HILLSBORO CITY COUNCIL

Preliminary Agenda
Tuesday, October 16, 2007

6:30 PM — **Executive Session**
Hillsboro Civic Center Conference Room C113B — **150 E. Main Street**

7 PM — **Regular Session**
Hillsboro Civic Center Auditorium — **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 – October 11, 2007

EXECUTIVE SESSION – 6:30 PM – CONFERENCE ROOM C113B

A. Consider convening in Executive Session under ORS 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions. *If needed, any action would be taken under the Public Hearings section during Regular Session.*

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Mayor Tom Hughes

CALL TO ORDER - Roll Call

1. **CONSENT AGENDA:** (The items on the Consent Agenda are normally considered in a single motion. Any item may be removed for separate consideration upon request by any member of the Council.)

   A. Designate Mayor Tom Hughes as the City's Voting Delegate and Councilor Ed Dennis, City Councilor, as the Alternate, for the National League of Cities Annual Business Meeting, Saturday, November 17, 2007.

   B. Schedule a public hearing for November 6, 2007 to consider proposed Planning Department fee increases in existing fees for current land use applications and proposed new fees for new (or more widely required) land use applications. (Finance Committee recommendation)

   C. Readopt the Investment Policy for the City of Hillsboro, authorizing investments exceeding 18 months and up to 3 years in maturity and supersedes Resolution No. 2187 by adopting **Resolution No. *_____**. (State Statute requires annual readoption event if no changes have been made to the policy. There are no proposed changes.) (Finance Committee recommendation)

2. **PRESENTATIONS AND APPOINTMENTS:**

   A. Proclamation: National Magic Week – October 25-31, 2007.

   B. Informational presentation on Washington County's bicycle awareness campaign by Washington County Bicycle Transportation Coalition Director Hal Ballard.

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.)

4. PUBLIC HEARINGS:

A. Public Hearing on the property located at Lot 1 John Olson – Cornell. (Certain aspects of this item were discussed in Executive Session preceding the Regular Session.)

B. 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, north of NW Lenox Street and east of McKay Creek and can be specifically identified as Tax Lot 1600 on Washington County Tax Assessor's Map 1N3-25AB. **Ordinance No. *5782 is available.**

C. 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, north of NW Lenox Street and east of McKay Creek and can be specifically identified as Tax Lot 1600 on Washington County Tax Assessor's Map 1N3-25AB. **Ordinance No. *5783 is available.**

D. AN 7-07: Norris/Reese.: Consider approval for annexation of two properties totaling approximately 1.36 acres in area (and associated right-of-way), into the City Limits of Hillsboro. The properties are generally located west of SE 75th Avenue, north of Tualatin Valley Highway, south of SE Johnson Street and east of SE 73rd Avenue. The properties can be specifically identified as Tax Lots 3201 and 3302 on Washington County Tax Assessor's Map 1S2-11BC. **Ordinance No. *_____ is available.**

E. ZC 11-07: Norris/Reese: Consider Planning Commission recommendation of approval of a zone change from County CBD Community Business District to City C-1 General Commercial on two properties totaling approximately 1.36 acres in area. The properties are generally located west of SE 75th Avenue, north of Tualatin Valley Highway, south of SE Johnson Street and east of SE 73rd Avenue. The properties can be specifically identified as Tax Lots 3201 and 3302 on Washington County Tax Assessor's Map 1S2-11BC. **Ordinance No. *_____ is available.**

5. UNFINISHED BUSINESS:

A. None.

6. NEW BUSINESS:

A. Consider amending Hillsboro Municipal Code, Title 15, Chapter 15.08, Fire Code and declaring an emergency. **Ordinance No. *_____ is available.**

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

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

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

1. Latitude Bar and Grill, 2905 SE 73rd Ave. – Original Application – Full on-premises sales
2. San Alejandro Super Mercado, 1991 NE Cornell Rd. – Original Application – Off-premises sales

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

8. ADVICE/INFORMATION ITEMS:

A. Hillsboro Naturally Amateur Digital Photography Contest: Sponsored by Intel Oregon, Oregon Community Credit Union, the Greater Hillsboro Area Chamber of Commerce and the Glenn and Viola Walters Cultural Arts Center. The photographs will be on display from October 2-31.

B. Friday Family Flicks: The Witches: October 19, 2007, showtime at 6:30 PM, Hillsboro Main Library, 2850 NW Brookwood Parkway. Based on a children's book by Roald Dahl.

C. Proclamation: Make a Difference Day – October 27, 2007.

D. Shred-It Day: Sponsored by the Hillsboro Police Department – November 3, 2007 from 9 AM to 11 AM at the West Precinct, 250 SE 10th Avenue. Shredding services will be provided by Iron Mountain to the general public. The Police Department will also be collecting new or gently used winter blankets, coats, hats and gloves.

ANNUAL COMMUNITY EVENT:

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

CREDENTIALS FORM

NATIONAL LEAGUE OF CITIES · 2007 CONGRESS OF CITIES · NEW ORLEANS, LOUISIANA

At the Annual Business Meeting on Saturday, November 17, 2007, each direct member city of NLC is entitled to cast from one to 20 votes based upon the city's population per the 2000 census, through its designated voting delegate. Please indicate below your city and state, voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3043, by the October 31, 2007 deadline.

The official voting delegate and alternate(s) for the city/town of:

Hillsboro
(type or print the name of your city/town and state)

FOR OFFICE USE ONLY
(DO NOT WRITE IN THIS SPACE)
Voting card issued to:

_____
(signature)

Votes: _____

1 _____ 2 _____ 3 _____

VOTING DELEGATE:

1. Tom Hughes
NAME

Mayor
TITLE

ALTERNATE VOTING DELEGATE(S):

2. Ed Dennis — Councilor
NAME — TITLE

3. _____ _____
NAME — TITLE

Above delegates approved by Hillsboro City Council 10/16/07

PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 31, 2007
ATTENTION: ERIKA HAMILTON, POLICY ASSISTANT
FAX: 202-626-3043

✓ 10/19/07 DW

Signature (city representative): Jim Ernest

Title: City Manager Date: 10/18/07

1A

AD

To strengthen and promote cities as centers of opportunity, leadership, and governance.

National League of Cities

1301 Pennsylvania Ave., N.W.
Washington, DC 20004-1763
202-626-3000
Fax: 202-626-3043
www.nlc.org

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RECEIVED
OCT 09 2007
CITY OF HILLSBORO
ADMINISTRATION DEPT

Tom Hughes
Ed Dennis

September 28, 2007

MEMORANDUM

TO: Direct Member Cities

FROM: Donald J. Borut, Executive Director

SUBJECT: Congress of Cities Voting Delegates

The National League of Cities Annual Business Meeting will be held on Saturday, November 17, 2007, at the conclusion of the Congress of Cities and Exposition in New Orleans. As a direct member city, your city is entitled to vote at this meeting. Based on population, each member city casts between one and twenty votes. The number of votes for each population range can be found on the table on the reverse of this memorandum.

To be eligible to cast a city's vote, a voting delegate and alternate must be officially designated by the city using the enclosed credentials form. This form will be forwarded to NLC's Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

At the Congress of Cities, the voting delegate must pick up the city's voting card at the credentials booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. Alternates should also visit the credentials booth before the meeting to pick up their stickers which identify them as alternate voting delegates. The credentials booth will be open throughout the Congress of Cities.

Please return the completed form to NLC by fax at 202-626-3043 on or before October 31, 2007, and keep the original for your own files. If you have any questions or concerns, contact Ken Rosenfeld, NLC policy manager, at rosenfeld@nlc.org or 202-626-3027.

Thank you.

Past Presidents: **Clarence E. Anthony,** Mayor, South Bay, Florida • **John DeStefano, Jr.,** Mayor, New Haven, Connecticut • **Brian J. O'Neill,** Councilman, Philadelphia, Pennsylvania • ***Directors:*** **R. Michael Amyx,** Executive Director, Virginia Municipal League • **Susan Burgess,** Mayor Pro Tem, Charlotte, North Carolina • **Thomas Carlson,** Mayor, Springfield, Missouri • **Susan Cave,** Executive Director, Ohio Municipal League • **Deborah Denard Delgado,** Councilwoman, Hattiesburg, Mississippi • **Joseph Donaldson,** Mayor, Flagstaff, Arizona • **Pat Eklund,** Council Member, Novato, California • **Ted Ellis,** Mayor, Bluffton, Indiana • **Makia Epie,** Council Member, Cedar Hill, Texas • **Margaret Finlay,** Councilmember, Duarte, California • **Rene Flowers,** Councilmember, St. Petersburg, Florida • **John Franklin,** Councilmember, Chattanooga, Tennessee • **Gary Graham,** Mayor, O'Fallon, Illinois • **Donald A. Groesser,** Mayor, Ralston, Nebraska • **Jeanne Harris,** Councilmember, Vancouver, Washington • **Daun S. Hester,** Council Member, Norfolk, Virginia • **Charles Hughes,** Councilman-At-Large, Gary, Indiana • **Steven Jeffrey,** Executive Director, Vermont League of Cities and Towns • **Michael E. Johnson,** Council Member, Phoenix, Arizona • **Martin Jones,** Council Member, Conyers, Georgia • **Jennifer L. Kim,** Council Member, Austin, Texas • **Daisy W. Lynum,** Commissioner, Orlando, Florida • **Margaret Mahery,** Executive Director, Tennessee Municipal League • **Cynthia Mangini,** Councilman-At-Large, Enfield, Connecticut • **Marcia Marcoux,** Councilmember, Rochester, Minnesota • **Henry Marraffa, Jr.,** Councilman, Gaithersburg, Maryland • **Tom Ed McHugh,** Executive Director, Louisiana Municipal Association • **Darryl Moss,** Mayor, Creedmoor, North Carolina • **James Perkins, Jr.,** Mayor, Selma, Alabama • **Daniel Pocek,** Mayor, Bedford, Ohio • **Richard Radcliffe,** Councilman, Greenacres, Florida • **Lynn Rex,** Executive Director, League of Nebraska Municipalities • **Julie Aberg Robison,** Council Member-At-Large, Cary, North Carolina • **Shirley Scott,** Council Member, Tucson, Arizona • **Anne Sinclair,** Council Member, Columbia, South Carolina • **Walter Skowron,** Council Member, Loveland, Colorado • **Connie Sprynczynatyk,** Executive Director, North Dakota League of Cities • **Ken Strobeck,** Executive Director, League of Arizona Cities and Towns • **Lynne Whalen,** Council Woman, Casper, Wyoming • **Dennis Zine,** Councilman, Los Angeles, California

Recycled Paper

NATIONAL LEAGUE OF CITIES

2007 CONGRESS OF CITIES
NEW ORLEANS, LOUISIANA

Number of Votes – Annual Business Meeting

Direct Member Cities

Article IV, Section 2 of the National League of Cities bylaws specifies the number of votes that each NLC direct member city is entitled to cast at the Annual Business Meeting at the Congress of Cities. Member cities are required by the bylaws to cast unanimous votes.

CITY POPULATION (per 2000 Census)	NUMBER OF VOTES
Under 50,000	1 vote
50,000 – 99,999	2 votes
100,000 – 199,999	4 votes
200,000 – 299,999	6 votes
300,000 – 399,999	8 votes
400,000 – 499,999	10 votes
500,000 – 599,999	12 votes
600,000 – 699,999	14 votes
700,000 – 799,999	16 votes
800,000 – 899,999	18 votes
900,000 and above	20 votes

1B

CITY OF HILLSBORO

October 3, 2007

STAFF REPORT

TO: Finance Committee
FROM: Planning Department

RE: Review of proposed land use application fee increases to support additional Planning staff

In July the City Council approved text amendments to the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance regarding density, design, and open space (DDOS). These amendments originated in policy directions from the Council and the Planning Commission to improve the design quality of both single family and townhouse/multi-family developments by requiring greater architectural variety and usable open space. During Planning Commission and Council review of the amendments, both bodies expressed support for creation of an additional position in the Planning Department for a staff person with more specialized architectural and/or urban design experience, for the higher level of review needed to implement the amendments. The Council also directed that the proposed position would be funded to the greatest practicable extent by increased revenues. The proposed new position will be classified as an Urban Planner III (Architect). Given that salary range, plus benefits, the cost of the new position for FY 2007-2008 will be between $87,320 and $91,693.

The attached tables provide details on three categories of proposed revenue increases: inflation adjustment increases in existing fees: broader application of existing fees (to Development Review on two-unit structures and accessory dwellings); and new fees for property line adjustments and "architectural review."

In addition to these fees, Planning staff proposes a new "Planning and Zoning Review Fee" on residential building permits. Authorization for this fee would be made in the Zoning Ordinance, and staff anticipates a Zoning Ordinance amendment to be initiated by the Planning Commission at their next meeting on October 10th.

Planning staff also proposes that the Finance Committee and the City Council consider adopting a fee for processing Ballot Measure 37 claims. Additional information on that proposed fee will be provided at the October 9th meeting.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

Deborah A. Raber AICP
Planning Project Manager

Attachments: Fee Increase tables

PROPOSED PLANNING DEPARTMENT
APPLICATION FEE INCREASES, BY APPLICATION TYPE

HZO	Hillsboro Zoning Ordinance	DR	Development Review
HSO	Hillsboro Subdivision Ordinance	SUB	Subdivision
HCP	Hillsboro Comprehensive Plan	PUD	Planned Unit Development
FY	Fiscal Year	CY	Calendar Year
SFR	Single Family Residence	ADU	Accessory Dwelling Unit
MFR	Multi-Family Residence (3+ units)	MH	Manufactured Home

Existing Fees - Inflation Adjustment increase
(authorized by HZO Section 129A; Section 136 VII; HSO Article XI; HCP Section 1)

Estimated FY2006 - 2007 revenue		$550,000	
2006-2007 inflation adjustment	3.1%		
2007-2008 inflation adjustment	2.0%		
Cumulative 2-year increase	5.2%		
Projected additional revenue (5% of $550,000)			$27,500

Existing Fees – Development Review for Two-Unit Structures
(authorized by HZO Section 133: existing process and fee with broader application)

Annual # of 2-unit structure permits	11*	
Projected annual # of 2-unit structures	11	
Projected additional review (11 permits x $2625)		$28,875

* *Average of CY 2004, 2005 and 2006*

Existing Fees –Development Review for Accessory Dwellings
(authorized by HZO Section 133: existing process and fee with broader application)

Annual # of ADUs	5*	
Projected annual # of ADUs	5	
Projected fee (= ½ standard DR fee; ½ permits valued at < $99,999; ½ permits values at > $100,000)	$2230	
Projected additional review (5 permits x $2230		$11,150

* *Average of CY 2004, 2005 and 2006*

New Fee – Property Line Adjustments
(new process authorized by HSO Article VI)

Annual # of property line adjustments	24*	
Projected fee	$100	
Projected additional review (24 permits x $100)		$ 2,400

* *Average of CY 2004, 2005 and 2006*

New Fee – "Architectural Review Fee" on eligible SUBs and PUDs (8+ lots)
(authorized by HSO Article II, Section 1 E 8)

Annual # of lots in "8+" lots in SUBs & PUDs	1024*	
Annual # of lots in "7-" SUBs & PUDs	70*	
Estimated annual # of lots in 8+ SUBs and PUDs	500	
Estimated # of lots reviewed w/ prelim. plat	400	
Proposed Arch. Review Fee w/ prelim. plat	$ 20/lot	
Estimated # of lots reviewed w/ final plat	100	
Proposed Arch. Review Fee w/ final plat	$ 40/lot	
Projected additional revenue (400 lots x $20/lot)		$ 8,000
Projected additional revenue (100 lots x $40/lot)		$ 4,000

* *Average of CY 2004, 2005 and 2006*

New Fee – ""Planning & Zoning (P&Z) Review Fee" on residential bulding permits
(to be authorized by HZO Section 129A, ZOA to be initiated by PC on 10/10)

Estimated annual SFR permits		765*	
Estimated annual Duplex permits (# units)	18*		
Estimated annual MFR permits (# units)		360*	
Estimated annual MH set-ups (# units)		4*	
Proposed P&Z Review Fee (per unit):	SFR	$20	
Proposed P&Z Review Fee (per unit):	Duplex	$15	
Proposed P&Z Review Fee (per unit):	MFR	$10	
Proposed P&Z Review Fee (per unit):	MH	$20	
Projected additional revenue (765 units x $20/unit)			$15,300
Projected additional revenue (18 units x $15/unit)			$ 270
Projected additional revenue (360 units x $10/unit)			$ 3,600
Projected additional revenue (4 units x $20/unit)			$ 80

Total projected additional revenue **$101,175**

Application fees authorized under Comprehensive Plan Ordinance No. 2793

Application Type	Current Fee (Effective 3/01/06)	With 5% inflation adjustment
Minor Comprehensive Plan Land Use Map Change	$4000	$4200

Application fees authorized under Zoning Ordinance No. 1945

Application Type	Current Fee (Effective 3/01/06)	With 5% inflation adjustment
Zone Change	$2500	$2625
Conditional Use	$2500	$2625
Variance (< $10,000 project value)	$500	$525
Variance (> $10,000 project value)	$1700	$1785
Expansion of Non Conforming Use	$1700	$1785
PUD preliminary development plan	$5000	$5250
PUD development plan	$2000	$2100
PUD modification through Planning Commission	$1500	$1575
PUD administrative modification	$700	$735
Floodplain Topographic Alteration or Special Use in the Floodplain	$1500	$1575
Significant Natural Resource Permit Type 1a	$750	$790
Significant Natural Resource Permit Type 1b	$1250	$1315
Significant Natural Resource Permit Type 2	$2000	$2100
Development Review (by project value)		
$100 to $5000 -	$300	~~$300~~ $315
$5000 to $25,000	$550	$580
$25,000 to $100,000	$1750	$1840
$100,000 to $500,000	$2500	$2625
$500,000 to $1,000,000	$3750	$3940
$1,000,000 to $5,000,000	$4500	$4725
Over $5,000,000	$5500	$5775
DR in Conservation Districts	½ standard fee	
Concept Development. Plan	$5000	$5250
Detailed Development Plan	DR fee for equal project value	
Fences	$40	$45
Appeals	½ original fee*	

* May be subject to statutory maximum.

Application fees authorized under Subdivision Ordinance No. 2808

Application Type	Current Fee (Effective 3/01/06)	With 5% inflation adjustment
Subdivision preliminary plat		
1 to 10 lots	$2000 minimum	$2100
11 to 24 lots	$200 / lot;	$210
25 or more lots	$4500 maximum	$4725
Subdivision Preliminary Plat Modification	$1500	$1575
Subdivision final plat (¾ of preliminary plat fee)		
1 to 10 lots	$1500 minimum	$1575
11 to 24 lots	$150 / lot	$1575
25 or more lots	$3375 maximum	$790
Major Partition preliminary plat	$1500	$1575
Major Partition final plat	$750	$790
Minor Partition preliminary plat	$1500	$1575
Minor Partition final plat	$750	$790
Appeals	½ original fee*	

* May be subject to statutory maximum.

Permit fees authorized under Municipal Code Chapters 3.30, 15.20 and 15.24, and Annexations

Application Type	Current Fee (Effective 3/01/06)	With 5% inflation adjustment
Measure 37 Claims	None	$????
Sign Permit (per face)	$50	$60
Mobile and Temporary Business Permit	$100	$105
Permit plus one site	$75	$80
Each additional site	$25 per site	$30
Annexation (may include multiple properties)	$1200	$1260

1C

CITY OF HILLSBORO

MEMORANDUM

DATE: October 4, 2007

TO: Finance Committee

FROM: Mary E. Gruss, Finance Department

SUBJECT: Resolution Readopting the Investment Policy

The Finance Department is requesting Finance Committee forward a recommendation to City Council to consider a resolution to readopt the investment policy.

Background:
ORS 294.135(a) requires local governments investing in securities with maturitites longer than 18 months to annually adopt their investment policies. The City Council passed Resolution No. 2187 in October 2007 adopting the City's current investment policy as is.

A copy of the policy, and resolution readopting the policy are attached for your review.

The policy has been reviewed by staff and no changes are being proposed. As required by state statute, the policy was reviewed by the Oregon Short Term Fund Board and the State of Oregon Treasury staff when first adopted in 1999.

Highlights of the Policy:
The Policy includes the following:

- Designates the Finance Director as the Investment Officer
- States the Investment Policy will be formally adopted by the city Council and readopted annually, even if there are not changes
- Authorizes investments exceeding 18 months and up to 3 years in maturity for specific cash flow needs or to match a particular project
- Requires portfolio diversification
- Requires periodic reporting
- Includes a list of *Authorized Investments* as approved by the State Treasurer pursuant to ORS 294.046

Requested Action by Finance Committee:
Please consider forwarding a recommendation to City Council to consider a resolution to readopt the attached investment policy for the City of Hillsboro, authorizing investments exceeding 18 months and up to 3 years in maturity and repeals Resolution No. 2187 (state statutes require annual readoption even if no changes have been made to the policy, there are no proposed changes).

2A

CITY OF HILLSBORO

Proclamation

Whereas, the Society of American Magicians was founded in 1902 and has more than 7,300 magicians worldwide, including magicians in every state in the union; and

Whereas, members of the Society of American Magicians both professional and amateur, generously offer their time and talent for charitable purposes, providing entertainment for children and adults throughout the area; and

Whereas, magic is an ancient and delightful form of entertainment which continues to give much pleasure to young and old. Magic, as a hobby for teenagers, has demonstrated to be a positive activity; and

Whereas, the Society of American Magicians is dedicated to elevating the art of magic with its endowment fund providing educational and humanitarian assistance to its members; and

Now, therefore, I, Tom Hughes, Mayor of the City of Hillsboro, Oregon, do hereby proclaim the week of October 25-31, 2007 as:

NATIONAL MAGIC WEEK

in the City of Hillsboro and encourage all citizens to enjoy and recognize magic as wholesome and fun entertainment.

Tom Hughes, Mayor
October 16, 2007

150 East Main Street, Hillsboro, Oregon 97123-4028 • 503/681-6100 • FAX 503/681-6232
AN EQUAL OPPORTUNITY EMPLOYER *PRINTED ON RECYCLED PAPER*

Item #: 2B
Offered By: Hal Ballard
Date: 10/16/07
Exhibit #: 1

PRESS RELEASE

FOR IMMEDIATE RELEASE
Contact:
Bicycle Transportation Alliance & Washington County Bicycle Transportation Coalition

Karl Rohde - BTA
Work: (503) 226-0676 x12
Cell: (503) 866-8222
karl@bta4bikes.org

Hal Ballard – WashCo BTC
(503) 516-6733
info@washcobtc.org

Tragic Death Inspires Awareness Campaign

September 6, 2007 - This past June, Tim O'Donnell, 66, was struck and killed while riding his bicycle with a group of friends. This tragedy brought increased attention to the safety of cyclists using Washington County roads. Tim's wife, Mary, established a memorial fund to address this problem. The Bicycle Transportation Alliance (BTA), working with the Washington County Bicycle Transportation Coalition (WashCo BTC), is spearheading an effort to increase awareness of these serious safety issues.

The Bicycle Transportation Alliance in partnership with the Washington County Bicycle Transportation Coalition, has formed an ad hoc committee to develop a program to raise motorists' awareness about the increased use of Washington County roadways by bicyclists of every age, description, riding style and purpose.

Through the grassroots efforts of the WashCo BTC, volunteers at venues around the county will promote the message to motorists that the cyclist they are passing is a relative, friend, coworker or neighbor. The goal is to appeal to motorists' compassion, humanizing the concept of the "Share the Road" signage posted at many locations around Washington County.

- MORE-

The campaign will be launched in September to coincide with BTA's increasingly popular annual "Bike Commute Challenge," and the time of year when many beginning and seasoned cyclists take advantage of the good weather.

The campaign will include life-sized cutouts of people with their bikes that will remind motorists that bicyclists are their relatives, friends, coworkers and neighbors "and we bike". The cutouts will be placed around in front of businesses and community gathering spots around the county. The message is, "*Be careful; the cyclist could be someone you know.*" Printed material will include a list of ways motorists can more safely interact with bicyclists. Presentations will be made to community groups throughout the month.

"From city councils to community events and all venues in between, volunteers plan to attend many public gatherings throughout the month to promote the message that bikes belong on Washington County's roads, too," said Hal Ballard, Director of the WashCo BTC.

The cycling community and safety advocates are concerned about the number of cyclists who have died on Washington County roads since the spring of 2005. Lack of understanding of the law is an issue, as well as there being minimal legal consequences for killing or injuring a cyclist or pedestrian:

Washington County averages 20 new, out-of-state motor vehicle registrations daily. "None of those new registrants, nor long-time Oregon drivers receive adequate education about Oregon bicycle laws beyond a slight mention in the Oregon Driver Manual. The woman who struck and killed cyclist Tim O'Donnell in June of this year was from out of state. She had no insurance, the registration had lapsed, and her driver's license had been suspended in her previous home state." Ballard said. The driver was cited for careless driving, passing in a no-passing zone and driving with a suspended license. She may receive a maximum fine of $1,115.

"As part of a larger campaign, greater consequences would make drivers take greater care around vulnerable road users." Ballard continued.

The campaign is also meant to draw attention to that vulnerability. During the closing days of the Oregon Legislature, following Tim's death, HB 3314, the "Vulnerable Users of Public Right of Way" bill was passed and signed into law by Governor Kulongoski. The law becomes effective on January 1, 2008.

The ongoing efforts of the WashCo BTC is designed to keep this matter before the folks who already drive and bike here, and those many thousands expected to move here in the near future.

- MORE –

"Through it all, we expect bicyclists to obey traffic laws, be predictable and visible and courteous to other road users. We also expect motorists to be aware of the vulnerability of bicyclists, and that it takes relatively little time to get around any cycling group if we'll just be patient." Says Ballard

To find out more about the campaign, go to www.AndWeBike.com. People wishing to contribute to the campaign can give to the Tim O'Donnell Memorial Fund on the BTA's website www.bta4bikes.org.

The BTA creates healthy, sustainable communities by making bicycling safer, more convenient and more accessible. We work to open minds and roads to bicycling. More information at www.bta4bikes.org.

The mission of the WashCo BTC is to promote bicycle transportation, protect bicyclists' rights, and to improve bicycling conditions throughout Washington County, Oregon through education and advocacy. More information at www.washcobtc.org.

- END -

NOTICE OF PUBLIC HEARING

PROPOSED SALE OF REAL PROPERTY

Notice is hereby given that a public hearing has been scheduled for 7:00 p.m. on the 16th day of October, 2007 in the Hillsboro Civic Center at 150 East Main Street, in Hillsboro. At that time, Council will consider the sale of that real property described below and any objections thereto, if any be filed prior to or at the time and day of said hearing. Persons wishing to submit written testimony prior to the time and date of said hearing may send such written testimony to the City Recorder at 150 East Main Street, Hillsboro, Oregon 97123. Such written testimony must be delivered before 5:00 p.m. on the date of the hearing.

That portion of real property, previously declared surplus property, to be considered for sale is described as follows:

LEGAL DESCRIPTION

PARCEL I:
Lot 1, TANASBOURNE COMMUNITY, in the City of Hillsboro, County of Washington and State of Oregon.

PARCEL II:
Situated in the Southeast quarter of Section 26, Township 1 North, Range 2 West, of the Willamette Meridian, in the City of Hillsboro, County of Washington and State of Oregon, and being described as follows:

Beginning at the Northeast corner of the Butler Donation Land Claim No. 48, a Washington County Aluminum disc found; thence South 78°34'24" East on the South line of Wilkins Donation Land Claim No. 49 a distance of 66.08 feet; thence leaving said South line and running South 19°16'33" West a distance of 78.42 feet to a point on the North right-of-way line of N.W. Cornell Road; thence North 61°16'00" West on said North right-of-way line a distance of 63.51 feet; thence leaving said North right-of-way line and running North 16°32'18" East a distance of 59.03 feet to the point of beginning.

Dated this 10th day of October, 2007

CITY OF HILLSBORO

Toni Plunkett, Capital Planning & Development Project Manager

DJC Publication: October 11, 2007

4B

CITY OF HILLSBORO

October 11, 2007

SUPPLEMENTAL 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**

BACKGROUND

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 petitioners are the property owners.

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 City Council opened the public hearing on this proposal on August 7, 2007. During consideration, an issue was raised regarding a Measure 37 claim filed on the property. The public hearing on this annexation was continued indefinitely, pending further discussion on a Measure 37 waiver policy on all annexation applications. On September 18, 2007 the City Councilors tabled further discussion of the waiver pending the results of the proposed Measure 49 and directed staff to renotify for a reopened hearing on October 16th.

RECOMMENDATION

Should the City Council choose to approve the requested annexation, a proposed ordinance and findings are attached for your consideration.

Respectfully submitted,

HILLSBORO PLANNING DEPARTMENT

Dawn Duray

Dawn Duray
Urban Planner I

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

ORDINANCE NO. _____

AN 6-07: TOMAN

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

WHEREAS, the City received a complete petition from the property owners of a certain tract of land, described in Exhibit A attached to this Ordinance, requesting that the property be annexed into the city limits of Hillsboro;

WHEREAS, the petition represented 100 percent of the property owners of the territory requesting to be annexed into the city limits of Hillsboro as required by ORS 222.125 in order to consent to an annexation;

WHEREAS, the tract of land is contiguous to the City and can be served by City services;

WHEREAS, as permitted by ORS 222.120(2) and Metro Code Sections 3.09.045(a) the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection;

WHEREAS, the tract of land is located within the Hillsboro Urban Service Area identified in the Hillsboro Urban Service Agreement (April, 2003) between and among the City of Hillsboro, Washington County, the City of Beaverton, Metro and several special service districts and is contemplated by the Agreement ultimately to become a part of the City of Hillsboro by eventual annexation of the tract of land to the City of Hillsboro;

WHEREAS, the tract of land lies within the following districts: 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;

WHEREAS, notice of the proposed annexation and withdrawals has been published, mailed and posted in the manner provided by law;

WHEREAS, the City Council conducted a public hearing on this matter on October 16, 2007, and does hereby favor the annexation of the subject tract of land and withdrawals from the districts based on the findings attached hereto as Exhibit B;

WHEREAS, the annexation and withdrawals are not contested by any necessary party;

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 16th day of October, 2007.

Approved by the Mayor this 16th day of October, 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 *, 19*80
Personally appeared the above named Evangelyn K. Huntington
and acknowledged the foregoing instrument to be her *voluntary act and deed.*

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

Recorded by Chicago Title 344.71404

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

WASHINGTON COUNTY, OREGON

3 50/C X

INDEXED

1980 FEB 25 PM 3 12

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.

~~①However, the actual consideration consists of or includes other property or value given or promised which is the whole (part of the consideration)①~~ *(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

9 3 9 [illegible]

KNOW ALL MEN BY THESE PRESENTS [illegible]

Atkinson, husband and wife,

in consideration of [illegible]

to them paid by Arthur R. Huntington [illegible]

and wife,

do hereby grant, bargain, sell and convey [illegible]

Huntington, husband and wife,

[illegible] the following described real estate, with the appurtenances, tenements, hereditaments and appurtenances thereunto belonging, situated in the County of Washington and State of Oregon, to wit: [illegible] follows, to wit:

Beginning at the northeast corner of Tract No. 15, Home Acres, and running thence west, along the north line of said Tract No. 15, [illegible] feet; thence south to the south line of said Tract No. 15; thence East to the southeast corner of said Tract No. 15; thence north to the northeast corner of said Tract No. 15, 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 L. H. Adkinson and Katherine Adkinson, husband and wife, the grantors above named do covenant to and with the above named grantees, 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.

Witness their hand s and seal s this 8th day of June, 19[illegible]

Executed in the Presence of

9-19

ATION

ph L. Cowrse and Effie Cowrse, husband and
in fee simple of the lands in Sections 24
and more perticularly described in the Sur-
f the same to be surveyed and plotted into
ched and to be hereby "MILNE ACRES" and
shown thereon to the public for public use

Elizabeth M. Milne Seal

Joseph L. Cowrse Seal

Effie Cowrse Seal

John Milne Seal

N.E. Cor. of Jacob Wooley

INITI

1336.8

Northwest corner of Bay Scout Camp Tract

Southwest corner

Sil, 1940, before me, a Notary Public in and
nally appeared the within named Elizabeth
n Milne, who are known to me to be the
the foregoing instrument and who acknow-
and voluntarily and for the purposes

and year last above mentioned.

H. O. Galaway
Notary Public

CERTIFICATE

n County, Oregon, hereby certify that dur-
and platted into lots and streets, the
f R5, T1N, R3W, W.M., Washington County, Ore-

pipe driven 6" below the surface of the
of the Jacob Wooley D.L.C.#40 bears S88°
the above described point of beginning
Creek; thence in the center of McKay
f way line of the Pac. Rwy. & Nav. Co. R.R.
e on a curve to the right 150. feet more
point in the center of the County Road;
et to a point; thence continuing in the
thence N81°31'W 1003.2 feet to a point;
20.0 feet to a point; thence S88°24'W

presentation of lots and streets as staked

L. L. Wheeler

May, 1940.

Seal

W. A. Tupper
County Clerk

May 8th 1940 L. L. Wheeler
County Surveyor

from 1930 to 1940 Inclusive J. W. Connell
Sheriff
by O. R. Hensing
Tax Deputy

8th day of May, 1940 W. A. Tupper
County Clerk

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 within 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 Hemmi
deputy

4253

STATE OF OREGON,
Washington County, } ss.

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 9 M. and recorded on Page 19 in Book 9 of Records of Plats of said County.

Witness my hand hereunto set and seal of office affixed this 9 day of May A. D. 1940

W. A. Tupper
County Clerk
By Ophelia Hemmi
Deputy Clerk

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.

4C

CITY OF HILLSBORO

October 11, 2007

SUPPLEMENTAL STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Annexation of Property into the City Limits of Hillsboro – **File No. ZC 11-07: Toman**

BACKGROUND

The City Council received a staff report dated August 2, 2007 related 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 Toman property following annexation (AN 6-07).

The property proposed for the zone change is 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.

The City Council opened the public hearing on this proposal on August 7, 2007. During consideration, an issue was raised regarding a Measure 37 claim filed on the property. The public hearing on this annexation was continued indefinitely, pending further discussion on a Measure 37 waiver policy on all annexation applications. Consequently, the associated zone change request was also tabled. On September 18, 2007 the City Councilors tabled further discussion of the waiver pending the results of the proposed Measure 49 and directed staff to renotify for a reopened hearing on October 16th.

RECOMMENDATION

Should the City Council choose to approve the requested zone change, a proposed ordinance and findings are attached for your consideration.

Respectfully submitted,

HILLSBORO PLANNING DEPARTMENT

Dawn Duray

Dawn Duray
Urban Planner I

Attachments: Draft Ordinance
Attachment "A" staff reports 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 16th day of October, 2007.

Approved by the Mayor this 16th day of October, 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

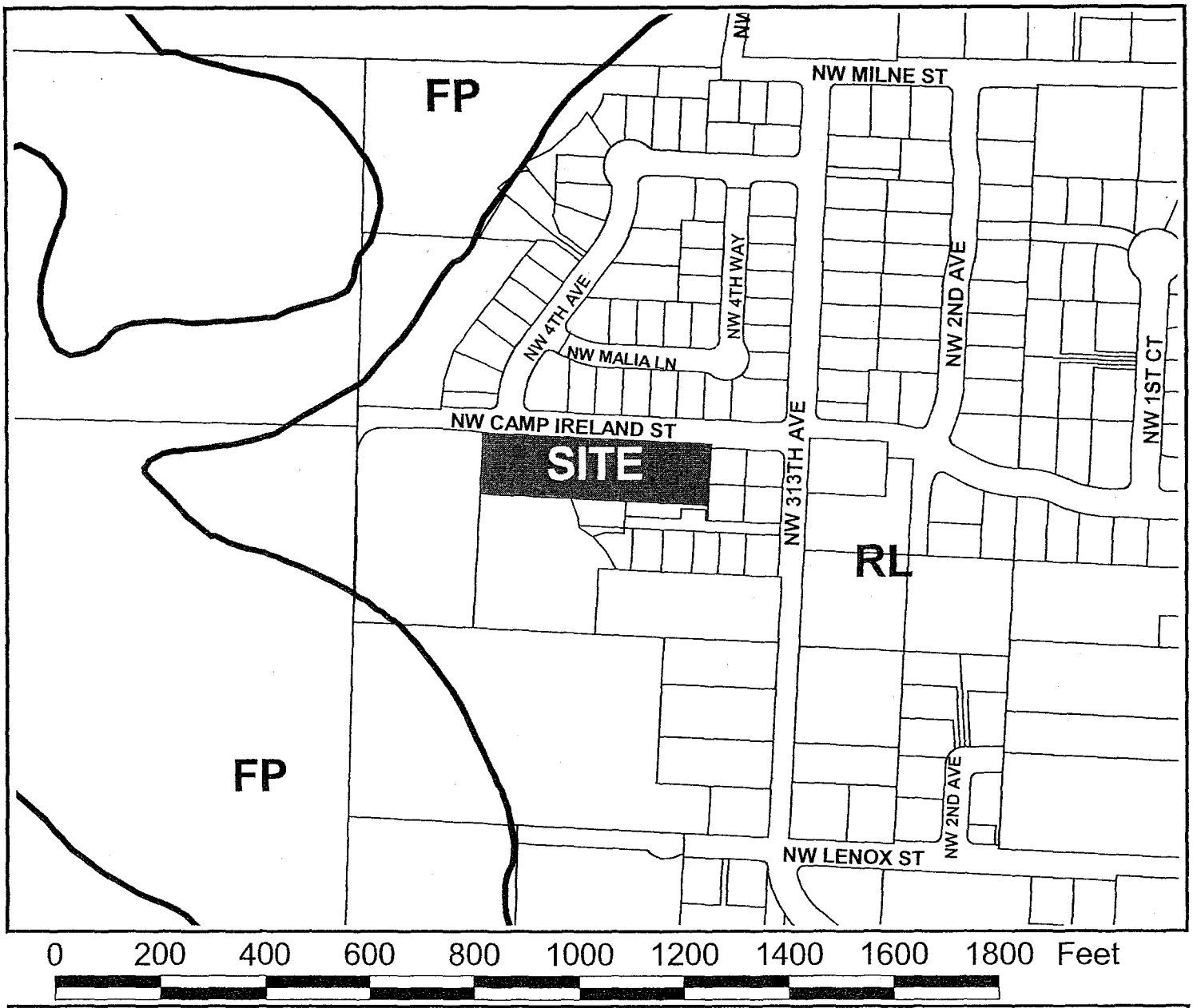
Dawn Duray

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.



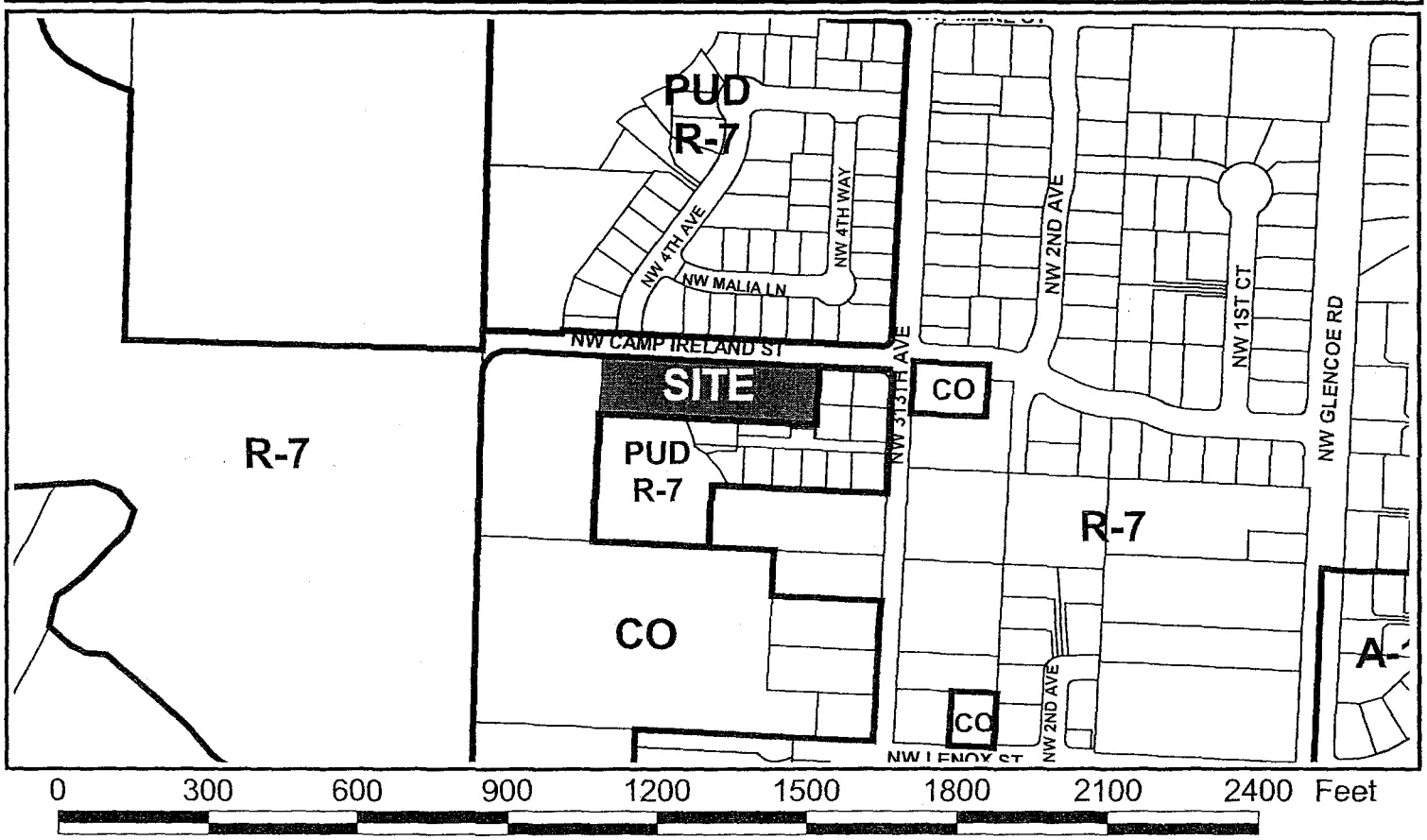
Comprehensive Plan Designations

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		

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

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.

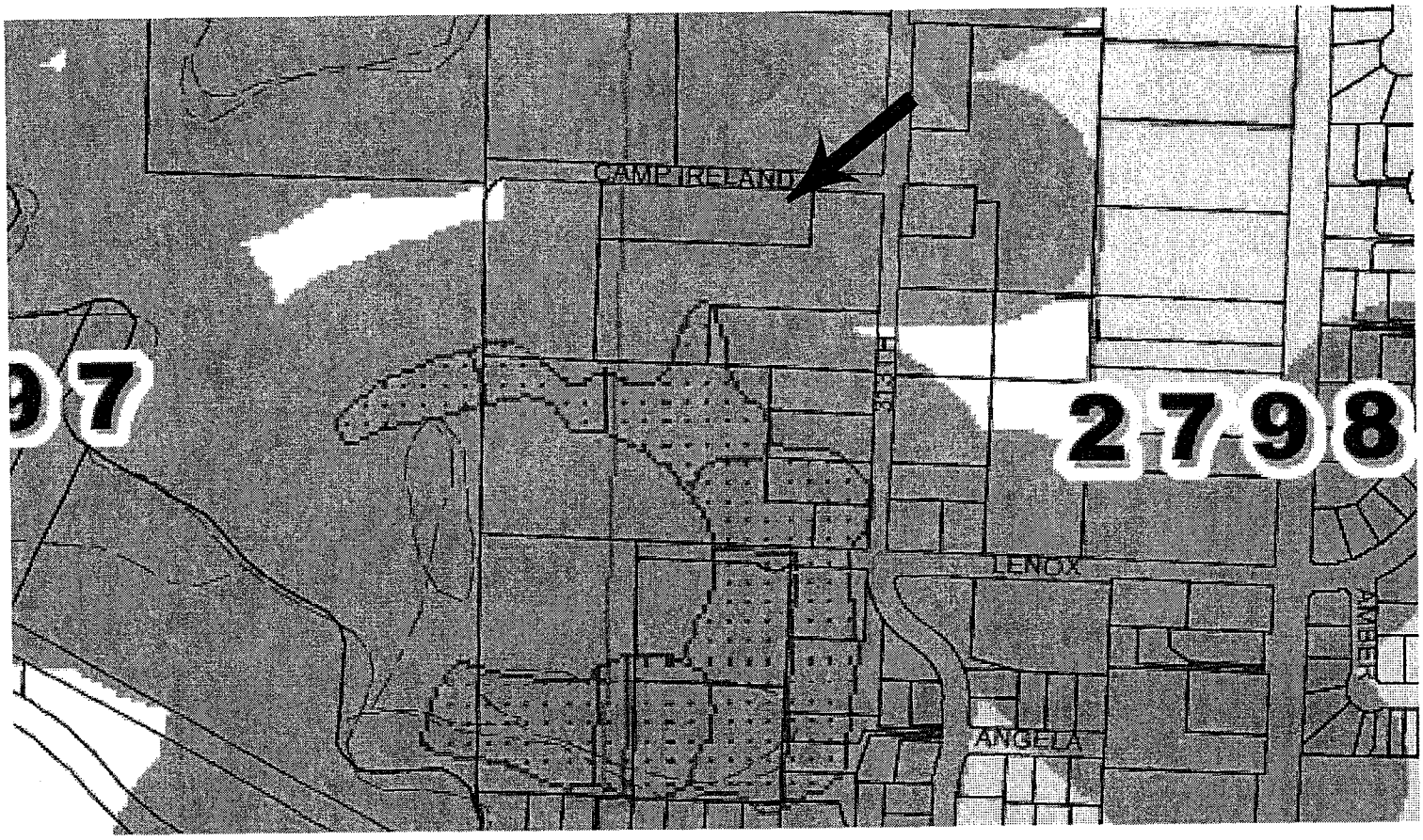


City of Hillsboro Zoning Designations					
R-6	Single Family Residential	R-8.5	Single Family Residential	A-1	Duplex Residential
R-7	Single Family Residential	R-10	Single Family Residential	A-2	Multi-Family Residential
SCC-SC	Station Community Commercial - Station Commercial			A-3	Multi-Family Residential
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				

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

AN 6-07: TOMAN

Clean Water Services
Sensitive Area Pre-Screen Map

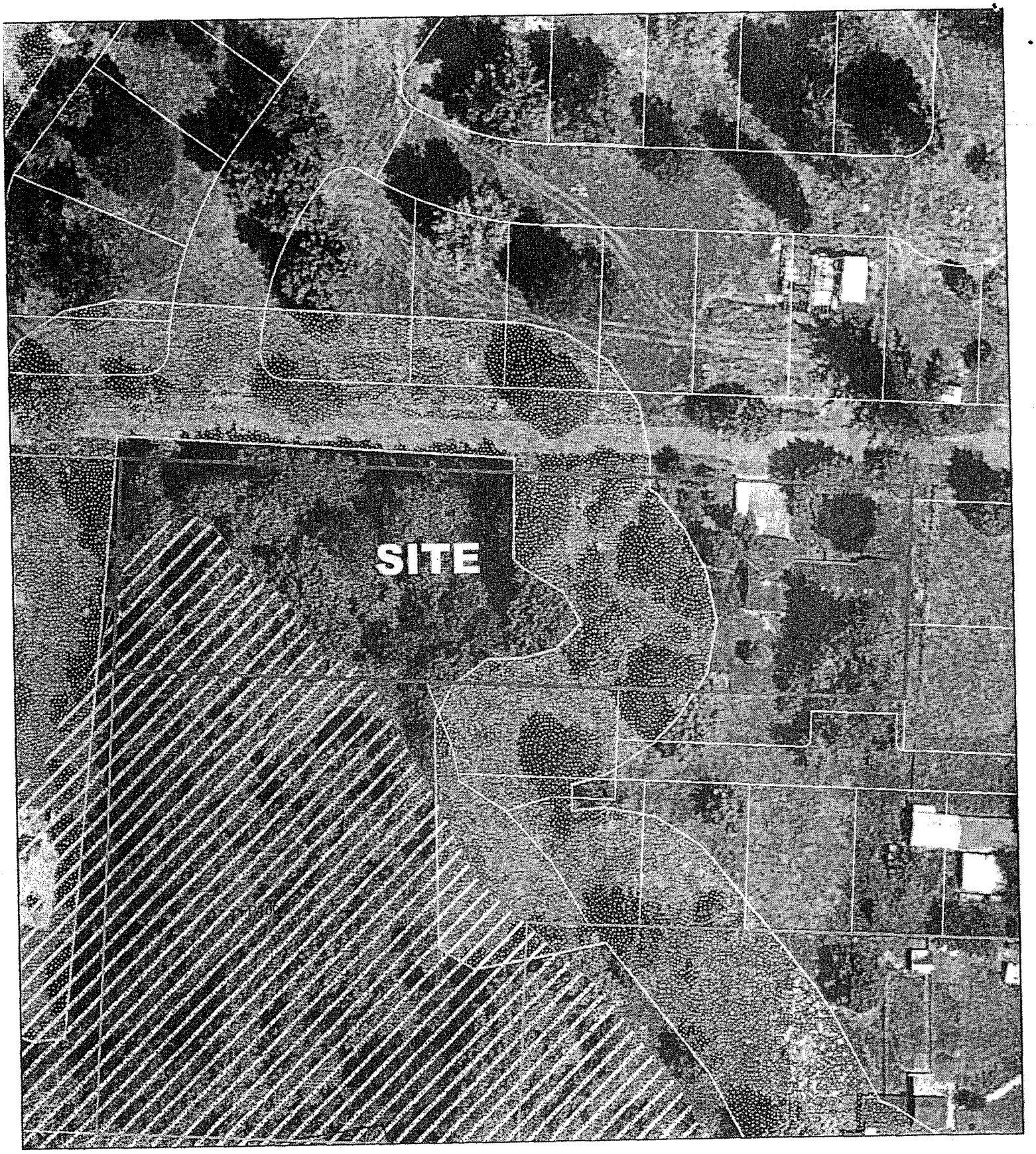


Legend

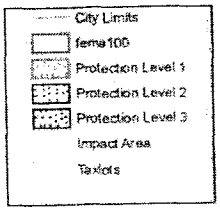
- GIS.WasCo_taxlots
- p_stm
- Streams2002
- STM_LINE
- Buffer_of_STM_LINE
- GIS.CWSB
- QTR_SEC
- Hillsboro

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.

4D

CITY OF HILLSBORO

October 1, 2007

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Annexation of Property into the City Limits of Hillsboro – File No. AN 7-07: NORRIS-REESE
Tax Map/Lot No. 1S2-11BC 3201 and 3302

REQUEST

The property owners, Kevin and Carolyn Norris and Arnold and Patricia Reese, request City Council approval for annexation of approximately 1.36 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.

SITE DESCRIPTION

The properties under consideration lie west of SE 75th Avenue, north of SE Tualatin Valley Highway. The properties are specifically identified as tax lots 3201 and 3302 on Washington County Assessor's Map 1S2 11BC. The total Measure 50 assessed value of each property is $4,650 and $100,190, respectively. The subject parcels are designated CBD (Community Business District) on the Washington County Comprehensive Plan map, and as C (Commercial) on the City of Hillsboro Comprehensive Plan map.

Both parcels are essentially bare of vegetation, except for trees which straddle common property lines with neighboring parcels. Tax lot 3302 is the larger of the two parcels, at 1.03 acres. This parcel has a residential structure and a storage structure, both vacant. This parcel is improved with gravel surfacing and perimeter fencing, and is currently in use for what appears to be vehicle storage. This parcel has approximately 150 feet of frontage on SE 75th Avenue, which is designated as a local street on the City's Transportation System Plan.

Tax lot 3201 is 0.33 acre and is land-locked, with no street frontage. This parcel is vacant, but is surfaced with gravel and is being used for storage of "POD" storage containers.

Staff notes that tax lot 3201 is indicated to have a land use violation according to records on file with the County Assessor's Office. City staff have consulted with County staff on this issue, and have been advised that the violation involved issues of recreational vehicles being occupied

as residences on the site, but that all violations were abated as of 2003 with the removal of all residential use of the site. City staff are advised that the "land use violation" notation on the Assessor's records still appears evidently because of public records requirements, but Washington County staff have confirmed the subject parcel no longer has an active land use violation.

DESCRIPTION OF SURROUNDING AREA

Area	Plan	Zoning	Land Uses
North	C – Commercial	C-1 – General Commercial	Residential
East	C – Commercial	C-1 – General Commercial	Commercial/Lt Industrial
South	C – Commercial	C-1 – General Commercial	Commercial
West	C – Commercial	C-1 – General Commercial	Commercial

PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City	6"	SE 75th Ave	Adjacent to TL 3302
	TVWD	24"	SE 75th Ave	Adjacent to TL 3302
Sanitary Sewer	City	8"	SE 75th Ave	Adjacent to TL 3302
Storm Drain	City	30"	100' N of TV Hwy	100-200' south

TRANSPORTATION

Streets	Existing		Plan Designated	
	R-O-W	Improvement	R-O-W	Improvement
SE 75th Ave	+/-50'	+/-20'	54'	32'
Sidewalk Improvements	**Existing**		**Plan Designated**	
SE 75th Ave	None		5'	
Mass Transit	**Bus Route**		**Distance to Site**	
Bus	#57		+/- 300'	
Bicycle Lane	**Existing**		**Plan Designated**	
SE 75th Ave	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 (IV)(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 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 (IV)(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.

Section 10. Economy Implementation Measure (IV)(1) The Land Use Map shall designated adequate vacant land of various types and sizes for industrial and commercial development. Future planning efforts related to the economy should be focused on monitoring and providing adequate vacant land and adopting a development strategy for the Central Business District.

Section 13. Transportation – Implementation Measure (VII)(B) Approvals 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

The approval criteria for annexations are listed in Metro Code Chapter 3.09.050(d) as follows:

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;

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

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

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

6) 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;

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

DISCUSSION

The property owners, Kevin and Carolyn Norris and Arnold and Patricia Reese, request annexation of two parcels into the City Limits of Hillsboro. These four individuals represent 100 percent of the property owners as required by ORS 222.125. The application includes no signatures of site residents, as the one residential structure on the annexation site is vacant. At present, the Hillsboro City Limits borders the north edge of tax lot 3302, and the south, east, and west edges of tax lot 3201. The property is currently designated County CBD (Community Business District). Through a companion application (ZC 14-07), the City is requesting a zone change to the City's C-1 (General Commercial) zone.

A six-inch City water line and a 24-inch TVWD water main are located within the SE 75th Avenue right-of-way. An eight-inch sanitary sewer line also lies within that right-of-way. A 30-inch storm sewer line lies approximately 100-200 feet south of tax lot 3201.

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

Tualatin Valley Fire & Rescue
Washington County Service District for Enhanced Law Enforcement
Washington County Service District for Urban Road Maintenance

The annexation would be consistent with the applicable Comprehensive Plan policies and implementation measures listed on page 3. In particular, the annexation would be consistent with Section 2. Urbanization Implementation Measure (IV)(J), supporting the annexation of infill areas; and Section 2. Urbanization Implementation Measure (IV)(M), 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 and amended on September 13, 2006. 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*

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 area including the two subject parcels is C (Commercial), which is consistent with the regional urban growth goals and objectives. If the annexation were approved, the property could be rezoned to C-1 (General Commercial), pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945, unless the property owners requested a different zone. The Planning Commission has proposed that the C-1 (General Commercial) zoning district be applied to this site following annexation.

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; Tri-Met; Tualatin Hills 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

Genny Bond

Genny Bond, Urban Planner II

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

ORDINANCE NO. _____

AN 7-07: NORRIS-REESE

AN ORDINANCE ANNEXING CERTAIN TRACTS OF LAND INTO THE CITY LIMITS OF HILLSBORO AND WITHDRAWING THE TRACTS FROM THE TERRITORIES OF TUALATIN VALLEY FIRE & RESCUE, WASHINGTON COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, WASHINGTON COUNTY SERVICE DISTRICT FOR URBAN ROAD MAINTENANCE, AND DECLARING AN EMERGENCY.

WHEREAS, the City received a complete petition from the property owners of two certain tracts of land, described in Exhibit A attached to this Ordinance, requesting that the properties be annexed into the city limits of Hillsboro;

WHEREAS, the petition represented 100 percent of the property owners of the territory requesting to be annexed into the city limits of Hillsboro as required by ORS 222.125 in order to consent to an annexation;

WHEREAS, the tracts of land are contiguous to the City and can be served by City services;

WHEREAS, as permitted by ORS 222.120(2) and Metro Code Sections 3.09.045(a) the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection;

WHEREAS, the tracts of land are located within the Hillsboro Urban Service Area identified in the Hillsboro Urban Service Agreement (April, 2003) between and among the City of Hillsboro, Washington County, the City of Beaverton, Metro and several special service districts and are contemplated by the Agreement ultimately to become part of the City of Hillsboro by eventual annexation of the tracts of land to the City of Hillsboro;

WHEREAS, the tracts of land lie within the following districts: Tualatin Valley Fire & Rescue; Washington County Service District for Enhanced Law Enforcement; and Washington County Service District for Urban Road Maintenance;

WHEREAS, notice of the proposed annexation and withdrawals has been published, mailed and posted in the manner provided by law;

WHEREAS, the City Council conducted a public hearing on this matter on October 16, 2007, and does hereby favor the annexation of the subject tract of land and withdrawals from the districts based on the findings attached hereto as Exhibit B;

WHEREAS, the annexation and withdrawals are not contested by any necessary party;

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

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

Section 2. The tracts of land annexed by this ordinance and described in Section 1 are withdrawn from the following districts upon the effective date of the annexation: Tualatin Valley Fire & Rescue; Washington County Service District for Enhanced Law Enforcement; and Washington County Service District for Urban Road Maintenance.

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 16th day of October, 2007.

Approved by the Mayor this 16th day of October, 2007.

_____
Mayor

ATTEST: _____
City Recorder

City of Hillsboro
Annexation 7-07: Norris
Proposed legal description
MF, September 20, 2007

Exhibit 'A'

A tract of land in the west one-half of Section 11, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of Lot 10, Block 4, Ladd and Reed Acres, a duly recorded subdivision in said county;

thence North 88°37' West, along the north boundary of said lot, a distance of 300.0 feet to the northwest corner thereof;

thence South 1° 17' West, along the west boundary of Lot 10 and Lot 12 in said block, a distance of 244.78' feet to the south west corner of that tract of land described in deed to Norris et. al. , recorded 04/25/2005 as document number 2005-044967 in deed records of said county;

thence South 88° 37' East, along the south boundary of said tract, a distance of 150.0 feet to an angle point in the boundary of said tract;

thence North 1° 17' East, along the easterly south boundary of said tract, a distance of 94.74 feet to an angle point in the boundary of said tract and a point on the south boundary of said lot 10;

thence South 88° 37' East, along the south boundary of said lot 10, a distance of 150.0 feet to the west right-of-way line of SE 75th Avenue;

thence North 1° 17' East, along said right-of-way line, a distance of 150.0 feet to the place of beginning;

Washington County, Oregon 2005-044967
04/25/2005 02:53:28 PM
D-DW Cnt=1 Stn=16 D HOFFMAN
$15.00 $6.00 $11.00 $518.00 - Total = $550.00

00760461200500449670030038

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

Jerry Hanson

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

THIS SPACE RESERVED

WASHINGTON COUNTY
REAL PROPERTY TRANSFER TAX
$518.00 4-25-05
FEE PAID DATE

15-
11/16/05
518-

After recording return to:
Kevin S. Norris
P.O. Box 1812
Beaverton, OR 97075

Until a change is requested all tax statements shall be sent to the following address:
Kevin S. Norris
P.O. Box 1812
Beaverton, OR 97075

File No.: NCS-149466-OR3 (tc)
Date: April 11, 2005

STATUTORY WARRANTY DEED

Vernon R. Howell, Grantor, conveys and warrants to **Kevin S. Norris and Carloyn A. Norris, husband and wife, as to an undivided 50% interest and Arnold W. Reese and Patricia A. Reese, husband and wife, as to an undivided 50% interest,** Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

FATCO NO. NCS-149466

This property is free from liens and encumbrances, EXCEPT: Covenants, conditions, restrictions and easements, if any, affecting the title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **$518,000.00 which is paid by and to a Qualified Intermediary pursuant to an IRC 1031 deferred exchange.** (Here comply with requirements of ORS 93.030)

2005-44967

APN: **R0347191**

Statutory Warranty Deed
- continued

File No.: **NCS-149466-OR3 (tc)**
Date: **04/11/2005**

Dated this _____ day of _____, 20_____.

Vernon R. Howell

Vernon R. Howell

STATE OF Oregon)
)ss.
County of Washington)

This instrument was acknowledged before me on this 2d day of April, 2005 by **Vernon R. Howell**.

Trevor Cheyne
Notary Public for Oregon
My commission expires: 1/16/06

OFFICIAL SEAL
TREVOR CHEYNE
NOTARY PUBLIC-OREGON
COMMISSION NO. 353588
MY COMMISSION EXPIRES JAN. 16, 2006

Trevor Cheyne
353588
exp 1/18/06

2005-44967

APN: **R0347191**

Statutory Warranty Deed
- continued

File No.: **NCS-149466-OR3 (tc)**
Date: **04/11/2005**

EXHIBIT A

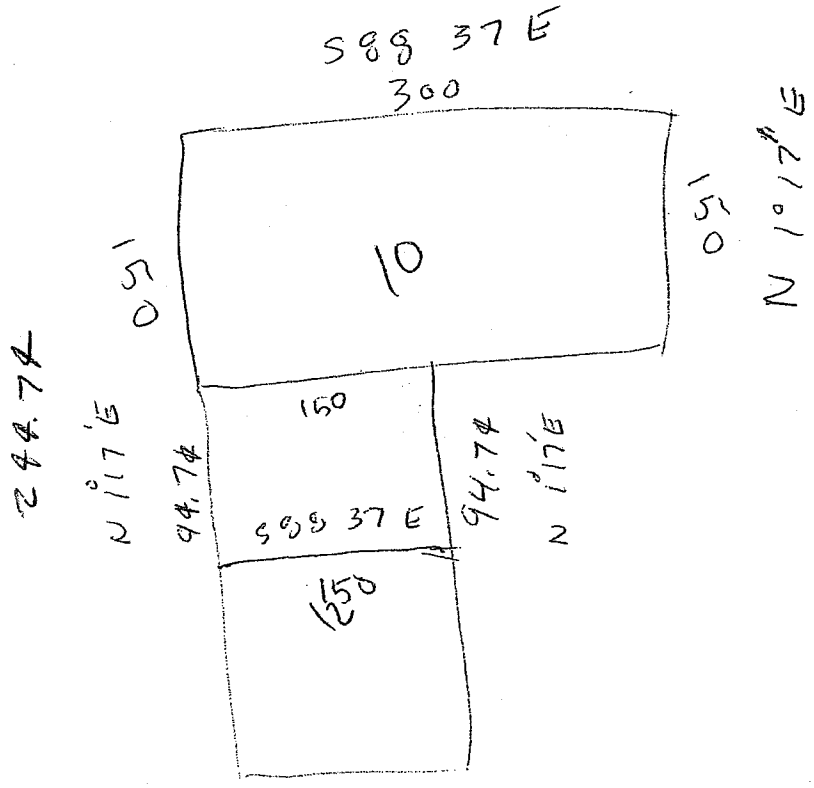
LEGAL DESCRIPTION:

Parcel I:

The West 150 feet of the North 94.74 feet of Lot 12, Block 4, LADD AND REED ACRES, Washington County, Oregon.

Parcel II:

Lot 10, Block 4, LADD AND REED ACRES, Washington County, Oregon.



* - - Property Data Selection Menu - -

Owner: NORRIS, KEVIN S/CAROLYN A &
REESE, ARNOLD W/PATRICIA A
PO BOX 1812
BEAVERTON, OR 97075

Prop ID : R347191 (Real Estate) (498873)
Map Tax Lot: 1S211BC-03201
Legal : LADD & REED ACRES, BLOCK 4, LOT PT 12, ACRES .33, LAND USE VIOLATION

Situs :

Year Built :
Living Area:

Name(s) :
Code Area : 029.26
Sale Info : 04/22/05 $518,000
Deed Type : DW
Instrument: 2005044967
2006 Tax Status * No Taxes Due *
Current Levied Taxes : 62.60
Special Assessments :
2007-08 SB125 Taxes :

2006 Roll Values

RMV Land	$	201,250	(+)
RMV Improvements	$	0	(+)
RMV Total	$	201,250	(=)
Total Exemptions	$	0	
M5 Net Value	$	201,250	
M50 Assd Value	$	4,650	

---

(1) Alt Disp	(2) Primary	(3) Secondary
(4) Land/Impr	(5) Gen Appr	(.) More

Enter Option from Above or <RET> to Exit: __

EXHIBIT B

FINDINGS IN SUPPORT
NORRIS-REESE ANNEXATION
FILE NO. AN 7-07

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

Four petitioners representing two properties requested City Council approval for annexation of approximately 1.36 acres into the city limits of Hillsboro.

The properties under consideration are located west of SE 75th Avenue and north of SE Tualatin Valley Highway. The properties can be specifically identified as Tax Lots 3201 and 3302 on Washington County Assessor's Map 1S2 11BC. The total Measure 50 assessed value of each property is $4,650 and $100,190, respectively.

Both parcels are flat and are generally surfaced with gravel. Tax lot 3302, at 1.03 acres, has a residential structure and storage structure, both of which are vacant. This parcel appears to be in use for vehicle storage. Tax lot 3201, at 0.33 acre, is vacant but used for storage of "POD" storage containers.

SE 75th Avenue is identified as a local street and SE Tualatin Valley Highway is identified as a Principal Arterial in the City of Hillsboro Transportation System Plan (TSP).

The City of Hillsboro Goal 5 Natural Resource Inventory identifies no Significant Natural Resources within or near the subject parcels. Neither parcel is within an identified sensitive area, according to 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. Neither parcel is occupied at this time, thus there are no 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 October 16, 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; Tri-Met; 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 C (Commercial), which is consistent with the regional urban growth goals and objectives. The property has been recommended for C-1 (General Commercial) zoning, and the City Council will consider the recommended zone immediately following approval of the annexation (ZC 14-07).

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 a six-inch City water line and a 24-inch Tualatin Valley Water District (TVWD) water line located within the SE 75th Avenue right-of-way adjacent to tax lot 3302. There is an eight-inch sanitary sewer line within the same right-of-way. There is a 30-inch storm water line approximately 150 feet to the south of the site.

Fire and police protection would be provided by the City of Hillsboro and the property would be withdrawn from the Tualatin Valley Fire & Rescue district and Washington County Service District for Enhanced Law Enforcement. The parcels would also be withdrawn from the Washington County Service District for Urban Road Maintenance as of the effective date of the annexation, and road maintenance would be provided by the City of Hillsboro.

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 Tualatin Valley Fire & Rescue district, Washington County Service District for Enhanced Law Enforcement, and Washington County Service District for Urban Road Maintenance, 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 October 1, 2007.

4E

CITY OF HILLSBORO

October 11, 2007

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Approval of Zone Change - File No. ZC 14-07: NORRIS-REESE
Tax Map/Lot No. 1S2 11BC 3201 and 3302

Attached are materials relating to a City-initiated zone change from the Washington County CBD (Community Business District) designation to the City C-1 (General Commercial) zone, on two parcels totaling approximately 1.36 acres. The purpose of the proposed zone change is to implement the City's Comprehensive Plan designation of C (Commercial) for the two parcels following annexation (Case File No. AN 7-07). The parcels in question lie west of SE 75th Avenue, north of SE Tualatin Valley Hwy. The properties are specifically identified as tax lots 3201 and 3302 on Washington County Assessor's Map 1S2 11BC.

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) 681-6246.

Respectfully submitted,

HILLSBORO PLANNING DEPARTMENT

Genny Bond

Genny Bond
Urban Planner II

Attachments: Draft Ordinance
Attachment A – Staff Report

ORDINANCE NO. _____

ZC 14-07: NORRIS-REESE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY CHANGING THE ZONING OF CERTAIN TRACTS OF RECENTLY ANNEXED PROPERTY FROM COUNTY CBD (COMMUNITY BUSINESS DISTRICT) TO CITY C-1 (GENERAL COMMERCIAL).

WHEREAS, certain tracts of land described herein have 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. 1628-P on September 12, 2007, initiating the zone change on the recently annexed properties 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 tracts of land are hereby rezoned from County CBD (Community Business District) to City C-1 (General Commercial):

Tax Lots 3201 and 3302 on Washington County Assessor's Map 1S2 11BC, Section 11, Township 1 South, Range 2 West, Willamette Meridian, on record as of July 18, 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) 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 provide additional street right-of-way dedications along the frontage of SE 75th Avenue as necessary 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 construct road improvements to SE 75th Avenue 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.

4) Pursuant to Zoning Ordinance Section 133(III), prior to issuance of building permits for either of the two parcels in question, a Development Review application shall be submitted and approved by the City Planning Department.

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 16th day of October, 2007.

Approved by the Mayor this 16th day of October, 2007.

_____
Mayor

ATTEST: _____
City Recorder

CITY OF HILLSBORO

ATTACHMENT "A"

October 11, 2007

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Approval of Zone Change – File No. ZC 14-07: NORRIS-REESE
Tax Map/Lot No. 1S2-11BC 3201 and 3302

REQUEST

The City of Hillsboro, acting as applicant, requests a zone change from the existing Washington County designation of CBD (Community Business District) to the City of Hillsboro C-1 (General Commercial) zone, on two properties with a combined size of approximately 1.36 acres, located northwest of the intersection of SE 75th Avenue and SE Tualatin Valley (TV) Hwy. The properties in question are the subjects of a companion application for annexation into the city limits of Hillsboro (AN 7-07), which is also scheduled for review by the City Council at their October 16th meeting. The purpose of the zone change request is to implement the City's C (Commercial) Comprehensive Plan designation and C-1 (General Commercial) zone on the properties following annexation. The properties are owned jointly by Kevin & Carolyn Norris and Arnold and Patricia Reese.

This proposed zone change was considered and supported by the Planning Commission at their September 12, 2007 meeting, at which time the Commission approved Resolution Number 1628-P, which formally initiates this zone change request.

SITE DESCRIPTION

The properties under consideration lie west of SE 75th Avenue, north of SE Tualatin Valley Hwy. The properties are specifically identified as tax lots 3201 and 3302 on Washington County Assessor's Map 1S2 11BC. The total Measure 50 assessed value of each property is $4,650 and $100,190, respectively. The subject parcels are designated C (Commercial) on the City's Comprehensive Plan map.

Both parcels are essentially bare of vegetation, except for trees which straddle common property lines with neighboring parcels. Tax lot 3302 is the larger of the two parcels, at 1.03 acres. This parcel has a residential structure and a storage structure, both vacant. This parcel is improved with gravel surfacing and perimeter fencing, and is currently in use for what appears to be vehicle storage. This parcel has 150 feet of frontage on SE 75th Avenue, which is listed as a local street on the City's Transportation System Plan.

Tax lot 3201 is 0.33 acre and is land-locked, with no street frontage. This parcel is vacant, but is surfaced with gravel and is being used for storage of "POD" storage containers.

Staff notes that tax lot 3201 is indicated to have a land use violation according to records on file with the County Assessor's Office. City staff have consulted with County staff on this issue, and have been advised that the violation involved issues of recreational vehicles being occupied as residences on the site, but that all violations were abated as of 2003 with the removal of all residential use of the site. City staff are advised that the "land use violation" notation on the Assessor's records still appears possibly because of public records requirements. Thus, according to Washington County staff the subject parcel no longer has an active land use violation.

DESCRIPTION OF SURROUNDING AREA

Area	Plan	Zoning	Land Uses
North	C – Commercial	C-1 – General Commercial	Residential
East	C – Commercial	C-1 – General Commercial	Commercial/Lt Industrial
South	C – Commercial	C-1 – General Commercial	Commercial
West	C – Commercial	C-1 – General Commercial	Commercial

PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City	6"	SE 75th Ave	Adjacent to TL 3302
	TVWD	24"	SE 75th Ave	Adjacent to TL 3302
Sanitary Sewer	City	8"	SE 75th Ave	Adjacent to TL 3302
Storm Drain	City	30"	100' N of SE TV Hwy	100-200' south

TRANSPORTATION

Streets	Existing		Plan Designated	
	R-O-W	Improvement	R-O-W	Improvement
SE 75th Ave	+/-50'	+/-20'	54'	32'
Sidewalk Improvements	**Existing**		**Plan Designated**	
SE 75th Ave	None		5'	
Mass Transit	**Bus Route**		**Distance to Site**	
Bus	#57		+/- 300'	
Bicycle Lane	**Existing**		**Plan Designated**	
SE 75th Ave	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 (IV)(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 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 (IV)(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.

Section 10. Economy Implementation Measure (IV)(1) The Land Use Map shall designated adequate vacant land of various types and sizes for industrial and commercial development. Future planning efforts related to the economy should be focused on monitoring and providing adequate vacant land and adopting a development strategy for the Central Business District.

Section 13. Transportation – Implementation Measure (VII)(B) Approvals 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) The request must conform with the Hillsboro Comprehensive Plan and the Zoning Ordinance; (and)

b) Where more than one zone is available to implement the Plan designation, the applicant must justify that the requested zone is more appropriate for the site, based on the policies of the Plan.

Section 114(1) of the Zoning Ordinance lists conditions which 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.

TESTIMONY RECEIVED

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

DISCUSSION

The City requests a zone change of the two subject parcels from County CBD (Community Business District) to City C-1 (General Commercial). Through a companion application (File No. AN 7-07), the property owners are requesting annexation of the subject parcels. The City Comprehensive Plan designation for the properties is C (Commercial). The only implementing zone available for the Commercial designation is C-1 (General Commercial). All properties in the surrounding area are zoned C-1, with the exception that two parcels immediately west of the subject site are still within Washington County jurisdiction. All properties in the immediate vicinity bear the C (Commercial) designation on the City's Comprehensive Plan.

The proposed C-1 zoning is consistent with the Comprehensive Plan implementation measures (IV)(A)(5), (J), and (M) of Section 2, as it will allow commercial development of the two subject properties, to an urban level, consistent with the Commercial designation assigned for the general area by the Comprehensive Plan.

The proposed zoning is consistent with Section 10, implementation measure (IV)(1), as the proposal will add vacant commercial land to the City's inventory.

The proposed zoning is consistent with Transportation Plan implementation measure (VII)(B) of Section 13, as it will not interfere with required right-of-way dedication along SE 75th Avenue, or with improvement to the existing street system.

Staff adds that, through adoption of Resolution 1628-P, the Planning Commission recommended adoption of the C-1 (General Commercial) zone for the two subject parcels.

RECOMMENDATION

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

1) 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 provide additional street right-of-way dedications along the frontage of SE 75th Avenue as necessary 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 construct road improvements to SE 75th Avenue 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.

4) Pursuant to Zoning Ordinance Section 133(III), prior to issuance of building permits for either of the two parcels in question, a Development Review application shall be submitted and approved by the City Planning Department.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

Genny Bond

Genny Bond
Urban Planner II

Attachments: Planning Commission Resolution 1628-P
Comprehensive Plan and Zoning maps
Aerial Vicinity Map

PLANNING COMMISSION

RESOLUTION NO. 1628-P

A RESOLUTION INITIATING A ZONE CHANGE UPON CERTAIN TRACTS OF LAND WHICH HAVE BEEN PROPOSED FOR ANNEXATION TO THE CITY OF HILLSBORO.

WHEREAS, the owners of certain tracts of land, which are contiguous to the City of Hillsboro, filed with the City of Hillsboro a written consent and request that the real properties be annexed to the City, and

WHEREAS, Section 97 of the City of Hillsboro Zoning Ordinance No. 1945 states that the Planning Commission shall recommend a zone classification for areas which are being considered for concurrent annexation and zone change, and

WHEREAS, the Comprehensive Plan Land Use Map designates the subject properties as C Commercial, and

WHEREAS, the Planning Commission has determined that the only zone which implements the C Commercial designation of the City is C-1 General Commercial.

NOW, THEREFORE, BE IT RESOLVED by the City of Hillsboro Planning Commission that the Commission recommends the rezoning of the tracts of land described below from County CBD (Community Business District) to City C-1 General Commercial as defined in the City of Hillsboro Zoning Ordinance No. 1945:

Tax Lots 3201 and 3302 on Washington County Assessor's Map 1S2-11BC
Section 11, Township 1 South, Range 2 West, Willamette Meridian

BE IT FURTHER RESOLVED, pursuant to Zoning Ordinance Section 97, that the Planning Commission's recommendation be forwarded to City Council for a public hearing on the proposed zone change, at a time the Council deems appropriate, upon the question of rezoning the above described tracts to C-1 General Commercial.

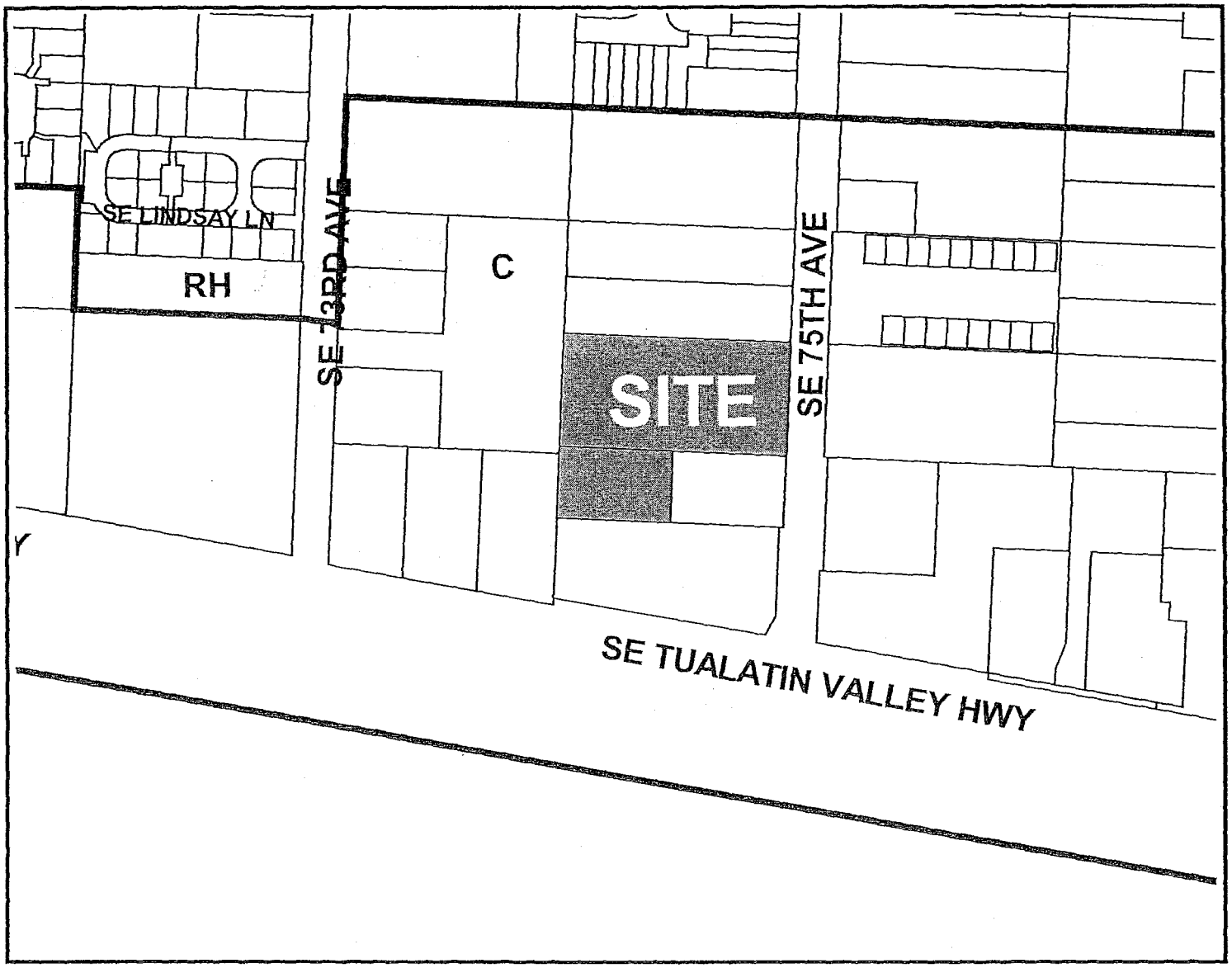
Introduced and passed this 12th day of September, 2007.

Joe L. O. Coutts
President

ATTEST: Vicki Ward
Secretary

AN 7-07 AND ZC 14-07: NORRIS REESE

REQUEST FOR ANNEXATION OF TWO PROPERTIES TOTALING APPROXIMATELY 1.36 ACRES IN SIZE, AND CITY-INITIATED ZONE CHANGE FROM COUNTY CBD COMMUNITY BUSINESS DISTRICT TO CITY C-1 GENERAL COMMERCIAL ZONE.



0 300 600 900 1200 1500 F

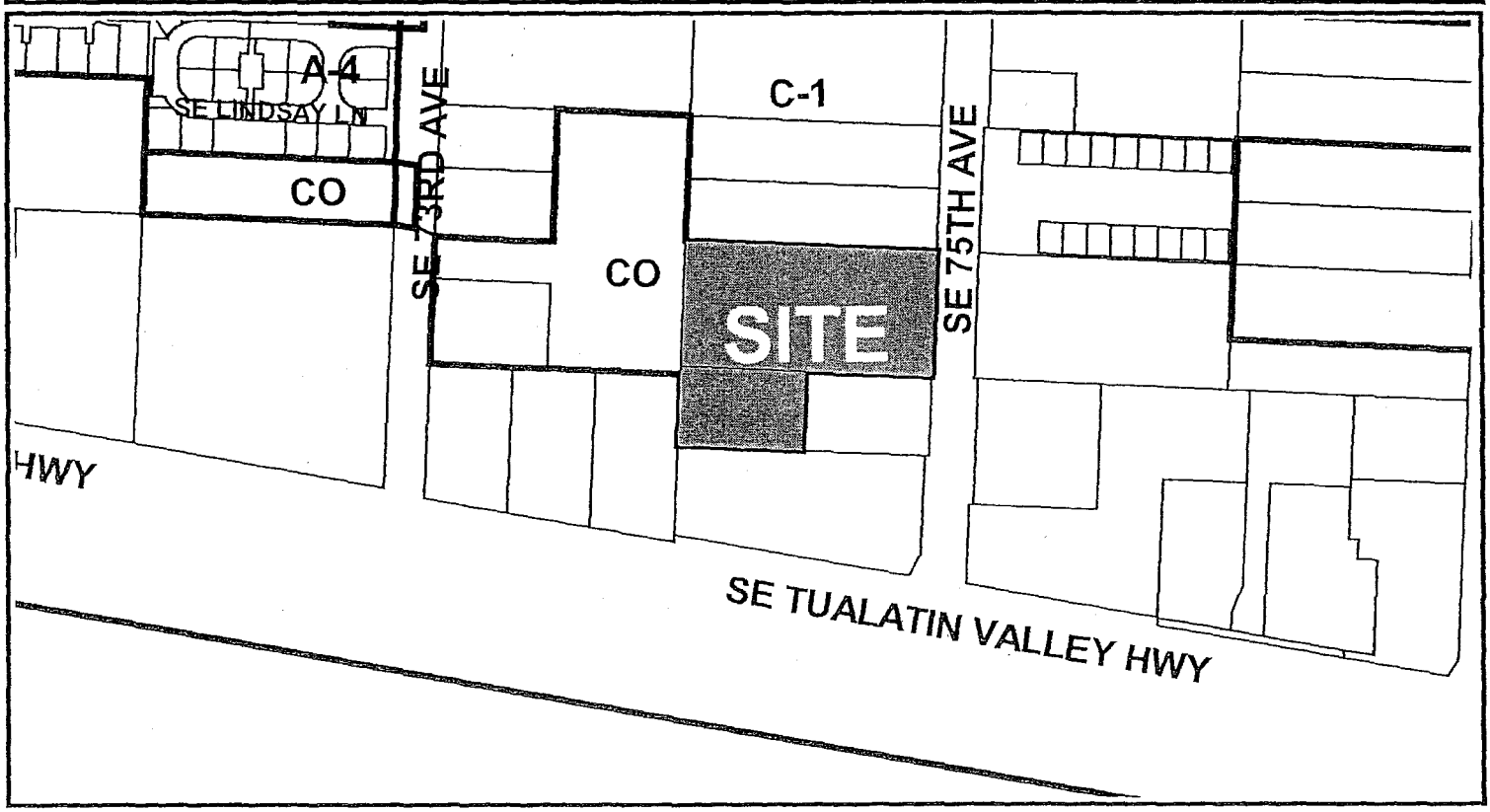
Comprehensive Plan Designations

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		

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

AN 7-07 AND ZC 14-07: NORRIS REESE

REQUEST FOR ANNEXATION OF TWO PROPERTIES TOTALING APPROXIMATELY 1.36 ACRES IN SIZE, AND CITY-INITIATED ZONE CHANGE FROM COUNTY CBD COMMUNITY BUSINESS DISTRICT TO CITY C-1 GENERAL COMMERCIAL ZONE.



0 300 600 900 1200 1500 Feet

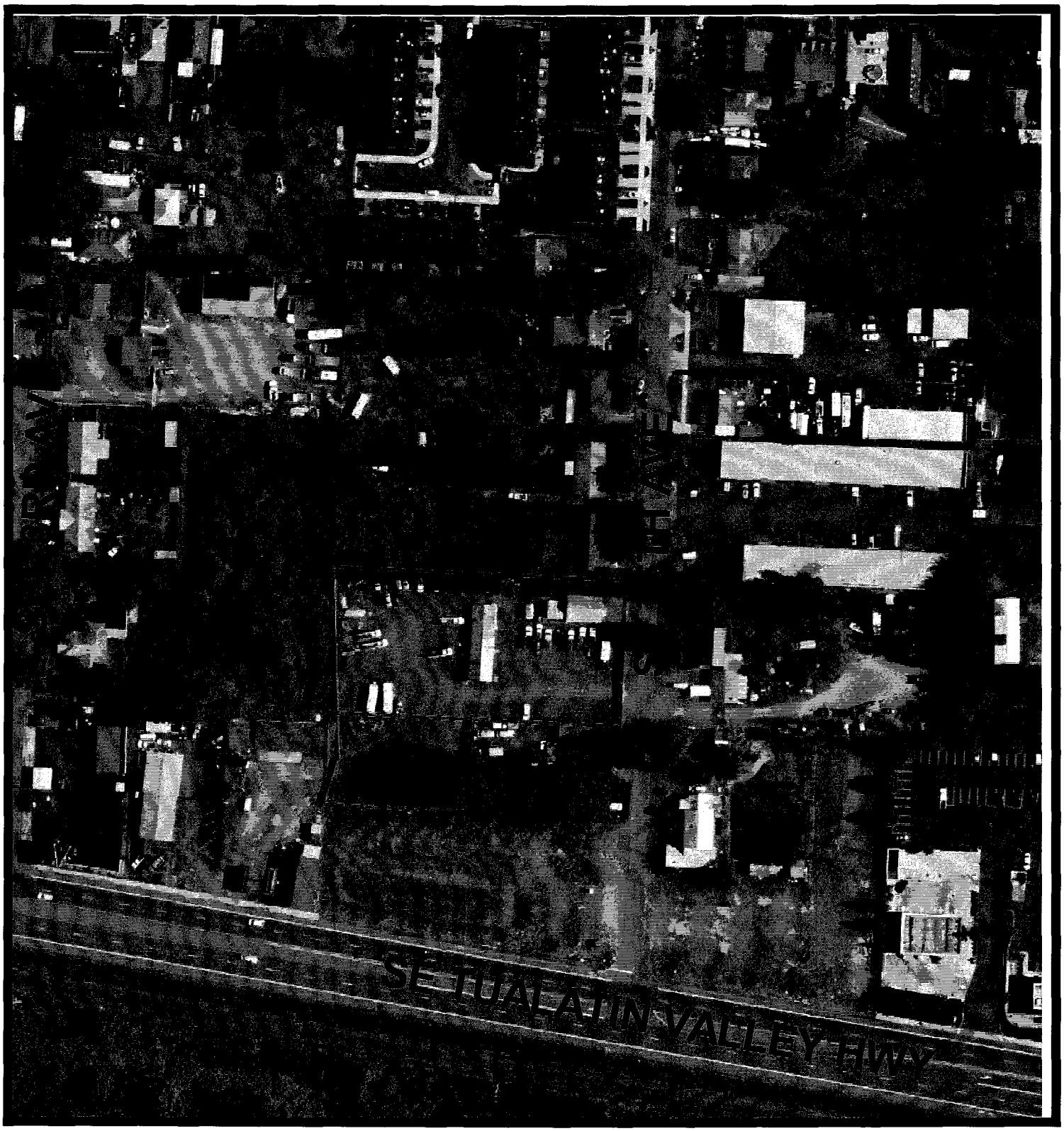
City of Hillsboro Zoning Designations					
R-6	Single Family Residential	R-8.5	Single Family Residential	A-1	Duplex Residential
R-7	Single Family Residential	R-10	Single Family Residential	A-2	Multi-Family Residential
SCC-SC	Station Community Commercial - Station Commercial			A-3	Multi-Family Residential
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				

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

AN 7-07 ZC 14-07: NORRIS / REESE

N

2006 AERIAL PHOTOGRAPHY



6A

CITY OF HILLSBORO

October 10, 2007

TO: Mayor Tom Hughes
Hillsboro City Council
Tim Erwert, City Manager

FROM: John Rinier, Fire Marshal

SUBJECT: Oregon Fire Code Adoption

On April 1st, 2007 the State of Oregon adopted, through an administrative rule, the Oregon Fire Code. The Oregon Fire Code (OFC) is based on the 2006 International Fire Code, as published by the International Code Council with amendments from the Office of the State Fire Marshal. The State of Oregon generally adopts this code every three years coinciding with the new publication of the International Fire Code.

With each adoption cycle, the Oregon Fire Code Committee amends the code to align with specific Oregon Revised Statutes and Oregon Administrative Rules as well as for statewide general application. As a result, certain sections of the code are not adopted and are left to the local municipalities for adoption, as needed.

In order to maintain alignment with the state's current fire code edition and our existing local requirements, it is essential that the previous fire code adoption is replaced by ordinance.

For those reasons, I propose to adopt the OFC with local amendments that include local enforcement authority, a local appeals process, and prescriptive requirements for emergency apparatus access on private roads and driveways. Additionally, a new appendix is proposed to provide specific requirements for fire watch conditions not currently defined.

Please consider approving the amendments to the Hillsboro Municipal Code Section 15.08.

Hillsboro Fire Department 240 S. First Avenue, Hillsboro, OR 97123 • 503/681-6166 • FAX 503/681-6208
AN EQUAL OPPORTUNITY EMPLOYER – PRINTED ON RECYCLED PAPER

ORDINANCE NO. _____

AN ORDINANCE AMENDING HILLSBORO MUNICIPAL CODE, TITLE 15, CHAPTER 15.08, FIRE CODE; AND DECLARING AN EMERGENCY.

WHEREAS, amendments to the Oregon Revised Statutes and revised updates of the code have been adopted by the State of Oregon; and

WHEREAS, the City has previously adopted Chapter 15.08 of the Hillsboro Municipal Code as the City fire code; and

WHEREAS, it has become necessary to repeal, amend and add certain sections of the fire code.

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

Section 1. Section 15.08.010, A and B of the Hillsboro Municipal Code is amended to read and provide as follows:

"**15.08.010 Adoption of International Fire Code – Short title.**

"A. The International Fire Code, 2006 Edition, as amended by the State of Oregon, published by the International Code Council, is by this reference incorporated into this section and made a part of this section as the fire code for the city, except as specifically deleted, modified or amended in this chapter, and shall be known and cited as the Oregon Fire Code or by the initials OFC.

B. A copy of the OFC will be kept on file with the city recorder, which copy shall be *prima facie* evidence of those provisions of the OFC adopted without deletion, modification or amendment."

Section 2. A new Section 15.08.040 of the Hillsboro Municipal Code is adopted to read and provide as follows:

"**15.08.040 Sections restored.**

Sections 103.1 through 103.4, 104.3, 104.10, 106.1, 108.1, 109.2.3, 111, and 3301.1.3, Appendix A of the 2006 International Fire Code are as published by the International Code Council are added in their entirety to the OFC adopted by this code."

Section 3. Section 15.08.050 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"**15.08.050 Chapter 1 amended.**

The Oregon Fire Code is amended as follows: Section 101.2.1, 109.3, 111.4 is amended and Section 102 is amended by the addition of a new section 102.10 to read:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The provisions of the following appendices are adopted as part of this code: A, B, C, D, FW, H, I and L.

102.10 More restrictive provisions. Where the conditions imposed by a provision of the OFC differ from those imposed by another ordinance, law, or regulation having application in the City, the provision which is more restrictive will govern.

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code shall be guilty of a misdemeanor punishable by a fine or not more then $1,000 or by imprisonment not exceeding 90 days or both such fine and imprisonment. Each day that a violation continues after the due notice has been served shall be deemed a separate offense.

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than 250 dollars or more than 1000 dollars."

Section 4. Section 15.08.060 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"15.08.060 Section 403.1 amended.

The Oregon Fire Code is amended as follows: Section 403.1 is amended to read:

403.1 Fire watch personnel. When, in the opinion of the fire code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted. See Appendix FW."

Section 5. Section 15.08.070 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"15.08.070 Sections 508.5 and 508.5.1 amended.

The Oregon Fire Code is amended as follows: Section 508.5 and 508.5.1 are amended and replaced by the addition of a new Section 508.5 to read:

Section 508.5 of the Oregon Fire Code is amended to read as follows: Fire hydrants shall be located so that no part of any commercial building hereafter constructed is located more than 250 feet from a fire hydrant and no single family residential building hereafter constructed is located more than 300 feet from a fire

hydrant, as measured along an accessible route. Fire hydrants shall be located at least 40 feet from the building or buildings to be protected. For purposes of this subsection, a "commercial building" means any building used for other than R-3 occupancy as defined by this code. Distances from hydrants in excess of 250 feet for commercial buildings and 300 feet for single family residential buildings may be allowed only with approval of the fire chief."

Section 6. Section 15.08.080 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"15.08.080 Chapter 9 amended.

The Oregon Fire Code is amended as follows: Section 901.7 is amended and Section 912 is amended by the addition of a new Section 912.4.1 to read:

901.7 Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires. See Appendix FW.

912.4.1 Markings. Fire department connections shall be marked and addressed as per the following:

1. Fire Department Connections shall be marked with one or more of the following colors of reflective tape:
   - Blue when supplying Fire Sprinkler Systems.
   - Red when supplying Standpipe Systems.
   - Yellow when supplying Private Fire Service Hydrants.
2. The numerical address(s) of the buildings/structure served by the FDC shall be identified on the FDC with number and/or letters at least 2-inch tall and 1/2-inch wide on a contrasting background or in a manner as approved by the fire code official."

Section 7. Section 15.08.090 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"15.08.090 Section 1404.5 amended.

The Oregon Fire Code is amended as follows: Section 1404.5 is amended to read:

1404.5 Fire watch. When required by the fire code official for building demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means for notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire. See Appendix FW."

Section 8. Section 15.08.100 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"15.08.100 Section 2403.2 amended.

The Oregon Fire Code is amended as follows: Section 2403.2 is amended to read:

2403.2 Approval required. Tents and membrane structures having an area in excess of 200 square feet (19 m2) and canopies in excess of 400 square feet (37 m2), or tents, canopies and membrane structures used for cooking purposes shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official."

Section 9. Section 15.08.110 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"15.08.110 Section 3301.1.3 Fireworks.

Section 3301.1.3 of the Oregon Fire Code is adopted and amended to read and provide as follows:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited at all places of public assemblage including, but not limited to: parks, athletic fields and stadiums, fairgrounds, public buildings or other areas that the general public might be expected to gather.

Exceptions:

1. Public sales duly licensed by the State of Oregon and permitted by the Hillsboro Fire Department.
2. Public displays by licensed professionals who have obtained the appropriate permits from the State of Oregon and the Hillsboro Fire Department."

Section 10. Section 15.08.120 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"15.08.120 Chapter 34 amended.

The Oregon Fire Code is amended as follows: Section 3404.2.9.5.1 and 3406.2.4.4 is amended to read:

3404.2.9.5.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits of the City of Hillsboro.

Exception. In areas of the city designated industrial by the comprehensive plan or zoned industrial, the fire marshal may permit the installation of aboveground storage tanks for Class I and/or Class II liquids.

In areas of the city where industrial comprehensive plan designations or industrial zones abut residential comprehensive plan designations or zones, aboveground storage tanks for Class I and II liquids may not be permitted within 150 feet of property designated residential by the comprehensive plan or zoning ordinance. Between 150 and 500 feet from property designated residential by the comprehensive plan or zoning ordinance the fire marshal may require additional safety measures. These measures may include, but are not limited to, additional setbacks and clearances, limitations on tank size, and additional detection and alarm systems."

3406.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits of the City of Hillsboro.

Exception. In areas of the city designated industrial by the comprehensive plan or zoned industrial, the fire marshal may permit the installation of aboveground storage tanks for Class I and/or Class II liquids.

In areas of the city where industrial comprehensive plan designations or industrial zones abut residential comprehensive plan designations or zones, aboveground storage tanks for Class I and II liquids may not be permitted within 150 feet of property designated residential by the comprehensive plan or zoning ordinance. Between 150 and 500 feet from property designated residential by the comprehensive plan or zoning ordinance the fire marshal may require additional safety measures. These measures may include, but are not limited to, additional setbacks and clearances, limitations on tank size, and additional detection and alarm systems."

Section 11. Section 15.08.130 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"Section 15.08.130 Appendix D amended.

The Oregon Fire Code is amended as follows: Appendix D Section D102.1, D103.3, D103.6, and Figure D103.6 are amended and Appendix D is amended by the addition of a new Section D103.7 to read:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34,020 kg).

D103.3 Turning radius. The minimum inside turning radius shall be 28 feet (8534 mm) with a minimum outside turning radius of 48 feet (14 630 mm).

D103.3.3 When aerial apparatus access roads are required in Section D105.1, the area adjacent to the outer edge (curb line) of all curved portions of the access road

shall not have any vertical obstructions or vegetation above the height of a curb for an additional width of 10 feet (3048 mm).

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent "NO PARKING—THIS BLOCK FIRE LANE TOW AWAY ZONE O.R.S. 98.810" signs complying with Figure D103.6. and the Manual of Uniform Traffic Control Devices. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. The word "NO" shall be presented in a reverse color arrangement in the upper left-hand corner. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2. Additional signage may be required as needed.

Figure D103.6. *(See Exhibit 1)*

D103.7 Curb Signage. When curbs are present, fire lanes shall be painted bright red with white letters. The stroke shall be 1 inch (25 mm) with letters 6 inches (152mm) high to read: "NO PARKING FIRE LANE"

Exception: Curb heights less than 6 inches (152 mm) may have reduced letter sizes for the vertical signage on the curb, but shall not be less than 4 inches (101.6 mm)."

Section 12. Section 15.08.140 of the Hillsboro Municipal Code is hereby repealed and replaced to read and provide as follows:

"Section 15.08.140 Appendix FW – Fire Watch.

The Oregon Fire Code is amended by the addition of a new Appendix FW to read as follows:

SECTION FW101
GENERAL

FW101.1 Scope. When a fire watch is required by the fire code official in an existing structure(s), or for a fire protection system that is out of service, or other fire hazard situation, it shall be in accordance with this appendix.

SECTION FW102
DEFINITIONS

FIRE CODE OFFICIAL. See Section 202

FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

SECTION FW103
REQUIREMENTS

FW103.1 A fire watch shall have all of the elements listed in this section.

FW103.2 Dedicated person(s). At least one dedicated person is required to conduct patrols. Additional personnel shall be added as necessary to meet the interval requirements of FW103.3. All personnel shall meet the following criteria and be:

a. At least 18 years of age.
b. Mentally competent to identify fire hazards.
c. Capable of effectively communicating a fire department response.
d. Physically capable to perform patrols and self preservation.
e. Familiar with the structure and the emergency plan for the structure.

FW103.3 Patrol Intervals. All portions of a structure shall be checked for fire hazards every 15 minutes or less.

FW103.4 Notification. At least one method of communication to initiate a fire department response is required. Fire watch personnel shall have a cellular phone or other means of communication acceptable to the fire code official. In the event of a fire, fire watch personnel shall alert occupants to evacuate the structure.

FW103.5 Activity Log Sheet. An activity log sheet is required to document the activities of fire watch. The log shall list the name of the person who conducted the fire watch, time of each activity, and description of activity performed.

FW103.6 Termination. A fire watch shall continue until the initiating circumstances have been abated and the fire code official has been notified.

SECTION FW104
DOCUMENTATION

FW104.1 Documentation. The fire code official may use Figure A-FW to order a fire watch and require Figure B-FW to be used by fire watch personnel as documentation of the duty.

Figure A-FW *(See exhibit 2)*

Figure B-FW" *(See exhibit 3)*

Section 13. A new Section 15.08.150 of the Hillsboro Municipal Code is adopted to read and provide as follows:

"**15.08.150 New materials, processes may require permits.**

A. The city manager, the fire chief and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the code.
B. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his or her office, and distribute copies thereof to interested persons."

Section 14. A new Section 15.08.160 of the Hillsboro Municipal Code is adopted to read and provide as follows:

"**Section 15.08.160 Appeals.**

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the fire code board of appeals, created under OFC Section 108.1 within thirty days form the date of the decision appealed."

Section 15. Except as herein amended Chapter 15.08 of the Hillsboro Municipal Code shall remain in full force and effect.

Section 16. In as much as enforcement of this ordinance is necessary to comply with statutory requirements and to protect the peace, health, safety and welfare of the residents of the City of Hillsboro, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor.

Passed by the Council this 16th day of October, 2007.

Approved by the Mayor this 16th day of October, 2007.

_____
Mayor

ATTEST: _____
City Recorder

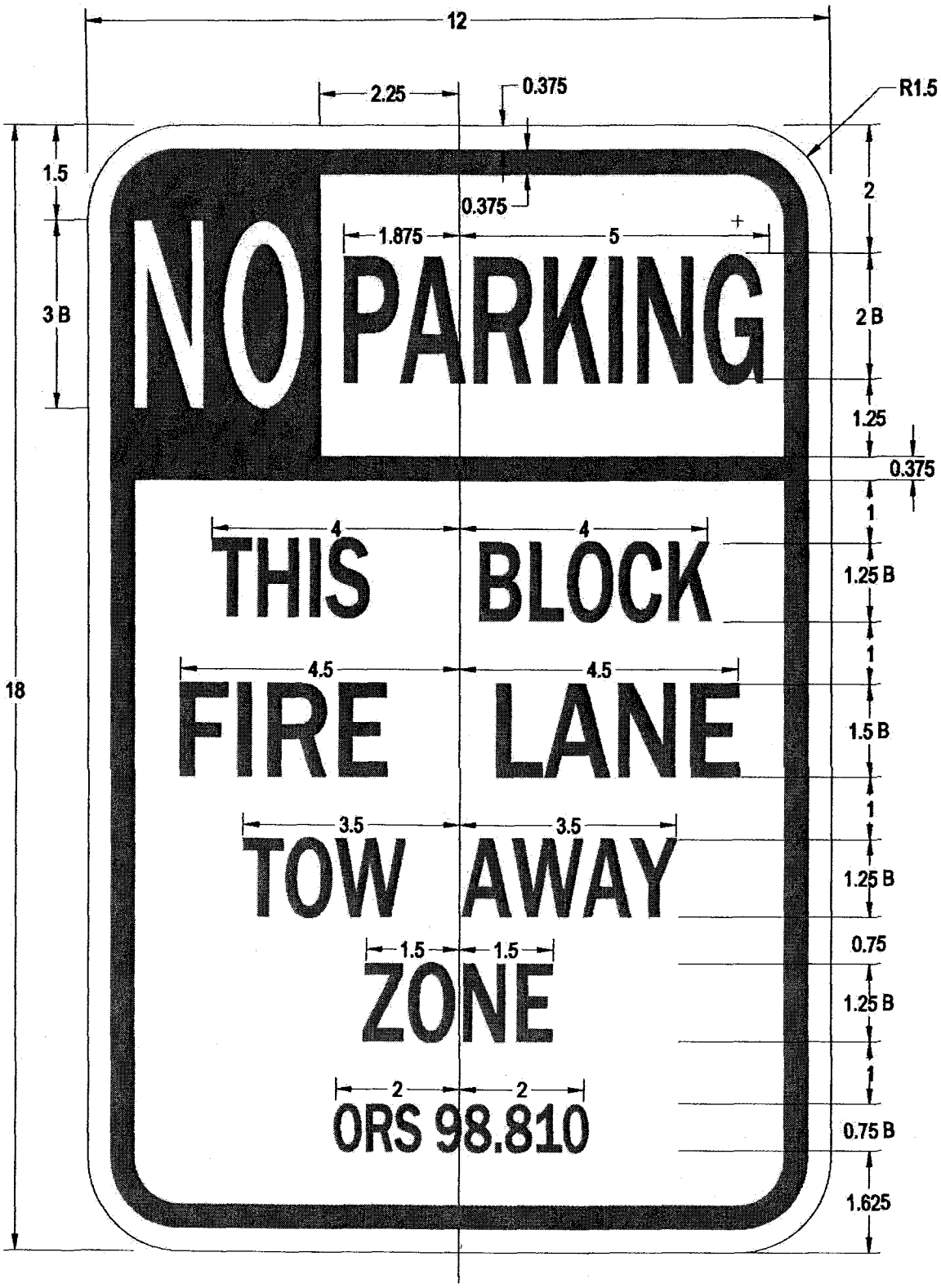

12
2.25
0.375
R1.5
1.5
0.375
2
1.875
5
NO PARKING
3 B
2 B
1.25
0.375
1
4
4
THIS BLOCK
1.25 B
1
4.5
4.5
18
FIRE LANE
1.5 B
1
3.5
3.5
TOW AWAY
1.25 B
1.5
1.5
0.75
ZONE
1.25 B
1
2
2
ORS 98.810
0.75 B
1.625

Exhibit 1

Figure A-FW

HILLSBORO FIRE DEPARTMENT

FIRE PREVENTION DIVISION
4455 NW 229TH AVENUE
HILLSBORO, OR 97124-9441
(503)615-6746 FAX (503)615-6745

CITY OF HILLSBORO

FIRE WATCH NOTICE

Location Address:_____

Business Name:_____

BY ORDER OF THE FIRE MARSHAL

_____**is herby notified that you are**
Responsible Person

responsible to conduct a fire watch throughout the building or property. Failure to follow this order will make you liable to prosecution. If a fire or injuries result from a failure to comply with this order, you may be liable for damages to persons or property under provisions of O.R.S. 479.190 and the Oregon Fire Code as adopted.

REQUIREMENTS

Definition A fire watch is a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.

Dedicated person or personnel At least one dedicated person is required to conduct patrols. Additional personnel shall be added as necessary to meet the interval requirements of FW103.3. All personnel shall meet the following criteria and be:

a. At least 18 years of age.
b. Mentally competent to identify fire hazards.
c. Capable of effectively communicating a fire department response.
d. Physically capable to perform patrols and self preservation.
e. Familiar with the structure and the emergency plan for the structure.

Patrol Intervals All portions of a structure shall be checked for fire hazards every 15 minutes or less.

Notification At least one method of communication to initiate a fire department response is required. Fire watch personnel shall have a cellular phone or other means of communication acceptable to the fire code official. In the event of a fire, fire watch personnel shall alert occupants to evacuate the structure.

Activity Log Sheet An activity log sheet is required to document the activities of fire watch. The log shall list the name of the person who conducted the fire watch, time of each activity, and description of activity performed.

Termination A fire watch shall continue until the initiating circumstances have been abated and the fire code official has been notified.

Inspected by: _____ Date: _____ Time: _____

☐ Call (_____) _____ to leave a message that the problem has been abated.

☐ Call (_____) _____ to arrange a re-inspection.

Comments:

Figure B-FW

TIME	LOCATION	INITIALS
2:15pm	**Example 1st Floor Lobby**	**HS**

6B

CITY OF HILLSBORO

MEMORANDUM

DATE: October 16, 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. Latitude Bar and Grill, 2905 SE 73rd Avenue- Full On-Premise Sales

2. San Alejandro Super Mercado, 1991 NE Cornell Road- Off-Premise 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

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.

REQUEST FOR CITY COUNCIL ENDORSEMENT No. 171-07

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:

- [x] Full on-premises sales
- [ ] Limited on-premises sales
- [ ] Off-premises sales
- [ ] Temporary sales license

PAID
SEP 21 2007
31067
By
97123

BUSINESS NAME: Latitude Bar & Grill

Business Address: 2905 SE 73rd Avenue Hillsboro OR

Applicant: Penny Jo Friedstrom
(Full Name)

[redacted]

Co-Applicant: Gary Stephen Friedstrom
(Full Name)

If more than one co-applicant, provide complete information on each (attach page(s) as necessary).

[redacted]

Note: If applicant is a corporation, list name and address of home offices: _____

I hereby attest that the information provided above is true and accurate to the best of my knowledge. It is understood that the City may request additional or supplemental information during the course of processing this application.

Date: Sept 19-07 Penny Jo Friedstrom
Signature(s) of Applicant(s) or Agent(s)

City Business License No.: _____ 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).

This will be a bar & grill for 21 years and older

Days and hours of operation: 7 days a week 11:00AM - 12:30 Sun-Thu
10:00 AM - 1:30 Fri & Sat

Ratio of projected food sales to alcohol sales: _____

Service Capacity (i.e. maximum number of customers that can be accommodated at any give time): 160

Previous business names and addresses where you have ever been licensed. (Use reverse side of this application for additional space if necessary.)

Original Joes A touch of Italy
2363 SE TV HWY Hillsboro, OR 97123

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.

We currently have a limited on premises license. We received this license in June of 05

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.

This is a new building we will be doing a buildout

Police Department: Approved ☒ Denied ☐ [signature]
Signature

Comments:

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☒ Full On-Premises Sales ($402.60/yr)
  - ☒ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ~~☒ Limited On-Premises Sales ($202.60/yr)~~
- ☐ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other _____

Applying as:

☐ Individuals ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

_____ (name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____ (signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: [illegible]

Date: 9/14/07

90-day authority: ☐ Yes ☒ No

1. Applicant(s): [See SECTION 1 of the Guide]
   ① [illegible] ③ Lakeshore Restaurant LLC
   ② [illegible] ④ _____
2. Trade Name (dba): Latitude Bar & Grill
3. Business Location: 2905 SE 73rd (number, street, rural route) Hillsboro (city) OR (county) (state) 97123 Washington County (ZIP code)
4. Business Mailing Address: 405 NE 49th Avenue (PO box, number, street, rural route) Hillsboro (city) OR (state) 97124 (ZIP code)
5. Business Numbers: 503-860-0604 (phone) _____ (fax)
6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No
7. If yes to whom: _____ Type of License: _____
8. Former Business Name: N/A
9. Will you have a manager? ☐ Yes ☒ No Name: _____ (manager must fill out an individual history form)
10. What is the local governing body where your business is located? Washington County

[redacted]

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Gary Fritsch Date 3/30/07 ③ _____ Date _____

② Randy Jo Fell Date 3/30/07 ④ _____ Date _____

1-800-452-OLCC (6522)

www.olcc.state.or.us

REQUEST FOR CITY COUNCIL ENDORSEMENT No. 177-07

Liquor License Application
City of Hillsboro, Oregon

To assist the City of Hillsboro in its review of your application for a liquor license, the following information is required.

Indicate type of application:

- [x] $100.00 Original Application
- [ ] $ 75.00 Change of Ownership
- [ ] $ 75.00 Change of location
- [ ] $ 75.00 Change in privilege
- [ ] $ 35.00 Renewal or Temporary
- [ ] $ 25.00 Off-premises sales

License type:

- [ ] Full on-premises sales
- [ ] Limited on-premises sales
- [x] Off-premises sales
- [ ] Temporary sales license

PAID SEP 20 2007 By 31048

BUSINESS NAME: San Alejandro Super Mercado

Business Address: 1991 NE Cornell Rd

Applicant: Fidencio Cuellar
(Full Name)

Home Address: [redacted]

Driver's License N [redacted]

Co-Applicant: Heriberto Cuellar
(Full Name)

If more than one co-applicant, provide complete information on each (attach page(s) as necessary).

[redacted]

Note: If applicant is a corporation, list name and address of home offices: _____

I hereby attest that the information provided above is true and accurate to the best of my knowledge. It is understood that the City may request additional or supplemental information during the course of processing this application.

Date: 9-20-07 Heriberto Cuellar Fidencio Cuellar
Signature(s) of Applicant(s) or Agent(s)

City Business License No.: _____ 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).

a neighborhood grocery store

Days and hours of operation: 7 days of week from 7:00 AM to 10:00 P.M. 15 Hrs

Ratio of projected food sales to alcohol sales: _____

Service Capacity (i.e. maximum number of customers that can be accommodated at any give time): _____

Previous business names and addresses where you have ever been licensed. (Use reverse side of this application for additional space if necessary.)

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 ☐ (Lt)
Signature

Comments: _____

Pending final OLCC review request temporary authority to operate

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION To the City of Hillsboro

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales ($402.60/yr)
  - ☐ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ☐ Limited On-Premises Sales ($202.60/yr)
- ☑ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other: _____

ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other _____

Applying as:

☐ Individuals ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

_____ (name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____ (signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: A. Meyer

Date: 8/22/07

90-day authority: ☒ Yes ☐ No

1. Applicant(s): [See SECTION 1 of the Guide] 8/22/07 - 11/19/07
   ① Super Mercado San Alejandro LLC ③ [redacted]
   ② [redacted] ④ [redacted]
2. Trade Name (dba): Super Mercado San Alejandro II
3. Business Location: 1991 NE Cornell Rd Ste 170 Hillsboro Washington Co. Oregon 97124 (number, street, rural route) (city) (county) (state) (ZIP code)
4. Business Mailing Address: Same (PO box, number, street, rural route) (city) (state) (ZIP code)
5. Business Numbers: 503 924-4230 (phone) 503 924-4232 (fax)
6. Is the business at this location currently licensed by OLCC? ☐Yes ☑No
7. If yes to whom: N/A Type of License: N/A
8. Former Business Name: N/A
9. Will you have a manager? ☑Yes ☐No Name: Fidencio Cuellar (manager must fill out an individual history form)
10. What is the local governing body where your business is located? Hillsboro, Washington County (name of city or county)

[redacted] (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 [signature] Date 7/3/07 ③ [signature] Date 07-03-07

② [signature] Date 7/3/07 ④ [signature] President Date 07/03/07

1-800-452-OLCC (6522)

www.olcc.state.or.us

8C

CITY OF HILLSBORO

PROCLAMATION

WHEREAS, serious social problems concern our nation and threaten its future; and

WHEREAS, connecting with others and working together through volunteer service can bridge the differences that separate people and help solve serious social problems; and

WHEREAS, we, the American people, have a tradition of philanthropy and volunteerism; and

WHEREAS, millions of self-sacrificing individuals touched and enhanced the lives of millions on the ninth annual day of doing good by giving where there was a need, rebuilding what had been torn down, teaching where there was a desire to learn and inspiring those who had lost hope; and

WHEREAS, USA WEEKEND Magazine and its affiliate newspapers and The Points of Light Foundation and its affiliate volunteer centers have joined to promote an annual national day of doing good that celebrates and strengthens the spirit of volunteer service; and

WHEREAS, volunteer service is an investment in the future we all must share;

NOW, THEREFORE, I, Tom Hughes, Mayor of the City of Hillsboro, do hereby proclaim Oct. 27, 2007, as

Make A Difference Day

in Hillsboro, Oregon, and urge my fellow citizens to observe this day by connecting with friends, fellow employees and relatives and with religious, school and civic groups to engage in projects benefiting their community.

Signed this 16th day of October, 2007

Tom Hughes, Mayor

150 East Main Street, Hillsboro, Oregon 97123-4028 • 503/681-6100 • FAX 503/681-6232
AN EQUAL OPPORTUNITY EMPLOYER *PRINTED ON RECYCLED PAPER*