Notebook

CITY OF HILLSBORO

HILLSBORO CITY COUNCIL

Preliminary Agenda
Tuesday, April 1, 2008

7 PM
Hillsboro Civic Center Auditorium

Regular Session
150 E. Main Street

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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 seven calendar days, and are available on the north side of the auditorium.

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*** SEE ATTACHED AGENDA ***
Posted – March 27, 2008

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Boy Scout Troop 520

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. Consider minutes: March 4, 2008
   March 18, 2008

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

Project Name	Developer
313th Avenue Subdivision	MTB Construction – Marty Lindstrand

   C. Approve a project agreement with the Oregon Parks and Recreation Department for Land and Water Conservation Fund grant funds for $55,850 for renovations and enhancements to Shute Park, and authorize the Mayor and City Recorder to execute the documents. (Park Commission recommendation)

   D. Approve the acquisition of real property in the Witch Hazel neighborhood for $439,907.83, and authorize the Mayor and City Recorder to execute the documents. (Park Commission recommendation)

   E. Endorsement of liquor license annual renewals: *(These renewal 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.*

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

   1. Hawthorne Farm Athletic Club, 4800 NE Belknap Ct. – Limited On-Premises Sales
   2. Casa Colima Taqueria, 140 SW Oak St. – Full On-Premises Sales
   3. Bugatti's, 2364 NW Amberbrook Dr. – Full On-Premises Sales
   4. Red Lion Hotel, 3500 NE Cornell Rd. – Full On-Premises Sales

2. **PRESENTATIONS AND APPOINTMENTS:**

   A. Proclamation: Human Rights Torch Relay Day – April 12, 2008. Presentation by Human Rights Torch Relay volunteer Raymond Law.

B. Appointments:

Planning and Zoning Hearings Board (3-year term)
Paul Lemieux – filling unexpired term until December 2009

Audit Committee (4-year term)
Darlene Greene

3. PUBLIC HEARINGS:

A. Consider Finance Committee recommendation to approve the following disposition actions for City-owned real property adjacent to NW Brookwood Parkway:

a) Declare as surplus those real property parcels described as Tract "A", Tract "E", Lot 2 and Lot 3 on the Brookwood Passage Preliminary Subdivision Plat; and

b) Authorize the transfer of deed for Tract "E", in conjunction with the value of right-of-way previously dedicated by the City of Hillsboro to Washington County and other financial consideration, in exchange for the deed to "Tract B", and authorize the Mayor and City Recorder to execute the documents; and

c) Authorize the transfer of deeds for Lot 2, Lot 3, and Tract "A" to Washington County with deferred compensation; and authorize the County to market and sell those lots and tract, on behalf of the City of Hillsboro and in conjunction with adjoining County-owned Lot 1 and Lot 4, and authorize the Mayor and City Recorder to execute the documents; and

d) Authorize an intergovernmental agreement with Washington County for the transfer and sale of real property, pending the decision on the above disposition actions. **Resolution No. *_____ is available.**

4. UNFINISHED BUSINESS:

A. None.

5. NEW BUSINESS:

A. PUD 9-05 (MOD 1) Way Estates: Consider a Planning Commission recommendation for approval of an ordinance amending the official zoning map, a portion of Hillsboro Zoning Ordinance No. 1945, as amended, by approving a modification to a Planned Unit Development overlay zone on a certain tract of land through approval of a modification to a preliminary development plan for an 18-lot detached single family residential development on a site approximately 4.67 acres in size. The applicant is DL Design Group, Inc. The affected property is located generally north of SE Libby Court, south of SE Paladin Lane, east of SW Brookwood Avenue, and west of SE 49th Avenue and the site can be specifically identified as Tax Lots 700 and 800 on Washington County Tax Assessor's Map 1S2-04AA. **Ordinance No. *_____ is available.**

B. Consider a resolution authorizing the city manager to sign an intergovernmental agreement with the Tri-County Metropolitan Transportation District of Oregon and the City of Portland for transit police services on behalf of the City of Hillsboro in participation with the Westside Transit Team Pilot Project. **Resolution No. *_____ is available.**

C. Consider an ordinance amending Article II, Chapter 12.28 of the Hillsboro Municipal Code relating to safety and security by altering the appeal process for exclusion orders, making grammatical and other non-substantive changes to that article, and declaring an emergency. **Ordinance No. *_____ is available.**

D. Consider approving a resolution authorizing City Council to accept in its entirety the Washington County Use of Deadly Force by Police Officers Senate Bill 111 Plan on behalf of the City of Hillsboro, and authorize the Mayor to sign a letter of support. **Resolution No. *_____ is available.**

E. 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.*

1. La Flor de Michoacan, 1075 SE Baseline St., Suite K – Change of Ownership – Full On-Premises Sales
2. Lil' Cooperstown Pub and Grill, 2947 SE 73rd Ave. – Original Application – Full On-Premises Sales

6. 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.)

7. ADVICE/INFORMATION ITEMS:

A. Hillsboro Youth Advisory Council 4th Annual Youth Art Exhibit and Competition, April 1-30, 2008, Glenn and Viola Walters Cultural Arts Center. Awards ceremony and reception scheduled for April 1, 2008, 6 PM to 8 PM, Glenn and Viola Walters Cultural Arts Center.

B. 8th Annual Hillsboro 2020 Town Hall, April 30, 2008, 5 PM to 8 PM, Hillsboro Civic Center, 150 E. Main Street.

C. Tweet of Dweams auction and birdhouse building contest, May 3, 2008, 6:30 PM, Jackson Bottom Education Center. For more information call 503-681-6206.

D. Budget Committee meetings, May 21 and 22 (if needed), 2008, 6 PM, Hillsboro Civic Center conference rooms C113B&C.

1A,
OK

CITY OF HILLSBORO

HILLSBORO CITY COUNCIL

Minutes
Tuesday, March 4, 2008

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

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

WORK SESSION – 6 PM – CONFERENCE ROOM C113B

A. City Council Laptop Policy – presented by Greg Mont and Amber Deming

The work session was held.

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Mayor Tom Hughes

CALL TO ORDER - Roll Call
Present: Mayor Tom Hughes, Councilors Aron Carleson, Ed Dennis, Olga Acuña, Nenice Andrews, Doug Johnson and Cynthia O'Donnell
Staff Present: Sarah Jo Chaplen, Rob Massar, Rob Dixon, Pat Ribellia, Debbie Raber, Mike Smith, Barbara Simon, Mark Jackson, Amber Deming and City Attorney Pam Beery

Election of Council President – Charter Section 10

Councilor Johnson nominated Councilor Dennis to serve as Council President. There were no further nominations. The Mayor called for a vote. The vote was unanimous and Councilor Dennis was elected to serve as Council President.

1. CONSENT AGENDA:

A. Consider minutes: January 8, 2008
February 5, 2008
February 19, 2008

B. Authorize the Mayor and City Recorder to execute standard developer contract for the following:

Project Name	Developer
Brookwood Crossing Phase 5	JT Smith Companies

C. Endorsement of liquor license annual renewals:

1. Tanasbourne West Chevron, 21755 NW Imbrie Dr. – Off-Premises Sales
2. Chevy's Fresh Mex, 1951 NW 185th Ave. – Full On-Premises Sales
3. Spaghetti Western, 105 SE Baseline Rd. – Full On-Premises Sales
4. Safeway, 2525 SW TV Hwy. – Off-Premises Sales
5. Safeway, 2177 NW 185th Ave. – Off-Premises Sales
6. Swagath Indian Cuisine, 1340 NE Orenco Station Pkwy. – Full On-Premises Sales
7. Stanford's Restaurant and Bar, 2770 NW 188th Ave. – Full On-Premises Sales
8. Newport Bay, 2865 NW Town Center Lp. – Full On-Premises Sales
9. Mio Sushi, 1255 NW 185th Ave. – Limited On-Premises Sales
10. Red Robin, 2660 NW 188th Ave. – Full On-Premises Sales
11. Red Robin, 2405 SE TV Hwy. – Full On-Premises Sales
12. Southside Grocery, 370 SE 4th Ave. – Off-Premises Sales
13. San Alejandro Super Mercado, 1991 NE Cornell Rd. – Off-Premises Sales
14. S&S Market, 2831 E Main St. – Off-Premises Sales
15. Cornell Mini Mart, 1910 NE Cornell Rd. – Off-Premises Sales
16. Tresca, 250 E Main St. – Full On-Premises Sales
17. Northside Grocery, 506 NW Connell Rd. – Off-Premises Sales
18. Baseline Mart, 5333 W Baseline Rd. – Off-Premises Sales
19. New Seasons Market, 1453 NE 61st Ave. – Off-Premises Sales
20. 7-Eleven Store, 21855 SW TV Hwy. – Off-Premises Sales
21. 7-Eleven Store, 2401 NW Cornell Rd. – Off-Premises Sales
22. 7-Eleven Store, 1750 SE Minterbridge Rd. – Off-Premises Sales
23. 7-Eleven Store, 1645 NE Cornell Rd. – Off-Premises Sales
24. Lucky Jade Chinese Restaurant, 743 SW 185th Ave. – Limited On-Premises Sales
25. Joe's Pastime Tavern, 359 E Main St. – Off-Premises Sales, Limited On-Premises Sales
26. Old Spaghetti Factory, 18925 NW Tanasbourne Dr. – Full On-Premises Sales
27. T Mini Market, 508 SW Walnut St. – Off-Premises Sales

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

2. PRESENTATIONS AND APPOINTMENTS:

A. Presentation on the Washington County Fairgrounds property by Washington County Fairgrounds Revitalization Task Force Hillsboro Citizen Representative Jim Darr.

Mr. Darr gave the presentation on the four phases of Washington County Fairgrounds development. Phase One should be complete by 2010 and includes the following: 120,000 square foot exhibit hall, light rail connection plaza with green space, extension of Grant Street and green space along Cornell Road. Phase Two relocates the National Guard armory. The last two phases involve construction of a covered pavilion, restoration of existing buildings, the addition of an athletic field and future development. Mayor Hughes thanked Mr. Darr for his service on the task force and recognized the architects who have done a great job, along with the citizens, in this process.

B. Appointments

Hillsboro Historic Landmarks Advisory Committee
Harold Berger 2-year term

Neshia Cameron	3-year term
Kay Demlow	1-year term
Judy Goldman	3-year term
Joan Krahmer	4-year term
Bonnie Kooken	1-year term
Michael Quebbeman	2-year term

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

Planning and Zoning Hearings Board
Drake Hood – filling unexpired term until December 31, 2010

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

3. PUBLIC HEARINGS:

A. None.

4. UNFINISHED BUSINESS:

A. None.

5. NEW BUSINESS:

A. HCP 5-07: Sweet Oregon Site: Consider a Planning Commission recommendation for approval of a minor Comprehensive Plan Land Use Map Change from IN Industrial to C Commercial on a portion of a 3.81 acre property located at the southwest corner of the intersection of NW Cornelius Pass Road and NW West Union Road. The subject site can be more specifically identified as Tax Lot 1203 on Washington County Tax Assessor's Map 1N2-14D. Ordinance No. 5848 was available.

Ordinance No. 5848 was read by title only. Motion was made by Carleson, seconded by O'Donnell, that Ordinance No. 5848 do pass. Roll call on the motion was as follows: Dennis, aye, O'Donnell, aye, Carleson, aye, Johnson, aye, Acuña, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5848 was declared passed.

ORDINANCE NO. 5848
HCP 5-07: SWEET OREGON SITE

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN, ORDINANCE NO. 2793 AS AMENDED, SECTION 14 COMPREHENSIVE PLAN MAPS, APPROVING A MINOR COMPREHENSIVE PLAN LAND USE MAP AMENDMENT TO REDESIGNATE A 2.81-ACRE PORTION OF A 3.81-ACRE TRACT OF LAND FROM IN – INDUSTRIAL TO C – COMMERCIAL.

6. **COMMUNICATION AND NON-AGENDA ITEMS:**

A. Tom Black, 870 NW Garibaldi Street, inquired about the pending lease with Washington County for the ball fields located adjacent to the Washington County Fairplex. Mayor Hughes said the City is currently negotiating with Washington County for a new lease agreement.

B. Dan Bloom, 815 NW 229th Avenue, referred to the proposed fairgrounds design, questioning why parking was not located closer to Cornell Road. Mayor Hughes said Washington County is currently seeking public input on the preliminary Fairgrounds Revitalization Master Plan.

C. Sharon Cornish, 30265 NW Evergreen Road, asked for clarification on the westerly boundary of the Evergreen Expansion Area. Planning Director Pat Ribellia distributed a report and map, stating that "exception lands" in the Evergreen area had the shape of a flower and flower pot extending from Evergreen Road and including land along both the east and west sides of Sewell Road, rather than ending at Sewell Road.

7. **ADVICE/INFORMATION ITEMS:**

A. St. Patrick's Day Parade – Saturday, March 15, 2008, 9 AM to 2 PM, begins and ends at Hare Field, 1151 NE Grant Street.

B. Hillsboro Latino Cultural Festival – Sunday, March 16, 2008, 12 PM to 6 PM, Civic Center Plaza and Main Street between First and Second avenues.

C. Statements of Economic Interest will be mailed from the Oregon Government Ethics Commission (OGEC) to the Mayor, Council and City Manager. These forms must be submitted to the OGEC by April 15, 2008.

8. **WORK SESSION ITEMS (Item A will be discussed in work session preceding regular session in Conference Room C113B at 6 PM. Item B will be discussed in work session following regular session in Conference Room C113B.**

A. City Council Laptop Policy – presented by Greg Mont and Amber Deming

B. 53rd Avenue Indoor Recreation Center Update – presented by Justin Patterson

The work sessions were held.

There being no further business to come before the Council, the meeting was adjourned at 7:38 PM.

_____
Mayor

ATTEST: _____
City Recorder

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OK

HILLSBORO CITY COUNCIL

Minutes
Tuesday, March 18, 2008

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

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

WORK SESSION – 6:30 PM – CONFERENCE ROOM C113B

A. Proposed Enterprise Zone Expansion – presented by Larry Pederson

The work session was held.

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Mayor Tom Hughes

CALL TO ORDER - Roll Call
Present: Mayor Tom Hughes, Councilors Cynthia O'Donnell, Doug Johnson, Nenice Andrews, Olga Acuña, Ed Dennis and Aron Carleson
Staff Present: Sarah Jo Chaplen, Rob Massar, Rob Dixon, Pat Ribellia, Debbie Raber, Barbara Simon, Larry Pederson, Val Okada, Christie Bennett, Amber Deming, Mark Jackson, Debbie Hazel, Gary Seidel, Erik Jensen, Ben Rowe, Suzanne Linneen, Kevin Hanway, Ken Pipher, Steve Greagor, Dan Dias and City Attorney Jack Hammond

1. **CONSENT AGENDA:**

A. Removed from final agenda.

B. Approve the creation of a *Management Analyst* position at a PERS-eligible Pay Range 20 ($4449 to $5678 per month) for the Water Department, effective immediately, and authorize the transfer of any necessary appropriations for fiscal year 2007-2008. (Finance Committee recommendation)

C. Approve the following reclassifications and Pay Plan adjustments due to the organizational changes in the Jackson Bottom Wetlands Department, effective immediately: (Finance Committee recommendation)

1) Reclassify the budgeted *Wetlands Director* position (Pay Range 24) to a *Natural Resources Manager* position at a PERS-eligible Pay Range 22 ($5142 to $6563 per month);

2) Reclassify one of the budgeted *Wetlands Education Specialist* positions (Pay Range 17) to a *Volunteer Services Coordinator* position at a PERS-eligible Pay Range 17 ($3581 to $4570 per month);

3) Add one *Recreation Program Supervisor* position at a PERS-eligible Pay Range 18 ($3853 to $4917 per month); and

4) Create a Jackson Bottom Wetlands Preserve Division in the Parks and Recreation Department.

D. Award the purchase of two Custom Class "A" 1,500 GPM (gallons per minute) fire engine pumpers to H&W Emergency Vehicles for $476,890 each, and authorize the Mayor and City Recorder to execute the necessary documents. (Finance Committee recommendation)

E. Schedule a public hearing for April 1, 2008 to consider the following real property disposition actions:

a) Authorize the transfer of deed for Tract "E", in conjunction with the value of right-of-way previously dedicated by the City of Hillsboro to Washington County, in exchange for the deed to "Tract B"; and

b) Authorize the transfer of deeds for Lot 2, Lot 3, and Tract "A" to Washington County with deferred compensation; and authorize the County to market and sell, on behalf of the City of Hillsboro and in conjunction with adjoining County-owned Lot 1 and Lot 4, the area adjoining the western side of NE Brookwood Parkway with vehicular access to NE Brookwood Parkway through Tract "A".

F. Authorize Tami Cockeram, Risk Manager, to negotiate and execute property, liability and workers compensation insurance contracts for Fiscal Year 2008-2009 with Waltz, Sheridan and Crawford, Inc. (Finance Committee recommendation)

G. Approve an amendment to the current contract for audit services with Talbot, Korvola & Warwick, LLP, and authorize the Mayor and City Recorder to execute the amendment and required engagement letter for fiscal year ended June 30, 2008. (Finance Committee recommendation)

H. Endorsement of liquor license annual renewals:

1. Hillsboro Mini Mart, 517 S 1st Ave. – Off-Premises Sales
2. The Cooler Club, 1735 SE TV Hwy – Full On-Premises Sales, Limited On-Premises Sales
3. La Guanaquita Salvadorian, 2401 NE Cornell Rd., Suite P – Full On-Premises Sales
4. Trader Joe's, 2285 NW 185th Ave. – Off-Premises Sales
5. Pizza Schmizza, 18021 NW Evergreen Rd. #B – Limited On-Premises Sales
6. Courtyard by Marriott Hillsboro, 3050 NW Stucki Pl. – Full On-Premises Sales, Off-Premises Sales
7. Residence Inn by Marriott Portland West, 18855 NW Tanasbourne Dr. – Limited On-Premises Sales, Off-Premises Sales
8. Grace Market and Deli, 938 SE Oak St. – Off-Premises Sales

9. O'Brien's Pub, 2020 NE Cornell – Off-Premises Sales
10. Sushi Town, 18033 NW Evergreen Pkwy #M – Limited On-Premises Sales
11. Pizza Schmizza Hillsboro Airport, 891 NE 25th Ave. – Limited On-Premises Sales
12. China Moon, 1001 SE TV Hwy #B16 – Limited On-Premises Sales
13. Sushi and Maki, 2401 NE Cornell Rd. – Limited On-Premises Sales
14. Orenco Station Grill, 3195 NE Cornell Rd. – Full On-Premises Sales
15. Muchas Gracias Mexican Food, 386 S First Ave. – Full On-Premises Sales
16. Lalibela Ethiopian Café, 5289 NE Elam Young Pkwy F-800 – Limited On-Premises Sales
17. New Dragon Fountain, 897 SW Oak St. – Full On-Premises Sales
18. Sunset Grill, 1280 SW Oak St. – Limited On-Premises Sales
19. Mayas Mexican Restaurant, 970 SE Oak St. – Full On-Premises Sales
20. Pasta Pronto, 2467 NW 185th Ave. – Limited On-Premises Sales, Off-Premises Sales
21. Renaissance Premium Wines and Cigars, 1320 NE Orenco Station Pkwy – Limited On-Premises Sales, Off-Premises Sales
22. Circle K/76, 5063 TV Hwy – Off-Premises Sales
23. Costco Wholesale, 1255 NW 48th Ave. – Off-Premises Sales
24. Dandy's Deli, 1075 SE Baseline Rd. Suite P – Limited On-Premises Sales, Off-Premises Sales
25. Moe's Southwest Grill, 2515 NW Towne Center Dr. – Limited On-Premises Sales
26. Lentil Garden Indian Restaurant, 18033 NW Evergreen Pkwy #C – Limited On-Premises Sales
27. Four Seasons Bowling Center, 322 SE Washington St. – Full On-Premises Sales
28. Entrees Made Easy, 7310 NE Butler Rd. – Limited On-Premises Sales, Off-Premises Sales
29. TastyGrapes.com, 5845 NE McBride Ln. – Off-Premises Sales
30. Vino 100, 2092 NW Stuckie Ave. – Off-Premises Sales, Limited On-Premises Sales
31. Wilson's Café and Sports Bar, 134 NE 2nd Ave. – Full On-Premises Sales
32. Chevron, 2281 NW 185th Ave. – Off-Premises Sales
33. Richard's Deli, 2401 NE Cornell Rd. #F – Limited On-Premises Sales, Off-Premises Sales
34. Baja Fresh Mexican Grill, 899 NE 25th Ave. – Limited On-Premises Sales
35. Dotty's Deli, 1325 NW 185th Ave. – Limited On-Premises Sales
36. Dotty's Deli, 2055 SE TV Hwy – Limited On-Premises Sales
37. Richard's Deli, 2559 SE TV Hwy – Off-Premises Sales, Limited On-Premises Sales
38. Richard's Deli, 1001 SE TV Hwy #B-25 – Limited On-Premises Sales, Off-Premises Sales
39. Richard's Deli, 739 SW 185th Ave. – Limited On-Premises Sales, Off-Premises Sales
40. McKay Creek Golf Course, 1416 NW Jackson St. – Limited On-Premises Sales
41. Thai Orchid Restaurant, 4550 NE Cornell Rd. – Full On-Premises Sales
42. Thai Orchid Restaurant, 18070-C NW Evergreen Pkwy – Limited On-Premises Sales
43. Every Day Deli, 1635 SE TV Hwy – Off-Premises Sales, Limited On-Premises Sales

44. Su Casa Imports, 1050 SE Walnut St. – Off-Premises Sales
45. Su Casa Imports, 970 SE Oak St. – Off-Premises Sales
46. Ultimate Coffee Co., 7418 SW Baseline Rd. – Limited On-Premises Sales
47. Cornelius Pass Roadhouse, 4045 NW Cornelius Pass Rd. – Brewery – Public House, Full On-Premises Sales
48. Tokyo Japanese Restaurant, 2331 NW 185th Ave. – Limited On-Premises Sales
49. Best Panda Buffet, 1050 SW Baseline Rd. – Full On-Premises Sales
50. India Palace Restaurant, 2401 NE Cornell Rd. #Q – Full On-Premises Sales

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

2. PRESENTATIONS AND APPOINTMENTS:

A. Presentation on the Washington County Hillsboro Helping Empower Youth Together! (HEY!) application for the Drug Free Communities federal grant by HEY! Program Coordinator Tracy Northfield.

Ms. Northfield gave a PowerPoint presentation to introduce the coalition that was established in 2005 through the Hillsboro School District's Safe Schools/Healthy Students grant. A diverse group of community members came together to review data to identify the specific risk factors and strengths in the greater Hillsboro community related to drug and alcohol use. Through this community assessment, a comprehensive prevention plan was developed to reduce alcohol and other drug use. Strategies will be implemented to empower youth to make healthy and safe lifestyle choices.

B. Appointment:

Hillsboro Arts and Culture Council
Julie Wilson – filling unexpired term until May 2010

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

3. PUBLIC HEARINGS:

A. AN 1-08: Zoucha: Consider a request for annexation of one property approximately 0.70 acres in area, into the City Limits of Hillsboro. The site is located generally south of SW Davis Road, approximately 210 feet east of its intersection with SE Brookwood Avenue. The property can be specifically identified as Tax Lot 1001 on Washington County Tax Assessor's Map 1S2-10CC. Ordinance No. 5849 was available.

Prior to opening the public hearing, Mayor Hughes asked for a staff report on Items 3A and 3B. Debbie Raber, Planning Department, came forth and presented the staff report, including the ORS 197 statement required for public hearings, described the proposed annexation and zone change and reviewed the approval criteria.

Mayor Hughes opened the public hearing on AN 1-08 and asked for testimony in support or opposition. There was none. The public hearing was closed.

Ordinance No. 5849 was read by title only. Motion was made by O'Donnell, seconded by Dennis, that Ordinance No. 5849 do pass. Roll call on the motion was as follows: Dennis, aye, O'Donnell, aye, Carleson, aye, Johnson, aye, Acuña, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5849 was declared passed.

ORDINANCE NO. 5849
AN 1-08: ZOUCHA

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 AND WASHINGTON COUNTY SERVICE DISTRICT NO. 1 FOR STREET LIGHTS.

B. ZC 1-08: Zoucha: Consider a City-initiated request for approval of a zone change from County FD-20 (Future Development - 20 Acre District) to City MU-C (Mixed Use-Commercial) on one property. The purpose of the zone change request is to establish City zoning on the property following annexation. The property is designated MU (Mixed Use) on the Comprehensive Plan map. The site is located generally south of SW Davis Road, approximately 210 feet east of its intersection with SE Brookwood Avenue. The property can be specifically identified as Tax Lot 1001 on Washington County Tax Assessor's Map 1S2-10CC. Ordinance No. 5850 was available.

Mayor Hughes opened the public hearing on ZC 1-08 and asked for testimony in support or opposition. There was none. The public hearing was closed.

Ordinance No. 5850 was read by title only. Motion was made by Dennis, seconded by O'Donnell, that Ordinance No. 5850 do pass. Roll call on the motion was as follows: Dennis, aye, O'Donnell, aye, Carleson, aye, Johnson, aye, Acuña, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5850 was declared passed.

ORDINANCE NO. 5850
ZC 1-08: ZOUCHA

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 FD-20 (FUTURE DEVELOPMENT 20 ACRE DISTRICT) TO CITY MU-C (MIXED USE-COMMERCIAL).

4. UNFINISHED BUSINESS:

A. None.

5. NEW BUSINESS:

A. Consider Finance Committee recommendation to amend Section 12.04.150 of the Hillsboro Municipal Code to change the fee assessed construction developers for plan review and inspection by City engineers from a deposit format to a fee format, and declaring an emergency. Ordinance No. 5851 was available.

Ordinance No. 5851 was read by title only. Motion was made by Andrews, seconded by Johnson, that Ordinance No. 5851 do pass. Roll call on the motion was as follows: Acuña, aye, Dennis, aye, Andrews, aye, O'Donnell, aye, Carleson, aye, Johnson, aye. The motion passed unanimously and Ordinance No. 5851 was declared passed.

ORDINANCE NO. 5851

AN ORDINANCE AMENDING SECTION 12.04.150 OF THE HILLSBORO MUNICIPAL CODE RELATING TO THE FEE ASSESSED CONSTRUCTION DEVELOPERS FOR PLAN REVIEW AND INSPECTION BY CITY OF HILLSBORO ENGINEERS, AND DECLARING AN EMERGENCY.

B. Consider Finance Committee recommendation to create the City of Hillsboro Audit Committee (Subject to City Attorney review). Resolution No. 2245 was available.

There was brief discussion related to the amount and educational background of Audit Committee members. Councilor O'Donnell summarized by revising text in the proposed resolution that members will have a financial background, and management shall prepare any corrective plans of action for Audit Committee review and recommendation of approval to City Council.

Motion was made by Dennis, seconded by O'Donnell, that Resolution No. 2245 be adopted, as revised. The motion passed unanimously with O'Donnell, Johnson, Andrews, Dennis, Carleson and Acuña voting in favor.

RESOLUTION NO. 2245

A RESOLUTION CREATING AN AUDIT COMMITTEE TO ENSURE THAT CITY MANAGEMENT, INDEPENDENT AUDITORS, AND THE CITY COUNCIL CONTINUE TO FULLY MEET THEIR RESPECTIVE RESPONSIBILITIES TO PROVIDE SOUND FINANCIAL REPORTING, INTERNAL CONTROLS, AND OVERALL ACCOUNTABILITY IN A PUBLIC SECTOR ENVIRONMENT.

C. Consider authorizing the expansion of the Enterprise Zone boundary to include the Evergreen and Helvetia areas. (This item was discussed in work session prior to the meeting.) Resolution No. 2246 was available.

Motion was made by Dennis, seconded by Carleson, that Resolution No. 2246 be adopted. The motion passed unanimously with Johnson, Andrews, Dennis, Carleson, Acuña and O'Donnell voting in favor.

RESOLUTION NO. 2246

A RESOLUTION AUTHORIZING THE EXPANSION OF THE ENTERPRISE ZONE BOUNDARY IN THE CITY OF HILLSBORO, OREGON.

D. HCP 1-08: Solar World: Consider a Planning Commission recommendation for approval of a minor Comprehensive Plan Land Use Map Change from PF Public Facilities to IN Industrial on one site approximately 19.03 acres in size, and to remove the proposed NE Springer Street extension from Transportation System Plan Maps. The purpose of the proposed Plan Map change is to increase and protect the supply of industrial sites consistent with Metro Title IV and Section 2 of the Hillsboro Comprehensive Plan. The owner of the site is SolarWorld and the co-applicants for the project are the City of Hillsboro and SolarWorld. The affected property is located generally north of NE Airport Road, south of NW Evergreen Road, west of NE Dawson Creek Drive and east of NW 264th Avenue. The property can be specifically identified as Tax Lot 200 on Washington County Tax Assessor's Map 1N2-28BD. Ordinance No. 5852 was available.

Ordinance No. 5852 was read by title only. Motion was made by Johnson, seconded by Andrews, that Ordinance No. 5852 do pass. Roll call on the motion was as follows: Dennis, aye, Carleson, aye, O'Donnell, aye, Johnson, aye, Acuña, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5852 was declared passed.

ORDINANCE NO. 5852
HCP 1-08: SOLARWORLD

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN, ORDINANCE NO. 2793 AS AMENDED, SECTION 14 COMPREHENSIVE PLAN MAPS, APPROVING A MINOR COMPREHENSIVE PLAN LAND USE MAP AMENDMENT TO REDESIGNATE A 19.03-ACRE SITE FROM PF – PUBLIC FACILITY TO IN – INDUSTRIAL AND PROPOSED MODIFICATIONS TO SEVERAL CITY TRANSPORTATION SYSTEM PLAN MAPS TO DELETE FROM THESE MAPS A SEGMENT OF A PROPOSED ROADWAY ALIGNMENT LOCATED IN THE VICINITY OF THE SUBJECT SITE.

E. ZOA 7-07: Unitarian Universalist Community Church: Consider Planning Commission recommendation for approval of amendments to Zoning Ordinance Section 140 (III) (N) Street and Alley Standards. This request for the amendments was made by the Unitarian Universalist Community Church. The affected segment of right of way is located adjacent to Block 14 of the First Addition to Orenco. Ordinance No. 5853 was available.

Ordinance No. 5853 was read by title only. Motion was made by Johnson, seconded by Carleson, that Ordinance No. 5853 do pass. Roll call on the motion was as follows: Dennis, aye, Andrews, aye, Carleson, aye, O'Donnell, aye, Johnson, aye, Acuña, aye. The motion passed unanimously and Ordinance No. 5853 was declared passed.

ORDINANCE NO. 5853
ZOA 7-07: UNITARIAN UNIVERSALIST COMMUNITY CHURCH A PORTION OF ALDER STREET

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1945, AS AMENDED, SECTION 140, ORENCO STATION COMMUNITY PLANNING AREA DEVELOPMENT REGULATIONS AND DESIGN STANDARDS, SUBSECTION (III) STREET AND ALLEY STANDARDS TO DELETE THE REQUIREMENT FOR IMPROVEMENT OF A STREET SEGMENT IN HISTORIC ORENCO.

F. Consider endorsement of liquor license applications:

1. CoffeeFirst Saigon Grill, 18725 NW Walker Rd. #103 – Original Application – Full On-Premises Sales
2. Whole Foods Market, 19440 NW Cornell Rd. – Original Application – Limited On-Premises Sales, Off-Premises Sales
3. Extreme Pizza, 1888 NW 188th Ave. – Original Application – Limited On-Premises Sales
4. Pepper's Mexican Grill, 976 SE Baseline Rd. – Change of Ownership – Full On-Premises Sales

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

6. COMMUNICATION AND NON-AGENDA ITEMS:

A. None.

7. ADVICE/INFORMATION ITEMS:

A. Proclamation: National Community Development Week – March 24-30, 2008.

B. Hillsboro Youth Advisory Council 4th Annual Youth Art Exhibit and Competition, April 1-30, 2008, Glenn and Viola Walters Cultural Arts Center. Awards ceremony and reception scheduled for April 1, 2008, 6 PM to 8 PM, Glenn and Viola Walters Cultural Arts Center.

C. Statements of Economic Interest will be mailed from the Oregon Government Ethics Commission (OGEC) to the Mayor, Council and City Manager. These forms must be submitted to the OGEC by April 15, 2008.

D. 8th Annual Hillsboro 2020 Town Hall, April 30, 2008, 5 PM to 8 PM, Hillsboro Civic Center, 150 E. Main Street.

8. WORK SESSION ITEMS (Item A will be discussed in work session preceding regular session in Conference Room C113B at 6:30 PM. Item B will be discussed in work session following regular session in Conference Room C113B.

A. Proposed Enterprise Zone Expansion – presented by Larry Pederson

B. City Governance Training – presented by City Attorney Jack Hammond

The work sessions were held.

There being no further business to come before the Council, the meeting was adjourned at 7:46 PM.

_____
Mayor

ATTEST: _____
City Recorder

1B

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: April 1, 2008

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: 313th Ave Subdivision

Description: Public improvements required to serve a 4 lot subdivision located at 3470 nw 313TH Ave (1N325AC00800)

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

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

Developer: MTB Construction - Marty Lindstrand

	Construction	Deposit
Street	$49,959.00	$2,497.95
Storm	$48,518.00	$2,425.90
Sanitary	$16,140.00	$807.00
Water	$25,065.00	$1,253.25
TOTAL	$139,682.00	$6,984.10

Attachment: Location Map

150 E Main, Fourth Floor
Hillsboro, Oregon 97123

Office: 681-6146
Fax: 681-6245

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: April 8, 2008

TO: Utilities Commission

FROM: Roy Gibson, Public Works Director

PROJECT: 313th Ave Subdivision

Description: Public improvements required to serve a 4 lot subdivision located at 3470 nw 313TH Ave (1N325AC00800)

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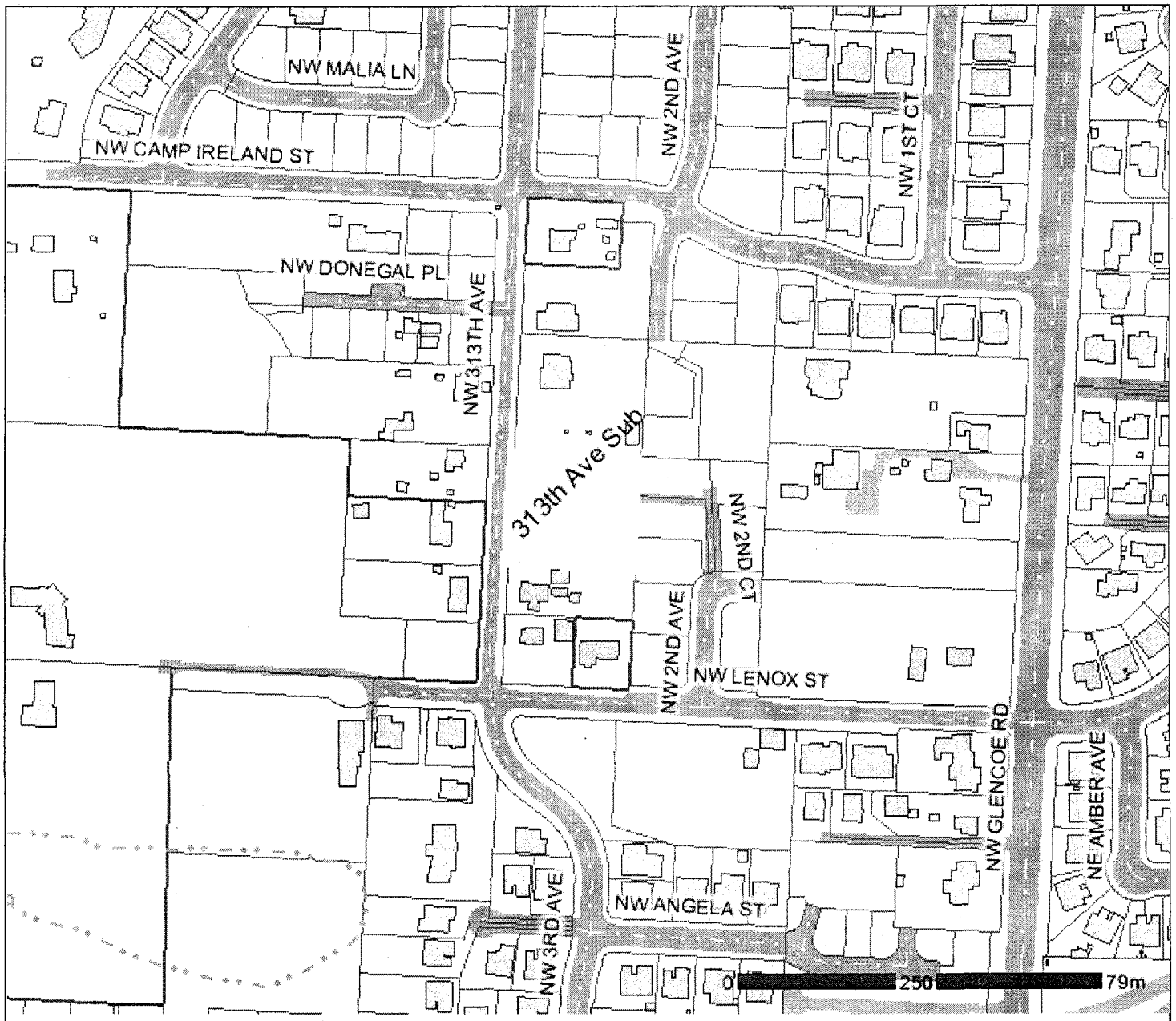
Attachment: Location Map

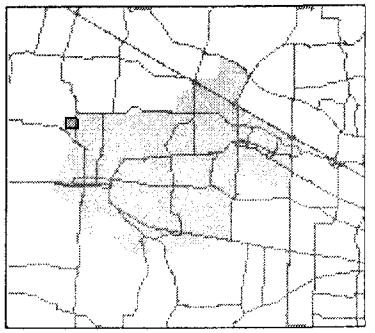
150 E Main, Fourth Floor
Hillsboro, Oregon 97123

Office: 681-6146
Fax: 681-6245

313th Avenue Subdivision

07-Feb-08 10:20 AM





DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. **SOURCE:** Hillsboro & WaCnty Data: Updated Weekly, Metro Data Updated Quarterly

1B2

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: April 1, 2008

TO: Mayor and City Council

FROM: Roy Gibson, Public Works Director

PROJECT: Johnson Townhomes

Description: Public improvements to serve new townhome development at 2685 SW 73rd Ave (1S210AD00400)

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

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

Developer: Gary Dimeo

	Construction	Deposit
Street	$68,064.00	$2,722.56
Storm	$14,325.00	$716.25
Sanitary	$12,375.00	$618.75
Water	$3,600.00	$750.00
TOTAL	$98,364.00	$4,807.56

Attachment: Location Map

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

Office: 681-6146
Fax: 681-6245

CITY OF HILLSBORO

Public Works Department, Engineering Division

DATE: April 8, 2008

TO: Utilities Commission

FROM: Roy Gibson, Public Works Director

PROJECT: Johnson Townhomes

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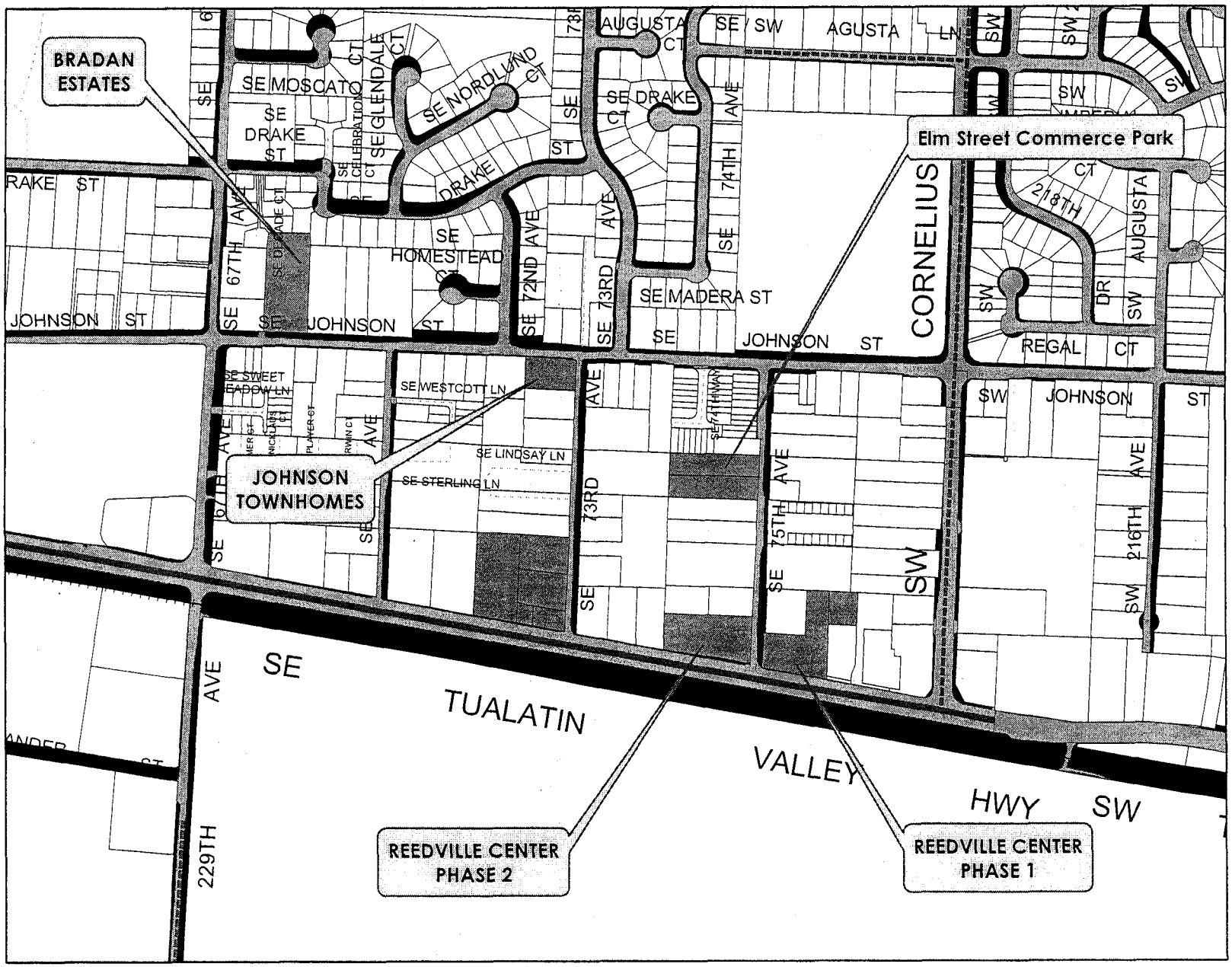

JOHNSON TOWNHOMES

Developer:

Gary Dimeo

Account #s

Street 10-06-7005
Sewer 52-02-7011
Storm 09-07-7006
Water 50-01-7118

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CITY OF HILLSBORO – PARKS & RECREATION DEPARTMENT

MEMORANDUM

DATE: March 21, 2008

TO: City Council

FROM: Mary Ordal, Project Manager

SUBJECT: LWCF Grant for Shute Park

REQUEST

Staff is requesting City Council authorization for the Mayor and City Recorder to execute a Project Agreement with Oregon Recreation and Parks Department for $55,850 in Land & Water Conservation Fund (LWCF) grant funds to be used for renovations and enhancements to Shute Park.

BACKGROUND

The Parks and Recreation Department originally applied for and was subsequently approved for funding of this project in 2006; there have been scheduling delays on the part of the state in the allocation of funds as they worked to get us our full grant request. The value of the total project is estimated at $111,700. The Project Agreement is the contract between the City and the State that we will implement the project as described in our grant proposal.

The $55,850 grant will be used for improvements at Shute park including:

- Shelter renovation, adding a patio, fireplace & connecting walkways
- Improvements to performance area; connecting walkway and landscape planters with seat walls
- Hardscape improvements outside the restroom: landscape planter with seat walls, pavers
- Additional park furnishings: benches, waste receptacles, play equipment

These improvements will upgrade existing features to extend their service life and enhance functions for park users; additional park furnishings will enable park to better serve users and distribute use throughout the park.

The City's matching share of funds will be comprised of $46,850 in matching funds using Parks SDC funds, $7,000 in in-kind labor, and $2,000 value in donations and volunteer labor. The Park Commission on March 25, 2008 voted unanimously to forward a recommendation to the City Council to authorize execution of the contract.

REQUEST

Based on the Park Commission recommendation, staff respectfully requests City Council to authorize the Mayor and City Recorder to execute the Project Agreement with Oregon Parks & Recreation Department for $55,850 in Land & Water Conservation Fund grant funds for improvements to Shute Park.

1D

CITY OF HILLSBORO

Hillsboro Parks & Recreation Department

4400 NW 229th Avenue, , Hillsboro, Oregon 97124
Phone: 503/681-6120 FAX: 503/681-6124

MEMORANDUM

DATE: **March 27, 2008**

TO: **City Council**

FROM: **Kevin Smith, Development Manager**

RE: **Consideration of authorizing the Mayor and City Recorder to execute documents necessary for the acquisition of approximately 0.58 Acres of property for Parks and Recreation purposes.**

REQUEST

The City Council is asked to consider a Park Commission recommendation to authorize the Mayor and City Recorder to execute documents necessary for acquisition of property consisting of approximately 0.58 acres from Centex Homes. This property is located in the Witch Hazel Village Neighborhood as shown on the attached maps. This tract would be part of a future neighborhood park pursuant to the Witch Hazel Village Community Plan. The Park Commission voted unanimously to forward this recommendation to the Council on March 25, 2008.

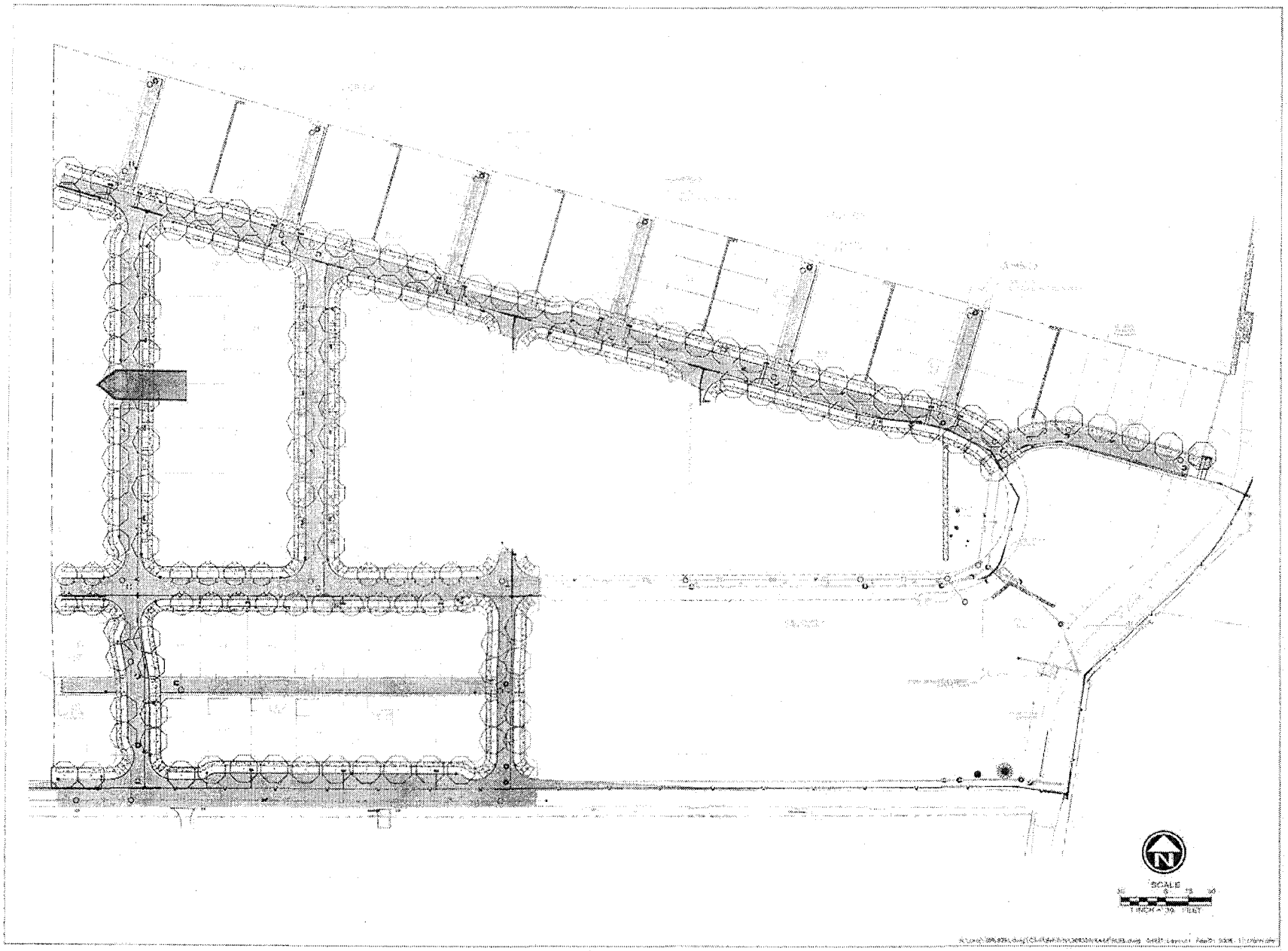
BACKGROUND

Parks and Recreation Department staff and the Park Commission have been in negotiations with Centex Homes for acquiring a portion of their Meadow Oak development for parks and recreation purposes. If approved, this property would be ultimately developed, with additional property to the west, as a neighborhood park to serve this area of the Witch Hazel Village. This future park would fulfill goals established in both the City's Parks Master Plan and the Witch Hazel Village Community Plan section of the Comprehensive Plan.

The property is generally located north of SW Davis Road, east of SW Brookwood Avenue and south of Tualatin Valley Highway. Cost for the property and street improvements made adjacent to the site is $439,907.83. Funding for the acquisition is available from a combination of existing Parks system development charges (SDC's) and through credit back to the owner for fees that would be assed through construction of homes in the Meadow Oak development.

RECOMMENDATION

At their regular meeting on March 25, 2008 the Park Commission voted unanimously to forward a recommendation to the City Council to authorize the Mayor and City Recorder to execute the documents necessary to acquire the property described in this report, , subject to City Attorney review. Given this recommendation, Staff would ask that Council grant authorization to execute the required documents.



CENTEX HOMES
Portland, OR 97224

DATE: 2/1/08

REVISIONS

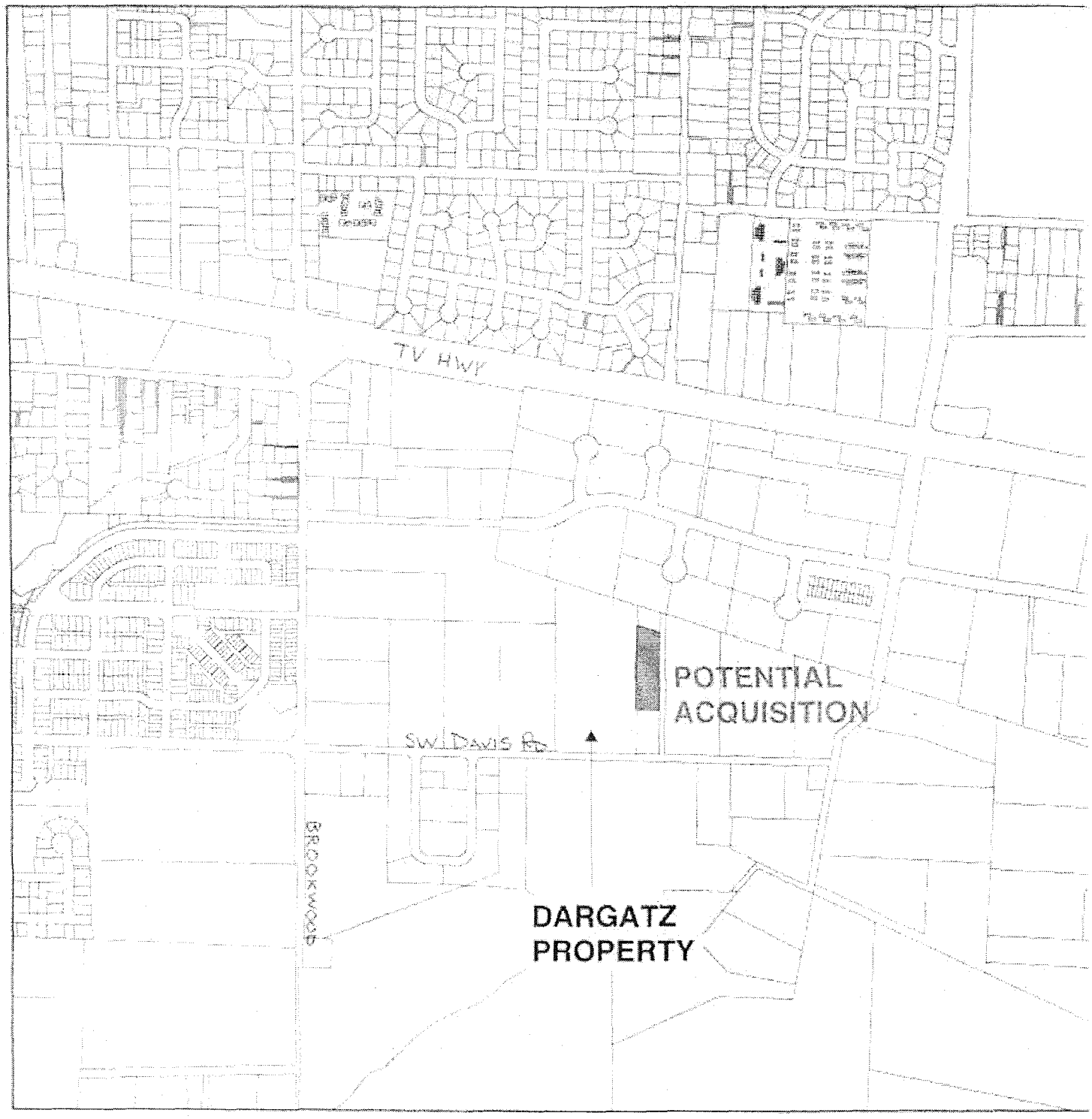
NO.	DATE	DESCRIPTION

MEADOW OAKS

alpha
Beaverton, OR 97005

PROJECT NO.: 309-225
TYPE: CONSTRUCTION
REVIEWED BY:

CENTEX ACQUISITION



POTENTIAL ACQUISITION

N
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0 500 1,000 2,000 3,000 4,000 Feet

CITY OF HILLSBORO

PROCLAMATION
Human Rights Torch Relay Day
April 12, 2008

WHEREAS, The Human Rights Torch Relay is an international campaign initiated by the Coalition to Investigate the Persecution of Falun Gong (CIPFG) to draw attention to China's appalling human rights situation and to press for changes; and,

WHEREAS, The Olympic Charter calls for the Games to represent "respect for universal fundamental ethical principles...the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity....Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement"; and,

WHEREAS, The International Olympic Committee has relied upon the People's Republic of China's pledge to improve human rights in China before the 2008 Olympics in Beijing, and the pledge to promote human rights by Liu Qi, former Beijing Mayor and current President of the Olympics Organizing Committee; and,

WHEREAS, The U.S. State Department said in its 2007 annual report on religious freedom that the Chinese regime continues to repress Christians, Tibetan Buddhists and Muslim Uighurs while the Falun Gong continued to face arrest, detention, and imprisonment, and there were credible reports of deaths due to torture and abuse, and the report also notes an apparent crackdown by the Chinese regime ahead of the 2008 Beijing Olympics; and

WHEREAS, The Chinese regime is guilty of murdering more of its citizens than Hitler, Stalin, and Pol Pot combined, and today harvests bodily organs for sale without consent from prisoners of conscience; and,

WHEREAS, the Human Rights Torch Relay support group is dedicated to righting these wrongs, ending human rights abuses in China and preserving the true Olympic spirit through this effort; and,

WHEREAS, the CIPFG Human Rights Torch Relay is now in Portland on this 12th day of April, 2008.

NOW THEREFORE, BE IT RESOLVED that I, Tom Hughes, Mayor of the City of Hillsboro, Oregon do hereby proclaim that Hillsboro supports the aims and intentions of the

Human Rights Torch Relay

and invite all our citizens to join me in supporting this effort to improve society by ending human rights violations in China.

Tom Hughes, Mayor
April 1, 2008

What You Can Do

- Contact your elected officials and urge them to investigate the CCP's crimes against humanity.
- Participate in the Portland torch-passing event in April- Please spread the word to local groups of all kinds.
- Sign up as a supporter and follow the progress of the torch around the world at www.humanrightstorch.org
- Contact local media and urge them to cover the HRTR.
- Listen to the song *"Feels Like 1936 Again"* by Randall Effner [justicewillprevail.com/setthemfree.html] and ask local radio stations to play it.

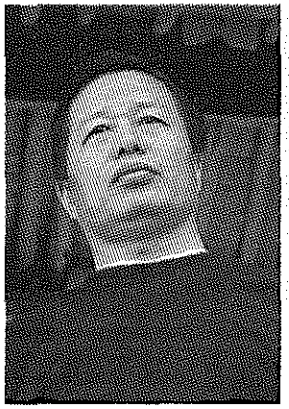
Portland local contact:
Amy hrtr2oregon@gmail.com
(503) 828-1720

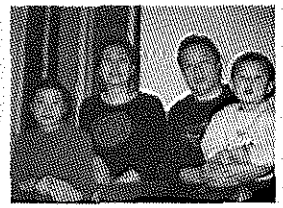
"... Reports coming out of [Chinese] prisons [say] that Falun Gong prisoners, people who are pacifists, are being murdered for their organ parts which are then sold.* ... It is time for the U.S. Congress to [agree] that as long as China is in Burma and Darfur, where they are behind the scenes playing a horrible role, [that we] join together and say we will not participate in an Olympics hosted by such a criminal government."

-Congressman Dana Rohrabacher

* organharvestinvestigation.net

"China's Conscience" Arrested





Renowned Chinese human rights attorney Gao Zhisheng and his family.
Gao is now secretly detained and his family is under house arrest.

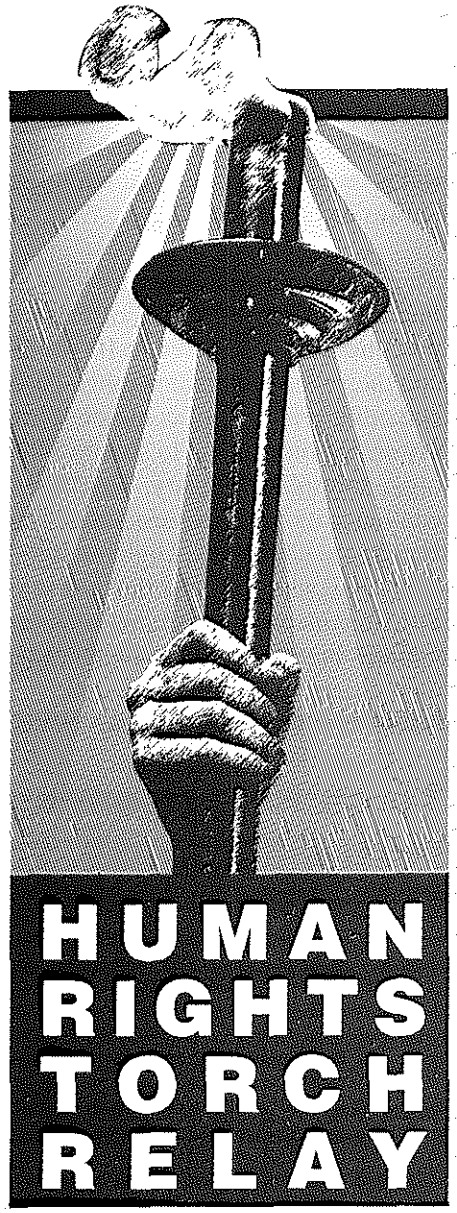
As we approach the Beijing Olympics, I ask you to pay attention to the ongoing human rights disaster in China [and] seriously consider the extent to which the values of morality, justice, and humanity are undermined in China.

–Gao Zhisheng, Sept. 20, 2007, from his letter to the U.S. Congress, two days before his arrest.

Gao Zhisheng, Nobel peace prize nominee and recipient of the American Board of Trial Advocacy's 2007 Courage Award, was secretly detained by the CCP on Sept. 23 following his open letter* to the U.S. Congress. Gao, a Christian, and his family have been followed by scores of Chinese police every day for three years and have endured extreme persecution.

Known as "China's Conscience," Gao expressed his deep concern about the Beijing Olympics and urged the U.S. Congress to pay attention to China's human rights crimes. His letter included evidence of Beijing's brutal suppression affecting dispossessed families, Christians, Tibetan Buddhists, rights activists, and Falun Gong, which Gao described as "by far the most long-lasting and the most serious human rights disaster in China and in the world."

*http://en.epochtimes.com/news/7-9-27/60173.html



Coming to Portland
April 12, 2008
www.HumanRightsTorch.org

Why a Human Rights Torch Relay?

China was granted the right to host the Olympics after it pledged to adhere to the Olympic Charter and improve its human rights record. Instead, its human rights abuses have worsened.

The Chinese Communist Party (CCP) has intensified the persecution of Falun Gong practitioners—estimated at 100 million—and their families. Falun Gong adherents and other prisoners of conscience are vivisected on demand to supply a thriving organ transplant industry. The CCP continues its brutal repression of Tibetan Buddhists, Christians, Uighurs, rights advocates, reporters and defense lawyers. The CCP also supports other totalitarian regimes in perpetrating slaughter upon their citizens—in Sudan, Burma, Zimbabwe, and North Korea.

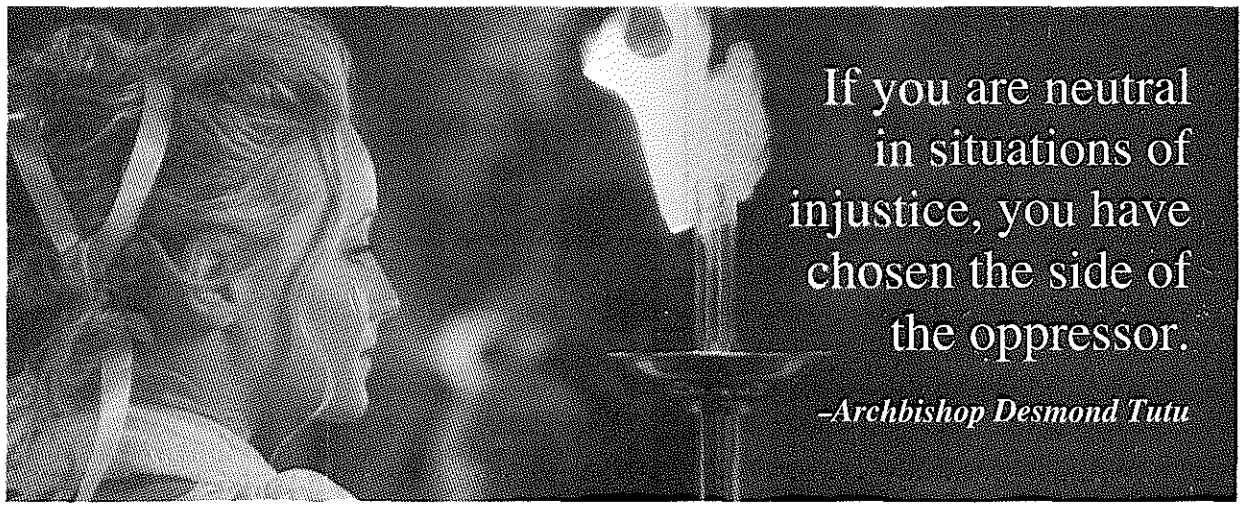
Torch Relay Coming to Portland April 12, 2008

HRTR participants—government officials, Olympic medallists, individuals and organizations the world over—are carrying a symbol of justice and human dignity to cities around the world. We believe this effort can save lives and protect the dignity of all human beings. We invite all to join the **Torch Receiving Ceremony and March** in Downtown Portland.

Park Ave & Salmon St.
April 12, 2008, 1-5 pm

Local contact:
Amy hrtr2oregon@gmail.com
(503) 828-1720

A Message of Hope and Dignity



The "Goddess of Justice" carries the torch at the HRTR kickoff in Athens, Greece, Aug. 9, 2007

What Is the Human Rights Torch Relay?

Munich HRTR parade

HRTR in Paris

Czech officials

The Human Rights Torch Relay (HRTR) is an international grassroots campaign that seeks to bring an end to all human rights abuses against the people of China while highlighting the persecution of Falun Gong, the most severely persecuted group in China today. During the run up to the 2008 Olympics, the HRTR will sponsor events in 37 countries on six continents to publicize its founding premise:

The Olympics and crimes against humanity cannot coexist in China.

http://www.HumanRightsTorch.org

Global Human Rights Torch Relay

www.CIPFG.org

August 9, 2007 - August 8, 2008

Organizer:

The Coalition to Investigate the Persecution of Falun Gong in China (www.CIPFG.org)

Human Right Torch Relay is:

An international campaign that seeks to bring an end to all human rights abuses against the people in China.

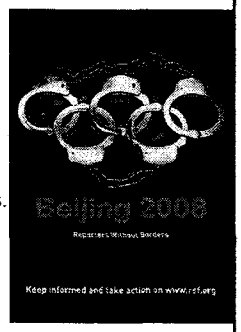
Three Objectives:

1. Reveal the Chinese Communist Party's tyranny.
2. Stop human rights violations.
3. Highlight the persecution of Falun Gong.

The Olympics and Crimes against Humanity cannot coexist in China

Worsening Human Rights Record

- The Chinese regime did not fulfill its pledge to improve its human rights record
  - Political prisoners are held without due processing.
  - Detains the most journalists.
  - Executes the most prisoners of any country.
  - At least 200 lawyers are in prison for defending clients.



Most Severely Persecuted ...

- Estimated 100 million people affected ...
- 3145 confirmed death cases ...

Falun Gong practitioners who peacefully practice Truthfulness, Compassion, and Tolerance

Since Jan. 1st 2008 ...

- Right before the Olymplc Games
- Large-scale arrests of Falun Gong adherents throughout China is being conducted
- As of 3/12/08, 1878 known arrests across 29 provinces and major cities.

New Evidence of Unimaginable Evil

David Matas, an international human rights lawyer, and David Kilgour, the former Canadian Secretary of State for Asia-Pacific released their findings of ...

- **Falun Gong prisoners of conscience have had their <u>organs forcibly extracted and sold throughout China</u>**

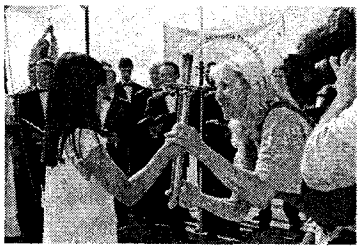
Crimes Against Humanity

- **"Organ harvesting of unwilling donors where it is either systematic or widespread is a crime against humanity." – Kilgour**
- **"This is a form of evil we have yet to see on this planet" – Kilgour & Matas**
- **Their report "Bloody Harvest" can be found in organharvestinvestigation.net**

Human Rights Torch Relay

- This Relay is to help protect the dignity of all human beings.

- We know too much to remain silent, as the world did before the Nazi-hosted 1936 Berlin Games.



- Former East German athlete Ines Geipel, who set the world record with team mates for the 4x100m relay, received the Human Rights Torch from seven-year-old Chen Fadu, who lost her father because of the CCP's persecution of Falun Gong (Berlin, Aug. 2007).

- Mayor and former Olympian Ron Clarke presented with the Human Rights Torch (Gold Coast, Australia, Nov. 2007)

- Human Rights Torch Relay in Tel Aviv (Israel, Feb. 2008)

Local Rally and March

- April 12 (Sat.) at 1PM.
- South Park Block at Park Ave. and Salmon St. in downtown Portland.

"I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented."

- Elie Wiesel

Global Human Rights Torch Relay

www.CIPFG.org

CITY OF HILLSBORO

Planning Department

150 E. Main Street, 4th Floor
Hillsboro, Oregon 97123-3999
Phone: 503/681-6400 FAX: 503/681-6431

STAFF REPORT

March 26, 2008

TO: City Council

FROM: Planning Department
Donald P. Odermott, PE

RE: Disposition of Real Property - NE Brookwood Parkway
Intergovernmental Agreement Authorization

On March 11th, 2008, the City Finance Committee recommended approval of various property disposition tasks associated with real property owned by the City of Hillsboro adjacent NE Brookwood Parkway, north of E. Main Street. Attached to this Staff Report is a copy of the Staff Report prepared for the Finance Committee which provides background information relating to these proposed property dispositions. Additionally, attached is a copy of an Intergovernmental Agreement (IGA) negotiated between the City and County which specifies the terms and conditions associated with the proposed dispositions. Subject to the approval of the proposed dispositions, it is recommended that the City Council consider approval of the IGA as the mechanism to accomplish the proposed dispositions.

REQUESTED ACTIONS:

Consider Finance Committee recommendation regarding the following disposition actions relating to City-owned real property adjacent NW Brookwood Parkway:

a) Declare as surplus those real property parcels described as Tract "A", Tract "E", Lot 2, and Lot 3 on the Brookwood Passage Preliminary Subdivision Plat; and

b) Authorize the transfer of deed for Tract "E", in conjunction with the value of right-of-way previously dedicated by the City of Hillsboro to Washington County and other financial consideration, in exchange for the deed to Tract "B", and authorize the Mayor and City Recorder to execute the documents; and

c) Authorize the transfer of deeds for Lot 2, Lot 3, and Tract "A" to Washington County with deferred compensation; and authorize the County to market and sell those Lots and Tract, on behalf of the City of Hillsboro and in conjunction with

RESOLUTION No. _____

A RESOLUTION AUTHORIZING THE TRANSFER AND SALE OF REAL PROPERTY

WHEREAS, on August 3, 1994, the City of Hillsboro purchased with Street Funds real property located on NE Brookwood Avenue for use in the future extension of NE Brookwood Parkway between E. Main Street and NE Cornell Road;

WHEREAS, Washington County purchased other real property both north and south of the property purchased by the City of Hillsboro, and secured easements from the Port of Portland Hillsboro Airport for purposes of the future extension of NE Brookwood Parkway; and

WHEREAS, Washington County has completed construction of the NE Brookwood Parkway improvements and opened the roadway to public traffic in the summer of 2001; and

WHEREAS, the City of Hillsboro dedicated in Document No. 2003-54257 as public right of way that portion of the previously purchased real property necessary to accommodate both the extension of NE Brookwood Parkway and a public connector roadway linking NE Brookwood Parkway and NE Brookwood Avenue, with compensation from Washington County for the value of the land deferred until disposition of all remaining adjoining properties is accomplished; and

WHEREAS, following the dedication of public right of way, the City of Hillsboro is presently the owner of Tax Lot 01700 located on the west side of NE Brookwood Parkway, north of E. Main Street and W Baseline Road, and is the owner of Tax Lots 01702 and 01703 located respectively on the northeast and southeast quadrants of the intersection of NE Brookwood Parkway and the public road connection to NE Brookwood Avenue, all real properties located in the southwest quarter of the southeast quarter of Section 33, Township 1 North, Range 2 West, Willamette Meridian, City of Hillsboro, Washington County, Oregon; and

WHEREAS, Washington County has processed through the City of Hillsboro the Brookwood Passage Subdivision Preliminary Plat approval for those properties owned by both the City of Hillsboro and Washington County; and

WHEREAS, the City of Hillsboro owned real-property presently designated in Washington County Assessment and Taxation records as Tax Lot 01700 is designated as Lot 2, Tract A, and Lot 3 in the Brookwood Passage Subdivision Preliminary Plat; and

WHEREAS, the City of Hillsboro owned real-property presently designated in Washington County Assessment and Taxation records as Tax Lot 01703 is designated as Tract E in the Brookwood Passage Subdivision Preliminary Plat; and

WHEREAS, the City of Hillsboro owned real-property presently designated in Washington County Assessment and Taxation records as Tax Lot 01702 is designated as Lot 7 in the Brookwood Passage Subdivision Preliminary Plat; and

WHEREAS, the City of Hillsboro has identified in its adopted Transportation System Plan an intent to extend NE Brogden Street east to intersect with NE Brookwood Parkway across a parcel of land presently owned by Washington County and designated as Tract B in the Brookwood Passage Subdivision Preliminary Plat; and

WHEREAS, the City of Hillsboro and Washington County propose to exchange City-owned Tract E together with the value of the previously City-owned land dedicated for public right of way in Document No. 2003-54257 for the County-owned Tract B together with approximately $13,400 in additional cash based upon the differential in land area and the value of the land as established through an appraisal; and

WHEREAS, the City of Hillsboro and Washington County propose to declare as surplus and jointly market for sale at public auction their respective adjoining properties on the west side of NE Brookwood Parkway, specifically including the City of Hillsboro owned Lot 2, Tract A, and Lot 3, presently depicted in Washington County Assessment and Taxation records as Tax Lot 01700; and

WHEREAS, an appraisal has been performed and has established the value of Tax Lot 01700 owned by the City of Hillsboro and proposed for sale at public auction to be approximately $1,290,000 based upon its ability under current City of Hillsboro Zoning to support development of 4 single family dwellings and 23 attached dwelling units; and

WHEREAS, the City of Hillsboro agrees to enter into an Intergovernmental Agreement with Washington County which will specify the methods, terms, timing of tasks and payments, and conditions associated with the property dispositions described herein, including the methodology for establishing proportional sharing of, and re-payment to Washington County from sale proceeds of, costs associated with the subdivision of properties, the appraisal, and the marketing and closing costs associated with the property dispositions; and

WHEREAS, notice of the proposed property disposition has been published in the manner provided in ORS 221.725; and

WHEREAS, the City Council conducted a public hearing on this matter on April 1, 2008, and has found it necessary, expedient, not prejudicial to the public, and in the best interest of the City to declare as surplus and transfer/sell ownership of said City-owned property as described herein and does hereby favor such transaction.

NOW, THEREFORE, BE IT RESOLVED, by the Hillsboro City Council, that the parcel of land described as Tax Lot 01700 (Lot 2, Tract A, and Lot 3 of Brookwood Passage Preliminary Subdivision Plat) is hereby declared to be surplus and is authorized to be transferred to Washington County for sale at public auction, and that parcel of land described as Tax Lot 01703 (Tract E of Brookwood Passage Preliminary Subdivision Plat) is hereby declared to be surplus and is authorized to be transferred together with the value of land previously dedicated to the public in Document No. 2003-54257 to Washington County in exchange for Tax Lot 1000 (Tract B of Brookwood Passage Preliminary Subdivision Plat) and cash as described herein.

Introduced and passed by the Council this 1st day of April, 2008.

Approved by the Mayor this 1st day of April, 2008.

_____
Mayor

ATTEST: _____
City Recorder

CITY OF HILLSBORO

Planning Department

150 E. Main Street, 4th Floor
Hillsboro, Oregon 97123-3999
Phone: 503/681-6400 FAX: 503/681-6431

STAFF REPORT

March 5, 2008

TO: Finance Committee

FROM: Planning Department

RE: Disposition of Real Property Request
NE Brookwood Parkway

BACKGROUND:

On August 3, 1994, the City of Hillsboro purchased real property located on NE Brookwood Avenue for future extension of NE Brookwood Parkway between E. Main Street and NE Cornell Road. The purchase was made with Street Fund revenue. Subsequently, Washington County assumed management of the project to purchase additional properties and design/construct the new roadway which was opened to public traffic in 2001. Figure "A" illustrates the multitude of parcels which are owned by Washington County and the City of Hillsboro. Figure "B" highlights the property originally purchased by the City of Hillsboro.

Since the original parcels purchased by the road agencies were subsequently split by the new road right-of-way for NE Brookwood Parkway, it was determined that a subdivision process would be required to reestablish legal tax lots which would then be marketable for re-sale purposes. The City of Hillsboro has approved the Preliminary Subdivision Plat used in Figures "A" and "B" (Brookwood Passage SUB 10-06), and has recently granted an extension until November of 2008 to record the final plat. Recording of the final plat will occur following signing of an Intergovernmental Agreement (IGA) between the County and the City establishing the terms and conditions associated with the disposition of properties and the sharing of costs associated with the processing of the subdivision and the marketing/sale of the surplus property. This Finance Committee action, with its recommendation to the City Council, is the next step in the formal process necessary to complete that process.

Additionally, the exchange of Deeds involving ownership of public property requires a public hearing and City Council approval of a resolution, including conformance with the public notice requirements under the provisions of ORS 221.725. For this reason, staff is requesting that the Finance Committee include an initial request to the City Council that a public hearing be set for April 1, 2008, to consider the issues associated with the disposition of the real property, which are foundational to the resulting IGA.

Attached is the Intergovernmental Agreement (IGA) prepared by City and County staff which has been reviewed and approved as to form by both the City Attorney and County Counsel. It references Exhibits "A", "B", and "C". You will note that the updated version of Exhibit "A" has not yet been prepared by the County as it lacks the Lot and Parcel designations presented in Figure "A" in this Staff Report.

A commercial appraisal was commissioned by Washington County, dated December 12, 2006, which considered the number of developable lots within the Brookwood Passage Subdivision. Based upon the appraisal, the value established per buildable lot is $56,186. The appraisal, which was prepared with guidance from the City of Hillsboro Planning Department in order to ensure compliance with City land use regulations, establishes the estimated number of buildable lots on the varying parcels of land within the subdivision. From these determinations was derived the basis of value used in the following proposed property disposition transactions.

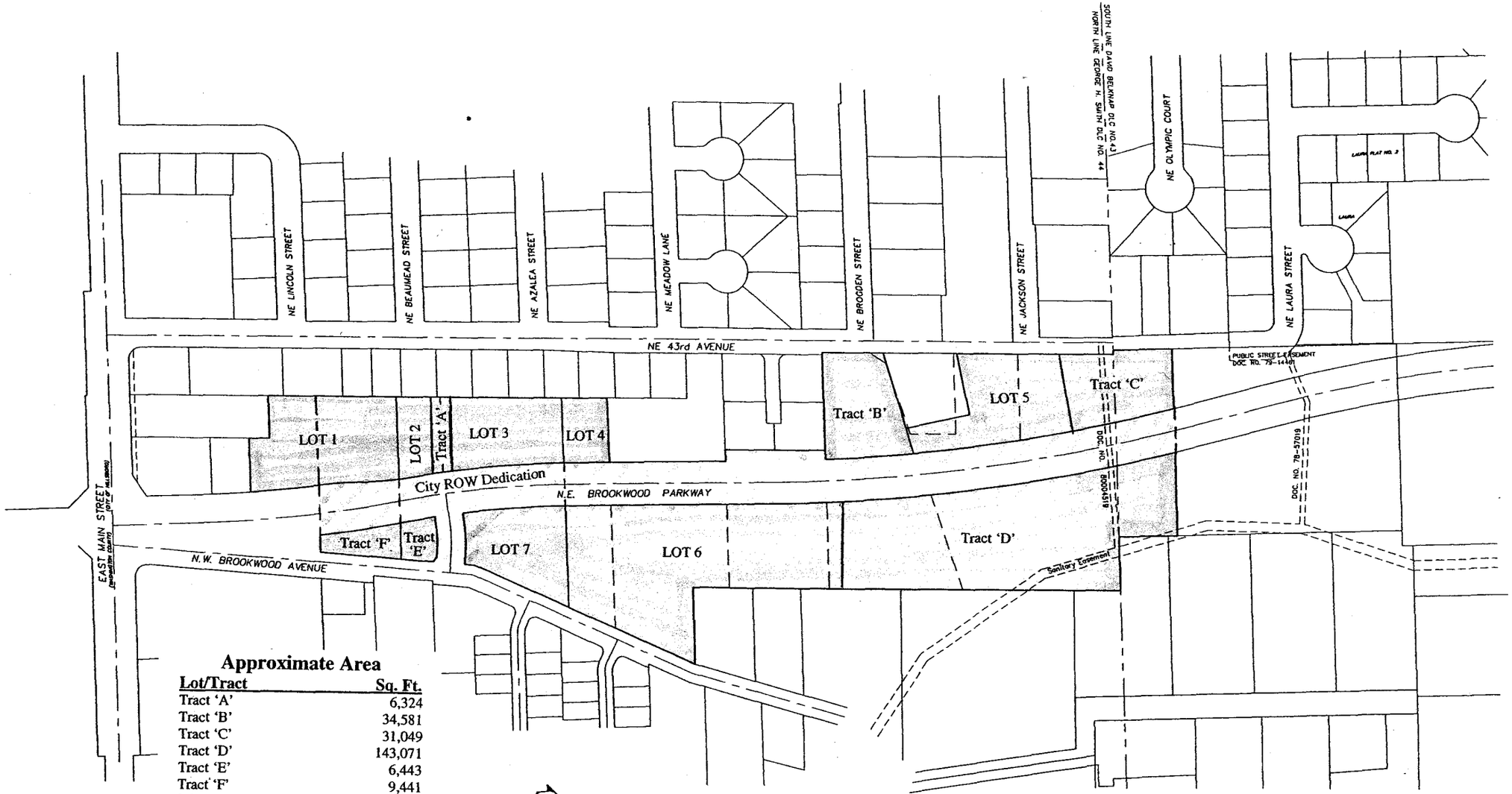
REQUESTED ACTIONS:
Staff requests that the following be considered by the Finance Committee for recommendation of approval to the City Council:

1. **Recommend that a public hearing be scheduled in accordance with ORS 221.725 to consider and authorize the following real property disposition actions:**

   a. **Authorize the transfer of deed for Tract "E", in conjunction with the value of right-of-way previously dedicated by the City of Hillsboro to Washington County, in exchange for the deed to Tract "B".** Tract "B" is of interest to the City of Hillsboro for potential future extension of bicycle, pedestrian, and potentially vehicular access from NE Brogden Street to NE Brookwood Parkway. The exchange of values will result in cash back to the City of Hillsboro for the difference in land area and land value upon completion of all property exchanges and sales related to this transaction.

   b. **Authorize the transfer of deeds for Lot 2, Lot 3, and Tract "A" to Washington County with deferred compensation. Authorize Washington County to market and sell, on behalf of the City of Hillsboro and in conjunction with adjoining County-owned Lot 1 and Lot 4, that area adjoining the western side of NE Brookwood Parkway with vehicular access to NE Brookwood Parkway thru Tract "A".** The sale shall occur at County auction with the minimum bid required to meet or exceed the value set by the appraisal, unless otherwise authorized by the Hillsboro City Council and the Washington County Board of Commissioners. Proceeds from the sale of the City-owned portion of the land, less the City's proportion of costs, shall be paid to the City following closing of the property sale and completion of final cost accounting by the City and County.

2. **Subject to approval of the real property disposition actions described above, recommend to the City Council that the City of Hillsboro enter into an Intergovernmental Agreement with Washington County establishing the terms and conditions associated with the Brookwood Parkway property dispositions.** This IGA will include provisions for reimbursement to Washington County of proportional costs associated with the preparation and processing of the subdivision, in addition to the costs of marketing and selling the properties described above. Additionally, the IGA shall contemplate a proposal from the City of Hillsboro Parks and Recreation Department to separately purchase from the County Lot 6 and Tract "D", subject to a separate approval action of the Hillsboro City Council, to be adjoined with the City-owned Lot 7 for use as a future public park.

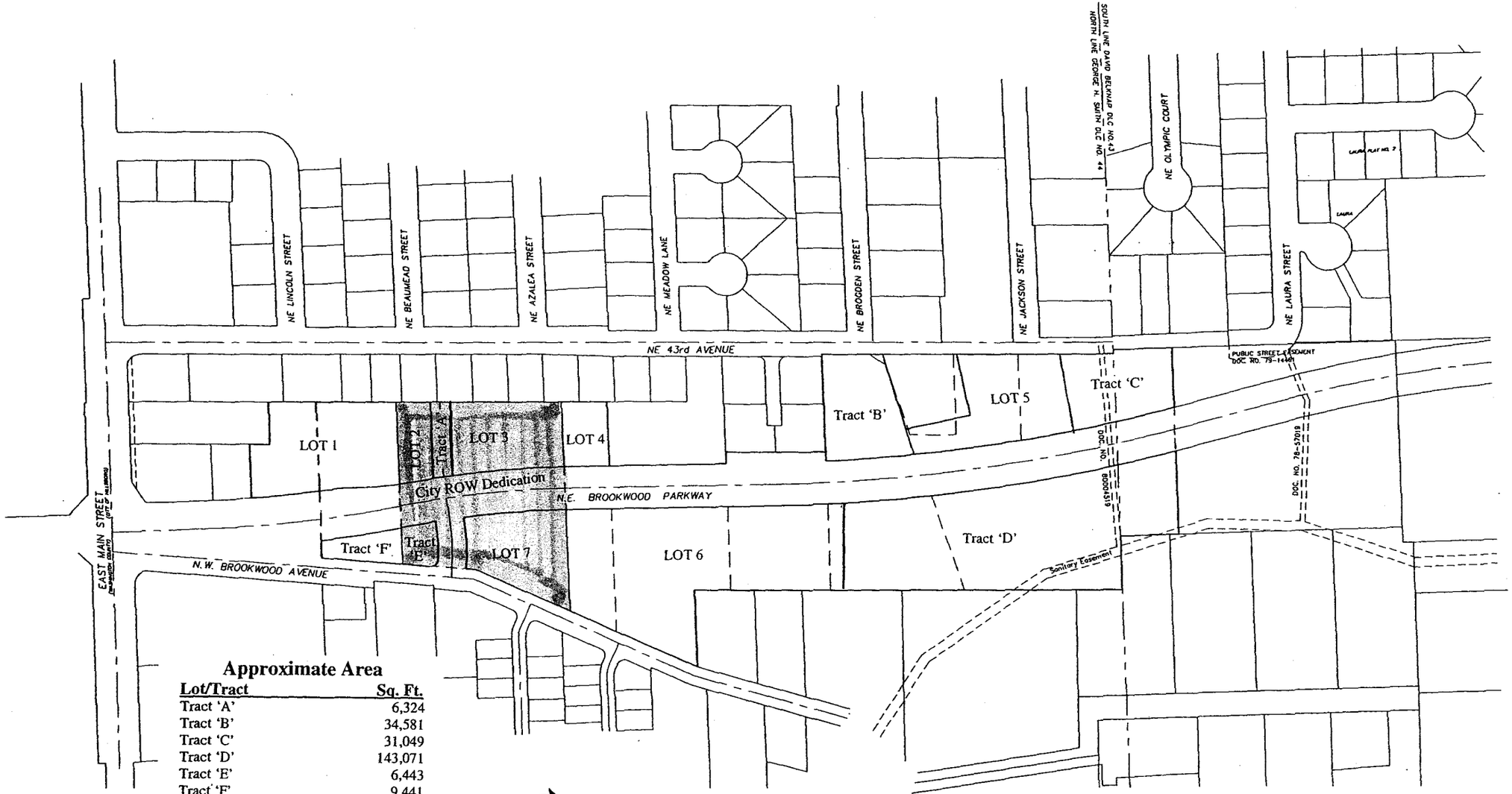


Approximate Area

Lot/Tract	Sq. Ft.
Tract 'A'	6,324
Tract 'B'	34,581
Tract 'C'	31,049
Tract 'D'	143,071
Tract 'E'	6,443
Tract 'F'	9,441
LOT 1	54,693
LOT 2	12,174
LOT 3	33,805
LOT 4	13,055
LOT 5	47,949
LOT 6	129,312
LOT 7	34,065
City ROW Dedication	37,579

Preliminary Plat
Brookwood Passage Subdivision

Figure A



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LOT 3	33,805
LOT 4	13,055
LOT 5	47,949
LOT 6	129,312
LOT 7	34,065
City ROW Dedication	37,579

Property Purchased by City (1994)

Preliminary Plat
Brookwood Passage Subdivision

Figure B

INTERGOVERNMENTAL AGREEMENT

WASHINGTON COUNTY AND CITY OF HILLSBORO

NE BROOKWOOD PARKWAY EXTENSION: NE Airport Road to W Baseline Road

CONSOLIDATION OF PARCELS, PLATTING OF SUBDIVISION, AND EXCHANGE AND SALE OF REMAINDER PARCELS

THIS AGREEMENT is made and entered into by and between WASHINGTON COUNTY, hereinafter referred to as "COUNTY"; and the CITY OF HILLSBORO, hereinafter referred to as "CITY."

W I T N E S S E T H

ARTICLE I - RECITALS

WHEREAS, COUNTY has completed the MSTIP 3 project for the construction of NE Brookwood Parkway, between West Baseline Road (E Main Street) and NE Cornell Road and a CITY connector road between NE Brookwood Parkway and NE Brookwood Avenue. As a result of the project, CITY and COUNTY each own a number of remnant lands, as shown generally on the attached Exhibit A; and

WHEREAS, both the COUNTY and the CITY wish to reconfigure the property lines of their respective properties to enhance the value of the property; exchange certain, identified parcels between the COUNTY and CITY which will benefit the other agency; sell the remnant parcels; and dedicate portions of their property; and

WHEREAS, the COUNTY and the CITY agree that it is appropriate to prepare and submit a subdivision application, in order to accomplish their goals, and that it would be economical to provide for a single subdivision for both the COUNTY and CITY property, and to proportionally share the costs of survey, review and recording fees; and any fees associated with the sale of the remnant parcels; and

WHEREAS, the CITY wishes to acquire a portion of the remnant lands for its Parks and Recreation Department, identified as Lot 6 and Tract D, as shown on Exhibit A; and

WHEREAS, the COUNTY and the CITY wish to sell the remaining remnant parcels, identified as Lots 1,2,3, 4, and 5, and Tracts A and C as shown on Exhibit A; and

WHEREAS, ORS 190.003 – 190.010 authorizes agencies to enter into intergovernmental agreements for the performance of any or all functions and activities that a party to the

and Tract D in their entirety to the CITY for the agreed upon price, as set forth in Article IV below. County shall within 30 days of recording the final subdivision plat, reach a mutual agreement with City on escrow instructions related to the sale of Lot 6 and Tract D to the City.

8 COUNTY shall, within 60 days of recording the final subdivision plat, schedule and advertise for sale Lots 1,2,3, and 4 together with Tract A, and Lot 5 together with Tract C (including both the COUNTY and CITY property) as shown on Exhibit A. County shall consult with City on the terms and conditions of the sale(s). The terms of sale(s) shall provide that sale(s) shall be for not less than the appraised value of the property. If no bids are received that equal or exceed the appraised value of the property, it shall not be sold. Upon request, in the event the property or properties are not sold, County shall reconvey to City the property conveyed by the City to County pursuant to Article III below. County shall have authority to sell all property designated for sale under this Agreement, subject to the terms and conditions stated herein, applicable statutes, and additional terms and conditions agreed to by the parties' representatives and not inconsistent with the terms herein.

9. COUNTY shall keep records of COUNTY costs associated with the work required for subdivision, advertisement and sale of the subject property in accordance with COUNTY and CITY standards, as provided in Article IV below. COUNTY shall provide a final cost accounting, including all external costs, to the CITY within 90 days of the property sale and prior to payment to the CITY as set forth in Article IV below. COUNTY shall be entitled to recover its reasonable external costs as described in Article IV below. Both the City and the County shall not be eligible for compensation of their individual internal costs associated with this Agreement.

10. COUNTY shall perform actions required as set forth in Article IV - Compensation.

ARTICLE III - CITY OBLIGATIONS

1. CITY shall enter into and execute this Agreement through a duly authorized session of its City Council.

2. CITY shall, upon execution of this Agreement, assign a liaison person to be responsible for coordination of activities under this agreement with COUNTY.

3. CITY shall provide comments to COUNTY or its consultant on the subdivision configuration, similar in format to that shown on Exhibit A, prior to submittal of a preliminary subdivision plat application, which application shall be processed through the CITY's formal subdivision review process. City shall review the subdivision plat application in accordance with its adopted regulations and when the plat is in full compliance therewith, shall cause the subdivision plat to be approved, signed, filed, and recorded in a manner more particularly described in

Tract E and related dedicated right-of-way , shall owe to the CITY, the sum of $_____, which represents the estimated value per square foot, multiplied by the net difference in square footage from the exchange of properties between the COUNTY and CITY. The amount owed shall be paid in accordance with Article IV.4.

4. COUNTY shall, within 120 days of the sale of Lot 1, Lot 2, Lot 3, Lot 4, and Tract A, pay to the CITY the City's proportional share of the proceeds from the sale, together with proceeds owed to the City in accordance with Article IV.3, less expenses as defined in Article IV.1 and Article IV.2.

5. CITY, within 60 days of the recording of the final plat, shall pay the COUNTY $_____ for the purchase of Lot 6 and Tract D (both portions of Parcel A) as shown on Exhibit C. Escrow instructions shall be mutually agreed upon by both parties within 30 days of the recording of the final plat.

ARTICLE V - GENERAL PROVISIONS

1. LAWS OF OREGON

The parties agree to abide by all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be governed by the laws of the State of Oregon. All provisions required by ORS Chapter 279 to be included in public contracts are hereby incorporated by reference and made a part of this Agreement as if fully set forth herein.

2. DEFAULT

Either party shall be deemed to be in default if it fails to comply with any provision of this Agreement. CITY and COUNTY agree time is of the essence in the performance of any of the obligations within this Agreement. Complaining party shall provide the other party with written notice of default and allow thirty (30) days within which to cure the defect. CITY shall pay the COUNTY for all costs incurred for satisfactorily completed and authorized work up to the time of default. CITY or COUNTY shall be liable for all costs and damages arising from their default.

3. INDEMNIFICATION

This Agreement is for the benefit of the parties only. Each party agrees to indemnify and hold the other harmless, to include their respective officers, employees, agents and representatives, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omission of services or in any way resulting from the negligent or wrongful acts or omissions of the parties so indemnifying and/or its officers, employees, agents or

herein regarding this contract.

10. FORM OF DEEDS; COMPENSATION; TITLE INSURANCE

Except as expressly provided otherwise, any conveyance under this agreement from one party to the other shall be by statutory bargain and sale deed, subject to all easements and conditions of record, and subject to the applicable terms and conditions of the City's Notice of Decision for Case File No. SUB 10-06, dated November 30, 2006. Where properties are to be exchanged without monetary compensation or with delayed release of monetary compensation, the deeds shall so state. Where monetary compensation is to be provided concurrent with the exchange of deeds, it shall be paid in full prior to recording of the deed. The party acquiring the property is responsible for all actions and costs necessary to secure title insurance, if it elects to secure such insurance. The parties agree to cooperate in good faith to achieve closing of the real property transactions contemplated in this agreement, and to equitably share any costs of closing or prorations at closing due as a result of said transactions.

11. APPROVAL OF LAND TRANSACTIONS

The parties' obligations to sell, exchange, and acquire property under this agreement are subject to the adoption by their respective governing bodies of any ordinance, order, or resolution required to authorize the transactions; and to any approval of deeds or legal descriptions necessary for execution and recording of deeds.

12. STATUTORY NOTICE

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424 OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007."

ARTICLE VI - TERM OF AGREEMENT

1. The term of this Agreement shall be from the date of execution for two (2) years.

2. This Agreement may be amended or extended for periods of up to one year by consent of the parties, subject to provisions of this Agreement. Except for breach, it may be canceled or terminated for any reason beyond the control of the parties.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year hereinafter written.

DONE AND DATED this _____ day of _____, 2008.

CITY OF HILLSBORO

_____
Title:_____

Date:_____

ATTEST:

_____
CITY Recorder

WASHINGTON COUNTY, OREGON

_____
Title:_____

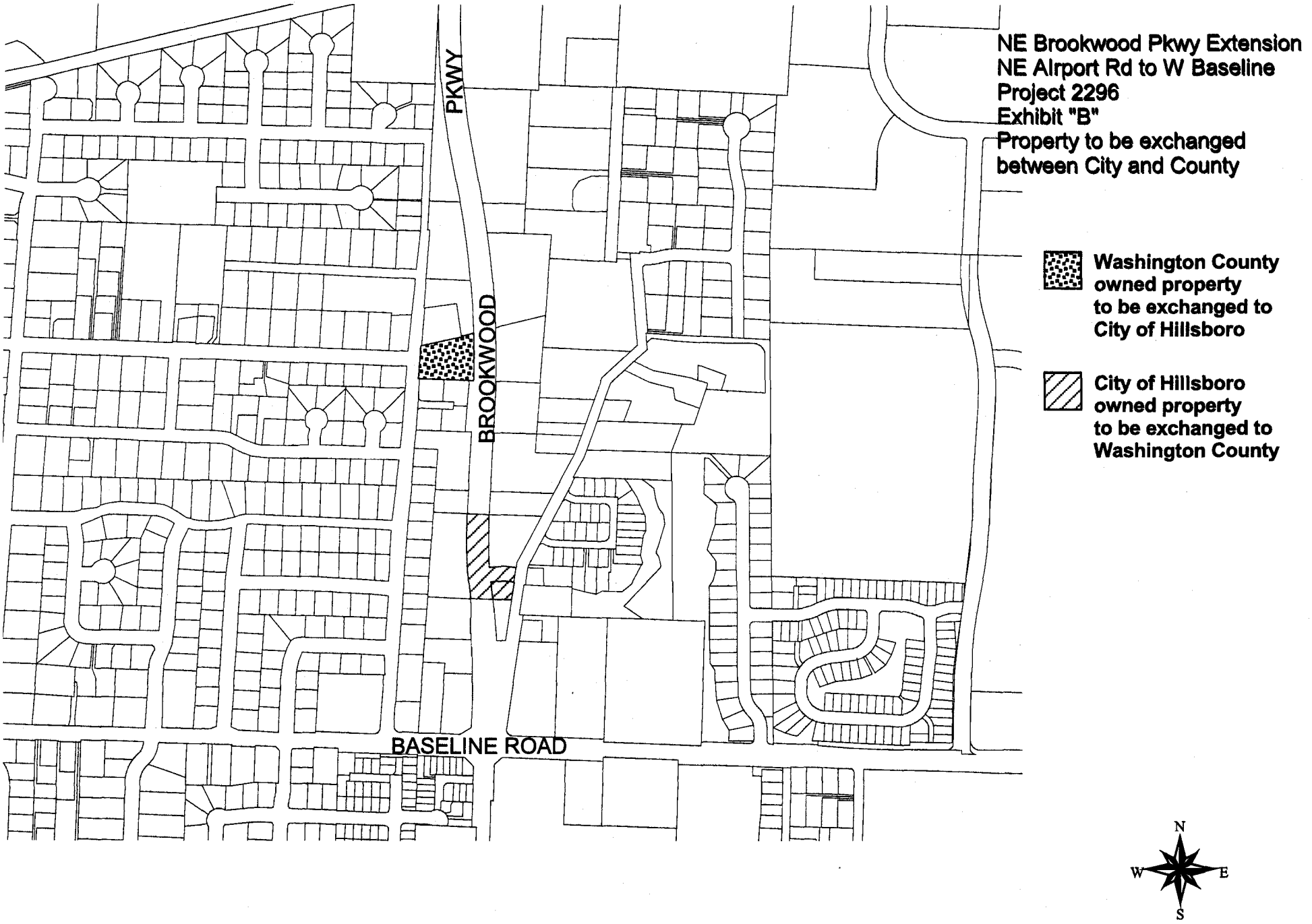
Date:_____

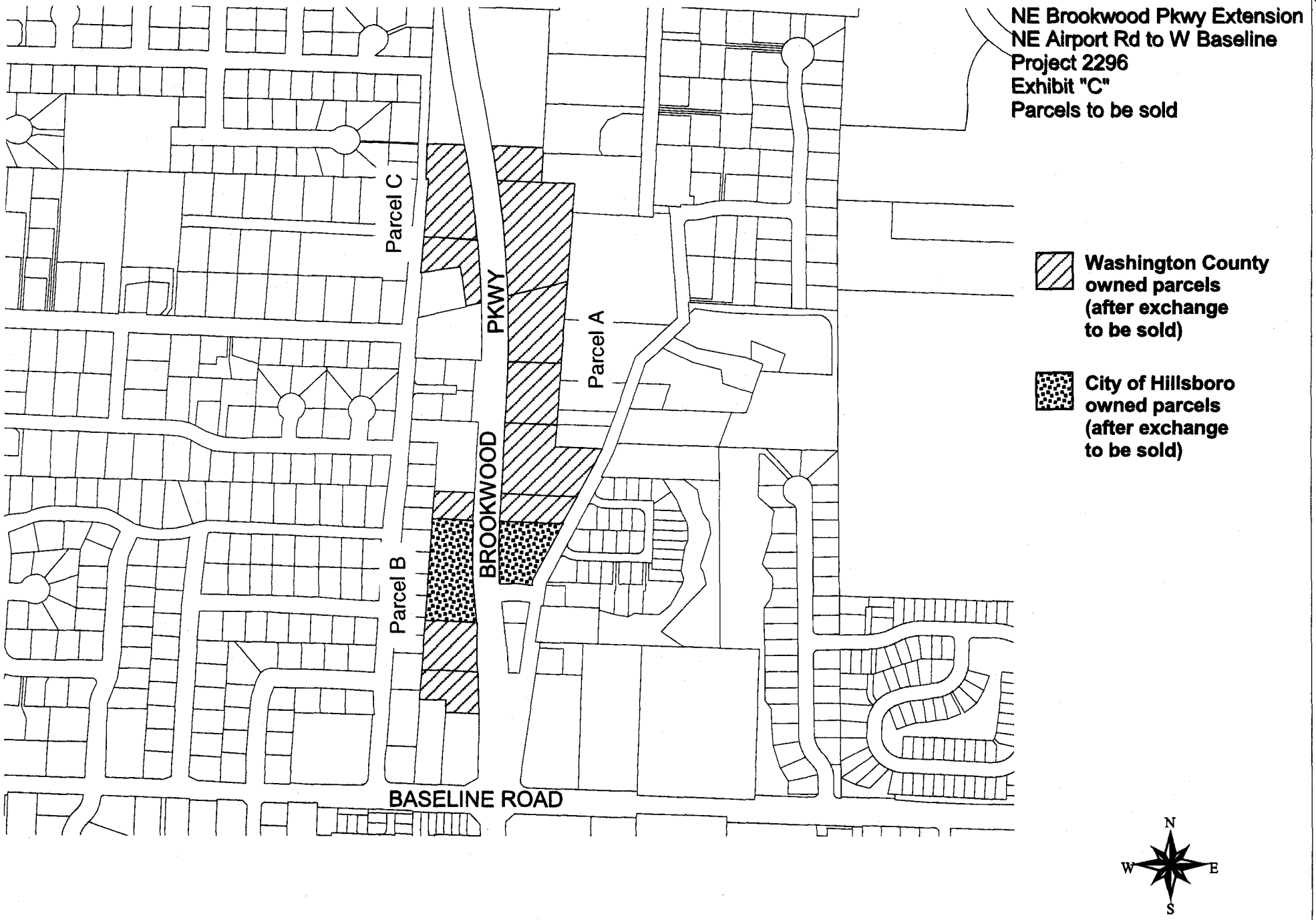
_____
Recording Secretary

APPROVED AS TO FORM:

_____
Loretta S. Skurdahl
Senior Assistant COUNTY Counsel


NE Brookwood Pkwy Extension
NE Airport Rd to W Baseline
Project 2296
Exhibit "A"
Existing parcels and ownership
Washington County owned parcels
City of Hillsboro owned parcels
PKWY
BROOKWOOD
BASELINE ROAD
N
W
E
S


PKWY
BROOKWOOD
BASELINE ROAD
NE Brookwood Pkwy Extension
NE Airport Rd to W Baseline
Project 2296
Exhibit "B"
Property to be exchanged
between City and County
Washington County
owned property
to be exchanged to
City of Hillsboro
City of Hillsboro
owned property
to be exchanged to
Washington County
N
W
E
S


NE Brookwood Pkwy Extension
NE Airport Rd to W Baseline
Project 2296
Exhibit "C"
Parcels to be sold
Parcel C
PKWY
Parcel A
BROOKWOOD
Parcel B
BASELINE ROAD
Washington County owned parcels (after exchange to be sold)
City of Hillsboro owned parcels (after exchange to be sold)
N
W
E
S

5A

CITY OF HILLSBORO

March 25, 2008

STAFF REPORT

TO: City Council
FROM: Planning Department

RE: Request for Preliminary Development Plan Approval to Modify an Existing Planned Unit Development – File No. PUD 9-05 (MOD 1): Way Estates

Attached are materials relating to a modification to the preliminary development plan for the Way Estates Planned Unit Development (PUD), an 18-lot single family residential development on property approximately 4.67 acres in size. The requested modification would accommodate the desire of the owner of Lot 1 to retain a garden area identified as Tract E on the plan set via reallocation of open space and parking spaces.

The proposed PUD is located generally south of West Baseline Road, north of SE Libby Court, west of SE 50th Avenue, and east of SW Brookwood Avenue. The property can be specifically identified as Tax Lots 700 and 800 on Washington County Tax Assessor's Map 1S2-04AA. The site is zoned A-1 Duplex Residential and designated RM – Medium Density Residential and FP - Floodplain on the Comprehensive Plan Land Use map.

On February 13, 2007, the Planning Commission opened the public hearing and heard testimony in support of, in opposition to, and with questions regarding the impacts associated with the addition of Tract E. At the February 27, 2008 hearing, the Commission further discussed the project and continued the hearing for discussion of conditions only. On March 12, 2008, the Commission adopted Resolution No. 1661-P, including 5 conditions with supporting findings, recommending that the City Council approve the modification to the preliminary development plan for Way Estates. A draft Council ordinance, with the same conditions of approval and site plan adopted by the Planning Commission, is included for the Council's consideration. Also included are a reduced-size tax map, comprehensive plan and zoning maps, Planning Commission staff reports, an aerial map, and the applicant's submittal. Please retain these materials until final action has been taken on this matter.

If you have questions, please contact the Planning Department at (503) 681-6153.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

Ruth Klein
Urban Planner

Attachments: as noted above

ORDINANCE NO. _____

PUD 9-05 (MOD 1): WAY ESTATES

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO 1945, AS AMENDED, BY APPROVING A MODIFICATION TO A PLANNED UNIT DEVELOPMENT OVERLAY ZONE ON A CERTAIN TRACT OF LAND THROUGH APPROVAL OF A MODIFICATION TO A PRELIMINARY DEVELOPMENT PLAN FOR AN 18-LOT DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT ON A SITE APPROXIMATELY 4.67 ACRES IN SIZE.

WHEREAS, the owner of a certain tract of land, described below, has filed a written application with the City of Hillsboro for approval of a modification to the Planned Unit Development (PUD) overlay to the existing A-1 Duplex Residential zone; and

WHEREAS, the Planning Commission held public hearings on February 13, February 27 and March 12, 2008 and received testimony in support of, in opposition to, and with questions regarding the application; and

WHEREAS, based on the testimony and material received, the Planning Commission recommended approval of the modification to the preliminary development plan for the proposed Planned Unit Development, with the conditions listed herein, based on the findings attached hereto as Exhibit "A" and the site plan attached hereto as Exhibit "B".

WHEREAS, the City Council considered the Planning Commission's recommendation at the regular meeting of April 1, 2008, and adopted the findings, site plan and conditions of the Planning Commission as its own in regard to this matter; and

WHEREAS, based on those findings and conditions, the City Council hereby determines that the proposal conforms with the Hillsboro Comprehensive Plan and the Zoning Ordinance, and that the modification to the Planned Unit Development overlay zone is best suited for the subject site.

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

Section 1. The Planned Unit Development overlay zone on the following described tract of land is hereby modified, as described in Planning Department Casefile No. PUD 9-05 (MOD 1):

> Tax Lots 700 and 800 on Washington County Tax Assessor's Map 1S2-04AA; Section 4, Township 1 South, Range 2 West, Willamette Meridian, on record as of January 22, 2008, and a copy of which is attached hereto and thereby made a part of this Ordinance.

Section 2. Approval of the modification to the PUD overlay zone is conditioned upon satisfaction of the following conditions:

1) The approved modifications to Way Estates shall be in substantial conformance with the attached site plan, Exhibit "B".

2) The final plat shall identify parking easements for two public parking spaces in conformance with Exhibit B. The parking easements shall accommodate drivers and passengers entry to and exit from the vehicle. An associated parking maintenance agreement shall be recorded with and noted on the plat.

3) Prior to approval of the final plat, the applicant shall submit a site plan that identifies the two parking spaces located on Lots 15-18. The site plan shall identify paving materials, signage, landscape material and routes for driver and passenger entry to and exit from the vehicle located in each parking space.

4) Future land use approvals for the redevelopment of Lot 1 shall be conditioned to require the improvement of Tract E as usable open space or an equal parcel for open space. The future final plat for redevelopment of Lot 1 shall identify Tract E as a usable open space tract available for use by all lots in the adjacent neighborhood.

5) All prior conditions of approval, adopted by the City Council in Ordinance No. 5582 and relating to the preliminary development plan of this Planned Unit Development, remain binding.

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

Section 4. Pursuant to Zoning Ordinance No. 1945, Section 127 (IV) (I.) and (V), preliminary approval of the Planned Unit Development overlay zone will expire two years from the date of approval of Ordinance No. 5582, unless the final development plan has been approved or unless the preliminary approval is extended.

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

Section 6. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

Passed by the Council this 1st day of April, 2008.

Approved by the Mayor this 1st day of April, 2008.

_____
Mayor

ATTEST: _____
City Recorder

EXHIBIT A

WAY ESTATES MODIFICATION REQUEST
FILE NO. PUD 9-05 (MOD 1)

To: City of Hillsboro Planning Commission
From: DL Design Group, Inc.

REQUEST

DL Design Group, Inc. the representative for S. Kem Design, Inc., requests that the Planning Commission approve a modification to the preliminary development plan for Way Estates, an 18 lot single family residential Planned Unit Development (PUD), on approximately 4.67 acres of property. The requested modification would allow the owner of Lot 1 to retain a garden area that is identified as Tract E and Lots 3-10 to slide to the east. This would result in the reduction in area of Tract B, the relocation of parking spaces to Tract C and to spaces shown between two lots. A new tract known as Tract F will also be created south of Lot 11. The revised plan also ensured that the PUD still preserved a minimum of 15% open space after parking spaces were deducted from the open space. The required 15% open space includes the entire developed site including Lot 1. The six future lots identified within the boundaries of Lot 1 are only a suggested lotting pattern. Future development of Lot 1 would be processed via a separate land use review and approval process.

BACKGROUND

At the February 13 and 27, 2008 meetings, the Planning Commission heard the presentation of the Planning Department staff reports. The presentations included descriptions of the revisions made to the site plans. Revisions included the reduction of Tract E by three feet, the relocation of all parking spaces out of Tract B into Tract C and two spaces distributed along the proposed private road. Staff expressed concern with the need for a detailed parking and driveway plan. Testimony in opposition and with concerns regarding the proposal was heard at both the February 13th and 27th meeting.

APPLICANT'S PRESENTATION AND REVISED EXHIBITS

In response to the second staff report, the applicant distributed two revised sheets showing a detailed parking and driveway plan. The plan showed 9 foot driveways with wings where possible. Where not possible (Libby Street), driveways were shown combined but with 15 foot wide combined driveways. Furthermore, actual private driveways (on the lots themselves) were now included on the site plan. A detail was provided for the two parking spaces shown between Lots 18 and 17 and between Lots 15 and 16. The detail showed a fence with landscaping. Finally, four parking spaces are now shown in Tract C with only two additional parking spaces shown between the lots.

DISCUSSION

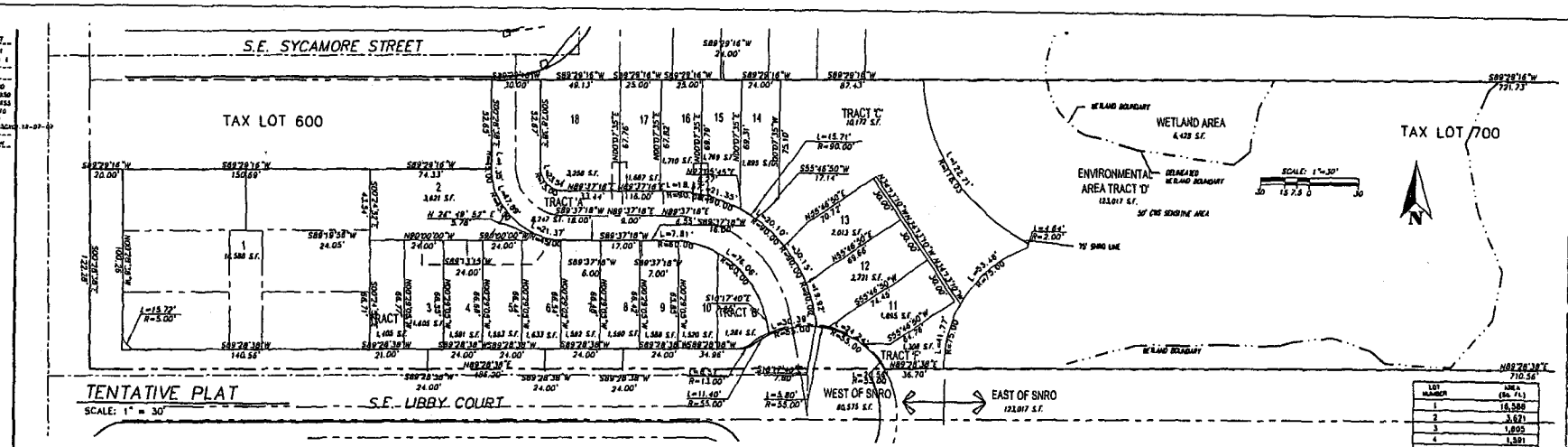
The Planning Commission reviewed the updated exhibits and asked several questions of the applicant. One commissioner questioned the practicality of the fences around the parking spots between lots 18 and 17 and between lots 15 and 16. The same Commissioner also requested that each of the parking spaces be clearly noted as public parking places. There was also discussion regarding the possible condition that Tract E be an open space when Lot 1 develops.

FINDINGS

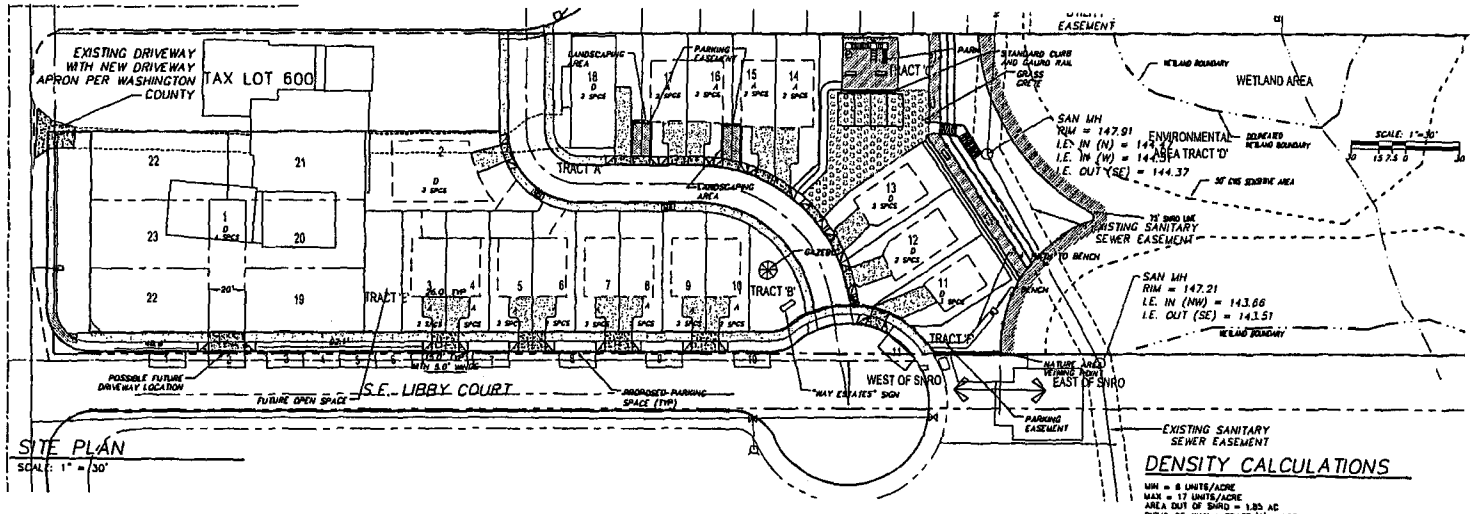
DL Design Group, Inc., the representative for the applicant, S. Kem Design, Inc. requests that the Planning Commission accept the revisions made in the exhibits distributed at the February 27th Planning Commission identified as Sheet 3/5 and is attached as Exhibit B. The following changes have been made since the February 27th hearing to reflect the Planning Commission comments and staffs requests:

1) A driveway is now shown for Lots 2 and 18. The existing driveway for Lot 1 is shown as it is currently off of Brookwood Avenue. The future driveway for the Lot 1 development is also shown but is identified as a future access point.

EXHIBIT B



TENTATIVE PLAT
SCALE: 1" = 30'



SITE PLAN
SCALE: 1" = 30'

LOT NUMBER	AREA (Sq. Ft.)
1	16,588
2	3,621
3	1,895
4	1,591
5	1,583
6	1,633
7	1,592
8	1,590
9	1,588
10	1,570
11	1,895
12	2,221
13	2,013
14	1,895
15	1,748
16	1,760
17	1,687
18	1,738
TRACT 'A'	8,247
TRACT 'B'	1,284
TRACT 'C'	10,172
TRACT 'D'	123,017
TRACT 'E'	1,405
TRACT 'F'	1,306
R.O.W.	4,470
WEST OF SNRO LINE	80,556
EAST OF SNRO LINE	123,017
WETLAND (PART OF TRACT 'D')	6,428

A = ATTACHED
D = DETACHED

PARKING DATA

REQUIRED: 18 x 2.5 = 46 SPACES

ACTUAL:
- 15 x 2 = 30 SPACES
- 2 x 3 = 6 SPACES
- 1 x 4 = 4 SPACES
- 1 x 6 = 6 SPACES
- = 46 SPACES

STREET PARKING SPACES = 11
TOTAL FOR PROJECT = 46 +11 = 57 SPACES

DENSITY CALCULATIONS

MIN = 6 UNITS/ACRE
MAX = 17 UNITS/ACRE
AREA OUT OF SNRO = 1.85 AC
RIGHT-OF-WAY = TRACT 'A' + LOT 1 = 1.06 AC
MAX # OF UNITS = 19 UNITS
MIN # OF UNITS = 8 UNITS
PROPOSED # OF UNITS = 17 UNITS

OPEN SPACE CALCULATIONS

GROSS DEVELOPMENT AREA = 203,573 SF

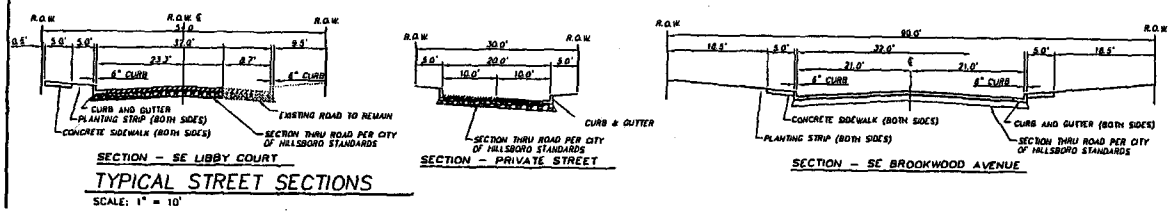
NET DEVELOPMENT AREA = 203,573 - 123,017 = 80,556 SF

OPEN SPACE CALCULATIONS EXCLUDING LOT 1 (TO BE DEVELOPED IN THE FUTURE)

NET DEVELOPMENT AREA = 80,556 - 16,588 = 63,968 SF
REQUIRED OPEN SPACE = 63,968 x 15% = 9592 SF
AVAILABLE OPEN SPACE = TRACTS B(1284), C(10172), F(1306) - PARKING(648) = 12116 SF
(18.00%)

OPEN SPACE CALCULATIONS INCLUDING LOT 1

NET DEVELOPMENT AREA = 80,556
REQUIRED OPEN SPACE = 12,084
AVAILABLE OPEN SPACE = TRACTS B(1284), C(10172), F(1306) - PARKING(648) = 12116 SF
(15.04%)
WITH TRACT E = 13521 SF (16.8%)



TYPICAL STREET SECTIONS

SCALE: 1" = 10'

DL DESIGN GROUP INC.
9045 SW Barbur Blvd.
Suite 101
Portland, OR 97219
(503) 225-1679

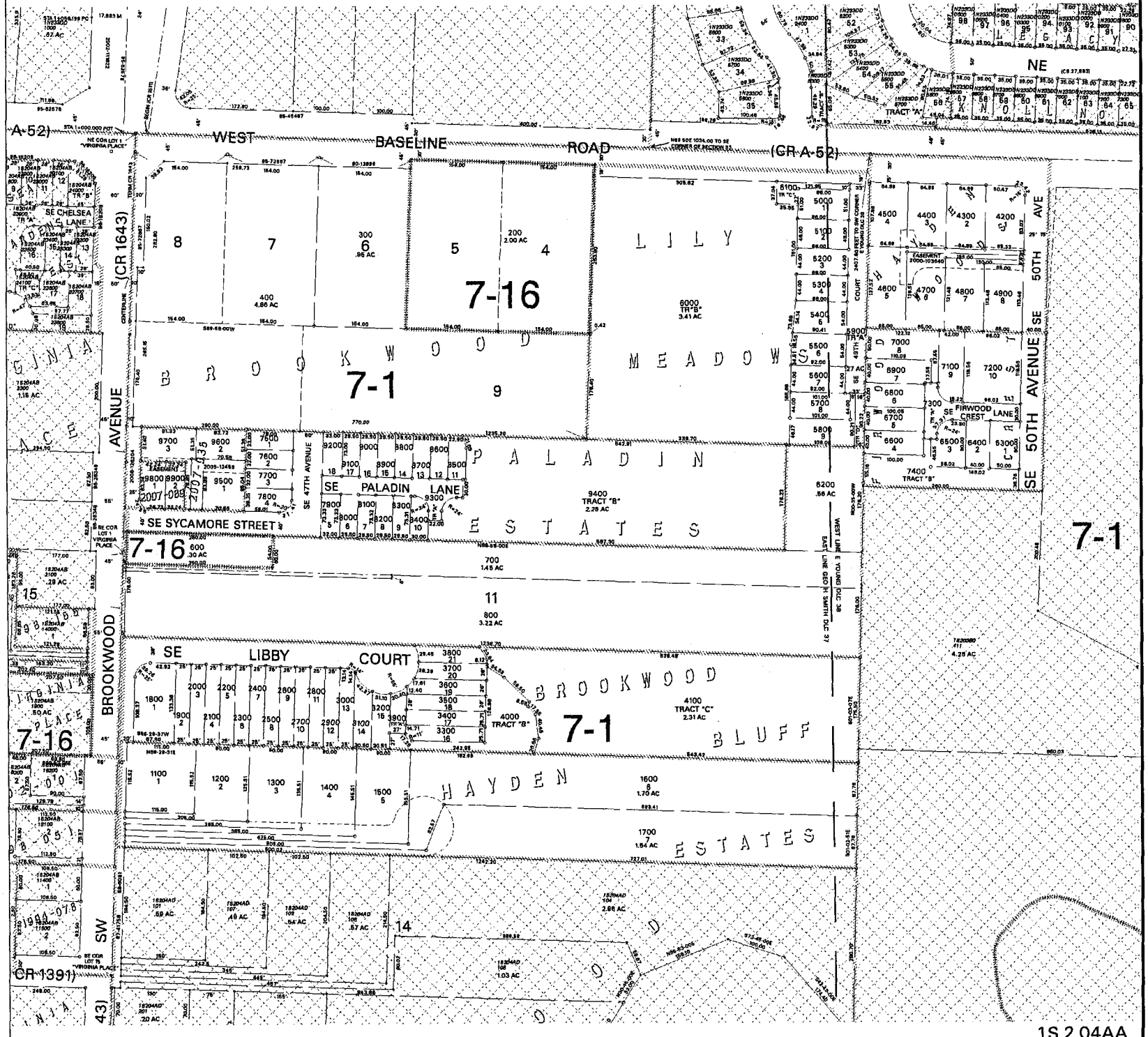
WAY ESTATES - MODIFICATION
WASHINGTON COUNTY, OREGON

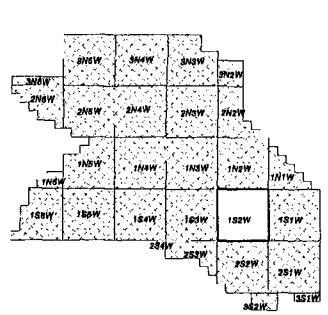
SITE PLAN AND TENTATIVE PLAT

REV.	DATE	BY

PROJECT NUMBER	SAM025
Date	03/19/08
Scale	AS SHOWN
Drawn By	JEM
Designed By	LHP
Checked By	GID

3/5

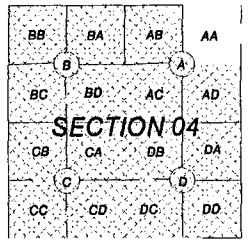




WASHINGTON COUNTY OREGON
NE1/4 NE1/4 SECTION 04 T1S R2W W.M.
SCALE 1" = 100'

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

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



Cancelled Taxlots For: 1S204AA
1000,800,100,500,501,502,

Assessment
CARTOGRAPHY
Taxation

PLOT DATE: January 22, 2008
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

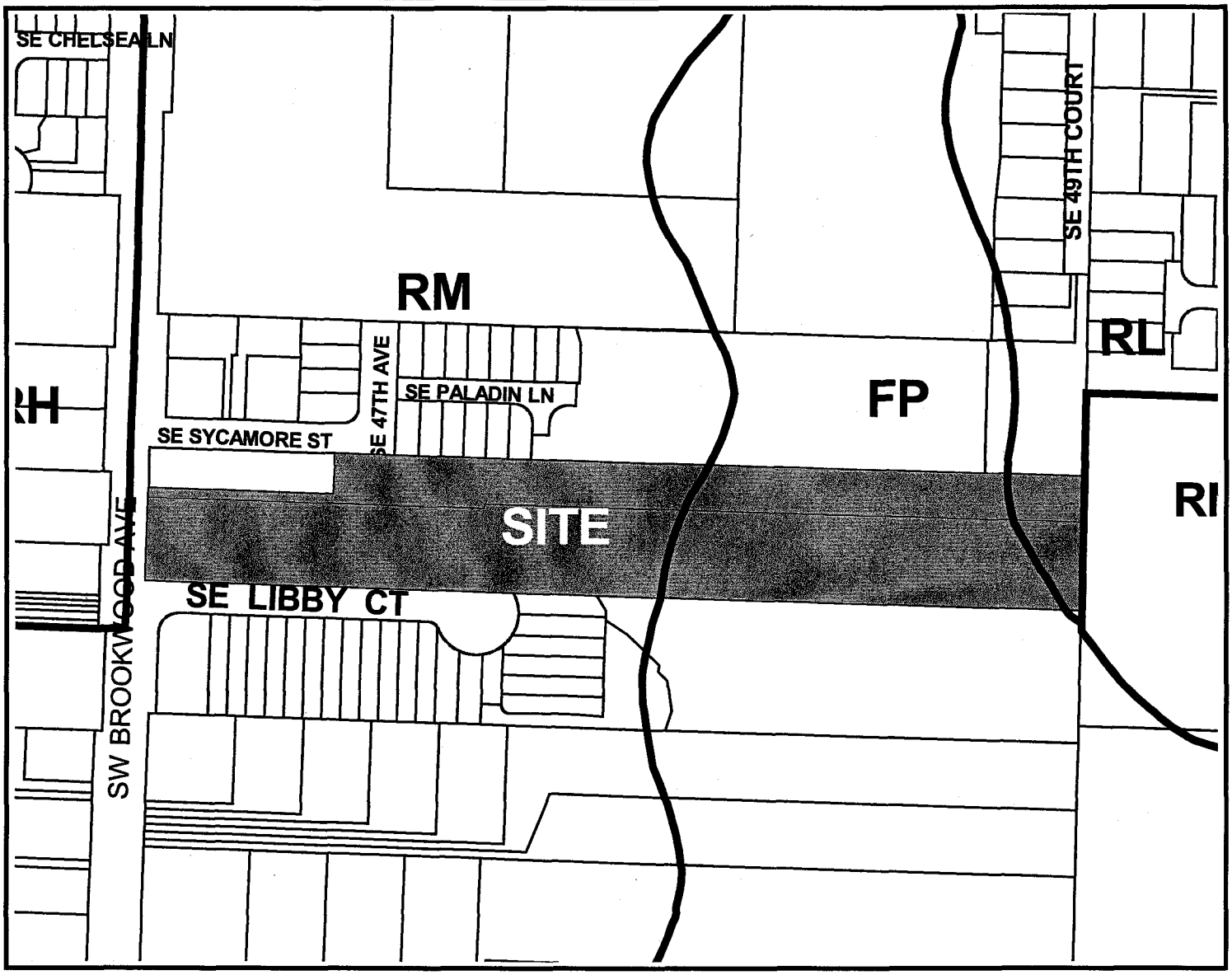
Map areas delineated by either gray shading or a cross hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

HILLSBORO
1S 2 04AA

dlg1s2w04

PUD 9-05 MOD 1: WAY ESTATES

REQUEST FOR PLANNED UNIT DEVELOPMENT MODIFICATION TO RECONFIGURE THE LOTS AND OPEN SPACE TRACTS ON A SITE, 4.67 ACRES IN SIZE IN THE A-1 DUPLEX RESIDENTIAL ZONE.

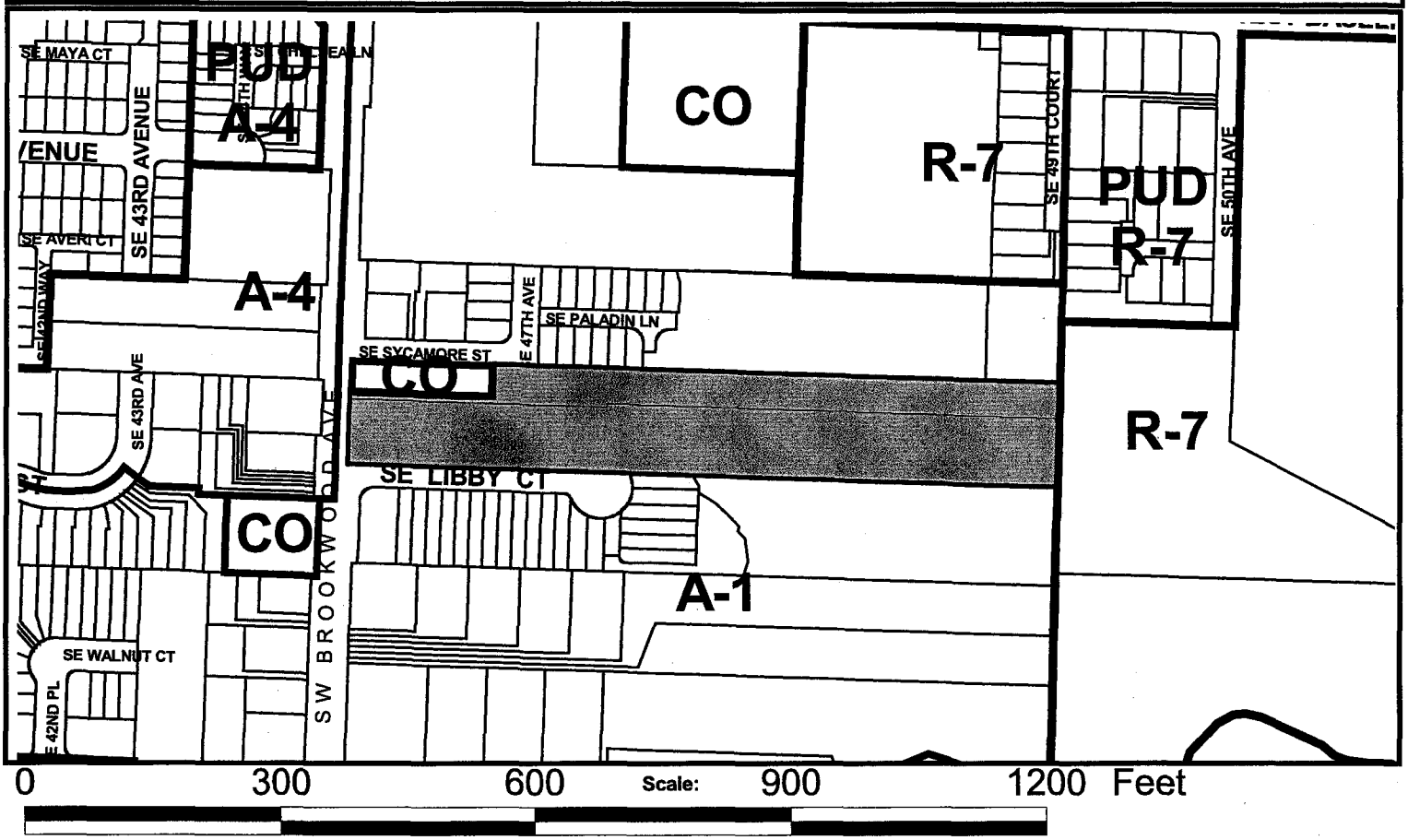


Comprehensive Plan Designations

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		

PUD 9-05 MOD 1: WAY ESTATES

REQUEST FOR PLANNED UNIT DEVELOPMENT MODIFICATION TO RECONFIGURE THE LOTS AND OPEN SPACE TRACTS ON A SITE, 4.67 ACRES IN SIZE IN THE A-1 DUPLEX RESIDENTIAL ZONE.



City of Hillsboro Zoning Designations					
R- 4.5	Single Family Residential	**R-7**	Single Family Residential	**R-10**	Single Family Residential
R- 6	Single Family Residential	**R-8.5**	Single Family Residential	**A-1**	Duplex Residential
SCC-SC	Station Community Commercial - Station Commercial			**A-2**	Multi-Family Residential
SCC-MM	Station Community Commercial - Multi-Modal			**A-3**	Multi-Family Residential
SCC-CBD	Station Community Commercial - Central Business District			**A-4**	Multi-Family Residential
SCC-HOD	Station Community Commercial - Highway Oriented District			**C-1**	General Commercial
SCBP	Station Community Business Park			**C-4**	Neighborhood Commercial
SCRP	Station Community Research Park			**PUD**	Planned Unit Development
SCI	Station Community Industrial			**M-2**	Industrial
SCR-HD	Station Community Residential - High Density			**M-P**	Industrial Park
SCR-MD	Station Community Residential - Medium Density			**MU-N**	Mixed Use - Neighborhood
SCR-LD	Station Community Residential - Low Density			**MU-C**	Mixed Use - Commercial
SCR-V	Station Community Residential - Village			**SID**	Special Industrial District
SCFI	Station Community Fair Complex Institutional			**SSID**	Shute Special Industrial District
SCR-OTC	Station Community Residential - Orenco Townsite Conservation Overlay				
SCR-DNC	Station Community Residential - Downtown Neighborhood Conservation				

City of Hillsboro Planning Department: (503) 681-6153

CITY OF HILLSBORO

March 6, 2008

STAFF REPORT

TO: Planning Commission
FROM: Planning Department

RE: Request for Preliminary Development Plan Approval to Modify an Existing Planned Unit Development – File No. PUD 9-05 (MOD 1): Way Estates

REQUEST

The applicant's representative, DL Design Group Inc., requests Planning Commission approval for a modification to the preliminary development plan for Way Estates, an 18-lot single family residential Planned Unit Development (PUD), on approximately 4.67 acres of property. The requested modification would accommodate the desire of the owner of Lot 1 to retain a garden area identified as Tract E on the plan set via reallocation of open space and parking spaces. The applicant and property owner is Samedy Kem of S. Kem Design.

BACKGROUND

The Planning Commission opened the hearing on February 13th, heard testimony and discussed the impacts associated with the addition of Tract E. The applicant requested the opportunity to return to the subsequent meeting with revisions based on the Commission's comments and President Coulter continued the hearing to February 27th.

At the February 27, 2008 meeting, the Commission heard the presentation of the staff report. Vice-President Eyre then opened the hearing. The applicant's representative Gary Darling, of DL Design Group, submitted updated site plans and gave an overview of the modifications that were made since the last meeting. Vice-President Eyre then opened the discussion for questions of the applicant and staff. The Commissioners discussed with Mr. Darling the integration and utility of the proposed secondary parking spaces located on Lots 15-18. Public testimony with questions regarding the proposed modification, was provided by Veta Holscher. The hearing was continued to March 12th with the staff and applicant to return with a draft resolution and findings respectively. The hearing was left open for discussion of conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission resume the public hearing and accept testimony directed towards the draft conditions of approval. If the Commissioners believe that the applicant has sufficiently met the PUD Modification criteria and choose to approve the proposed modification to the preliminary development plan, the staff recommends that the following conditions be placed on the approval.

1) The approved modifications to Way Estates shall be in substantial conformance with the attached site plan, Exhibit "B".

2) The final plat shall identify parking easements for two public parking spaces in conformance with Exhibit B. The parking easements shall accommodate drivers and passengers entry to and exit from the vehicle. An associated parking maintenance agreement shall be recorded with and noted on the plat.

3) Prior to approval of the final plat, the applicant shall submit a site plan that identifies the two parking spaces located on Lots 15-18. The site plan shall identify paving materials, signage, landscape material and routes for driver and passenger entry to and exit from the vehicle located in each parking space.

4) Future land use approvals for the redevelopment of Lot 1 shall be conditioned to require the improvement of Tract E as usable open space, available for use by the entire Way Estates development. The future final plat for redevelopment of Lot 1 shall identify Tract E as a usable open space tract available for use by all lots in Way Estates.

5) All prior conditions of approval, adopted by the City Council in Ordinance No. 5582 and relating to the preliminary development plan of this Planned Unit Development, remain binding.

If approval is granted, a draft resolution and findings are attached.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

Ruth Klein
Urban Planner

Attachments: Draft resolution and findings

From: Veta [mailto:vetaholscher@comcast.net]
Sent: Tuesday, February 26, 2008 12:51 PM
To: Ruth Klein
Subject: Way Estates

To the Planning Commission and Staff:

This email is in regards to the Way Estates project that is currently being worked on. It is adjacent to the Libby St./Brookwood Bluffs subdivision. I am the HOA President of that subdivision. I wanted to submit testimony that outlines our concerns. This may or may not help you in deciding what should be approved and what might need to be looked into a bit further about Way Estates. But, we want to submit our concerns in writing since they will not be required to be part of our HOA, even though we will share the same street and access. We will have no say in how they maintain their subdivision and we have concerns about that. We know that is an issue out of your hands, but it's a concern none the less.
One concern is the parking. Is there adequate street parking? If the lots get wider, are there truly 2 driveway spots that count into the required number of spaces? Some of the driveways may be too hard to fully use because of their access or the steepness of the driveway. They will then be parking in the streets and making it difficult for others to park, as we already have issues. Please make sure the street parking is actually usable. Look at Arbor Roses. Some of those residents can't hardly get into their own driveways. There are tight spaces where there is suppose to be room for two cars to park on the street, between driveways, but there's not. We also want to make sure they are doing the full street improvement on Brookwood as well as Libby. It would be nice if they could fill in the "ditch of death" we currently hav e to drive through or around to access Brookwood and then there are two other ditches on Libby they filled in and the gravel has compacted. These are both dips and bumps we now have to go over and have been enduring it for many weeks now. Will this also be the case during all of the construction and then what about when they go to finish off the front 6 lots? How many years will we be dealing with their construction practices. The other subdivision to the north, took them well over two years to complete from the time of first foundation to the last final occupancy permit. We will be going through this for many years to come. I also want to make sure the water overflow/retention pond is above ground and the City is going to be maintaining it, not their HOA. The **major concern** is that this is really not an 18 lot subdivision. It's a 24 lot subdivision with the last 6 lots coming on board at a later date. Those lots are pre-platted to be where the existing home on Brookwood currently is. (Lot 1) When this project is finally finished, there will be a total of 24 lots, not just 18. Are the ratios of parking and open space calculated correctly based on the 24 lot total, not the 18 lots that are stated now? With the additional 6 lots shown on the plat map, being lots 19-24,(lot 22 is named twice) I don't see additional parking and no open spaces. Aren't those (parking and open space) suppose to be added in now because it will be too late whenever they decide to complete the project? One more small item, the Developer has stated that they are putting in the play area and this new tract "E" so all the families and children on Libby can enjoy it as well. There are very few children on this street, none past the 5th attached unit. I believe only two families have c hildren on Libby. There is no benefit as a whole for those of us on Libby. Most of us have no children or none living at home. We look at that as a hindrance, not a help. I just don't feel that they are using the land to best exemplify the current Building and Planning Codes. Please take a good

look at our concerns. See if you can find a way to protect our well maintained subdivision and also give the developer the ability to complete this project quickly. Thank you for the job you do. I sit on the Washington County Planning Commission and it is hard to make everyone happy following the Codes we currently have. I appreciate your efforts, believe me, I do.

Respectfully submitted,
Veta Holscher
Brookwood Bluffs HOA President

Veta Holscher
John L. Scott
855 NE 25th
Hillsboro
503-887-3095 cell
503-844-9800 office
503-844-9802 fax
www.TheresOnlyOneVeta.com
vetaholscher@comcast.net

"There's Only One Veta"

CITY OF HILLSBORO

February 6, 2008

STAFF REPORT

TO: Planning Commission
FROM: Planning Department

RE: Request for Preliminary Development Plan Approval to Modify an Existing Planned Unit Development – File No. PUD 9-05 (MOD 1): Way Estates

REQUEST

The applicant's representative, DL Design Group Inc., requests Planning Commission approval for a modification to the preliminary development plan for Way Estates, an 18-lot single family residential Planned Unit Development (PUD), on approximately 4.67 acres of property. The requested modification would accommodate the desire of the owner of Lot 1 to retain a garden area identified as Tract E on the plan set via reallocation of open space and parking spaces. The applicant and property owner is Samedy Kem of S. Kem Design.

BACKGROUND

At the February 13, 2008 meeting, the Commission heard the presentation of the February 6th staff report by Ruth Klein. President Coulter then opened the hearing. The applicant's representative Gary Darling, of DL Design Group, gave an overview of the requested modification and the reasons for the request. President Coulter then opened the discussion for questions of the applicant. The Commissioners discussed with the applicant the impacts associated with the addition of Tract E. Public testimony in opposition, and with questions regarding, the proposed modification was provided. The hearing was continued to February 27th with the applicant to return with proposed revisions.

REVISED SUBMITTAL

The applicant has submitted a revised submittal that includes a narrative, reduced plan set, and a full size site plan. The revisions shift the six parking spaces originally located on Tract B to other tracts within the development and on to parking pads located between driveways. The revisions also reduced the width of Tract E from 24 to 21 feet.

DISCUSSION

Planning staff has reviewed the revised materials and has the following concerns.

Driveway Widths

The original site plans showed the driveway widths for the lots accessing Libby Court as 10 feet for each individual lot. The second set of site plans show driveway widths of 12 feet providing access for two lots. The Engineering Department has a minimum driveway standard of 9 feet in width curb cut with a 5 foot apron on either side. This standard width of 9 feet allows a vehicle to turn straight towards the garage and the parking space located on the driveway in front of the garage. A 12 foot curb cut providing access to two 9 foot wide driveway parking spaces would force a vehicle to turn and park at an awkward and illogical angle. Planning staff would recommend that an updated site plan be provided that would show vehicle direct head-in parking on each lot, minimum curb cut widths of 9 feet for each lot, and associated 5 foot driveway aprons.

On Street Parking

Widening the driveway widths will also impact the number of available of on-street parking spaces. According to the Engineering Department, a standard parallel parking space is 8 feet in width and 22-26 feet in length. However, end parallel parking spaces can be 20 feet in length. Planning staff would also recommend that the updated site plan provide marked out lengths for on the on-street parallel parking spaces.

Off Street Parking

Along Tract A, the private street tract, the site plan shows additional parking spaces being located adjacent to the primary driveway accessing the garage. In keeping with the driveway width standards mentioned above, Planning staff would recommend that the updated site plan provide 9 foot curb cuts for each parking space.

RECOMMENDATION

Planning staff recommends that the Planning Commission continue the public hearing, accept testimony, and then direct staff and the applicant as to subsequent steps.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

Ruth Klein
Urban Planner

Attachments: Driveway Standards
Applicant's Submittal Materials

12.16.40 Driveways

A. Dimensions. Driveway approaches within the public right-of-way shall conform to the following dimensions:

1. Minimum thickness: five and one-half inches.

2. Width: Not less than nine feet measured from the low point of drop curb. In residential zones, not more than thirty feet and in commercial zones, not more than fifty feet, measured from the low point of drop curb to the low point of drop curb. The measurement from the high point of drop curb to the low point shall be a horizontal measurement of five feet for curbside sidewalks andfor sidewalks not constructed immediately adjacent to the curb. The measurement from high point of drop curb to the low point of drop curb may be reduced to a minimum of three feet for lot frontages of fifty feet or less when sidewalks are located away from the curb. Staff approval must be obtained before this reduced dimension may be used.

3. Maximum width of common approach for two driveways in resident zones: fifty feet measured form high point of curb to high point of curb.

4. Maximum skew angle for approach: forty five degrees.

5. Minimum distance between curb cuts for two or more driveways located on the same lot: twenty-five feet of high curb.

6. Access Point: See the access diagram in Exhibit "B" where R/W equals Right-of-Way and P.I = Point of Intersection where P.I. shall be located upon a 90 degree angle of intersection between ultimate right-of-way lines. The measurement from the low point of a drop curb, Point "C", shall be a minimum of 25 feet from Point "A" or the P.I. When a radius exists, the minimum distance between low point of drop curb, Point "C" and the start of curb radius, Point "B" at an intersection shall be ten feet. This dimension may be reduced upon staff approval should the site by physically incapable of accomodating this spacing. Under no circumstances shall driveways be located within the curb return radius, between Point "A" and Point "B. All minimum distances stated above shall be governed by adopted City of Hillsboro sight distance standards.

7. Minimum high curb between adjoining driveways on separate lots: two feet.

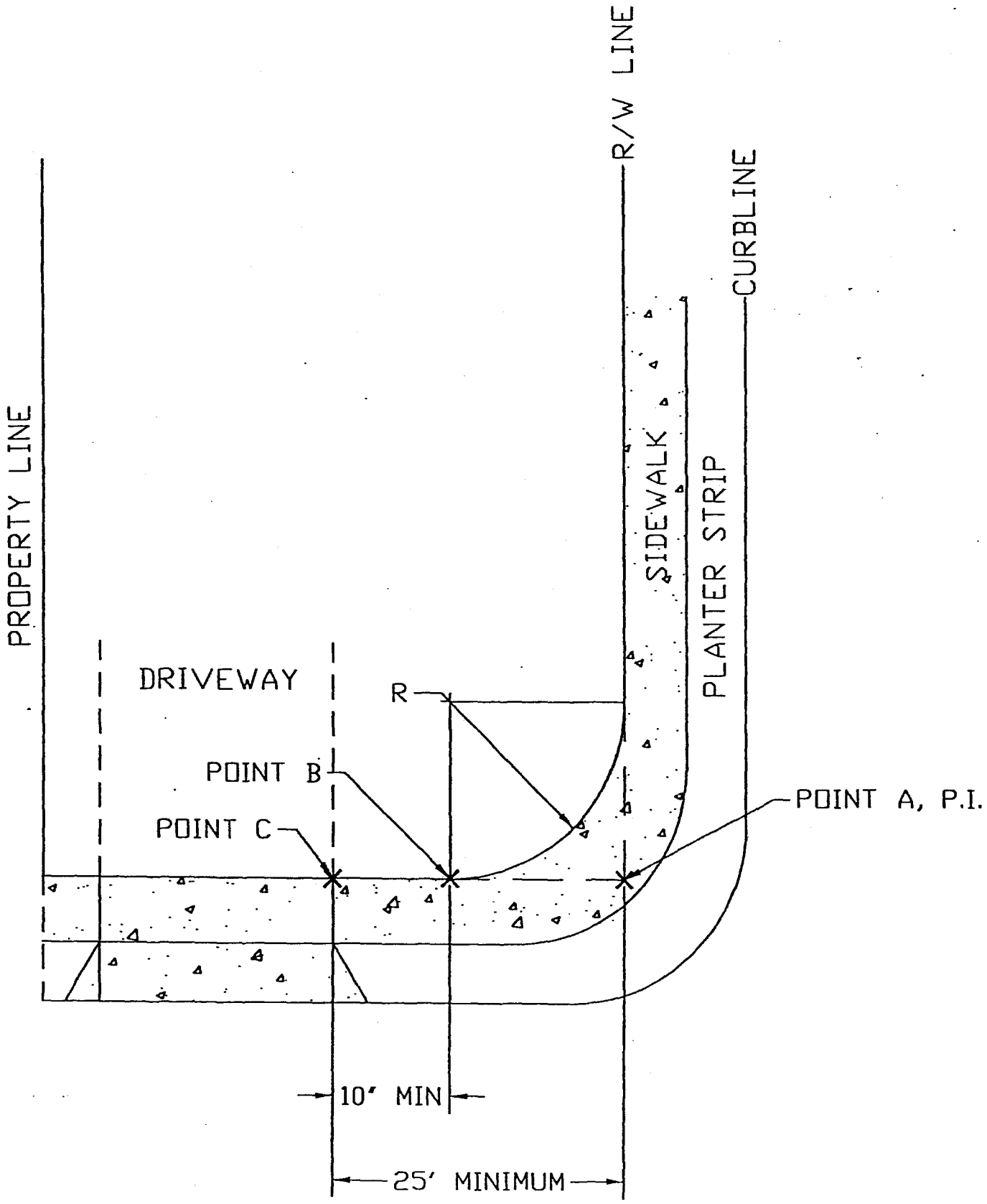
8. Minimum distance between curb cut and projection of property line (except common driveways cul-de-sacs, and lots with frontage of fifty feet or less): one foot of high curb.

9. Slope: elevation of driveway shall match elevation of abutting sidewalk at back of sidewalk with a maximum exposure of one inch on drop curb. Driveways shall slope one and one-quarter inch per foot from drop curb to a point five feet behind the curb.

B. Construction on Fully-improved Streets. Driveways constructed on streets that are already paved and curbed shall be paved between the street and the property line with concrete not less than five and one-half inches thick.

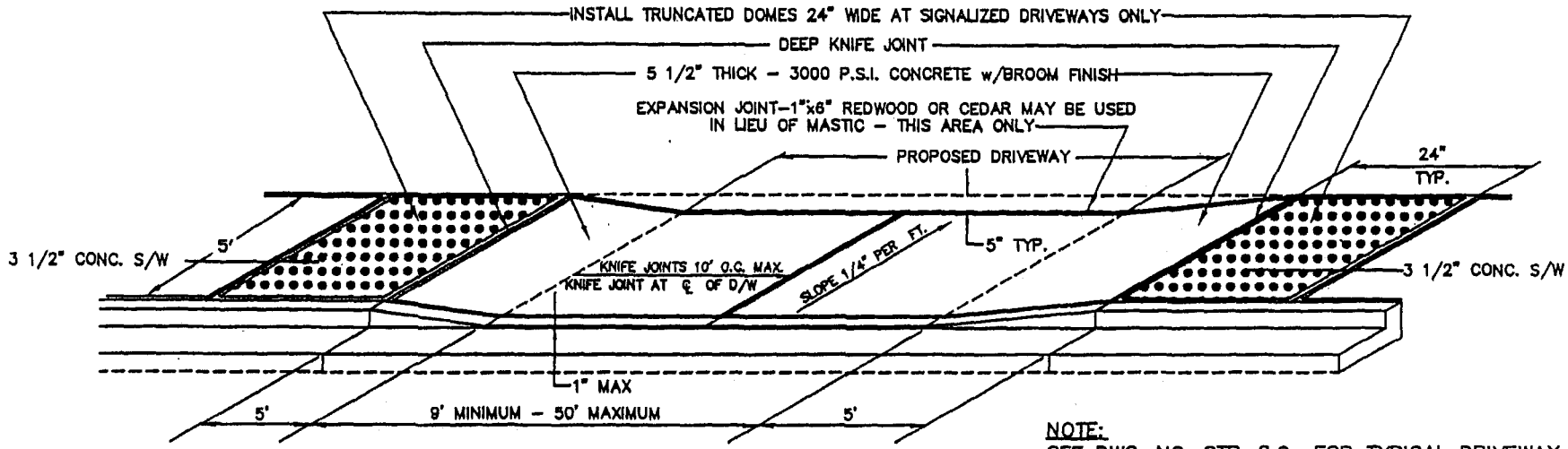
C. Permit. Any person or firm proposing to construct a curb cut on any city street shall first apply for a permit to the city building department. A fee of ten dollars shall accompany each application except that no fee shall be required for a curb cut constructed as part of a project requiring a building permit.

EXHIBIT "A'


R/W LINE
CURBLINE
PROPERTY LINE
SIDEWALK
PLANTER STRIP
DRIVEWAY
R
POINT B
POINT C
POINT A, P.I.
10' MIN
25' MINIMUM

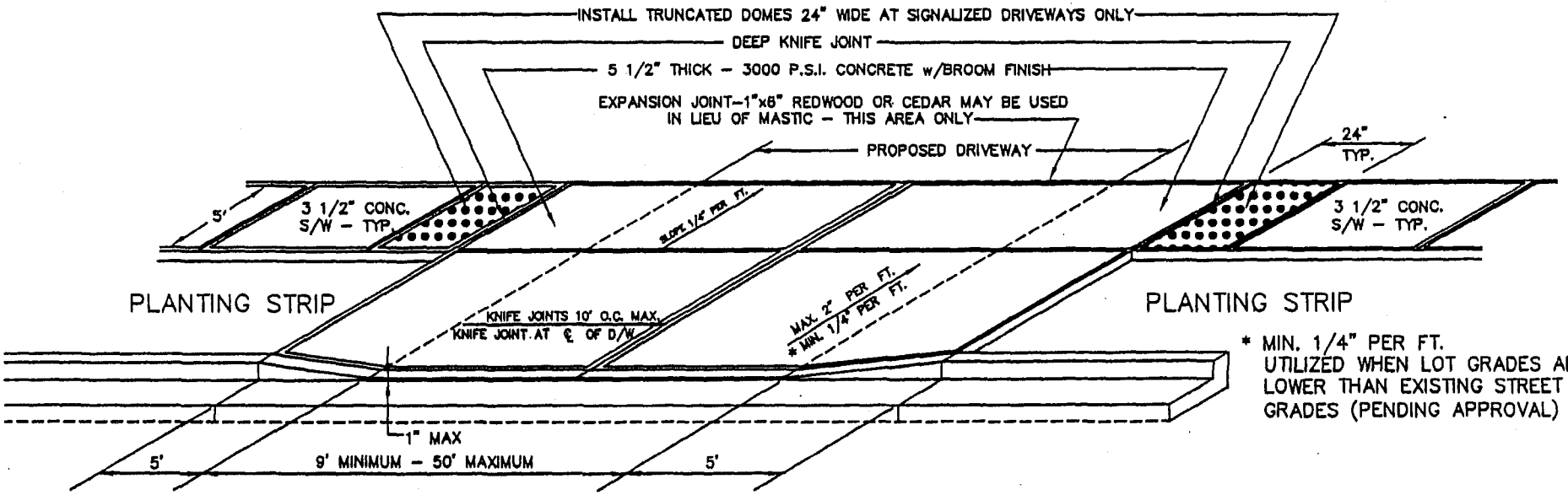
COMMERCIAL & INDUSTRIAL DRIVEWAYS

N.T.S.



SIDEWALK LOCATED AT CURB

NOTE:
SEE DWG. NO. STR–8.0 FOR TYPICAL DRIVEWAY NOTES
SEE DWG. NO. STR–5.0 FOR TRUNCATED DOME DETAILS



* MIN. 1/4" PER FT. UTILIZED WHEN LOT GRADES ARE LOWER THAN EXISTING STREET GRADES (PENDING APPROVAL)

SIDEWALK LOCATED AT PROPERTY LINE

CITY OF HILLSBORO
ENGINEERING DEPARTMENT

DWG. NO. STR–10.0

CITY OF HILLSBORO

February 6, 2008

STAFF REPORT

TO: Planning Commission
FROM: Planning Department

RE: Request for Preliminary Development Plan Approval to Modify an Existing Planned Unit Development – File No. PUD 9-05 (MOD 1): Way Estates

REQUEST

The applicant's representative, DL Design Group Inc., requests Planning Commission approval for a modification to the preliminary development plan for Way Estates, an 18-lot single family residential Planned Unit Development (PUD), on approximately 4.67 acres of property. The site is designated RM – Medium Density Residential and FP – Floodplain on the Comprehensive Plan Land Use map and zoned A-1 Duplex Residential. The applicant and property owner is Samedy Kem of S. Kem Design.

The project received preliminary Planned Unit Development (PUD) approval on November 15, 2005 as Ordinance No. 5582, which is attached for the Commission's review. The approved preliminary development plan includes 17 new front loaded residential lots that access either Libby Court or an internal private street, and an existing house on an oversized corner lot that fronts Brookwood Avenue and accesses Libby Court. Also included on the development plan is Tract B, an open space tract that includes six parking spaces; Tract C, an open space tract that includes a play structure and a water quality facility (which will need to be placed in its own tract on the final plat); and Tract D, an open space tract that provides wetland protection.

The requested modification proposes the following changes:

- Tract B would be reduced in size and the parking spaces reduced from six to three;
- The reduction of Tract B allows Lots 3-10 on Libby Court to shift east;
- The area which was previously within Lot 3 becomes Tract E and is apportioned as additional backyard space for Lot 1 and shared open space for Lots 2-18;
- The gazebo is relocated from Tract B to Tract E;
- Tract C would remain the same size and three parking spaces would be added.

SITE DESCRIPTION

The proposed PUD is located generally south of West Baseline Road, north of SE Libby Court, west of SE 50th Avenue, and east of SW Brookwood Avenue. The property can be specifically

identified as Tax Lots 700 and 800 on Washington County Tax Assessor's Map 1S2-04AA. Tax Lots 700 and 800 each have a single family residence, respectively addressed as 270 SW Brookwood Avenue and 310 SW Brookwood Avenue. The two houses are proposed to remain on Lots 1 and 2.

SW Brookwood Avenue, west of the site, is designated as an Arterial in the City of Hillsboro Transportation System Plan's Functional Classification Plan. This road right-of-way currently measures 50 to 60 feet. SE Libby Court, south of the site, is designated as a Local Residential Street in the City of Hillsboro Transportation System Plan's Functional Classification Plan. This road right-of-way currently measures 38 feet. SE 47th Avenue is stubbed to the site' northern property boundary and measures 50 feet in right-of-way width.

The site has areas of dense trees along Dawson Creek, which runs through the eastern portion of the site. The site has a downward slope to the east, with identified Level 3 City of Hillsboro Goal 5 Natural Resource Inventory Resources and Impact Areas. The eastern two-thirds of the site are 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	RM – Medium Density Residential	PUD A-1 County R-9	Paladin Estates and Large Lot Single Family Residential
East	FP – Floodplain RL – Low Density Residential	R-7	Single Family Residential
South	FP – Floodplain RM – Medium Density Residential	A-1	Single Family Attached Residential
West	RH – High Density Residential	PUD A-4	Multi-Family and Large Lot Single Family Residential

PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City	10"	SW Brookwood Avenue	Adjacent
	City	8"	SE 47th Avenue	Adjacent
	City	8"	SE Libby Court	Adjacent
Sanitary Sewer	City	8"	SW Brookwood Avenue	Adjacent
	City	8"	SE 47th Avenue	Adjacent
Storm Drain	City	12"	SW River Road	Adjacent

TRANSPORTATION

Streets	Existing		Plan Designated	
	R-O-W	Improvement	R-O-W	Improvement
SW Brookwood Avenue	50'-60'	28' +/-	60'-74'	30' +/-
SE 47th Avenue	50'	28'	50'	28'
SE Libby Court	50'-54'	24' +/-	50'-54'	28'-32'

Sidewalk Improvements	Existing	Plan Designated
SW Brookwood Avenue	None	5'
SE 47th Avenue	5'	5'
SE Libby Court	None	5'
Mass Transit	Bus Route	Distance to Site
Bus	#47 – Baseline/Evergreen	¼ Mile +/- North
Bicycle Lane	Existing	Plan Designated
SW Brookwood Avenue	None	6'
SE 47th Avenue	None	None
SE Libby Court	None	None

APPROVAL CRITERIA

Zoning Ordinance No. 1945, Section 127, (V) C, Planned Unit Development, describes the process for modifying a PUD as follows:

> C. Substantial modifications made to the approved Preliminary Plan will require a public hearing as provided by Section 116. The applicant must pay a fee as established by the City Council to defer costs to the City of a public hearing held for this purpose.

In response to the PUD criteria and in support of the proposed modification, the applicant has submitted the attached narrative and site plan.

NATURE OF PROPOSED MODIFICATION

The requested modification proposes the following changes:

- Tract B would be reduced in size and the parking spaces reduced from six to three;
- The reduction of Tract B allows Lots 3-10 on Libby Court to shift east;
- The lot which was Lot 3 is apportioned as additional backyard space for Lot 1 and shared open space for Lots 2-18;
- Tract C would remain the same size and three parking spaces would be added.

The intent of the proposed modification, as stated by the applicant, is as follows:

> "The modification is the evolution of a thought process that began when the homeowners of Lot 1 were surprised at the proximity of their new easterly lot line to their home. They were under the mistaken impression that the existing fence line would be their east property line. Rather than requesting a modification to increase the size of Lot 1 to accommodate this, the creation of a park in this area will accomplish a number of goals besides providing a buffer between the existing home and the new residences."

Way Estates was approved prior to the adoption of the Density, Design and Open Space amendments to the Zoning Ordinance. The density calculations for the site are found within the November 8, 2005 staff report, on pages 10 and 11, and are summarized as follows:

Minimum Density
12 single family detached dwellings
OR
18 single family attached dwelling

Maximum Density
31 single family attached or detached dwellings

The approved planned unit development includes 6 detached dwellings and 12 attached dwellings. The further division of Lot 1, as shown on the applicant's submitted plan set, is not a part of this request and will need to be applied for under separate application.

TESTIMONY RECEIVED

No written testimony was received from neighboring property owners or affected agencies. City departmental comments were received from the Parks Department, as follows:

Parks Department

- If the developer is interested the Parks Commission would accept dedication of the riparian area for possible trail connection from the Drake Lane properties to Baseline Road. Otherwise the Park tract would be owned and maintained by the Home Owners Association with a public pedestrian easement placed on the tract and the private street for possible access from Libby Court. [Planning staff would note that this comment has been addressed as Condition No. 42 of Ordinance No. 5582.]

RECOMMENDATION

Planning staff recommends that the Planning Commission open the public hearing, accept testimony, and then direct staff and the applicant as to subsequent steps.

Respectfully submitted,

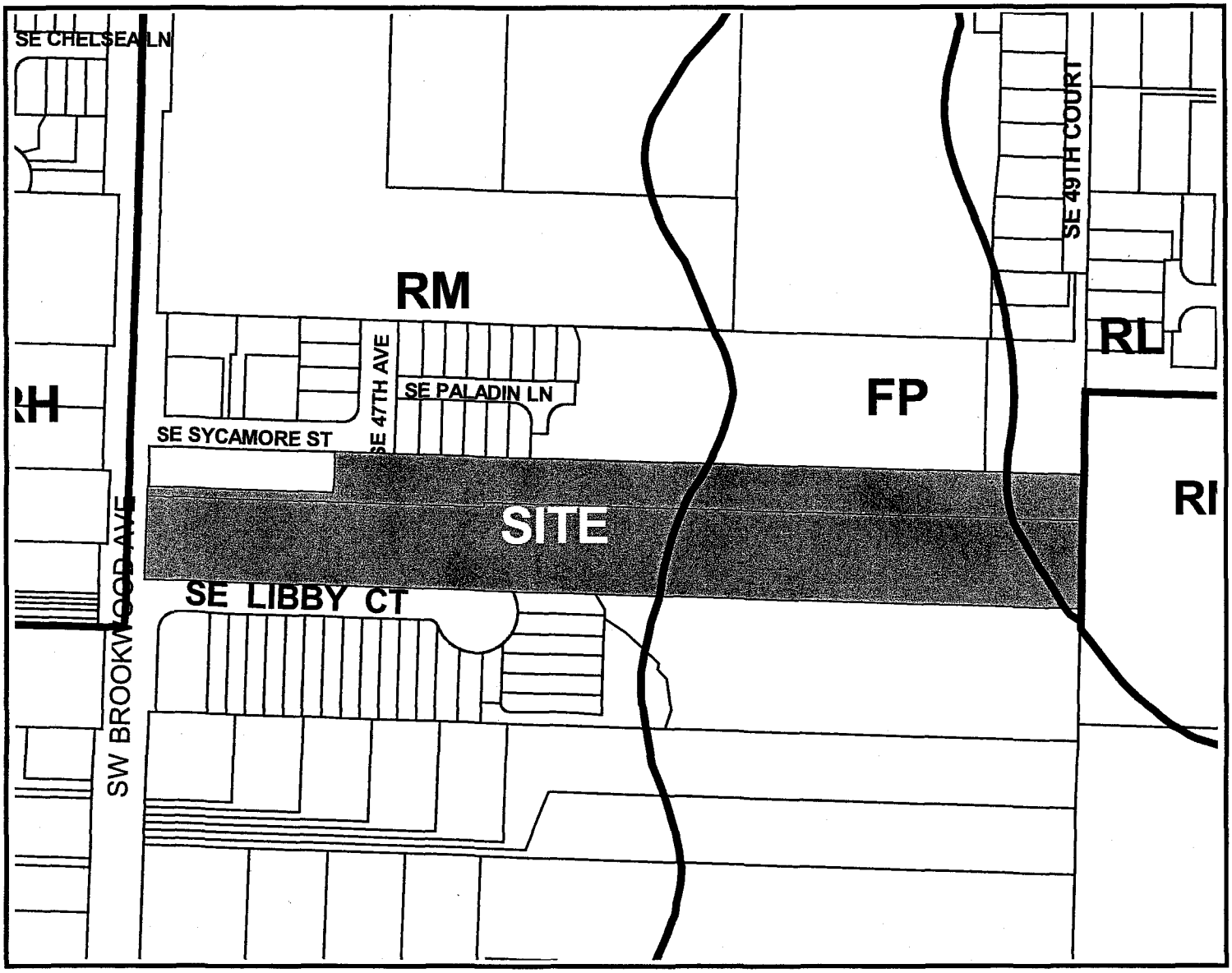
CITY OF HILLSBORO PLANNING DEPARTMENT

Ruth Klein
Urban Planner

Attachments:
Comp and Zoning Maps
Ordinance No. 5582
Staff Reports
September 8, 2005
September 22, 2005
October 6, 2005
October 19, 2005
Aerial Vicinity Map
Applicant's Submittal Materials

PUD 3-05 MOD 1: WAY ESTATES

REQUEST FOR PLANNED UNIT DEVELOPMENT MODIFICATION TO RECONFIGURE THE LOTS AND OPEN SPACE TRACTS ON A SITE, 4.67 ACRES IN SIZE IN THE A-1 DUPLEX RESIDENTIAL ZONE.

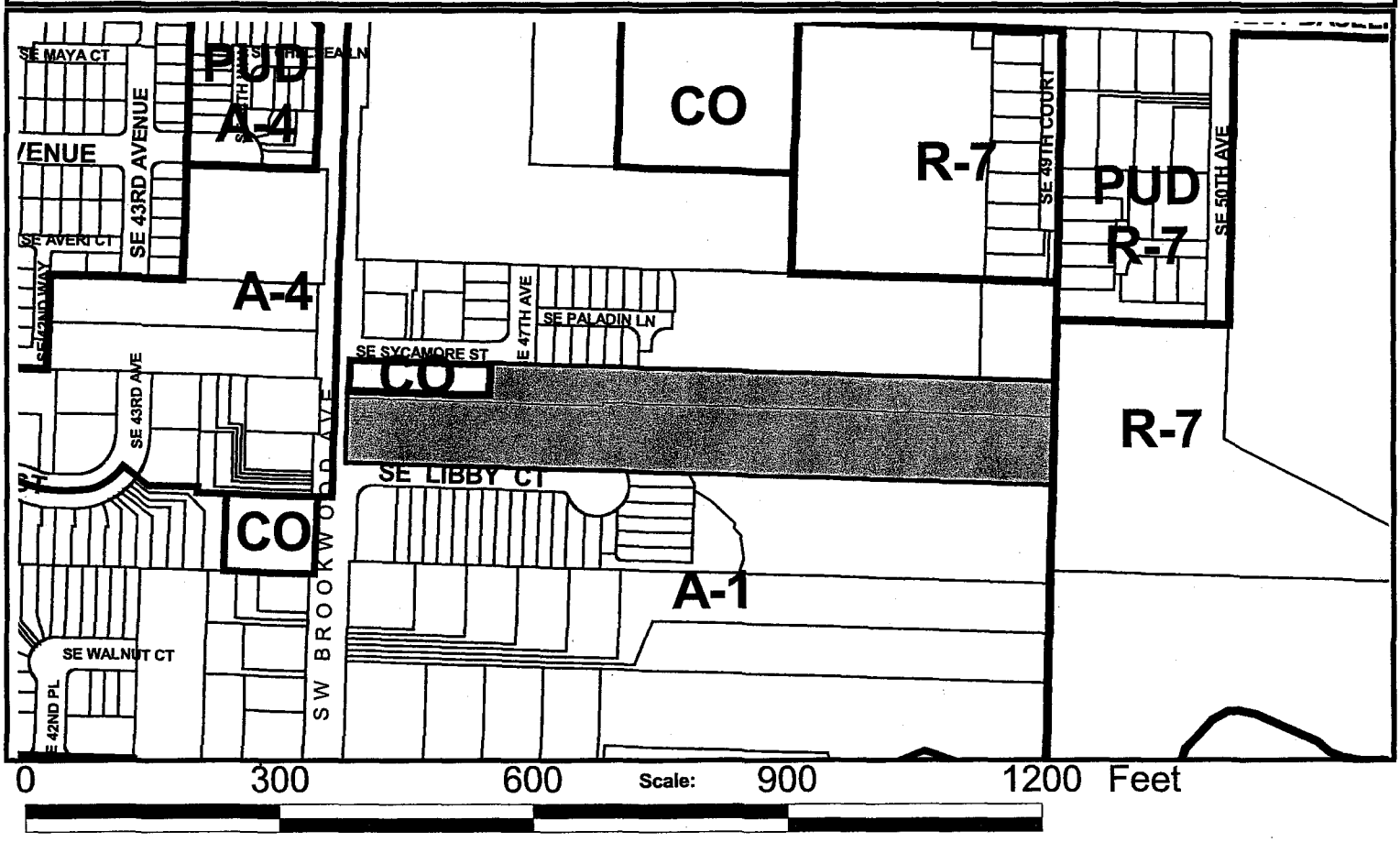


Comprehensive Plan Designations

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		

PUD 9-05 MOD 1: WAY ESTATES

REQUEST FOR PLANNED UNIT DEVELOPMENT MODIFICATION TO RECONFIGURE THE LOTS AND OPEN SPACE TRACTS ON A SITE, 4.67 ACRES IN SIZE IN THE A-1 DUPLEX RESIDENTIAL ZONE.



City of Hillsboro Zoning Designations					
R- 4.5	Single Family Residential	**R-7**	Single Family Residential	**R-10**	Single Family Residential
R- 6	Single Family Residential	**R-8.5**	Single Family Residential	**A-1**	Duplex Residential
SCC-SC	Station Community Commercial - Station Commercial			**A-2**	Multi-Family Residential
SCC-MM	Station Community Commercial - Multi-Modal			**A-3**	Multi-Family Residential
SCC-CBD	Station Community Commercial - Central Business District			**A-4**	Multi-Family Residential
SCC-HOD	Station Community Commercial - Highway Oriented District			**C-1**	General Commercial
SCBP	Station Community Business Park			**C-4**	Neighborhood Commercial
SCRP	Station Community Research Park			**PUD**	Planned Unit Development
SCI	Station Community Industrial			**M-2**	Industrial
SCR-HD	Station Community Residential - High Density			**M-P**	Industrial Park
SCR-MD	Station Community Residential - Medium Density			**MU-N**	Mixed Use - Neighborhood
SCR-LD	Station Community Residential - Low Density			**MU-C**	Mixed Use - Commercial
SCR-V	Station Community Residential - Village			**SID**	Special Industrial District
SCFI	Station Community Fair Complex Institutional			**SSID**	Shute Special Industrial District
SCR-OTC	Station Community Residential - Orenco Townsite Conservation Overlay				
SCR-DNC	Station Community Residential - Downtown Neighborhood Conservation				

City of Hillsboro Planning Department: (503) 681-6153

ORDINANCE NO. 5582

PUD 9-05: WAY ESTATES

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY APPROVING A PLANNED UNIT DEVELOPMENT OVERLAY ZONE ON CERTAIN TRACTS OF LAND THROUGH CONDITIONAL APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR AN 18-LOT SINGLE FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT ON A SITE APPROXIMATELY 4.67 ACRES IN AREA.

WHEREAS, the owner of certain tracts of land, described below, have filed a written application with the City of Hillsboro to modify the zoning of the tracts of land by adding a Planned Unit Development (PUD) overlay to the existing A-1 Duplex Residential zone, and

WHEREAS, the Planning Commission held a public hearing on September 14, 2005, September 28, 2005, October 12, 2005, October 26, 2005 and received testimony in support of, and testimony in opposition to, this application, and

WHEREAS, based on the testimony and materials received, the Planning Commission recommended approval of the preliminary development plan for the proposed PUD through adoption of Resolution No. 1527-P, with the conditions listed herein, based on the findings attached hereto as Attachment "A," and

WHEREAS, the City Council considered the Planning Commission's recommendation at the regular meeting of November 15, 2005, and adopts the findings and conditions of the Planning Commission as its own in regard to this matter, and

WHEREAS, based on those findings and conditions, the City Council hereby determines that the proposal conforms with the Hillsboro Comprehensive Plan and the Zoning Ordinance, and that the Planned Unit Development overlay zone is 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 with the addition of a Planned Unit Development overlay zone:

Tax Lots 700 and 800
on Washington County Tax Assessor's Map 1S2-4AA, Section 4, Township 1 South, Range 2 West, Willamette Meridian, on record as of April 25, 2005, a copy of which is attached hereto and thereby made part of this Ordinance.

Section 2. Approval of the PUD overlay zone is conditioned upon satisfaction of the following conditions:

1. Development and construction on the site shall conform substantially to the development plans October 6, 2005 staff report, and conditions approved by the Planning Commission, and specifically to the construction plans approved by the City Engineer and the Planning Director.

2. The developer shall assure the construction of public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Hillsboro, except as otherwise approved by the Street Committee and the Planning Commission. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the conditions of approval, prior to the approval of the final plat. All construction plans shall be approved by the City Engineer prior to the issuance of construction permits within the PUD.

3. Prior to final plat approval, the applicant shall provide documentation of compliance with the Washington County Letter, dated August 31, 2005, which includes such items as restriction of access onto SW Brookwood Avenue (to be identified on the final plat) and construction of frontage improvements.

4. The final plat(s) shall show dedication of right-of-way on SW Brookwood Avenue to provide for 45 feet east of the centerline. The dedication shall be reviewed and approved by Washington County and the City Engineer prior to approval of the final plat.

5. The developer shall construct a half-street improvement along the plat's SW Brookwood Avenue frontage. Said improvements shall include evaluation and upgrading of the existing structural road section, paving, sidewalks transitioning to meet existing sidewalks on on adjacent development, storm drainage, curbs, streetlights, and street trees. These half-street improvements shall be reviewed and approved by Washington County and the City Engineer. The applicant shall obtain all Washington County permits necessary for the construction of all street improvements and facilities.

6. The final plat(s) shall show a 16-foot dedication of right-of-way on SE Libby Court. The dedication shall be reviewed and approved by the City Engineer prior to approval of the final plat.

7. The developer shall construct a half-street improvement on the north side of SE Libby Court to the widths listed below. Street improvements shall include paving, curb/gutter, storm sewer, option "B" streetlights, a landscape strip with street trees, and property line sidewalks. All improvements shall be subject to approval by the City Engineer.

    a. additional improvement providing for a 32-foot wide paved surface
    b. 5-foot wide planter strip with street trees on the north side
    c. 5-foot property-line sidewalk on the north side from SW Brookwood Avenue to the existing sidewalk on SE Libby Court
    d. Street trees shall extend along the entire half-street improvement on the north side of SE Libby Court, including the frontage along Lot 1.

8. The final plat shall provide for private street tract, Tract A, at a width of 30 feet with a public access easement over its entirety. Street improvements shall include paving, mountable curbs, curb-tight sidewalks, streetlights, and street trees along the frontage of the private street on the individual parcels. The developer shall construct the said private street to the width listed below. All improvements shall be subject to approval by the City Engineer and Fire Marshal.

    a. 20-foot wide improvement
    b. 5-foot curb-tight sidewalks along both sides

9. The final plat(s) shall show public water, sanitary sewer and storm drainage easements to the City of Hillsboro across the entire width of the private street tract.

10. The proposed name for the private street shall include a southeast directional prefix. Private Street Tract A shall be identified as "Private," and posted with a street sign at each entry point prior to acceptance of the public and private infrastructure.

11. Stop signs shall be required at points where a lower classification of street intersects with a higher classification of street.

12. Prior to approval of the final plat, the developer shall provide to the City financial guarantees for the provision of street trees at a minimum of one tree per lot and three trees per corner lot on both public and private streets. Street trees shall be a minimum of two-inch caliper size when measured four feet from the ground, and shall be planted within root barriers approved by the City Engineer. The street tree plan shall be subject to review and approval by the City Engineer and Planning Director prior to approval of the final plat.

13. Prior to approval of the final plat, a landscaping and open space plan shall be submitted for open space Tracts B and C. The landscape plan shall also include a typical plan for front yard landscaping. Tract B shall contain additional landscaping on the western and southern sides of said tract and shall include a gazebo. Tract C shall contain additional landscaping on the western side of said tract and shall include a tot lot. Such plan shall illustrate the location and species of plantings throughout the proposed PUD, common area improvements, and details of any in-ground sprinkler systems, as well as fencing and signage plans. Any proposed irrigation system within the PUD should include water conserving sprinkler heads. Final landscaping, signage, and fencing plans (including perimeter fence or wall improvements) shall be reviewed and approved by the Planning Director prior to approval of the final development plan. The fence shown on Plan Sheet C3, Section A-A, as attached to the October 6th staff report, shall be a four-foot black powder coated chain link fence. Approved landscaping on the front yards of all lots shall be installed with construction of the individual houses. Approved landscaping in all tracts shall be installed prior to acceptance of public infrastructure.

14. Fencing on individual lots shall be uniform and installed at the time of home construction. Fences shall be constructed in accordance with the City of Hillsboro Zoning Ordinance standards. Prior to final development plan approval, a master fencing plan shall be provided to the Planning Department for review and approval. Such plan shall be substantially followed during home construction.

15. The final plat shall show eight foot wide utility easements (PUE) along all public rights-of-way within the plat, unless all utility companies that could locate infrastructure in the PUE provide written approval of an alternate utility easement configuration. The public utility easements shall be approved by the City Engineer prior to approval of the final plat.

16. Any lot adjacent to a City-installed water line and/or sanitary sewer line shall be subject to the City-installed rate at the time of building permit issuance.

17. The utility plans, including line locations and sizes for water lines, sanitary sewer lines, and storm drainage lines within the PUD, shall be subject to review and approval by the City Engineering, Building, and Water Departments prior to approval of construction plans for the development. The utility plans and any additional documentation shall be provided to display compliance with the conditions of approval of the September 1, 2005 Water Department Letter.

18. Development of the sanitary and storm sewer systems shall conform to Clean Water Services and City of Hillsboro standards. Prior to final plat approval, documentation shall be provided to display compliance with the conditions of approval of the July 8, 2005 Clean Water Services Service Provider Letter.

19. As a part of infrastructure construction, the developer shall construct a water quality treatment swale to treat storm water runoff. The water quality treatment swale within Tract C shall be privately owned, constructed to City of Hillsboro and Clean Water Services standards, maintained by the City of Hillsboro and shall be included in a storm water easement to the City. Profiles shall be provided for the water quality treatment swale at the points of flowing water to assure no erosion shall occur. Storm drainage laterals shall be provided to each lot. The facilities shall be private and owned by the Home Owners Association. An access easement to the City of Hillsboro shall be provided on the final plat from Tract A to Tract C for the City Public Works Department to provide maintenance to the water quality treatment swale.

20. All rain, storm, and other surface water runoff from roofs, exposed stairways, light wells, courts, courtyards, and exterior paved areas shall be disposed of in compliance with local ordinances, state rules and regulations, so as not cause impoundment on adjacent properties. The approved points of disposal include but are not limited to: a. storm sewer, b. street gutter through curb, and c. engineered storm sewerage systems.

21. The sanitary sewer lines shall be built to City of Hillsboro and Clean Water Services standards. The sanitary sewer mainline system shall be utilized as part of the public system.

22. The final plat shall show utility easements to the City of Hillsboro at any location in which water, sanitary sewer, or storm drainage lines are proposed for location outside public right-of-way. The minimum widths shall be 15 feet for a single utility easement and 25 feet for common utility easements unless reduction to such standards is approved by the City Engineer. Additional easement width shall be provided if necessary to accommodate angle of repose for utility trenches, unless structural alternatives are approved by the Building Department. Any utility easement to the City shall be reviewed and approved by the City Engineering, Building and Water Departments prior to approval of the final plat.

23. Fire hydrants shall be installed throughout the PUD, at the expense of the developer, in conformance with the requirements of the Fire Marshal and City Engineer. The final utility plans shall show the placement of hydrants. Fire hydrants shall be located within 300 feet of all exterior building walls as measured along an accessible route of travel. The water line shall be a minimum of six inches in diameter up to the hydrant tee.

24. Covenants, Conditions, and Restrictions for the PUD shall be recorded with the final plat, providing for the formation and continued operation of a Homeowners' Association. The Covenants, Conditions, and Restrictions shall allow for the collection and distribution of funds for the maintenance and repair of such elements including, but not limited to, the open space Tracts B and C, landscaping in the public right-of-way and front yards including irrigation, "No Parking" signs, signs for the private streets, street lights on the private drive, and fences.

25. The Covenants, Conditions, and Restrictions shall also include authorization for the City to assess the Homeowners Association and/or individual property owners within the PUD for necessary maintenance of the landscaping within the open space Tracts B and C, public right-of-way and front yards, if not adequately maintained by the property owners or the Homeowners Association. This portion of the Covenants shall be written to prohibit subsequent revision without consent by the City.

26. The Covenants, Conditions, and Restrictions filed with the final plat(s) for the PUD shall include references to the parking prohibited street sections.

27. Construction of streets, utilities, and structures on the site shall comply with the recommendations of the geotechnical investigation report conducted by GeoPacific Engineering, Inc. (dated July 7, 2005). Prior to issuance of construction permits on the site, the developer shall provide to the Building Official a copy of the geotechnical investigation report including slope stability studies, on-site site grading, cutting and filling, structural foundation requirements, surface and subsurface drainage recommendations, erosion vulnerability, and building or grading limitations, including top of slope offsets

and areas restricted for site grading. Building permit applications for on-site structures, including model homes, shall include a final geotechnical report identifying any portions of the site requiring further evaluation by a geotechnical or structural engineer.

28. Final construction drawings for the project shall include grading plans confirming that site grading within the PUD will not impede or impound existing storm drainage from surrounding properties. If deemed necessary by the City Engineer, the grading plans and construction drawings shall include drainage tiles, private storm drainage lines or catch basins, or other alternative means to adequately convey the storm runoff away from adjacent properties to the new storm drainage lines in the development. Any drainage tiles, private storm drainage lines, catch basins, or other alternative improvements considered necessary by the City Engineer shall be included in the PUD construction. The applicant shall construct retaining walls along the northern property line and at the eastern side of the site in order to transition existing grades to those proposed in the development. The City Engineer shall review and approve the locations of the retaining walls prior to approval of construction drawings. The applicant shall obtain all necessary permits from the Building Department prior to constructing the retaining walls.

29. Construction plans for public utilities and site grading within the development shall include a tree protection and removal plan to be followed during site construction. The purpose of the tree protection and removal plan will be to insure the preservation of the maximum possible number of trees within and adjacent to the public rights-of-way and private street tracts. The tree protection and removal plan shall identify all trees eight inches or larger in diameter four feet above the ground, as follows:

    a) Trees which must be removed due to their location within the public/private street improvements or the alignments of the underground public or private utilities;

    b) Trees which will be retained if possible, outside the underground utilities alignments but within the public right-of-way, private street tract, or utilities easements. A fencing plan will be provided for these trees, and any proposed tree removal in these areas must be justified on the basis that construction will render the trees unsafe.

    c) Trees that will be retained outside the public right-of- way, private street, or public utilities easements, within the individual lots or the common open space tracts. A fencing plan shall be provided for these trees if the driplines extend into the utility alignments. No trees within these areas shall be considered for removal unless the tree is directly adjacent to the utility construction and construction will render the trees unsafe.

    The tree protection and removal plan shall be prepared with the assistance of a certified arborist, and shall be reviewed and approved by the Planning Director prior to the issuance of grading or construction permits. No development grading or construction shall occur until a tree protection and removal plan has been approved by the City.

30. Spoil dirt from construction of public or private infrastructure improvements shall not be permanently disposed of within the driplines of the trees remaining within the plat's boundary. With the assistance of a certified arborist, the developer shall prepare and submit a spoils disposal plan for public infrastructure improvements. Said plan shall be approved by the Planning Director and City Engineer prior to issuance of grading or construction permits.

31. Construction plans submitted to the Engineering Department shall show the location of any existing wells and septic tank drainfields. Plans shall indicate the method and schedule for abandonment. Disposition of the well and septic system shall be reviewed and approved by the City Engineer.

32. The applicant shall submit for required demolition permits prior to removal of any existing structures.

33. Building permit applications within the Way Estates PUD shall include a tree protection and removal plan to be followed during home construction. The purpose of the tree protection and removal plan will be to insure the preservation of the maximum possible number of trees on each lot. The tree protection and removal plan shall identify all trees eight inches or larger in diameter four feet above the ground, as follows:

    a. Trees which must be removed due to their location within the structural footprint of the house;

    b. Trees which will be retained if possible, outside the structural footprint, within the building envelope. A fencing plan will be provided for these trees, and any proposed tree removal in these areas must be justified on the basis that construction will render the trees unsafe.

    c. Trees which will be retained outside the building envelope. A fencing plan shall be provided for these trees if the driplines extend into the structural footprint. No trees within these areas shall be considered for removal unless the tree is directly adjacent to the structural footprint and construction will render the trees unsafe.

    The tree protection and removal plan shall be prepared with the assistance of a certified arborist, and shall be reviewed and approved by the Planning Director prior to the issuance of building or grading permits. No grading or construction shall occur on a lot until a tree protection and removal plan has been approved by the City.

34. Spoil dirt from utility, foundation, and driveway excavations on any lot shall not be permanently disposed of within the driplines of the trees remaining on those or any other lots or tracts. With the assistance of a certified arborist, the developer shall prepare and submit a spoils disposal plan for each of the affected lots, for review and approval by the Planning Director. No grading or construction shall occur on any lot until a spoils disposal plan for the affected lot has been approved by the City.

35. Dust suppression measures, as approved by the City Engineer, shall be provided during the course of construction within the development.

36. Erosion control measures in compliance with the City standards shall be provided during the course of construction within the development.

37. The developer shall coordinate the location of mailboxes with the City Engineer and the Hillsboro Post Office.

38. Crime Prevention Through Environmental Design (CPTED) concepts shall be incorporated throughout the development, addressing lighting, signage, entryways, and landscaping.

39. The following setback exceptions have been approved for Way Estates:

    a. Reduction of the required front yard setback for Lot 18 from 15 feet to a minimum of three feet on the southern side of the lot;
    b. Reduction of the required front yard setback for Lot 18 from 15 feet to a minimum of 9.5 feet on the western side of the lot;
    c. Reduction of the required interior setback for Lot 18 from five feet to one and a half feet on the northern side of the lot; and
    d. Acknowledgement of the existing interior setback of 1.5 feet on the northern side of Lot 18.

40. The submittal, by the applicant for final development plan review and approval, shall include but not be limited to the following: a narrative identifying how the required conditions of approval have or will be met; the final plat; the final development plan review fee; and any other materials required to display compliance with the conditions of approval. These items and the financial guarantees required in Condition No. 2 shall be provided prior to transmitting of a "plat release letter" to Washington County Survey Department.

41. The tot lot within Tract C shall be built according to the U.S. Consumer Product Safety Commission's (CPSC) Handbook for Public Playground Safety.

42. If acceptable to the applicant and approved by the Park Commission, the floodplain and wetlands tract shall be deeded to the City on the final plat. If the open space tract is retained by the Home Owners' Association, the Covenants, Conditions, and Restrictions shall prohibit brushing, clearing or grubbing, grading, construction, or storage of material within the sensitive area, with the following exceptions: removal of dead, diseased or dangerous trees; removal of invasive or non-native vegetation; and replanting of native or habitat-enhancing vegetation.

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

Section 4. Pursuant to Zoning Ordinance No. 1945, Section 127 (IV) (I.) and (V), preliminary approval of the Planned Unit Development overlay zone will expire two years from the date of approval of this Ordinance, unless the final development plan has been approved or unless the preliminary approval is extended or modified by the Planning Commission upon request.

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

Passed by the Council this 15th day of November 2005.

Approved by the Mayor this 15th day of November 2005.

Mayor

ATTEST:

City Recorder

FINDINGS
Attachment "A"

WAY ESTATES
File No. PUD 9-05

REQUEST

The applicant, S. Kem Design & Construction, Inc., requested Planning Commission approval for the preliminary development plan for Way Estates, An 18-lot (originally 22-Lot) single family residential Planned Unit Development (PUD), on approximately 4.67 acres of property. The site is designated RM – Medium Density Residential on the Comprehensive Plan Land Use map.

Development of the proposed PUD would include 18 residential lots to be to be developed with attached and detached residences, frontage improvements along SW Brookwood Avenue and SE Libby Court, creation of a private street, a private water quality facility and improvement of one open space tract. The applicant and property owner is S. Kem Design & Construction, Inc. and the consultant is DL Design Group, Inc.

SITE DESCRIPTION

The proposed PUD is generally located south of West Baseline Road, north of SE Libby Court, west of SE 50th Avenue, and east of SW Brookwood Avenue. The two properties can be specifically identified as Tax Lots 700 and 800 on Washington County Tax Assessor's Map 1S2-4AA. Tax Lots 700 and 800 each have a single family residence, respectively addressed as 270 SW Brookwood Avenue and 310 SW Brookwood Avenue. The two houses on the western portion of the site will remain.

SW Brookwood Road, west of the site, is designated as an Arterial in the City of Hillsboro Transportation System Plan's Functional Classification Plan. This road right-of-way currently measures 50 to 60 feet. SE Libby Court, south of the site, is designated as a Local Residential Street in the City of Hillsboro Transportation System Plan's Functional Classification Plan. This road right-of-way currently measures 38 feet. SE 47th Avenue is stubbed to the site's northern property boundary, and measures 50 feet in right-of-way width.

Two single family residences are currently located on each of the two lots and has scattered mature trees and areas of dense trees along Dawson Creek, which runs through the eastern portion of the site. The site has a downward slope to the east, with identified Level 3 City of Hillsboro Goal 5 Natural Resource Inventory Resources and Impact Areas. Two-thirds of the site is within the 250-foot area of potential impact on the Clean Water Services Sensitive Areas Pre-Screen Map.

PROCEDURAL STATUS

In accordance with the procedures set forth in Section 127 (IV) of the Zoning Ordinance, an application package was submitted by the applicant for consideration by the Hillsboro Planning Commission. Public hearings were held by the Planning Commission on September 14, September 28, and October 12, 2005 to review this matter. At their regular meeting on October 12, 2005, the Planning Commission voted unanimously to tentatively approve the preliminary

plan for the Way Estates PUD, keeping the public hearing open solely for discussion of proposed conditions of approval at their October 26, 2005 regular meeting. The Planning Commission directed the applicant to prepare findings and staff to prepare a Resolution and final conditions of approval for their formal approval at the October 12, 2005 Planning Commission meeting.

PUBLIC TESTIMONY RECEIVED PRIOR TO SEPTEMBER 14 HEARING

Washington County Department of Land Use and Transportation submitted a letter, dated August 31, 2005, which requires various conditions of approval for the proposed 22-lot residential development. Such conditions include right-of-way dedication, certification of adequate sight distance, frontage improvements, and obtaining a facility permit.

Public testimony was received from the Brookwood Bluff Homeowners Association (BBHOA) dated September 5, 2005. The BBHOA had concerns over the fact that no on-street parking was proposed, yet the new households will be utilizing SE Libby Court, which they believed would exacerbate the already tight parking situation found on SE Libby Court. The BBHOA was concerned with the proposed improvement to existing roads and requests that the Planning Commission requires full street improvements done on the entire north side of SE Libby Court and along the east side of SW Brookwood Avenue. The BBHOA was also concerned with the proposed private stormwater facility due that the responsibility for the underground facility will fall on the future homeowners of Way Estates after development. In case of failure to the system or faulty maintenance, the immediate neighborhoods, the City, etc. would depend on the private individuals in Way Estates to correct the problems and adequately maintain the facility over a long period of time. Additionally, the BBHOA was concerned with stormwater runoff management in each building lot. The Park/Play Area was not been clearly defined by any proposed open space amenities. The BBHOA desired clear delineation of the wetland areas with proper fencing and clear signs. The BBHOA asked the Planning Commission to support the innovation component to a PUD and believes that Way Estates demonstrates no innovation in its proposal.

Public testimony was also received from Kathy and Lacy McKay dated September 5, 2005. Mr. and Mrs. McKay's testimony concerned a property line dispute with the applicant of Way Estates, between their Tax Lot 600 on Washington County Tax Assessor's Map 1S2-4AA and Tax Lots 700 and 800 also of Washington County Tax Assessor's Map 1S2-4AA. Mr. and Mrs. McKay argued that the applicant's property was 5 feet short of what their property deed of trust and the tax map indicates.

THE SEPTEMBER 14, 2005 PLANNING COMMISSION HEARING

At the September 14, 2005 Planning Commission meeting, the Commission raised several concerns regarding 1) the orientation of homes proposed along the north side of SE Libby Court; 2) details of the perimeter fencing (especially on original lots 18 through 22 and Lot 4); 3) landscaping, open space amenities; 4) a more detailed plan of the stormwater vault and maintenance agreement; 5) follow-up information on the property line dispute; 6) the adequacy of the side yard setbacks; 7) clarification regarding whether additional open space would be provided or if an exception would be requested.

The applicant responded to the Commission and the neighbors concerns by reducing the proposal from 22 lots to 18 lots. This eliminated the need for exceptions to the side yard setbacks and provided adequate driveway length. The houses were shifted so that they face

the new internal private drive. The applicant also redesigned the stormwater system to provide an above ground swale that will be maintained by the City. The neighbors and the Commission objected to inclusion of a basketball court as a play amenity in the open space. Thus the basket ball court was replaced with playground equipment, a gazebo and a number of benches that provide a view of the wetland enhancement area on the east end of the site. By removing four of the lots, the applicant increased the amount of open spay by an additional .06 acres meeting the City's open space requirements. To address parking concerns the applicant agreed to include an additional 13 on-street parking spaces. At the final hearing, the applicant also provided further landscape plans and details showing street trees, landscaping in the open space area and play structure detailing.

THE OCTOBER 12, 2005 PLANNING COMMISSION

Additional public testimony from the BBHOA was received by the Planning Department. The BBHOA's testimony concerned the short notice that the applicant has provided material to the Planning Department for the public to review.

At the October 12, 2005 Planning Commission meeting, the public hearing was continued. During this meeting, the Commission received applicant testimony from Mr. Gary Darling of DL Design Group, Inc. During his testimony, the Commission directed several comments to the applicant, including: 1) additional landscaping on the western and southern sides of Tract B and the western side of Tract C; 2) emphasize maintenance of landscaping within the public right-of-way, front yards and open space tracts; and 3) reduced height for the chain link fence shown on Plan Sheet C3.

The Planning Commission found that the final evidence submitted by the applicant was timely filed and did provide the neighbors an adequate opportunity to review and respond. The applicant agreed to provide additional landscaping on Tracts B and C as well as to reduce the height of the chain link fence shown on Plan Sheet C3.

APPLICABLE PLAN GOALS AND POLICIES

Section 2. Urbanization Implementation Measure (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. The Commission finds that this development provides further infill in existing urban areas.

Section 3. Housing - Goal: To provide for the housing needs of the citizens of Hillsboro and surrounding communities by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient number and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents. The Planning Commission finds that this development will provide needed housing.

Section 3. Housing Policy (B): A variety of housing units shall be encouraged throughout the Planning Area for households of all incomes, ages, and living patterns. Such housing should include, but not be limited to, single-family residences, duplexes, apartments, attached single-family residences, co-op housing, condominiums, townhouses, and mobile home parks. Specific locations for each type of housing shall be consistent with the Comprehensive Plan

Map and Zoning Map. Each type of housing should be available at various prices and rents in order to maximize housing choices of the public.

Section 3. Housing Policy (D): The provision of housing of various types and prices/rents and development which provide for an efficient and compatible mix of housing types shall be encouraged. This will increase the choice of housing and will act to disperse housing types throughout the Planning Area in development of design and construction consistent with Policy (C) of this section. This development will provide a variety of housing types at a diverse range of prices.

Section 3. Housing Policy (E): In order to promote home ownership and to increase efficient land use, developments with lots less that 7,000 square feet shall be allowed when specifically authorized by the zoning Ordinance. Because the social and aesthetic impact of poorly designed residential developments increases with density, such developments shall be of a quality and design which effectively offsets increases in density and/or smaller lots and through provisions of usable open space as well as other amenities. The Commission finds that adequate provisions of usable open space will be provided.

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

Section 3. Housing Policy (Q): The Planning Commission may approve housing developments which utilize new and innovative design techniques that, while different from standard subdivision developments and design requirements, are consistent with the policies of this goal.

Section 3. Housing Implementation Measure (A): Developers of tracts of land which are sufficiently large to allow for comprehensive planning shall be encouraged to use the Planned Unit Development (PUD) process in order to permit the application of new technology, greater freedom of design, land development and ownership patterns, greater population densities and economy of land use, thereby promoting a harmonious variety of use, a more efficient use of public facilities, and the creation of attractive, healthful, and stable environments for living, shopping, and working. The PUD process was used in this development.

Within a PUD, densities may reach the minimum density allowed in the next highest Plan designation. Such a density increase above the existing designation need not be justified by the applicant. The burden of justification shall increase as the density increases above that cited.

Open Space, Scenic and Historical Sites - Goal:

(A) Preserve, protect and maintain for present and future residents of Hillsboro and surrounding community open space, historic site, and structures.
(B) Provide a livable and attractive environment.
(C) Promote and encourage development in character with the natural features of the land.

Section 9. Recreation Policy (J): Private and public developers shall be required to landscape their developments in order to create a park-like nature in the community. The Commission finds that the landscape and open space areas proposed on in the construction plans including children's' play area, landscaped gazebo and benches overlooking a wetland areas serve to meet this policy.

Section 13. Transportation Policy (A)(5): Provide adequate access to properties for emergency services vehicles throughout the City using the City land use planning and development review procedures. The Commission finds that adequate access for emergency vehicles can be provided.

Section 13. Transportation Policy (G): Streets shall be designed and arranged in a manner that allows for efficient land use and minimizes the amount of street required to service an area.

Section 13. Transportation Policy (H): Efficient access to each area of the City for fire, police, and ambulance service shall be provided.

Section 13. Transportation Implementation Measure (M): Proposed new developments shall consider opportunities to incrementally extend and connect proposed new streets with existing streets within adjacent or nearby areas in addition to addressing street connectivity recommendations shown on the Local Street Connectivity maps contained within Section 21. Transportation System Plan. (Added by Ord. No. 4901/5-00.)

Section 13. Transportation: Implementation Measure (O)(3):

3. Local Residential Streets

These streets are intended to serve only abutting land and should carry less than 1,500 vehicles per day. If traffic volume is projected to exceed 1,500 vehicles per day, neighborhood traffic management measures as identified in the Transportation System Plan shall be considered. The standard local residential street shall be designed as a 32-foot roadway improvement within a 54-foot right-of-way (where daily traffic volume exceeds 1,500 vehicles) with a 5-foot minimum width sidewalk and a minimum 4-foot landscape strip separating the sidewalks and roadway on each side. Refer to Figure 13-1. With City Engineer approval other designs can be considered. When the projected build-out daily traffic volume is below 250 vehicles per day, the improved roadway width may be reduced to not less than 24 feet with a right-of-way of not less than 46 feet with no on-street parking allowed and adequate off-street parking is available on the abutting properties. When projected daily traffic volumes exceed 600 vehicles per day and are less than 1,500 vehicles per day, the improved roadway width may be reduced to not less than 28 feet with a right-of-way of not less than 50 feet if parking is restricted to one side and adequate off-street parking is available on the abutting properties.

APPROVAL CRITERIA

Zoning Ordinance No. 1945, Section 127 Planned Unit Development, specifies the Purpose, Standards, and Criteria which govern the application for a Planned Unit Development as follows:

II. Purpose. The purposes of the Planned Unit Development Overlay zone are to provide a means to create planned environments through the application of flexible standards which allow for the application of new techniques and living arrangements; facilitate the efficient use of land; promote an economic arrangement of land uses, buildings, circulation systems, open space and utilities; preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type

and design of a development to a particular site; encourage development that recognizes the relationship between buildings, their use, open space, and accessways, thereby increasing the opportunities for innovative and diversified living, shopping, and working environments; permit Mixed Use Developments; and permit a mix of industrial and commercial uses in a high quality setting on large sites designated Industrial or Commercial by the Hillsboro Comprehensive Plan Map; where the applicant can demonstrate that the site is subject to a master development plan which addresses issues such as development quality, landscaping, traffic and pedestrian circulation, parking and general maintenance standards through developer-recorded covenants, conditions and restrictions.

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

A. The use (or uses) proposed is (are) consistent with the goals and policies of the Hillsboro Comprehensive Plan.

B. The tract or tracts of land included in a proposed PUD must be in a single ownership or under the development control of a joint application of owners or authorized agents of the property involved.

D. Any proposed development subject to the PUD process within the City of Hillsboro, which meets the definition of "development" as contained in Chapter 1 Section 1.02.15 of the *Washington County Unified Sewerage Agency's Construction Standards and Regulations Pertaining to the Sanitary Sewerage and Storm and Surface Water Management Systems, including Regulations for Erosion Control and Protection of Water Quality Sensitive Areas,* shall be reviewed for compliance with, and shall comply with the applicable provisions of Chapter 3, *Standard Design Requirements for Storm and Surface Water* of the USA's Construction Standards and Regulations for Sanitary Sewerage and Storm and Surface Water Management Systems

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

An increase in density above the minimum units/acre of the next highest designation specified by the Hillsboro Comprehensive Plan may be

proposed and can be permitted. The applicant must justify increased density, and the burden of justification shall increase as the proposed density increases. At a minimum, the applicant must explain how the increase can be considered to be in conformance with the Plan designation for the site and demonstrate that any adverse impacts can be mitigated.

Pursuant to Comprehensive Plan Natural Resources, Open Space, Scenic and Historical Sites Policy (E) (5), in a proposed PUD containing Significant Natural Resource Sites, as shown on the SNRO District Map, the allowable densities shall be reduced within the Significant Natural Resources Overlay District, and may be transferred from the Significant Natural Resources Overlay District to the remainder of the site, as specified in Section 131A.

F. Building and parking area setbacks, lot coverage and building height must conform to the requirements of the zone underlying a majority of the PUD unless a deviation is proposed, considered and approved as a part of the application process. Any such deviation must be justified by the applicant by addressing the exceptions criteria of subsection (K) below. Such deviation shall only be approved if the Planning Commission finds that the proposal conforms to the exceptions criteria of subsection (K) below.

G. Parking shall be provided at a minimum ratio of 2.5 spaces per dwelling unit and as specified in Section 84 for other types of uses. The number of spaces may be reduced to 2 spaces per dwelling unit if the PUD is wholly served with a fully improved public street system including on-street parking on at least one side. Further reductions in the amount of parking to be provided may be proposed by the applicant but shall be approved only if they meet the exceptions criteria of Subsection (K) below to the satisfaction of the Planning Commission.

H. At least fifteen percent (15%) of the net development area shall be utilized as Open Space. Open space, covered or uncovered, is the land area to be used for scenic, cultural, landscaping or recreational purposes within the PUD. Open Space does not include proposed drives, streets, or rights-of-way, parking areas and their accessory uses. A performance bond in an amount up to 120% of the total estimated open space improvement costs may be required by the City to insure that these improvements are installed.

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

I. Connectivity. Planning Unit Developments shall provide vehicular, bicycle and pedestrian connections to adjacent and nearby residential areas, transit stops, neighborhood activity centers and other neighborhood facilities in the following manner:

1. In PUDs that are 5 acres or more in size, full street connections

with spacing of no more than 530 feet between these connections shall be provided except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction or required different street connection standards.

2. Within PUDs in which full street connections are not possible, bicycle and pedestrian connection on public easements or rights-of-way shall be provided with spacing of no more than 330 feet between connections except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction.

3. In PUDs, opportunities to incrementally extend and connect proposed new streets with existing streets in adjacent or nearby areas shall be considered in addition to addressing street connectivity recommendations shown on the Local Street Connectivity Maps contained within the City's Transportation System Plan.

4. The use of cul-de-sac designs and closed street systems shall be limited to circumstances in which barriers such as topography, railroads, freeways, pre-existing development or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent full street extensions. When permitted, cul-de-sacs shall have a maximum length of 200 feet and shall serve no more than 25 dwelling units.

5. Narrow street designs for local streets may be permitted with city engineer approval, provided that other minimum dimensional requirements are met for travel lanes, bike lanes, parking lanes and sidewalk widths.

J. [This section is applicable only to proposed Industrial or Commercial PUDs.]

K. Exceptions.

1. Building Setback or Yard Requirements. The Planning Commission may grant an exception to the dimensional building setback or yard requirements of the applicable standards based on findings that the approval will result in the following:

a. No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.

b. At least one of the following:

(1) a more efficient use of the site;

(2) the preservation of natural features which have been incorporated into the overall design of the project;

(3) safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

In the instance where adjoining properties to the Planned Unit Development are zoned residential, all structures within the PUD shall be set back from adjoining properties to the minimum setback or yard required of the underlying zone. In addition, the length of a driveway in front of a garage or carport shall not be less than 17 feet when the driveway is intended to be used as parking and not greater then four feet when the driveway is not intended to be used for parking.

2. Building Height. The Planning Commission may grant an exception to the applicable height requirements for a specified and defined area within the PUD, based on findings that:

a. The transportation system can accommodate increased traffic resulting from additional height; and

b. Adequate public utilities are available to serve the additional structural height; and

c. The proposal complies with the Federal Aviation Administration's Aviation Regulations (FAR) Part 77; and

d. Solar access is maintained to existing solar energy devises on adjacent property.

3. Parking. The Planning Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements of the applicable standard based on findings that the approval will result in one of the following:

a. An exception which is not greater than ten percent of the required parking.

b. At least one of the following:

(1) a proposed use which is designed for a specific purpose, is intended to be permanent in nature (for example, a nursing home), and has a low demand for off-street parking;

(2) an opportunity for sharing of parking including written evidence that the property owners will enter into a binding legal agreement;

(3) public transportation is available to the site.

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

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

L. Significant Natural Resource Sites.

Pursuant to Comprehensive Plan Natural Resources, Open Space, Scenic and Historical Sites Policy (E), applications for proposed PUD's containing Significant Natural Resource (SNR) Sites, as shown on the Significant Natural Resources Overlay District Map, shall specifically address preservation of natural vegetation and wildlife habitat within the SNR Site. Applications for PUD's in the SNRO District shall be subject to the provisions in Section 131A.

FINDINGS FOR PUD AND A-1 ZONE REVIEW CRITERIA

PROJECT OVERVIEW

The applicant and property owner, S. Kem Design & Construction, Inc., requests preliminary development plan approval for a 18-Lot detached single family residential Planned Unit Development (PUD). The site is designated RM – Medium Density Residential on the Comprehensive Plan Land Use map. The applicant's representative is DL Design Group, Inc.

The development includes the creation of 18 lots to be developed with attached and detached residences, frontage improvements along SW Brookwood Avenue and SE Libby Court, creation of a private street, a private water quality facility and improvement of one open space tract.

The site has a downward slope to the east, with identified Level 3 City of Hillsboro Goal 5 Natural Resource Inventory Resources and Impact Areas. Two-thirds of the site is within the 250-foot area of potential impact on the Clean Water Services Sensitive Areas Pre-Screen Map.

Through the PUD process, the applicant has requested three (3) exceptions to the A-1 Residential setback requirements, as required by Section 25, for lot 18. These include:

1. Reduction of the required front yard setback on lot 18 from 15 feet to 3 feet on the south side.

2. Reduction of the required side yard setback on lot 18 from 15 feet to 9.5 feet on the west side.

3. Reduction of the required interior setback for Lot 18 from five feet to one and a half feet on the northern side of the lot.

These exceptions are required to accommodate the existing house already located on lot 18 and, at the same time, provide connectivity to SE Sycamore Street directly to the north of this development. Thus, the Commission finds that the requested exceptions will not have an adverse affect on adjoining properties because the exception area is located within the proposed development area. The Commission also finds that the proposed design provides efficient use of the site in that the development road is able to extend further into the development serving tax lot 600 and the west side of the proposed development. Aligning the roadway so that it connects with SE Sycamore Street to the north will also provide safe and convenient access to and circulation within the development.

PROJECT DENSITY

Section 22A specifies that the minimum allowable residential density for single family lots in the A-1 zone is 8 dwelling units per net residential acre. Section 3 (68) defines net residential acreage as adjusting the gross acreage by deducting the amount of "undevelopable" land, which is defined as, and limited to, that which is:

1) Required for dedications of public right-of-way and easements, and for internal public-ways required for fire access;
2) Required for storm water treatment and detention facilities;
3) Required set-asides for and setbacks from wetlands and drainage-ways; and
4) Any land with slopes of twenty-five percent (25%) or greater or within the mapped 100-year floodplain, unless used for building or parking purposes.

The application material identifies 4.67 acres of site area within the A-1 Duplex Residential zone. The net developable area is found by deducting 0.17 acres of rights-of-way, 0.19 public easements, and 2.82 acres of wetlands, required Clean Water Services' buffers and Significant Natural Resource Overlay.

4.67 gross acres of the site within the A-1 zone – 0.17 acres – 0.19 acres – 2.82 acres = 1.49 net developable acres

1.49 net acres x **8** dwelling units/net acre = 11.92 or 12 single family detached dwelling units

1.49 net acres x **12** dwelling units/net acre = 17.88 or 18 single family attached dwelling units

Section 127 (III) (E) specifies that the maximum allowable residential density for a PUD without further justification is calculated by first establishing the net developable area of the site (gross acres minus floodplain, wetlands, wetland buffer or non-residential uses); and then by multiplying the net development area by the minimum units/acre of the next highest Plan designation, *except for projects located within or partially within the Significant Natural Resources Overlay (SNRO) District.*

As stated on Page 7 of the narrative and as shown on the Onsite Analysis Plan included as Drawing C21, there is no SNRO area on the site, therefore the applicant proposes multiplying the net development area by the minimum units/acre of the next highest Plan designation.

The application material identifies 4.67 acres of site area within the A-1 Duplex Residential zone. The maximum allowable residential density can be calculated as follows:

4.67 gross acres of the site within the A-1 zone – 2.82 acres within the SNRO = 1.85 net acres developable

1.85 net acres x 17 dwelling units/net acre = 31.45 or **31** dwelling units

The application proposes a total of 17 lots (excluding Lot #1, which is in Phase 2) for detached single family residences with the required density range being the minimum of 12 lots and maximum of 31 lots. This fits squarely within the maximum and minimum density allowed on the site, thus the density standard within the A-1 zone are satisfied. However, Lot 1 could be developed at a later date, increasing the density to 23 lots which is still within the allowable density.

HOUSING TYPES AND LOTTING PATTERN

Lot Size: As explained above, the applicant proposes 18-lots created through the Planned Unit Development and the corresponding dimensions. The typical minimum lot dimensions in the A-1 Duplex Residential zone are 4,500 square feet for detached single family lots, 50 feet in width and 85 feet in depth. The typical minimum lot dimensions in the A-1 Duplex Residential zone are 6,000 square feet for duplex lots. Section 24(5) states the following:

> *(5) Developments proposing lots smaller than 4,500 square feet, or lots with depths and widths less than those set forth in subsections (1), (2), and (3) above, for detached single family residences such as rowhouses and courtyard cluster houses, may be approved only pursuant the Planned Unit Development process as specified in Section 127 of this Ordinance. Planned Unit Developments approved for smaller lots under this provision shall be exempt from compliance with Zoning Ordinance 127(111)(C).*

The proposed lots range from 1,602 to 3,607 square feet excepting Lot 1, which is an exisiting lot considered in Phase II and contains 16, 603 square feet. The average lot size for lots #2 through 18 is 2,020 square feet. The proposed duplex parent lots range from a minimum area of approximately 3,207 square feet to 3,682 square feet, with the average duplex parent lot size of 3,327 square feet. The lot widths range from approximately 24 feet to 49 feet, while lot depths range from approximately 66 feet to 76 feet.

Setback Requirements: The A-1 zone requires a minimum front yard setback of 15 feet with 20 feet from the garage. Minimum side yard setbacks are five feet. For corner lots the minimum front setback is 15 feet.
the applicant has requested three) exceptions to the A-1 Residential setback requirements, as required by Section 25, for lot 18. These include:

1. Reduction of the required front yard setback on lot 18 from 15 feet to 3 feet on the south side.

2. Reduction of the required side yard setback on lot 18 from 15 feet to 9.5 feet on the west side.

3. Reduction of the required interior setback for Lot 18 from five feet to one and a half feet on the northern side of the lot.

These exceptions are required to accommodate the existing house already located on lot 18 and, at the same time, provide connectivity to SE Sycamore Street directly to the north of this development. Thus, the Commission finds that the requested exceptions will not have an adverse affect on adjoining properties because the exception area is located within the proposed development area. The Commission also finds that the proposed design provides efficient use of the site in that the development road is able to extend further into the development serving tax lot 600 and the west side of the proposed development. Aligning the roadway so that it connects with SE Sycamore Street to the north will also provide safe and convenient access to and circulation within the development.

Height of Buildings and Lot Coverage: No exceptions are requested for building height or lot coverage.

STREETS, ACCESS, AND PARKING

Streets: SW Brookwood Avenue, west of the site, is designated as an Arterial in the City of Hillsboro Transportation System Plan's Functional Classification Plan. This road right-of-way currently measures between 50 to 60 feet. SE Libby Court, south of the site, is designated as a Local Residential Street in the City of Hillsboro Transportation System Plan's Functional Classification Plan. This road right-of-way currently measures 38 feet. SE 47th Avenue is stubbed to the site's northern property boundary, and measures 50 feet in right-of-way width.

The Way Estates PUD proposes an additional 20 foot of dedication along its western property boundary to provide for 70 to 80 feet of the SW Brookwood Avenue to complete the half street improvement. Washington County has stated in their August 31, 2005 letter, that dedication of additional right-of-way was necessary to provide 45 feet from centerline of SW Brookwood Avenue. This area is proposed to be improved with a section widening, bike lane, wide planter strip, and sidewalk. The Way Estates PUD proposes an additional 12 foot of dedication along SE Libby Court to provide for 50 feet of the SE Libby Court right-of-way to complete the street improvement. City staff recommends a 54-foot right-of-way along SE Libby Court providing on-street parking on both sides.

The applicant proposes a new north/south local residential street (Tract A), extending south from SE Sycamore Street with a 30-foot private street tract. Such road is proposed to intersect with SE Libby Court, as it extends south into the site. This street section is proposed to be improved with a 20-foot wide paved surface located within a 30-foot right-of-way. A five foot sidewalk is shown, on both sides of the private street tract.

With these dedication and improvement requirements set out in conditions of approval, the Commission finds that the improvements are consistent with the requirements of the Transportation System plan and are sufficient to accommodate the new traffic-related impacts associated with this development. The Commission further finds that full street connections within the development will further provide vehicle, bicycle and pedestrian connectivity.

Access: Lot 1 is proposed to have vehicular access onto SW Brookwood Avenue, although Washington County has stated in their August 31, 2005 letter, a provision of a non-access reservation along SW Brookwood Avenue frontage, except at existing access point(s) approved in conjunction with the proposal. Vehicular access is proposed from Lots 2 and 3, Lots 8 through 13, and Lots 16 through 22 directly onto Private Street Tract A. Lots 4 through 7 and Lots 14 and 15 have vehicle access provided directly from SE Libby Court. The Commission finds that access to and from this development is adequate.

Parking: The PUD regulations require parking to be provided at a minimum ratio of 2.5 spaces per dwelling unit. The required spaces may be reduced to 2 spaces per dwelling unit if the PUD is wholly served with a fully improved public street system including on-street parking on at least one side. This means that 45 spaces are required for an 18-lot subdivision. The Way Estates application proposes a total of 46 off-street parking spaces and 13 on-street parking resulting from the improvements to the north side of Libby Road, which exceeds the minimum required amount of 2.5 spaces per unit. Adequate parking will be provided.

AVAILABILITY OF SERVICES

Water: Water service is currently available in a 10-inch line located in the SW Brookwood Avenue right-of-way, an eight-inch line located in the SE 47th Avenue right-of-way, and an eight-inch line located in the SE Libby Court right-of-way. Public water would be provided by the extension of a new public water line from SE Libby Court into the Private Street Tract A improvement and by individual laterals to each proposed residential lot.

Sanitary Sewer: Sanitary sewer for the planned unit development is available within an eight-inch line located in the SW Brookwood Avenue right-of-way and an eight-inch line located in SE 47th Avenue. Construction plans for the sanitary sewer system must include confirmed line sizes, as approved by the City Engineering Department. An easement must be provided where the public sanitary sewer line is outside the right-of-way.

Storm Drainage: Storm water will be handled through an above ground water quality swale that will provide a collective holding area from drainage pipes that serve each lot within the development. The swale will be maintained as a public improvement. The Commission finds that this approach will assure an efficient and reliable storm water disposal system.

OPEN SPACE REQUIREMENTS

Hillsboro Zoning Ordinance No. 1945, Section 127 III. E identifies that at least 15% of the net developable area needs to be set aside for open space. The gross site area measures 203,705 square feet and includes non-residential uses measuring 123,130 square feet. As such, the net area would be calculated as follows:

203,592 – 123,017 square feet = 80,575 square feet or 1.85 acres
15% x 1.85 acres = .028 acres (12,236 square feet) of required open space

Included in this open space calculation is the area accommodating the water quality treatment swale. The Commission finds that this area can be included as passive open space because the swale area will be landscaped and provide visual interest as a natural open space. Thus, the required open space is provided.

As identified on Plan Sheet C6, the preliminary landscape plan includes street trees are proposed to be planted adjacent to the open space tracts. On oversized landscape plan showing landscape details within the two open space tracts were provided and discussed during the final hearing on this matter. Additionally, a landscaping and open space plan shall be submitted for the open space in Tracts B and C as required by the conditions of approval. Plan Sheet C5 does identify open space amenities included in the applicant's submittal for the Park/Play Area. The landscape plan further provides for additional landscaping within the landscape strip along the north side of SE Libby Court.

CONCLUSION

For the reasons set out above, the record supports approving the PUD subdivision request.

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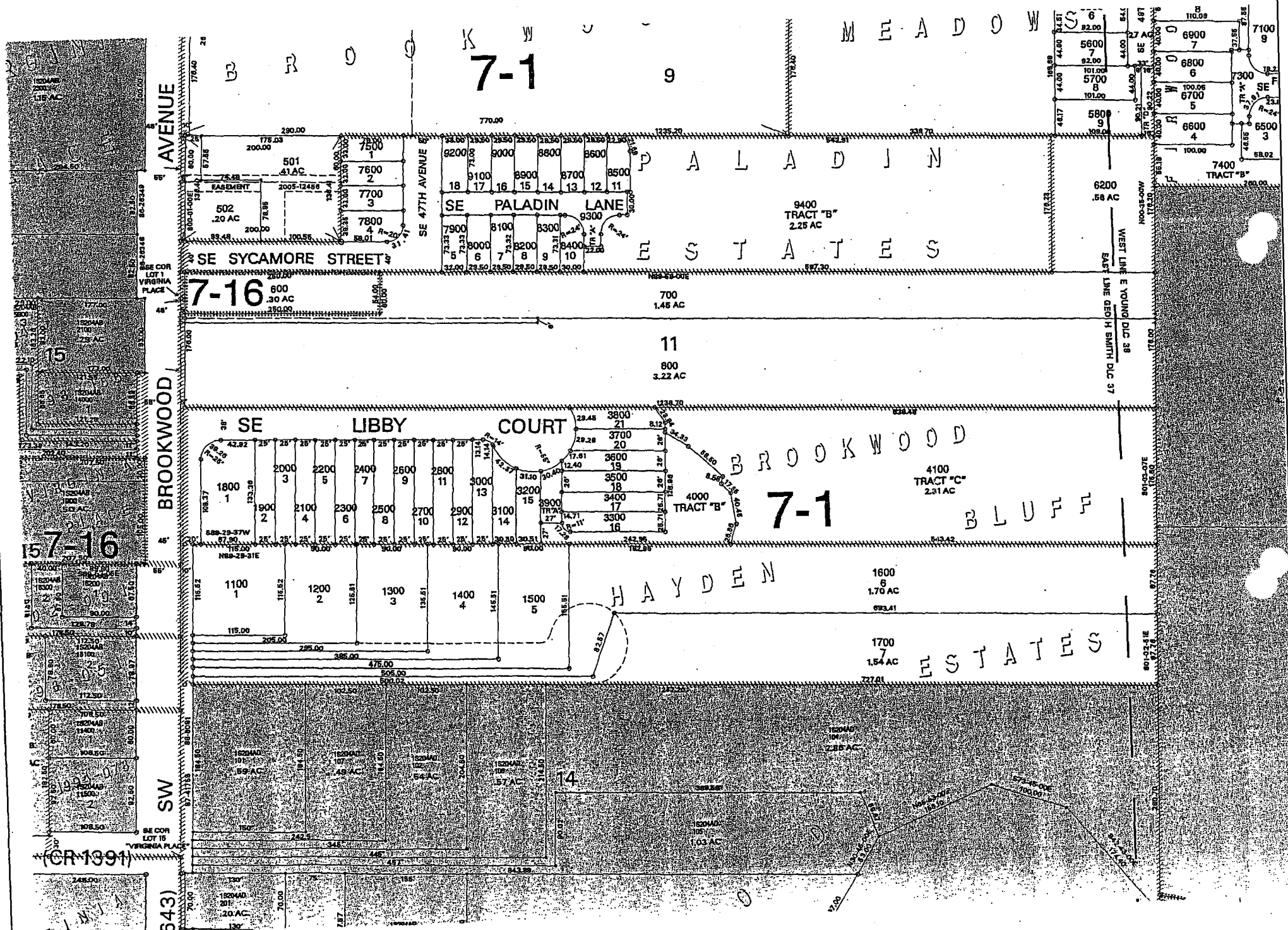
BROOKWOOD MEADOWS
7-1
9
SE 47TH AVENUE
PALADIN
SE PALADIN LANE
ESTATES
SE SYCAMORE STREET
7-16
11
SE LIBBY COURT
BROOKWOOD BLUFF
7-1
HAYDEN ESTATES
BROOKWOOD
SW
(CR 1391)
14
15
7-16
WEST LINE E YOUNG DLC 38
EAST LINE GEO H SMITH DLC 37
SE COR LOT 1 VIRGINIA PLACE
SE COR LOT 15 VIRGINIA PLACE
EASEMENT
2005-12466
501 .41 AC
502 .20 AC
600 .30 AC
700 1.45 AC
800 3.22 AC
9400 TRACT "B" 2.25 AC
6200 .58 AC
4000 TRACT "B"
4100 TRACT "C" 2.31 AC
1600 6 1.70 AC
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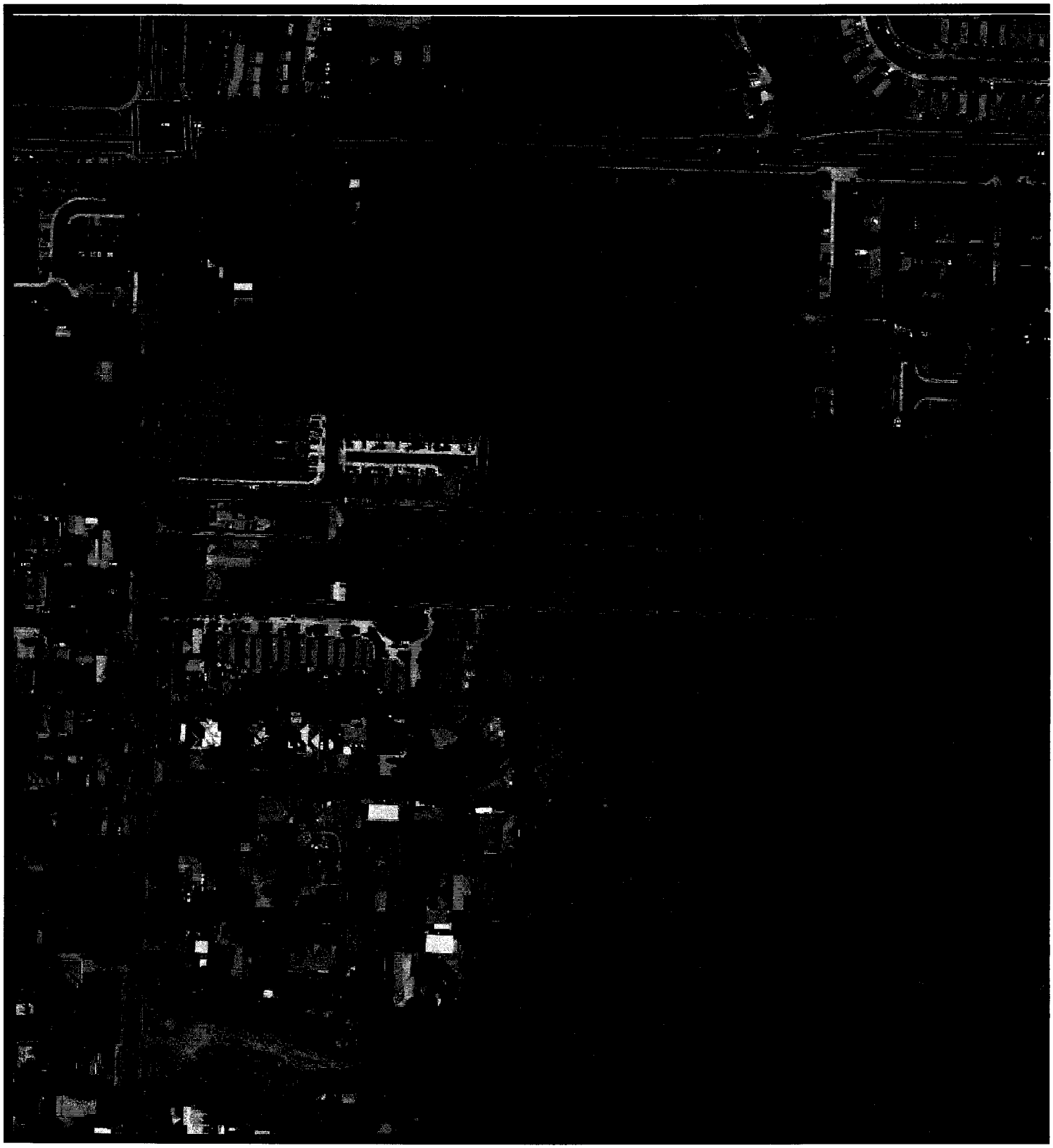
PUD 9-05 MOD 1: WAY ESTATES

2006 AERIAL PHOTOGRAPHY



DESIGN GROUP INC.

NARRATIVE OF PROPOSED MODIFICATIONS TO:

WAY ESTATES

18-Lot Planned Unit Development

City of Hillsboro, Oregon

Feb. 19, 2008

Applicant / Owner:

Samedy Kem
S. Kem Design & Construction Inc.

Prepared By:

DL Design Group Inc.
9045 SW Barbur Blvd. Suite 101
Portland, OR 97219

PROJECT SUMMARY – REVISED FEBRUARY 19, 2008

The proposed modification is required to make several revisions to the project which will result in several improvements to the project. These revisions are the result of the developer's proposed changes and the suggestions of the planning commission. The proposed revisions include the creation of a future park (Tract E), the removal of parking spaces from Tract B and restoring the Gazebo and a "Way Estates" sign, the creation of a Tract F, located near Lot 11 that will allow a place to view the wildlife area to the east, and the more even distribution of parking spaces throughout the development to provide better access to guest parking for visitors. The proposed parking spaces will be constructed of a pervious material such as grasspave or grasscrete.

The previous submittal was the evolution of a thought process that began when the homeowners of Lot 1 were surprised at the proximity of their new easterly lot line to their home. They were under the mistaken impression that the existing fence line would be their east property line. The area between their home and this fence line contains a garden area that they are currently using. Rather than requesting a modification to increase the size of Lot 1 to accommodate this, the yard area is proposed to be within a Tract that will be developed into a park when Lot 1 develops.

The previous modification request included the creation of Tract E (for a future park), and the relocation of three parking spaces to Tract C on the east side of the private road.

This request has incorporated the comments of the planning commission and has accomplished the following:

1) The removal of the parking spaces from Tract B
2) The restoration of the Gazebo to Tract B as well as a "Way Estates" sign.
3) The increasing of Tract B by 3 feet in width (Tract E is being reduced in size back to the actual fence line.
4) The more equal distribution of parking spaces throughout the development. Lots 3-10 have the benefit of parking spaces on Libbey Court. Lots 11 – 18 will now have the benefit of guest parking equally distributed throughout the private street. The parking spaces will be constructed of a pervious material. Three of the spaces will each straddle two lots lines within an easement. The other three spaces will be located within Tracts C and F.
5) Tract E has been preserved as a future park, while open space requirements for the entire development are met without this park.

The proposed modification will not increase the area outside of the SNRO nor will it cause a reduction in useable park area. In fact, there is an excess of 154 square feet of open space above the required area of 12,084 square feet. In addition, no reductions to available parking are proposed as well. The three parking spaces located within the open spaces have been deducted from the total available open space and there is still adequate open space.

File No. PUD 9-05 was previously approved and proposed to subdivide tax lots 700 and 800 into a planned unit development (PUD) featuring eighteen (18) residential lots. The property is located in the NE ¼ of the NE ¼, Section 4, Township 1 South, Range 2 West, W.M. The project borders the Significant Natural Resources Overlay (SNRO) area at the PUD's easterly boundary. A park and play area containing approximately 0.2 acres is located adjacent to the SNRO and is separated from the SNRO by a chain link fence as represented on Dwg. C6. A bark chip path with wooden steps provides access from the

sidewalk to this area. Several retaining walls (see Dwg. C2) are placed to accommodate slopes and related site construction within this area.

Tract E is proposed as a permanent open space tract with no future development, other than a park, proposed. No attempt is being made with this modification request to increase the density of the approved development. This modification request is being made in order to provide park/buffer area on the west while preserving the previously approved density.

All residents of the PUD will be allowed to enjoy Tracts B, C, and F at this time. Tract E will be made available to the entire development when Lot 1 develops. The proposed modification now has the required open space for Lots 1 – 18 to "stand on its own" without the benefit of Tract E. The addition of Tract E will afford recreational opportunities in the future for all of the residents. In the future, residents of the Lot 1 development with a potential for 6 or more lots will have the ability to enjoy a park closer to their homes. The residents on the south side of Libbey Court will also be afforded more visual interest by the addition of a landscaped area (Tract E) between Tract B (at the entrance to the private drive) and SE Brookwood.

Residences will consist of a combination of six detached and 12 attached single family units constructed in one phase.

Of the total 4.67 acres available, the developable site area (area outside the SNRO) is 1.85 acres. The net developable area or gross area minus the area designated for private streets and right-of-way dedication, and minus Lot 1 (which is not being developed at this time) totals 46,958 square feet or about 1.078 acres. The new revised open space (after parking is subtracted) now constitures 15.2% of the area west of the SNRO.

The following relevant information is also being provided for informational purposes only:
If Lot 1 is excluded from the calculations, than the open space provided for Lots 2-18 (excluding Tract E) constitutes 19.14%.

If Lot 1 is included in the open space calculations (as it should when it develops in the future) than the open spaces with Tract E will constitute 16.9%.

Since Lot 1 is being excluded from the development but included for the purposes of the open space calculations, the available open space of 12,238 SF (15.2%), meets the necessary requirements.

A new street designated "Tract A" on preliminary drawings is proposed to serve this PUD between SE Sycamore Street and SE Libby Court. The northern half of the cul-de-sac at the termination of SE Libby Court will be completed as part of this project. A 5-foot wide sidewalk would also be constructed along this street. Signage will be provided in compliance with applicable regulations.

A gravel construction entrance will be provided from SE Libby Court onto the subject property, and sediment fencing and temporary biofilter bags will be provided where required during construction to assist erosion control efforts (see Dwg. C3, Grading and Erosion Control Plan).

Dwg. C4, Utility Plan shows location of new water main, storm drain and sanitary sewer lines, and other utility features. Proposed street lighting is represented on Dwg. C7. As the sheet notes confirm, all materials, installation, tests and inspections will meet relevant agency criteria.

Landscaping is being provided as represented on Dwg. C6. Dwgs. C1 and C9 indicate the location of existing trees that will necessarily need to be removed to permit construction of the roadway and other improvements. Trees and related vegetation will include Big Leaf Maple, Tall Oregon Grape, and Red Currant. Landscaping will include bark dust and soil preparation as outlined. Temporary erosion control measures are represented on Dwg. C3.

New building lots created within the PUD range in size between 1,496 and 3,117 square feet (see Dwg. C2). Lot #1 total 16,603 square feet and includes an existing residence on the westerly portion of tax lot 800. Lot #18, which totals 3,246 square feet, also includes an existing residence near the westerly edge of present tax lot 700. These homes are included within the subdivision (see Dwg. C3) on redefined tax lots.
An exception was requested under Section 127(F) for side yard setback to three (3) feet as described under the response to this section to accommodate the proposed larger structures that would be more characteristic of other homes within the area.

No change in base zoning was required; however, this property development proposes lots within a PUD as presented.

The following table presents an overview of designated land uses and corresponding acreages:

Land Use Category	Acreage
Total Land Area	4.67
Within SNRO	2.83
Area outside SNRO (by subtraction)	1.85
Net Developable Area (excluding Lot 1)	**1.37**
SNRO (above 100-yr. floodplain)	0.24
Wetlands (included in SNRO)	0.15
Floodplain	2.58
Right-of-way and Tract A	0.29

As represented in this table, the total land area minus the undisturbed area within the SNRO equals the remaining area outside of the SNRO; and this area minus the net developable area equals the land designated for right-of-way and Tract A (roadway). The net developable area includes the park and play area, which comprises 15.2 percent of this designated area (refer to Section 127(H) for further clarification regarding open space.

EXISTING CONDITIONS

This project concerns a 4.67-acre parcel on the east side of SE Brookwood Avenue that is located immediately north of SW Libby Court in Hillsboro, Washington County, Oregon. Existing residences that occur on the westerly portion of the subject property will remain. Most of the land proposed for development presently consists of vacant land with scattered trees.

The property is constrained by relatively steep slopes in the northeast portion of the site and by wetland areas along the easterly edge. The property proposed for development consists of tax lots 700 and 800 on Washington County Assessors Map 1S 2 04AA. Both tax lots are located within the A-1 Duplex Residential Zone.

FINDINGS

This PUD application proposes to create a total of 22 lots in compliance with applicable policies and provisions of the Hillsboro Zoning Ordinance standards and criteria as follows:

Sections 21-27, Duplex Residential Zone A-1
Section 121, Planned Unit Development
Section 131, Regulatory Floodplain District
Section 131A, Significant Natural Resource Overlay District (SNRO).

Requirements for open space and density requirements are met as described in the narrative responses. An exception was sought to allow a reduction in side yard setback distance from five feet to three feet to accommodate building area within the relatively narrow lot widths.

Hillsboro Zoning Ordinance Responses

SECTIONS 21-27. Duplex Residential Zone A-1

Section 21: Uses Permitted Outright.

Response: The proposed use consists of mixed attached and detached residential units that represent a use permitted outright in an R-10 zone, per Section 21 (1) of the Code.

Section 22. Conditional Uses Permitted.

Response: The proposed use does not represent a conditional use within the A-1 zone.

Section 22A. Minimum Density.

Response: The underlying A-1 zone requires a minimum density of 8 dwelling units per net residential acre for detached single family lots and 12 dwelling units per net residential acre for duplexes and multifamily lots. The proposed development reflects PUD lot density represented in the response to Section 127(E).

Section 23. Signs

Response: Signage will comply with the underlying Zone A-1, which defers to the A-10 zone.

Section 24. Lot Size

Response: Section 24(5) specifies that for developments proposing lots smaller than 4500 square feet, or lots with depths and widths less than those set forth in subsections (1), (2), and (3), Planned Unit Developments for detached single family residences may be approved pursuant the Planned Unit Development process as specified in Section 127 of the Ordinance. No multi-family lots are proposed.

Section 25. Setback Requirements

Response: Reduced setback distances will be in accordance with Section 25(7), which states that... "Developments proposing zero lot line side yard setbacks and reduced front and rear yard setbacks, for attached or detached single family residences such as rowhouses and courtyard cluster houses may be approved only pursuant the Planned Unit Development process as specified in Section 127 of this Ordinance.

New lots are proposed with a 17-foot front yard setback, a 15-foot rear yard setback, and 3-foot side yard setback.

Section 26. Height of Building

Response: Proposed building height will not exceed the 35-foot height or two and a half stories, whichever is less, specified for the underlying A-1 zone. No height exceptions are requested under Section 127(III)(K)(2).

Section 27. Lot Coverage

Response: Proposed buildings will not occupy more than 50 percent of the lot area, as specified in the underlying A-1 zone.

Section 127(III). Standards and Criteria

A. The use (or uses) proposed is (are) consistent with the goals and policies of the Hillsboro Comprehensive Plan.

Response: The proposed use is consistent with the goals and policies of the Hillsboro Comprehensive Plan, as represented in the following description.

Section 1. Planning and Citizen Involvement
The proposed project will be subject to citizen participation and public involvement procedures to provide opportunity for comment. This participation will be conducted in compliance with City of Hillsboro policies and regulations and the project will address recommendations of the Citizen Involvement Advisory Committee (CIAC). Similarly, identified Community Plan and Functional Plan issues will be addressed where significant to the development.

Section 2. Urbanization
The development is consistent with urbanized surroundings and the Residential Medium Density classification shown on the Comprehensive Plan map. The subject property is within the City of Hillsboro and inside the Regional Urban Growth Boundary. Urban and other essential services exist in the project vicinity and the proposed land use has been determined suitable for City needs.

Section 3. Housing
This section of the comprehensive plan designates that "Buildable land sufficient to meet the community's projected population growth and resulting housing needs shall be designated within the planning area. The development of housing shall be coordinated with the extension of public facilities and services necessary to assure safe, healthy, and convenient living conditions". The proposed subdivision will occur where land use is appropriate to the use envisioned, and the project will contribute to "...a variety of housing units..." per Policy (III) B.

Section 4. Agricultural Lands – Not applicable
Section 5. Forest Lands - Not applicable

Section 6. Open Space, Scenic and Historical Sites
The proposed PUD complies with Section 6 goals regarding open space criteria. No properties that exhibit historical significance are identified within the site. Development will provide protection for significant natural resources within the site. The property is outside the FEMA designated 100-year floodplain.

Section 7. Air, Water and Land Resource Quality
The proposed development is designed to comply with relevant storm and sanitary sewer discharge practices and is subject to City and Clean Water Services District ordinances. Construction practices will be implemented that will preserve the quality of natural resources, including standard measures to control fugitive dust and surface drainage at the site.

Section 9. Recreation – Not directly applicable. A park and recreation area is proposed for the PUD.

Section 10. Economy
This PUD will support Goal (I) C in conserving energy by providing close-in housing to help lower commuting distance, and (I) D by contributing to the local tax base.

Section 11. Energy
Energy conservation goals will be supported through provision of modern, energy-efficient housing that incorporates conventional standards in insulation and low energy consumption appliances.

Section 12. Public Facilities and Services
Necessary infrastructure and support services are available to the subject site.

Section 13. Transportation
The proposed PUD is within the City's boundaries and easily accessible to or from existing roadways and services. TriMet service is available via bus line #47 along SW Baseline Road.

The northern portion of SE Libby Count will be constructed as part of this development, and a new private roadway designated "Street A" on preliminary drawings will be built to connect SE Libby Court with SE Sycamore Street. This roadway does not accommodate on-street parking, but pedestrian access is provided along sidewalks on either side of the 20-foot wide roadway.

Section 14. Comprehensive Plan Maps
Planned development is consistent with the current Hillsboro Comprehensive Plan land designation, which is Residential Medium Density.

Sections 15 – 23 – Not applicable

B. The tract or tracts of land included in a proposed PUD must be in a single ownership or under the development control of a joint application of owners or authorized agents of the property involved.

Response: The property proposed for development is under single ownership with respect to development control.

C. (Deleted by Ord. No. 5269/5-03)

Response: No response is required, as this paragraph has been deleted.

D. Any proposed development subject to the PUD process within the City of Hillsboro, which meets the definition of "development" as contained in Chapter 1 Section 1.02.15 of the Washington County Unified Sewerage Agency's Construction Standards and Regulations Pertaining to the Sanitary Sewerage and Storm and Surface Water Management Systems, including Regulations for Erosion Control and Protection of Water Quality Sensitive Areas, shall be reviewed for compliance with, and shall comply with the applicable provisions of Chapter 3,

Standard Design Requirements for Storm and Surface Water of the USA's Construction Standards and regulations for Sanitary Sewerage and Storm and Surface Water Management Systems.

Response: The proposed development is consistent with the PUD process within the City of Hillsboro and in compliance with applicable provisions of Chapter 3, Standard Design Requirements for Storm and Surface Water relevant to Unified Sewerage Agency's Construction Standards and regulations for Sanitary Sewerage and Storm and Surface Water Management Systems. Sanitary and storm sewer preliminary design is shown on accompanying drawings

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

An increase in density above the minimum units/acre of the next highest designation specified by the Hillsboro Comprehensive Plan may be proposed and can be permitted. The applicant must justify increased density, and the burden of justification shall increase as the proposed density increases. At a minimum, the applicant must explain how the increase can be considered to be in conformance with the Plan designation for the site and demonstrate that any adverse impacts can be mitigated.

Pursuant to Comprehensive Plan Natural Resources, Open Space, Scenic and Historical Sites Policy (E) (5), in a proposed PUD containing Significant Natural Resource Sites, as shown on the SNRO District Map, the allowable densities shall be reduced within the Significant Natural Resources Overlay District, and may be transferred from the Significant Natural Resources Overlay District to the remainder of the site, as specified in Section 131A.

Response: **Minimum allowable density is 8 units per acre and maximum allowable density is 17 units per acre. Given the net developable acreage available (1.48 acres), the maximum number of units is 19 and the minimum number is 9 units.**

The property outside the SNRO totals 1.85 acres and the developable areas (not including right-of-way and roadway, Lot 1, and Tract A) total 1.08 acres. Given the density requirements, the maximum number of units would be 19 and the minimum number of units would be 9. Under the proposed configuration 17 units are proposed for the property, consisting of six detached and 12 attached units. The proposed arrangement of lots is represented on Dwg. C2.

We are not aware of any adverse density related impacts that would require mitigation.

Tax lots 700 and 800 include property within the SNRO. However, the property proposed for development is <u>not</u> within the Overlay District. Therefore, regulations outlined in Section 131A; specifically Residential Land Division criteria such as minimum density, protective measures, and lot size, including development standards cited in 131A(9) do not apply.

F. Building and parking area setbacks, lot coverage and building height must conform to the requirements of the zone underlying a majority of the PUD unless a deviation is proposed, considered and approved as a part of the application process. Any such deviation must be justified by the applicant by addressing the exceptions criteria of subsection (K) below. Such deviation shall only be approved if the Planning Commission finds that the proposal conforms to the exceptions criteria of subsection (K) below.

Response: Parking area setbacks, lot coverage, and building height will conform to the requirements of the A-1 zone in which the proposed PUD is located. An illustration of typical attached and detached units, including floor plan and elevations, is represented on Dwg. C8. Buildings will be designed to comply with height and setback requirements of the A-1 zone in accordance with criteria presented in Sections 21-27 and Section 127 of the Zoning Ordinance. Lot size, width, and depth criteria (with the following exception) will be met. Building envelopes will be represented on subsequent drawings.

An exception is requested for building setbacks to allow three (3) feet setback from side property lines instead of five (5) feet specified by zoning regulations. As lots within the PUD are somewhat narrow, maintaining 5-foot spacing for all lots would be difficult to achieve. Granting an exception would allow siting larger residences within a duplex zone that would more closely approximate single family homes that are characteristic of the surrounding neighborhood. This exception would also coincide with side yard setback allowances permitted in the adjacent Paladin Estates subdivision located north of this project. (Note: The justification for this setback also applies to Paragraph K, Exceptions as noted under that section.)

G. Parking shall be provided at a minimum ratio of 2.5 spaces per dwelling unit and as specified in Section 84 for other types of uses. The number of spaces may be reduced to 2 spaces per dwelling unit if the PUD is wholly served with a fully improved public street system including on-street parking on at least one side. Further reductions in the amount of parking to be provided may be proposed by the applicant but shall be approved only if they meet the exceptions criteria of Subsection (K) below to the satisfaction of the Planning Commission.

Response: The PUD is served by a fully improved private street. No on-street parking is proposed; however, parking will be provided at a ratio of 2.5 spaces per dwelling unit on each lot as shown on drawing C2 using double-car garages and available parking in front of garages. Onsite parking exceeds the required total of 55 spaces. A parking table is shown on Dwg. C2.

H. At least fifteen percent (15%) of the net development area shall be utilized as Open Space. Open space, covered or uncovered, is the land area to be used for scenic, cultural, landscaping or recreational purposes within the PUD. Open Space does not include proposed drives, streets, or rights-of-way, parking areas and their accessory uses. A performance bond in an amount up to 120% of the total estimated open space improvement costs may be required by the City to insure that these improvements are installed.

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

Response: A minimum of fifteen (15) percent of the net development area is required to be utilized as Open Space for landscaping or recreational purposes within the PUD, with exceptions outlined in Code Section 127.III.K.4.

The net development area for the PUD is 80,556 square feet, or 1.85 acres. The proposed reconfigured park area totals 12,805 square feet or about 0.29 acres of the net developable area, representing 15.90 percent open space. These areas will benefit the development by providing passive and active recreational areas within the property boundary adjacent to (outside of) the SNRO areas.

Maintenance of open space and other PUD improvements will be the responsibility of the Homeowners' Association created in accordance with Oregon Revised Statutes.

I. Connectivity. Planning Unit Developments shall provide vehicular, bicycle and pedestrian connections to adjacent and nearby residential areas, transit stops, neighborhood activity centers and other neighborhood facilities in the following manner:

1. In PUDs that are 5 acres or more in size, full street connections with spacing of no more than 530 feet between these connections shall be provided except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction or required different street connection standards.

Response: Full street connections with required spacing are provided in accordance with regulations to provide connectivity (see provided drawings). No more than 530 feet occurs between these connections.

2. Within PUDs in which full street connections are not possible, bicycle and pedestrian connection on public easements or rights-of-way shall be provided with spacing of no more than 330 feet between connections except where barriers such as topography, railroads, freeways, pre-existing development, or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent their construction.

Response: The PUD provides vehicular, bicycle and pedestrian connections to adjacent and nearby residential areas and neighborhood facilities with spacing of no more than 330 feet between connections.

3. In PUDs, opportunities to incrementally extend and connect proposed new streets with existing streets in adjacent or nearby areas shall be considered in addition to addressing street connectivity recommendations shown on the Local Street Connectivity Maps contained within the City's Transportation System Plan.

Response: The cul-de-sac will be connected to SE Sycamore Street by a new 20-foot wide private street within the PUD, which is designated "Tract A" on the drawings. This new street connects SE Libby Court with SE Sycamore Street at the northerly extent of the cul-de-sac.

4. The use of cul-de-sac designs and closed street systems shall be limited to circumstances in which barriers such as topography, railroads, freeways, pre-existing development or regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements prevent full street extensions. When permitted, cul-de-sacs shall have a maximum length of 200 feet and shall serve no more than 25 dwelling units.

Response: The PUD will complete the northerly extent of a partially constructed cul-de-sac at the easterly terminus of SE Libby Court that borders the property along its southern extent. The existing cul-de-sac exceeds 200 feet, but it does not represent an element of this project.

5. Narrow street designs for local streets may be permitted with city engineer approval, provided that other minimum dimensional requirements are met for travel lanes, bike lanes, parking lanes and sidewalk widths.

Response: Full street connections with required spacing are provided in accordance with regulations to provide connectivity (see provided drawings). The internal roadway designated "Street A" connects to an existing cul-de-sac (SE Libby Ct.). A 20-foot wide street consisting of two 10-foot travel lanes is proposed as shown on the Site Plan (Dwg. C-2). Planter strips are not proposed for this PUD. A concrete curb with 5-foot wide sidewalk is provided on either side of the street (refer to Typical Street Sections, Dwg. C-2). Driveway approaches exist for each lot, with a common driveway proposed for lots #4 through #7. Lots #14 and #15 obtain access from the cul-de-sac located near the eastern terminus of SE Libby Court. Dwg. C9 illustrates connectivity to surrounding streets and properties.

J. Development of a PUD designated Industrial or Commercial on the Hillsboro Comprehensive Plan Map may allow mixed industrial and commercial uses subject to the following…

Response: No industrial and/or commercial uses are proposed. This PUD project will be residential and provisions referenced under this section do not apply.

K. Exceptions.

1. Building Setback or Yard Requirements. The Planning Commission may grant an exception to the dimensional building setback or yard requirements of the applicable standards based on findings that the approval will result in the following:

Response: An exception under PUD allowances was proposed for side yard setbacks to allow a three (3) foot setback instead of the 5-foot setback required under A-1 Duplex code provisions. Justification for this exception is provided under Paragraph F, Building and Parking Area Setbacks (above). No additional exemptions are requested. Also, a 17-foot front yard setback and 15-foot rear yard setback were proposed for the PUD. Building footprints are represented on Dwg. C0 and Dwg. C2, Site Plan.

A reduced rear yard setback for Lot 10 is requested due the curvature of the road.

a. No adverse affect to adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazard.

Response: No adverse impacts to adjoining properties were anticipated.

b. At least one of the following:

(1) A more efficient use of the site;

(2) The preservation of natural features which have been incorporated into the overall design of the project;

(3) Safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.

Response: The land is used in an efficient manner by optimizing the overall configuration and providing a connecting link between adjacent roadways. Property within the SNRO will not be impacted in order to retain their sensitive and/or wetland characteristics. Also, sidewalks and the interior street that adjoins adjacent roadways will provide safe pedestrian and vehicular access and circulation...

1. (Continued). In the instance where adjoining properties to the Planned Unit Development are zoned residential, all structures within the PUD shall be set back from adjoining properties to the minimum setback or yard required of the underlying zone. In addition, the length of a driveway in front of a garage or carport shall not be less than 17 feet when the driveway is intended to be used as parking and not greater then four feet when the driveway is not intended to be used for parking.

Response: Structures within the PUD will be set back from adjoining properties at minimum the required distance defined in the underlying zone. Also, the length of a driveway in front of a garage or carport will not be less than 17 feet in instances where the driveway is intended to be used as parking, and not greater than four feet where the driveway is not intended to be used for parking in order to comply with code requirements.

2. Building Height. The Planning Commission may grant an exception to the applicable height requirements for a specified and defined area within the PUD, based on findings that:

a. The transportation system can accommodate increased traffic resulting from additional height;

b. Adequate public utilities are available to serve the additional structural height; and

c. The proposal complies with the Federal Aviation Administration's Aviation Regulations (FAR) Part 77; and

d. Solar access is maintained to existing solar energy devises on adjacent property.

Response: An exception to the applicable height requirement is not requested.

3. Parking. The Planning Commission may grant an exception to the off-street parking dimensional and minimum number of space requirements of the applicable standard based on findings that the approval will result in one of the following:

a. An exception which is not greater than ten percent of the required parking.

Response: An off-street parking exemption is not required. Space for 2.5 vehicles will be provided within each designated lot, as previously discussed under the response to Section 127(G).

b. At least one of the following:

(1) A proposed use which is designed for a specific purpose, is intended to be permanent in nature (for example, a nursing home), and has a low demand for off-street parking;

Response: Not applicable.

(2) An opportunity for sharing of parking including written evidence that the property owners will enter into a binding legal agreement;

Response: Not applicable.

(3) Public transportation is available to the site.

Response: As previously indicated within the response to Section III. A. 13, the proposed PUD is easily accessible to existing infrastructure and conveniences. TriMet service is available via bus line #47 along W Baseline Road.

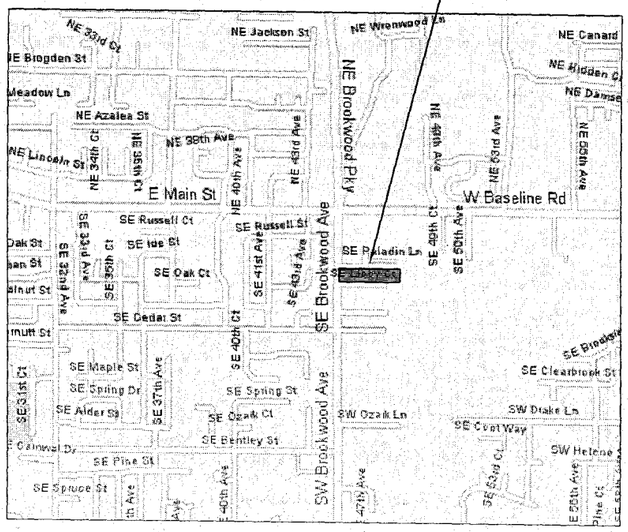
L. Significant Natural Resource Sites.

This application for proposed PUD borders an SNRO area and wetland boundary. No activities or construction is proposed within these sensitive areas, and required setback distances will be maintained.

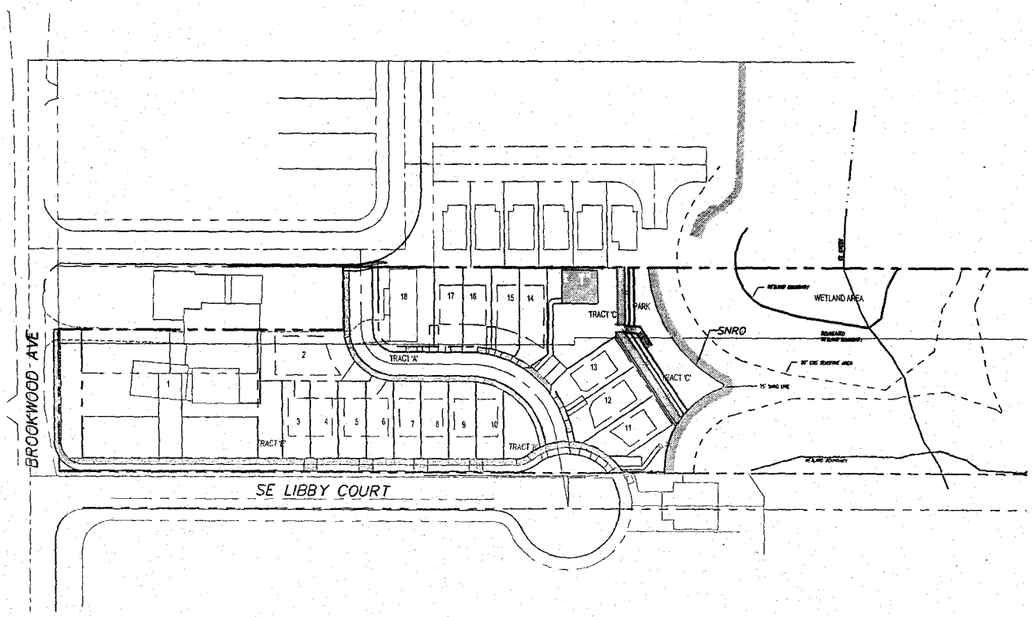
WAY ESTATES MODIFICATION

18 LOT SUBDIVISION - PHASE 1

HILLSBORO, OREGON



VICINITY MAP



SITE PLAN

SCALE: 1" = 60'

DEVELOPER

S. KEM DESIGN
PO BOX 1571
HILLSBORO, OR 97123
(971) 563-0552
CONTACT: SAM KEM

LAND SURVEYOR

NORTHWEST SURVEYING, L.L.C.
PO BOX 7177
BEAVERTON, OR 97006
PH: (503) 960-8817
CONTACT: CLINT

LAND USE PLANNER

DL DESIGN GROUP, INC.
9045 SW BARBUR BLVD. SUITE 101
PORTLAND, OR 97219
(503) 225-1679
CONTACT: GARY DARLING. P.E.

CIVIL ENGINEER

DL DESIGN GROUP, INC.
9045 SW BARBUR BLVD, SUITE 101
PORTLAND, OR 97219
(503) 225-1679
CONTACT: GARY DARLING. P.E.

UTILITIES / SERVICES

WATER: CITY OF HILLSBORO
SEWER: CLEAN WATER SERVICES
POWER: PORTLAND GENERAL ELECTRIC
GAS: N.W. NATURAL GAS
PHONE: U.S. WEST
CABLE: ATT CABLE

GENERAL NOTES

1. ALL CONSTRUCTION SHALL CONFORM TO; THE CURRENT STANDARDS AND SPECIFICATIONS FOR THE CITY OF HILLSBORO, WASHINGTON COUNTY, AND CLEAN WATER SERVICES. THE UNIFORM BUILDING CODE APPENDIX CHAPTER 33 EXCAVATION AND GRADING AND THE OREGON SPECIALTY PLUMBING CODE.
2. ALL UTILITIES SHALL BE CONSTRUCTED TO MASTER PLAN SPECIFICATIONS.
3. THE EXCAVATOR MUST COMPLY WITH ALL PROVISIONS OF ORS 757.541 TO 757.571, INCLUDING NOTIFICATION OF ALL OWNERS OF UNDERGROUND FACILITIES AT LEAST 48 HOURS, BUT NOT MORE THAN 10 BUSINESS DAYS, BEFORE COMMENCING ANY EXCAVATION.
4. THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING SEDIMENT TRANSPORT WITHIN THE PROJECT LIMITS, USING RECOGNIZED METHODS FOR EROSION CONTROL AS APPROVED BY CITY OF HILLSBORO, WASHINGTON COUNTY, AND CLEAN WATER SERVICES.
5. THE CONTRACTOR IS TO LEAVE THE PROJECT FREE OF DEBRIS AND UNUSED MATERIALS UPON COMPLETION.
6. THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF THE UTILITY SYSTEMS SUCH AS POWER, TELEPHONE, GAS, CABLE TV, ETC., WITH EACH INDIVIDUAL UTILITY COMPANY, PRIOR TO FINAL INSTALLATION OF THE SYSTEMS.
7. THE CONTRACTOR SHALL MAINTAIN AND PROTECT EXISTING PUBLIC AND PRIVATE UTILITY LINES AND OTHER PUBLIC UTILITY STRUCTURES. THE CONTRACTOR SHALL RESTORE ALL PUBLIC PROPERTY TO ITS ORIGINAL CONDITION UPON COMPLETION OF WORK.
8. TEMPORARY EROSION CONTROL METHODS MUST REMAIN IN PLACE AND BE MAINTAINED UNTIL PERMANENT EROSION CONTROL METHODS ARE IN PLACE AND OPERATIONAL.
9. ALL AREAS TO RECEIVE FILL SHALL BE STRIPPED OF ALL VEGETATION AND OTHER DELETERIOUS MATERIALS. ALL SUCH MATERIALS SHALL BE REMOVED FROM SITE AT THE CONTRACTOR'S EXPENSE.
10. ALL NONMETALLIC SANITARY AND STORM SEWER SERVICE LATERAL PIPING SHALL HAVE AN ELECTRICALLY CONDUCTIVE INSULATED 12 GA. GREEN COPPER TRACER WIRE THE FULL LENGTH OF THE INSTALLED PIPE.
11. NO MATERIAL SUBSTITUTIONS OR DESIGN CHANGES SHALL BE MADE WITHOUT PRIOR PERMISSION OF THE ENGINEER.
12. A FULL SET OF THE APPROVED PLANS WITH ALL CURRENT REVISIONS AND AMENDMENTS SHALL BE MAINTAINED ON THE SITE AT ALL TIMES DURING CONSTRUCTION.
13. ALL FILL WITHIN THE BUILDING ENVELOPES SHALL BE PLACED IN 12" LIFTS AND SHALL BE COMPACTED TO AASHTO 95% DENSITY. THE CONTRACTOR SHALL EMPLOY A GEOTECHNICAL ENGINEER TO TEST ALL FILLED LOTS. TEST REPORTS SHALL BE SUBMITTED TO THE CITY AND TO THE ENGINEER.

SHEET INDEX

DL DESIGN GROUP INC.
9045 SW Barbur Blvd.
Suite 101
Portland, OR 97219
(503) 225-1679

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 29, 1983
GARY L. DARLING
EXPIRES: 12-31-09

WAY ESTATES - MODIFICATION
WASHINGTON COUNTY, OREGON
COVER SHEET

REV.	DATE	BY

PROJECT NUMBER	SAM025
Date:	02/19/08
Scale:	AS SHOWN
Drawn By:	JEM
Designed By:	LHP
Checked By:	GID

XREF LIST
Ltscale: 1
Paltscale: 1
Resolved
DLD-LOGO
SAM025CX01
SAM025XT11
STAMPGID
Unresolved

TREE TABLE	TREE TABLE
10285 - 30" FIR	11608 - 22" LARCH
10286 - 21" FIR	11609 - 21" HONEY LOCUST
10287 - 23" FIR	11610 - 11" ELDER
10288 - 20" FIR	11628 - 17" SEQUOIA
10289 - 25" FIR	11629 - 24" SEQUOIA
10290 - 23" FIR	11630 - 6" FIR
10291 - 11" LOCUST	11631 - 20" FIR
10292 - 24" OAK	11632 - 13" PINE
10293 - 15" MAPLE	11633 - 9" FIR
10294 - 9" APPLE	11634 - 14" SEQUOIA
10295 - 8" MONKEY TREE	11646 - 21" ALDER
10297 - 15" LARCH	11647 - SPLIT 16" & 27" WILLOW
10298 - SPLIT 3 - 36" CEDAR	11648 - SPLIT 17", 19", 24" & 25" WILLOW
11406 - 24" FIR	11653 - 27" ALDER
11541 - 15" HAWTHORN	11654 - SPLIT 13" & 16" ALDER
11542 - 17" HAWTHORN	11655 - SPLIT 22" & 23" ALDER
11543 - 11" CEDAR	11688 - 13" SEQUOIA
11606 - 7" GRAND MAGNOLIA	11689 - 19" PINE
11607 - 9" LARCH	11690 - 48" SEQUOIA

DL DESIGN GROUP INC.
9045 SW Barbur Blvd.
Suite 101
Portland, OR 97219
(503) 225-1679

REGISTERED PROFESSIONAL ENGINEER 19160 OREGON JULY 15, 1997 GARY L. DARLING EXPIRES 12-31-08

WAY ESTATES - 18 LOT SUBDIVISION
WASHINGTON COUNTY, OREGON
EXISTING CONDITIONS

REV.	DATE	BY

PROJECT NUMBER	SAM025
Date:	02/19/08
Scale:	AS SHOWN
Drawn By:	JEM
Designed By:	LHP
Checked By:	GID

2/5

NAME: G:\SAM025\NEW EXHIBIT SHEET SET\SAM025-2OF5.dwg DATE: FEB 20, 2008 TIME: 9:28 AM

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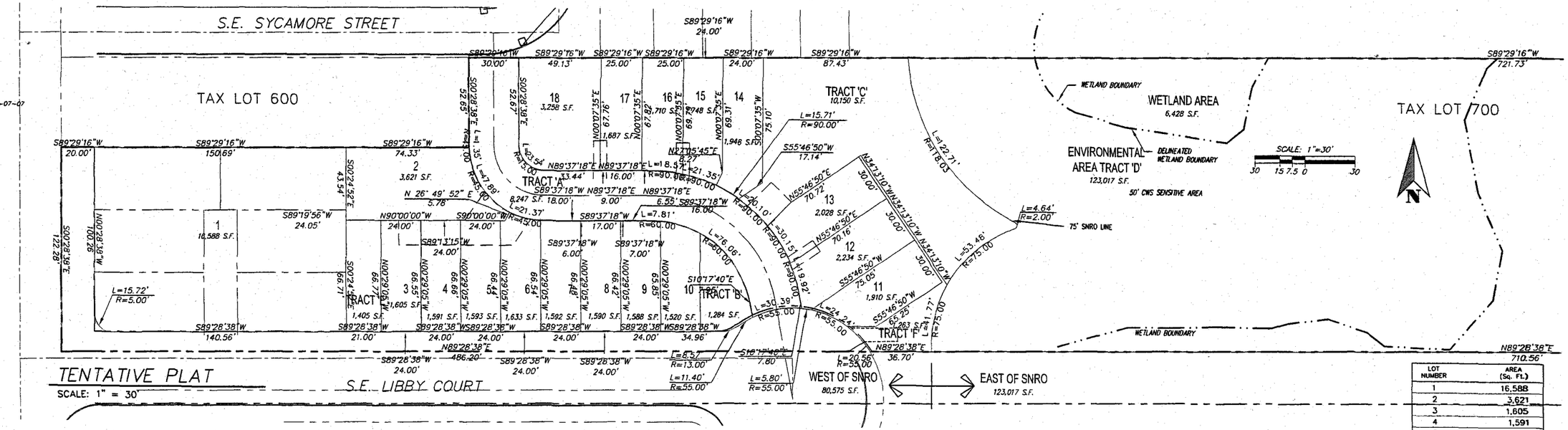
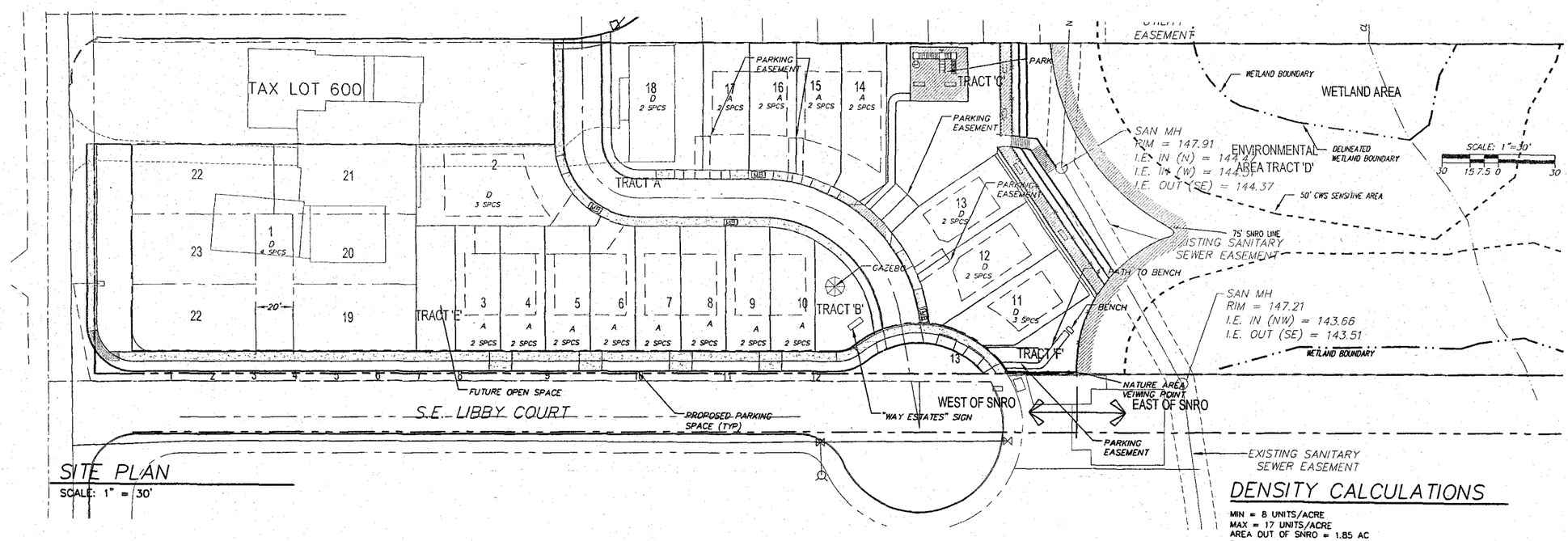


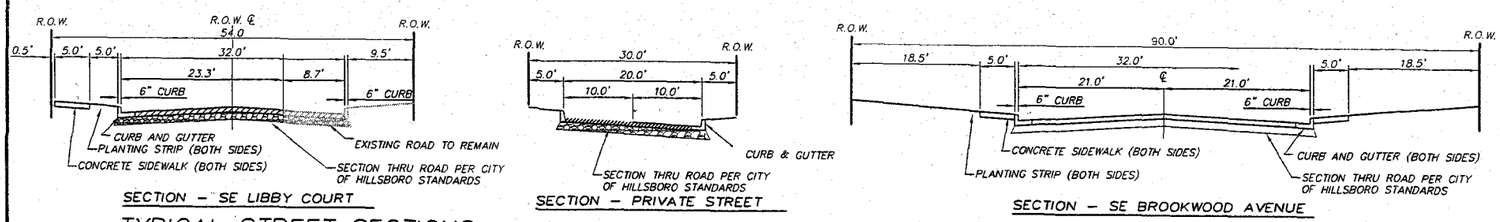
TENTATIVE PLAT

SCALE: 1" = 30'



SITE PLAN

SCALE: 1" = 30'



SECTION – SE LIBBY COURT

SECTION – PRIVATE STREET

SECTION – SE BROOKWOOD AVENUE

TYPICAL STREET SECTIONS

SCALE: 1" = 10'

LOT NUMBER	AREA (Sq. Ft.)
1	16,588
2	3,621
3	1,605
4	1,591
5	1,593
6	1,633
7	1,592
8	1,590
9	1,588
10	1,520
11	1,910
12	2,234
13	2,028
14	1,948
15	1,748
16	1,710
17	1,687
18	3,258
TRACT 'A'	8,247
TRACT 'B'	1,284
TRACT 'C'	10,150
TRACT 'D'	123,017
TRACT 'E'	1,405
TRACT 'F'	1,263
R.O.W.	4,470
WEST OF SNRO LINE	80,556
EAST OF SNRO LINE	123,017
WETLAND (PART OF TRACT 'D')	6,428

A = ATTACHED
D = DETACHED

PARKING DATA

REQUIRED: 18 x 2.5 = 45 SPACES

ACTUAL:
15 x 2 = 30 SPACES
2 x 3 = 6 SPACES
1 x 4 = 4 SPACES
1 x 6 = 6 SPACES
= 46 SPACES

STREET PARKING SPACES = 13
TOTAL FOR PROJECT = 46 +13
= 59 SPACES

DENSITY CALCULATIONS

MIN = 8 UNITS/ACRE
MAX = 17 UNITS/ACRE
AREA OUT OF SNRO = 1.85 AC
RIGHT-OF-WAY + TRACT 'A' + LOT 1 = 1.08 AC
MAX # OF UNITS = 19 UNITS
MIN # OF UNITS = 9 UNITS
PROPOSED # OF UNITS = 17 UNITS

OPEN SPACE CALCULATIONS

GROSS DEVELOPMENT AREA = 203,573 SF

NET DEVELOPMENT AREA = 203,573 – 123,017 = 80,556 SF

OPEN SPACE CALCULATIONS EXCLUDING LOT 1 (TO BE DEVELOPED IN THE FUTURE)

NET DEVELOPMENT AREA = 80,556 – 16,608 = 63,948 SF
REQUIRED OPEN SPACE = 63,948 * 15% = 9592 SF
AVAILABLE OPEN SPACE = TRACTS B(1284), C(10150), F(1263) – PARKING(459) = 12238 SF
(19.14%)

OPEN SPACE CALCULATIONS INCLUDING LOT 1

NET DEVELOPMENT AREA = 80,556
REQUIRED OPEN SPACE = 12,084
AVAILABLE OPEN SPACE = TRACTS B(1284), C(10150), F(1263) – PARKING(459) = 12238 SF
(15.2%)
WITH TRACT E = 13643 SF (16.9%)

DL DESIGN GROUP INC.
9045 SW Barbur Blvd.
Suite 101
Portland, OR 97219
(503) 225-1679

REGISTERED PROFESSIONAL ENGINEER 19160 OREGON JULY 15, 1997 GARY L. DANCING EXPIRES 12-31-09

WAY ESTATES - MODIFICATION
WASHINGTON COUNTY, OREGON

SITE PLAN AND TENTATIVE PLAT

REV.	DATE	BY

PROJECT NUMBER	SAM025
Date:	02/19/08
Scale:	AS SHOWN
Drawn By:	JEM
Designed By:	LHP
Checked By:	GID

3/5

XREF LIST
Ltscale: 1
Psltscale: 1
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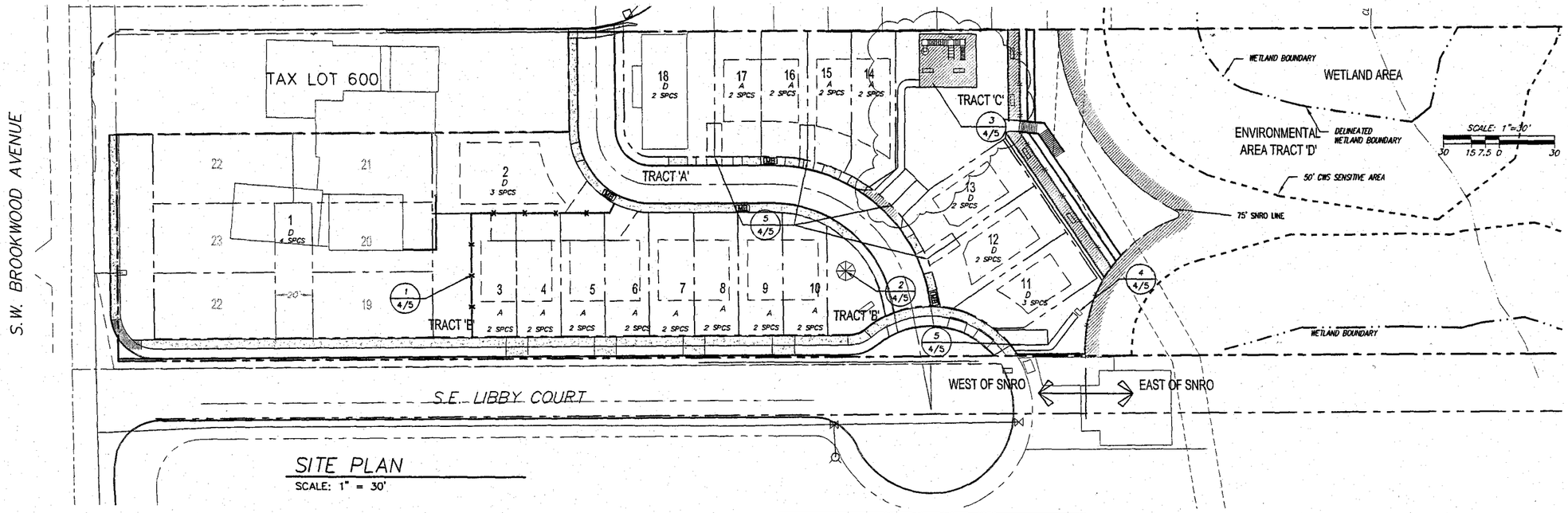
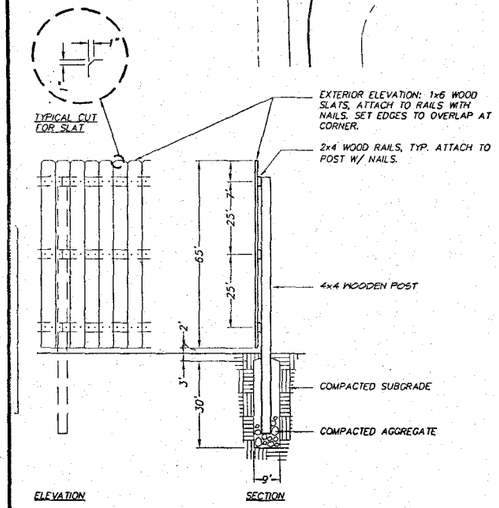
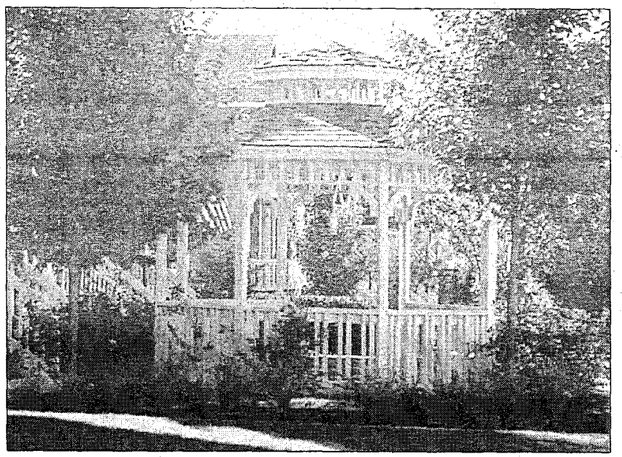
SAM025CX50
SAM025x10
STAMPOID
2-SAM025CX01.12-07-07
Unresolved



SITE PLAN
SCALE: 1" = 30'

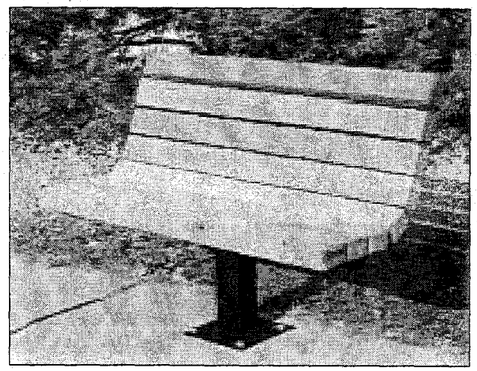


1/4/5 WOOD FENCE
N.T.S.

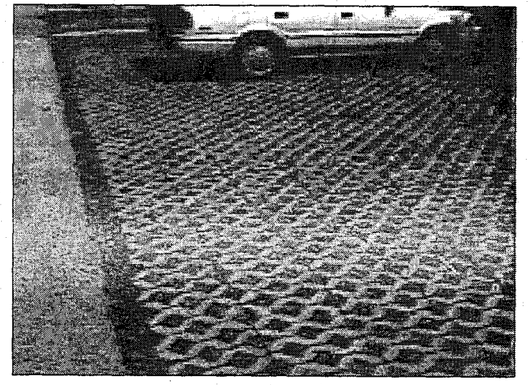


2/4/5 GAZEBO
N.T.S.

3/4/5 PLAY EQUIPMENT
N.T.S.



4/4/5 BENCH DETAIL
N.T.S.



5/4/5 PERVIOUS PAVER
N.T.S.

DL DESIGN GROUP INC.
9045 SW Barbur Blvd.
Suite 101
Portland, OR 97219
(503) 225-1679

REGISTERED PROFESSIONAL ENGINEER 19180 OREGON JULY 31, 1981 GARY L. DARLING EXPIRES 12-31-09

WAY ESTATES - MODIFICATION
WASHINGTON COUNTY, OREGON
AMENITIES PLAN

REV.	DATE	BY

PROJECT NUMBER	SAM025
Date:	02/19/08
Scale:	AS SHOWN
Drawn By:	JEM
Designed By:	LHP
Checked By:	GID

4/5

NAME: G:\SAM025\NEW EXHIBIT SHEET SET\SAM025-4OF5.dwg DATE: FEB 20, 2008 TIME: 9:27 AM

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Psltscale: 1
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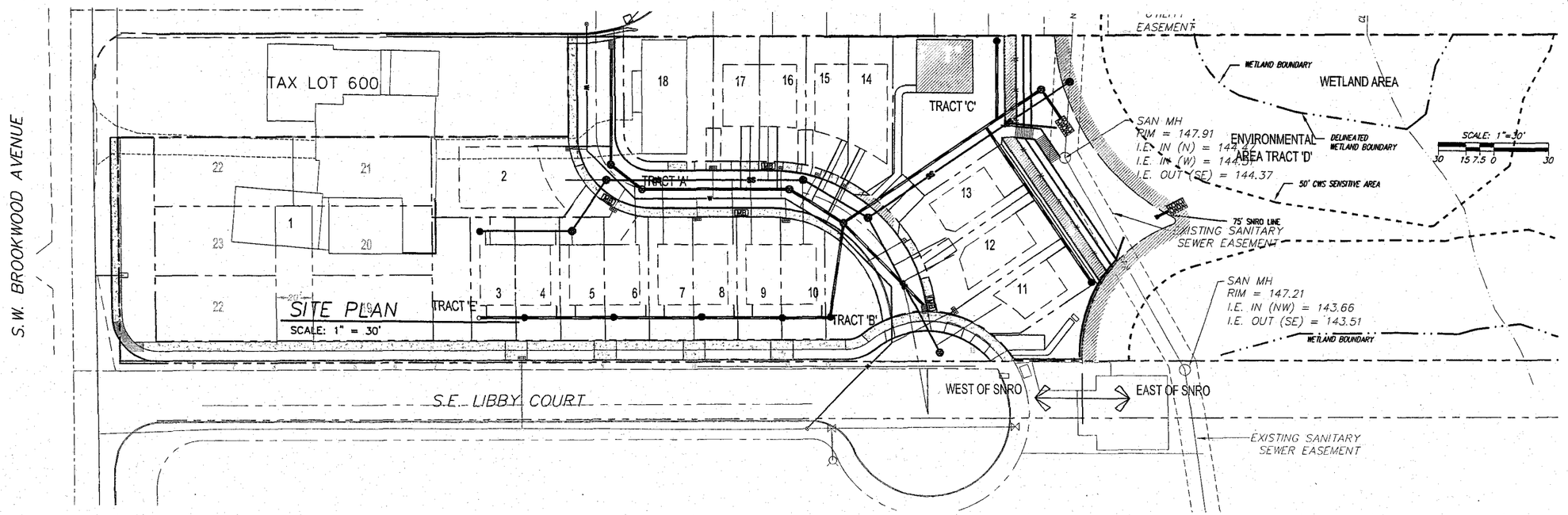
STAMPOID
Z-SAM025CX02 12-07-07
Unresolved



NAME: G:\SAM025\NEW EXHIBIT SHEET SET\SAM025-5OF5.dwg DATE: FEB 20, 2008 TIME: 9:27 AM

DL DESIGN GROUP INC.
9045 SW Barbur Blvd.
Suite 101
Portland, OR 97219
(503) 225-1679

REGISTERED PROFESSIONAL ENGINEER 19180 OREGON July 15, 1997 GARY I. DARLING EXPIRES 12-31-09

WAY ESTATES - MODIFICATION
WASHINGTON COUNTY, OREGON

STORM PLAN

REV.	DATE	BY

PROJECT NUMBER	SAM025
Date:	02/19/08
Scale:	AS SHOWN
Drawn By:	JEM
Designed By:	LHP
Checked By:	GID

5/5

5B

CITY OF HILLSBORO

INTER OFFICE MEMORANDUM

DATE: March 25, 2008

TO: Mayor Tom Hughes and City Council

FROM: Chris Skinner, Deputy Chief

RE: Intergovernmental Agreement between the City of Hillsboro, Tri-County Metropolitan Transportation District of Oregon and the City of Portland for Transit Services

INTRODUCTION

Attached is a proposed intergovernmental [IGA] agreement among the Tri-County Metropolitan Transportation District of Oregon, the City of Hillsboro and the City of Portland for Transit Police Services.

BACKGROUND

Last summer, Hillsboro Police began discussions with Tri-Met and other Westside law enforcement agencies due to concerns related to heightened criminal activity and calls for service along the Westside Tri-Met light rail [MAX] and at respective light rail stations.

Through mutual cooperation amongst law enforcement jurisdictions and Tri-Met, the attached IGA was developed to increase safety and security operations on the transit system; focusing an additional law enforcement presence on the Westside.

As a collaborative effort, law enforcement agencies in conjunction with Tri-Met are proposing the establishment of a Westside Precinct to be housed by the Hillsboro Police Department. Hillsboro Police will provide supervision for the team which will be comprised of officers from the City of Hillsboro, City of Beaverton and the Washington County Sheriff's Office and will ensure a police presence and community policing program geared toward residents and riders along the Westside light rail.

The program as currently proposed with Tri-Met and developed under a Pilot Project will provide funding to pay Hillsboro for its services has through June 30, 2009 with the potential for extension through June 30, 2010.

250 SE 10th Street, Hillsboro, Oregon 97123-4088 • Phone: 503/681-6190 • FAX 503/681-6267

RECOMMENDATION

It is recommended that the City Council authorize the City Manager to sign the attached IGA on behalf of the City of Hillsboro.

250 SE 10th Street, Hillsboro, Oregon 97123-4088 • Phone: 503/681-6190 • FAX 503/681-6267

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON AND THE CITY OF PORTLAND FOR TRANSIT POLICE SERVICES ON BEHALF OF THE CITY OF HILLSBORO.

WHEREAS, TriMet, Hillsboro and Portland seek to expand the TriMet Transit Police Division to increase safety and security operations on the TriMet transit system, in particular on the westside MAX; and

WHEREAS, the parties desire to implement a pilot project that establishes a westside TriMet Transit Police community policing program to expand and enhance safety and security on the transit system and westside MAX; and

WHEREAS, the priority of the Westside Precinct will be to provide a focused police presence on the westside MAX and transit system.

NOW, THEREFORE, BE IT RESOLVED by the Hillsboro City Council:

Section 1. The City Manager is hereby authorized to sign, on behalf of the City of Hillsboro, an intergovernmental agreement between the City of Hillsboro, City of Portland and Tri-Met for Transit Police services the agreement to be in a form substantially akin to that attached here as Exhibit 1.

Section. 2. This resolution is and shall be effective from and after its passage by the Council and signed by the Mayor.

Introduced and passed by the Council this 1st day of April 2008.

Approved by the Mayor this 1st day of April 2008.

_____
Mayor

ATTEST: _____
City Recorder

INTERGOVERNMENTAL AGREEMENT AMONG THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON, THE CITY OF HILLSBORO AND THE CITY OF PORTLAND FOR TRANSIT POLICE SERVICES

This Agreement is among the Tri-County Metropolitan Transportation District of Oregon (TriMet), the City of Hillsboro (Hillsboro) and the City of Portland (Portland), pursuant to authority granted in ORS Chapter 190.

RECITALS

1. TriMet, Hillsboro and Portland ("the parties") seek to expand the TriMet Transit Police Division to increase safety and security operations on the TriMet transit system, in particular on the westside MAX and agree that a focused presence of additional police personnel on the westside MAX and transit system would be an effective measure to expand and enhance transit system safety and security.

2. The parties desire to implement a pilot project that establishes a westside TriMet Transit Police community policing program to expand and enhance safety and security on the transit system and westside MAX.

AGREEMENT

The parties agree as follows:

1. TERM: The initial term of this Agreement shall be from _____, 2008 through June 30, 2009, and may be extended by mutual agreement of the parties for a successive one-year term through June 30, 2010, unless terminated sooner under the terms of this Agreement.

2. RESPONSIBILITIES OF PARTIES: See attached Exhibits 1 and 2.

3. TERMINATION: This Agreement may be terminated as follows:

    a. Any party may terminate this Agreement for its convenience and without penalty upon thirty (30) days written notice of its intention to terminate.

    b. If TriMet is unable to appropriate sufficient funds to pay Hillsboro for its services under this Agreement, TriMet must notify Hillsboro and Portland and the Agreement terminates as of the end of the last fiscal year for which such appropriations are available.

    c. Any obligations arising prior to the date of termination survive the termination, including any obligation to indemnify, defend and hold harmless any other jurisdictions.

4. INDEMNIFICATION:

Portland and Hillsboro will be responsible for the work of the officers assigned to the TriMet Transit Police Division.

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, Hillsboro shall indemnify, defend and hold harmless TriMet and Portland from and against all liability, loss, and costs arising out of or resulting from the acts of Hillsboro, its officers, employees, and agents in the performance of this Agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, TriMet shall indemnify, defend, and hold harmless Hillsboro and Portland from and against all liability, loss, and costs arising out of or resulting from the acts of TriMet, its officers, employees, and agents in the performance of this Agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, Portland shall indemnify, defend, and hold harmless Hillsboro and TriMet from and against all liability, loss, and costs arising out of or resulting from the acts of Portland, its officers, employees, and agents in the performance of this Agreement.

5. INSURANCE: Each party shall be responsible for providing workers' compensation insurance for their respective employees, as required by law, and may elect to commercially insure or self insure for any other liabilities assumed under this Agreement.

6. ADHERENCE TO LAW: Each party must comply with all federal, state, and local laws and ordinances applicable to this Agreement.

7. ACCESS TO RECORDS: Each party must have access to the books, documents, and other records of the other parties related to this Agreement for the purpose of examination, copying, and audit, unless otherwise limited by law.

8. SUBCONTRACTOR AND ASSIGNMENT: No party shall subcontract or assign any part of this Agreement without the written consent of the other parties.

9. ENTIRE AGREEMENT: This Agreement incorporates by reference and makes all of the terms and conditions of the Exhibits 1 through 4 attached hereto a part of this Agreement and constitutes the entire agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.

10. NO THIRD PARTY BENEFICIARY: TriMet, Hillsboro and Portland are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether indirectly or otherwise, to third persons, unless such third persons are identified individually by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

11. SEVERABILITY: If any term or provision, or portions thereof, of this Agreement is declared by an arbiter or a court of competent jurisdiction to be illegal, invalid, void or otherwise unenforceable, each such term or provision shall be enforced only to the extent it is not in violation of law or is not otherwise unenforceable; all other provisions and requirements of this Agreement shall remain in full force and effect insofar as possible to preserve the lawful anticipated benefits of this Agreement to the parties.

12. NOTICES: The parties must send any notices, bills, invoices, reports, or other written communications required by this Agreement through the United States Mail, first-class postage paid, or personally delivered to the addresses below:

WHEREFORE, the parties by their signatures below agree to be bound by the terms and conditions herein.

HILLSBORO	**TRIMET**	**PORTLAND**
City of Hillsboro	Executive Director, Operations	Commander, Transit Police Division
150 E Main Street	4012 SE 17th Avenue	210 N.W. 1st Avenue
Hillsboro, OR 97123	Portland, OR 97202	Portland, OR 97209
_____	_____	_____
Signature	*Signature*	*Signature*
_____	_____	_____
Print	*Print*	*Print*
Title	*Title*	*Title*
Approved as to form:		By:_____
		Mayor
_____	_____	_____
Hillsboro Counsel	Legal Counsel	City Attorney

Exhibits:

Exhibit 1 – Transit Police Division Westside Precinct Pilot Project
Exhibit 2 – Transit Police Division Administration & Operations
Exhibit 3 – Transit Police Division Personnel Operations (Westside Precinct)
Exhibit 4 – Transit Police Division Staffing Letter

EXHIBIT 1

TRANSIT POLICE DIVISION WESTSIDE PRECINCT PILOT PROJECT

TriMet, the cities of Portland, Hillsboro, Beaverton, and Washington County ("WP parties") and Portland have agreed to implement a pilot project that establishes a Transit Police Westside Precinct community policing program, to expand and enhance safety and security on the transit system and westside MAX in particular.

The Westside Precinct pilot project will be implemented in accordance with the following understandings of the WP parties:

A. An initial five (5) -officer westside TriMet Transit Police Division unit will be established for the pilot project (the "Westside Precinct"), based in Hillsboro, and with the purpose of deployment west of the Zoo MAX station.

B. The cities of Hillsboro and Beaverton, and Washington County shall invoice the City of Portland for their respective Westside Precinct reimbursable costs as set forth in Exhibit 2. TriMet, through Portland, will compensate Hillsboro, Beaverton, and Washington County for the services of the officer(s) assigned to the Transit Police Division Westside Precinct.

C. The priority of the Westside Precinct will be to provide a focused police presence on the westside MAX and transit system. Every effort will be made to deploy the Westside Precinct officers onto the MAX trains and stations, and buses serving the westside of the TriMet service district.

D. The Westside Precinct initial five (5) officers will be assigned from the cities of Beaverton and Hillsboro, and Washington County. TriMet will provide funding for the initial five (5) positions through the Transit Police Division intergovernmental agreement with the City of Portland. If funding is available and the evaluation of the pilot project determines that it should be continued, staffing of six (6) to eight (8) officers for the Westside Precinct would be preferred.

E. The Westside Precinct will be under the overall operational/administrative structure and command of the Transit Police Division, as established by Portland and TriMet in Contract No. 05-812, providing for uniform methods, policies and practices, while also providing the Westside Precinct officers autonomy and independence in decision-making on deployment based on Westside community transit needs and focus on policing needs of the Westside communities consistent with regional Transit Police Division service priorities. Day-to-day operations of the Westside Precinct will be under the operational command of the Transit Police Division with respect to enforcement directed at TriMet MAX lines, bus lines, TriMet facilities, TriMet employees, riders and transit related matters. The Westside Precinct supervisor will communicate directly with and shall be subordinate to the Transit Police Division lieutenant with respect to all such operational matters. Command and control of major incidents is retained by the law enforcement agency with primary police jurisdiction where the incident is occurring consistent with established police practices in conjunction with the Transit Police Division if it is a transit related matter.

F. Communication within the TriMet Transit Police Division ("Transit Police Division") will be maintained by designation of a command level officer from the Hillsboro or Beaverton Police Department, or Washington County Sheriff's Office, as Westside Precinct liaison to the Transit Police Division Command. Transit Police Division deployment plans and decisions will be jointly developed and determined by the Westside Precinct and Transit Police Division, in conjunction with TriMet in accordance with general principles set forth in Exhibit 2.

G. The deployment priority of Westside Precinct officers to the westside MAX and transit system is intended to permit existing Transit Police Division officers to focus on security needs elsewhere on the TriMet transit system. However, existing Transit Police Division officers will augment Westside Precinct officers, when determined necessary by overall Transit Police Division coordination described in Section E. In emergencies, or when mutually agreed among the parties, Westside Precinct officers will be available for deployment in other locations of the TriMet transit system where needed; and existing Transit Police Division officers will be available for deployment on the westside transit system where needed.

H. Officers assigned by the WP parties are assigned to the Westside Precinct and are prohibited from transfer/assignment to other precincts or regions of the TriMet system and cannot be bumped from the Westside Precinct without prior authorization by the WP parties. It is understood that police operations initiated in one jurisdiction may continue across jurisdictional boundaries and beyond and into the Westside Precinct area of responsibility.

I. Operational equipment and facilities necessary for Westside Precinct operations, including facility base for operations, base furnishings and computer equipment, and police vehicles, may be effected by separate agreement(s), either:

- between the respective WP party and the City of Portland, with reimbursement of costs as per Exhibit 2, paragraph 3(a) of this agreement (through Transit Police Division billings to TriMet by the Portland Police Bureau, Fiscal Division); or
- between the respective WP party and TriMet, with reimbursement of costs directly by TriMet to the respective WP party.

J. The WP parties shall establish performance measures to monitor and evaluate the Westside Precinct pilot project during and after the one (1)-year pilot period. Performance measures may include:

1. Presence Ratio: percentage of total Westside Precinct officer worked hours, spent on-board westside MAX vehicles or on-site at westside MAX public transit facilities, and on buses or at bus stops, for the month or year.

2. Citations: number of citations issued on westside MAX, buses or platforms for the month or year.

3. Fares Inspected: number of westside MAX and bus customers checked by Westside Precinct officers for valid proof of fare payment for the month or year.

4. Exclusions: number of TriMet exclusions or interdiction commands issued on westside MAX and buses for the month or year.

5. Reported Crime: number of all crimes reported on westside MAX, buses or TriMet property for the month or year.

6. Arrests: number of arrests on westside MAX, buses or TriMet property for the month or year.

7. Commendations/Complaints: number of complaints and commendations received by TriMet pertaining to Westside Precinct operations for the month or year.

8. Perceived Security: public confidence in safety and security of westside MAX, buses or TriMet property as measured by TriMet survey of transit system customers and the public.

9. Reports Written: number of reports written for the month in support of arrests or calls for service.

10. Field Interview Cards: number of FIR cards for the month based on subject stops and contacts.

EXHIBIT 2

TRANSIT POLICE DIVISION ADMINISTRATION & OPERATIONS

1. SERVICE LEVEL

For the term of this Agreement, Hillsboro will provide one or more full-time officer(s) for assignment to the Transit Police Division (hereinafter Division), in such numbers and classifications as the parties mutually agree in writing, by letter among Hillsboro's Chief of Police, the Transit Police Division Commander, and TriMet's Executive Director - Operations, with such letter in the form set forth in Exhibit 4. If a vacancy of any of the agreed-upon number of officers is not filled within ninety (90) days, the parties agree that TriMet may reassign the opening to another Westside Precinct jurisdiction, to provide officer(s) to the Division. Hillsboro personnel assigned to the Division will remain employees of Hillsboro and will not be considered employees or agents of TriMet or the City of Portland (Portland). For purposes of this Agreement, the officer(s) assigned to the Division will be referred to as assigned to the TriMet Transit Police Division.

2. OPERATIONS

a. Deployment Strategy and Priority for Services: The parties recognize that they share legitimate interests in the management and deployment of officers assigned to the Transit Police Division. The parties will work together to ensure:

(1) On-Board Presence: The priority for Transit Police Division deployment is presence on the transit system vehicles and at transit system public facilities.

(2) Calls for Service: In general, response to 9-1-1 calls for transit system incidents shall be responded to as determined by WCCCA and local law enforcement within the jurisdiction where the 9-1-1 call originates. If the Westside Precinct transit unit is not the priority dispatched unit, the Transit Police Division will be made aware of the call.

(3) Arrests: Arrests growing out of incidents on the transit system shall be by the Transit Police Division or local law enforcement officer initiating action on or dispatched to the incident.

(4) Law Enforcement Support: Transit Police Division and local law enforcement shall be responsible for law enforcement support activities for their respective primary areas of responsibility.

(5) Enforcement: Transit Police Division enforcement shall focus on TriMet ordinances, including fare enforcement, and State and local laws related to the security of passengers, employees, and transit system property and operations.

(6) Targeting: Transit Police Division deployment shall focus on identified problem areas, routes and/or transit centers/transfer points based on data relative to the greatest needs for "preventive action"; using community policing strategies whenever possible.

b. Agency Cooperation and Coordination:

(1) The parties will work closely and continuously communicate with each other to ensure that the resources, strategies, work force deployment, and initiatives of TriMet, Portland, and Hillsboro are coordinated and effective.

(2) The Commander, TriMet Transit Police Division, or his/her designee, will coordinate contact with the parties to insure that the resources, strategies, work force deployment, and initiatives of the Division and those of the respective law enforcement agencies are coordinated and effective.

(3) Hillsboro agrees to work cooperatively in an effort to increase reporting of TriMet related incidents. Hillsboro agrees to provide to the Transit Police Division TriMet coded reports, data, and records. TriMet agrees to make available to Hillsboro, through the Division, particular data, reports, records, etc. and other information as authorized by TriMet that will assist in fulfilling the mission as outlined in this document.

c. Officer Seniority: Determination of officer seniority and assignments of the Westside Precinct for purposes of determining work shifts, days off, vacation, holiday, and overtime shall be according to the attached Exhibit 3.

d. K-9 Unit Training Facility: TriMet has entered into a ground lease (hereinafter "Lease") with the Port of Portland effective September 17, 2007 for the use of certain premises (hereinafter "Premises") to house explosives storage magazines in support of TriMet's training requirements to maintain U.S. Department of Homeland Security, Transportation Security Administration ("TSA") certification for K-9 units. Certain Transit Police Division personnel as designated by TriMet and TSA will be authorized to access and utilize the Premises for purposes of TriMet's K-9 unit training in accordance with the Lease terms. For any Hillsboro personnel who are designated for access to the Premises, Hillsboro agrees that its personnel are subject to and shall comply with all provisions and requirements of the Lease related to access, use and security of the Premises and specifically any obligations of TriMet as Lessee that relate to access, use and security of the Premises, the terms of which are incorporated into and made part of this Agreement.

3. REIMBURSEMENT OF COSTS

a. Costs: Hillsboro must pay the salaries, overtime, insurance, retirement, and other benefits of its respective officers serving in the TriMet Transit Police Division. Hillsboro must bill the Portland Police Bureau, Fiscal Division, monthly for the salaries, overtime, insurance, retirement, other benefits and Indirect (overhead not to exceed 10%) charges incurred by Hillsboro to provide personnel. Billings will be sent to: PPB Fiscal Division, 1111 SW 2nd Avenue, Portland, OR 97204. Portland agrees to compensate Hillsboro within 30 days after receiving the bill.

b. Amount: Before April 1st of each year of this Agreement, Portland and Hillsboro must submit to TriMet a proposed annual budget for services under this contract for next fiscal year (July 1 through the following June 30). The parties will then agree on the compensation to be paid by TriMet for services to Portland and Hillsboro under this Agreement. If the parties cannot agree on such compensation by April 1st of each year of this Agreement or at anytime during the term of this Agreement, any party may elect to terminate this Agreement for its convenience and without penalty in accordance with the Termination provision in this Agreement.

EXHIBIT 3

TRANSIT POLICE DIVISION PERSONNEL OPERATIONS (WESTSIDE PRECINCT)

It is the intent of this Agreement: (1) to recognize that the TriMet Transit Police Division Westside Precinct (Westside Precinct) is staffed by police officers from multiple jurisdictions, each covered by their respective collective bargaining agreements, but that shifts, days off, vacations and overtime need to be assigned in a fair and equitable manner not inconsistent with the terms of the applicable collective bargaining agreements; (2) to provide for assignment of shifts, days off, vacations and overtime; (3) to allow for the designation of shift hours of operation and the allocation of positions and days off within certain shifts to maintain an appropriate balance of field strength.

THE PARTIES AGREE THAT:

1. Current and future Hillsboro officers who are assigned to the Westside Precinct will use their Hillsboro seniority (as defined below) as the means to select shifts, days off (time off), and overtime.

2. The terms and conditions of Hillsboro's collective bargaining agreement for officers assigned to the Westside Precinct are modified to conform with the matters addressed in this Exhibit 3 only.

3. Seniority shall be defined as the length of uninterrupted service by the officer in his/her agency following the officer's most recent appointment as a police officer. Time spent in the Armed Forces, on military leaves of absence, other authorized leaves and time lost because of duty-connected disability shall be included in length of service. If an officer who has been promoted reverts to a position s/he formerly held, the officer's seniority shall be the sum of the seniority earned in all classifications with the present employer.

4. Subject to manpower needs and maintaining efficiency of the Westside Precinct, seniority, as defined above, shall be the prime factor in the selection of shifts and days off. Seniority, as defined above, shall govern in the selection of vacation and holidays (paid time off).

5. In the case of voluntary transfer and/or assignment, the seniority, as defined above, of an officer shall apply immediately to the officer's choice concerning holidays and vacations (paid time off). The transferring officer may not use seniority, as defined above, to bump another officer's shift or days off until forty-five (45) days from the date of the written request.

6. In case of involuntary transfer and/or assignment, the seniority, as defined above, of an officer shall apply immediately to the officer's choice concerning holidays and vacation (paid time off). In the event of an involuntary transfer, the Westside Precinct shall accommodate the shift and/or days off preferences of transferring officers immediately, and shall not involuntarily bump any other officer for at least thirty (30) days from the time the bumped officer receives notice of the bump. The transferring officer may not use seniority, as defined above, to bump another officer's shift or days off until 30 days from the date of the written request.

7. For the purposes of this Agreement, the phrase "Transferring Officer" shall refer to an officer desiring to change shifts, days off or assignments, or an officer who is involuntarily transferred.

8. The Westside Precinct shall prepare a form to be used by officers desiring to transfer from one shift, assignment, or days off configuration to another within the same reporting unit. For the purposes of this Agreement, this form shall be referred to as the "Transfer Request Form." The Transfer

Request Form shall contain a place for transferring officers to indicate their preferences with respect to shifts and days off.

9. A transferring officer may complete a Transfer Request Form at any time. If the officer is seeking or anticipating a transfer, the officer shall file the Transfer Request Form with the Westside Precinct supervisor. If the officer is seeking a change in days off or shifts which do not involve a transfer between reporting units, the Transfer Request Form shall be filed with the officer's shift commander. The Westside Precinct will forward a copy of the Transfer Request Form to the location of the anticipated transfer.

10. In the event of a change in days off or shifts that do not involve a change in reporting units, the time frames referred to in Section 5 and 6 of this Exhibit 3 shall begin to run when the transferring officer submits the Transfer Request Form.

11. When the Westside Precinct knows that an officer's preferences as indicated on a Transfer Request Form will result in the displacement of the shift or days off of another officer (referred to herein as the Transferred Officer), the Westside Precinct shall notify the Transferred Officer as soon as possible of the fact that he or she may be bumped.

12. The Westside Precinct shall accommodate the shift and/or days off preferences of transferring officers on a faster time schedule than that contained in Sections 5 and 6 of this Exhibit 3, if, in the Westside Precinct's judgment, it is operationally sound to do so, provided that no other affected officer is bumped from his or her days off or shift who objects to the accommodation.

13. An officer may exercise seniority, as defined above, to bump another officer for shift and days off only once in ninety (90) days.

14. **Vacations.** Employees shall be allowed to select two (2) vacation periods on the basis of seniority, as defined above. Each vacation period must be of a minimum duration of one (1) day. Vacation time shall be scheduled by the Westside Precinct with due consideration being given to requests from officers which shall be determined among officers of equal rank by seniority, as defined above; provided, however, that each officer shall be permitted to exercise the right of seniority, as defined above, only once each year. The sign-up deadline for the exercise of seniority in the selection of vacations shall be March 15 for the calendar year running from April 15 through April 14 of the following year.

15. **Holiday Assignment.** Where the shift strength is reduced or increased on holidays, consistent with the needs of the Westside Precinct, assignments shall be offered to the most senior officer (seniority as defined above). Except for an emergency, the Westside Precinct shall provide a minimum of ten (10) calendar days' notice of any deviation from normal shift strength so that officers may plan the use of their time.

A. Where shift strength is reduced, the most senior officer (seniority as defined above) scheduled for duty on the shift shall be offered the option of working or not. Where shift strength is increased, the most senior officer (seniority as defined above) on the shift shall be offered the option of working or not.

B. For purposes of this section, New Year's Eve and Christmas Eve shall be treated as holidays.

16. **Seniority for Vacation Purposes upon Transfer.** If an officer is involuntarily transferred, the Westside Precinct shall honor the officer's pre-selected vacation times, and shall not disrupt the pre-selected vacation time for other officers in the division to which the officer is involuntarily transferred. If an officer accepts a voluntary transfer, the Westside Precinct shall attempt to accommodate, to the extent possible, the officer's pre-selected vacation times.

17. **Shift Overtime.** Where the overtime is not directly related to activities begun by an officer during the officer's regular shift, and where the planned overtime is anticipated to be four (4) hours or more in duration, the overtime shall be offered, in the order of seniority, as defined above, to officers in the Westside Precinct. Once each eligible officer has had the opportunity to work shift overtime in a pay period, officers may once again use their seniority, as defined above, to work shift overtime as described above, and the seniority list shall rotate in the same fashion thereafter. The Westside Precinct shall maintain a list in each reporting unit upon which officers must place their names indicating a willingness to work shift overtime. If an officer is incorrectly passed over for shift overtime, the officer shall be allowed to work a makeup overtime assignment within the next two (2) pay periods following the discovery of the error. The officer and the Westside Precinct shall mutually agree upon the makeup overtime assignment, which shall not displace another officer's already-selected overtime assignment. An officer who has been incorrectly passed over shall not be otherwise entitled to compensation for the missed overtime.

18. An officer will normally be given adequate advance notice of any change in the officer's regular hours of work, except where an emergency (an emergency is defined as an unforeseen event affecting the Westside Precinct's ability to perform its mission) exists. Notice given less than seven (7) calendar days before the officer is to begin work under the changed schedule entitles the officer to compensation at the overtime rate for those hours not exceeding eight (8) hours that are earlier, later, or different from the hours the officer last worked in a work day. A police officer is not entitled to compensation under the overtime rate if the officer is otherwise entitled to compensation under the same hours of work, or if shift changes are the result of a voluntary transfer or promotion.

19. **Discipline.** Discipline and discharge of Hillsboro officers assigned to the Westside Precinct will be the responsibility of Hillsboro and in accordance with the Collective Bargaining Agreement between the Hillsboro Police Officer's Association and the City of Hillsboro.

20. **Collective Bargaining Agreement.** All other terms and conditions of any current Collective Bargaining Agreement between the Hillsboro Police Officer's Association and the City of Hillsboro shall remain in effect as to other issues not addressed by this Exhibit 3. In the event of a conflict between such Collective Bargaining Agreement and this Exhibit 3, the provisions of such Collective Bargaining Agreement shall govern.

EXHIBIT 4
TRANSIT POLICE DIVISION STAFFING LETTER

(on TriMet letterhead)

_____

(date of letter)

Chief of Police
City of Hillsboro, Oregon
250 SE 10th Avenue
Hillsboro, OR 97123

RE: Hillsboro Police Staffing to TriMet Transit Police Division

Dear _____:

This letter is issued pursuant to the (effective date of agreement), 2008 Agreement among the Tri-County Metropolitan Transportation District of Oregon (TriMet), the City of Hillsboro (Hillsboro) and the City of Portland (Portland), for TriMet Transit Police Services, as amended, to establish or change the number of police officers assigned from Hillsboro Police to the TriMet Transit Police Division.

Prior Staffing from (effective date of agreement), 2008, To-Date

- from (effective date of agreement), 2008 to (date) (specify number of officer(s))
- from (date) to (date) (specify revised number of officer(s))

etc. etc.

- from (date) to (effective date of this staffing change) (specify revised number of officer(s))

Staffing from (effective date of this staffing change)

- from (effective date of this staffing change) (specify revised number of officer(s))

Any future change in the number of officers assigned from Hillsboro Police to the TriMet Transit Police Division, is subject to mutual agreement by the parties by subsequent letter in similar form.

Sincerely,

Executive Director, Operations
TriMet

Agreed to by Hillsboro:

_____ _____
Chief of Police date

Agreed to by City of Portland:

_____ _____
Transit Police Commander date

5C

CITY OF HILLSBORO

INTER OFFICE MEMORANDUM

DATE: March 25, 2008

TO: Mayor Tom Hughes and City Council

FROM: Cindy Young Bolek, Support Services Division Manager

RE: Amendment of Hillsboro Municipal Code Section 12.28 Article II

INTRODUCTION

Attached is a proposed amendment of Article II, Section 12.28 of the Hillsboro Municipal Code related to Parks and Recreation.

BACKGROUND

The current Hillsboro Municipal Code provides for exclusion from park lands and the Hillsboro Civic Center Complex. In addition, the code provides appeals to issued exclusions via the City Manager. A code amendment is required to alter the current appellate process and to expand the exclusion process to include city property and public lands.

The primary change encompasses the clarification of definition to include city property and public lands. This change will provide the Hillsboro Police Department the necessary tool to remove individuals that engage in conduct that is in violation of rules and regulations set forth by the Parks Commission, City of Hillsboro as it relates to specific use, Hillsboro Municipal Code or the laws of the State of Oregon.

The secondary change relates to the change from a city manager appellate process to a judicial process through the Hillsboro Municipal Court.

I have included for review, a copy of the code with changes highlighted.

RECOMMENDATION

It is recommended that the City Council approve this ordinance amending Article II, Section 12.28 of Hillsboro Municipal Code and declare an emergency.

250 SE 10th Street, Hillsboro, Oregon 97123-4088 • Phone: 503/681-6190 • FAX 503/681-6267

ORDINANCE NO. _____
CITY OF HILLSBORO, OREGON

AN ORDINANCE AMENDING ARTICLE II, CHAPTER 12.28 OF THE HILLSBORO MUNICIPAL CODE RELATING TO SAFETY AND SECURITY BY ALTERING TO APPEAL PROCESS FOR EXCLUSION ORDERS, MAKING GRAMMATIC AND OTHER NON-SUBSTANTIVE CHANGES TO THAT ARTICLE; DECLARING AN EMERGENCY.

WHEREAS, the City Council desires to provide tools to city peace officers to allow for exclusions from city property, public lands and parks when behavior interrupts the peaceful use or enjoyment of said lands; and,

WHEREAS, the City Council desires to move exclusion appellate hearings from a City Manager review process to a Municipal Court judicial process.

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. Section 12.28.100 of the Hillsboro Municipal Code is amended by adding new provisions and deleting certain language to read and provide as shown on Exhibit 1 attached hereto.

Section 2. It being necessary to establish the new procedural approach for use with exclusion orders as quickly as possible and thereby promote the health, safety and welfare of the citizens of the City and the community-at-large, an emergency is hereby declared and this ordinance shall be effect from and after its passage by the Council and approval by the Mayor.

Introduced and passed by the Council this 1st day of April 2008.

Approved by the Mayor this 1st day of April 2008.

_____
Mayor

ATTEST: _____
City Recorder

Article II. Safety and Security

12.28.100 Definitions.

As used in this Chapter except where the context indicates otherwise:
"City" means the city of Hillsboro, Oregon.
"City Manager" means the Hillsboro City Manager or the City Manager's designee.
"City peace officer" means a Hillsboro Police Officer or non sworn enforcement officer employed by the Hillsboro police department.
"City-owned Park" means an area of land, including any and all buildings on that land, owned by the City and used as a recreational area.
"Public Land" means publicly owned or leased land and buildings within the city limits and over which the City has control or authority (including "City Property" as defined in HMC Chapter 12.40 where a permit under that Chapter has been issued), as well as publicly accessible property owned or controlled by the Tri-County Metropolitan Transit District (Tri-Met) such as transit stations, transit centers, bus shelters, and light rail passenger platforms.
"Trespass" means any entry onto a City-owned park or Public Land in violation of notice of exclusion issued in accordance with this Chapter.

12.28.110 Use regulations.

The areas affected by this Chapter include all City-owned parks and Public Lands within the City.

12.28.120 Exclusion from public land.

A. In addition to any other remedy or penalty provided by law, any City peace officer or other person specifically authorized by the City Manager may exclude any person who violates any provision(s) of the Hillsboro Municipal Code, state law or rule, Tri-Met ordinance, or any rule adopted by the City Council relating to activities on City-owned park or public land from that City-owned park or public land for a period of up to 90 days. A person excluded under this Section may not enter or remain upon that City-owned park or public land during the exclusion period. A person excluded from the Civic Center Complex may enter upon or remain at the Civic Center Complex only to the extent necessary to file documents required to be filed with a city official or appear in any municipal court proceeding.

B. A person shall be given a warning and an opportunity to comply with the law before an exclusion notice is issued. An exclusion notice shall not be issued if the person promptly complies with the warning. No warning is required if the exclusion is based on:
   1. conduct punishable as a felony;
   2. involves controlled substances or alcoholic beverages;
   3. does or is likely to result in personal injury or property damage; or
   4. if the person has been previously warned or excluded for the same conduct.

C. Written notice shall be given to any person excluded from any city-owned park or public land. Such notice shall specify the following:

1. the dates of the exclusion;
2. the place from which the person is excluded;
3. the provision of law violated; and
4. a brief description of the offending conduct.

The issuing party shall sign and date the notice. The notice shall also set forth a statement of the consequences for failure to comply as well as municipal court procedures.

D. This section does not authorize exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions.

12.28.130 Appeal of Exclusion

A. A person receiving an exclusion notice may appeal said exclusion to the Municipal Court and seek to have the exclusion reversed or the exclusion period shortened. Any appeal must be filed with the Municipal Court within 10 calendar days of receipt of the exclusion notice by the excluded person, unless extended by the municipal court.

B. If the court receives an appeal of an exclusion notice, that exclusion shall be automatically stayed for the period between the Court's receipt of the appeal until the appeal is decided by the Municipal Court. The court shall decide all appeals within 10 days of their filing unless the hearing date is extended by order of the Municipal Court.

12.28.140 Hours.

Except as otherwise allowed by City Council rule(s), the permissible hours of use for city-owned parks, facilities, and recreation areas are dawn to dusk.

12.28.150 Vehicles in parks.

Motorized vehicles are prohibited within city-owned parks and public lands except when traveling on roadways or parking lots prepared and open for such purposes. This prohibition shall not apply to service equipment used to maintain or operate the facilities or emergency vehicles.

12.28.160 Parking facilities.

Parking facilities abutting city-owned parks are reserved for use by park and recreation patrons only, unless otherwise designated by the city.

12.28.170 Certain activities restricted to specific areas.

Activities which may be hazardous to persons using the city-owned park or public lands or which may damage grass or foliage, such as hard or softball, golf, football, horseshoes, soccer or rugby, shall be restricted to areas designated for these activities.

12.28.175 Misuse of a public restroom.

The following acts are prohibited in a permanent or temporary structure or part of a structure erected or placed for use as a public restroom within a city-owned park or public land, including any city building. This section does not prevent access to a public restroom by a person consistent with that person's expressed gender:

A. Standing, climbing, sitting upon, or laying down on any fixture or floor located inside of or at the entrance of any restroom, unless that fixture or floor is intended to be used for standing, climbing, sitting or lying upon;
B. Occupying any restroom with two or more persons when the restroom is specifically designed for use by only one person, unless one of those persons is assisting a handicapped person or persons, a child or children under twelve years of age, or an elderly person, or persons in need of assistance;
C. Interfering with any attendant in the discharge of his or her duties within any restroom;
D. For any male person, entering a restroom marked "Women." This section does not apply to a male child with his mother or female guardian, or an authorized person in the discharge of his regular duties;
E. For any female person, entering a restroom marked "Men." This section does not apply to a female child with her father or male guardian, or an authorized person in the discharge of her regular duties; or
F. Engaging in disorderly or disruptive conduct inside of or at the entrance to any restroom.

12.28.180 Additional rules.
The City Council may establish additional rules for the safe and efficient operation of city-owned parks and public lands.

12.28.190 Violation--Penalty.
A. Any violation of a notice of exclusion issued in accordance with this Chapter constitutes criminal trespass in the second degree is punishable in accordance with ORS 164.245, any other applicable provision of state law and any remedy provided by this code.

EXHIBIT 1.
ORDINANCE NO. _____

~~Deleted language~~
Added language

Article II. Safety and Security

12.28.100 Definitions.
As used in this Chapter except where the context indicates otherwise:
"City" means the city of Hillsboro, Oregon.
"City Manager" means the Hillsboro City Manager or the City Manager's designee.
"City peace officer" means a Hillsboro Police Officer or non sworn enforcement officer employed by the Hillsboro police department.
"City-owned Park" means an area of land, including any and all buildings on that land, owned by the City and used ~~or set aside for~~ use as a recreational area.
"Public Land" means publicly owned or leased land and buildings within the city limits and over which the City has control or authority **(including "City Property" as defined in HMC Chapter 12.40 where a permit under that Chapter has been issued)**, as well as publicly accessible property owned or controlled by the Tri-County Metropolitan Transit District (Tri-Met) such as transit stations, transit centers, bus shelters, and light rail passenger platforms.
"Trespass" means any entry onto a City-owned park or Public Land in violation of notice of exclusion issued in accordance with this Chapter.

12.28.110 Use regulations.
The areas affected by this Chapter include all City-owned parks and Public Lands within the City.

12.28.120 Exclusion from public land.
A. In addition to any other remedy **or penalty** provided by law, any City peace officer or other person specifically authorized by the City Manager may exclude any person who violates any provision(s) of **the Hillsboro Municipal Code** ~~this code~~, state law or **Tri-Met** rule or ordinance ~~of a mass transit district~~, or any rule adopted by the ~~city manager, the city library board, the parks commission or any other municipal officer or commission authorized to adopt rules under this code~~ **City Council** relating to activities on City-owned park or public land from that City-owned park or public land for a period of up to ninety **(90)** days. **A person excluded under this Section may not enter or remain upon that City-owned park or public land during the exclusion period.** A

person excluded from the Civic Center Complex may enter upon or remain at the Civic Center Complex only to the extent necessary to file documents required to be filed with a city official or appear in any municipal court proceeding.

B. ~~Except as provided herein, a~~ A person shall be given a warning and ~~a reasonable~~ **an** opportunity to comply with the law before an exclusion notice is issued. ~~No exclusion notice~~ **An exclusion notice** shall not be issued if the person promptly complies with the warning. No warning is required if the exclusion is based on:
   1. conduct punishable as a felony;
   2. involves controlled substances or alcoholic beverages;
   3. does or is likely to result in personal injury or property damage; or
   4. if the person has been previously warned or excluded for the same conduct.

C. Written notice shall be given to any person excluded from any city-owned park or public land. Such notice shall specify the following:
   1. the dates of the exclusion;
   2. the place from which the person is excluded;
   3. the provision of law violated; and
   4. a brief description of the offending conduct.

   The issuing party shall sign and date the notice. The notice shall also set forth a ~~warning~~ **statement** of the consequences for failure to comply ~~and the city's review procedures, including appeal procedures~~ **as well as municipal court procedures.**

~~D. A person receiving such notice of exclusion from city-owned parks or public land may appeal to the city manager to have the exclusion rescinded or the period of exclusion shortened. Such an appeal must be filed with the city recorder within twenty calendar days of receipt of the exclusion notice by the excluded person, unless extended by the city manager. In the event that the city manager receives an appeal of an exclusion notice, that exclusion shall be automatically stayed from the date and time that the appeal is received at the office of the city recorder until the appeal is decided. A decision on an appeal of an exclusion notice shall be issued within ten days of the filing of the appeal with the city recorder.~~

D. This section does not authorize exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. ~~However a person engaged in such activity who commits an act that is not protected, but that violates an applicable provision of law, shall be subject to exclusion as provided in this section.~~

12.28.130 Appeal of Exclusion

A. A person receiving an exclusion notice may appeal said exclusion to the Municipal Court and seek to have the exclusion reversed or the exclusion period shortened. Any appeal must be filed with the Municipal Court within 10

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calendar days of receipt of the exclusion notice by the excluded person, unless extended by the municipal court.

B. If the court receives an appeal of an exclusion notice, that exclusion shall be automatically stayed for the period between the Court's receipt of the appeal until the appeal is decided by the Municipal Court. The court shall decide all appeals within 10 days of their filing unless the hearing date is extended by order of the Municipal Court.

12.28.140 Hours.
Except as otherwise allowed by ~~the Hillsboro park commission,~~ **City Council rule(s)**, the permissible hours of use for city-owned parks, facilities, and recreation areas are dawn to dusk.

12.28.150 Vehicles in parks.
Motorized vehicles are prohibited within city-owned parks and public lands except when traveling on roadways or parking lots prepared and open for such purposes. This prohibition shall not apply to service equipment used to maintain or operate the facilities or emergency vehicles.

12.28.160 Parking facilities.
Parking facilities abutting city-owned parks are reserved for use by park and recreation patrons only, unless otherwise designated by the City.

12.28.170 Certain activities restricted to specific areas.
Activities which may be hazardous to persons using the city-owned park or public lands or which may damage grass or foliage, such as hard or softball, golf, football, horseshoes, soccer or rugby, shall be restricted to areas designated for these activities.

12.28.175 Misuse of a public restroom.
The following acts are prohibited in a permanent or temporary structure or part of a structure erected or placed for use as a public restroom within a city-owned park or public land, including any city building. This section does not prevent access to a public restroom by a person consistent with that person's expressed gender:

A. Standing, climbing, sitting upon, or laying down on any fixture or floor located inside of or at the entrance of any restroom, unless that fixture or floor is intended to be used for standing, climbing, sitting or lying upon;
B. Occupying any restroom with two or more persons when the restroom is specifically designed for use by only one person, unless one of those persons is assisting a

250 SE 10th Street, Hillsboro, Oregon 97123-4088 • Phone: 503/681-6190 • FAX 503/681-6267

handicapped person or persons, a child or children under twelve years of age, or an elderly person, or persons in need of assistance;

C. Interfering with any attendant in the discharge of his or her duties within any restroom;

D. For any male person, entering a restroom marked "Women." This section does not apply to a male child with his mother or female guardian, or an authorized person in the discharge of his regular duties;

E. For any female person, entering a restroom marked "Men." This section does not apply to a female child with her father or male guardian, or an authorized person in the discharge of her regular duties; or

F. Engaging in disorderly or disruptive conduct inside of or at the entrance to any restroom.

12.28.180 Additional rules.

The ~~Hillsboro parks commission~~ **City Council** may establish additional rules for the safe and efficient operation of city-owned parks and public lands.

12.28.190 Violation--Penalty.

~~A.~~ Any violation of a notice of exclusion issued in accordance with this Chapter ~~shall~~ constitutes criminal trespass in the second degree and ~~be~~ **is** punishable in accordance with ORS 164.245, any other applicable provision of state law and any remedy provided by this code.

~~B. Any violation of Sections 12.28.130 through 12.28.170 of this chapter shall be punishable by a fine not to exceed five hundred dollars.~~

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5D

CITY OF HILLSBORO

INTER OFFICE MEMORANDUM

DATE: March 25th, 2008

TO: Mayor Tom Hughes and City Council

FROM: Douglas Ehrich, Investigations Lieutenant

RE: Senate Bill 111, Plan Adoption Police Use of Deadly Force

INTRODUCTION

The 2007 Oregon legislature passed SB 111, which provides an outline for consistent investigative and supportive procedure in response to an officer's use of deadly physical force. Additionally, SB 111 seeks to ensure that the involved law enforcement officer's long term mental health and well being is cared for. Each component of SB 111 is designed to promote public confidence and trust in the criminal justice system.

BACKGROUND

Senate Bill 111 legislation requires that each county in the State of Oregon form a Planning Authority. Members of this planning authority shall include, but not be limited to, the Sheriff and District Attorney of each county. The Planning Authority is tasked with developing a plan for agency response to an officer's use of deadly physical force. The plan is designed to be implemented county-wide. The plan must be consistent with the guidelines of SB 111. Prior to the final submission of the individual County's plan, each jurisdiction's governing authority, including our City Council, must either approve the plan or reject the plan. The local governing authority may not alter or modify the plan. Once approved locally, the plan will be submitted to the Oregon Department of Justice for final review and approval.

The Washington County District Attorney formed a working group to create our County's plan. During the planning process, the planning authority opened their sessions to the public. Members of our agency, to include our Detective Lt. Douglas Ehrich, attended and participated in these planning meetings. In its final form, the proposed plan is consistent with the policies, procedures and practices of the Hillsboro Police Department. The only administrative addition in this plan is the required mandatory mental health counseling for officers involved in the use of deadly physical force. Although the Hillsboro Police Department has always made this

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component available to our members, we have not historically required our members to participate.

RECOMMENDATION

The Hillsboro Police Department has enjoyed tremendous public support during these rare occasions when our officers are forced to respond in a deadly encounter. The implementation of this plan will ensure that our historically consistent and appropriate response will continue in the years to come.

It is recommended that the City Council and Mayor authorize the proposed Washington County SB 111 plan in its entirety.

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CITY OF HILLSBORO

The duly elected governing body of the City of Hillsboro, having been presented with the final draft of the Washington County Use of Deadly Physical Force by Police Officers Plan, as required by 2007 Senate Bill 111, and having thoroughly reviewed the Plan in its entirety.

The City Council of the City of Hillsboro hereby resolves that the plan as drafted meets the needs of the citizens of Washington County and the City of Hillsboro, and orders that the Washington County Use of Deadly Physical Force by Police Officers Plan is hereby adopted as presented.

Dated this 1st day of April, 2008.

_____
Tom Hughes – Mayor

ATTEST: _____
City Recorder

Washington County
Use of Deadly Physical Force by Police Officers Plan

January 22, 2008
Draft Version 3.00

Table of Contents

Members of the Planning Authority

Sheriff Rob Gordon – co-chair
District Attorney Robert Hermann – co-chair
Lieutenant Marti West – Oregon State Police
Chief Kent Barker – Tualatin Police Department
Detective Wayne Hart – Forest Grove Police Department – Union Representative
Richard Inukai - Citizen

Preamble

Police officers serve and protect their fellow Oregonians. The use of deadly physical force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. The purpose of this Plan is not to set the standards for the use of such force, or to be a substitute for agency policy regarding use of force, but rather to provide a framework for a consistent response to an officer's use of deadly physical force that treats all people affected by the event fairly, and promotes public confidence in the criminal justice system.

Section 1: Administration

1) In the event that a member of the planning authority stops service, a replacement shall be appointed as provided in Section 2 (1) of Senate Bill 111, Oregon Laws 2007.
2) There shall be six voting members of the Planning Authority. The approval of the Plan, elements or revisions thereof, shall be by majority vote.
3) The presence of 2/3 of the voting members shall be required in order to hold any vote.
4) Any meeting of a quorum of the voting members of the Planning Authority is subject to Oregon's open meeting law.

Section 2: Applicability of the Plan

This plan shall be applicable, as set forth herein, to any use of deadly physical force resulting in a serious physical injury or the death of a person by a police officer acting in the course of and in furtherance of his/her official duties, occurring within Washington County, Oregon.

The planning authority shall submit the plan developed under Senate Bill 111, and revisions of the plan, to the governing body of each law enforcement agency within the county, except for the Department of State Police and the Department of Justice.

A governing body shall approve or disapprove the plan submitted to it under Senate Bill 111 within 60 days after receiving the plan. The governing body may not amend the plan.

If the plan is approved by at least two-thirds of the governing bodies to which the plan is submitted, the planning authority shall submit the approved plan to the Attorney General. No later than 30 days after receiving the plan, the Attorney General shall review the plan for compliance with the minimum requirements described in Senate Bill 111. If the Attorney General determines that the plan complies with the minimum requirements, the Attorney General shall approve the plan. Upon approval of the plan each law enforcement agency within the county to which the plan applies is subject to the provisions of the plan.

Section 3: Definitions

Law Enforcement Agency: The Department of State Police, the Department of Justice, a district attorney, a political subdivision of the State of Oregon and a municipal corporation of the State of Oregon, that maintains a law enforcement unit as defined in ORS 181.610 (12)(a)(A).

Plan: The final document approved by the Planning Authority, adopted by two-thirds of the governing bodies employing law enforcement agencies, and approved by the Attorney General and including any approved revisions which shall become part of this Plan.

Deadly Physical Force: Physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury. ORS 161.015 (3)

Serious Physical Injury: Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ. ORS 161.015 (8)

Physical Injury: Impairment of physical condition or substantial pain. ORS 161.015 (7)

Police Officer: A person who is:

(a) A police officer or reserve officer as defined in ORS 181.610; and

(b) Employed by a law enforcement agency to enforce the criminal laws of this state.

Involved Officer: (a) A police office whose official conduct or official order to use deadly physical force was a cause in fact of the death of a person. As used in this paragraph, "order to use deadly physical force" means an order issued to another officer to use deadly physical force in a specific incident or an order or directive establishing rules of engagement for the use of deadly physical force for a specific incident. (b) A police officer (or other law enforcement agency employee) whose official conduct was not a cause in fact of the death of a person but whose official involvement in an incident in which the use of deadly physical force by a police officer resulted in the death of a person. SB 111 SECTION 5 (1) (a) and (b)

Section 4: Education, Outreach and Training

Education, outreach and training regarding the use of deadly physical force
Police officers, attorneys employed by state or local government within the county and members of the community shall receive appropriate education, training and outreach regarding the use of deadly physical force.
(1) Law enforcement agencies in Washington County shall continue to require appropriate training for all law enforcement officers to prepare them for appropriate and authorized use of force in the conduct of their assigned duties. Officers will also receive at least the training required by the Department of Public Safety Standards and Training to maintain certification to help ensure their appropriate use of deadly force. The training will include a review of state and county law and policy.
(2) Agencies are encouraged to provide ongoing education, training and other resources. Such training may be a Citizens' Academy or other formalized education which includes municipal, county and state laws, policies and practices regarding use of deadly force.
(3) Agencies are encouraged to provide explanatory materials to help ensure general public understanding of the legal and policy requirements associated with use of deadly force without compromising the integrity of any investigation.
(4) At least once per calendar year the District Attorneys office shall conduct, co-sponsor, and/or endorse a seminar/training regarding the use of deadly force and the investigation of such incidents. Attorneys employed by state and local governments within the county will be notified and encouraged to attend.

Section 5: Immediate Aftermath

In response to any incident in which a police officer employed by a law enforcement agency in Washington County used deadly force:

(1) The employee's law enforcement agency shall pay the costs of at least two sessions with a mental health professional that are attended by the officer. The first session should be held within 15 days of the incident, schedule permitting, and the second must be held within six months after the incident in which the officer was involved.

(a) Each involved officer shall attend at least one of the sessions described in paragraph (1) of this subsection.

(b) Sessions with a mental health professional under this subsection may not be substituted for a fitness for duty examination required or requested as a condition of employment by the law enforcement agency that employs the involved officer.

(c) For at least 72 hours immediately following an incident in which the use of deadly physical force by a police officer resulted in the death or serious physical injury of a person, a law enforcement agency may not return an involved officer to duties that might place the officer in a situation in which the officer may have to use deadly physical force.

(d) A law enforcement agency is encouraged to employ additional procedures such as peer counseling, family counseling, spousal support, spiritual counseling, stress trauma response or other appropriate support.

(e) A law enforcement agency is encouraged to provide additional training, including re-qualification with the weapon used prior to return of the involved officer to their duties. Re-qualification provides reassurance for the officer's skills, willingness to engage in expected responsibilities, and the readiness of the officer's weapon system. It provides documentation for the agency that the officer maintains the required degree of weapon proficiency, and that the officer is fit to return to duty in the officer's assigned position.

Section 6: Investigation

Investigation of an incident in which a police officer used deadly physical force.
(1) A law enforcement agency employing an involved officer shall include at least one police officer from a different law enforcement agency in the investigation of the incident in which the officer was involved.
(2) The Washington County Major Crimes Team Protocol provides specific detail on conducting such an investigation, including provision for an investigation led or co-led by an officer from a law enforcement agency other than the law enforcement agency, which employs the officer involved in the use of deadly physical force.

Section 7: District Attorney's Discretion

The district attorney for Washington County has discretion to resolve issues of potential criminal responsibility resulting from a police officer's use of deadly physical force.

(1) When an incident of the use of deadly physical force by an officer occurs, and death or serious physical injury results, the agency shall, as soon as practicable notify the District Attorney's Office.

(a) Notification shall be made to the District Attorney, Chief Deputy, or other senior member of the District Attorney's staff.

(2) When a use of deadly physical force by an officer occurs, and death or serious physical injury results, the District Attorney, and/or a senior member of his staff will consult with the agency regarding the investigation and implementation of the other elements of this plan.

(3) The District Attorney has the sole statutory and constitutional duty to make the decision on whether to present a matter to a Grand Jury.

(a) Preliminary Hearings will not be used as a method of reviewing an officer's use of deadly force.

(b) An inquest will not be used as a method of reviewing an officer's use of deadly force.

(c) The District Attorney will review the Major Crime Team's investigation and make the decision on whether to present the case to a Grand Jury.

(1) The timing of the decision will be made by the District Attorney at such time as he has determined that sufficient information is available to competently make the decision.

(d) If the District Attorney decides to present a case to the Grand Jury, the District Attorney shall promptly notify the Major Crime Team's lead investigator, the involved officer's agency, and the involved officer's representative.

(e) If the District Attorney decides that the investigation reveals that the officer's use of deadly force was justified under Oregon law, and that Grand Jury review is unnecessary, the District Attorney shall so notify the Agency, the involved officer, the involved officer's representative, and the public. Additionally, the District Attorney will make records of the investigation available to the public, subject to Oregon public records laws.

Section 8: Reporting and Debriefing

Certain actions shall be taken following an incident in which a police officer employed by a law enforcement agency in Washington County used deadly physical force.

(1) A law enforcement agency shall collect at least the following information relating to incidents in which a police officer's use of deadly physical force resulted in the death of a person:

(a) The name, gender, race, ethnicity and age of the decedent.

(b) The date, time and location of the incident.

(c) A brief description of the circumstances surrounding the incident.

(2) A law enforcement agency shall promptly submit the information collected under paragraph (1) of this subsection to the Department of Justice and will provide a copy of the information to the District Attorney of Washington County.

(3) The Department of Justice shall compile and periodically publish information submitted under subsection (2) of this section. The department, by rule, may specify a form to be used by law enforcement agencies in submitting information under subsection (2) of this section.

(4) If a form is provided by the Department of Justice for submitting this information, it shall be used in submitting this information.

(5) The law enforcement agency employing a police officer involved in a use of deadly force incident shall conduct a debriefing after the incident as a normal part of their procedure.

(6) The debriefing conducted under subsection (5) of this subsection by the agency, including any suggested changes in agency policies, shall be submitted to the Planning Authority for administrative review. The Planning Authority's plan for data collection, debriefing, and plan revision should include two distinct procedures for deriving lessons from deadly force incidents that result in the death. First, law enforcement agencies should conduct an evaluation of the incident to determine whether changes to the agency's use of deadly force policy or other procedures are advisable [subsection (5) of this section]. Second, the Planning Authority itself should conduct an assessment of existing County Use of Deadly Physical Force by Police Officers plans in light of experience. Based on that assessment, the Planning Authority could propose changes to those plans. Revised plans would require approval by the governing bodies in the same manner that those bodies approved or disapproved of the original plan.

Section 9: Estimated Costs

The Planning Authority shall report the estimated fiscal impact on the law enforcement agencies to which the plan applies of each element of this plan.

At the conclusion of each fiscal year following the adoption of the plan, each agency shall submit to the administrator of the plan, a report outlining the fiscal impact of each element of the plan as described in sections (a) to (e) of Section 2 (4) of Senate Bill 111, Oregon Laws 2006.

Section 10: Plan Revision

The Washington County Use of Deadly Force Planning Authority will meet at least annually to review and discuss the operation of this plan.

If a revision of this Plan becomes advisable, the Planning Authority shall meet and discuss such a revision. If the Planning Authority adopts a revision, such revision shall be submitted for approval as provided by statute.

Section 11: Governing Body Approvals

(Please Circle "Approved" or "Disapproved" to indicate your selection.)

Beaverton

Approved or disapproved by: _____

Date: _____

Cornelius

Approved or disapproved by: _____

Date: _____

Forrest Grove

Approved or disapproved by: _____

Date: _____

Hillsboro

Approved or disapproved by: _____

Date: _____

King City

Approved or disapproved by: _____

Date: _____

North Plains

Approved or disapproved by: _____

Date: _____

Sherwood

Approved or disapproved by: _____

Date: _____

Tigard

Approved or disapproved by: _____

Date: _____

Tualatin

Approved or disapproved by: _____

Date: _____

Washington County Sheriff's Office

Approved or disapproved by: _____

Date: _____

Appendix: Agency Policies

Beaverton Police Department

Cornelius Police Department

Forest Grove Police Department

Hillsboro Police Department

King City Police Department

North Plains Police Department

Oregon State Police

Sherwood Police Department

Tigard Police Department

Tualatin Police Department

Washington County Sheriff's Office

5D

Washington County Use of Deadly Physical Force by Police Officers Plan

Washington County

SB 111 Planning Authority

Created - 03/20/08

Elements of The Plan

- **Education, outreach, training** *Section 2(4)(a)*
  - For police
  - Government attorneys
  - Community members *E.g.*,"Seminar" on deadly force training, investigations, resolution
- **Immediate aftermath** *Section 2(4)(b)*
  - At least "two sessions with a mental health professional" for "involved officers." Sections 3(2), 5(3)(a), and 5(4) Employer-funded, state subsidized.
  - May include other provisions, e.g., Routinely secure officer's weapon?

Elements of The Plan

- **Investigation** *Section 2(4)(c)*
  - Must provide for one outside agency investigator. Sections 3(3) and 5(5)(a).
  - Outside agency need not direct the investigation.
- **District Attorney exercise of discretion to resolve issues of potential criminal responsibility** *Section 2(4)(d)*

  SB 111 does not change in any way the DA's choices.
  - Inquest jury?
  - Grand jury?
  - DA determination based on investigative reports?

Elements of The Plan

- **Follow-up**
  - Collect and submit death in custody reports to AG beginning July 1, 2008 *Section 2(4)(e), 3(5), and 5(6)*
  - Debriefing after an incident in which an officer used deadly force *Section 2(4)(e)*
  - Revision of deadly force plans *Section 2(4)(e)*
- **Fiscal Impact estimate from the law enforcement agencies** *Section 2(4)(f)*
  - Each agency must estimate the impact
  - Informs review of plan by local governing bodies

Elements of The Plan

- The plan must be submitted with copies of the written deadly force policy of each law enforcement agency in the county. *Section 3(1)(b)*
- The agency-specific deadly force policy must include guidelines for the use of deadly physical force *Section 5(2)*

5E

CITY OF HILLSBORO

MEMORANDUM

DATE: March 24th, 2008

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. La Flor de Michoacan, 1075 SE Baseline St. Suite K – Change of Ownership – Full on-premises sales
2. Lil' Cooperstown Pub and Grill, 2947 SE 73rd Ave, Original Application – Full on-premises sales

The Police Department has reviewed the applications and recommends Council endorsement. If you have any questions, please do not hesitate to call the Hillsboro Police Department (503-681-6174) or Amber Deming (503-681-6117).

Attachments:
OLCC Liquor License Applications

REQUEST FOR CITY COUNCIL ENDORSEMENT No. 162-08

Liquor License Application

City of Hillsboro, Oregon

Indicate type of application:

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

License type:

- ☒ Full on-premises sales
- ☐ Limited on-premises sales
- ☐ Off-premises sales
- ☐ Temporary sales license

RECEIVED MAR 11 2008 By 3501

BUSINESS NAME: La Flor de Michoacan 2, Inc

DBA NAME: La Flor de Michoacan

Business Address: 1075 SE Baseline St. suite K Hillsboro OR

Applicant: Carlos M. Disner
(Full Name)

Home Address: _____ _____
Street Home Phone

_____ _____ _____ 503 693 7782
City State Zip Business Phone

Driver's License No.: _____ State: _____

Co-Applicant: _____
(Full Name)

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

Home Address: _____
Street Home Phone

_____ _____ _____ _____
City State Zip Business Phone

Driver's License No.: _____ State: _____

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

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

Date: 11 Mar 2008 Carlos M. Disner
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).

Restaurant / bar

Days and hours of operation: 9 A.M. - 2:30 A.M

Ratio of projected food sales to alcohol sales: 95% - 5%.

Service Capacity (i.e. maximum number of customers that can be accommodated at any give time): 94

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 ☐ Signature 16072 3/18/08

Comments:

Keg 90 Day

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 _____

P21079.
L91539

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: C. Ellis

Date: 2-26-08

90-day authority: ☑ Yes ☐ No

1. Applicant(s): [See SECTION 1 of the Guide]
   ① La flor de Michoacan 2, INC. ③ _____
   ② _____ ④ _____
2. Trade Name (dba): La Flor de Michoacan
3. Business Location: 1075 SE Baseline st. suite K (number, street, rural route) Hillsboro (city) Washington (county) OR (state) 97123 (ZIP code)
4. Business Mailing Address: 1075 SE Baseline st. suite K (PO box, number, street, rural route) Hillsboro (city) OR (state) 97123 (ZIP code)
5. Business Numbers: (503) 693 7782 (phone) _____ (fax)
6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No
7. If yes to whom: La Flor de Michoacan LLC Type of License: Full service
8. Former Business Name: La Flor de Michoacan
9. Will you have a manager? ☐ Yes ☒ No Name: _____ (manager must fill out an individual history form)
10. What is the local governing body where your business is located? City of Hillsboro (name of city or county)
11. Contact person for this application: John Manning (Attorney) (name) (503) 520-9130 (phone number(s))
    8196 SW Hall Blvd. # 203 Beaverton (503) 520 9238
    (address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① _____ Date 2/5/08 ③ _____ Date 2/5/08

② _____ Date _____ ④ _____ Date _____

1-800-452-OLCC (6522)

www.olcc.state.or.us

REQUEST FOR CITY COUNCIL ENDORSEMENT No. 165-08
Liquor License Application
City of Hillsboro, Oregon

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

RECEIVED MAR 14 2008 By 35117 BD

BUSINESS NAME: Lil' Coops INC.

DBA NAME: Lil' Cooperstown Pub & Grill

Business Address: 2947 SE 73rd Ave. Hillsboro OR 97123

Applicant: Kenneth John Arrigotti
(Full Name)

Home Address: _____
Street Home Phone

City State Zip 971-645-1037 Business Phone

Driver's License No.: _____ State: _____

Co-Applicant: Lori Jean Arrigotti
(Full Name)

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

Home Address: _____
Street Home Phone

City State Zip 971-645-1036 Business Phone

Driver's License No.: State: _____

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

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

Date: 3-14-08 _____
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).

Family dining Establishment

Days and hours of operation: Mon. Through Sun. 7AM – 12 AM

Ratio of projected food sales to alcohol sales: 80% Food 20% Alcohol

Service Capacity (i.e. maximum number of customers that can be accommodated at any give time): 210

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

① 1817 Willamette Falls Dr West Linn OR 97068

② 705 N. Springbrook Rd. Newberg OR 97132

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.

Fullow-Premises Family dining Establishments.

Licenses are Current. West Linn For 5 years

Newberg For 1 year

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.

Citation on May 12th 2006

Furnishing Alcohol to a person under 21 years of Age

Is any building remodeling planned? If so, generally describe. N/A

Police Department: Approved ☒ Denied ☐ [signature] 1672 3/19/08

Signature

Comments:

OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATI

Take these attached forms to the governing body in which your business is located for Endorsement.

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

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

ACTIONS

- [ ] Change Ownership
- [X] New Outlet
- [ ] Greater Privilege
- [ ] Additional Privilege
- [ ] Other _____

Applying as:

[ ] Individuals [ ] Limited Partnership [X] Corporation [ ] Limited Liability Company

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: Hudson

Date: 3/14/08

90-day authority: [ ] Yes [X] No

1. Applicant(s): [See SECTION 1 of the Guide]
   ① Lil' Coops INC ③ _____
   ② _____ ④ _____
2. Trade Name (dba): Lil' Cooperstown Pub & Grill
3. Business Location: 2947 SE 73rd Ave. Hillsboro Wash OR 97123
   (number, street, rural route) (city) (county) (state) (ZIP code)
4. Business Mailing Address: 0
   (PO box, number, street, rural route) (city) (state) (ZIP code)
5. Business Numbers: Do not Have Yet
   (phone) (fax)
6. Is the business at this location currently licensed by OLCC? [ ] Yes [X] No
7. If yes to whom: _____ Type of License: _____
8. Former Business Name: N/A
9. Will you have a manager? [X] Yes [ ] No Name: Ken Arrigotti
   (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)
11. Contact person for this application: Ken Arrigotti 971-645-1037
    (name) (phone number(s))

    0
    (address) (fax number) (e-mail address)

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

Applicant(s) Signature(s) and Date:

① _____ Date 1-20-08 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

1-800-452-OLCC (6522)

www.olcc.state.or.us

Common Types of OLCC Licenses:

Full On-Premises Sales (F):

This type of license allows the sale and service of distilled spirits, malt beverages, and wine for consumption on the licensed premises. The OLCC issues Full On-Premises Sales (F) licenses to caterers (F-CAT), commercial establishments (F-COM), private clubs (F-CLU), public passenger carriers
(F-PC), and other public locations (F-PL).

- Previously hard liquor dispenser license (DA, DB, DC)

Limited On-Premises Sales (L):

This license allows the sale of malt beverages, wine and cider for consumption on the licensed premises, and the sale of kegs of malt beverages for off premises consumption.

- Previously RMB (Tavern) license

Off Premises Sales (O):

This license allows the sale of malt beverages, wine, and cider in factory sealed containers for consumption off the licensed premises and allows sample tastings of malt beverages, wine, and cider.

- Previously called a package store license

Wholesale Malt Beverage and Wine (WMBW):

This license allows storage, import, export, and wholesale sale of wine (21% alcohol or less) to wholesale and retail licensees, allows wine tastings, and the sale of wine and male beverages for customers to drink at the business and "to go" in sealed containers.

Brewery Public House (BP):

This license allows the manufacture, storage, sale, and exportation of malt beverages. Retail sales may be for on or off premises consumption. Also allows sales of wine and cider containing no more than 21% alcohol.