENS HOUSLEY	769 NE CAMBREY CT	503-913-6107	
49	Tracy Miller	757 NE Cambrey Ct.	503-640-5430	
50	Skyler A Miller	757 NE Cambrey Ct	503-640-5430	

Lot 1000 Signature Sheet

	Name (Print)	Address	Phone Number	Signature
51	Dean G Hess	745 NE Cambridge Ct	503-640-4161	
52	George Vacek	2525 N.E. Charlois	503 747 2752	
53	Eric Frohlick	2685 NE Charlois	503-615-8896	
54	Tara Nagase	2676 NE Charlois	503 352-9567	
55	Holly Frohlick	2685 NE Charlois Dr	(503) 615-8896	
56	PETER COYNE	2630 NE CHARLOIS DR	(503) 720-6099	
57	DAN KELSEY	2688 N.E. CHARLOIS DR	(503) 648-8108	
58	Mary Hunt	839 NE Roraback St	503 693 1484	
59	Jack Nelson	835 NE Roraback St	503 640 0135	
60	Marsha Lordon	751 NE Roraback St.	503-846-1155	
61	Robert M May	3290 NE Jackson Sch Rd	503-201-4686	
62	SHARON WALKER	731 N.E. Cambridge Ct	503-846-1486	
63	Dave Rogers	880 NE Eaglenest Ct	5036987144	
64	Cindy Powell	2490 NE 9th Ave	503-352-4940	
65	Robin Brown	2245 NE 9th Ave	503-810-2664	
66	Jessica Creveshaw	928 NE Simmental St	503-336-0751	
67	Shawn Wilhelmi	970 NE Simmental	503.544.7978	
68	[illegible]	970 NE Simmental St	503 844 7978	
69	Mike Murdock	962 NE Simmental ST	503 640 6641	
70	Jennifer Yonker	956 NE Simmental St	503 640 9737	
71	Rob Yonker	956 NE Simmental St	503-640-9737	
72	Tammi Wheeler	2614 NE Charlois Dr	503-640-3047	
73	~~Barry Wheeler~~	2619 NE Charlois Dr	(503) 640-3047	
74	Gretchen Roca	2524 NE 9th Drive	503-693-2511	
75	Thomas Roca	2524 NE 9th Drive	503-693-2511	

MAP KEY

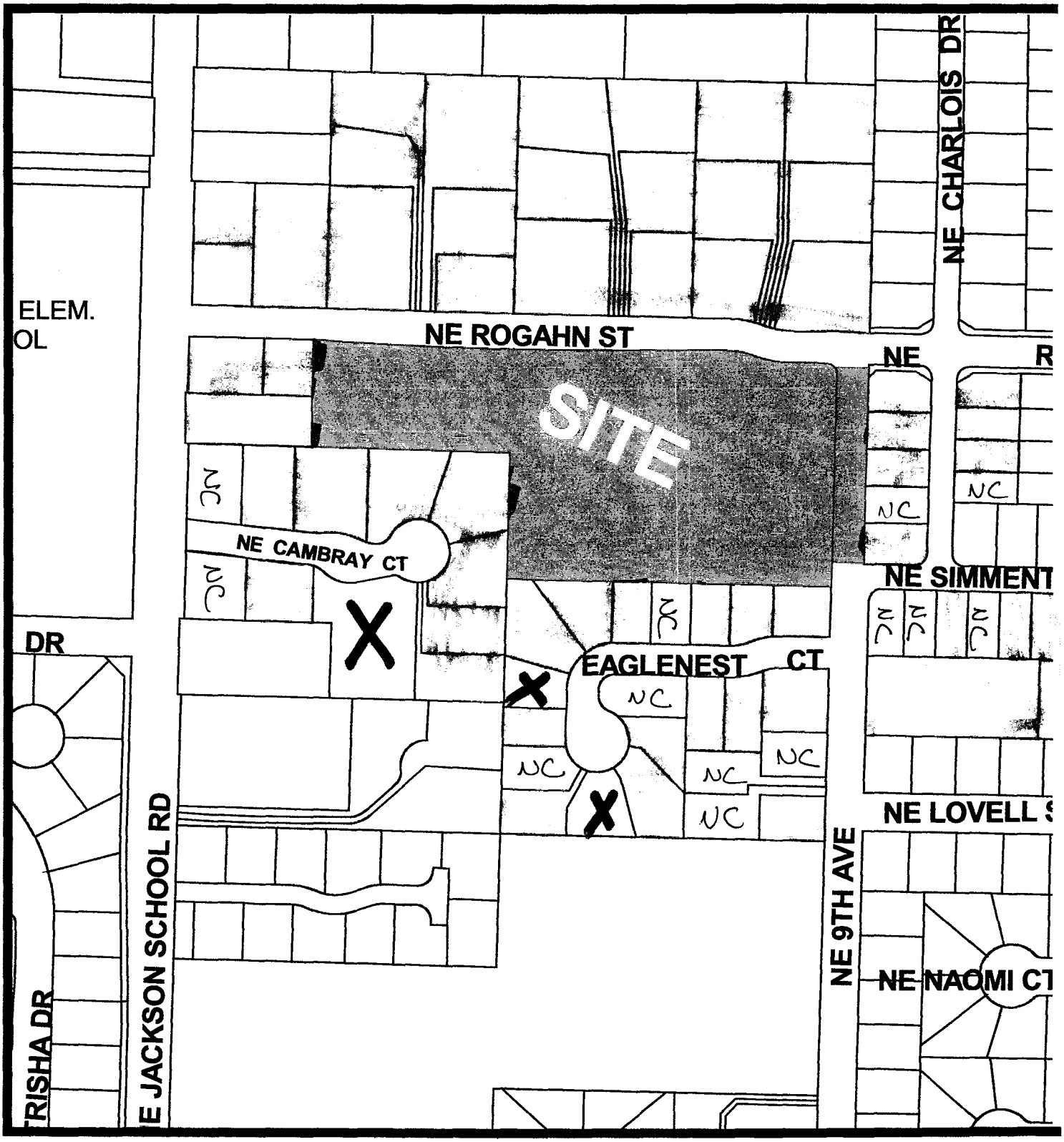
Yellow Highlight – Homeowner(s) contacted and at least one person signed letter in opposition to tax lot 1000 being re-zoned.

NC – Unable to make contact with homeowner/resident.

BLACK X – The three black X's, two on NE Eaglenest Ct. and one on Cambry Ct., indicate homeowners who were unwilling to sign the letter of opposition. The resident on Cambry Ct. did not want to get involved. One of the residents on Eaglenest Ct. was undecided about signing the letter. The other homeowner explained that they object to the property being re-zoned but felt compelled not to sign because they are friendly with Doug Wetter's children.

ZC 7-07: WEBER-WETTER II

REQUEST FOR ZONE CHANGE FROM R-10 SINGLE FAMILY RESIDENTIAL TO R-8.5 SINGLE FAMILY RESIDENTIAL ON ONE PROPERTY APPROXIMATELY 5.86 ACRES IN SIZE.



CITY OF HILLSBORO
PLANNING DEPARTMENT

JUN 06 2007

RECEIVED BY

June 6, 2007

To: Planning & Zoning Hearings Board
Re: Weber/Wetter application for zone change of Sonrise Church Property on NE Roghann St.

Dear Commissioners,

I am writing to oppose the Weber/Wetter application for a zone change of the above property from R-10 to R- 8.5. I wish I could be there in person to testify, but I am proud to say that my son is graduating from high school this weekend, and tonight June 6 at 7 pm, I will be attending his honors assembly at Glencoe High School.

I own my own business in Hillsboro (a private practice as a clinical psychologist) and I live in the area being discussed in the Weber/Wetter application. My property on NE Eaglenest Ct., which I have owned since 1994, is directly south of the property of the proposed zoning change (my backyard property line runs along their border). Although my home itself is technically in a zone R-7, the lots on the NE Eaglenest culdesac are larger than the minimum, with the average being 8000 sq. ft. and some approaching 10,000 sq. ft. (according to the report from the last Hearings Board on the previous application by Weber/Wetter). To the north and west of the parcel of Sonrise property are lots zoned R- 10, but many of these are even larger than 10,000 sq ft, some as large as 18,000 sq. ft.. When I bought my home in Hillsboro over a decade ago, I looked at many neighborhoods and specifically chose this particular neighborhood because of the character of the neighborhood created by the larger lots allowing for more open space and mature landscaping that preserved large trees. I've honestly considered moving elsewhere within Hillsboro, or nearby environs, depending on what happens quite literally in my "backyard."

In Weber/Wetter's re-application for a zoning change from R-10 to R- 8.5, they compare the R-10 area surrounding the former Sonrise Church property with another location half-mile south where R-10 is surrounded by R- 8.5 parcels (south of Sunrise Lane and NE 10th Avenue). Anyone who drives through these two areas can see at a glance that regardless of apparent similarities in zoning, these neighborhoods are otherwise not comparable. The average lot sizes in the R-10 Roghann area are much larger and the houses are more "upscale." As evidence, I've included a couple of current real estate flyers from each neighborhood to illustrate home value and neighborhood difference. For example, a lot for sale that is .23 acres on Sunrise Lane (in the area referred to in the Weber/Wetter application) advertises "manufactured home okay" to put on the property (see attached flyer), which is a VERY different character of neighborhood than the Roghann St area. Another home currently for sale in the Sunrise Lane area that Weber/Wetter compare with the Roghann site is advertised for $289,900 (see attached flyer). Contrast these with the two flyers I've attached showing homes presently for sale in the Roghann area directly across from the Sonrise Church site -- these are both for sale for well over $500,000. My point is that despite there being a mix of R-10 and R-7 on paper, these two neighborhoods are otherwise very different in character, and just because the Sunrise Lane/10th Ave area includes R-8.5 as a "transition" does NOT mean that this should logically apply to the Roghann/Sonrise Church property.

Similarly, another "mixed" area referred to in the Weber/Wetter application, south of Evergreen, was formerly pasture land and does not at all have the significant stands of huge, mature trees that give the Roghann/Sonrise Church neighborhood its unique character. In fact, when I moved into the neighborhood in 1994, the current R-7 property directly east of the Roghann/Sonrise Church property was pasture land, complete with cows grazing, ("Jones Farm"), so its subsequent re-zoning by the Planning Commission did not involve the destruction of the kinds of very large established trees (see the aerial photograph) on the current property under consideration. To not take into account the history and previous characteristics of the surrounding parcels when they were re-zoned by the Planning Commission would be inappropriate and misleading, in my opinion, given that these considerations were likely taken into account by the Planning Commission at those times.

To sum, I oppose the re-zoning of this site from R-10 to R- 8.5 for the following reasons:

1) The unique character of my neighborhood would best be preserved by keeping the Roghann/Sonrise Church parcel R-10. Its uniqueness, in larger than minimum sized lots, in the quality and character of the houses, and in the beauty of the mature landscaping, is not captured by simple comparisons to other residential areas in Hillsboro which mix R-10, R-7, and R-8.5 zonings.

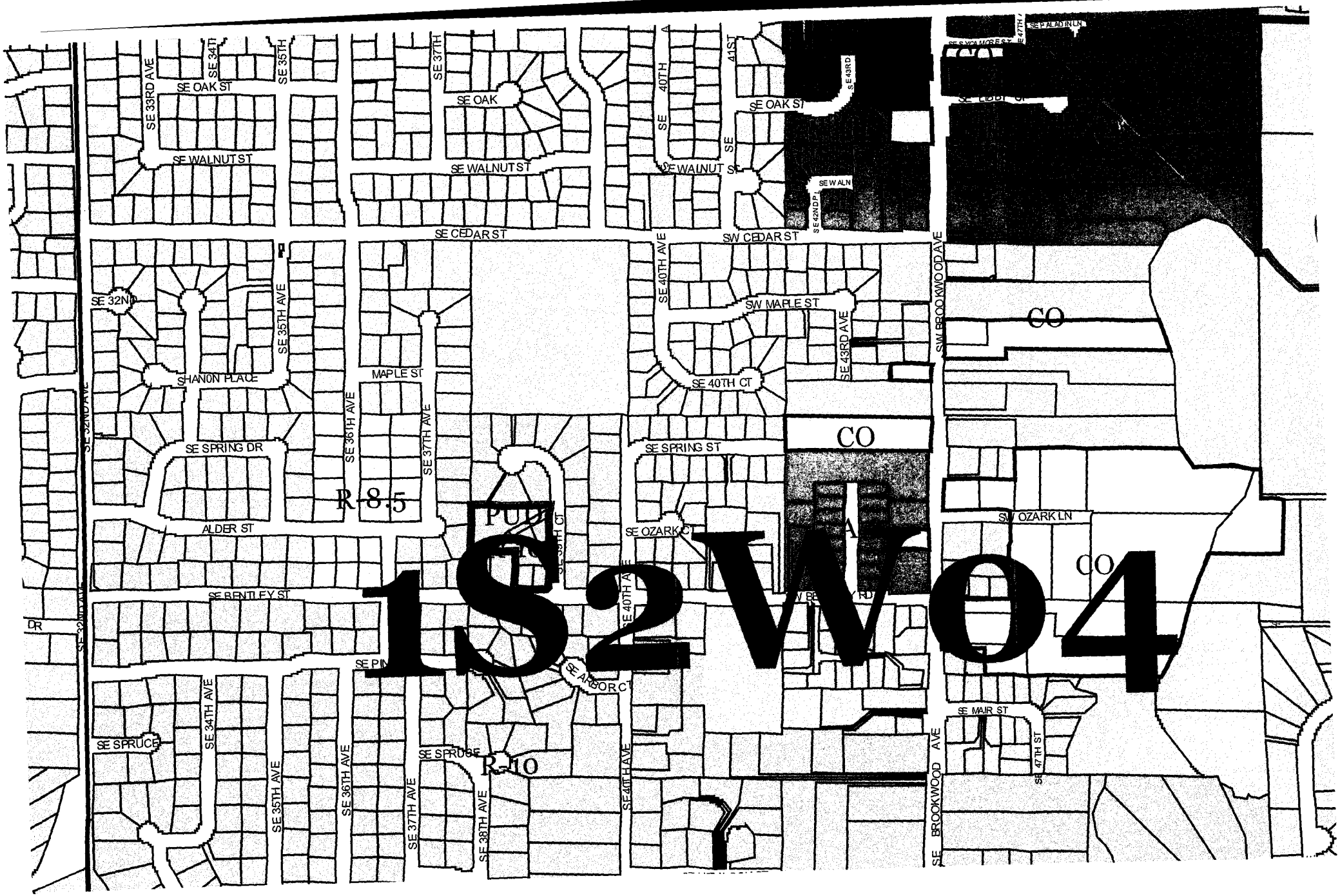
2) The Weber/Wetter application states that "the R-8.5 zone allows lots not less than 7250 square feet (section 126(6)a) and would allow for an orderly transition between the larger lots to the smaller surrounding lots" but, as pointed out above, on my culdesac that borders the site to the south, the lots average 8000 sq. ft. and the other properties bordering the site to the west and north are R-10 with very generous sized lots. Only the segment that borders on the east of the site (Charlois St. in "Jones Farm") is R-7 with relatively smaller lots. Therefore, the "transition" the application refers to could more accurately be considered a downsize, given the characteristics of our particular neighborhood. Therefore, it is reasonable to question if it can truly be concluded that Weber/Wetter's application meets the burden of proof that the R-8.5 zoning is "the most compatible and best suited for the overall character of the surrounding neighborhoods."

3) The Hillsboro Comprehensive Plan encourages that "a variety of housing shall be encouraged throughout the planning area for households of all incomes, ages, and living patterns." As Weber/Wetter's own application seems to imply, there are few housing developments in Hillsboro where R-10 density is being preserved, and yet the needs of the segment of our population who want larger lots and homes should be also considered to attract and keep that segment inside Hillsboro instead of moving and paying property taxes elsewhere.

Thank you for your consideration.

Sincerely,

Karen Hershey, Ph.D.
867 NE Eaglenest Ct.
Hillsboro, OR 97124


SE OAK ST
SE 33RD AVE
SE 34TH
SE 35TH
SE 37TH
SE OAK
SE 40TH
41ST
SE OAK ST
SE 43RD
SE WALNUT ST
SE WALNUT
SE WALNUT ST
SE W ALN
SE 42ND PL
SE CEDAR ST
SW CEDAR ST
SE 40TH AVE
SW BROOKWOOD AVE
SE 32ND
SE 35TH AVE
SW MAPLE ST
SE 43RD AVE
CO
SHANON PLACE
MAPLE ST
SE 40TH CT
SE 32ND AVE
SE 36TH AVE
SE 37TH AVE
SE SPRING DR
SE SPRING ST
R-8.5
PUD
ALDER ST
SE OZARK CT
SW OZARK LN
SE BENTLEY ST
SE 40TH AVE
SE PIN
SE ARBOR CT
SE 34TH AVE
SE SPRUCE
SE 35TH AVE
SE 36TH AVE
SE SPRUCE
R-10
SE 37TH AVE
SE 38TH AVE
SE 40TH AVE
SE MAJR ST
SE 47TH ST
SE BROOKWOOD AVE

1S2W04

TRS 1N3W25
TRS 1N2W29
NE 2ND AVE
NE 2ND PL
NE 2ND DR
NE KATIE DR
NE NOVA AVE
NE ANNA AVE
NE 3RD CT
NE 3RD PL
NE 4TH AVE
NE 4TH CT
NE 4TH PL
ESTATE DR
LINDSEY
LORIE DR
NE JACKSON SCHOOL RD
NE 9TH AVE
NE 9TH RD
NE 9TH PL
NE 9TH DR
NE 10TH AVE
NE 11TH AVE
NE 12TH AVE
NE 13TH AVE
NE 14TH AVE
NE CHARLOIS DR
NE HARVARD DR
NE HARVARD CT
NE HAREWOOD ST
NE KATHRYN ST
NE CHANCELLOR CT
NE GWEN CT
NE MERLE CT
NE LINDSEY CT
NE STEPHANIE CT
NE JOSEPHINE CT
NE TERRY CT
NE MARYANN CT
NE ALEXIS CT
NE REGAN CT
NE KELLY CT
NE JOANNE DR
NE DEBBIE DR
NE CASTLEWOOD CT
NE LOVELL ST
NE SHELBY ST
NE ATENA ST
NE EAGLENEST CT
NE 11TH CT
NE 13TH DR
NE 14TH CT
NE 14TH PL
NE 14TH DR
NE 14TH AVE
NE 12TH AVE
NE 12TH DR
NE 12TH PL
NE 12TH CT
NE 101H AVE
NE 10TH AVE
NE 10TH PL
NE 10TH CT
NE 10TH DR
NE 9TH CT
NE 9TH PL
NE 9TH DR
NE 9TH AVE
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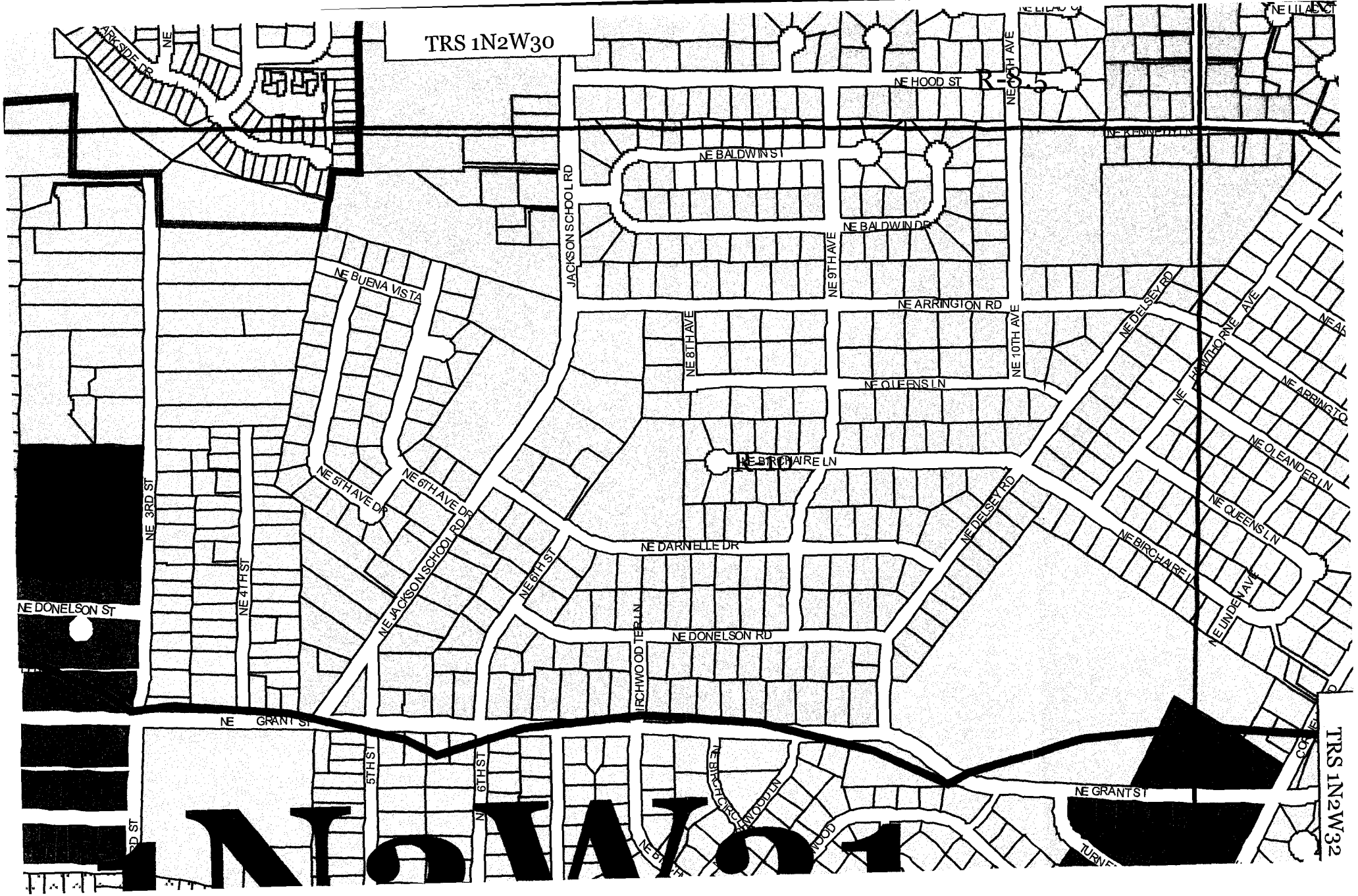
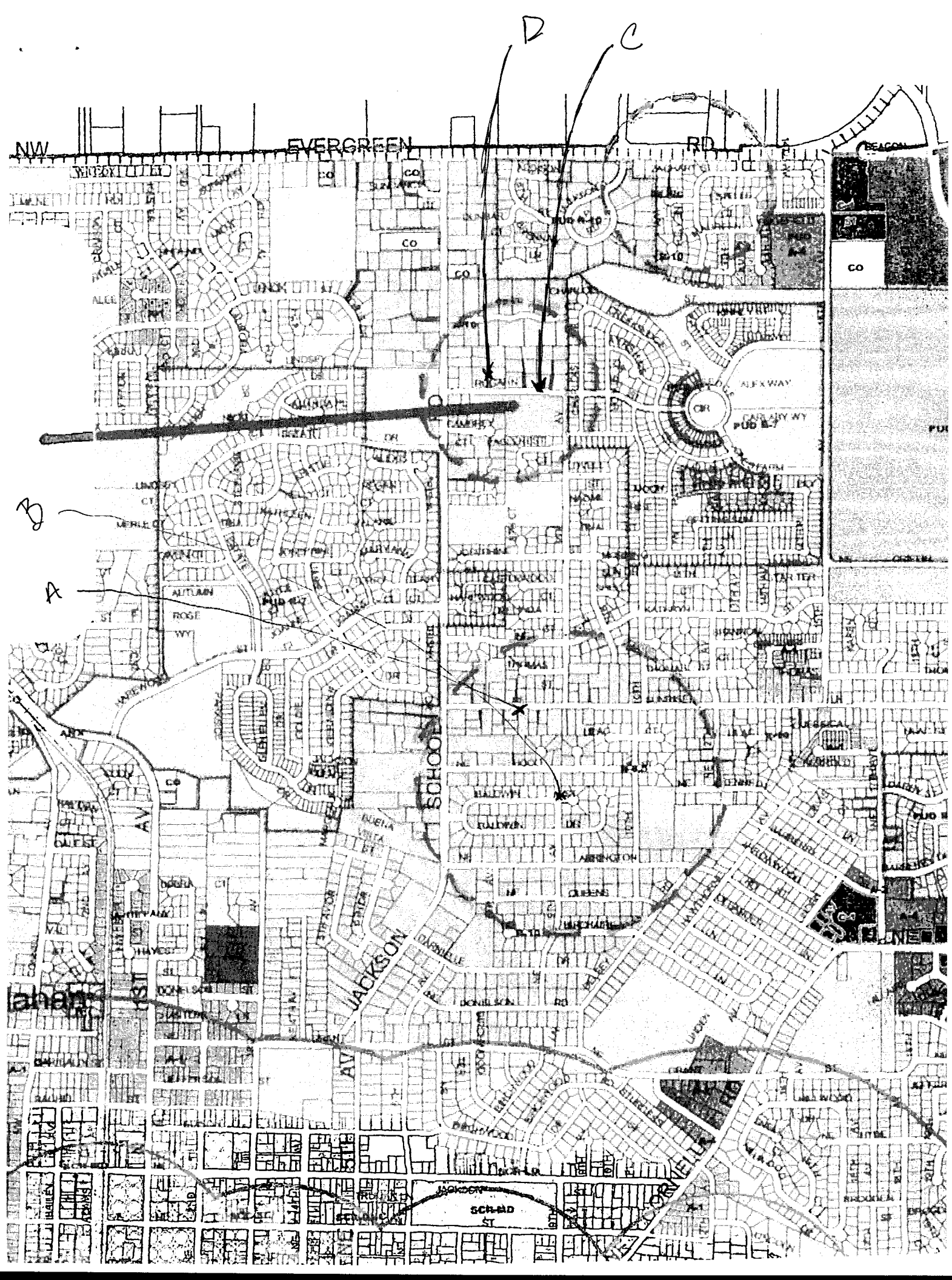
NE 13TH PL
NE 13TH DR
NE 14TH AVE
NE 14TH PL
NE 14TH DR
NE 14TH CT


TRS 1N2W30
NE HOOD ST
NE 10TH AVE
NE BALDWIN ST
NE BALDWIN DR
JACKSON SCHOOL RD
NE 9TH AVE
NE BUENA VISTA
NE ARRINGTON RD
NE 8TH AVE
NE 10TH AVE
NE DELSEY RD
NE QUEENS LN
NE BIRCHAIRE LN
NE 5TH AVE DR
NE 6TH AVE DR
NE 3RD ST
NE 41ST ST
NE JACKSON SCHOOL RD
NE 6TH ST
NE DARNELLE DR
NE DONELSON ST
NE DONELSON RD
NE GRANT ST
5TH ST
6TH ST
TRS 1N2W32


D
C
B
A
NW
EVERGREEN
RD
BEACON
CO
ALEXWAY
SCHOOL
JACKSON
AV
ST
SCHOOL
ST

Premium Lot

see "A" on map

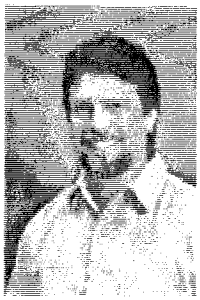
846 NE Sunrise LN
Hillsboro

$138,000

◆ 0.23 Acres(m/l) ◆ RESID Type

- **Semi private location.**
- **All utilities avail. on property.**
- **Paved access,fenced.**
- **Fruit trees,level home site.**
- **Mfg. home ok.**

Property is back on market at new price.This lot is improved,has easy access,and is ready to begin home construction NOW!



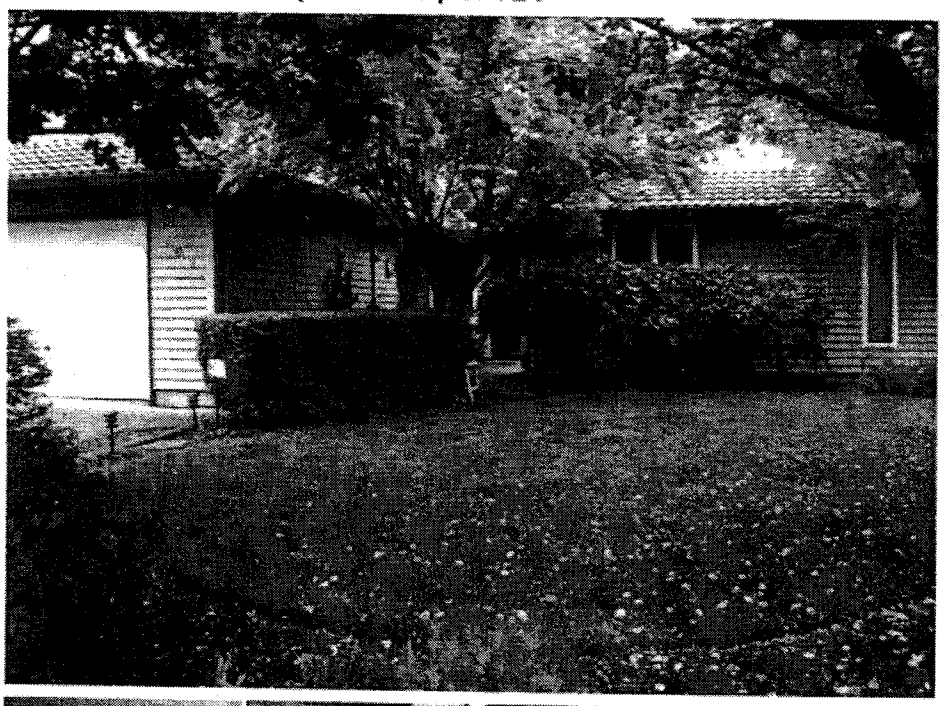
Tony Wertz BROKER/AGENT
503-410-0156
Prudential NW Properties
51673 Columbia River Highway
Scappoose, OR 97056
503-543-3163

Prudential
Northwest Properties

see "B" on map

ROOM FOR THE TOYS!

907 NE Baldwin ST | Hillsboro | 97124



CARRIE GRAY-SMITH, BROKER

RE/MAX Equity Group
1300 NE 48th Ave., #500
Hillsboro, OR 97124

Phone: 503-495-3483
Mobile: 503-380-5804
E-mail: cgray@equitygroup.com
www.equitygroup.com/cgray

RE/MAX equity group, inc.

Independently owned and operated

Triple RV PKG, 14X30 Cement Slab & 24X25 Covered. Home is in Great Shape with Newer Vinyl Windows, Plantation Blinds, Dishwasher, Microwave and Back Fence. Hot Tub, 2-Level Deck, Garden, Sprinklers, and Roses, Roses,Roses!

$289,900

- Three Bedrooms
- Two Full Bathrooms
- 1728 Sq. FT
- Bonus (Hobby RM)
- Formal Living RM
- Large Master w/Walk-In
- Inside Utility w/Large Pantry
- MLS # 7045761

between Mt Hood & Arrington St.

See more photos & details at www.EquityGroup.com/7045761

Information deemed to be reliable although not guaranteed. Buyer to verify all information.

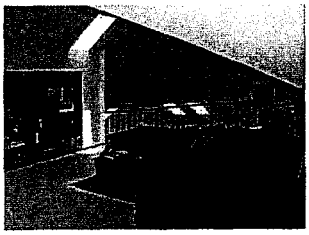
REALTOR®

HOME AMENITIES

Corner Lot
Cul-De-Sac
Sprinkler System in Front and Side
Fully Fenced Lot
Newer Vinyl Windows
Newer Plantation Blinds
Newer Microwave
Newer Dishwasher
Side by Side Refrigerator w/Ice Maker
Family Room with Custom Fireplace and Wood Stove
Formal Living Room
Forced Air Gas Heat
Home Crafted Wood Tool Shed
Hobby/Bonus Room in Garage w/Built-Ins (9X8)
Inside Utility room with Built-Ins
Large Pantry
10X 30 Cement RV Slab
24 X 25 Covered RV PKG
Hot Tub in Good Working Order
Cedar Siding
Tile Roof
Garage with Opener and Pull-Down Ladder
Work Bench
Landscaped Front and Back
Flower and Herb Garden
Over 18 Rose Bushes
2 Level Decking
Motion Detector Solar Lighting
New Stained Back Fence

see "C" on map

BEAUTIFUL HOME!



835 NE Rogahn
HILLSBORO OR 97124

$ 579,900

- MASTER ON THE MAIN
- 2896 SQ. FT.
- 4 BEDROOMS / 3 BATHS
- GOURMET KITCHEN / SLAB MARBLE ISLAND
- 23 X 17 LOFT
- GAS FIREPLACE
- VAULTED CEILINGS
- 9 SKYLIGHTS
- THREE CAR GARAGE
- .32 ACRE / PROFESSIONALLY LANDSCAPED

Property Details

GENERAL DETAILS:
Listing Type: Residential Home
MLS Number: 7028686
Total Sq. Feet: 2896
Taxes: 3915.92
Bedrooms: 4
Bathrooms: 3.0
Year Built: 1993
Price: $ 579,900

INTERIOR DETAILS:
Family Rooms: 21 X 13
Fireplaces: GAS
Floors: HARDWOOD & CARPET
Heat: GAS
Range: GAS
Microwave: BUILTIN

EXTERIOR DETAILS:
Garage: 3 CAR
Sprinkler: YES
Roof: CEDAR

Contact Information

RE/MAX EQUITY Group, Inc.
Nimbus
Deborah Loeffler

Phone: **503-626-4600**
Mobile: **503-805-2280**

E-Mail: **mdloeffler@cs.com**
Website: **equitygroup.com/dloeffler**

RE/MAX equity group, inc.

Additional Photos & information at:
http://www.Obeo.com/351943

This information is deemed reliable, but is not completely guaranteed. Buyer to verify all information.

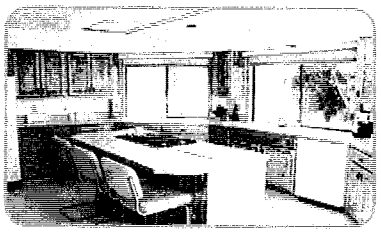
see "D" on map

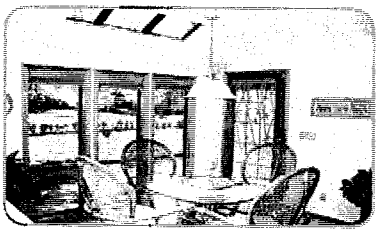
765 NE Rogahn ST.

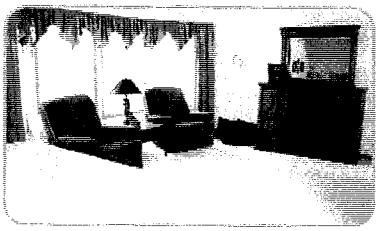
Hillsboro, OR

Price: $549,900

- Exceptional Quality!
- Custom built home.
- Approx. 2543 sqft.
- Beautifully landscaped .33 acre level lot.
- 3rd garage/shop with heating, air outlets and strong back for engine
- 2 bedrooms on main plus full bathroom.
- Entry with high ceilings and hardwood floors.
- Irrigation well to maintain landscaping.
- Quiet, off street location in park like setting.







Fidelity National Title
Office (503) 256-0700

HASKINS REALTY
NORTHWEST

MORGAN FINANCIAL INC.
Office (503) 256-0632

June 6, 2007

City of Hillsboro
Zone Hearings Board
150 East Main Street
Hillsboro Oregon 97123

Re: Zone Change request ZC 7 – 07, Webber Wetter II

Dear Board Members,

Please find attached my letter in opposition to Zone Change request ZC7 – 07. Although I am present at the hearing this evening there are far too many points to be made in just three minutes. I will attempt to cover the highlights through oral testimony, but please accept this as my full objection to tax lot 1000 being rezoned.

Thank you for your time and attention to this issue. Your consideration is most appreciated.

Sincerely,

Daniel A. Vandehey
Dawn N. Vandehey

Daniel A. Vandehey
Dawn N. Vandehey
897 NE Eaglenest Ct.
Hillsboro OR 97124

CASE NO. ZC 7-07
OFFERED BY Dawn Vandehey
DATE 6/6/07
EXHIBIT NO. 6

PROJECT DESCRIPTION Pg 4, para 4

Webber/Wetter say "Landscaped trees dot the property at the edges of the southeastern corner."

The landscaped trees Webber/Wetter refer to are a stand of old growth oak trees and tall firs that have been standing since before any of the existing development took place. See photos numbered Ex. 1 for further evidence.

TABLE "D" Pg. 10

Webber/Wetter have broken down the 4 zoning designations available for tax lot 1000 stating determination of applicability. Webber/Wetter attempt to show that R10 is not an applicable zone for tax lot 1000 based on applicable plan policies discussed later in their application for rezone. Webber/Wetter claim that the comprehensive Plan "encourages the highest zoning designation for the specific planning area."

However, Chair Robert Greaves has already ruled that Webber/Wetter are construing "the language of the UIM-IV too narrowly for several reasons." (Pg. 9, 6). Webber/Wetter have changed their language from "must" and "shall" to "encouraged" since the last hearing but their argument is still the same. They are still insistent that the zone providing the maximum density has to be utilized rather than utilizing the current zoning (R10) at its maximum density, which is 3.75 homes per acre rather than upwards of 7 homes per acre under R8.5.

Based on Zoning Ordinance 1945, section 114(2)(b), Webber/Wetter must "justify the particular zoning being sought and show that it is **best suited** for the specific site based on the specific policies of the comprehensive plan." That includes the characteristics of the specific site. Tax lot 1000 shares common characteristics with adjacent properties that are zoned R10 and developed as such with much larger lots and upscale, expensive homes. Both share large old growth trees and open spaces. Tax lot 1000 can be developed to match the existing properties that surround it, which will maintain a fluency and consistency in our neighborhood. See Ex.2 for photo evidence.

Maintaining the R10 zoning is also supported by Section 3 Housing Policy (M), which encourages the preservation of open space and trees within the development. Webber/Wetter cite in their application that an R8.5 zoning has a minimum lot size of 7250 square feet. A lot that size drastically reduces a builders ability to work around existing trees and drastically limits the open spaces that R10 development will provide. Chair Greaves stated, "It is reasonable to infer that the larger the lot, the more room there is to situate the foot print of the house so as not to negatively impact the existing trees."

The shape of this property is such that if Webber/Wetter wanted to maximize density of the R10 zone they could do so at the western end and in areas where the trees will be

minimally impacted. This would also reduce the impact on the surrounding neighbors who do not want to see the property rezoned.

Webber/Wetter also contend that rezoning tax lot to R8.5 will create a nice transitional area from the R10 on the North and the R7 on the South and East of this property. First, there are 5 homes that border the Eastern side of tax lot 1000. Those homes are part of a planned development that should not be compared or considered in deciding whether or not to rezone tax lot 1000. The property those homes were built on was a cow pasture prior to development and did not share characteristics with the R10 properties to the West, North and Northwest. Secondly, the R7 properties that border tax lot 1000 on the South only share about half of the Southern border of tax lot 1000, the rest are R10 properties. Those R7 properties, which are on Eaglenest Ct., average 8000 square feet with some being much larger, over 10,000 square feet. So although the properties are zoned R7 they can be compared by their characteristics to the surrounding R10 properties and should not be looked at strictly because they are zoned R7.

R8.5 AS TRANSITIONAL ZONING

Webber/Wetter contend that in other areas of Hillsboro R8.5 zoning has been used as a "transitional" area between R7 and R10 zoning. They specifically pointed out 2 areas within the City to support their argument. However, upon examination of those sites it appears that Webber/Wetter's contention is not accurate. Webber/Wetter refer to an area on Zone Map 1N2W30, where an R8.5 zoning is surrounded by R10 zoning on all four sides, in support of their argument that R8.5 is used as a transitional zoning area. However, if the R8.5 is surrounded by R10 how is it that the R8.5 is to be considered a transitional area between the R10 and the R7? In fact, wouldn't the R10 zoning be the transitional area between the R8.5 and the R7?

The second specific site that Webber/Wetter refer to is on the same Zone Map but in the Northeast corner. Although there is a small area of R8.5 sandwiched between R7 zoning and the Northeastern corner of the R10 zoning that tax lot 1000 is a part of, the R8.5 area is quite small (13 lots) and only borders 4.5 R10 properties to the West and 7.5 R7 properties to the East. Unless a statement were obtained from the person(s) that originally zoned that property I don't think we can infer that the R8.5 zoning was created as a buffer or transitional area between the other two zones. See Ex. 3 for a visual explanation.

In looking over the other Zoning Maps for Hillsboro only one other area of R8.5 zoning sits adjacent to R10 and R7 zoning. That area is located on the Southeastern corner of Zone Map 1S2W04. Again, the R8.5 zoning area is so small by comparison to the surrounding R10 and R7 zoning that it is hard to believe that it was used as a transitional area as Webber/Wetter contend. All other R10 zoned properties in Hillsboro are surrounded by R7 zoning or other types of non low density residential zoning and do not have a "transitional" area bordering them. See Ex. 4 for visual reference and evidence.

Further I could find no evidence in the Hillsboro Comprehensive Plan or Zoning Ordinances that requires or suggests that R8.5 zoning is to be considered for a transitional zoning area between R10 and R7 properties.

Webber/Wetter also state that because this property is an infilling of partially developed area, the Comprehensive Plan and Zoning Ordinances require that the maximum density allowed be utilized wherever there is infilling. This property should not be considered as an infill project because not only is all the property surrounding tax lot 1000 developed but so is the tax lot itself. It has been zoned R10 with a special use exception for approximately 30 years. I don't know exactly how long Sonrise Church has existed on this lot but there are existing structures, which can be considered as development.

CONCLUSION

Webber/Wetter contend in their application for zone change that R8.5 is the best suited zoning for tax lot 1000 because it is a nice transitional area between the less dense R10 to the North and denser R10 to the South and East. Webber/Wetter also state that R8.5 will provide a sizeable lot that will be comparable to those surrounding the property. Webber/Wetter also contend that R8.5 is compatible to the existing property because the smallest lot size for an R8.5 property is 7250 square feet. However, all but 5 homes bordering tax lot 1000 have larger lots sizes than that. Most are larger than 8500 square feet, with many well over 10,000 square feet. As stated previously the five homes to the East should not be considered as comparable to the rest of the surrounding neighborhood because they are dissimilar to and not a part of the neighborhood that includes tax lot 1000.

Webber/Wetter have always maintained that they're intention is to develop tax lot 1000 with as many homes as they can possibly squeeze onto the property utilizing the maximum density allowed by the given zone. They have come before the board once already requesting a rezone to R7. The board agreed with the opponents of the zone change that R10 is the best suited zone for tax lot 1000. Webber has told us, the neighbors who live adjacent to tax lot 1000, that he would not consider developing the property at R10 because he would not make enough money. He originally refused to even consider developing the property at R8.5 for the same reason, money. Webber/Wetter do not live in our neighborhood or anywhere near it. They will not feel the impact that developing tax lot 1000 at R8.5 will have on our neighborhood and existing infrastructure, specifically the schools.

Webber/Wetter have provided only 2 reasons that a zone change for tax lot 1000 is what is best suited for the property. There are numerous reasons, supported by the Hillsboro Comprehensive plan, Zoning ordinances and past Hearings Board decision to justify maintaining tax lot 1000 at an R10 zone.

Thank you very much for your time and consideration to this matter.

Google Maps

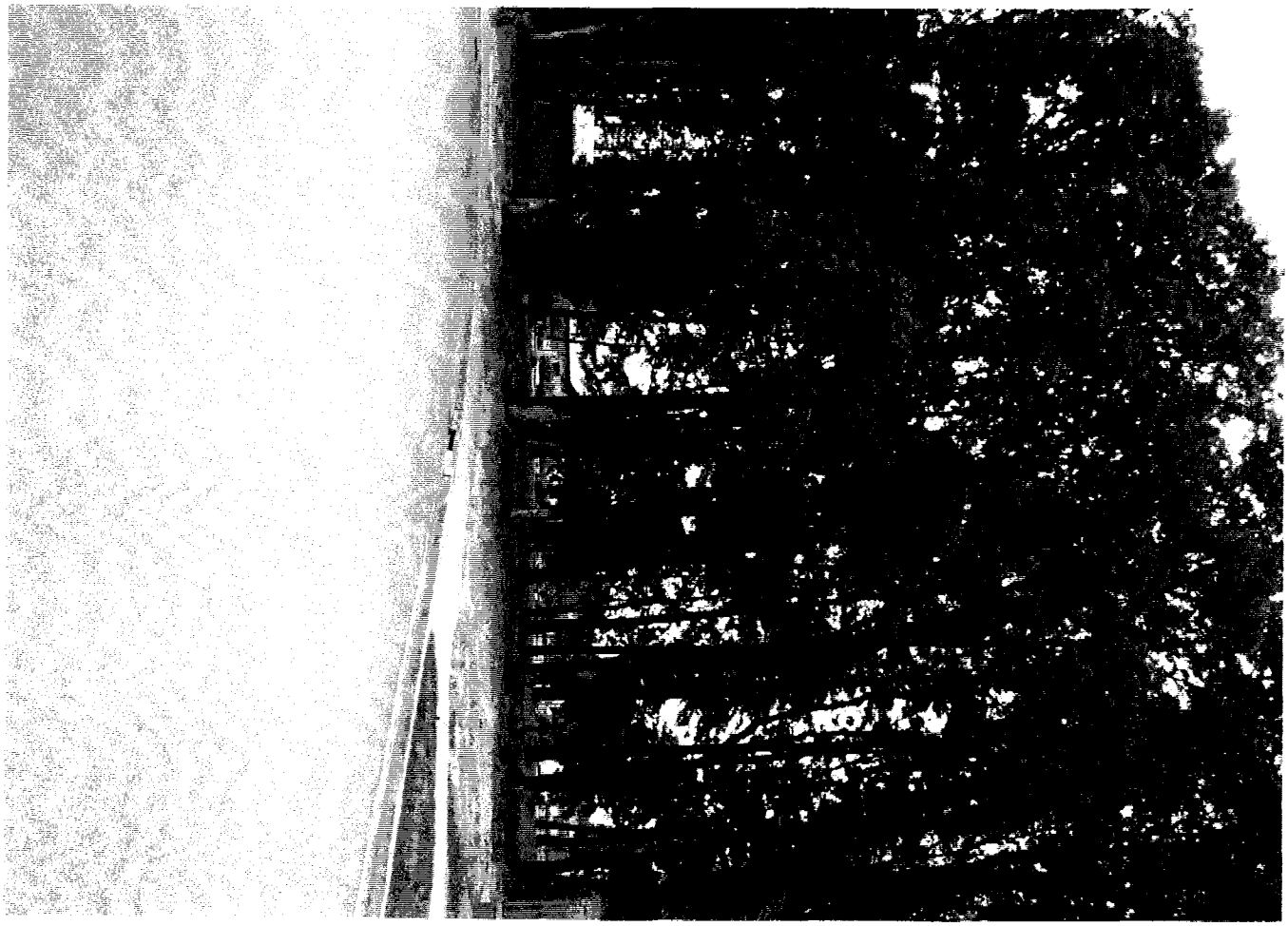
Address **897 NE Eaglenest Ct**
Hillsboro, OR 97124

Arial view of Tax Lot 1000.

Ex. 1

Ex. 1

Ex. 1



Ex. 1

Ex. 1

Google Maps

Address **897 NE Eaglenest Ct**
Hillsboro, OR 97124

Ariel View of Tax Lot 1000 and Surrounding area

Ex. 2

Ex. 1

Ex. 1

Ex. 1

Ex. 2

Ex. 1

Homes around tax Lot 1000 to N, W, S

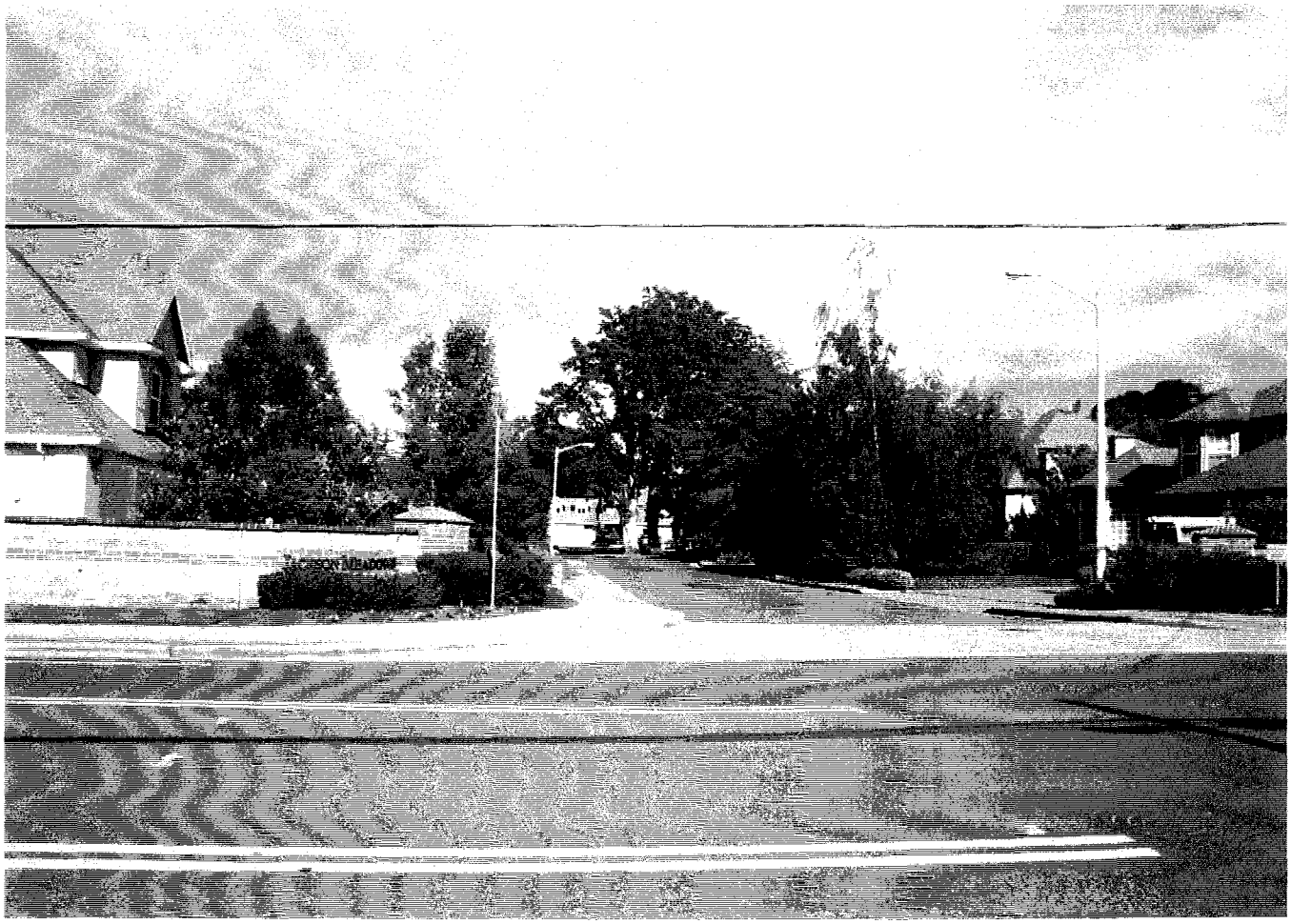
Ex. 2

Ex. 2

Ex. 2

Ex 2

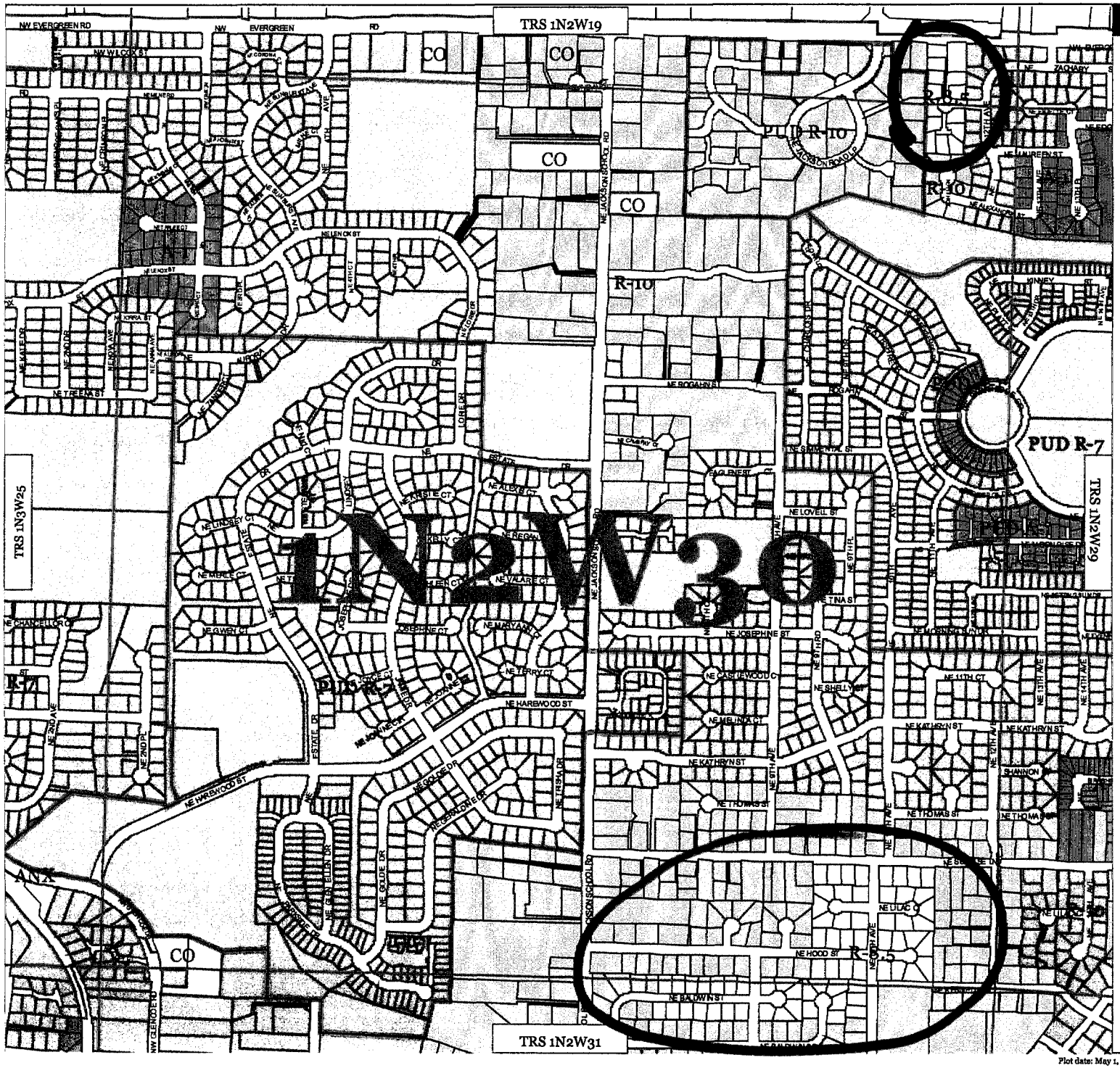
Ex. 2

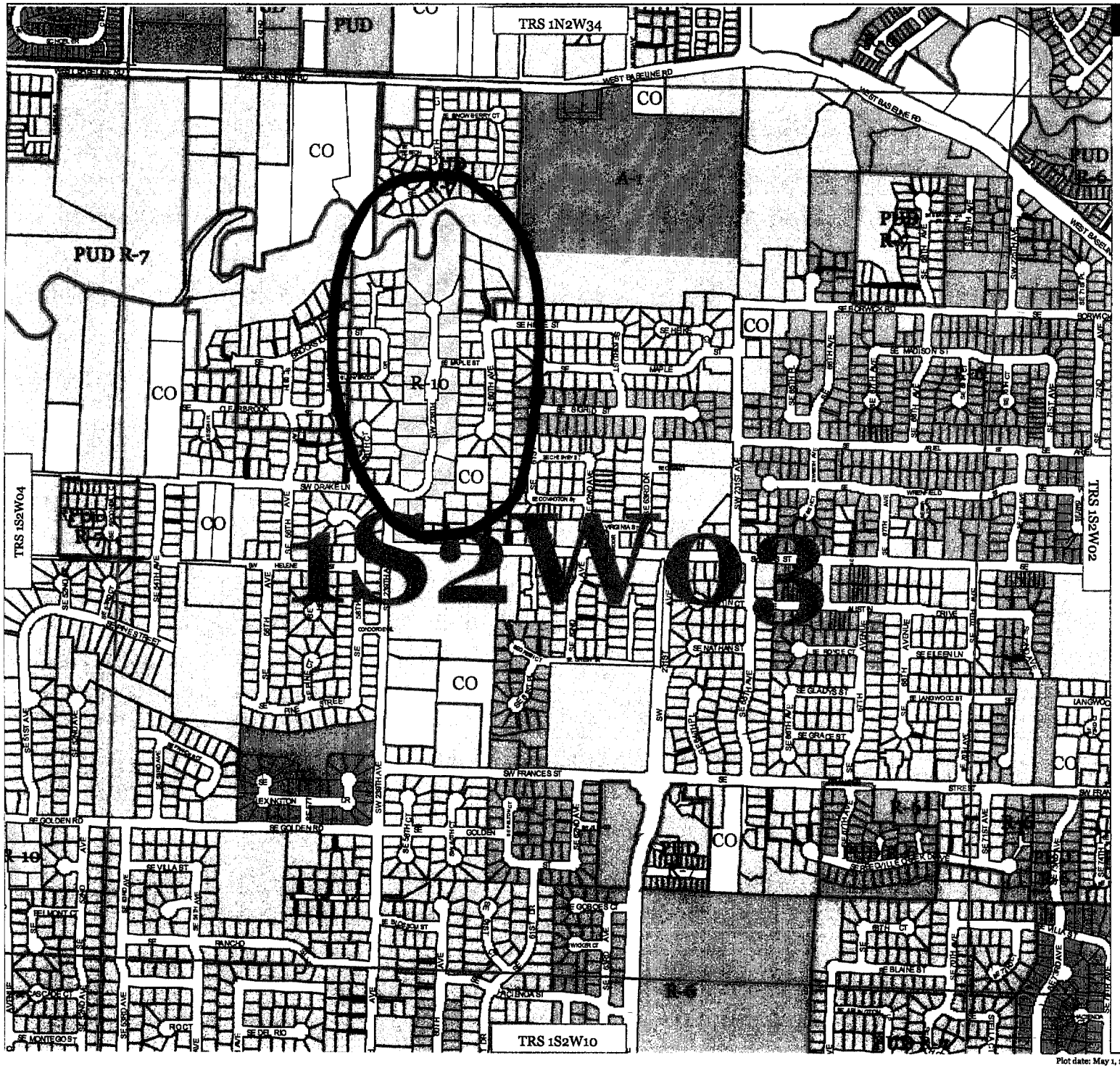


EX. 2

Ex. 2

Ex. 2


TRS 1N2W19
TRS 1N3W25
TRS 1N2W29
TRS 1N2W31
1N2W30
CO
R-10
PUD R-10
PUD R-7
R-7
R-5
ANX
NE JACKSON SCHOOL RD
NE JACKSON ROAD LP
NE ROGAHN ST
NE LOVELL ST
NE JOSEPHINE ST
NE HARRISON ST
NE HARRIMAN ST
NE HARRIMAN DR
NE HARRIMAN CT
NE HARRIMAN PL
NE HARRIMAN WAY
NE HARRIMAN LOOP
NE HARRIMAN TER
NE HARRIMAN CIR
NE HARRIMAN PKWY
NE HARRIMAN AVE
NE HARRIMAN BLVD
NE HARRIMAN RD



CITY OF HILLSBORO

GEOGRAPHIC INFORMATION SYSTEM

ZONING ATLAS

Current as of the 1st of each Month

TRS 1S2W03

Guide to Features

- Light Rail Station
- Light Rail Line
- 2600 ft Radius from Light Rail Station
- 1300 ft Radius from Light Rail Station
- Township/Range/Section (TRS)

Zoning Designations

A-1	Duplex Residential	
A-2	Multi-Family Residential	
A-3	Multi-Family Residential	
A-4	Multi-Family Residential	
ANX	Recent Annexation	
C-1	General Commercial	
C-2	Central Commercial	
C-4	Neighborhood Commercial	
CO	County	
M-2	Industrial	
M-P	Industrial Park	
MU-N	Mixed Use - Neighborhood	
MU-C	Mixed Use - Commercial	
R-10	Single Family Residential	
R-6	Single Family Residential	
R-7	Single Family Residential	
R-8.5	Single Family Residential	
SCBP	Station Community - Business Park	
SCFI	Station Community - Fair Complex Institutional	
SCI	Station Community - Industrial	
SCRP	Station Community - Research Park	
SCC-SC	Station Community - Station Commercial	
SCC-CBD	Station Community Commercial-Central Business District	
SCC-HOD	Station Community Commercial-Highway Oriented District	
SCC-MM	Station Community Commercial- Multi Modal	
SCR-DNC	Station Community Residential - Downtown Neighborhood Conservation	
SCR-HD	Station Community Residential - High Density	
SCR-LD	Station Community Residential - Low Density	
SCR-MD	Station Community Residential - Medium Density	
SCR-OTC	Station Community Residential - Orenco Townsite Conservation	
SCR-V	Station Community Residential - Village	
SSID M-P	Industrial Park with Shute Road Site Special Industrial District	
PUD A-1		PUD R-10
PUD A-2		PUD R-6
PUD A-3		PUD R-7
PUD C-1		PUD SCBP
PUD M-2		PUD SCR-MD
PUD M-P		SID M-P

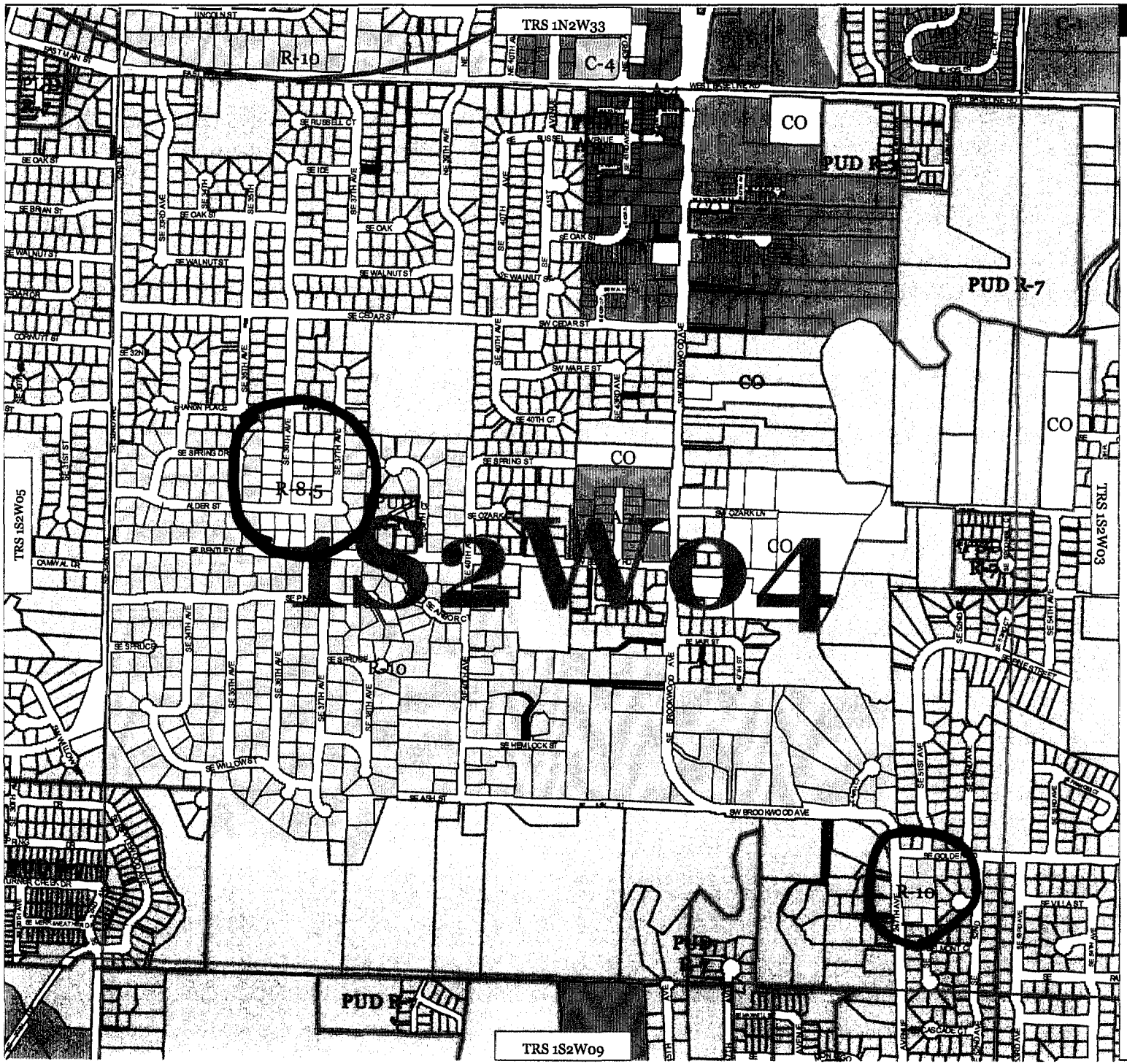
0 400 800 1200 Feet

1" = 800 feet

This map was derived from several databases. The City cannot accept responsibility for any errors. Therefore,there are no warranties for this product. However, notification of errors would be appreciated.

Plot date: May 1, 2007; Z:\Tech_Info\Routines\Planning_Atlas\planning_atlas_loop.apr

SX.4



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SCC-HOD	Station Community Commercial-Highway Oriented District
SCC-MM	Station Community Commercial- Multi Modal
SCR-DNC	Station Community Residential - Downtown Neighborhood Conservation
SCR-HD	Station Community Residential - High Density
SCR-LD	Station Community Residential - Low Density
SCR-MD	Station Community Residential - Medium Density
SCR-OTC	Station Community Residential - Orenco Townsite Conservation
SCR-V	Station Community Residential - Village
SSID M-P	Industrial Park with Shute Road Site Special Industrial District

PUD A-1	PUD R-10
PUD A-2	PUD R-6
PUD A-3	PUD R-7
PUD C-1	PUD SCBP
PUD M-2	PUD SCR-MD
PUD M-P	SID M-P

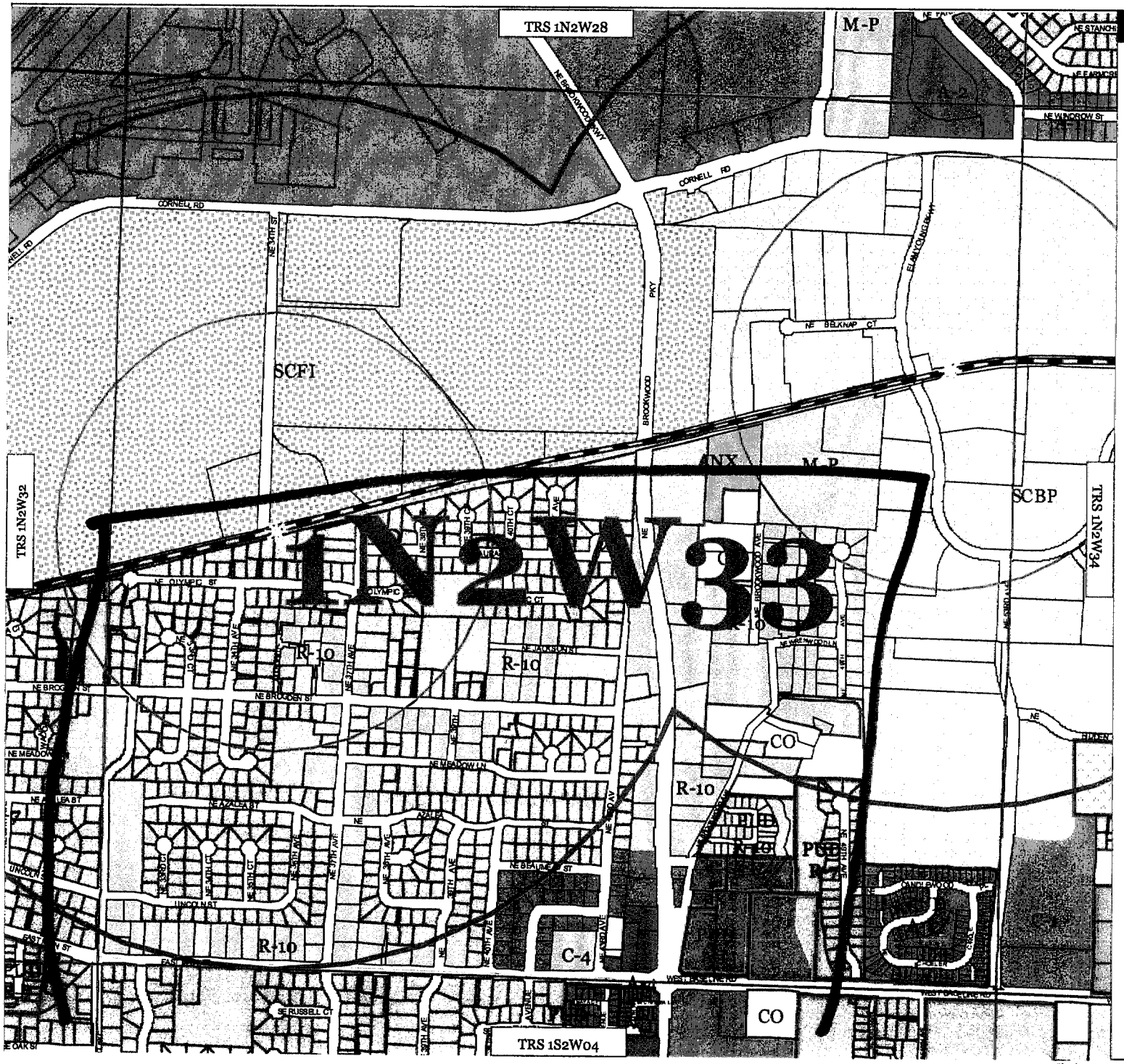
0 400 800 1200 Feet

1" = 800 feet

This map was derived from several databases. The City cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.

Plot date: May 1, 2007; Z:\Tech_Info\Routines\Planning_Atlas\planning_atlas_loop.apr

Ex. 4



CITY OF HILLSBORO

GEOGRAPHIC INFORMATION SYSTEM

ZONING ATLAS

Current as of the 1st of each Month

TRS 1N2W33

Guide to Features

- Light Rail Station
- Light Rail Line
- 2600 ft Radius from Light Rail Station
- 1300 ft Radius from Light Rail Station
- Township/Range/Section (TRS)

Zoning Designations

A-1	Duplex Residential	
A-2	Multi-Family Residential	
A-3	Multi-Family Residential	
A-4	Multi-Family Residential	
ANX	Recent Annexation	
C-1	General Commercial	
C-2	Central Commercial	
C-4	Neighborhood Commercial	
CO	County	
M-2	Industrial	
M-P	Industrial Park	
MU-N	Mixed Use - Neighborhood	
MU-C	Mixed Use - Commercial	
R-10	Single Family Residential	
R-6	Single Family Residential	
R-7	Single Family Residential	
R-8.5	Single Family Residential	
SCBP	Station Community - Business Park	
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SSID M-P	Industrial Park with Shute Road Site Special Industrial District	
PUD A-1		PUD R-10
PUD A-2		PUD R-6
PUD A-3		PUD R-7
PUD C-1		PUD SCBP
PUD M-2		PUD SCR-MD
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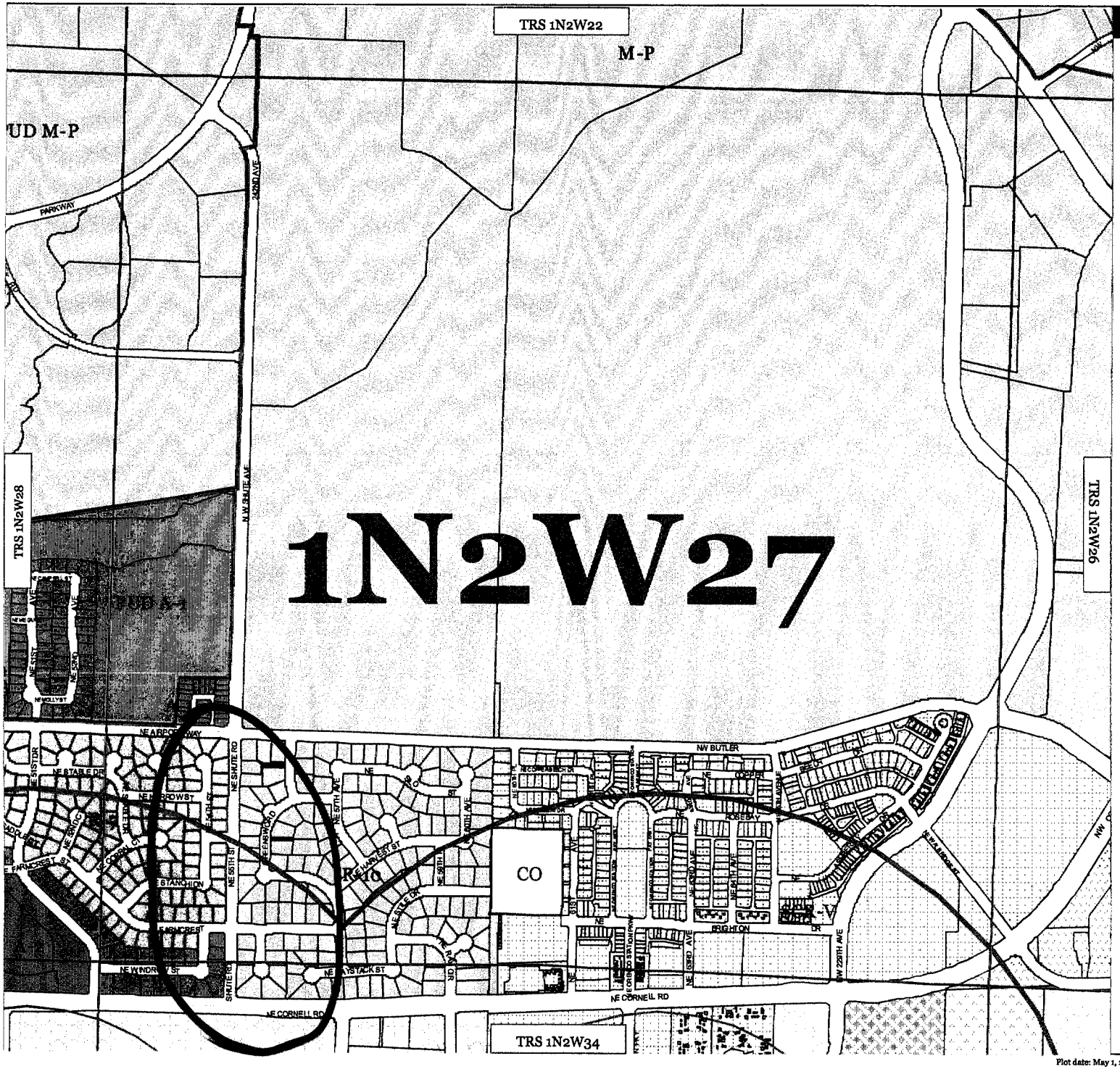
Ex 4



CITY OF HILLSBORO

GEOGRAPHIC INFORMATION SYSTEM

ZONING ATLAS

Current as of the 1st of each Month

TRS 1N2W27

Guide to Features

- Light Rail Station
- Light Rail Line
- 2600 ft Radius from Light Rail Station
- 1300 ft Radius from Light Rail Station
- Township/Range/Section (TRS)

Zoning Designations

A-1	Duplex Residential
A-2	Multi-Family Residential
A-3	Multi-Family Residential
A-4	Multi-Family Residential
ANX	Recent Annexation
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Ex. 4

CITY OF HILLSBORO

May 31, 2007

STAFF REPORT

TO: Planning and Zoning Hearings Board

FROM: Planning Department

RE: Request for Approval of a Zone Change - ZC 7-07: Weber/Wetter

REQUEST AND BACKGROUND

The applicants, Tom Weber and Douglas Wetter, requests a zone change from R-10: Single Family Residential to R-8.5: Single Family Residential for one property approximately 5.86 acres in area which includes the recently vacated right-of-way for NE 9th Avenue which has become part of the subject site. The purpose of the zone change request is for possible future redevelopment the site with detached single family residences. The property owner is Inland Pacific Oregon, LLC. SR Design LLC is the applicants' representative.

A zone change from R-10 to R-7: Single Family Residential, previously requested by the same applicant on the subject site, was denied by the Hearings Board on March 7, 2007 (Case File No. ZC 26-06: Weber-Wetter). A copy of the Board's Opinion No. 1631 on that case is attached.

SITE DESCRIPTION

The site proposed for the zone change is generally is located south of NE Rogahn Street, west of NE Charlois Drive, north of NE Eaglenest Court, and east of NE Jackson School Road. The site can be specifically identified as Tax Lot 1000 on Washington County Tax Assessor's Map 1N2-30AC and the recently vacated portion of NE 9th Avenue.

The subject site is relatively flat with a large tree grove along the east side (extending into the former NE Ninth Avenue right-of-way) and south side of the property. The site is currently occupied by Sonrise Baptist Church (addressed at 770 NE Rogahn Street). Church facilities include two larger buildings, one smaller accessory building, and associated parking.

NE Rogahn Street is classified as a Neighborhood Route on the Transportation System Plan Functional Classification Plan. In October 2006, the right-of-way for NE Ninth Avenue east of the site was vacated, and the land originally dedicated for the street extension reverted back to this parcel. NE Ninth Avenue had not been improved (see attached aerial photo), so this land is available for development.

The City of Hillsboro Goal 5 Significant Natural Resources Inventory identifies no Significant Natural Resources and/or associated Impact Areas on the site. The Clean Water Services (CWS) Sensitive Areas Pre-Screen Map shows the majority of the subject site as being outside of the area of potential impact, with a small western portion of the site as being within the area of potential impact (see attached map).

DESCRIPTION OF SURROUNDING AREA

Area	Plan	Zoning	Land Uses
North	RL	R-10: Single Family Residential	SFR
South	RL	R-10: Single Family Residential/ R-7: Single Family Residential	SFR
East	RL	PUD R-7: Single Family Residential	SFR
West	RL	R-10: Single Family Residential/ R-7: Single Family Residential	SFR

PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City	6"	NE Rogahn Street	Adjacent (northeast)
		8"	NE Rogahn Street	Adjacent (north)
Sanitary Sewer	City	8"	NE Rogahn Street (two stubs, not across the entire site frontage)	Adjacent (northeast, one stub ends at easternmost driveway) and other stub ends at westernmost driveway)
Storm Drain	City	12"	NE Rogahn Street	Adjacent (north)

TRANSPORTATION FACILITIES

Streets	Existing		Plan Designated	
	R-O-W	Improvement	*R-O-W	Improvement
NE Rogahn Street	50'+/-	29' +/-	54'	32'
Sidewalk Improvements	**Existing**		**Plan Designated**	
NE Rogahn Street	5-foot		5-foot	
Mass Transit	**Bus Route**		**Distance to Site**	
Transit	#46		About 0.55 mile northwest	
Bicycle Lane	**Existing**		**Plan Designated**	
NE Rogahn Street	None		None	

APPLICABLE PLAN POLICIES

Section 2 Urbanization Implementation Measure (IV)(A). Urban development shall occur only where urban services exist or are available. It is the intent of this Plan to encourage development in those areas where such services are currently available or can be readily provided in a logical manner:

(1) Urban services necessary for development include adequate water, sewer, and fire protection. The documentation of the availability of these needed services must be current.

(2) Whenever feasible, the installation of sewage trunk lines shall occur prior to the development of the affected urban area.

(3) Public streets, new or existing, which are proposed for access to a particular site proposed for development, shall be developed in accordance with the transportation element of the Comprehensive Plan.

Section 2 Urbanization Implementation Measure (IV)(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.

Section 2 Urbanization Implementation Measure (J). Land uses identified by the Comprehensive Plan Land Use Map have been determined to be the most suitable needed by the City. To meet the burden of proof for a proposed zone change, it is both necessary and sufficient to show that the proposed zone is consistent with and represents the highest use allowed by the Comprehensive Plan Land Use Map, and in the case of zone changes in residential areas, the proposed zone shall allow development of housing at a density within the range designated by the Land Use Map. In addition, the City may attach clear and objective conditions to the zone change provided such conditions are consistent with the Comprehensive Plan, the Zoning Ordinance and other rules and policies regulating development in the City.

Section 3 Housing – Policy (B). A variety of housing units shall be encouraged throughout the planning area for households of all incomes, ages and living patterns. Such housing should include, but not be limited to, single-family residences, accessory dwellings, duplexes, apartments, attached single-family residences, co-op housing, condominiums, townhouses and manufactured housing. Specific locations for each type of housing shall be consistent with the comprehensive plan map and zoning map. Each type of housing should be available at various prices and rents in order to maximize housing choices of the public.

Section 3 Housing – Policy (D). The provision of housing of various types and prices/rents and developments which provide for an efficient and compatible mix of housing types shall be encouraged. This will increase the choice of housing and will act to disperse housing types throughout the planning area in developments of design and construction consistent with policy (C) of this Section.

Section 3 Housing – Policy (L). New residential areas shall have water, sewers, storm drainage, street lights and underground utilities. In addition, new residential areas shall have paved streets, curbs, pedestrianways; and where site conditions are favorable to stormwater infiltration, the use of vegetated stormwater management facilities, pervious pavement and similar "green streets" elements is encouraged where technically feasible and appropriate. The provision of such services in older residential areas shall be encouraged.

Section 3 Housing – Policy (M). The development of housing shall allow for the retention of lands for open space and recreation within the planning area, encourage the preservation of trees within developments where possible, and be consistent with goals and policies of this Plan.

Section 3 Housing – Policy (Y). Residential land shall develop within the density range designated by the Comprehensive Plan. However, density reductions and transfers may be allowed within the Significant Natural Resource Overlay (SNRO) District and within Habitat Benefit Areas that fall outside of the SNRO District.

Section 13 Transportation – Implementation Measure (B). Approval of land use actions on properties including or adjacent to rights-of-way and street improvements which are less than that specified in the Transportation Plan and Maps shall require: dedication of adequate land for public right-of-way to meet that specified in the Plan; construction of the required interior street system; and construction of, or execution of a non-remonstrance deed restriction for the specified street improvements immediately adjacent to the properties. For the purpose of this measure, land use actions are limited to zone changes, planned unit developments, conditional uses, variances, expansions of non-conforming uses, development reviews, site plan reviews, subdivisions, major partitions and minor partitions.

Section 13 Transportation – Implementation Measure (VII)(O)(4) Neighborhood Streets: Neighborhood routes are usually long relative to local streets and provide connectivity to collectors or arterials. Because neighborhood routes have greater connectivity, they generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide/large area circulation. Traffic from cul-de-sacs and other local streets may drain onto neighborhood routes to gain access to collectors or arterials. Because traffic needs are greater than a local street, certain measures should be considered to retain the neighborhood character and livability of these routes. Neighborhood traffic management measures are often appropriate as defined in the Transportation System Plan. The standard configuration for neighborhood streets (routes) without on-street parking shall be 36-foot roadway improvement within a 60-foot right-of-way, with two 12-foot travel lanes, two 6-foot bike lanes, two 6-foot landscape strips and two 5-foot sidewalks. Refer to Figure 13-2.

APPLICABLE LAND USE DISTRICTS

There are three zoning designations which implement the RL – Low Density Residential Plan Designation with its density range from 3-7 units per net acre, in this area: R-10 Single Family Residential; R-8.5 Single Family Residential; and R-7 Single Family Residential. R-6 Single Family Residential also implements the RL Plan Designation: however it is only applicable in the eastern part of the city. The minimum and maximum densities per net acre for each zone are as follows:

- R-10 zone Minimum = 3 dwelling units per net acre; maximum = 3.75 dwelling units per net acre
- R-8.5 zone. Minimum = 4 dwelling units per net acre; maximum = 5 dwelling units per net acre.
- R-7 zone. Minimum = 5 dwelling units per net acre; maximum = 6.25 dwelling units per net acre.

APPROVAL CRITERIA

Zoning Ordinance No. 1945, Section 114 (2) specifies the approval criteria for a proposed zone change as follows:

a. The request must conform with the Hillsboro Comprehensive Plan and the Zoning Ordinance;

b. That, where more than one designation is available to implement the Comprehensive Plan designation (e.g. R-7 vs. R-10), the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.

Section 114(1) of the Zoning Ordinance lists conditions that may be attached to a zone change approval:

1) Amendment of this Ordinance by amending the zoning map may be contingent upon compliance with conditions found necessary to accomplish the purposes of this Ordinance and implement the goals and policies of the Hillsboro Comprehensive Plan. To that purpose, any of the following conditions, stipulations or limitations may be attached to a zone change approval:

    a. Street improvements abutting/within the development area
    b. Street dedication within and/or abutting the development area
    c. Joint use/access agreement
    d. Improvement agreements for the installation of necessary on-site public facilities
    e. Utility easements

f. Landscaping
g. Off-street parking
h. Storm drainage improvements
i. Off-site public improvements when the rezoning and subsequent development will contribute significantly to the need for such off-site public improvements
j. Development Review approval by the Planning Commission; for projects in zones or locations for which development requirements and design standards are specified in the Zoning Ordinance
k. Screening, fencing
l. Limiting access
m. Surety/performance bonds
n. Non-remonstrance clause

The applicant's narrative including exhibits is attached for the Board's review.

DISCUSSION

The site is designated RL – Residential Low Density on the Comprehensive Plan Map and is currently zoned R-10: Single Family Residential for the majority of the subject site. (The eastern half of the vacated Ninth Avenue right-of-way is zoned R-7). The Hillsboro Zoning Ordinance includes three zoning districts which implement the RL Plan Designation in this area: R-10; R-8.5; and R-7 Single Family Residential. On page 10 of the application narrative, the applicant has provided a table comparing the implementing zones and has stated the following:

> *Of the four zones (R-10, R-8.5, R-7, R-6) that implement the RL designations, this application requests the R-8.5 zone designation. The R-8.5 zoning district is the most compatible and best suited for the overall character of the surrounding neighborhoods. Although not common, the R-8.5 zoning district typically works as a transition area between the R-7 and R-10 zoning designations. There is a location in the city approximately a half-mile to the south where R-8.5 is surrounded by R-10 (south of Sunrise Lane and NE 10th Avenue). Enclosed is a map to specifically identify these R-8.5 parcels…*
>
> *The Comprehensive Plan encourages the highest zoning designation for the specific planning area. In the previous zone change application, the Board concluded that "the maximum density that is best suited for the site may not be the highest density that is available when taking into consideration the characteristics of the "specific site" and/or all the applicable policies of the Comprehensive Plan." The Board concluded the term "best suited" in essence requires a balancing of the Comprehensive Plan's policy to encourage development at maximum densities, with other plan policies and the analysis further concluded that ""best suited" must also include the character of the surrounding neighborhood."*
>
> *Due to the subject parcel's location and orientation with the surrounding developed neighborhoods, this application finds that the R-8.5 strikes this balance. The R-8.5 zoning balances the requirements of the City's Comprehensive Plan (Urbanization) and the need for a mixture of housing types for an infill site. Therefore, the R-8.5 zoning designation of the site would best meet the intent of the Comprehensive Plan's Goals and Policies as well as being compatible with the surrounding area.*

NE Rogahn Street is identified as a Neighborhood Route on the City's Transportation System Plan (TSP). The street is improved along the frontage of the site, but the sidewalk is curb-tight rather than separated by a planter strip as required in the TSP. Also this road right-of-way currently measures 50 feet and right-of-way dedication would be required in order to provide 27 feet from centerline.

DEPARTMENTAL COMMENTS

No comments or concerns were received from City departments.

TESTIMONY RECEIVED

A May 28, 2007 letter in opposition to the proposed zone change was received from Will W. Crandall (attached). No other written testimony has been received as of the date of this staff report by adjacent property owners or affected agencies.

RECOMMENDATION

Should the Hearings Board choose to approve the requested zone change, Planning staff recommends that the following conditions be placed on the property:

1. Approval of a future land use actions as defined in Implementation Measure (B) of the Transportation Plan shall be conditioned to require additional street right-of-way dedications along the frontage of NE Rogahn Street as necessary to meet the standards of the Transportation Plan.

2. Approval of a future land use actions as defined in Implementation Measure (B) of the Transportation Plan shall be conditioned to require reconstruction of the sidewalk adjacent to the site and install a planter strip in compliance with Transportation Plan requirements, as approved by the City Engineer.

3. A Clean Water Services Service Provider Letter shall be required prior to issuance of permits for any new development on the site, and the new development shall comply with any conditions required by the Letter.

Respectfully submitted,

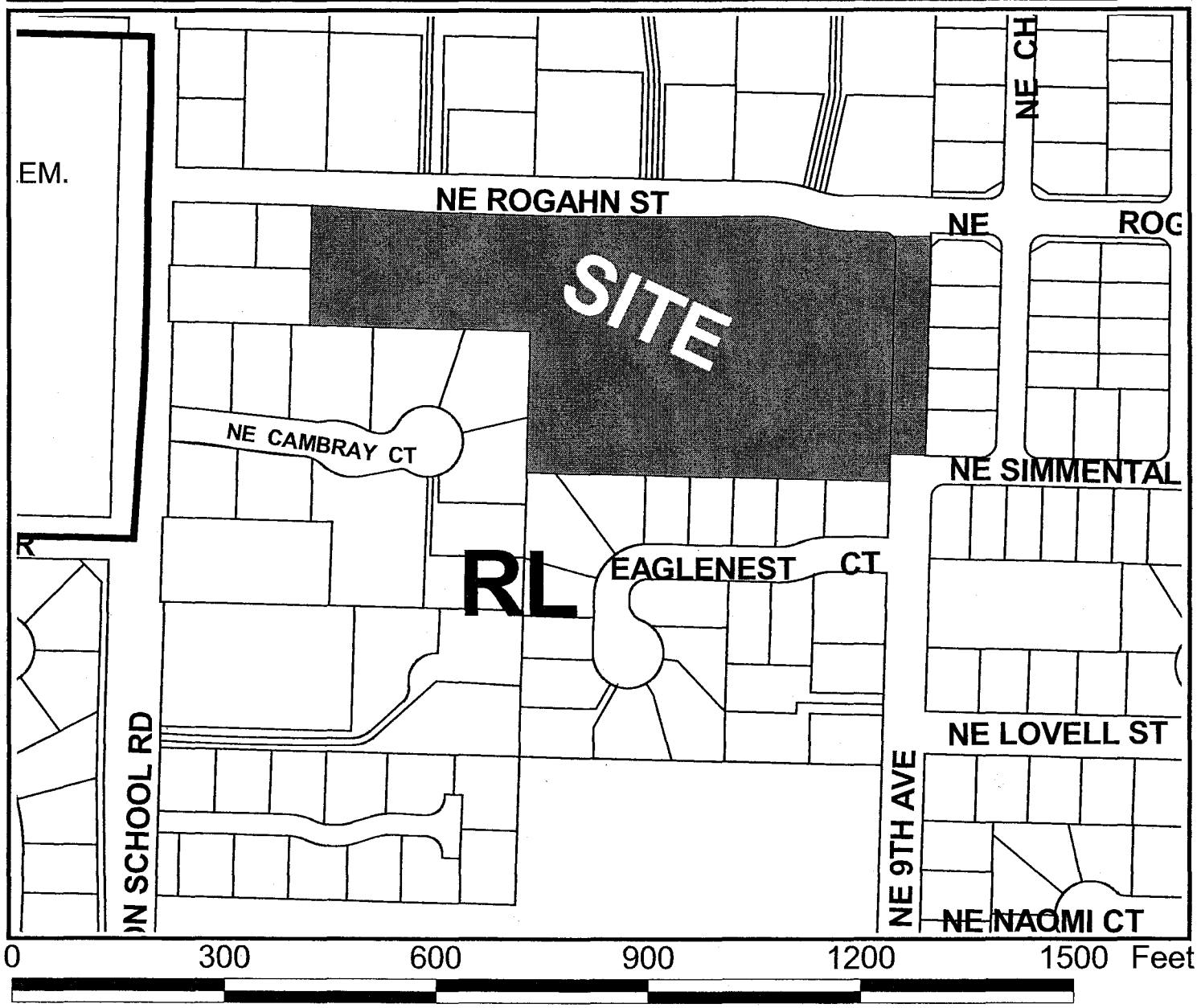
CITY OF HILLSBORO PLANNING DEPARTMENT

for Jennifer K. Wells
Urban Planner III

Attachments: Comprehensive Plan and Zoning Maps
Clean Water Services Sensitive Area Pre Screen Map
Opinion No. 1631 for ZC 26-06: Weber-Wetter
May 28, 2007 letter from Will W. Crandall
Aerial photo
Application materials

ZC 7-07: WEBER-WETTER II

REQUEST FOR ZONE CHANGE FROM R-10 SINGLE FAMILY RESIDENTIAL TO R-8.5 SINGLE FAMILY RESIDENTIAL ON ONE PROPERTY APPROXIMATELY 5.86 ACRES IN SIZE.

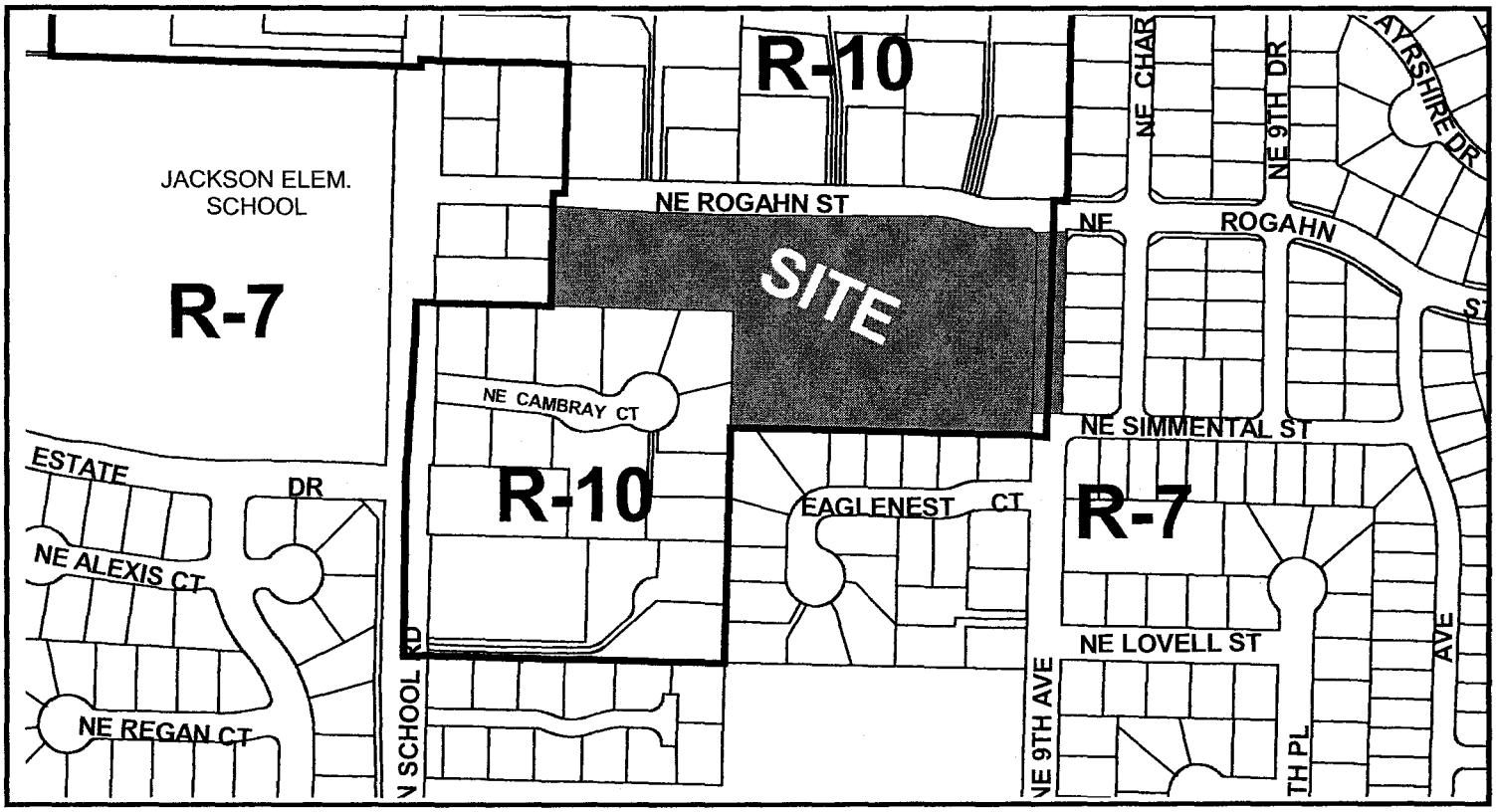


Comprehensive Plan Designations

RL	- Low Density Residential (3-7 units per acre)	**C**	- Commercial	**MU**	- Mixed Use
RM	- Medium Density Residential (8-16 units per acre)	**IN**	- Industrial		
RH	- High Density Residential (17-23 units per acre)	**PF**	- Public Facility		
RMR	- Mid-Rise Residential (24 - 30 units per acre)	**OS**	- Open Space		
SCPA	- Station Community Planning Area	**FP**	- Floodplain		

ZC 7-07: WEBER-WETTER II

REQUEST FOR ZONE CHANGE FROM R-10 SINGLE FAMILY RESIDENTIAL TO R-8.5 SINGLE FAMILY RESIDENTIAL ON ONE PROPERTY APPROXIMATELY 5.86 ACRES IN SIZE.



City of Hillsboro Zoning Designations					
R-6	Single Family Residential	**R-8.5**	Single Family Residential	**A-1**	Duplex Residential
R-7	Single Family Residential	**R-10**	Single Family Residential	**A-2**	Multi-Family Residential
SCC-SC	Station Community Commercial - Station Commercial			**A-3**	Multi-Family Residential
SCC-MM	Station Community Commercial - Multi-Modal			**A-4**	Multi-Family Residential
SCC-CBD	Station Community Commercial - Central Business District			**C-1**	General Commercial
SCC-HOD	Station Community Commercial - Highway Oriented District			**C-4**	Neighborhood Commercial
SCBP	Station Community Business Park			**PUD**	Planned Unit Development
SCRP	Station Community Research Park			**M-2**	Industrial
SCI	Station Community Industrial			**M-P**	Industrial Park
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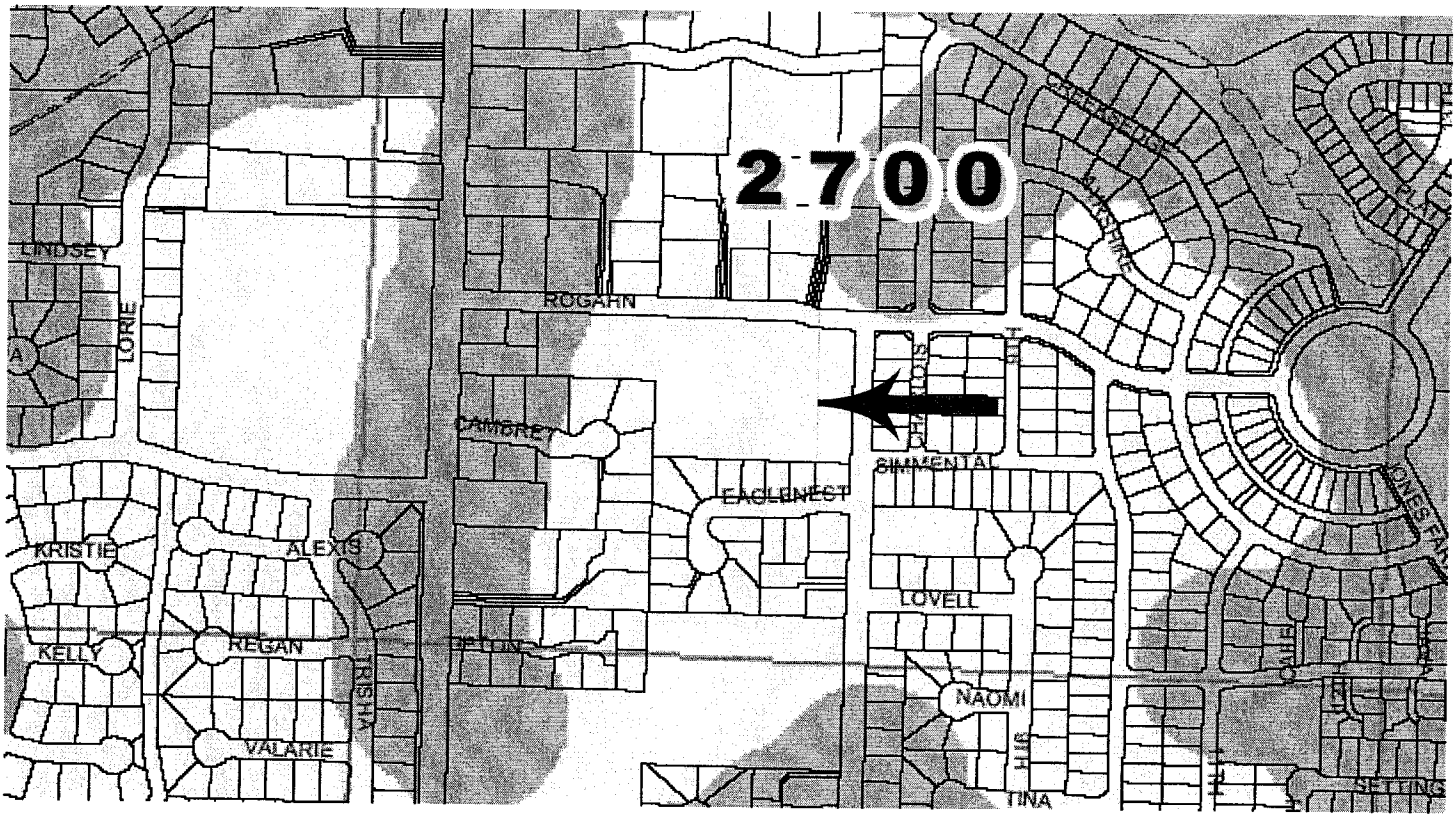
SCFI	Station Community Fair Complex Institutional				
SCR-OTC	Station Community Residential - Orenco Townsite Conservation Overlay				
SCR-DNC	Station Community Residential - Downtown Neighborhood Conservation				

City of Hillsboro Planning Department: (503) 681-6153 http://www.ci.hillsboro.or.us/Planning_Department/

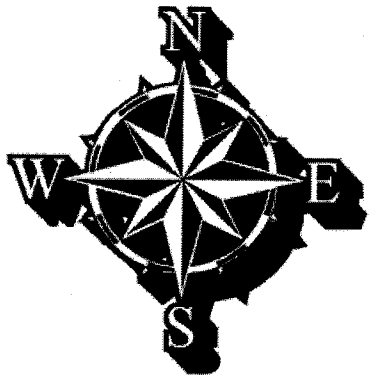
ZC 7-07: WEBER-WETTER II

Clean Water Services
Sensitive Area Pre-Screen Map



Legend

- GIS.WasCo_taxlots
- p_stm
- Streams2002
- STM_LINE
- Buffer_of_STM_LINE
- GIS.CWSB
- QTR_SEC
- Hillsboro



Clean Water Services
Our commitment is clear

BEFORE THE CITY OF HILLSBORO

PLANNING AND ZONING HEARINGS BOARD

File No. ZC 26-06
Opinion No. 1631

APPLICANT:

Overland Development, LLC.

APPLICATION:

The applicant, Overland Development, LLC, requests a zone change from R-10: Single Family Residential to R-7: Single Family Residential for one property approximately 5.86 acres in area which includes an adjacent 0.18-acre portion of recently vacated right-of-way for NE 9th Avenue which has become part of the subject site. The remaining portion of the recently vacated right-of-way that is currently zoned R-7 is not subject to the zone change request, although it is part of the subject property. The purpose of the zone change request is for possible future redevelopment the site with detached single family residences. The property owner is Sonrise Baptist Church.

PROPERTY:

The site proposed for the zone change is generally located south of NE Rogahn Street, west of NE 9th Avenue, north of NE Eaglenest Court, and east of NE Jackson School Road. The site can be specifically identified as Tax Lot 1000 on Washington County Tax Assessor's Map 1N2-30AC and an adjacent 0.18-acre portion of recently vacated NE 9th Avenue.

The subject site is relatively flat with a large tree grove along the east side (extends into the former NE 9th Avenue right-of-way) and south side (by the property line facing the rear yards of the houses on the north side of NE Eaglenest Court) of the property. The site currently includes Sonrise Baptist Church, which is addressed as 770 NE Rogahn Street.

NE Rogahn Street is classified as a Neighborhood Route on the Transportation System Plan Functional Classification Plan. On October 3, 2006, the right-of-way for NE 9th Avenue between NE Rogahn Street and NE Simmental Street was vacated, with the land reverting to the Sonrise Baptist Church. NE 9th Avenue has not been improved, so this land is available for development. As noted above, the land west of centerline currently has R-10 zoning and the land east of centerline has R-7 zoning.

The City of Hillsboro Goal 5 Significant Natural Resources Inventory identifies no Significant Natural Resources and/or associated Impact Areas on the site. The Clean Water Services (CWS) Sensitive Areas Pre-Screen Map shows the majority of the subject site as being outside of the area of potential impact, with a small western portion of the site as being within the area of potential impact.

A more complete description of the property including the surrounding area, public utilities and streets is contained in the staff report dated January 9, 2007 which is adopted and incorporated herein by reference.

HEARING DATE:

February 7, 2007.

//

BOARD MEMBERS:

Robert D. Greaves, Chair and Hearings Officer, Brenda Gustafson and Nathan Parent.

SUMMARY OF HEARING:

A statement was made by the Hearings Officer to those in attendance that testimony must be directed toward the applicable criteria or such other criteria in the City's land use regulations, which a person testifying believes should be applied to the decision and, further, that failure to raise an issue with statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue may preclude an appeal based on that issue. A further statement was made that failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action by applicant for damages in circuit court.

Board member Brenda Gustafson disclosed that she and her husband knew the applicant's representative for the subject zone change, Jeff Caines, and that her husband used to work with him. She stated that she had not discussed this proposal with that person, had no pecuniary interest in this proposal and was not biased and could keep an open mind in evaluating this proposal. Several people in the audience directed additional questions to her regarding the relationship. Her participation on the Board was not challenged. No other ex parte contacts, bias or conflicts of interest were identified.

City staff summarized the staff report, including the applicable criteria and recommended conditions if approval were granted. Staff distributed a

Supplemental Staff Report dated February 1, 2007 with attachments including a letter from Will Crandall, received January 12, 2007 and two petitions in opposition from adjacent property owners dated December 6, 2006.

John Junkin, Esq. and Tom Weber each appeared and testified on behalf of applicant. Mr. Junkin summarized the applicant's responses to the applicable approval criteria which are contained in the applicant's written land use application dated November 21, 2006. Mr. Junkin also stated that the proposed development on the property if re-zoned R-7 would contain 29 lots averaging approximately 7,500 square feet per lot. He then compared average lot sizes with surrounding developments which ranged from a low of 5,669 square feet on development to the East to a high of 17,000 to 18,000 square feet for lots to the North across NE Rogahn Street. Developments to the Southeast, South and Northeast range from slightly more than 7,000 square feet per lot average to 7, 946 square feet per lot on average. Development around Cambry Court averages 11,000 square feet per lot. Overall he testified that the proposed R-7 development was in keeping with the character of this neighborhood.

Mr. Weber stated that the applicant agreed with the conditions contained in the Staff Report. He noted that the developer had met with the surrounding neighbors on two separate occasions prior to the hearing.

The following people testified in opposition to the proposed zone change: Sharon Cornish, Patrick Doyle, Dan Vandehey, Sylvia Peterson, Michael McCall, Holly Frohlick, James Bennett, Karen Hershey, Lloyd Gooding, Dr. Matthew Merten, Mike Nelson, Harold Britton, and Dawn Vandehey (collectively "Opponents"). Opponents raised the following points in opposition:

1. **The majority of the surrounding area is zoned R-10; therefore, R-10 is more appropriate for the subject site;**
2. **The larger lot sizes with R-10 zoning would have more landscaping that is complimentary to the existing character of the surrounding neighborhood;**
3. **R-10 zoning would be more likely to preserve the existing mature trees;**
4. **There is a need in Hillsboro for more upper end homes on larger lots to attract professionals and executives that work in the city, but live elsewhere;**
5. **Larger lot sizes result in less turnover to the neighborhood;**
6. **Larger lot sizes are what attracted most people to purchase their homes in this neighborhood;**
7. **The denser R-7 zoning would contribute to overcrowding in schools and traffic problems in the neighborhood; and**
8. **Perceived ethical concerns about how Sonrise Baptist Church was treated by the developer during the sale of the property.**

On rebuttal Mr. Junkin testified that R-7 zoning was still low density residential and conformed with the Hillsboro Comprehensive Plan Map and Zoning Ordinance. Mr. Junkin argued that there was no evidence to support that the trees would be better preserved with R-10 zoning over R-7 zoning as there was no subdivision application pending before this Board. He also noted that transportation concerns would be addressed in part by a condition of approval which required the provision of additional street right of way dedication along the

frontage of NE Rogahn Street. He further testified that ethical concerns with regard to the purchase of the property for the Church were not related to any approval criteria. He testified that under R-10 zoning there would be only 14-17 lots whereas there would be 29 lots R-7 zoning. He stated that R-7 zoning therefore was in keeping with Section 2 Urbanization Implementation Measure (IV)(I) which provides that new development will be encouraged at the maximum density described by the Comprehensive Plan/land use ordinance. Finally, he stated that the proposed R-7 zoning was in keeping with the other comprehensive plan policies as outlined in the applicant's written zone change application.

No other testimony or evidence was received prior to or at the hearing. The Board closed the hearing for deliberation.

APPROVAL CRITERIA:

Zoning Ordinance No. 1945, Section 114 (2) specifies the approval criteria for a proposed zone change as follows:

a. The request must conform with the Hillsboro Comprehensive Plan and this Ordinance;

b. That, where more than one designation is available to implement the Comprehensive Plan designation (e.g. R-7 vs. R-10), the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.

Section 114(1) of the Zoning Ordinance lists conditions which may be attached to a zone change approval.

FINDINGS OF FACT:

The factual information contained in the Staff Report dated January 9, 2007, the Supplemental Staff Report dated February 1, 2007 and in applicant's written Land Use Application For a Zone Change, dated November 21, 2006, are each adopted and incorporated herein by reference. In addition, the Board made the following findings with regard to this application:

1. **The site is designated RL-Residential Low Density on the Comprehensive Plan Map and is currently zoned R-10 Single Family Residential for the majority of the subject site. There are three zoning districts which implement this plan designation in the subject area: R-10, R-8.5 and R-7. Where, as here, more than one zone is available to implement the plan designation "the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan." Zoning Ordinance No. 1945, Section 114(2)(b).**

2. **The majority of the properties surrounding the subject site are either R-10 (with lot sizes ranging as high as 18,000 square feet) or R-7 with many lots exceeding 7,000 square feet. In fact, according to applicant, the adjacent R-7 zoned development to the South has lots which average nearly 8,000 square feet.**

3. Although applicant indicates that it intends to develop the site with 29 lots averaging 7,500 square feet per lot, as the applicant itself said, the subdivision application is not pending before this Board. Accordingly, the Board may not assume the lot sizes will exceed 7,000 square feet. To the contrary, the Board must take into account that the final approved subdivision could have lots that were only 7,000 square feet. In fact, up to 30% of the lots in an R-7 subdivision can contain as little as 6,000 square feet as long as the combined lots in the subdivision average 7,000 square feet. See Zoning Ordinance No. 1945, Section 17. That would mean that under R-7 zoning the subject site could be developed with significantly smaller lot sizes ranging from 6,000 to 7,000 square feet as compared to the majority of the surrounding properties, with most lots averaging well over 7,000 square feet.

4. Applicant urges an interpretation of Section 2 Urbanization Implementation Measure (IV)(I) (hereinafter "UIM IV-I") that, according to applicant, would give the Board little if any discretion in applying the maximum density available (i.e. R-7) to the subject site. UIM IV-I provides:

> "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."

5. Applicant construes the language of UIM IV-I too narrowly for several reasons. First, when read as a whole, this implementation measure is not mandatory; that is, it does not say that new developments "must" or "shall" be developed at maximum densities. Rather, it uses the more discretionary direction that services will be maximized by "encouragement" of development at maximum densities.

6. Second, each zone contains minimum and maximum density standards, as specified in the City's land use ordinance, Hillsboro Zoning Ordinance No. 1945. For example, the minimum density in the R-10 zone is 3 dwelling units per net acre and the maximum density is 3.75 dwelling units per net acre. UIM IV-I encourages development at the upper end of this density range, and not necessarily a more dense zone such as R-8.5 or R-7.

7. Third, UIM IV-I must be read in conjunction with Zoning Ordinance No. 1945, Section 114(2)(b) which requires the applicant "to justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan." The maximum density that is best suited for a site may not be the highest density that is available when taking into

consideration the characteristics of the "specific site" and/or all the applicable policies of the Comprehensive Plan. In this case, R-7 is not the maximum density that is best suited for this specific property even though R-7 is the densest zone available.

8. Fourth, Opponents argue that there is a need for larger size lots and larger homes in Hillsboro. See, for example, letter from Patrick Doyle dated December 30, 2006. Although applicant disagreed with this contention, the Opponents certainly have the right to argue that their City should have more large size lots. Opponents' argument is supported by Section 3 Housing – Policy (B) which encourages a variety of housing units available at various prices in order to maximize housing choices for the public. Opponents believe there should be more variety in offerings of large size lots in conjunction with this policy. This argument would be less persuasive were it not for the character of this neighborhood which is defined by larger size lots.

9. Opponents' argument for the preservation of the existing mature trees on the site is bolstered by Section 3 Housing – Policy (M) which encourages the preservation of open space and trees within developments. Opponents contend that the larger lot sizes in an R-10 zone are more likely to preserve these trees than would the smaller lots in an R-7 zone. It is

reasonable to infer that the larger the lot, the more room there is to situate the foot print of the house so as not to negatively impact the existing trees.

10. Finally, the evaluation of what is "best suited" must also include the character of the surrounding neighborhood which includes a significant, if not a majority, of much larger lots with substantial landscaping and mature trees. It is more likely that the larger lot sizes in the R-10 zone will encourage more landscaping and open space than would the smaller R-7 lots. Applicant has not justified how the smaller, denser R-7 lots would be more compatible with, and better suited for, the character of this type of neighborhood.

11. The Board did not consider Opponents' argument involving circumstances surrounding the sale of the property to the Developer as this argument did not address the applicable approval criteria and is not relevant to the decision.

12. Since the property is already zoned R-10 it is reasonable to infer that the existing R-10 zone is still consistent with, and represents the highest use allowed by, the Comprehensive Plan Land Use Map as when the R-10 zone was originally placed on the property. See Section 2 Urbanization Implementation Measure (J). Applicant carries the burden

of proof to justify that the R-7 zone is now best suited for the subject site. In the case of zone changes in residential areas the proposed zone shall allow development of housing at a density within the range designated by the land use map. Both the R-10 and R-7 zones meet this criterion. Therefore this implementation measure does not justify a zone change in this case.

13. Applicant has demonstrated that the R-7 zone meets other plan policies including Section 2 Urbanization Implementation Measure (IV)(A)[Urban Services] and Section 13 Transportation Implementation Measure (B). However, the existing R-10 zoning also meets those same policies. Therefore, these policies do not lend any advantage to one zone over the other.

14. Applicant has failed to meet its burden of proof that R-7 zoning is better suited for the subject parcel than R-10. While applicant has demonstrated that R-7 zoning could be applied to the subject property, in light of the findings contained herein there is not sufficient evidence to show that R-7 is better suited than R-10. Therefore, the Board finds that R-10 zoning is better suited for the subject property and the property should remain zoned R-10.

/ /

/ /

DECISION:

For the reasons set forth above, Applicant has failed to meet the approval criteria for zone change as listed in Zoning Ordinance No. 1945 Section 114(2). Therefore, the applicant's request for a zone change is denied.

DATE OF DECISION:

March 7 **, 2007.**

PLANNING AND ZONING HEARINGS BOARD

By: _____
Robert D. Greaves, Chair

Board Member Action:

Signature	Agree/Object	Date
Brenda Gustafson **Brenda Gustafson**	Agree	3-2-07
_____ **Nathan Parent**	AGREE	03-07-2007

RECEIVED

MAY 30 2007

CITY OF HILLSBORO
PLANNING DEPARTMENT

May 28,2007

Plannning Commissioners

Regarding Sonrise Church Property

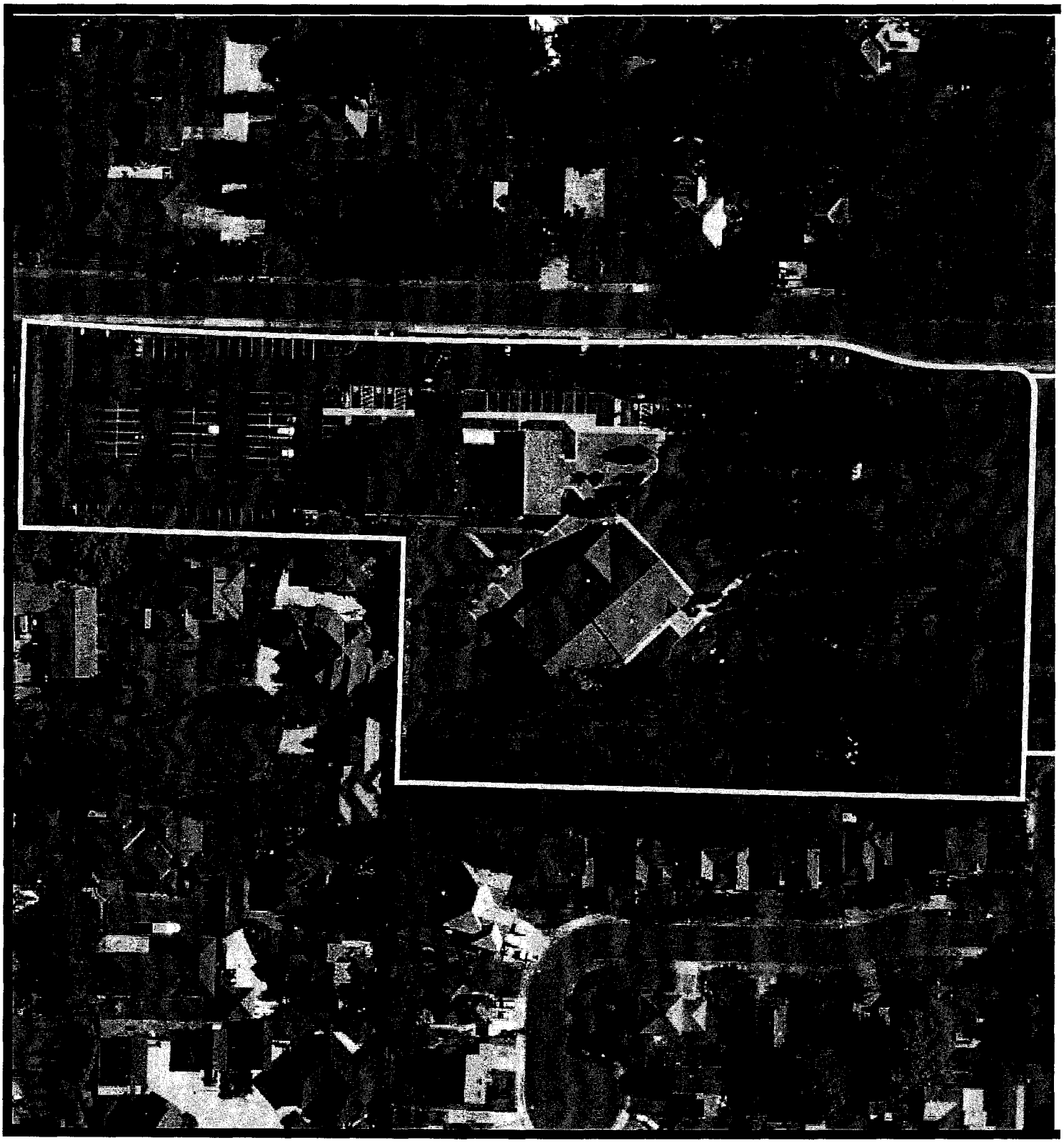
It would be wrong to change the zoning from R-10 to R-8.5 on this 5 acre parcel. Hillsboro lacks big lots to build nice big homes on. This parcel is surrounded for the most part with R-10 lots that were zoned years ago to allow for big homes. The developers quote,",this is a unique parcel with 7000 square foot lots". It is far more unique with 10,000 square foot lots and a greater asset to Hillsboro. I urge you to turn down the developers request, his interest are dollars and not to develop housing that will accommodate executives working in Hillsboro who would like to live here but cannot find the quality of homes they prefer.

Will W. Crandall

Will W. Crandall
747 NE Rogahn St.
Hillsboro, Oregon

ZC 7-07: WEBER-WETTER II

2006 AERIAL PHOTOGRAPHY



CITY OF HILLSBORO

UB

Public Works Department, Engineering Division

August 7, 2007

To: Mayor and City Council

From: Alyson Ingebrigtsen, Engineering Technician

Re: Proposed Stop Signs
NE 55th Avenue at W Baseline Road
NE 57th Avenue at NE Ernest Street

The Solano Estates subdivision has recently platted within the City of Hillsboro. NE 55th Avenue (a local residential roadway) now intersects with W Baseline Road (an arterial roadway). Transportation Committee policy requires the installation of stop signs where local roadways intersect with collector or arterial roadways. Therefore, in keeping with Transportation Committee policy, the following ordinance establishes a stopped street southbound on NE 55th Avenue at W Baseline Road.

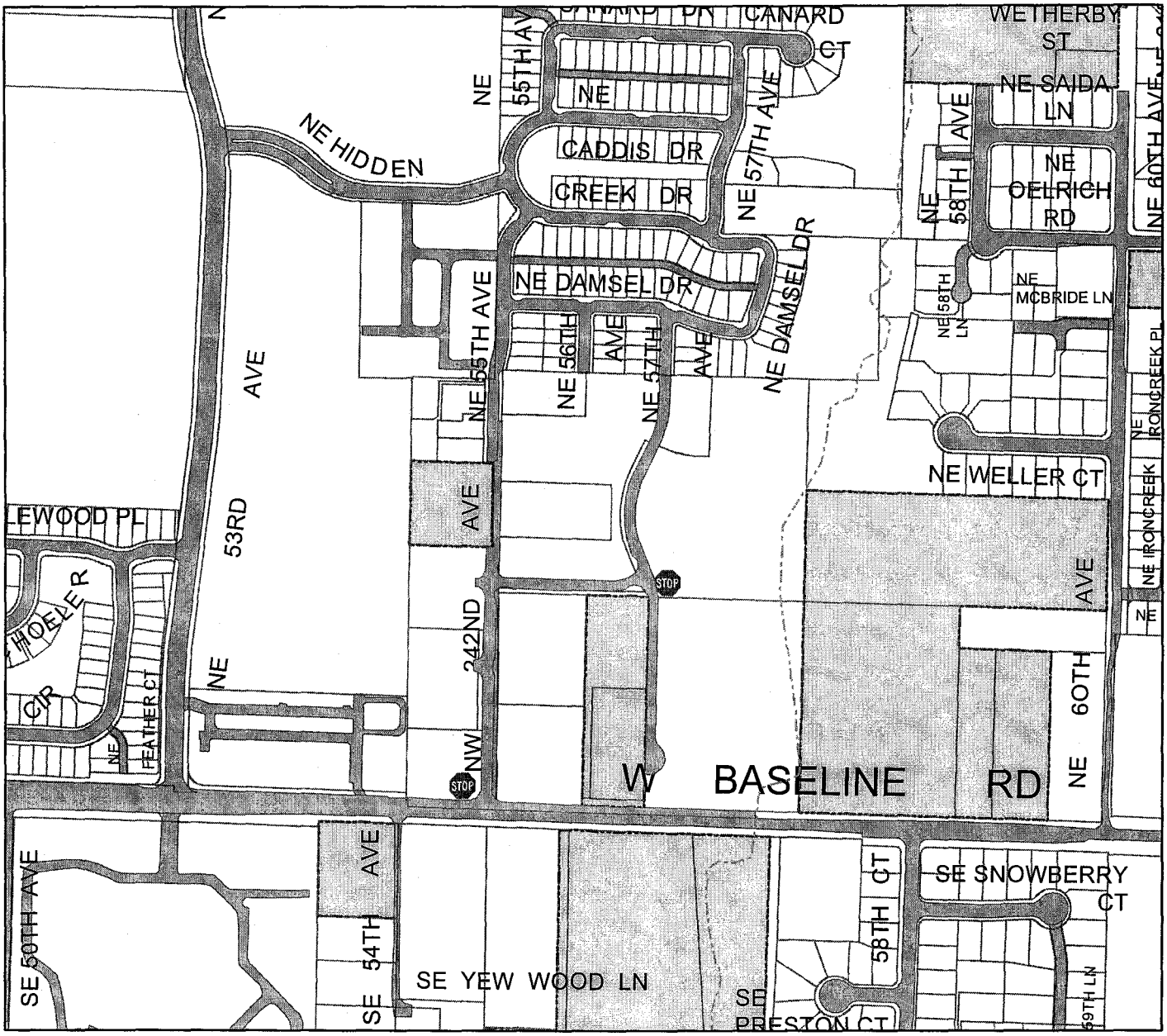
In addition, there is a grade difference and fence on the southwest corner of NE 57th Avenue/NE Ernest Street that causes sight distance restrictions at the intersection. As a result, Transportation Committee recommended forwarding an ordinance to Council establishing a stopped street northbound on NE 57th Avenue at NE Ernest Street at their regularly scheduled meeting on July 24, 2007.

150 E Main Street, Fourth Floor
Hillsboro, Oregon 97123-4028
Office: 681-6146
Fax: 681-6245

City of Hillsboro
Public Works
Engineering Division

Proposed Stops Signs
Solano Estates

August 2007



Stop Sign

Streams

Taxlots

Roadway

City Limits

1 inch equals 375 feet

0 185 370 740 Feet

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10.08.030 (STOP STREETS – SCHEDULE B) OF THE CITY OF HILLSBORO MUNICIPAL CODE BY CREATING ADDITIONAL STOPPED STREETS SOUTHBOUND ON NE 55TH AVENUE AT W BASELINE ROAD AND NORTHBOUND ON NE 57TH AVENUE AT NE ERNEST STREET AND DECLARING AN EMERGENCY.

WHEREAS, the Solano Estates subdivision has recently platted, and

WHEREAS, the Transportation Committee has by policy authorized staff to recommend the installation of stop signs on local streets where they intersect with collector or arterial streets in order to provide for added safety for the public; and

WHEREAS, the Transportation Committee has recommended the installation of a stop sign to provide for added safety for the public;

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Section 10.08.030 (Stop Streets – Schedule B) is amended by the addition of the following:

a. Southbound on NE 55th Avenue at W Baseline Road.
b. Northbound on NE 57th Avenue at NE Ernest Street.

Section 2. The City Engineer is hereby instructed to install the appropriate sign and/or pavement markings as may be required to carry out the provisions of Section 1.

Section 3. Except as herein amended, Section 10.08.030 of the City of Hillsboro Municipal Code shall remain in full force and effect.

Section 4. In accordance with Section 123 of the Hillsboro City Charter, it is necessary that this ordinance be adopted immediately. Inasmuch as certain hazards exist at this location and the installation of physical traffic control devices will alleviate such hazards, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage by the City Council, approval by the Mayor, and installation of the appropriate sign and/or pavement markings.

Passed by the Council this 7th day of August 2007.

Approved by the Mayor this 7th day of August 2007.

_____
Mayor

ATTEST: _____
City Recorder

6C

CITY OF HILLSBORO

Public Works Department, Engineering Division

August 7, 2007

To: Mayor and City Council

From: Alyson Ingebrigtsen, Engineering Technician

Re: Proposed Parking Prohibitions
Solano Estates

Solano Estates is a recently platted subdivision within the City of Hillsboro. Some of the streets in this subdivision were constructed at 28-feet wide. Transportation Committee adopted a policy on December 22, 2003 to prohibit parking on one side of newly constructed 28-foot wide streets and both sides of streets 26-feet wide and narrower to provide for vehicular movement and emergency access. During their regularly scheduled meeting on January 3, 2006, Transportation Committee approved parking restrictions within the Solano Estates subdivision.

Therefore, in keeping with Transportation Committee policy on the newly constructed 28-foot wide and 21 to 24-foot wide streets, the following ordinance prohibits parking along portions of NE 55th Avenue, NE 57th Avenue, and NE Ernest Street.

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Hillsboro, Oregon 97123-3999
Office: 681-6146
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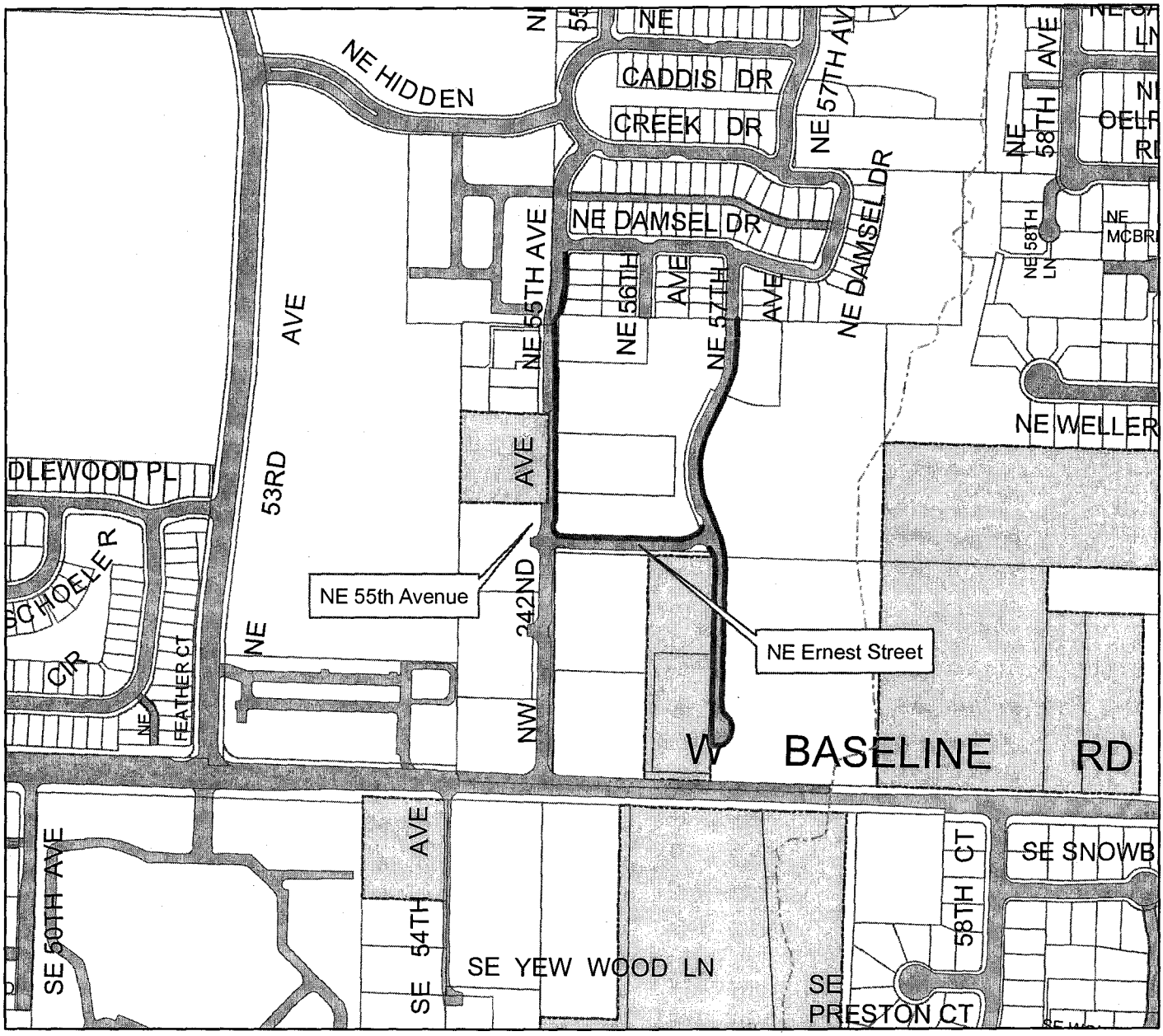
City of Hillsboro
Public Works
Engineering Division

Proposed Parking Restrictions
Solano Estates

August 2007



Parking Restriction

Streams

Taxlots

Roadway

City Limits

1 inch equals 350 feet

0 175 350 700 Feet

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10.12.110 (PROHIBITED PARKING – SCHEDULE G) OF THE CITY OF HILLSBORO MUNICIPAL CODE BY ESTABLISHING PARKING PROHIBITIONS ON PORTIONS OF NE ERNEST STREET, NE 55TH AVENUE, AND NE 57TH AVENUE AND DECLARING AN EMERGENCY.

WHEREAS, there now exists Transportation Committee policy to prohibit parking along one side of newly constructed 28-foot wide streets and on both sides of streets 26-feet wide and narrower in order to provide adequate vehicular movement and emergency access, and

WHEREAS, during their regular meeting on January 3, 2006, Transportation Committee approved additional parking restrictions within the Solano Estates Subdivision,

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Section 10.12.110 (Prohibited Parking – Schedule G) is amended by the ***deletion*** of the following:

a. The east side of NE 55th Ave. from NE Hidden Creek Dr. to end of pavement for the Hidden Creek subdivision.

Section 2. Section 10.12.110 (Prohibited Parking – Schedule G) is amended by the ***addition*** of the following:

a. On the north side of NE Ernest Street between NE 55th Avenue and NE 57th Avenue.
b. On the east side of NE 55th Avenue between NE Ernest Street and NE Hidden Creek Drive.
c. On the east side of NE 57th Avenue beginning at NE Ernest Street thence north approximately 450 feet to the end of improvements for the Solano Subdivision.
d. On both sides of NE 57th Avenue beginning at NE Ernest Street thence south to the cul-de-sac, and including the cul-de-sac.

Section 3. The City Engineer is hereby instructed to install the appropriate signs and/or pavement markings as may be required to carry out the provisions of Sections 1 and 2.

Section 4. Except as herein amended, Section 10.12.110 of the City of Hillsboro Municipal Code shall remain in full force and effect.

Section 5. In accordance with Section 123 of the Hillsboro City Charter, it is necessary that this ordinance be adopted immediately. Inasmuch as certain hazards exist at this location and the installation of physical traffic control devices will alleviate such hazards, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage by the Council, approval by the Mayor, and installation of the appropriate signs and/or pavement markings.

Passed by the Council this 7th day of August 2007.

Approved by the Mayor this 7th day of August 2007.

_____
Mayor

ATTEST: _____
City Recorder

CITY OF HILLSBORO

Public Works Department, Engineering Division

August 7, 2007

To: Mayor and City Council

From: Teresa Gibson, Project Engineer

Re: Proposed Stop Signs in Arbor Roses

The City of Hillsboro received a request for several stop signs within the Arbor Roses development. The Owners are concerned that the intersections are creating traffic problems due to confusion among drivers as to who has the right-of-way and safety for pedestrians and bicyclists. A traffic study was conducted and determined that sight distance restrictions and crash history warrant the installation of stop signs within the subdivision. Therefore, Transportation Committee recommended forwarding an ordinance to City Council establishing the following stopped streets within the Arbor Roses development at their regularly scheduled meeting on July 24, 2007:

a. Eastbound and Westbound on SE Bacarra Street at SE 11th Avenue.
b. Eastbound and Westbound on SE Tamango Street at SE 11th Avenue.
c. Eastbound and Westbound on SE Leander Street at SE 11th Avenue.
d. Southbound on SE 11th Avenue at SE Bianca Street.
e. Northbound and Southbound on SE Highfield Avenue at SE Bianca Street.

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Office: 681-6146
Fax: 681-6245

Arbor Roses Stop Study

City of Hillsboro

July 2007

Legend

Requesting 9 Stop Signs

STOP Proposed stop sign locations

N
W E
S

0 60 120 240 360 480 Feet

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10.08.030 (STOP STREETS – SCHEDULE B) OF THE CITY OF HILLSBORO MUNICIPAL CODE BY CREATING ADDITIONAL STOPPED STREETS WITHIN THE ARBOR ROSES SUBDIVISION ALONG SE 11TH AVENUE AND SE BIANCA STREET AND DECLARING AN EMERGENCY.

WHEREAS, the Transportation Committee has recommended the installation of stop signs to provide for added safety for the public;

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Section 10.08.030 (Stop Streets – Schedule B) is amended by the addition of the following:

a. Eastbound and Westbound on SE Bacarra Street at SE 11th Avenue.
b. Eastbound and Westbound on SE Tamango Street at SE 11th Avenue.
c. Eastbound and Westbound on SE Leander Street at SE 11th Avenue.
d. Southbound on SE 11th Avenue at SE Bianca Street.
e. Northbound and Southbound on SE Highfield Avenue at SE Bianca Street.

Section 2. The City Engineer is hereby instructed to install the appropriate sign and/or pavement markings as may be required to carry out the provisions of Section 1.

Section 3. Except as herein amended, Section 10.08.030 of the City of Hillsboro Municipal Code shall remain in full force and effect.

Section 4. In accordance with Section 123 of the Hillsboro City Charter, it is necessary that this ordinance be adopted immediately. Inasmuch as certain hazards exist at this location and the installation of physical traffic control devices will alleviate such hazards, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage by the City Council, approval by the Mayor, and installation of the appropriate sign and/or pavement markings.

Passed by the Council this 7th day of August 2007.

Approved by the Mayor this 7th day of August 2007.

_____
Mayor

ATTEST: _____
City Recorder

6.E

CITY OF HILLSBORO

Public Works Department, Engineering Division

August 7, 2007

To: Mayor and City Council

From: Teresa Gibson, Project Engineer

Re: Proposed Parking Restrictions on SE Spruce Street Spur (between 24th/28th Aves)

The City of Hillsboro received a citizen request to establish parking restrictions on SE Spruce Street Spur due to cars parking three to four wide, blocking the car port access, and blocking the fire hydrant. Upon investigation, staff found that the roadway is 35 feet wide allowing cars to park on both sides of the street. Staff also noticed that the access to the citizen's referenced carport (back porch) may be a little difficult for drivers to recognize. In addition, if the citizen were to park a vehicle and try to back out onto the street with cars parking across the barricade at the end they may back into one. However, there is still room to allow cars to park along the curb line in front of the barricade. Therefore, Transportation Committee recommended forwarding an ordinance to City Council prohibiting parking 10 feet on both sides of the access to driveway #2607 and prohibit parking in the center 19 feet of the barricade allowing 8 foot parking spaces on each end of the barricade next to the curb line on SE Spruce Street Spur (between 24th/28th Avenues) at their regularly scheduled meeting on July 24, 2007.

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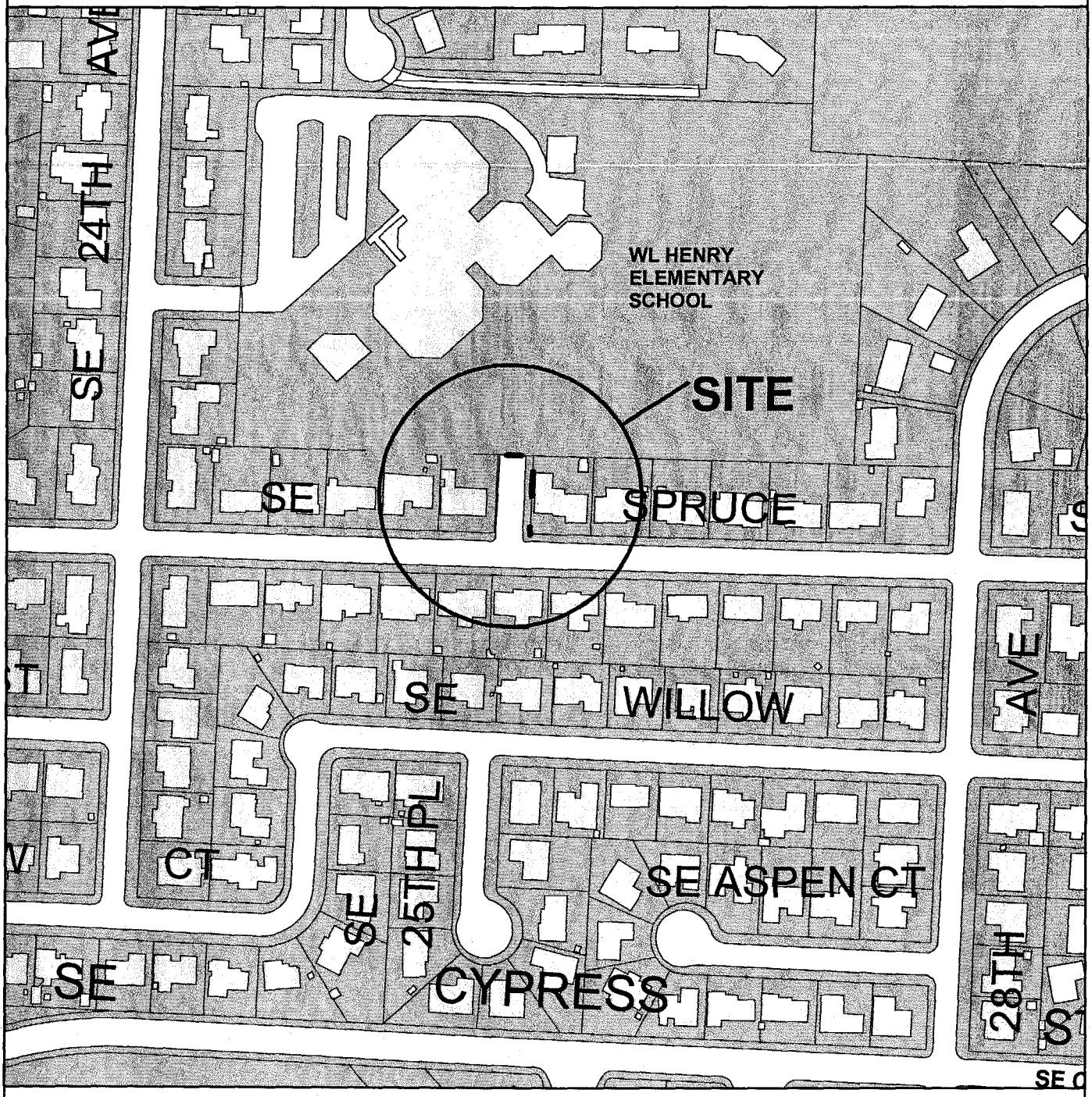
Office: 681-6146
Fax: 681-6245

SE Spruce Street Spur
Proposed Parking Restriction

City of Hillsboro

July 2007



Legend

BUILDINGS

Proposed Pkg Restriction

N
W E
S

0 50 100 200 300 400 Feet

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 10.12.110 (PROHIBITED PARKING – SCHEDULE G) OF THE CITY OF HILLSBORO MUNICIPAL CODE BY ESTABLISHING PARKING PROHIBITIONS ALONG PORTIONS OF SE SPRUCE STREET SPUR (BETWEEN SE 24TH/28TH AVENUES) AND DECLARING AN EMERGENCY.

WHEREAS, there is a demonstrated need to prohibit parking to allow for vehicular movement;

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Section 10.12.110 (Prohibited Parking – Schedule G) is amended by the ***addition*** of the following:

a. On the east side of SE Spruce Street Spur (between SE 24th/28th Avenues) beginning at a point 69 feet north of the north curb line of SE Spruce Street thence north 35 feet, and prohibiting parking in the center 19 feet of the barricade allowing 8 foot parking spaces on each end of the barricade next to the curb line.

Section 2. The City Engineer is hereby instructed to install the appropriate signs and/or pavement markings as may be required to carry out the provisions of Section 1.

Section 3. Except as herein amended, Section 10.12.110 of the City of Hillsboro Municipal Code shall remain in full force and effect.

Section 4. In accordance with Section 123 of the Hillsboro City Charter, it is necessary that this ordinance be adopted immediately. Inasmuch as certain hazards exist at this location and the installation of physical traffic control devices will alleviate such hazards, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage by the Council, approval by the Mayor, and installation of the appropriate signs and/or pavement markings.

Passed by the Council this 7th day of August 2007.

Approved by the Mayor this 7th day of August 2007.

_____
Mayor

ATTEST: _____
City Recorder

CITY OF HILLSBORO

COF

Public Works Department, Engineering Division

August 7, 2007

To: Mayor and City Council

From: Tina Bailey, Project Manager

Re: Brookwood Avenue Speed Zone

Brookwood Avenue south of Witch Hazel Road currently has a speed limit of 45 mph. This limit is based on a speed zone order issued in 1984. Since that time the roadway characteristics have drastically changed. New housing exists on the west side of the roadway and a number of new subdivisions are in the early development stage on the east side of the roadway. Given these changes, staff felt it was appropriate to revisit the speed limit on this roadway.

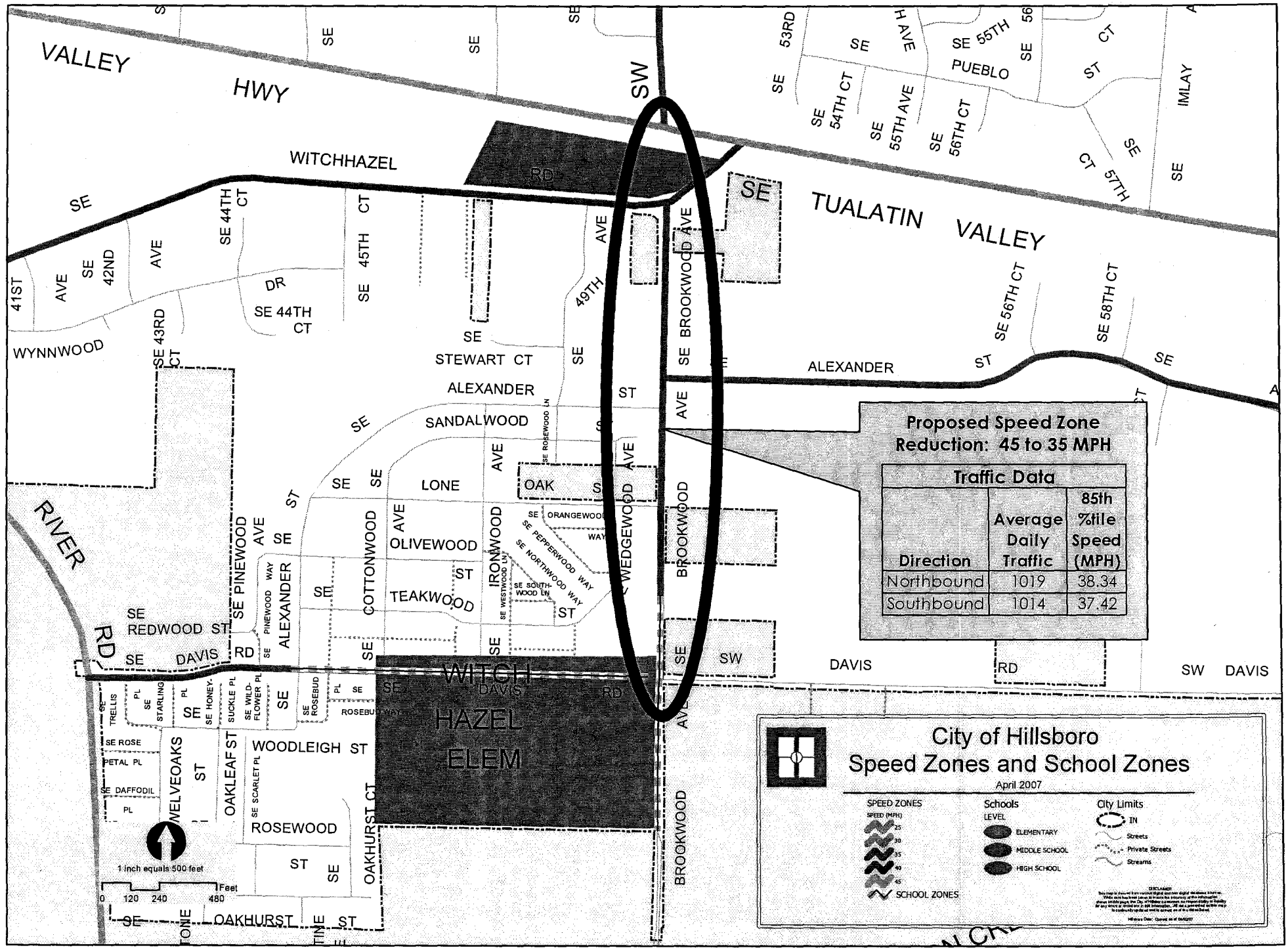
Traffic counters were placed between Lone Oak Street and the south leg of Alexander Street. 85th percentile speeds were in the range of 37 to 38.5 mph. These speeds support a speed zone reduction to 35 mph. Since the TV Hwy/Brookwood/Witch Hazel Intersection Realignment Project will extend Brookwood Avenue from Witch Hazel Road to TV Highway as well as improve the segment between Alexander and Witch Hazel, staff will be making a request to the Oregon Department of Transportation (ODOT) following the completion of this project.

Transportation Committee has recommended forwarding an ordinance to City Council establishing a temporary speed limit of 35 mph until such time as ODOT has issued a speed zone order on this roadway.

(Transportation Committee Approval, July 2007)

150 E. Main Street, Fourth Floor
Hillsboro, Oregon 97123-3999

Office: 681-6146
Fax: 681-6245



Proposed Speed Zone Reduction: 45 to 35 MPH

Traffic Data		
Direction	Average Daily Traffic	85th %tile Speed (MPH)
Northbound	1019	38.34
Southbound	1014	37.42

City of Hillsboro Speed Zones and School Zones

April 2007

SPEED ZONES
SPEED (MPH)
25
30
35
40
45
SCHOOL ZONES

Schools
LEVEL
ELEMENTARY
MIDDLE SCHOOL
HIGH SCHOOL

City Limits
IN
Streets
Private Streets
Streams

DISCLAIMER

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR A TEMPORARY REDUCTION IN VEHICLE SPEEDS ON SE BROOKWOOD AVENUE FROM SE/SW DAVIS ROAD TO SE WITCH HAZEL ROAD AND DECLARING AN EMERGENCY.

WHEREAS, it is the opinion of City Council that the maximum speed limit compromises the safety of the public; and

WHEREAS, construction is underway to improve portions of this roadway that would benefit from a reduced speed limit,

WHEREAS, a speed zone study will be initiated to determine the appropriate maximum speed limit following the completion of the construction; and

WHEREAS, a temporary reduction in speed would assist in the protection of the public until such time as the appropriate maximum speed has been established by a Speed Zone Order; and

WHEREAS, Oregon Revised Statute 810.180(4) empowers the governing agency to temporarily reduce speeds;

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The speed on SE Brookwood Avenue from SE/SW Davis Road to SE Witch Hazel Road shall be temporarily reduced to 35 miles per hour.

Section 2. The temporary speed reduction shall remain in effect until such time as a Speed Zone Order has been issued by the Oregon Department of Transportation.

Section 3. The City Engineer is hereby instructed to install the appropriate signs as may be required to carry out the provisions of Section 1.

Section 4. In accordance with Section 123 of the Hillsboro City Charter, it is necessary that this ordinance be adopted immediately. In as much as certain hazards exist at this location and the installation of physical traffic control devices will alleviate such hazards, an emergency is hereby declared to exist and this ordinance shall become effective upon its passage by the Council, approval by the Mayor and installation of the appropriate signs.

Passed by the Council this 7th day of August 2007.

Approved by the Mayor this 7th day of August 2007.

_____
Mayor

ATTEST: _____
City Recorder

Public Works Department, Engineering Division

August 8, 2007

To: Mayor and City Council

From: Tina Bailey, Project Manager

Re: Speed Zone NW Wilkins Avenue, 206th to Cornelius Pass

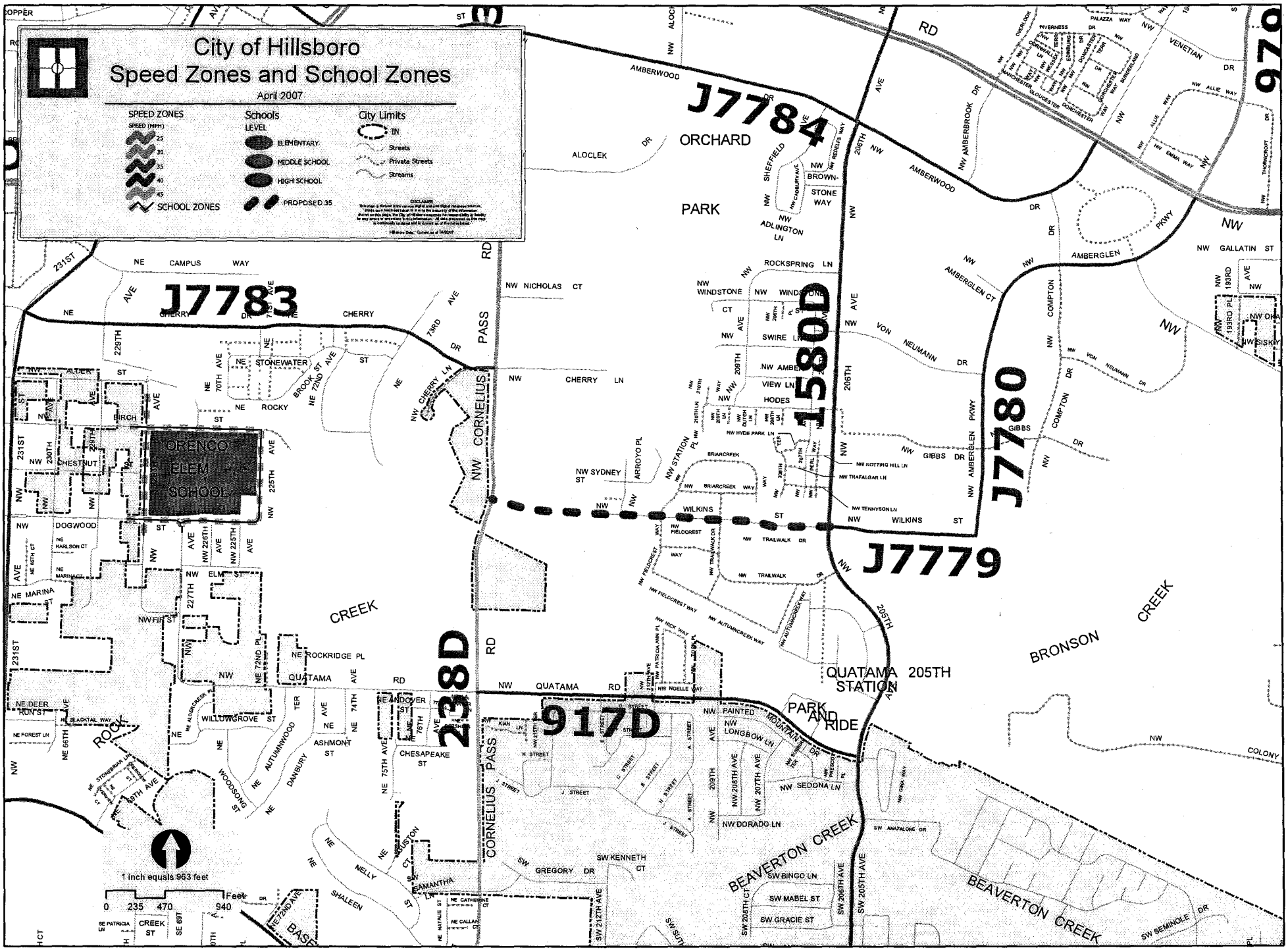
The Arbor Pass Condominium project is nearing completion of it's improvements to NW Wilkins Avenue at Cornelius Pass Road. When these improvements are complete Wilkins will have an uninterrupted connection between Cornelius Pass and 206th Avenue. The roadway is a collector street. Although it is abutted by medium density residential development the developments do not front to Wilkins. Presently the roadway is operating under the Basic Rule, which would allow speeds that are "reasonable and prudent" up to 55 mph.

As with most collector streets, the roadway was designed for a 35 speed limit. This is consistent with the limit on Wilkins east of 206th Avenue. 85th Percentile Speeds were found to be 34.34 mph westbound and 35.47 mph eastbound, These speeds support a 35 mph speed limit. With the completion of this link, staff believes it would be appropriate to establish a limit on Wilkins Avenue. Staff will be requesting the Oregon Department of Transportation (ODOT) conduct a speed zone investigation to permanently reduce the speed. Until such time as a Speed Zone Order is issued by ODOT, Transportation Committee has recommended forwarding an ordinance to City Council temporarily establishing a 35 mph speed zone.

(Transportation Committee Approval, July 2007)

150 E. Main Street, Fourth Floor
Hillsboro, Oregon 97123-3999

Office: 681-6146
Fax: 681-6245


City of Hillsboro
Speed Zones and School Zones
April 2007
SPEED ZONES
SPEED (MPH)
25
30
35
40
45
SCHOOL ZONES
Schools
LEVEL
ELEMENTARY
MIDDLE SCHOOL
HIGH SCHOOL
PROPOSED 35
City Limits
IN
Streets
Private Streets
Streams
J7784
J7783
J7780
J7779
1580D
238D
917D
ORCHARD PARK
TORENGO ELEM SCHOOL
QUATAMA 205TH STATION
PARK AND RIDE
CREEK
BRONSON CREEK
BEAVERTON CREEK
1 inch equals 963 feet
0 235 470 940 Feet

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR A TEMPORARY REDUCTION IN VEHICLE SPEEDS ON NW WILKINS DRIVE FROM NW CORNELIUS PASS ROAD TO NW 206TH AND DECLARING AN EMERGENCY.

WHEREAS, it is the opinion of City Council that the maximum speed limit compromises the safety of the public; and

WHEREAS, a speed zone study is underway to determine the appropriate maximum speed limit; and

WHEREAS, a temporary reduction in speed would assist in the protection of the public until such time as the appropriate maximum speed has been established by a Speed Zone Order; and

WHEREAS, Oregon Revised Statute 810.180(4) empowers the governing agency to temporarily reduce speeds;

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The speed on NW Wilkins Drive from NW Cornelius Pass Road to NW 206th Avenue shall be temporarily reduced to 35 miles per hour.

Section 2. The temporary speed reduction shall remain in effect until such time as a Speed Zone Order has been issued by the Oregon Department of Transportation.

Section 3. The City Engineer is hereby instructed to install the appropriate signs as may be required to carry out the provisions of Section 1.

Section 4. In accordance with Section 123 of the Hillsboro City Charter, it is necessary that this ordinance be adopted immediately. In as much as certain hazards exist at this location and the installation of physical traffic control devices will alleviate such hazards, an emergency is hereby declared to exist and this ordinance shall become effective upon its passage by the Council, approval by the Mayor and installation of the appropriate signs.

Passed by the Council this 7th day of August 2007.

Approved by the Mayor this 7th day of August 2007.

_____
Mayor

ATTEST: _____
City Recorder

CITY OF HILLSBORO

64

Public Works Department, Engineering Division

Date: August 7, 2007

To: Mayor and City Council

From: Tom Arnold, Project Manager

Subject: Ordinance adopting Clean Water Services Rate and Charges schedule

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Upon execution, this ordinance adopts the current Clean Water Services (CWS) Rates and Charges schedule and repeals CWS Resolution and Order 06-22, previously adopted by Ordinance 5755 on April 17, 2007.

CWS Resolution and Order 07-31 is referenced as Exhibit A (71 pages) to this ordinance, and is on file and available for review in the office of the City Recorder.

150 E. Main Street, Fourth Floor
Hillsboro, Oregon 97123

Office: 681-6146
Fax: 681-6245

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 13.08.010 (ADOPTION OF COUNTY AGENCY REGULATIONS) OF THE CITY OF HILLSBORO MUNICIPAL CODE FOR THE ADOPTION OF CLEAN WATER SERVICES (CWS) R&O NO. 07-31 ESTABLISJING RATES, FEES AND CHARGES TO BE EFFECTIVE UPON PASSAGE AND REPEALING THE ADOPTION OF CWS R&O NO. 06-22 AND DECLARING AN EMERGENCY.

WHEREAS, the City of Hillsboro is a member City of the Clean Water Services District and by intergovernmental agreement enforces rules, regulations and fees within the City limits. and

WHEREAS, the Clean Water Services Board of Directors have approved certain rate increases which began July 1, 2007

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Section 13.08.010 (Adoption of County Agency Regulation) is amended by the adoption of Clean Water Services Resolution and Order No. 07-31.

Section 2. Section 13.08.010 (Adoption of County Agency Regulation) is further amended by repealing Clean Water Services Resolution and Order No. 06-22.

Section 3. The City Recorder shall keep a copy of Resolution and Order No. 07-31 on file.

Section 4. Except, as herein amended, Section 13.08.010 of the City of Hillsboro Municipal Code shall remain in full force and effect.

Section 5. Inasmuch as it is necessary to establish the rates, fees and charges as amended, an emergency is declared to exist and this ordinance shall become effective upon passage by the City Council.

Passed by Council this 7th day of August 2007.

Approved by the Mayor this 7th day of August 2007.

_____
Mayor

ATTEST: _____
City Recorder

Exhibit A

CLEAN WATER SERVICES RATES AND CHARGES

Resolution and Order No. 07-31

July 1, 2007 – June 30, 2008

CLEAN WATER SERVICES
RATES AND CHARGES RESOLUTION AND ORDER
FISCAL YEAR 2007-2008
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DEFINITIONS

For additional definitions, see Clean Water Services (hereinafter the District or District) Ordinances 26 through 36. The following words shall have the following definitions in this Resolution and Order, unless the context states otherwise.

1.01 Ad Valorem Taxes

Taxes based on the value of property as provided in Oregon Revised Statutes.

1.02 Applicant

The person making application for a permit relating to the sewer or storm and surface water system, who may or may not be the owner of the premises to be served.

1.03 Base Portion

Under the consumption Based Sanitary Sewer Rate methodology, the portion of the sanitary sewer charge attributed to fixed costs that do not change with variations in volume of wastewater flow. This currently represents 65 percent of system costs.

1.04 Billing Period

A regular period of time for which service charges are imposed and billed.

1.05 Biochemical Oxygen Demand (BOD)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20C, expressed in milligrams per liter.

1.06 Biosolids Compost

Solid Material produced through the wastewater treatment process, composted using heat and aeration to kill pathogens as required by federal and state rules (40 CFR Part 340, regarding Class A product), resulting in a product usable without restriction as a soil amendment.

1.07 Bonded Debt

Long term debt owed by the District and repaid through fees and charges, or special assessments (Revenue Bonds); property taxes (General Obligation Bonds).

1.08 Building

Any structure used for human habitation, employment or place of business, recreation or other purpose, and containing sanitary facilities.

1.09 Chemical Oxygen Demand (COD)

A measure of the organic matter content in wastewater and is the oxygen equivalent of the organic matter that can be oxidized under standard laboratory procedure using a strong chemical oxidizing agent in an acidic medium.

1.10 Commercial Establishment

Any structure used other than as a dwelling.

1.11 Connection Charge (Sanitary Sewer and Surface Water Management)

A term often used interchangeably with System Development Charge (SDC) to describe a one-time assessment collected at the time of the issuance of a connection permit. Connection charges for both the District's sanitary sewer and surface water management systems are intended to recognize the cost of growth. When used to describe an SDC, connection charges consist of an assessment to reimburse existing costs for sanitary collection and treatment, as well as an improvement assessment for a share of the costs related to the development of additional system capacity and performance improvements to the sanitary and surface water management systems.

1.12 Connection Permit

The permit issued by the District authorizing physical connection to the sanitary sewer or surface water management system, or authorizing activities which may increase the flow to such systems, alter the character of storm or surface water, or which my alter or impact a water quality sensitive area or associated vegetated corridor.

1.13 Consumption Based Rate Method

A rate method for the sanitary sewer user charge in which a portion of the service charge is based on the amount of usage of the sewer system, normally estimated through the use of water meter data, and a portion based on Dwelling Units or Dwelling Unit Equivalents.

1.14 Customer

Shall have the same meaning as "User."

1.15 Dwelling Unit (DU)

A separate residential unit with kitchen, bed and bathroom facilities including those in multiple dwellings, apartments, motels, hotels, mobile homes or trailers. Where allowed by zoning regulations, a dwelling unit shall also include an ancillary dwelling unit located on the same lot, when such ancillary dwelling unit does not exceed 1000 square feet in gross floor area.

1.16 Dwelling Unit Equivalent; Equivalent Dwelling Unit (DUE or EDU)

A nonresidential unit which is deemed equivalent to a dwelling unit as provided herein or as provided in the State Plumbing Code. The abbreviations DU, DUE, and EDU are used interchangeable in this Resolution and Order.

1.17 Easement Vacation (Release) and Consent to Release

A process whereby the District gives up its legal interest in occupancy of all or a portion of an easement granted to the District and grants or releases the property right to a property owner, or gives consent to an easement vacation by others.

1.18 Encroachment Agreement

An agreement between the District and landowner allowing for the encroachment of a permanent structure within a sanitary sewer or storm and surface water easement.

1.19 Equivalent Service Unit (ESU)

A measurement unit based on the impervious surface area of an average improved single dwelling lot or parcel, determined by a statistically significant sampling of such parcels. One equivalent service unit shall be deemed to be 2,640 square feet of impervious surface.

1.20 Fiscal Year

The period from 12:01 a.m. July 1 to midnight the following June 30.

1.21 Fixture Unit (FU)

A unit of measurement assigned to plumbing facilities within a commercial establishment to estimate the potential use of the sewer system from that facility. Fixture unit load values for sanitary sewer drainage piping are as specified on page 24 and 25, Table 2.A, or if not included herein as specified in the (Oregon State Plumbing Laws and Administrative Rules).

1.22 Impervious Surface Area

All land area that has been altered from its natural state such that it does not allow the infiltration and retention of water equivalent to that of undisturbed soil. This shall include, but is not limited to: pavement, buildings, decks, parking areas, and roadways. For the purpose of determining system development charges, impervious surface shall not include improved public streets, roads, sidewalks and bike paths or other facilities deemed to be a part of the public surface water management conveyance system. Railroad beds, or quarry excavation areas, and temporary service roads in the excavation areas shall constitute non-impervious surfaces and shall also be excluded. Additional provisions and exclusions apply for purposes of system development charges. (See Ordinance 28 and pages 32, through page 36)

1.23 Industrial User

Shall have the meaning set forth in the District's Industrial Sewer Rules and Regulations, Resolution and Order No. 98-26 (hereinafter R&O 98-26), and in 40 Code of Federal Regulations, Section 403.3(j).

1.24 Liquid Waste

Domestic septage waste or chemical toilet waste delivered by a liquid waste delivered by a liquid waste hauler to District facility for treatment.

1.25 Main Sewer

A public sewer designed to accommodate more than one building sewer.

1.26 Contracted Services

Expressed as a rate per hour, for one individual and any vehicle or equipment utilized. This charge includes the individual's salary, benefits, and related expenses.

1.27 Master Meter

A water meter serving more than one tax lot, or more than one service within a single tax lot.

1.28 Operation and Maintenance (O&M)

Those activities required to assure the dependable and economical function of the sanitary sewerage and storm and surface water systems, including treatment works.

Maintenance is the preservation of functional integrity and efficiency of equipment and structures, including that of natural features which perform a function in the

surface water management system. This includes preventive maintenance, corrective maintenance and replacement of equipment.

Operation is the control of the unit processes and equipment which make up the treatment works. This includes, but is not limited to, financial and personnel management; records, laboratory control, process control, safety and emergency operation planning.

1.29 Regular Business Hours

Those hours that the District's main office is open for business.

1.30 Replacement

The act of obtaining and installing facilities, equipment, accessories, or appurtenances which are necessary during the design or useful life, whichever is longer, of the sanitary, storm and surface water systems, including treatment works to maintain the capacity and performance for which such works were designed and constructed.

1.31 Sanitary Sewer System

All publicly owned treatment works, pumping or lift facilities, interceptor and main sewer pipe lines, force mains, manholes, laboratory facilities and equipment, and related facilities for the collection, conveyance, treatment, recycling, reclamation and disposal of sewage, comprising the total publicly owned sanitary sewerage system within District jurisdiction, to which storm, surface and ground waters are not intentionally admitted.

For purposes of initial construction or reconstruction of public sewer main or interceptor lines, the District sewer system may also include the portion of a service lateral sewer line within the public right of way or easement. Upon acceptance by the District of a completed public sewer project, the responsibility for maintenance and reconstruction of the service lateral sewer line shall be borne by the owner of the property to which service is provided.

1.32 Septic Waste

The sanitary and domestic solids and wastewater removed from a septic treatment facility.

1.33 Service Charge (Sanitary Sewer and Surface Water Management)

Charges assessed on District residential, commercial and industrial customers who are connected to and/or discharge to the public sanitary sewerage system. District sanitary sewer charges are designed to recover both the fixed costs that do not vary with variations of volume of wastewater flow, and variable costs which do vary by

flow volume. (See "Base Portion" and Use Portion.") Surface water management services charges are assessed on any District customer who uses or discharges wastewater to the public storm and surface water systems. A property containing impervious surface area is presumed to discharge wastewater to the storm and surface water system, unless that property has an on-site disposal system meeting the standards of District requirements. Both sanitary sewer and surface water management service charges are billed to customers on a bi-monthly or monthly basis.

1.34 Significant Industrial User

Any industrial user of the District Publicly Owned Treatment Works meeting the criteria of 40 CFR Sec. 403.3(v)

1.35 Sludges Waste

The solids from primary, activated trickling filter or a mixture of sludges that is removed from a wastewater treatment facility.

1.36 Special Wastes

Wastes which require some special method of handling such as the use of indirect waste piping and receptors, corrosion resistant piping, sand, soil or grease interceptors, condensers or other pretreatment facilities.

1.37 Storm and Surface Water System (SWM System)

Any combination of publicly owned storm and surface water quality treatment facilities, pumping, or lift facilities, storm drain pipes and culverts, open channels, creeks and rivers, force mains, laterals, manholes, catch basins and inlets, including the grates and covers thereof, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water comprising the total publicly owned storm and surface water system within District jurisdiction, to which sanitary sewage flows are not intentionally admitted.

1.38 Strength Portion

Under the Industrial Service Charge Rate methodology, the portion attributable to high strength or concentration of components.

1.39 Suspended Solids (SS)

Solids that either float to the surface or are in suspension in water, sewage, or other liquids and which are removable by filtering.

1.40 System Development Charge (SDC)

An assessment provided under Oregon Law which is paid at the time a connection permit is issued to recognize the cost of growth. The sanitary system SDC has two components: "reimbursement" which is based on the value of the existing collection and treatment systems, and "improvement" which is based on the anticipated future cost of system improvements and enhancements. The surface water management system SDC is based on improvements to the system.

1.41 Temporary Discharge

a. The discharge of domestic wastewater to the sanitary sewer system from a temporary use where there is a temporary structure requiring sanitary sewer service. This would include construction trailers, facilities for short term events, or manufactured homes with temporary placement permits. Temporary use of a permanent structure shall not qualify as a temporary discharge.

b. The discharge of storm water, surface water, or industrial wastewater to the sanitary sewer system from a temporary use where there is no structure requiring sanitary sewer service. This shall include ground water or other environmental remediation sites.

c. A Short Term Temporary Discharge is defined as a Temporary Discharge of industrial wastewater to the sanitary sewer system that occurs no more than twice in any six-month period.

1.42 User

Shall mean any person who uses property which maintains connection to, or discharges to, the District sanitary sewerage or surface water management system, or otherwise receives services from either system. If the property has domestic water service from a water purveyor, the person who is responsible for the water meter serving the property is deemed to be the user. If the property is not served by a water purveyor, the occupant of occupied property is deemed the user. If such property is not occupied, the person who controls or has the right to occupy it shall be deemed the user.

1.43 Use Portion

Under the Consumption Based Sanitary Sewer Rate methodology, or the Industrial Service Charge Rate methodology, the portion generally attributable to variable or flow dependent system expenses. This currently represents 35 percent of system costs.

1.44 User Charge

The charge levied on users of a sanitary sewer system and storm and surface water system for the user's proportionate share of the cost of operation and maintenance (including replacement), debt financing and construction of such systems, in accordance with Ordinances 26 and 29.

1.45 Water Unit

The unit of measurement of water consumption used by the water purveyor, commonly in 100 cubic feet (CCF), Gallons (Gal), or 100 Gallons (CGal).

1.46 Winter Average Water Usage

Water meter data including at a maximum the period from October 23 to a date between April 30 and May 7, and for new users at new or existing structures, a minimum of two months of data during that period. See page 28.E.1.a.

RULES AND REGULATIONS

A. GENERAL RULES AND POLICIES

1. Connection and Service Charges for Properties Outside the District

Except as otherwise provided by contract, connection and service charges for properties outside the District's boundaries shall be consistent with the rates charged for connection and service charges within the District. Additionally, however, an amount equivalent to applicable taxes and fees that property owners within the District's boundaries must pay shall be paid by similar users outside the District's boundaries.

2. Inconsistent Agreements

The user charge systems shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Clean Water Act (33 U.S.C. 1251 et seq., as amended).

3. Intergovernmental Relationships

a. Reciprocal Exemption

The District may, by intergovernmental agreement approved by the Board, waive imposition of plan review fees, inspection fees, system development charges, and periodic utility charges otherwise charged, for public projects when the other government has permit review authority over District projects, and adopts a reciprocal waiver of comparable fees otherwise applicable to District public projects. This shall not include sanitary sewage connection or service fees or other fees collected by cities within the District unless the city consents.

b. Administration by Cities

A city within the District which is party to an intergovernmental agreement with the District providing for collection of District fees within the city, may administer the provisions of this Resolution and Order. Reference to the District and the General Manager may be construed to include a city and its officers, acting pursuant to the intergovernmental agreement and this Resolution and Order.

4. Rounding

Whenever a method results in the calculation of a partial DU, DUE, ESU, or water unit, it shall be rounded by any of the following methods. If the form of the billing and calculation system reasonably permit calculation by more than one method, the more accurate method shall be used.

a. Mathematical rounding where numbers of .49 and lower are rounded down, and .50 and above are rounded up to the nearest whole DU, DUE, ESU, or Water Unit.

b. $1/10^{th}$ rounding where a partial DU, DUE, ESU, or Water Unit is rounded to the nearest 1/10.

c. A partial DU, DUE, ESU, or Water Unit is calculated to the number of significant figures reasonably accommodated by data processing.

5. Permit Issuance, Duration, Extension, Refund and Reinstatement

a. Sewer and storm and surface water system connection permits, site development permits, and erosion control permits may be issued to any person who submits an application meeting all applicable requirements of the District, including the required fee or installment application. In any case in which the permit applicant is not the property owner, the applicant shall certify to the District in writing that he or she is authorized to act on behalf of the owner. The District may require any applicant who is not the owner to provide sufficient evidence of authorization to act on behalf of the owner. Issuance of any permit by the District does not constitute authorization to enter upon or perform work upon any property, except by consent of the owner.

b. Permit Duration

1) Sewer and storm and surface water connection permits expire 180 days following the date of issuance. Failure to complete the sewer connection (as defined in page 20,C.2.b and page 20,C.3.b), and obtain inspection and approval of such connection by the District, or designated approval authority, within this 180-day period, or within any extension of time as provided below, shall result in the expiration and cancellation of the permit.

2) Site development permits and erosion control permits expire two years following the date of issuance, unless substantial construction has begun and is continuing. Failure to begin and continue substantial work toward completion shall result in the expiration and cancellation of the permit.

c. Extensions of Time – Upon submittal of a written request and fee to the District prior to the expiration of the 180 day period described above, the District shall grant an extension of time of 180 days. Such request shall state the sanitary sewer or storm and surface water permit and building permit numbers. The request shall be signed by the property owner or permit applicant. Only two extensions of time shall be allowed, unless substantial construction has started and is continuing. If substantial construction has started, then the property owner or applicant may request additional permit extensions, and the District shall grant the extensions providing the extension fee has been paid and the construction is continuing with a valid building permit.

d. Refund of Permit Fees – An owner or applicant may request a refund of a permit prior to its expiration, whether it has been extended or not. The District shall charge a refund fee, and shall make such refund provided the use for which the permit was issued has not been constructed or the service for which the fee is charged has not been performed (e.g., plan review and inspection services). If the use has been constructed, then the use shall be eligible for a credit upon disconnection, but not a refund, even if the use has been removed. If the service has been performed, no refund shall be given. Any refund shall be made to the person who paid the fee, unless the person applying for the refund provides evidence satisfactory to the District that the original payor has assigned its right to such payment or consents to payment to another person.

e. Expiration of Permit – A permit that has expired shall be canceled, and a refund shall be given to the owner or applicant, as determined in 5.d. above, less a refund fee.

f. Reinstatement of Permit – After a connection permit has expired and/or been refunded, the permit may be reinstated by following application procedures for a new permit, and paying the current connection fees. If there are no connection fees due, a Permit Processing Fee shall be charged.

6. Disconnection and Reconnection

a. Properties disconnecting from the sewer system in accordance with Ordinance 29, shall obtain a sewer disconnection permit and pay a disconnection fee. Properties disconnecting from the Storm and Surface Water system in accordance with Ordinance 26, Section 8 shall obtain a disconnection permit and pay a disconnection fee.

b. Properties that have disconnected from the sewer system or from the surface water management system may reconnect by following the rules for connection of new property, except the connection fees may be reduced by the amount of credit, if any, given due to the disconnection. See page 38.A.1.c and page 40.A.2.b for rules on credits. If a reconnection is made, and credits equal or exceed the connection fees due, then a permit processing fee shall be charged.

7. Suspension of Sanitary Sewer Charges

a. The Base, Use, and Strength portions of the sanitary sewer service charge shall be suspended upon approval by the District of a suspension request. To request suspension, the customer shall contact the District demonstrating to the satisfaction of the District that all of the following conditions are met:

   1) All the water meters serving the property are shut off or locked by the water purveyor, or have been removed.

   2) There are no alternate sources of water.

   3) There is no use of the property or structures occurring that would require the use of the sanitary sewer system.

   If any of the above conditions are not met, the request for suspension shall be denied. If any of the above conditions cease to be met, regular sanitary sewer service charges shall be charged. The District may inspect the structure to verify whether or not the conditions required are met.

b. The use portion of the sanitary sewer service charge shall be suspended upon approval by the District of a suspension request. To request suspension, the customer shall contact the District, demonstrating to its satisfaction that there was no water usage or no discharge to the sanitary sewer system for an entire billing cycle.

c. There is no fee for application for service charge suspension. Service charges for the storm and surface water program are not affected by the suspension of sanitary sewer charges.

8. Recalculation

a. The District may from time to time inspect property connected to the sanitary sewer or storm water system and make a physical count of the number of fixture units, beds, bedrooms, DUs or DUEs, metered flow, or impervious surface area present. Based upon the results of such inspection, the District may recalculate the connection charges and service charges based on the current information.

b. If the number of DUs, DUEs, or ESUs is reduced as a result of a physical inspection, permit, or administrative change, no refund of connection charges shall be made by the District, but the property will be eligible for a credit. If the number of DUs, DUEs, or ESUs increases, the owner shall pay a connection charge to the District based on the differential between the new and old information, calculated at the District's current connection charge rate, as provided in Ordinance 28. Any additional charges shall be due immediately upon the determination by the District. The owner may request deferral of the charge of installment payment pursuant to ORS Chapter 223.

c. Service charges shall be based on the most current available information, and any revised service charges shall become effective immediately upon determination by the District.

9. Refunds

When an overpayment of service charges has been made, the District shall issue a refund or credit, and no General Processing Fee shall be charged. For accounts where the billing function has been contracted to a water purveyor, the District may delegate the responsibility for determining refund amounts and final account settlement to the billing entity, provided that the approval of a refund of more than $100.00 in District user charges is subject to approval by the District.

B. SYSTEM DEVELOPMENT CHARGES (CONNECTION CHARGES)

1. Sanitary

Authority – Sewer connection charges shall be charged in accordance with Ordinance 28 for any and all of the following:

a) Direct connections to the District sewer system;

b) Indirect connections to the District sewer system including, but not limited to , building additions, or expansions which include sanitary facilities;

c) Change in the use of an existing connection; and

d) Substantial increase(s) in the flow or alteration of the character of sewage to an existing connection.

2. Storm and Surface Water System

Authority – Storm and surface water system development charges shall be charged in accordance with Ordinance 28 for construction or other activity that causes or is likely to cause, an increase in the square footage of impervious surface area or a surface material change to one of increased imperviousness (e.g., paving an existing gravel area). Temporary impervious surfaces projected to be in place for less than one year are excluded.

3. Transfer of Sanitary and Surface Water Connection Permits and SDC Credits

a. Residential/Commercial Connection Permits – Residential or commercial sanitary sewer and surface water permits for System Development Charges are issued to a specific tax lot numbered lot within a subdivision or development. Except as provided below, credits for payment of the SDC on a lot can not be transferred to another lot, even if it was part of the original tax lot. Credits may be transferred to another parcel if all of the following conditions are met.

1) A property owner submits evidence that a lot that they own with an existing connection to the sanitary or surface water system has become permanently unusable for any use requiring such connection due to a change in its size, topography, or permanent legal restriction; and

2) The property owner provides evidence that the applicable requirements of Ordinances 26 and 29 for disconnection from the

sanitary sewer system or storm and surface water system have been met; and

3) The request to transfer the SDC Credit to another parcel owned by the property owner occurs within one year of the action making the property unusable; and

4) The owner pays the General Processing Fee.

b. Industrial Connection Permits – Industrial connection permits are issued to the source of industrial discharge or industrial uses and not to the lot.

Industrial permits may be transferred upon prior approval of the District Source Control Division. DUEs from Industrial permits are not transferable between industrial and residential/commercial connection permits.

C. SERVICE CHARGES – SANITARY SEWER AND STORM AND SURFACE WATER SYSTEMS

1. General

a. Request for Service – Any person who obtains a connection permit, or otherwise connects or maintains connection of private plumbing facilities to the sanitary sewer facilities of the District, or who maintains impervious surface areas, shall be deemed to have made a specific request for service of the District, and shall be responsible for applicable sanitary and surface water management charges. Such specific request shall continue until the property is disconnected from the District system or use is suspended and the customer has complied with all applicable District rules for termination or suspension or service.

b. Responsible Party – The District shall determine the person responsible for service charges. The person or entity responsible may be the owner, tenant, or person or entity responsible for the water meter serving the property, as provided in Ordinance 29. The person responsible for the water meter serving the property shall be the person responsible for paying water service charges for that water meter. In cases where there are multiple meters serving one use, the District may select what appears to be the most appropriate meter based on size or water consumption data and assess the consumption based rate methodology "base charge" to that single meter until receipt of written notice to the contrary from the user.

In cases where there is a master meter, the consumption based rate methodology "use charge" and "base charge" for all uses being served by the master meter may be billed to the person or entity responsible for the

master water meter. Upon presentation of a rental agreement, homeowner association by-laws, or other similar agreement which defines specific payment responsibilities for sewer, surface water management, water supply and other utility charges, the District may assess charges to the individual tenants, owners, or occupants as specified in that agreement. In such cases, the total sanitary sewer and surface water management service charges shall be divided according to the DUs or DUEs of each unit, unless specified otherwise in the agreement.

c. Service Charge Billing

1) The sanitary sewer and storm and surface water monthly service charges may be billed separately or combined into a single billing, and billed on a monthly, bimonthly, quarterly, semiannual or annual system. The District may prepare and send bills using its own staff or contracted services of a private firm or governmental entity.

2) Bills may be prorated whenever there is a new service request, when the user or person responsible changes, or when there is a change in the basis of the rate determination.

3) Except when provided otherwise in a billing service agreement or payment agreement, when a service charge account is not paid in full, any amount paid shall be applied to the sanitary sewer and storm and surface water programs in proportion to the amount of each bill.

2. Sanitary Sewer Service Charges

a. Authority – Sewer service charges shall be made in accordance with Ordinances 28 and 29.

b. Commencement of Charges

1) For property served or to be served by a water purveyor, connection to the system will be deemed to be complete and the charge shall commence after both of the following have occurred:

a) The use of municipal and /or industrial water begins at the service address.

b) Issuance of a sewer connection permit or sewer lateral installation to the property, whichever occurs earlier.

2) If the date for such water service is unavailable, or the customer is not served by a water purveyor, connection to the system will be deemed

to be complete and charges shall commence following the earliest of one of the following events:

a) Sewer lateral installation to the property and "rough-in" plumbing inspection approval;

b) Sewer lateral installation to the property and any inspection that occurs after the "rough-in" plumbing inspection;

c) Occupancy permit issuance;

d) Evidence of plumbing fixtures connected to the public sanitary sewer system;

e) Acquisition of a connection permit and a mobile home siting permit.

3) Upon presentation of evidence satisfactory to the District, the District may adjust the commencement of charges to coincide with the date water is actually available. The user shall have the burden of showing the date on which water is available.

4) Discontinuance of Charges – Sanitary sewer service charges shall be discontinued when the property meets the conditions for disconnection per page 15.A.6, or for suspension page 15.A.7. Service charges shall recommence when the property reconnects to the sewer system, or when the conditions for suspension are no longer met.

3. Storm and Surface Water Service Charge

a. Authority – Storm and surface water service charges shall be made in accordance with Ordinances 26 and 29.

b. Commencement of Charges – For properties where there is a new or expanded (new units of connection) sanitary sewer service charge, connection to the system shall be deemed to be complete, and the storm and surface water charge shall commence at the same time the sanitary sewer service charge commences or changes. For new connections to the surface water management system where there is no sanitary sewer service charge, or no change to an existing sanitary sewer service charge, connection to the system shall be deemed to be complete, and the storm and surface water service charge shall commence six months after the issuance of the District storm and surface water permit, or the date when the permit would have been required in cases where no application was made. If no construction has commenced on the property, the owner or applicant may make a written request that the District delay the start of

SWM service charges. If approved, the monthly service charge shall commence the month following the start of construction of new impervious surface on the property.

c. Discontinuance of Charges – SWM monthly service charges shall cease when the property meets the conditions for disconnection page 15.A.6. Monthly service charges shall recommence when the property reconnects to the SWM system.

D. DETERMINATION OF SANITARY SEWER DWELLING UNITS (DUs) AND DWELLING UNIT EQUIVALENTS (DUEs)

1. General

a. There are four methods of determining sanitary sewer system Dwelling Units (DU) and Dwelling Unit Equivalents (DUEs). Two of the methods are generally for "residential" uses:

- Residential I
- Residential II

One of the methods is generally for "commercial" uses:

- Fixture Count

One of the methods is generally for "Industrial" uses:

- Metered Method

The methods shall apply, and the DUs and DUEs shall be calculated, as defined in the following sections.

b. The following definitions shall apply:

1) Duplex, Apartment, and Condominium – A group of more than one residential units (bedroom(s), bathroom(s) and kitchen) together in one structure, whether or not owned singly or separately, leased or rented.

2) Bathroom – A room in a residential structure containing a toilet or urinal and a sink. It may or may not include a tub or shower.

3) Bedroom – A room in a residential structure intended to be used as a sleeping area.

For a bedroom containing more than four beds (a dormitory), the number of "bedrooms" shall be determined by dividing the number of beds by four. For example, a dormitory with 40 beds shall equal 10 bedrooms (40/4).

In a hotel, motel, bed and breakfast, or other commercial lodging facility, each unit that can be individually rented shall be a bedroom. A "suite" with more than one bedroom in an indivisible rental unit shall be counted as one bedroom, provided it does not exceed four beds.

4) Kitchen – A room in a residential structure intended for the preparation of meals for residents which includes a sink and stove or cook-top. An area intended for the preparation of snacks, or to prepare infrequent small meals shall not be classified as a kitchen. A kitchen designed for commercial use (sale of food to the general public) shall not be included in the Residential I or Residential II Rate methods.

5) Recreational Vehicle Park – A facility intended for the short term transitory use of a recreational vehicle trailer or motor home. The use is primarily for vacation or travel. The length of stay is generally 1 week or less, but occasionally could be up to one month. This use does not include a trailer or motor home being used as a permanent residence.

6) Residential Unit – A structure intended for habitation containing one or more bedrooms, bathrooms, and a kitchen.

2. Residential I Rate Method

a. Applicable Uses – This method shall apply to two major categories:

1) Separate residential dwellings, including ancillary dwelling units located on the same lot, provided all the dwelling units are served (or calculated to be served) by a single ¾" or smaller water meter and service;
2) Each unit of a duplex, apartment, condominium, hotel or motel which includes an individual kitchen.

This method shall apply whether the dwelling or unit is occupied or not. The Residential I Rate Method shall include all common facilities such as laundry, kitchen, and recreation areas so long as they are located on the same tax lot as the residential units and are intended for the sole use of the residents.However, if the common facilities are available for use by the general public, or located on a separate tax lot

served by direct access to public sewer, additional DUs or DUEs shall be determined using the Fixture Count Method.

Legally established home occupation businesses shall be determined by the Residential I Rate Method, and no additional DU or DUE for offices in the residential dwelling will be levied using the Fixture Count or Metered Method if the primary use of the structure is maintained as residential. If more than 50 percent of the fixture units in the structure are associated with the commercial use, a change of use will be deemed to have occurred and the DUs or DUEs shall be calculated using the Fixture Count or Metered Method rather than the Residential I Rate Method.

b. Facilities to be included in the Calculation – For the purpose of this section, only fixtures draining to the sanitary sewer system shall be included in the calculation. Water requirements for uses not connected to the sanitary sewer, such as irrigation, fire suppression, and air conditioning, shall not be included. The calculation shall be used only for the purpose of evaluation if the DUs or DUEs are to be determined using the Residential I Rate Method, or another method, and the actual meter size installed will have no bearing on this determination.

c. Meter Size – If the dwelling is served by a domestic well, or if the calculation requires larger than a ¾" water meter and service due to pressure or line length restrictions, but the number of fixture unites in the dwelling could otherwise be served by a service with a pressure range of 46-60 psi and a line length of 100' (33 fixture units), the Residential I Rate Method shall apply. If the total water supply demand for all fixtures draining to the sanitary sewer exceeds a ¾" meter the Residential II Rate Method shall apply.

CALCULATION – 1 DU = Each residential dwelling, and ancillary dwelling unit located on the same lot, served or calculated to be served by a ¾" or smaller water meter; each unit of a duplex; each unit of an apartment or condominium; and each unit of a hotel or motel which includes a kitchen.

3. **Residential II Rate Method**

a. This method shall apply to five major categories:

1) residential dwellings, including any ancillary dwelling units located on the same lot, which are served (or calculated to be served) by larger than a ¾" water meter and service;

2) motel and hotel units without individual kitchens;

3) dormitories;

4) bed and breakfast facilities and other commercial lodging facilities;

5) recreational vehicle parks.

This method shall apply whether the unit, dwelling, or space is occupied or not. The Residential II Rate Method shall include all facilities such as a central laundry, kitchen, and recreation area, so long as they are located on the same tax lot as the units, dwellings, or spaces and intended for the sole use of the residents or guests. However, if the common facilities are available for use by the general public, or located on a separate tax lot served by direct access to public sewer, additional DUs or DUEs shall be determinded by using the Fixture Count Method.

CALCULATION –

- Residential Dwelling; 1 DUE for the first five bedrooms plus 1 DUE for every two bedrooms over five.

- Dormitories, Hotels, Motels, Commercial Lodging Facilities: 1 DUE = 2 bedrooms

- Recreational Vehicle Parks: 1 DUE = 2 Recreational Vehicle Spaces with Sewer Hookups

4. Fixture Count Method

This method shall apply to all nonresidential uses, when the Metered Method is not required to be used. The Fixture Count Method shall apply to all commercial, non-metered industrial uses, restaurants, schools, hospitals, public facilities, swimming pool filters, and all other similar nonresidential uses.

Calculation – 1 DUE per 16 fixture units (See Table 2.A for Fixture Units)

Table 2.A
FIXTURE UNIT RATINGS (SEWER SYSTEM)

Fixture	Fixture Unit Value
Baptistry/Font	4
Bath	
—Jacuzzi	4
—Tub/Shower Combination	4
Car Wash	
—Each Stall	6
—Drive Through	16
Cuspidor/Water Aspirator	1
Dishwasher	
—Commercial	4
—Domestic	2
Drinking Fountain	1
Eye Wash	1
Floor Drain/Floor Sink	
—2-inch	2
—3-inch	5
—4 inch	6
—Car Wash Drain	6
Garbage Disposal	
—¾ horsepower	0/16[2]
—¾-5 horsepower	32
—more than 5 horsepower	42

1. The District will count the greater of either the number of floor sinks or the units that drain into them, but not both.

2 Fixture unit values for garbage disposals less than ¾ hp installed in non-residential applications shall be based on the proposed use of the facility. Uses associated with commercial food processing, preparation, handling, or group food service (cafeterias) shall be charged 16 FU. Uses for individual employee support (i.e., employee lunchrooms) shall not be separately charged.

Fixture	Fixture Unit Value
Ice Machine/Refrigerator Drains	1
Oil Separator (Gas Stations)	6
Recreational Vehicle Dump Station	16
Shower	
Gang	1 (per head)
Stall	2
Sink	
Bar	2
Bradley	5
Commercial	3
Service	3
Swimming Pool Filter	1
Washer, Clothes	6
Water Extractor	6
Water Closet, Toilet	6
Urinal	6
Any fixture unit rating not addressed in this table shall be calculated pursuant to the *current State Plumbing Code*.	

5. Industrial or Metered Method

a. This category shall include all industrial uses and such other uses where the District determines that the DUs or DUEs shall be based on estimated or actual metered flow of incoming water, or metered effluent. This calculation shall only be used in determining industrial user connection charges.

The Metered Method shall include any use identified by the District as having a high volume or strength of effluent discharging to the sanitary sewer system.

b. The following definitions shall apply:

1) Category I (Dry) – Defined as a source which does not generate or discharge any industrial waste or wastewater. This shall be calculated under the Fixture Count Method (or other applicable method), unless the District determines that the Metered Method will be required. If so, the use will be evaluated under Category II below.

2) Category II (Minor) – Defined as a source of industrial waste or wastewater discharging less than 25,000 gallons per day.

3) Category III (Major) – Defined as a source of industrial waste or wastewater discharging more than 25,000 gallons per day, or with a strength of waste discharge of more than 800 mg/1 chemical oxygen demand (COD), or 400 mg/1 suspended solids (SS).

CALCULATION –

Category II

1DUE= 625 gallons per day average value plus DUs and DUEs for sanitary and domestic facilities calculated using other applicable methods.

Category III

1 DUE = 625 gallons per day average value

OR

1DUE = 0.7 pounds BOD or 1.4 pounds COD per day average value

OR

1 DUE = 0.7 pounds SS per day average value

Plus DUs and DUEs for sanitary and domestic facilities calculated using other applicable methods.

6. General Rules Regarding DU and DUE Determination

a. Mixed Uses – The DUs (DUEs) for a single establishment may be calculated using more than one method when the uses on the site vary. For example, in an industrial site, the office portion may be based on the Fixture Count Method, and the industrial portion may be based on the Metered Method. In such cases, the total DUs (DUEs) shall be based on the total calculated from all applicable methods.

b. The selection of the method to be used in determining the DUEs for industrial users shall be made on the basis of the impact the particular user's discharge is anticipated to have upon the particular sewerage system in question and shall be aimed at ensuring that the user in question pays its

fair share in light of the impact of the discharge, as determined by the District.

E. SANITARY SEWER SYSTEM – DETERMINATION OF WATER CONSUMPTION FOR THE CONSUMPTION BASED RATE METHOD

1. Methods

There is one standard method and two alternative methods for determining water consumption for the Consumption Based Rate Method:

Standard Method

- Winter Average

Alternative Methods

- Yearly Average
- Actual Monthly Usage

a. Winter Average Method

This method shall apply to all users of the sewer system unless the Yearly Average Method or Actual Monthly Usage Method applies. Water meter data including at a maximum the period from October 23 to a date between April 30 and May 7. Cities referenced on page 12.A.3.b may choose any ending date between April 30 and May 7 that is compatible with their utility billing system. If valid data is available for the full period, it shall be used in calculating the average. For new customers at new or existing structures, a minimum of two months of data during that period must be available in order to use the consumption-based rate method (see 2.b.below). A new Winter average will be determined each year for each customer effective with the charges incurred after July 1 of that year.

b. Yearly Average Usage

This method shall apply to those customers where the District determines that there is a significant seasonal variation such that the winter average usage is not a representative estimate of actual sanitary sewer usage throughout the entire year.

The most recently available yearly water usage data shall be used to determine a monthly water usage average. A new yearly average will be determined each year as in 2.E.1.

c. Actual Monthly Usage Method

This method is commonly referred to as the "On-line" Method. This method shall apply to any customer where the monthly data is available, the billing system can accommodate the monthly processing of the data, and the District determines the methods listed above are not representative of actual sanitary sewer usage.

The actual water usage from each measurement period shall be used in determining the sewer charges for the following month or billing period.

2. Exemptions and Adjustments to Determination of Water Consumption

a. No Winter Water Usage Data

Where minimum water usage data described on page 28 is not available, a system-wide average water usage per DU or DUE shall be used. (See Appendix A. Section B.1)

b. Metered Water not Entering the Sewer System

Metered water which is not and cannot, under normal circumstances, be discharged to the public sanitary sewer system shall be deducted from the determination of water usage if it qualifies under one of the following:

1) The water is separately metered by the water purveyor.

2) There is a properly installed internal "deduct" meter and the procedures for reading and reporting are followed.

3) The water not entering the sewer system represents at least 20 percent of the total metered water usage for the affected meter reading period, and can be reasonably estimated and documented by the customer.

c. Short Term Variation in Usage

Water usage occurring due to a one time event shall be deducted from the water usage data if the following conditions are met.

1) The water was not and cannot be discharged to the public sanitary sewer system

2) The amount of the water not being discharged to the sewer system can be reasonably estimated and documented by the customer.

3) The water represents at least 20 percent of the total usage during that water meter reading period.

When these conditions are met, the District may either deduct the water not entering the sewer system from the total usage during the winter average period, or disregard that single water meter reading period.

d. Long Term Variation in Usage

Where seasonal or long term variation in use affects the accuracy of the winter average as an estimate of the year around sewer system use and where that discrepancy constitutes at least a 20 percent difference between estimated winter and non-winter periods, the District may require, or a customer may make application and request, that the water usage be based on the yearly average usage method as described on page 28.E.1.b.

e. Sewer System Usage Change Mid-Year

Any customer who can document the likelihood of a long term 20 percent or greater reduction in usage may apply to use the lower of the current winter average or be evaluated according to page 29.E.2.a. See rules on "disconnection" page 15.A.6.

The District, at its discretion, may evaluate any customer that increases the number of plumbing fixtures mid-year by 20 percent or more as above page 29.E.2.b.

F. SANITARY SEWER SYSTEM – DETERMINATION OF WATER CONSUMPTION FOR THE INDUSTRIAL METERED METHOD

1. The District's Source Control Division will determine which users shall be classified as "Industrial," and shall determine the method of measuring or estimating sewage effluent entering the District's system.

2. The possible methods for measuring or estimating flow for industrial customers and high volume uses such as car washes and commercial laundries shall include an effluent meter, a process inflow meter, or such other method as determined by the District.

3. Meters and Monitors, when required by the District, shall be installed, operated, and maintained at the sole expense of the user. All metering

equipment shall be approved by the District. With the approval of the District, a meter measuring all incoming water may be used, or an effluent meter may be used to measure actual sewerage flow.

4. Nothing in this Resolution and Order limits the District's authority to require the user to separate its industrial waste/wastewater discharge from its sanitary or domestic waste discharge.

G. DETERMINATION OF STRENGTH COMPONENT FOR INDUSTRIAL USERS FOR MONTHLY SERVICE CHARGES

The Source Control Division of the District shall determine which Industrial Category III users shall be charged a strength component for COD and/or SS in addition to a flow component. The Source Control Division shall determine the measurement method to be used.

H. DETERMINATION OF STORM AND SURFACE WATER EQUIVALENT SERVICE UNITS FOR MONTHLY SERVICE CHARGES AND THE WATER QUANTITY PORTION OF THE SWM SDC

There are two methods for determining ESUs. There is one which is generally for "residential" uses:

Flat rate method

The second is for all other uses (non-residential):

Measured method

These are defined as follows:

1. Flat Rate Method

The flat rate method shall be used for the following uses:

a. Flat Rate Use Residence – A residential structure not attached to another residential structure on one or more parcels of land, providing that there are not more than two residential structures on one parcel. This definition also includes trailers, mobile homes, and manufactured homes, if on separate parcels. Two separate dwelling units on a single parcel shall be charged one ESU per dwelling unit.

Three or more residential dwelling units on one parcel, whether attached or unattached, shall be considered a multiple unit residential use, and shall be a measured use, as defined below.

b. Duplex – Two dwelling units joined to each other with a common wall, or one above the other, on one or two parcels. The units may be under one ownership, or owned separately.

c. Trailer Parks, Mobile Home Parks – Includes trailers and mobile homes on a single tax lot (even if there are more than 2 per tax lot) under one ownership, where spaces are leased or rented for a mobile home or trailer to be placed. Mobile homes on separate parcels are treated as Flat Rate residential uses, including additional structures such as a recreation center, community storage building, or an RV parking lot.

d. Uses Associated with Residence – A flat rate residence or duplex use may have other structures, and other impervious areas, associated with it. An out-building or other impervious area that is typically associated with a residential use is considered part of the flat rate residence or duplex use, and is included within the flat rate charge. Associated uses include: an automobile garage, a deck, or a small garden shed. Impervious areas not typically associated with a residential or duplex use are not included as a part of the flat rate residence or duplex use, and shall be measured (See "Mixed Use.") Such uses include: barns, equipment storage areas and buildings, recreation centers, livestock sheds, horse sheds, access roads to commercial operations, day-care facilities (exceeding home use standards), retail and commercial uses (exceeding home use standards), church facilities, school facilities, and other similar uses.

CALCULATION – One ESU per dwelling unit.

2. Measured Method

The Measured Method shall be used for properties that are not included in the Flat Rate Method. The ESUs for all of the users in this subsection shall be determined by measuring the impervious area.

a. Multi-Unit Residential Use

1) A group of residential dwellings on one parcel including three or more units, whether or not the units are attached, or

2) Three or more attached units on one or more parcels. This definition includes triplexes, townhouses, apartments, condominiums, hotels, motels, recreational vehicle parks, measured use residences, and similar uses.

b. Commercial, Industrial, Institutional: These categories include the entire range of office, manufacturing, service, sales, restaurant, day care, nursery, warehouse, churches, schools, utilities, public services buildings, parks, hospitals, and other similar uses.

CALCULATION – One ESU per 2640 square feet of impervious surface of the property, as defined by District rule.

3. General SWM ESU Determination Rules

a. Condominiums – The total charge for a condominium shall be calculated for the entire complex by measurement of the total impervious surface area, including the garages and common areas.

b. No Limit on Charge for a Measured Use – Flat Rate Use Residences and duplexes are not individually measured. All other uses are individually measured. For some uses, such as Condominiums, this will result in a charge of less than 1 ESU per unit, and for some uses, more than 1 ESU. If a use is a measured use its charge shall not be limited to 1 ESU, even if it is residential.

c. Community Facilities – ESUs fora community or neighborhood recreation center or similar facility located on its own tax lot, within a development shall be calculated by the Measured Method.

d. Mixed Uses on One Property – A mixed use shall be defined as a parcel containing both a flat rate use and a measured use. This includes but is not limited to a single residence associated with a farm. In such cases the house (or duplex), the road or driveway leading to the house, and any out-buildings normally associated with a single residence, as defined on page 31.H.1, above, shall be separated out and charged 1 ESU. The remainder of the impervious surface will be measured, and divided by 2640 to determine the ESUs associated with the nonresidential ESUs to determine the total number of ESUs for the parcel.

e. Seasonal Impervious Area – Properties which have areas that are impervious for only a portion of the year shall constitute seasonal impervious area. For example, a greenhouse that is covered 6 months, and open with a pervious floor for 6 months is considered a seasonal impervious area. If an impervious area is in place for more than 1 month per year, it shall be included in the impervious area measurement, unless exempted under the policy for "Spreading of Runoff to Pervious Surfaces" page 35,H.3.i.

f. Miscellaneous

1) No credits, exemptions, or reductions shall be given for impervious surfaces that are submerged for a portion of the year.

2) A Flat Rate Use residence (or a duplex unit) and garage, under one ownership, shall be charged 1 ESU (2 for a duplex), even if on two adjacent parcels.

g. Roads

1) Public roads shall not be included in the measurement of impervious surface area. For the purposes of determining the SWM service charge and the water quantity portion of the SWM system development charge, "public roads" shall also include all private roads which meet all the following criteria:

a) The road must be open to the public and serve multiple properties.

b) The road must be paved, with curbs and gutters.

c) The road must connect between two public roads, or must end in a cul-de-sac turnaround.

d) The road may not have perpendicular or diagonal on-street parking, but may have parallel parking by the curbs. Off street parking areas may only access the road through a driveway curb cut, or through the connection of another side street.

e) The road may not be an aisle-way through a parking lot.

Any revision of the SWM service charge based on this section shall apply to charges incurred on and after July 1, 1996.

2) All private roads are to be included in the measurement of impervious surface areas, except private roads that serve flat rate uses (single family, duplex and trailer park properties) and those which are exempt under Subsection 1 above. Private roads are defined as all roads and driveways which have not been dedicated to the public and accepted for public use, and which are defined as an impervious surface under other District rules.

3) All roadways, whether dirt, gravel, or paved, shall be considered impervious, and unless a part of an exempted category defined in Subsection 1 or 2 on page 34, shall be included in the impervious area measurement. A "roadway" is defined as an area intended for

the purpose of providing access for motor vehicles. Motor vehicles shall include automobiles, trucks, and tractors if similar or larger in size and weight to a passenger automobile. Roadways shall include such things as roads, streets, alleys, driveways, and aisle ways in parking lots and storage areas.

h. Determination of Impervious Surfaces – Aisle ways and Storage Areas

1) A dirt or gravel parking lot shall be deemed to include 40 percent of its area in "aisle ways", and therefore 40 percent of dirt and gravel parking areas will be deemed impervious. A parking area is defined as an area where motor vehicles are parked temporarily. This shall include such areas as public and private parking lots (regardless of frequency of use), and equipment storage areas. The 40 percent figure is based on typical requirements for the dimensions of parking lots (24 foot aisle, 18 foot parking stalls on each side).

2) A dirt or gravel storage area shall be deemed to have 20 percent of its area in "aisle ways," and therefore 20 percent of measured dirt and gravel storage wares will be deemed impervious. A storage area is defined as an area where materials are stored and accessed by motor vehicles. This shall include such uses as container nursery areas, and auto salvage yards. The 20 percent is based on the assumption that a storage area will have ½ the roadway ratio as a parking lot.

3) A dirt or gravel area that is not accessed by motor vehicles, or is not otherwise highly compacted, shall be considered not impervious. This shall include such uses a landscaping, and gravel or dirt areas accessed only by foot traffic, or small vehicles, as defined above.

4) A user may submit information for District review showing that the road and aisle way area of a parking lot or storage lot is less than the standard 40 percent or 20 percent. The District shall review such information and may perform a site inspection. Based upon objective, verifiable information presented, or upon the site inspection performed, the District may modify the ESUs for the property to conform to the actual impervious surface. Failure to permit the District to perform a site inspection of property shall be grounds to deny an application for review under this subsection.

i. Spreading of Runoff to Pervious Surfaces – Impervious areas shall be excluded from measurement and surface water management charges if the runoff is spread to a pervious area that does not otherwise receive

rainfall. For properties which meet the criteria of this subsection, all or part of the impervious area may be excluded from measurement and charge, as appropriate. For such property, the following criteria shall apply:

1) It shall be the responsibility of the user to provide documentation as required by the District to demonstrate that the criteria are met.

2) The area of impervious area that can be exempted is limited to the area of the pervious area where the runoff is effectively spread.

3) To qualify, the runoff from an impervious area must not be concentrated but must remain as "sheet flow", or be spread so it is in sheet flow; the runoff must pass through the pervious area before it is collected in a drain or channel system and carried away; and there can not be any barriers such as a concrete foundation preventing the sheet flow runoff from passing through the impervious area.

j. Quarry Property – Permanent roadways, parking areas, and structures shall be included in the impervious area measurement. The actual excavated area from which material is being taken, and the temporary service roads in the excavation area shall be excluded as not being impervious.

k. Railroad Facilities – Railroad facilities shall be included in the measurement of impervious area, but the rail grade itself shall be excluded as being pervious.

I. DETERMINATION OF ESUs FOR WATER QUALITY PORTION OF SWM SDC

The water quality component of the SWM SDC shall be determined by using the methods for calculating ESUs as defined on page 31.H., except that all roads, both public and private, and even if serving flat rate uses, shall be included in determining the ESUs.

J. DETERMINATION OF SWM SDC FOR DEVELOPMENTS NOT REQUIRED TO BUILD ON-SITE WATER QUALITY OR WATER QUANTITY FACILITES (FEE-IN-LIEU)

1. For developments which meet the criteria of District Resolution and Order No. 07-20 (Design and Construction Standards) and which are not required to build on-site water quality and/or water quantity facilities, the amount of the SDC to be paid in-lieu of building the facility shall be calculated based on the cost of constructing a facility sized to serve the use, not including land value, and meeting the District's minimum design and construction standards.

2. A per lot credit to offset the amount of the SDC to be paid in-lieu shall be given for use of the following approved Stormwater Management Facilities.

    a. Pervious pavement
    b. Eco-roof
    c. Infiltration Planter
    d. Flow-through planter
    e. Vegetated Swale<15,000sf of impervious area
    f. Vegetated Filter
    g. Vegetated Infiltration Basin
    h. Sand Filter

3. The facilities shall be designed in accordance with the Simplified Design Approach as outlined in the City of Portland Stormwater Management Manual, September 2004. In order to qualify for the credit, the facility shall reduce or be designed to treat at least 75% of the impervious area on the lot.

DEFINITION AND APPLICATION OF FEES AND CHARGES

A. SYSTEM DEVELOPMENT CHARGES (CONNECTION CHARGES)

1. Sanitary Sewer

a. Determination of Sanitary Sewer Connection Charges

Except as shown in.A.1.b. and.A.1.c, Connection charges are based on the number of Dwelling Units or Equivalent Dwelling units as determined on pages 21-28 multiplied by the Rate per DU or DUE in Appendix A.

b. Exemptions to Determination of Sanitary Sewer Connection Charges

1) Car Washes – The initial connection fee for a car wash shall be based on Fixture Count Method. Adjustments to the connection fee based on actual water use will be made after six months of operation, based on a Category II Industrial Rate. Additional connection fees may be required at the time.

2) The initial connection fee for unfinished or undeveloped ("shell") commercial establishments shall be 1 DU (DUE) for each quarter acre of site area being used for building area and parking. Additional connection fees may be required at the time that interior improvements are made to the building. Owners, developers or tenants making interior improvements which include plumbing facilities shall be required to pay additional connection fees at the time such improvements are made.

3) Temporary discharges of wastewater as defined on page 10 1.41 shall be charged connection and/or discharge fees as described below.

a) Temporary discharges of domestic wastewater as defined on page 10,1.41.a require a sanitary sewer connection permit and shall be charged a temporary sanitary sewer connection fee as described in Appendix A, Section A.1.c. These discharges are subject to Sanitary Sewer Services Charges as defined on page 42,B.1.a.1.

b) Temporary discharges of non-domestic wastewater as defined in Section 1.41.b occurring more than twice in a six-month period are subject to the permit and approval requirements of R&O 98-26 regarding industrial (non-commercial, non-domestic) discharges. These discharges require an Industrial Waste Discharge Permit and permit fees described in Appendix A. Section D.4.a and D.4.a.1. These discharges also require a sanitary sewer connection permit and shall be charged a temporary sanitary sewer connection fee as described in Appendix A, Section A.1.c. These discharges are subject to Sanitary Sewer Services Charges as defined on page 43.B.1.a.2.

c) Short Term Temporary Discharges as defined on page 10 1.41.c are subject to the permit and approval requirements of R&O 98-26 regarding industrial (non-commercial, non-domestic) discharges. Short Term Temporary Discharges are exempt from sanitary sewer connection fees, but require an Industrial Wastewater Discharge Permit and permit fee described in Appendix A. Section D.4.c. These discharges are subject to Sanitary Sewer Service Charges described on page 43.B.1.a.2.

c. Credits

1) Credit Through Prior Payment – Whenever a connection charge is computed on property for which sewer connection charges have been previously paid, a credit may, in the discretion of the District, be allowed. The amount of the credit shall be determined by District staff by taking into consideration the connection charge calculation method existing at the time of the payment of the earlier connection charge(s) along with the number of existing and proposed DUs or DUEs and then computing the extent and amount of the credit, if any. If records of such previous charges are not available, the burden of proof shall be on the property owner to establish the amount of those earlier charges. The exact manner of calculation of any credit allowed shall be in the discretion of the District.

2) Credit Through Facility Construction – A property earning a credit through the construction of a facility as specified in Ordinance 28 may apply those credits to reduce connection charges.

2. Surface Water Management

a. Determination of Surface Water Management Connection Charges

1) The SWM SDC charge, for quantity and quality, will be charged at the time connection permits are issued unless on-site facilities are not constructed. Except where credits are available pursuant to page 39,A.2.c.1, and.A.2.c.2, the Water Quantity portion of the SWM SDC shall be based on the number of ESUs for that purpose as determined on page 31 2.H. Except where credits are available pursuant to page 39 A.2.b.1 and,A.2.b.2, the Water Quality portion of the SWM SDC shall be based on the number of ESUs for that purpose as determined page 37.I. The resulting combined Water Quantity and Quality ESUs shall be multiplied by the SWM SDC Rate per ESU from Appendix A.

2) If on-site facilities are not constructed to serve the use, an in-lieu SDC fee shall be charged at the time site development permits are issued. The fee shall be determined by the District and shall be based on the cost of constructing a facility sized to serve the use, not including land value, and meeting the District's minimum design and construction standards.

b. Credits

1) Credit Through Prior Payment -- Whenever a connection charge is computed on property for which surface water management connection charges have been previously paid, a credit may, in the discretion of the District, be allowed. The amount of the credit shall be determined by District staff by taking into consideration the connection charge calculation method existing at the time of the payment of the earlier connection charge(s) along with the number of existing and proposed ESUs and then computing the extent and amount of the credit, it any. IF records of such previous charges are not available, the burden of proof shall be on the property owner to establish the amount of those earlier charges. The exact manner of calculation of any credit allowed shall be in the discretion of the District.

2) Credits Though the Construction of a Facility – The procedure for allowing and determining the amount of credits is established in separate rule pursuant to Ordinance 28.

a) Credits for Water Quantity Portion of the Surface Water Management SDC

New developments that provide on-site retention, disposal, or detention, or provide off-site conveyance system enlargements according to Ordinance 28, are entitled to a credit in SDC fees. The term "on-site" means on the parcel, or on another parcel in the near vicinity of that for which the credit or reduction is requested. To be eligible, new development, or portions of new development, must include design and construction of a facility that meets one of the following standards:

i) A detention facility which meets or exceeds the standards defined in District rules for on-site water quantity detention facilities.

ii) Upsizing of the downstream conveyance system.

To be eligible for a credit (reduction) of SDC fees, the request must be submitted prior to, or as a part of, the development process, but in all cases the request must be made prior to the payment of the SDC fees. To be eligible for a credit, the request can be made at any time, in accordance with District Ordinance 28. The request shall demonstrate the property meets one of the above conditions.

For on-site facilities, the District reserves the right to inspect the facilities installed at any time. If it is found that the system no longer functions, then the SDC fees that were waived will become due and payable.

b) Credits for Water Quality Portion of the Surface Water Management SDC

Properties that provide on-site retention, disposal, or treatment may apply for and receive a credit in the water quality portion of SDC fees. A credit also may be given for future phases of development.

To be eligible, new development, or portions of new development, must include design, construction and maintenance of an on-site treatment facility which meets or exceeds the standards defined in District rules for on-site water quality facilities.

The term "on-site" means on the parcel, or on another parcel in the near vicinity of the parcel requesting the credit or reduction.

To be eligible for a reduction of SDC, the property owner must submit a request prior to, or as a part of, the development process, but in all cases the request must be made prior to the payment of the SDC fees. To be eligible for a credit, the request can be made at any time, in accordance with District Ordinance 28. The request shall demonstrate the property meets one of the above conditions.

The District reserves the right to inspect the facilities installed at any time. If it is found that the system no longer functions, then the SDC fees that were waived will become due and payable.

B. SERVICE CHARGES

1. Sanitary Sewer

a. Determination of Sanitary Sewer Service Charges

The two methods for determining sanitary sewer service charges are:

Consumption Based Rate Method
Industrial Method

1) Consumption Based Rate Method

This method shall apply to all uses except those qualifying under the Industrial Method.

The sewer service charge shall be based on the total of Dwelling Units or Dwelling Units Equivalent (the "Base Charge" as determined on page 21.D) multiplied by the rate per DU or DUE in Appendix A, plus the customer's average monthly water consumption (the "Use Charge" as determined in page 28.E) multiplied by the rate per water unit [gallons or hundred cubic feet (CCF)] in Appendix A.

2) Industrial Method

This category shall include all industrial uses and such other uses where the Source Control Division of the District determines that the charge shall be based on a combination of metered effluent (or metered inflow), plus in some cases a strength component.

This method shall include any use identified by the District with a high volume or strength of effluent discharging to the sanitary sewer system, such as industries, car washes, and commercial laundries.

The monthly sewer service charge shall be based on the total volume of effluent (as determined on page 30.F) multiplied by the monthly rate per volume in Appendix A.

In addition, the Source Control Division of the District shall determine which Industrial Category III users shall be charged a strength component for COD and/or SS (as determined on page 31.G) multiplied by the monthly rate per volume in Appendix A, in addition to the flow component.

b. Other Sanitary Sewer Service Charges

1) Liquid Waste/Septage Waste Charges – Shall be charged for the treatment of waste from septic tanks or portable toilets delivered to a District treatment facility by an authorized Liquid Waste Hauler as defined in Appendix A.B.1.d. Non-domestic wastes will only be received by the District if approved by Source Control that the waste is similar to domestic waste and can be effectively treated at the District treatment facility.

2) Sludge Waste Charges – Sludge waste charges shall be charged for the treatment of sludges from other than District wastewater facilities as defined in Appendix A.B.1.e.

2. Surface Water Management – Determination of Surface Water Management Service Charges

a. Except as provided on page 42.B.2.b, the surface water management service charges shall be the number of ESUs (as determined on page 31.H) times the rate per month per ESU in Appendix A. Temporary discharges to the storm system shall be

charged as shown in Appendix A. Charges for temporary discharge shall be due at the time of permit issuance.

b. Exemption from Surface Water Management Service Charges

1) Users of properties for which all storm water is disposed of on-site, as defined by District standards, may request an exemption from surface water management service charges. No partial exemptions or reductions for detention, or for disposal of only a portion of the storm and surface waters onsite, shall be allowed. In order to qualify for a service charge exemption, the user must design, construct and maintain an on-site facility that keeps all storm and surface water separated from the public system, and disposes of it on-site for the full range of storms. The applicant for exemption must pay an initial inspection/review fee.

For the purpose of this Section, the term "property" means a parcel of land, or a group of adjacent parcels working in cooperation. The term "on-site disposal" means on the parcel, or on another parcel in the near vicinity of the parcel for which a user requests the exemption.

In order to qualify for the exemption, the on-site system must encompass the entire property (except for incidental impervious area as defined below), must be completely separated from the public system, and must provide adequate on-site disposal. Incidental areas are areas such as sidewalks, decks, and driveway aprons, and shall not exceed 10 percent of the total impervious area.

On-site disposal facilities that may qualify are dry wells, injection wells, retention basins with percolation/evaporation capacity, retention basins with capacity large enough to accommodate the total of all storms through the year, and large pervious areas as provided in Paragraph 6 below. Due to possible adverse effects on ground water, some techniques may require approval of State, Federal and local agencies.

2) To qualify, an applicant must submit a request to the District for an exemption from monthly service charges relating to the property. This request shall include a certification from an engineer, or other evidence acceptable to the District, that shows the system is separate and will dispose of the full range and volume of storm water through the year on site. The

applicant shall also submit a maintenance plan for assuring the system will function as designed. The application must be signed by the property owner.

An inspection/review fee shall be paid at the time of application. If the application is denied, the inspection/review fee will be refunded. If the request for the exemption is made as a part of the construction plans, this fee shall be waived. A decision denying an exemption may be appealed following the procedures in Ordinance 29. If approved, the exemption will be effective for the next billing cycle.

3) The District retains the right to inspect the on-site measures to assure they are functioning as designed. If at any time the measures are found to not be effective, the exemption shall cease.

4) If the property has a dry well and is a flat rate residential use, the applicant must submit a request for an exemption from monthly service charges demonstrating that property meets the following dry well criteria. Any newly installed dry well must meet Washington County Building Department or applicable City requirements, and evidence of such approval must be submitted to the District. If the application is for an existing dry well, evidence of compliance with one of the following must be submitted:

   a) The dry well meets current city or Washington County Building Department Standards; or

   b) The dry well installation was approved by the city or Washington County Building Department at the time of installation; or

   c) The dry well design was certified was certified by a licensed civil engineer at the time of installation, or can now be certified as meeting District standards.

5) This provision does not approve the use of dry wells, but only recognizes the reduction in impact to the surface water management system. Installation of dry wells must still meet the approvals of all jurisdictions with authority.

6) A property with a large vegetated pervious area may receive an exemption based upon disposal of all storm water on site, upon application to and approval by the District. Upon approval, the

exemption will apply to the next billing cycle following approval. A refund may be made for charges incurred on or after July 1, 1995, provided the applicant demonstrates that the property met all criteria as of July 1, 1995, and that the fee was paid. For applications meeting the requirements of this subsection, no design, construction, engineer's certification, or maintenance plan shall be required, provided however that the term "property" shall refer only to the parcel for which the exemption is requested. The parcel and vegetated pervious area must meet all of the following criteria:

a) It must have at least 150 feet distance from the edge of the imperious surface to the property line, for each ESU on the parcel; and must be at least 50 feet in width for its entire length;

b) The previous area must be located downhill from the impervious area, between the impervious area and the property boundary; and configured so that all storm water from the impervious area flows to the pervious area;

c) Storm water runoff must not be concentrated, piped, or channelized in the pervious area, but instead must flow uniformly over the vegetated surface ("sheet flow");

d) The pervious area must have sufficient established vegetation over its entire area to slow the flow, and prevent erosion.

C. SERVICE REQUEST FEES

The following are fees charged for services requested or required to be performed by the District. In each case, the fee is established based upon the estimated actual cost, as defined in Ordinance 28, of performing the service or making the service available. Service request fees, copying charges and similar customer service charges are due and payable at the time such services are provided. The District may require payment at the time the service or product is delivered.

1. Biosolids Compost Fee

A fee will be charged for biosolids compost produced by the District. Biosolids compost will be provided for sale at the District's discretion,

based upon season and operational considerations. A different charge may be established by contract.

2. **Customer Assistance Charges**

   Copies of District maps, publications and other documents provided by the District shall be charged at actual cost. Maps, publications and copy fees shall be waived for all government entities providing there is a reciprocal waiver of such fees. No charge shall be made for providing information as to sewer availability and lateral location.

3. **Disconnection Fee**

   See page 52.D.1.

4. **Easement Fees**

   a. Vacation (Release) and Consent to Release Fee

      Easement vacation and consent to release fees shall be charged for the investigation, review and preparation of the necessary documents; and approval and recording of the documents for the legal termination of an easement. Owners of properties that have been paid for an easement who request vacation of the same easement or a portion thereof shall pay to the District a like amount for the easement in addition to this fee.

   b. Encroachment Agreement Fees

      Encroachment agreement fees shall be charged for the investigation and preparation of the necessary documents; and review, approval and recording of the necessary documents allowing an encroachment on an easement.

5. **Floodplain, Floodway, and Wetland Modifications Fee**

   Floodplain, floodway, and wetland modification fees shall be charged for plan review and investigation of construction drawings required for any proposed modifications to floodplains, floodways, and wetlands. It shall be paid in addition to regular construction plan review fees.

6. **General Processing Fee**

A fee shall be charged for the submittal to appeal, or other service that requires District staff time and/or where action by the Board of Directors or Advisory Commission is requested. It excludes items covered by other fees and contracts.

7. Line Cleaning Fees

Line cleaning fees shall be charged for cleaning of a portion of the sanitary or storm sewer line by District personnel when necessary to allow video inspection of the line.

8. Local Improvement District Fees

a. LID Apportionment Processing Fees
Apportionment processing fees shall be charged to cover the cost to the District for processing apportionments. The fee is charged as part of the application unless the apportionment is initiated by the District where it is added to the apportioned amount.

b. LID Initiation Fee

Local improvement district initiation fee shall be charged to help defray the cost of the engineering feasibility study for all proposed LIDs which contain more than 50 percent undeveloped properties by area.

9. Local Sewer Improvement Fees

a. A local Sewer Improvement Fee (LSI) is charged upon connection of a property identified as potentially benefited by a local public sanitary sewer line built in accordance with the District's Local Sewer Improvement program. LSI Fees collected by the District shall be used to reimburse the District and/or others for their contribution to the costs of constructing such local lines.

The LSI fee shall be assessed in accordance with District Ordinance 36 and revisions thereto.

b. The District shall charge a Reimbursement Program Application Processing Fee (Application Fee) upon submittal of an application for the local sewer improvement reimbursement program. The Application Fee is charged to cover the District's costs in reviewing applications for the LSI reimbursement program and for general administration of the LSI program.

c. The District shall charge a Reimbursement Processing Fee (Processing Fee) to be retained by the District from the amount reimbursed to the party funding construction of a qualified LSI project. The Processing Fee is charged to the party funding construction of the qualified local sewer improvement to cover the District's costs in administering the LSI reimbursement program.

10. Contracted Services

For contracted services provided by District Maintenance or Engineering staff which are not covered specifically by the payment provision in a contract, costs of labor, benefits, vehicle, equipment, materials and overhead may be charged as a flat rate per hour charge, as provided in Appendix A., Section C.10.

a. Maintenance
b. Engineering (e.g. plan review, record mapping, engineering design services)

11. Miscellaneous Fees

Except for services specified in 3.C.10, when provided for by contract, any other services performed by District personnel for which a fee is not specified in this Resolution and Order shall be charged at the employee's salary rate plus the cost of other personnel expenses for actual time spent on the service (minimum 0.25 hours), plus the cost for materials and District equipment used. There will also be a charge per page for copying pertinent documents.

12. Other Personnel Expenses (OPE)

Expressed in terms of a percentage of an employee's base salary, the additional actual employee costs, including but not limited to health insurance, retirement, vacation, sick leave, and workers compensation costs, and social security taxes.

13. Permit Extension; Refund and Processing Fees

Any customer who requests a connection permit to be extended, refunded, or reinstated, or is refunded their permit through expiration shall be charged a permit processing fee. In addition, a processing fee shall be charged for issuance of all permits which do not result in any other charges, such as permits that are issued on lots which carry connection credits. The fee shall be the general processing fee.

14. Physical Connection to Public Facilities (Line Tap Fees)

Line tap fees shall be charged for installation of a connection of a private lateral or side sewer to the public facilities of the District. The amount of these fees reflects the actual cost of installing and inspecting connections from private facilities to public facilities, based upon the average cost to the District of performing such work. Line tap fees are not charged when the connection is made as a part of a project for construction of public sewer line under the District Construction Permit Agreement, in which the taps are shown on approved plans, and are subject to a Construction Permit Agreement for the work. (See Design and Construction Standards.) These fees are not system development charges.

15. Refund Fee

A refund fee shall apply to requests for refunds, except for overpayment of service charges. Refunds for just cause as determined by the District shall be granted provided that a written request for refund is received not later than one year after the charge was paid, and is accompanied by a refund fee.

The refund fee shall be the General Processing Fee. In addition to the refund fee, the District shall deduct the costs of actual work performed from the amount of the refund, as defined under "Miscellaneous Fees." Refunds due to a bona fide and verifiable error or omission on the part of the District or another public agency shall not be subject to a Refund Fee or Miscellaneous Fee, or the one year refund limitation.

16. Reconnection Fee

Properties that have disconnected from the sanitary or surface water management system and then reconnect shall pay a General Processing Fee unless additional connection charges are due. If additional connection fees are collected at the time of reconnection, then no Reconnection Fee shall be charged.

17. River Ranger Program Materials Fees

The River Ranger Program Material Fees shall be charged for provision of River Ranger instructional materials for use in teaching grade school student about wastewater treatment, water conservation and surface water pollution. Such fees are based on the cost of making the materials available. The fees shall not apply for provision of materials to educational programs within the Tualatin River Basin, to the extent sufficient supplies of materials are available. The fees consist of:

a. River Ranger Basic Program Materials Charge

The charge made for the River Rangers Program Packet, sold in units of 250 packets, which consists of an illustrated booklet, stickers, button and informational pamphlet entitled "Gift to the Teacher."

b. River Rangers Instructional Video and Script Charge

The charge made for the River Rangers Instructional Video and Script, which consists of a 30 minute video guide to teaching the River Rangers Program, and a script upon which teachers may base their presentations.

c. River Rangers Poster Set Charge

The charge made for the River Rangers Poster Set, which consists of fifteen (15) instructional posters that may be used as visual aids in teaching the River Ranger Program.

18. Special Publications and Materials Fees

The Special Publications and Materials Fees shall be charged for documents, audio and video tapes, and other materials produced for a special purpose, in limited quantity, or by any special printing or production method. Fees for these materials shall be based on the unit cost of producing an entire production run.

The General Manager may provide special publications without charge at District-sponsored meetings and programs, and to persons or groups having a special interest in the subject, or to promote public information.

19. Vegetated Corridor Payment to Provide

The Vegetated Corridor Payment to Provide shall be charged as mitigation for impacts to vegetated corridors on development projects which meet one of the following criteria:

a. Oregon Division of State Lands (DSL) has approved Payment to Provide for Sensitive Area Impact.

b. The project is a redevelopment project unable to fully comply with the vegetated corridor requirements due to site constraints.

The Vegetated Corridor Payment to Provide is calculated based on the square footage of vegetated corridor required to be mitigated but which is not otherwise mitigated on or off site by the applicant.

D. REVIEW AND INSPECTION FEES

Review and inspection fees shall be charged for review and inspection of plans, construction, facilities, and other activities regulated by the District.

1. Disconnection Processing and Inspection Fees

Properties disconnecting from the sewer system in accordance with Ordinance 28, shall obtain a sewer disconnection permit and pay the applicable fee. Properties disconnecting from the storm and surface water system in accordance with Ordinance 26, shall purchase a storm and surface water disconnection permit and pay the applicable processing fee.

2. Erosion Control Fees

a. Erosion Control Inspection Fee

Erosion control inspection fees shall be charged for District inspection of measures installed to control erosion, and adherence to erosion control rules.

b. Erosion Control Plan Check Fee

Erosion control plan check fees shall be charged for District review of erosion control plans.

c. Erosion Control Re-inspection Fee

Re-inspection fees shall be required if inspectors are requested to visit a site to perform an inspection before the erosion control measures are in place, or before corrections from a previous inspection are made, and another inspection is required.

d. Erosion Control Special Investigation Fee

Special investigation fees shall be applied to activities which require an erosion control permit, but which are started without having a valid erosion control permit. This fee is in addition to the regular permit fee and is to cover the costs the District incurs in its investigation of the work and evaluation of

remedial proposals necessitated by the work. The payment of this fee does not relieve the applicant from any extra costs of the installation of erosion control measures or verification that measures installed are effective.

e. DEQ 1200-C Erosion Control Permit Fee

Through an agreement with the Department of Environmental Quality (DEQ), the District acts as DEQ's agent in receiving registration application for the General Permit 1200-C for the control of storm water associated with construction activities where required by DEQ. Persons developing property within the District whom would be required to obtain a DEQ 1200-C permit shall obtain a 1200-C Erosion Control Permit from the District or City, and pay the required fee.

3. Industrial Plans/Process Review Fees

Industrial plans/process review fees shall be charged when the complexity of the plan/process of an industrial user applicant requires, in the District's discretion, review before a permit may be issued. This fee shall be based on the cost of personnel (including OPE as set forth in Appendix A) times the number of hours spent in reviewing the plans.

4. Industrial Wastewater Discharge Permit Fees

Industrial Wastewater Discharge Permit fees shall be charged to industrial users required to obtain wastewater discharge permits pursuant to the District's industrial user pretreatment rules (See R&O 98-26). There are three types of Industrial Wastewater Discharge Permits:

a. Reporting permits are issued to industrial users which are required to submit wastewater discharge reports more frequently than once every six months.

An industrial user is also required to obtain a connection permit for any non-industrial portion of the establishment such as toilets, sinks, floor drains, and other fixtures, and pay applicable SDCs.

b. Non-reporting permits are issued to industrial users which are not required to report wastewater discharge information more frequently than once every six months.

c. Short Term Industrial Wastewater Discharge Permits are required for users which have short term temporary discharges of wastewater to the sanitary sewer system, as defined on page 10 1.41. These users are not required to pay connection charges except as provided on page 38.A.1.c.

5. Miscellaneous Inspection Charge

The miscellaneous inspection fee shall be charged for inspection of any line tap or lateral installation not performed by the District. Such fees are in addition to the plan check fee.

6. Plan Check and Inspection Charge

a. Plan Check and Inspection Fee

Plan Check and Inspection fees shall be charged for District review of subdivision construction drawings, proposed public sanitary sewer facilities, and storm and surface water facilities, and for inspection of the construction of such facilities.

Where another jurisdiction will perform either Plan Check or Inspection tasks, the District, as its discretion, may charge separately for the Plan Check or Inspection tasks it performs.

b. Plan Check and Inspection Deposit

A deposit equal to the minimum Plan Check and Inspection fee shall be collected at the time plans are submitted for initial review. If the initial submittal is rejected as incomplete, the deposit shall be returned.

c. Plan Check and/or Inspection Overtime Fee

A Plan Check and/or Inspection Overtime Fee shall be charged when District staff has been requested, in writing by the owner or owner's representative, to perform plan checks or inspections outside normal business hours. A request to perform overtime shall also authorize the District to bill the owner for the actual overtime hours spent on the project. Payment of all overtime charges shall be made prior to plan or construction approval.

Performance of overtime plan checks or inspections shall be at the discretion of the District and subject to the availability of staff. An overtime request shall not guarantee the performance of overtime

plan checks or inspection or expedited review during normal business hours.

d. Plan Check Resubmittal Fee

A Plan Check Resubmittal Fee shall be charged when, in the opinion of the District, any of the following situations exist:

1) Plans are resubmitted which are incomplete or which have not addressed previous redline comments. Prior to imposing this fee, District shall notify the engineer and owner to allow the plans to be corrected prior to resubmittal.

2) Plans previously reviewed and approved or approved as noted by the District are subsequently phased or substantially changed, when such change requires additional review or administrative action by the District.

7. Stormwater Site Assessment and Alternatives Analysis Review Fees

Stormwater Site Assessment and Alternatives Analysis Review Fees shall be charged for customers requiring a service provider letter or site certification concurrence in accordance with the District's current Design and Construction Standards.

a. Basic Site Certificate Concurrence Fee
The basic site certification concurrence fee will be charge for properties where there is no sensitive area or vegetated corridor on or adjacent to the site or for properties on which the proposed development has no negative impact to the sensitive area or corridor.

b. Allowed Use Site Certification Concurrence Fee
The allowed use site certification concurrence fee will be charged for properties on which the proposed development is an allowed use as defined in Section 3.05.4.b.1.a-g of the District's Design and Construction Standards, and which has an impact to the sensitive area or vegetated corridor on site.

c. Minor Encroachment/Reduction Site Certification Concurrence Fee

The minor encroachment/reduction site certification concurrence fee will be charged for properties on which corridor averaging or corridor reduction is requested.

d. Tier 1 Alternative Analysis Review Fee
The Tier 1 Alternatives Analysis Review Fee will be charged for development requesting a Tier 1 encroachment as defined in the District's Design and Construction Standards.

e. Tier 2 Alternatives Analysis Review Fee
The Tier 2 Alternative Analysis Review Fee will be charged for development requesting a Tier 2 encroachment as defined in the District's Design and Construction Standards.

f. Tier 3 Alternative Analysis Review Fee
The Tier 3 Alternatives Analysis Review Fee will be charged for development requesting a Tier 3 encroachment as defined in the District's Design and Construction Standards.

8. Natural Resources/Services Planning Review Fee

A Natural Resources/Services Planning Review Fee shall be charged for customers requesting District review of natural resource data, service information and planning studies prepared for properties which are not yet in the District's service boundary but are proposed to be added to the District's service area within the near future. District's review shall be limited to providing guidance on how the District's current Design and Construction Standards might apply to such properties and does not constitute approval or acceptance of any study, data, or plan.

9. Special Waste Management Fees

Special waste monitoring fees shall be charged for customers who discharge special wastes into the District system. This monitoring fee shall be charged at the rate of time (at the District employee's salary rate) and materials plus the current District personnel support and other personnel expense rate.

10. Surface Water Management Charges Investigation Fee

Persons requesting a reduction or waiver of surface water management monthly service shall pay an investigation and review fee. The fee shall be paid at the time of application. If the request is made as a part of the submittal of engineering plans where plan review and inspection fees are collected by the District, the fee shall not apply.

11. Video Inspection Fees

Video inspection fees shall be charged for video inspection by the District of a sanitary or storm sewer line during, or upon completion of construction of the line.

12. Proprietary System Special Inspections

Proprietary Systems will be maintained by the applicant at 6-month or shorter intervals during the maintenance bonding period of 2 years. The District will inspect these systems at 6-month intervals during this period. If the filter units are found to need replacement during these inspections,the Proprietary System Special Inspection fee shall be charged for each inspection where filter replacement is required. A separate special inspection fee will be charged for each vault or proprietary catch basin re-inspected.

E. INTEREST-DELINQUENCY-PENALTIES

1. Payment Due

a. Payment for user charges for the sanitary sewer and surface water management system shall be due after receipt of service, as provided by the invoice and applicable ordinance. Except as specifically provided otherwise by Ordinance, in this Resolution and Order or by contract, payment for any other service, product, permit or other assessed charge is due and payable prior to receipt to the service or product, issuance of the permit or delivery of the requested publication or document.

b. A payment is deemed delinquent if not paid by the due date specified on the invoice or in a contract regarding payment for services.

c. Any fee associated with a connection permit, erosion control activities or similar permit authorizing an activity will accrue and be due upon commencement of the activity requiring the permit, even though a permit may not have been obtained.

d. Subject to page 58-61.E.4 (Extensions of Time and Payment Agreements), in the event no service charge invoice is sent, the

service or user charge shall accrue from and be due at the time service commenced and/or connection to the District sanitary and surface water systems were made.

e. Amounts owing of less than $10.00 must be paid prior to delivery of any requested service or product unless it is for a monthly service charge billed on a regular, scheduled billing system.

2. Charges for Late Payment

Any delinquent fee or charge is subject to interest and delinquency charges or late payment charges, or termination of water service for nonpayment, as provided in this subsection and applicable ordinance. Member cities may apply the provisions of this subsection or adopt any other lawful program to address and collect delinquent charges and to encourage timely payment.

a. Interest Charge

Interest charges will be assessed at the rate set forth herein or at the rate adopted by and assessed by any member city. Interest shall accrue from the day after the due date. Interest shall apply to all service charges and invoiced charges incurred prior to July 1, 1994; and to service charge billings to industrial accounts incurred on or after July 1, 1994. In addition, interest as provided in this subsection shall apply to any other invoiced charge unless otherwise provided by contract.

b. Delinquency Charge

Delinquency charges equal to 10 percent of the fee plus accrued interest shall commence 120 days following the date on which payment became due. After 180 days, an additional 15 percent of the unpaid fee, interest and accrued delinquency charge will be assessed. Interest and Delinquency charges under page 57-58.E.2.a and b. will only be assessed against accounts which:

1) Have an outstanding balance for services provided prior to July 1, 1994, or,

2) Are accounts of industrial method customers.

c. Late Payment Fee

The late payment fee shall be charged for user charges, imposed after July 1, 1994, except:

1) Those charged to industrial method users, and

2) Those charged to users served by a water purveyor with which the District has an agreement to shut off water service for delinquent user charge payment; imposed on or after July 1, 1994, for which payment is made later than fifteen (15) days from the due date on the invoice. The late payment fee shall be two (2) percent of the outstanding balance as of the due date on the invoice. A separate late payment fee shall be imposed for each billing period in which user charges remain delinquent.

3. Penalty for Unauthorized Activities Requiring a Permit

Except as provided otherwise by ordinance, any proven, intentional use of the District's collection and treatment systems or commencement of an activity which requires a permit, without proper authority and payment of the related fees and charges will subject the party to a penalty in the amount of $100 or 20 percent of the regular charge, whichever is greater.

Any penalty shall be in addition to the collection of the regular fee or charge, and any other fines, penalties, damages, or other legal remedies available to the District.

4. Service Charge Adjustments and Payment Agreements

a. Upon request of a customer or discovery by the District, the General Manager or his designees may make adjustments to sanitary sewer and surface water management service charge accounts for good cause pursuant to written policies. Good cause shall include but is not limited to, correction of user or account information, failure of the District to send a bill, demonstrated failure of a user to receive a bill, failure of a prior user to pay a bill relating to the same service address, application of average winter water consumption to the calculation of the sewer use charge, correction of measurement of either fixture unit or equivalent service units, adjustments in the time in which the requester was the user. Adjustments may not exceed four years, unless otherwise approved by the General Manager.

b. Account adjustments may include waiver of applicable delinquency charges, late payment charges, interest, and service charges. The District may require a customer requesting the adjustment to utilize a prescribed form, and to provide information and appropriate documentation. The District shall attempt to notify the customer within a reasonable time as to the disposition of their request, including the effective date of any correction or adjustment.

c. The General Manager or designee(s) may approve, in writing, account adjustments pursuant to.E.4.a and.E.4.b above. Adjustments made to correct an error or omission may be made in any dollar amount. Other account adjustments may be made in amounts less than or equal to $10,000 per account. The General Manager may delegate this authority to one or more District employees, in writing, specifying the individuals or positions having such authority, any review protocols, and the dollar amounts authorized. Adjustments greater than $10,000 per account, other than correction of errors or omissions, shall be subject to approval by the Board.

d. Written, legally binding, payment agreements and payment extensions relating to service charges, interest, delinquency, and late payment charges may be made with customers under all the following conditions that apply:

   1) Payments will be made with the regular billing for service charges or on other specified dates,

   2) Terms regarding principal amount, interest, delinquency and late payment charges are included,

   3) Current charges will be paid when due,

   4) The term of the agreement will not exceed three years,

   5) The user has provided security as deemed appropriate by the District and,

   6) The agreement is signed by the user or other responsible party, and the form of the agreement is acceptable to the District.

   The General Manager or designee(s) may approve agreements under this subsection for up to $10,000 per account, and may delegate such authority to District staff in the same manner as on.E.4.c. above.

e. Adjustments, extensions and payment agreements may be approved under this subsection 3.E.4 in cases when a determination is made that such action is:

1) To correct an error or omission; or

2) Is in the best interests of District ratepayers in obtaining the maximum net return, considering the cost and probable return of further collection efforts, including lack of reliable or provable information; or

3) Is otherwise consistent with any written policies relating to collection of service charges.

APPENDIX A-FEES AND CHARGES

Type of Fee	Amount
A. SYSTEM DEVELOPMENT CHARGES	
1. Sanitary Sewer System Development Charges	
a. Connection Fee (See Sections 2 and 3 for further explanation)	$2,800 per DU or DUE
b. Large Industrial User Connection Fee	$2,800 per DUE
c. Temporary Sewer Connection Fee	# of yrs discharging x $2,800 per DUE 20 year life
2. Storm and Surface Water System Development Charge (SDC) and Credits	
a. Total SDC	$500.00/ESU
b. Maximum Storm and Surface Water SDC Credits	
1. Maximum Credit for Construction of On-Site Water Quality Facilities	45% of SDC/ESU
2. Maximum Credit for Construction of On-Site Water Quantity Facilities	55% of SDC/ESU
c. 1. SDC in-lieu of Construction of on-site facilities	$15,000
2. Reduction for construction of approved Stormwater Management Facilities	$2,500 per lot, Not to exceed $15,000.

APPENDIX A – FEES AND CHARGES CONTINUED

Type of Fee	Amount
B. SERVICE CHARGES	
1. Sewer Service Charge	
a. Consumption Based Method	Base Charge - $19.14 per DU or DUE per month Use Charge - $1.31 per CCF per month for Individual customer winter average
b. System Wide Average Water Consumption	8.0 CCF/DU or DUE/month
c. Industrial Category II-Minor	$2.175/100 cu. ft., plus standard commercial service charge for sanitary & domestic use.
Industrial Category III Major	$2.175/100 cu. ft. of metered discharge; plus $0.112 per pound COD over 800mg/L; plus $0.172 /pound SS over 400mg/L; plus standard commercial service charge for sanitary and domestic use.
d. Liquid Waste/Septage Waste (Including Domestic Septage, Chemical Toilet Waste and Short Term Temporary Discharges	$0.109 per gallon
e. Sludge Waste Charges	Primary: $0.0744 per gallon Activated: $0.1535 per gallon Trickling Filter: $0.0830 per gallon Mixed: $0.1407per gallon
2. Storm and Surface Water	
a. Service Charge	$4.00/ESU per month
b. Temporary Storm Water Discharge	(Estimated months of discharge x (affected area/2640)x Storm and Surface Water Charge page 43.B.2.a) + Erosion Control Fees

Type of Fee	Amount
C. SERVICE REQUEST FEES	
1. Biosolids Compost Charge	$5.00 per cubic yd; $5.00 minimum
2. Customer Assistance Charges	
Map Reproductions	
a. Contour Maps 1"=100'	$30.00 per sheet
b. Contour Maps 1"=400'	$7.50 per sheet
c. Quarter Section Maps 1"=100'	$7.50 per sheet
d. Overlay (a & c 1"=100')	$40.00 per sheet
e. Basin Map 1"=2000'	$7.50 per sheet
f. 11x17 or smaller 1"=100'1	$7.50 per sheet
File/Record Search	$28.00 per hour (minimum of $7.00.)
Microfilm copies	$0.25 per copy
Mylar Reproducible Contour Maps	$300.00 per sheet
Photocopies	$0.25 per page
3. Disconnection Fee	See page 52.D.1
4. Easement Fees	
a. Vacation (Release) and Consent to Release Fee	$250.00 plus actual recording fee for each Document that has to be recorded for each property requesting the easement vacation.
b. Encroachment Agreement Fee	$250.00
5. Floodplain Fees	
Floodplain, Floodway and Wetland Modification Fee	$200.00
6. General Processing Fee	$25.00
7. Line Cleaning Fee	$0.25 per foot of line

8. Local Improvement District Fees

LID Apportionment Processing Fee	$500.00 per lot with a minimum of $500.00 The total number of lots is determined after subdivision or partition.
LID Initiation Fee	$500.00

9. Local Sewer Improvement (LSI) Fees

a. LSI Fee(current rate)	$12,300 per connection or $23,100 per acre or as otherwise specified in District Ordinance 36 and revisions thereto.
b. LSI Fee (9/1/07)	$13,900 per connection or $28,600 per acre or as otherwise specified in District Ordinance 36 and revisions thereto.
c. Reimbursement Application Processing Fee	$500.00
d. Reimbursement Processing Fee	$50.00 per direct connection deducted from the amount reimbursed to the party funding construction of the qualified LSI project. If the LSI fee is paid by the connecting property owner in installments in accordance with Ordinance 36, the District shall retain the interest on the unpaid balance of the LSI fee as its reimbursement processing fee and the party funding construction of the qualified LSI project shall receive the principal amount in semiannual installments over ten (10) years.

10. Contracted Services

Maintenance Services	$68.18 per hour, per employee
Engineering Services	$72.42 per hour, per employee

11. Miscellaneous Fees	Actual cost, as defined page 46.C.11
12. Other Personnel Expense (OPE)	51.03% of Employee Salary
13. Permit Extension, Refund and Processing Fees	See General Processing Fee

14. Physical Connection (Line Tap Fee)

Sanitary Sewer	$950.00 per tap
Storm	$350.00 per tap

15. Refund Fee — $25.00 plus costs defined on page 49.C.13

16. Reconnection Fee — See General Processing Fee

17. River Rangers Materials Fees

Basic Program Manuals	$325.00 for 1-3 units (250 packets equal 1 unit) $300.00 for 4 or more units (250 packets equal 1 unit)
River Rangers Instructional Video and Script Charge	$10.00 per copy
River Rangers Poster Set	$420.00 per set

18. Special Publications — Unit cost, as provided on page 51.C.18

Digital Design and Mapping Files

Standard Details	$10.00 full set
Standard Detail Updates	$5.00 per disk
Mapping and database information	$20.00 per hour

Hydrologic & Hydraulic (H&H) Digital Files

a. Digital Terrain Model (DTM) single basin	$10.00
b. DTM – entire watershed	$25.00
c. H&H data set – includes HEC-RAS and HMS models, stream flow data, and water surface elevations	$5.00

Vegetated Corridor/Sensitive Area Signs

12" x 12"	$12.00 each
4" x 4"	$6.50 each

19. Vegetated Corridor Payment to Provide — $2,500 + $2.22 per square foot of Mitigated area over 1000 sq. ft.

D. REVIEW AND INSPECTION FEES

1. **Disconnection Processing & Inspection** $100.00
   (See Section 3.D.1.)

2. **Erosion Control Fees**

   a. Erosion Control Inspection Fees

      1. Activities requiring an Erosion Control Permit, and which are covered by a permit where the valuation of the work is shown. Generally this applies to all work where a structure is being constructed.

Value of Project	Fee
0 to 50,000	$26.00
50,000.01 to 100,000	$40.00
100,000.01 and up	$40.00 plus $24.00/100,000 or fraction thereof over $100,000

      2. Activities requiring an Erosion Control Permit and which are not covered by a permit showing the Valuation of the work. This generally is limited to grading work.

Area	Fee
0 to 10 acre	$80.00
1 acre and up	$80.00 plus $20.00 per acre or fraction thereof over 1 acre

   b. Erosion Control Plan Check Fee — 65% of the inspection fee

   c. Erosion Control Re-inspection Fee — $42.00/Hr with a minimum of $84.00

   d. Erosion Control Special Investigation Fee — The cost of District staff time for the investigation.

   e. DEQ 1200-C Erosion Control Permit Fee (DEQ pass through fee) — Amount required by DEQ

3. **Industrial Plan/Process Review Fee** — $35.00 per hour

4. **Industrial Wastewater Discharge Permit Fees**

   a. Reporting Permit Fee — $300.00 upon issuance and upon each anniversary of permit issuance date

	1. Significant Industrial User Fee (DEQ pass through)	$447.00 upon issuance and upon each anniversary of permit issuance date
	b. Non-reporting Permit Fee	$100.00 upon issuance and upon each renewal of permit as determined by District pretreatment rules.
	c. Short-term Industrial Wastewater Discharge Permit	$75.00 per request
5.	**Miscellaneous Inspection Charge**	$100.00 per line tap
6.	**Plan Check and Inspection Fee**	5% of the cost of construction of developer Provided storm and surface water and sanitary sewer improvements or $285.00, whichever is greater.
	a. For projects where the District does not perform both plan review and inspection task.	A minimum of $250.00 shall be charged. Plan review fees shall be 2% of the cost of construction. Inspection fees shall be 3% of the cost of construction.
	b. Plan Check and/or Inspection Overtime Fee	$59.00 per hr. (two hr. minimum)
	c. Plan Check Resubmittal Fee	$250.00
	d. Plan Check Deposit	$250.00
7.	**Site Assessment and Alternatives Analysis Fee**	
	a. Basic Site Certification Concurrence Fee	$25.00
	b. Allowed Use Site Certification Concurrence Fee	$50.00
	c. Corridor Averaging/Reduction Site Certification Concurrence Fee	$150.00
	d. Tier 1 Alternatives Analysis Review Fee	$500.00

	e. Tier 2 Alternatives Analysis Review Fee	$750.00
	f. Tier 3 Alternatives Analysis Review Fee	$500.00
8.	**Natural Resources/Services Planning Fee**	$250.00 for up to 8 hrs. of staff time. Additional time at the Engineering Contracted Services Rate.
9.	**Special Waste Monitoring Fee**	See page 56.D.9.
10.	**SWM Charges Investigation Fee**	Storm and Surface Water Service Charge for one (1) ESU x 6 months
11.	**Video Inspection Fee**	$0.87 per foot of line
12.	**Propriety System Special Inspection Fee**	$42.00 per hour with a minimum fee of $84.00. This fee will be charged per proprietary vault or proprietary catch basin.

E. DELINQUENCY AND INTEREST

Interest Charge	9% per annum, or as on page 58.E.2.a
Delinquency Charge	See page 58.E.2.b
Late Payment Fee	2% of overdue amount from most recent billing period
NSF Check Fee	$20.00 for handling and collecting NSF checks

APPENDIX B
CERTIFICATION OF DISTRICT RATE AND CHARGES TO CITIES

As contemplated in the agreement between the District and Cities within the District, the following are hereby certified to the amounts or portions of certain rates and charges of the District required for the identified purpose or to be paid or retained by the District or City, as appropriate.

For the Cities of Beaverton, Cornelius, Hillsboro, Forest Grove, Sherwood, Tigard, and Tualatin:

Sanitary Sewer Fees

Service Charge	(Expressed in terms of percentage of the total sanitary sewer monthly service charges collected)
City Portion	17.595%
District Portion including system improvements	82.405%
System Development Charge (Connection Charge)	
City Portion	20.0% to City

Storm and Surface Water Fees

Erosion Control Fees	100% to City (Except as provided by Intergovernmental Agreement)
FEMA Floodplain Elevation Fee	100% to City
Floodplain, Floodway, and Wetland Modification Fee	100% to City
Plan Check Fee	
City Facility	100% to City
District Facility	100% to District
Storm and Surface Water Charge	75% ($3.00) to City 25% ($1.00) to District
Storm and Surface Water System Development Charge	100% to City

Division of Revenue for Banks, Durham, Gaston, and King City:

SANITARY REVENUE

Monthly Service Charges (Expressed in terms of percentage of the total sanitary sewer monthly charges collected)	2.933%

STORM AND SURFACE WATER REVENUE

Monthly Service Charges	5.0 % ($0.20)/ESU to City

Division of Revenue for North Plains:

SANITARY REVENUE

Monthly Service Charges (Expressed in terms of percentage of the total sanitary sewer monthly charges collected.)	2.933%

STORM AND SURFACE WATER REVENUE

Monthly Service Charges	15% ($0.60) to City 85% ($3.40) to District

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CITY OF HILLSBORO

Public Works Department, Engineering Division
150 East Main Street – Fourth Floor, Hillsboro, Oregon 97123
503-681-6252 Fax#503-681-6245
charlies@ci.hillsboro.or.us

August 7, 2007

TO: Mayor and City Council

FROM: Charlie Shell, Engineering Division

RE: Proposed Davis Road Sanitary Sewer Improvements.

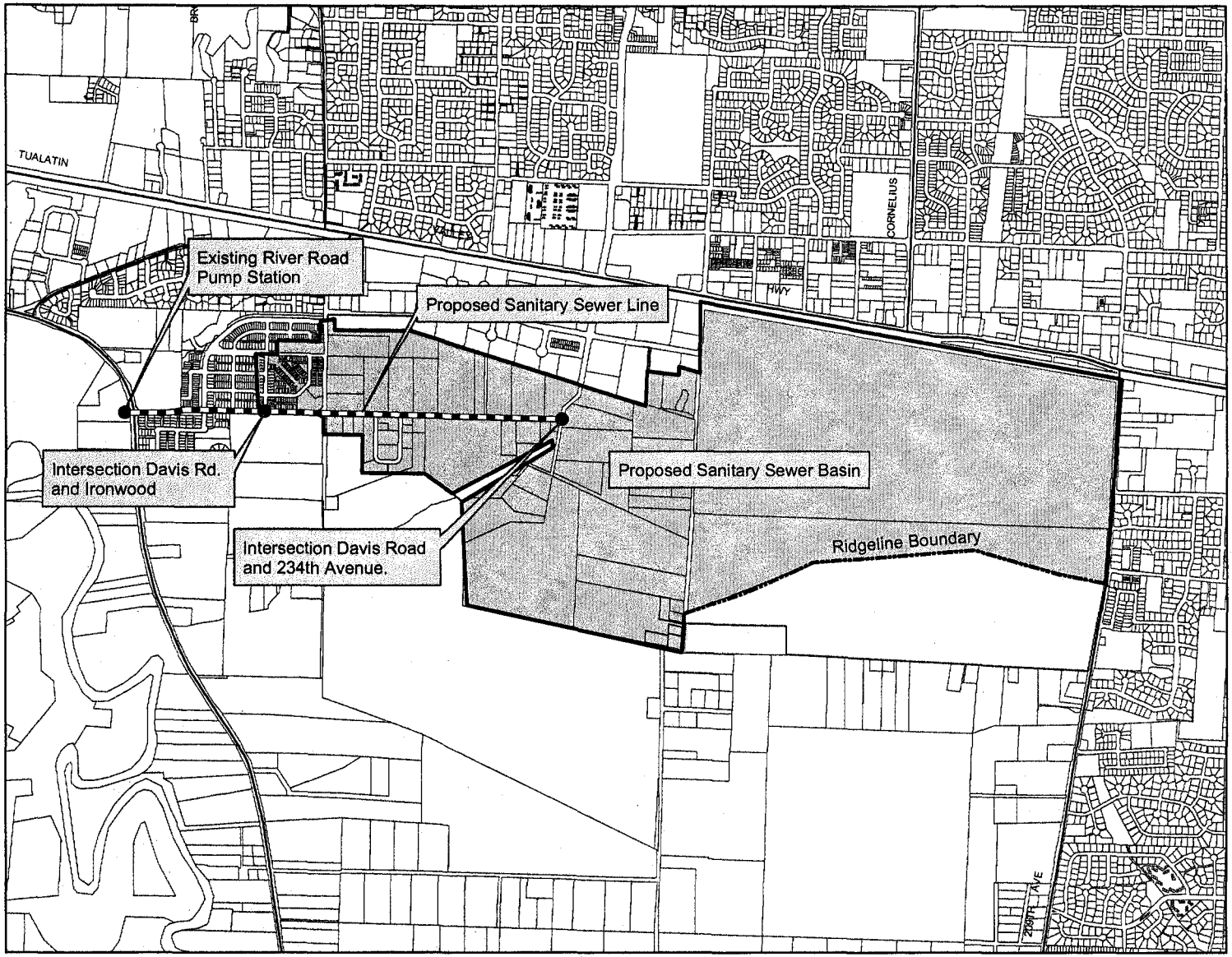
The Engineering Division held a bid opening on July 26th, 2007, for the above referenced project. The bid results were as follows:

	BIDDER	BID AMOUNT
1.	**Emery & Sons**	**$ 2,829,121.00**
2.	Kerr Contractors	$ 2,857,066.00
3.	C&M Construction	$ 2,997,545.00
4.	K&E Excavating	$ 3,028,170.00
5.	James W. Fowler	$ 3,146,465.00
	Engineer's Estimate:	$ 3,407,845.00

This project originally began with plans to extend sewer to serve the remainder of the Witch Hazel Village Community area. However, during the preliminary engineering layout for this project, it was discovered that if this line were installed with the proper size and depth it has the potential to serve a much greater area of about 638 acres. See attached map. Construction of this line will also eliminate the need for a future pump station at Gordon Creek. Staff then returned to Finance Committee and presented the proposed expansion of the project scope which was subsequently approved. Construction costs for this project will be paid for using SDC funds. These funds will then be recovered from SDC fees later charged to developers and builders as the area develops.

The challenge in building this sewer line will be its depth. Approximately 2000 feet of the 5500 feet to be installed must be installed at depths between 20 and 24 feet and may require more specialized construction techniques or boring. Once constructed, this line will be owned and maintained by Clean Water Services.

Construction of this sewer line will result in some minor inconvenience to the public with regard to the use of Davis Road. However, access will be maintained for all adjacent homeowners at all times. See attached proposed homeowner notification letter. Staff requests City Council approval of the proposed Davis Road traffic restrictions as described in said letter and that City Council award the contract for construction of these improvements to Emery & Sons, as the low responsive bidder.



City of Hillsboro

Plot date: 6-5-07

BASIN FOR THE PROPOSED DAVIS ROAD SANITARY SEWER

This map was derived from several databases. The city cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.

Geographic Information System

CITY OF HILLSBORO

Public Works Department, Engineering Division
123 W Main Street Suite 250 Hillsboro, Oregon 97123-3963
503-681-6252 Fax#503-681-6245
charlies@ci.hillsboro.or.us

August 10, 2007

Property Owners and Residents
SE Davis Road
Hillsboro, OR 97123

Dear Property Owners and Residents:

During the next few months, the City of Hillsboro will begin construction of a new sanitary sewer in Davis Road. This project will install a new sanitary sewer main from River Road to SW 234th Avenue. We realize that this project will be disruptive but by building adequate infrastructure now, we will be able to provide for the future development between Brookwood Avenue and 209th Avenue The new sewer line will also eliminate the need for a sewage pump station at Gordon Creek.

The City has selected Emery & Sons as the contractor for this construction project. The City will require Emery & Sons to keep at least one lane open at all times on Davis Road between River road and Brookwood and two-way traffic will be maintained by flaggers. Lane restrictions will only be allowed between the hours of 8:00 am and 4:30 pm. At the end of each work day, both lanes of the road will be reopened to accommodate two lanes of traffic. For that portion of the project between Brookwood and 234th Avenue, Davis Road will be closed at the location where the contractor is excavating. Throughout the entire project, the contractor will be required to maintain homeowner access to all properties at all times. However, there may be periods when access to your property must be made from another route. The contractor will coordinate with you in advance when this will be required. Upon completion of the project, the contractor will repave the roadway to as-good or better condition than existed prior to construction.

Construction is likely to begin during the third week of August and we anticipate that work will begin near Brookwood and proceed to the east. All work between Brookwood and 234th Avenue is expected to be completed by November 15th. The remainder of the project between River Road and Brookwood is expected to be completed by February 28, 2008.

If you have any questions, comments, or special concerns regarding access, please call me at 503-681-6252.

Sincerely,

Charles Shell
Principal Engineer

DRAFT

05

CITY OF HILLSBORO
Parks & Recreation

MEMORANDUM

DATE: **August 2, 2007**

TO: **City Council**

FROM: **Kevin Smith, Development Manager**

RE: **Consideration of Authorizing the Mayor and City Recorder to Execute a Purchase and Sales Agreement for acquisition of parkland in the Orenco neighborhood.**

REQUEST

The City Council is asked to consider a Park Commission recommendation to authorize the Mayor and City Recorder to execute a purchase and sales agreement with the developers of the Orenco Crossing subdivision in order to acquire five acres of property that would be intended to be developed into a park and include the dedication of approximately 19 acres of riparian area along the Rock Creek corridor..

BACKGROUND

As the Council is aware, the redevelopment of the Orenco Woods Golf Course into a residential subdivision has been in process for the last three years. During that time the developer of the site has obtained various land use approvals, including Planning Department Casefile Nos. HCP 4-04, ZC 18-05, CDP 1-06, DDP 2-06 and SUB 1-06. Through the land use processes, much discussion was given at Park Commission, Planning Commission and City Council to the size and location of a neighborhood park to serve the residents in the Orenco area. Condition No. 3 of City Ordinance No. 5633 (ZC 18-05 Orenco Woods Crossing) states:

> *"The owners of the property shall cooperate with the City so that at least five acres located north or Rock Creek, outside the OS Plan designated area, and outside the City of Hillsboro Goal 5 Significant Natural Resource Overlay (SNRO) are available to be acquired by the City for development of a neighborhood park. The location of the park shall be addressed in the CDP/DDP applications. If appropriate arrangements can be made, those lands designated as OS may also be acquired for public use. If the*

> *OS/SNRO lands cannot be acquired by the City for open space or park use, maintenance of these lands for open space use shall be specified during the CDP/DDP process and may include a required homeowners association, the Elks or equivalent maintenance mechanism."*

Subsequently, the Planning Commission passed Resolution No. 1561-P (CDP 1-06, DDP 2-06, SUB 1-06, SNRP 1-06 and FA 1-06 Orenco Woods Crossing) which established the site of the 5 acre neighborhood park adjacent to the north side of the Rock Creek riparian area. An illustration of this site is attached for the Council's reference. Condition No. 2 of Resolution No. 1561-P states:

> *"Development and construction on the site shall conform substantially to the development plans and conditions approved by the Planning Commission and shall conform specifically to final construction plans reviewed and approved by the Planning Director, the City Engineer, the Building Official, the Fire Marshal, Parks and Recreation Director and Washington County. All plans shall comply with the applicable building, planning, and fire protection codes of the City of Hillsboro"*

In addition, Condition No. 59 states:

> *"The open space areas shall be shown on the final plat as tracts, which shall be owned and maintained by the Home Owners' Association or, as approved by the City of Hillsboro Parks* [sic] *Commission, shall be deeded to the City of Hillsboro. Should the City of Hillsboro acquire the Neighborhood Park, that area shall be either conveyed to the City on the final plat of the applicable phase or by separate legal instrument. Otherwise that area shall be owned by the applicant, its successors or assigns."*

At their regular meeting of February 14, 2006, the Hillsboro Park Commission voted unanimously to forward a recommendation to City Council to execute a purchase and sales agreement with Venture Properties and/or the Elks to acquire five acres of land for purposes of developing a neighborhood park. However, due to a number of appeals of the various land use approvals, staff determined it prudent to wait on finalizing a purchase and sales agreement until those approvals had been considered by the various boards and courts. At their regular meeting on July 24, 2007, staff updated the Commission on the proceedings and reaffirmed their desire to execute a purchase and sales agreement for the 5 acre property and additional 19 acres of adjacent open space.

If the Council were to approve the purchase and sales agreement, the terms of the transaction would be that the City would acquire the parkland for $2,107,500.00 ($421,500.00 per acre). In addition the developer will transfer the remaining 19 acres of open space property to the City at no additional cost. Funds for the acquisition are available from the Parks and Recreation Department's systems development charges (SDC's) account.

RECOMMENDATION

Given the conditions of approval for this project and the recommendation of the Park Commission, staff respectfully requests the City Council to authorize the Mayor and City Recorder to execute a purchase and sales agreement.

PARK TRACT
(5.0 AC)
Tract 1
LOT LINE ADJUSTMENT
(0.3 AC)
Tract 2
LOT LINE ADJUSTMENT
(.03 AC)

Exhibit "A"

CITY OF HILLSBORO – PARKS AND RECREATION DEPARTMENT OK

MEMORANDUM

DATE: **August 7, 2007**

TO: **City Council**

FROM: **Justin Patterson, Assistant Parks and Recreation Director**

RE: **Consider authorizing cooperative efforts between the Hillsboro School District and the Hillsboro Parks and Recreation Department**

REQUEST

The City Council is asked to consider a Park Commission recommendation and authorize a partnership opportunity between the Hillsboro School District (HSD) and the Hillsboro Parks and Recreation Department. The goal of this partnership opportunity is expansion of gym facilities to better accommodate both HSD needs and the greater community through the Parks and Recreation Department.

BACKGROUND

Over time the Parks and Recreation Department and HSD have worked together to share facilities in an effort to accommodate numerous school programs and community users. In 2007 an Intergovernmental Agreement (IGA) was created and approved by Council to help provide structure to this ongoing partnership. The intent of the IGA was to outline provisions for joint use of facilities and strongly encourage other types of partnering. One such opportunity to be pursued was joint development of facilities.

In November 2006 HSD passed a Bond Measure for the development of new school facilities and other school renovations. With the passage of that measure, an opportunity for partnering on the joint development of facilities with the City was created. Parks staff began discussions with HSD representatives and outlined a specific opportunity wherein two gyms to be constructed by HSD could be expanded to better accommodate use by the community. Both entities found this to be in keeping with the intent of the IGA and a positive opportunity.

The partnership would include the expansion of two gyms, one at the former Thomas School site and one at the Witch Hazel School site. The original gym floorplans would be increased by 1,000 square feet each and add space for dedicated offices and storage for Hillsboro Parks and Recreation staff. The expansion of the gyms would allow for a much wider range of programming opportunities from children through adults. As previously designed, the gyms would only safely accommodate the youngest user groups.

A professional cost estimate was generated for this additional construction indicating a cost of $457,000 for the additional spaces. This figure includes design, permitting and construction with construction administration assistance. On May 22, 2007 Park Commission reviewed the designs and recommended expenditure of SDC funds not to exceed $500,000 to engage in the joint development of these facilities. Construction is expected to be completed at the former Thomas site in the Fall of 2008. Construction at the Witch Hazel site will be completed in Fall 2009.

These spaces would be operated jointly under the provisions outlined in the existing IGA between the Hillsboro Parks and Recreation Department and HSD.

RECOMMENDATION

This partnership will allow both HSD and the Parks and Recreation Department to maintain excellence in providing quality service to the residents commonly served by both entities. Given this type of partnership is in keeping with the intent of the IGA and Park Commission's recommendation, Staff would ask that the Council grant authorization to engage in this partnership with HSD.

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INTER OFFICE MEMORANDUM

DATE: July 25, 2007

TO: Hillsboro City Council

FROM: Cynthia Young Bolek, Support Services Manager

RE: Ordinance Amendment related to Inventories of Closed Containers in Impounded Vehicles

SUMMARY:

The Hillsboro Police Department received information from the Washington County District Attorney's Office that the Hillsboro Municipal Code related to vehicle inventory (Section 3.10) has a word omission under section 3.10.202 (3)(c) which creates a legal interpretation issue during court proceedings.

BACKGROUND:

The last revision to Ordinance # 5569-10-05 was passed on October 4, 2005. The specific section at issue following review of this ordinance surrounds the word "on" which appears to have been inadvertently left out of the following paragraph:

c. The closed container is designed for carrying money and/or small valuables or about the person. This includes, but is not limited to, closed purses, closed coin purses, closed wallets and closed waist packs.

RECOMMENDATION:

Based upon the discovery of the word omission, the police department requests that the Municipal Code be amended.

Attachment

ORDINANCE NO. ____

AN ORDINANCE RELATING TO INVENTORY SEARCHES OF CLOSED CONTAINERS IN IMPOUNDED VEHICLES; AMENDING SECTION 3.10.020 OF THE HILLSBORO MUNICIPAL CODE; AND DECLARING AN EMERGENCY.

WHEREAS, Oregon law requires adoption of policies for conducting inventory searches of closed containers in impounded vehicles; and

WHEREAS, it is necessary to add a word to the previous City ordinance.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.10.020 of the Hillsboro Municipal Code is amended so that the provisions of subsection (C)(3) of that section read and provide as follows:

3. Inventories of the contents of a closed container located within the vehicle or any of the vehicle compartments shall only be conducted when:

a. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a police vehicle or secure police holding room;

b. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or

c. The closed container is designed for carrying money or small valuables **on** or about the person. This includes, but is not limited to, closed purses, closed coin purses, closed wallets and closed waist packs.

Section 2. This code amendment affects current operations of the Hillsboro Police Department and needs to go into immediate effect to make current practices consistent with the code. An emergency is declared. This ordinance is effective immediately upon its passage and execution by the Mayor.

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

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

_____
Mayor

ATTEST: _____
City Recorder

lom

CITY OF HILLSBORO

MEMORANDUM

DATE: August 1, 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. Tokyo, 2331 NW 185th 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. 1165-07

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
- [ ] Off-premises sales
- [ ] Temporary sales license

PAID JUL 17 2007 30.70 By

BUSINESS NAME: Tokyo

Business Address: 2331 N.W. 185th Ave, Hillsboro, OR 9712

Applicant: Chang Mong Kim
(Full Name)

Home Address: 5300 Parkview Dr. #2072 (503) 746-5364
Street Home Phone

Lake Oswego, OR 97035 (503) 690-1891
City State Zip Business Phone

Driver's License No.: B4527429 State: CA

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: _____

Hach. Inc. 3354 El Camino Real
Santa Clara, CA 95054

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: _____ Kim Chang Mong
Signature(s) of Applicant(s) or Agent(s)

City Business License No.: 2033 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).

Japanese Restaurant that provides dining establishment for family & Business group.

Days and hours of operation: 7 days a week about 5ohrs.

Ratio of projected food sales to alcohol sales: (food) 8 : 2 (alcohol)

Service Capacity (i.e. maximum number of customers that can be accommodated at any give time): 40 people.

Previous business names and addresses where you have ever been licensed. (Use reverse side of this application for additional space if necessary.)

It's the 1st time.

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. NO.

Police Department: Approved ☑ Denied ☐ Signature 7/31/07

Comments:

Req 90 day

Considered original

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 _____

P20745

L91757

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: ZM

Date: 4/25/07

90-day authority: ☐ Yes ☒ No

1. Applicant(s): [See SECTION 1 of the Guide]

① HOCH, INC ③ _____

② _____ ④ _____

2. Trade Name (dba): TOKYO JAPANESE RESTAURANT

3. Business Location: 2331 NW 185TH AVE HILLSBORO OR 97124
(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: 503-690-1891 / 408-839-1251(C) N/A
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No

7. If yes to whom: Soon Nam DONG HO KIM Type of License: L - Limited On-premise Sales

8. Former Business Name: TOKYO JAPANESE RESTAURANT

9. Will you have a manager? ☒ Yes ☒ No Name: Chang Mong Kim ZM
(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)

11. Contact person for this application: HAK C LEE
(name) (phone number(s))

3354 EL CAMINO REAL SANTA CLARA CA 95051 408-244-7932 (F)
(address) (fax number) (e-mail address)

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 3/17/07 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

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.

Item #: 7B
Offered By: Tom Black
Date: 8/7/07
Exhibit

Communications
NM Agenda
Items

Learn More about Fairgrounds Revitalization Task Force

The Fairgrounds Revitalization Task Force is working to revitalize the Washington County Fair Complex and ensure its long term economic viability and service to the Washington County community.

Want to be involved in designing the future of the fair complex?

Please visit www.co.washington.or.us/fairgroundstaskforce
e-mail fairgroundscomments@gmail.com