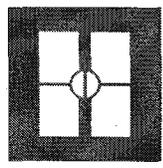


CITY OF HILLSBORO



HILLSBORO CITY COUNCIL

Preliminary Agenda
Tuesday, April 15, 2008

6 PM
Hillsboro Civic Center Conference Room C113B

Work Session
150 E. Main Street

7 PM
Hillsboro Civic Center Auditorium

Regular Session
150 E. Main Street

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Please silence all electronic devices. Thank you.

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

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

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

To obtain services, please call 503-681-6100

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.

*** SEE ATTACHED AGENDA ***
Posted - April 10, 2008

WORK SESSION – 6 PM – CONFERENCE ROOM C113B

- A. 2009 Legislative Program – presented by Erik Jensen and Jack Isselmann

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Mayor Tom Hughes

CALL TO ORDER - Roll Call

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

- A. Consider minutes: April 1, 2008
- B. Approve the purchase of 6.29 acres of land at 21880 NW Cherry Lane for \$1,545,000 from the Facilities Management Fund for a future City of Hillsboro fire station. (Finance Committee recommendation)
- C. Authorize a contract with Parametrix for consulting services related to the Downtown Sustainable Community Plan, in an amount not to exceed \$276,000, and authorize the Mayor and City Recorder to execute the documents. (Finance Committee recommendation)
- D. Award a professional services contract to Beery, Elsner & Hammond, LLP to provide legal representation to the City of Hillsboro, and authorize the Mayor and City Recorder to execute the documents. (Finance Committee recommendation)
- E. Authorize the inclusion of personal benefit received when combining personal travel with authorized business travel as part of the City's compensation package and revising the City's Travel and Business Expense policy to reflect this change. (Finance Committee recommendation)
- F. SN 1-08: NE Penny Way: Schedule a public hearing for May 6, 2008 to consider the official naming of NE Penny Way.
- G. Approve a project agreement and contract with Washington County for \$259,168 in Community Development Block Grant funds for Bicentennial Park, and authorize the Mayor and City Recorder to execute the documents. (Park Commission recommendation)
- H. Authorize the acquisition of real property adjacent to NW Brookwood Avenue for \$646,139, and authorize the Mayor and City Recorder to execute the documents. (Park Commission recommendation)
- I. 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. Chopperz – The NON Salon, 2096 NW Stucki Ave. – Limited On-Premises Sales
2. Red Brick Pizza, 2205 NW Allie Ave. – Limited On-Premises Sales
3. House of Lamthong, 1503 SE TV Hwy – Full On-Premises Sales
4. Super Tacos Ochoa, 221 SE Baseline St. – Limited On-Premises Sales

2. PRESENTATIONS AND APPOINTMENTS:

- A. Quarterly Exchange Presentation by Metro Councilor Kathryn Harrington
- B. Proposed Business Recycling Requirements Presentation by Metro Councilor Kathryn Harrington and Metro Solid Waste and Recycling Director Mike Hoglund

3. PUBLIC HEARINGS:

- A. AN 2-08: NW Brookwood Avenue Right-of-Way: Consider an ordinance annexing a certain tract of land into the City Limits of Hillsboro, withdrawing the tract from the territories of Washington County Rural Fire Protection District No. 2, Washington County Service District for Enhanced Law Enforcement, Washington County Service District for Urban Road Maintenance, and Washington County Service District No. 1 for Street Lights. The right-of-way under consideration is a portion of NW Brookwood Avenue that lies between NE Azalea Lane and NE Wrenwood Avenue. The affected right-of-way can be specifically identified as directly east of Tax Lot 700 on Washington County Tax Map 1N2-33DB and west of Tax Lots 2700 and 2800 on Tax Map 1N2-33DA. **Ordinance No. * _____ is available.**

4. UNFINISHED BUSINESS:

- A. None.

5. NEW BUSINESS:

- A. HCP 2-08: Hillsboro School District: Consider a Planning Commission recommendation to approve an ordinance amending the Comprehensive Plan, Ordinance No. 2793, as amended, Section 14 Comprehensive Plan Maps, approving a minor amendment to the Comprehensive Plan Map to include recently annexed properties and to redesignate such properties from County FD-20 (Future Development – 20 Acre District) to City PF (Public Facility) on one site approximately 9.01 acres in size. The affected properties are located generally north of SW McInnis Lane, south of SE Alexander Street, east of SW 234th Avenue, and west of SW 229th Avenue. The properties can be specifically identified as Tax Lots 600 and 300 on Washington County Tax Assessor's Map 1S2-10DC. **Ordinance No. * _____ is available.**
- B. Consider Transportation Committee recommendation to adopt a resolution initiating action to transfer jurisdiction of County roads, NW Brookwood Avenue and SW 229th Avenue, to the City. **Resolution No* _____ is available.**

- C. Consider Transportation Committee recommendation to approve an ordinance amending Hillsboro Municipal Code Title 10, Vehicles and Traffic, to add new provisions relating to street and parking regulations and repealing current sections of Chapter 10.08 and Chapter 10.12. **Ordinance No* _____ is available.**
- D. Consider endorsement of liquor license application: *(This request has 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. The Venetian, 253 E Main St. – 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:**

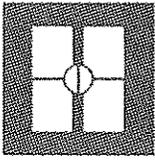
- A. Receive Utilities Commission Quarterly Report.
- B. Hillsboro Youth Advisory Council 4th Annual Youth Art Exhibit, April 1-30, 2008, Glenn and Viola Walters Cultural Arts Center.
- C. 8th Annual Hillsboro 2020 Town Hall, April 30, 2008, 5 PM to 8 PM, Hillsboro Civic Center, 150 E. Main Street.
- D. Hawthorn Farm Triathlon/Duathlon Race, May 3, 2008, 7 AM to 11:30 AM. For more information call 503-640-6404.
- E. 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.
- F. Budget Committee meetings, May 21 and 22 (if needed), 2008, 6 PM, Hillsboro Civic Center conference rooms C113B&C.
- G. Audit Committee meeting, May 28, 2008, 6 PM, Hillsboro Civic Center conference room C207.
- H. Hillsboro Art and Wine Festival, June 22, 2008, Noon to 6 PM, Main Street between 2nd and 3rd avenues. Wine sampling, food and live music. Proceeds go to Oregon Friends of Shelter Animals. For more information, visit <http://hillsboroartandwine.com>.

ANNUAL COMMUNITY EVENTS:

- I. Saturday Farmers' Market in downtown Hillsboro, every Saturday, May 3, 2008 through October 25, 2008 from 8 AM to 1:30 PM.
- J. Tuesday Marketplace in downtown Hillsboro, every Tuesday, June 10, 2008 through August 26, 2008 from 5 PM to 8:30 PM.
- K. Sunday Farmers' Market at Orenco Station, every Sunday, May 11, 2008 through October 5, 2008 from 10 AM to 2 PM.

8. WORK SESSION ITEM (Item A will be discussed in work session preceding regular session in Conference Room C113B at 6 PM.)

- A. 2009 Legislative Program – presented by Erik Jensen and Jack Isselmann



HILLSBORO CITY COUNCIL

Minutes
Tuesday, April 1, 2008

7 PM
 Hillsboro Civic Center Auditorium

Regular Session
 150 E. Main Street

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Council President Ed Dennis

CALL TO ORDER - Roll Call

Present: Councilors Ed Dennis, Nenice Andrews, Cynthia O'Donnell, Doug Johnson, Aron Carleson and Olga Acuña

Excused Absence: Mayor Tom Hughes

Staff Present: Sarah Jo Chaplen, Chris Skinner, Erik Jensen, Mike Smith, Kevin Smith, Don Odermott, Barbara Simon, Colin Cooper, Andrew Bartlett, Mark Jackson, Debbie Werner and City Attorney Pam Beery

1. CONSENT AGENDA:

- 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:
- | <u>Project Name</u> | <u>Developer</u> |
|---|---|
| 313 th Avenue Subdivision
Johnson Townhomes | MTB Construction – Marty Lindstrand
Gary Dimeo |
- 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:
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

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

2. PRESENTATIONS AND APPOINTMENTS:

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

Council President Dennis read the proclamation. Mr. Law gave a PowerPoint presentation and invited the councilors to attend the Human Rights Torch Relay event on April 12, 2008 in Portland.

Councilor O'Donnell asked if Mr. Law had approached other cities to issue the proclamation, and he said he has done so and that there are related events taking place around the country.

- 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

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

Council President Dennis said he is glad Darlene Greene is on the committee, and expressed hope that two other citizens with a financial background would also come forward to serve.

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. 2247 was available.

Council President Dennis opened the public hearing on the NW Brookwood Parkway property disposition actions listed and asked for testimony in support or opposition. There was none. The public hearing was closed.

Motion was made by Johnson, seconded by O'Donnell, that Resolution No. 2247 be adopted. The motion passed unanimously with Johnson, O'Donnell, Andrews, Carleson, Dennis and Acuña voting in favor.

RESOLUTION NO. 2247

A RESOLUTION AUTHORIZING THE TRANSFER AND SALE OF REAL PROPERTY.

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. 5854 was available.

Colin Cooper, Planning Department, came forward and gave the staff report.

Councilor O'Donnell asked whether the major concern regarding parking expressed by Veta Holscher in her February 26, 2008 email to Planning Commission and staff had been addressed. Mr. Cooper said the Planning Commission addressed the issue, and there has been no further objection.

Councilor Andrews asked if the garden on the site is going to be a community garden or will be retained by the owner of the property. Mr. Cooper said it is intended to be a private garden. In response to her question about open space requirements, Mr. Cooper said since this area has been privatized, open space would need to be created elsewhere.

Motion was made by O'Donnell, seconded by Andrews, that Ordinance No. 5854 do pass. Roll call on the motion was as follows: Carleson, aye, Andrews, aye, O'Donnell, aye, Johnson, aye, Acuña, aye, Dennis, aye. The motion passed unanimously and Ordinance No. 5854 was declared passed.

ORDINANCE NO. 5854
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.

- 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. 2248 was available.

Deputy Chief Chris Skinner came forward and gave the staff report.

Councilor Andrews asked if Hillsboro officers on the team would have specific jurisdictions and platforms they would get on and off at, and what would be done for unincorporated areas. Mr. Skinner said the team, consisting of a sergeant and four officers from Beaverton, Hillsboro and Washington County, would only patrol west of the tunnel into Portland. Since there are no platforms located in unincorporated Washington County, the team will be patrolling municipal jurisdictions. Councilor Andrews asked if the officers would be riding the trains or just stationed at platforms. Mr. Skinner said the team would spend 70% of the time riding trains, but time allocations will be flexible as challenges emerge.

Councilor Andrews wanted to know if there would be a resulting service shortage for the community. Mr. Skinner said there will be a slight shortage during the recruitment of new officers to backfill the positions, but that is only temporary. Councilor Andrews asked if there was an experimental time limit to the project. Mr. Skinner said the pilot project is set for a year with the expectation of a longer-term relationship.

Councilor O'Donnell asked if there would be graveyard or swing shifts. Mr. Skinner said TriMet has kept statistics since 2002 that have identified days and times that are most critical to have an officer presence (Wednesday through Saturday from 2 p.m. to midnight). The shifts are flexible as new trends may emerge.

Councilor Johnson asked if all of the officers would be in uniform. Mr. Skinner said the uniform is intended to be a visual deterrent, but some undercover or special detail operations may occur to keep police practice from becoming dogmatic or stagnant. Councilor Johnson expressed his appreciation for the positive impact an increased police presence in the downtown area has had for the downtown business owners.

Motion was made by Johnson, seconded by O'Donnell, that Resolution No. 2248 be adopted. The motion passed unanimously with O'Donnell, Andrews, Carleson, Dennis, Acuña and Johnson voting in favor.

RESOLUTION NO. 2248

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.

- 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. 5855 was available.

Motion was made O'Donnell, seconded by Johnson, that Ordinance No. 5855 do pass. Roll call on the motion was as follows: Acuña, aye, Johnson, aye, Dennis, aye, Carleson, aye, Andrews, aye, O'Donnell, aye. The motion passed unanimously and Ordinance No. 5855 was declared passed.

ORDINANCE NO. 5855

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; DECLARING AN EMERGENCY.

- 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. 2249 was available.

Washington County District Attorney Bob Hermann gave a PowerPoint presentation and discussed the process local agencies underwent to comply with Senate Bill 111. Washington County formed a planning authority to develop the presented plan. Two thirds of the governing bodies in the County are required to give approval before the Attorney General will get a chance to review the plan. The projected effective date is July 1, 2008. All hearings to develop the plan were open to the public.

Councilor Andrews asked what Hillsboro's policy is for returning to work after an incident involving deadly force. Mr. Skinner said there was a minimum of 72 hours before returning to work built into the proposed plan, but standard Hillsboro procedure is two weeks. The Police Department works closely with the unions on timing as well. He stressed that the minimum keeps smaller agencies without large staffing from rushing an officer back to work immediately, and that the fiscal component of the plan allows for more time off.

Councilor Johnson asked if isolation of the officer for debriefing was still part of the proposed plan, which Mr. Skinner confirmed.

Councilor O'Donnell wanted to know what components involving outreach to the family are part of the plan. Mr. Skinner said each entity will approach that particular issue differently because there is no mandate in the plan for extended care for the family. The Hillsboro Police Department has a traumatic incident response team and serves on a similar County response team, both of which are available as resources for an officer and his or her family. In addition, Hillsboro's police chaplaincy program is a strong resource in place.

Motion was made by O'Donnell, seconded by Andrews, that Resolution No. 2249 be adopted. The motion passed unanimously with Andrews, Carleson, Dennis, Acuña, Johnson and O'Donnell voting in favor.

RESOLUTION NO. 2249

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.

E. Consider endorsement of liquor license applications:

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

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

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

A. None.

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.
- 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.
- E. Hillsboro Art and Wine Festival, June 22, 2008, Noon to 6 PM, Main Street between 2nd and 3rd avenues. Wine sampling, food and live music. Proceeds go to Oregon Friends of Shelter Animals. For more information, visit <http://hillsboroartandwine.com>.

ANNUAL COMMUNITY EVENTS:

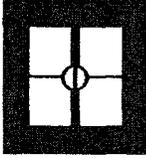
- F. Saturday Farmers' Market in downtown Hillsboro, every Saturday, May 3, 2008 through October 25, 2008 from 8 AM to 1:30 PM.
- G. Tuesday Marketplace in downtown Hillsboro, every Tuesday, June 10, 2008 through August 26, 2008 from 5 PM to 8:30 PM.
- H. Sunday Farmers' Market at Orenco Station, every Sunday, May 11, 2008 through October 5, 2008 from 10 AM to 2 PM.

There being no further business to come before the Council, the meeting was adjourned at 8:01 PM.

Council President

ATTEST: _____
City Recorder

CITY OF HILLSBORO



MEMORANDUM

DATE: April 1, 2008
TO: Finance Committee
FROM: Capital Planning & Development/Toni Plunkett & Melanie Grossen
SUBJECT: Approval to Purchase Property for Future Fire Station

Requested Finance Committee Action:

Please consider a request from the Capital Planning & Development Department to forward a recommendation to the City Council to approve the purchase of 6.29 Acres at 21880 NW Cherry Lane, Hillsboro, OR, to be the location of a future City of Hillsboro Fire station.

Background:

As per City Council's direction and Agreement with the Fire Union, the City will provide two (2) additional fire stations – one by the end of December, 2008 and the second by June of 2010. To facilitate this process, the City must acquire land for the latter of the stations. Recognizing the need to acquire land, the Capital Planning & Development Department and the Fire Department have worked with GVA Kidder Mathews to determine location needs and pursue available properties.

The land at 21880 NW Cherry Lane was determined to be the preferred site. Chief Gary Seidel, Chief Dennis Ross, and Fire Management collectively recommend this site and are happy with the location and size of the property. The location falls within the recommended area for response time and the size of the property will afford space for the City's future training site.

Upon the commencement of the due diligence process, Capital Planning & Development ordered the following services performed on the subject property:

- Property Appraisal
- ALTA/ACSM Land Title Survey
- Phase I Environmental Site Assessment
- Preliminary geotechnical Evaluation

Reports on the property furnished by the seller included a Wetland Delineation & Natural Resource Assessment.

The property appraisal estimated 5.16 acres of net useable land.

Cost:

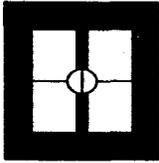
The purchase price of the property, which includes approximately 6.29 acres of land, is \$1,545,000 (One Million Five Hundred and Forty Five Thousand Dollars). The project funding is an approved 2007-2008 Facilities Management Fund capital expenditure.

Recommendation:

Please consider forwarding a recommendation to the City Council to approve the purchase of 6.29 acres of land at 21880 NW Cherry Lane, Tax Lot 1N235BD-00600 in Hillsboro, Oregon for the purchase price given above.

10

CITY OF HILLSBORO



April 10, 2008

TO: City Council

FROM: John Southgate, Economic Development Manager ^{JS}

SUBJECT: Downtown Sustainable Community Plan

Staff requests City Council authorization to enter into a contract with Parametrix in an amount not to exceed \$276,000, for the Downtown Sustainable Community Plan.

Background

The City of Hillsboro, through the Hillsboro 2020 Vision and other initiatives, has identified the revitalization of downtown Hillsboro and adjoining neighborhoods as a high priority. At least as long ago as 1980 when the RUDAT (Regional Urban Design Assistance Team) Plan was prepared, City officials and community leaders have recognized the importance of planning for the continued vitality of downtown and environs. In more recent years, the Station Community planning effort, the Downtown Renaissance project, the Downtown Parking Solutions project, and other initiatives have addressed specific aspects of how the City should proceed in regard to downtown revitalization.

What is generally lacking in all these efforts is a mechanism for translating their many laudable goals into concrete action. Consequently, the City now seeks to embark on a planning effort that will culminate in an action plan to provide direction and funding for a healthy, stable, and *sustainable* downtown Hillsboro.

To carry out this objective, the City issued a Request for Proposals (RFP) on January 28, 2008, for consulting services for this effort. Three firms responded to the RFP on February 20, 2008, and a Selection Advisory Committee unanimously recommended the proposal of a team led by Parametrix, Inc. Copies of the RFP and of Parametrix' proposal are available upon request.

Essentially, this planning effort attempts to answer three simple questions:

- *Where are we now?* (i.e., what are our existing conditions in terms of such topics as land use, zoning, traffic, and so forth?)
- *Where do we want to be in the future?* (i.e. what is the community's vision for the future, building on prior planning efforts? What kind of public investments should we make? How do we protect the things about our past that we cherish while also accommodating appropriately designed and appropriately located higher density development which will support a thriving retail core?)
- *How do we get there?* (i.e. how do we fund the improvements that we desire for downtown and close-in neighborhoods? What changes do we need to make to our development codes and other policies to make sure that our regulatory framework accommodates the community's vision? What should the "guiding principles" be?)

In the RFP, the City identified three primary outcomes anticipated for this project:

- Formation of an Urban Renewal Area (considered a key funding source)
- Framework for major revisions to development codes affecting downtown
- Specific guidance to key redevelopment sites, including City-owned sites as well as other public or private sites to be identified through the process.

A major component of this effort will be public outreach. The City views this effort as an opportunity for downtown businesses, property owners, residents and other stakeholders to provide guidance through a variety of forums regarding their aspirations for downtown and close-in neighborhoods to be. This outreach effort will extend beyond the traditional downtown to the neighborhoods which ring downtown, including the Southwest Industrial area, the commercial strip lying to the immediate west of downtown, the Heart of Hillsboro and Main Street neighborhoods, the 10th Avenue business district, and the predominantly residential neighbors lying south of Oak, east of 10th, and to the northwest.

In the course of negotiating the scope of the contract with the consultant, Planning staff suggested that a parallel planning effort which they intended to undertake – the Downtown Sustainable Community Plan – might be combined with what had been labeled the "Downtown Action Plan" into a single effort. Joining forces in this manner would allow for efficiencies of resources and also provide for more effective public input into the City's intentions for downtown. The RFP for the Action Plan, and the initial scope of work proposed by the consultant team, are consistent with the thrust of the Planning Department's objectives, and in fact Planning staff was extensively involved in both the drafting of the RFP and in the selection of the consultant team.

Consequently, the attached scope of work reflects a joint Economic Development/Planning Department initiative.

A signal advantage of Planning's participation in this effort is the focus on *sustainability* as an overarching theme which staff anticipates will inform and guide every aspect of the planning effort. This effort will culminate in the creation of a vision and framework plan for the greater downtown area, a vision which emphasizes economic, environmental, social, and cultural sustainability for downtown and the close-in neighborhoods. Moreover, that vision and framework plan will be action-oriented, with specific short and long term measures to implement citizens' aspirations for their community.

Proposal

The consultant's detailed scope of work is attached to this memorandum.

The Economic Development Department has budgeted \$165,000 in HEDC (Hillsboro Economic Development Commission) funds towards this project. The Planning Department has budgeted \$35,000 in current fiscal year (2007-2008) funds for consulting fees related to the downtown planning effort. Planning Department officials have proposed additional downtown planning consulting funds in the 2008-2009 budget in the amount of \$25,000, with additional consulting dollars beyond that amount also included in their proposed 2008-2009 budget. The lion's share of expenditures on this project will occur in 2008-2009.

In the event that the Planning Department consulting budget for 2008-2009 falls short of the necessary funds for this contract, HEDC has additional funds which could be diverted to this project (although this would of course mean that other projects would have to be delayed or foregone). In addition, staff has secured a provisional commitment from the State Department of Land Conservation & Development (DLCD) of \$20,000 towards the project, so that the total City commitment will probably end up being \$256,000.

The Finance Committee endorsed this proposal at its April 8, 2008 meeting. The Finance Committee provided excellent advice to staff as it embarks on this effort. Foremost among their comments was the importance for staff and the consultant team to carefully explain urban renewal, how it works, how it affects individual property owners, etc. Both staff and the consultant team look forward to having this dialogue with the Council and the broader community. This plan will only be effective, and is only worth pursuing, if it truly reflects the will of the community and serves to benefit the community.

Conclusion

Staff requests that City Council authorize the Mayor to enter into a contract with Parametrix for consulting services related to the Downtown Sustainable Community Plan, in an amount not to exceed \$276,000.

City of Hillsboro - Downtown Hillsboro Sustainable Community Plan and Core Area Urban Renewal Action Plan

Parametrix Scope of Work

Draft April 7, 2008

This scope of work is for the preparation of a Downtown Hillsboro Sustainable Community Plan (“Community Plan”) that will be an addition to the City’s adopted Comprehensive Plan and will include an Urban Renewal Plan and Report (“Urban Renewal Plan”) for a portion of the study area, as well as other implementing actions.

Task 1. Project Scoping and Initiation

Purpose: Create a clear strategy for data collection, community outreach, and the necessary analyses to ensure that the team has all the information needed to verify and refine the vision for (1) the Community Plan, and (2) an Urban Renewal Plan and other implementing actions.

- 1.1 Establish the Downtown Community Plan/Urban Renewal Advisory Committee (DAC). Identify roles, responsibilities, and a decision process for the Community Plan and the Urban Renewal Plan.
- 1.2 Establish a communications strategy to keep stakeholders, neighbors and the community informed as the study progresses, including at least two (2) Planning Commission briefings.
- 1.3 PMT meets to review and agree on scope and products, identify data and information needed, and develop a draft vision based on the adopted City-wide vision addressing the downtown area and sustainability, as well as comments from the stakeholder meeting held in 2007.
- 1.4 Initial DAC meeting. Agree on ground rules for decision-making and obtain their comments and input on the draft vision, boundaries, scope, products and outreach for the Community Plan and the Urban Renewal Plan
- 1.5 If necessary, refine scope and budget based on DAC input; and prepare for Task 2 outreach effort.

Deliverables: Initiate project, refine scope, agree on data needs, and finalize the budget, draft vision, outcomes, and next steps.

Task 2. Community Outreach and Data Collection

Purpose: To collect and review relevant data and community input to form a foundation for the Community Plan and the Urban Renewal Plan and other, implementation strategies, setting the stage for the next three tasks.

- 2.1 Conduct up to 20 stakeholder interviews with business, institutional, governmental, neighborhood, and community leaders; take part in the April 30 Vision workshop; and reach out to the communities and neighborhoods surrounding the downtown area. . Discuss the draft downtown and sustainability vision, goals and objectives, issues, needs, and opportunities for the Community Plan and the Urban Renewal Plan. .

Conduct community/neighborhood meetings/workshops in each of the distinct neighborhoods within the planning area. Present information on plan purposes and community assets (see Task 2.2). Collect community feedback on the best mix and balance of housing types, densities, commercial and industrial uses for each neighborhood, as well as community needs and concerns. Introduce sustainability principles and practices addressing economic, environmental, social and cultural sustainability (see sustainability statements at end of this scope). Obtain community input and comment on these principles as they apply to their neighborhood and as well as within the Community Plan study area.

Assumptions: The City will take the lead in the April 30 workshop and the neighborhood outreach efforts with advice and support from the consultant team; and the Hillsboro Chamber will assist with some of the business interviews.

- 2.2 Identify existing data and information sources and initiate data collection, including: those "community assets" that makes the Downtown community unique -- from the planning area history to features relating to architecture, economy, environment, social fabric and infrastructure

Assumptions: The City will take the lead in preparing base maps and collecting data reflecting the land use, demographic, social and infrastructure character of the study area

- 2.3 Review City plans, codes(including the recently completed Downtown Renaissance and Downtown Parking Solutions projects), policies and other regional, county or city documents to obtain data for the Community Plan and the Urban Renewal Plan, , and to identify Downtown redevelopment and sustainable development policies and concepts that affect both Plans.

- 2.4 Conduct a market analysis. Identify current and future development opportunities, including but not limited to housing types, income levels, and employment opportunities.

- 2.5 Conduct a developer's roundtable to gauge the potential for new higher density and/or sustainable mixed-use developments. The roundtable will identify market, regulatory,

aesthetic, and other barriers to each type of development. Discuss ideas and possible tools—such as urban renewal and project phasing—to leverage private development.

2.6 Prepare memos, reports, and exhibits needed for the Community Plan and Urban Renewal Action Plan and urban renewal report, such as land uses, improvements to land value ratios, infrastructure gaps, building conditions, traffic and parking, and an opportunities and constraints map; and analysis of past and current patterns of community land use that resulted in the current urban community form, providing a foundation for addressing sustainability principles to guide the area's future planning and development.

2.7 Based on reviews of previous plans and documents, data collection, and outreach efforts, PMT meets to refine the vision for the entire study area. Include identification of subareas and districts, the connections and relationships between them, and overarching topics such as urban design, housing, the arts, infrastructure, etc.

2.8 Meet with the DAC to review findings and conclusions from Task 2 efforts and the refined downtown area vision; and revise these documents in response to DAC feedback.

Deliverables: Reports on outreach effort and data and information collection and analyses, and a refined Vision Statement.

Task 3. Downtown Sustainable Community Framework Plan

Purposes: develop a framework plan that supports the vision, forms and articulates neighborhood-specific and community-wide sustainable actions and policies, sets the stage for implementing actions including the Urban Renewal Plan, as well as an overall design and land use concept. In addition, development opportunity sites, infrastructure needs, potential amendments to existing plans and codes that address density, design guidelines, parking and other requirements will be identified. Based on the preferred “sustainable principles” and “values-in place” precepts¹ identified via the Downtown community and neighborhood outreach activities

¹ The “sustainability principles” referenced here and listed below reflect “Sanborn Principles concepts: a set of community design goals established by urban-design advocates in the 1990s as a foundation for sustainable communities:

- Healthy indoor environments
- Healthy area ecology
- Cultural creativity
- Community physical beauty
- Physically and economically accessible
- Evolutionary.

The “values-in place” articulate residents’ preferences re: the following features and characteristics in their community and neighborhoods that need to be expressed in city planning, and design policies and codes:

- Diversity
- Beauty and aesthetics
- Accidental (and planned) meeting places
- Surprise and discovery
- Resources efficiency

set forth in Task 2, above , the framework plan will address measures and provisions as appropriate for the downtown community and each neighborhood, including land uses mixed uses, open spaces, live/work/play settings and environment; neighborhood or business area/activity node revitalization; physical sense of neighborhood identity; creating and restoring intra- and inter-neighborhood connections through transportation (roadways, bike, pedestrian, transit) and infrastructure improvements; designated neighborhood vitality center(s) such as schools, third-places, parks, retail enclaves, etc.; suggested development guidelines and implementation provisions for restoring significant natural systems where appropriate; and densities that support Community investments and sustainability, as well as reflect neighborhood character and functions .

- 3.1 PMT meets to develop ideas and an initial conceptual framework plan. Identify potential activity nodes, landmarks, district edges, major pedestrian pathways, vehicular and service routes, transit links, and gateways as well as design and sustainability principles based on desired objectives.
- 3.2 Conduct a half-day workshop with the DAC, other stakeholders, and the public to review the conceptual framework plan, pose alternatives, and potential catalyst sites. The workshop will result in a refined conceptual framework plan.
- 3.3 Prepare a draft Framework Plan that includes a final vision for the study area, boundaries for an urban renewal area, and recommended strategies, actions, programs to address needs and opportunities. The plan will include actions specific to the urban renewal area as well as areas outside of that boundary, phasing of those actions, and responsibilities and possible funding sources. The plan also will identify opportunities and needs to be addressed throughout the study area such as catalyst site developments, parking and other needed infrastructure, recommended amendments to city codes and programs, and programs to improve living and business conditions in the area.
- 3.4 DAC meets to review and comment on draft Framework Plan and recommended implementation actions.
- 3.5 *Note: This is an optional task.* Reconvene the developer's roundtable to obtain responses to suggested opportunity/catalyst sites and related infrastructure investments.
- 3.6 *Note: This is an optional task.* Working with public and private property owners, initiate development opportunity studies on three of the identified catalyst sites. Include preliminary site and development plans and pro forma analyses. Review city plans and codes to determine the feasibility of these opportunities under existing conditions, and identify actions to support or enhance them.
- 3.7 PMT meets to identify revisions to the draft Framework Plan, if needed. Revise the draft framework plan and prepare for the second public meeting.

-
- Leaving your mark
 - Human form emerging from its place

- 3.8 Hold a second public meeting -- an open house for public review and comment on the draft Framework Plan, urban renewal area boundaries and actions, recommended code changes or additions, opportunity sites, etc. (Note: If needed, hold meetings with specific stakeholder groups.)
- 3.9 Brief Planning Commission and City Council to obtain feedback
- 3.10 Make final revisions to the framework plan based on feedback.

Deliverables: Public input, conceptual and draft Framework Plan including urban renewal boundary and actions; catalyst/opportunity site recommendations; draft implementation program; Planning Commission and City Council briefings; and summaries of public and committee meetings.

Task 4. Implementation: Urban Renewal Report and Plan

Purpose: Establish an Urban Renewal Technical Committee, and develop an Urban Renewal Report and Plan to provide resources for implementing the Urban Renewal District as defined by the Framework Plan, including coordination with other taxing jurisdictions. Note: As shown in the project schedule (Figure 4), develop and coordinate the Urban Renewal Plan concurrent with Task 5 efforts.

- 4.1 Convene an Urban Renewal Committee (12-15) people. Include members of the DAC, members of appropriate taxing jurisdictions, and others, to guide and support the urban renewal plan. The committee will meet throughout plan development to provide guidance.
- 4.2 Prepare draft preliminary financial feasibility study and other core elements of an Urban Renewal Report as required in ORS 457. The study will document (1) financial need for a district, (2) the likelihood that the area will meet the findings of "blight" as contained in state law, (3) a final preferred boundary area, (4) the structure and timing for activating an urban renewal agency as afforded in state law, (5) willingness of taxing jurisdictions to participate, and (6) strategy and timeline for proceeding with development and adoption of the urban renewal plan. Prepare the findings of the study for Committee, staff, and Council input and direction. Direction to proceed is typically granted by the elected board of the jurisdiction, in this case the City Council.

Assumptions:

- (a) Boundary will be provided through Tasks 2 and 3.
 - (b) In addition to outreach in Task 2, City will lead outreach with taxing jurisdictions prior to drafting the feasibility study.
 - (c) Team will prepare (1) draft feasibility study for City review and comment and (1) final feasibility study report.
- 4.3 PMT meets to review and set the stage for a draft Urban Renewal Plan and Report for the urban renewal district. Define the area's final boundaries, length of existence, and

maximum indebtedness requirements and the specific projects to be funded through TIF revenue.

- 4.4 Prepare materials and support the urban renewal plan adoption process. Include ordinance preparation and legal guidance on the noticing requirements (i.e. the “super notice” and adoption notice).

Assumptions:

- (a) City responsible for generating mailing list for super notice and costs associated with reproduction and mailing of notice.
- (b) City responsible for preparing official urban renewal area boundary map and obtaining boundary survey/legal description for Plan.
- (c) This task includes materials preparation only; consultant team attendance at adoption proceedings meetings are included in other tasks.

- 4.5 Meet with the Urban Renewal Committee to review the draft Urban Renewal Report and Plan; secure input on drafts from county and school district.

Assumptions:

- (a) Communitas can accommodate preparation and attendance at four (4) meetings for hours provided in this task.
- (b) With budget adjustment noted below, Communitas will have eight hours available to assist City staff with taxing jurisdiction and other community outreach, outside of committee meetings.
- (c) City responsible for meeting logistics and providing meeting summaries.

Recommendation:

- (a) Meet with DAC and URC two times each, specifically to review and address urban renewal elements: Meeting 1 would cover goals and objectives, financial assumptions, district duration, other details of the Plan and report; Meeting 2 would focus on review of draft Plan and Report.

- 4.6 Prepare draft Urban Renewal Plan and Report for presentation to the Planning Commission for review and input.

Assumptions:

- (a) Team will prepare (1) draft of Plan and Report in accordance with ORS Chapter 457 requirements, for City review and comment and (1) final draft Plan and Report. City’s staff will compile comments into single response to draft.
- (b) The main technical work covered in this task is the estimation of TIF revenue generation capacity for the Draft Feasibility study; these estimates will be refined for the Urban Renewal Plan. Estimating TIF revenue generation capacity for the URA will require detailed assumptions about redevelopment potential, timing and mix of future development, and the market value of future properties. While some of these assumptions will be generated in the market analysis in Task 2.4, they will need to be modified and refined to reflect the boundaries of the URA and other variables. We will estimate revenue generating capacity based on three redevelopment scenarios - aggressive, moderate, and conservative - and apply the assumptions to each of the

parcels in the URA boundary using GIS. Each of these scenarios will need to be coordinated with any zoning changes that the Framework Plan and Implementation Strategies will recommend.

Additional technical analysis will be required for the Urban Renewal Report, including demographic and other analysis of data collected in Task 2. We expect to draw as much information as possible from existing sources.

- 4.7 Present draft Urban Renewal Plan and Report to taxing jurisdictions for review and comment.
- 4.8 Present Urban Renewal Plan to the City Council for public hearing and adoption.

Deliverables: Draft and final urban renewal plan and associated ordinances for Planning Commission review, taxing jurisdiction comment, and City Council consideration.

Task 5. Implementation: Strategies and Actions

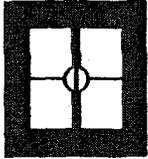
Purpose: To further develop other actions identified in the Framework Plan. Some actions and strategies will address the entire study area, some may address needs outside the identified urban renewal area, and others will be specific to the urban renewal district.

- 5.1 PMT meets to review the framework plan and provide direction, prioritize desired neighborhood and community-wide improvements and synchronize and reconcile such desired improvements with City land use development objectives for the community and to identify projects to be included in the Urban Renewal Plan (Task 4).
- 5.2 Work with City staff and stakeholders to refine the recommended implementation actions, such as: amendments to codes, design guidelines, a storefront improvement program, sidewalk and lighting improvements in the neighborhoods and other infrastructure improvements; development policies and recommendations that promote sustainable design, construction and operation of new and rebuilt or refurbished buildings or infrastructure that are sensitive to financial feasibility considerations; implementation strategies, including phasing, which promote and prioritize the strategic use of tax increment financing for public infrastructure improvements in neighborhoods that support affordable housing opportunities, business incubation, pedestrian, bike and public transportation, recreation opportunities and enhancement, sustainable building practices and environmental and natural resources/systems restoration or enhancement.
- 5.3 Conduct a code audit to give stakeholders a clear understanding of where the City's code currently supports their vision and where it falls short, e.g., density targets and possible building types and heights. Identify alternative recommendations and code sections that require changes, and articulate the rationale for the proposed alternative or recommendation.

- 5.4 Develop graphically-oriented architectural design guidelines or standards to ensure that proposed developments conserve and enhance the recognized values of the area. Consider a two-track system -- either clear and objective standards, or one that meets the intent of the objectives but requires review by an appointed committee. Similar to the code audit, the design guidelines or standards should reflect the goals and objectives in the framework plan.
- 5.5 Hold final DAC meeting to review and comment on the refined recommendations.
- 5.6 Based on DAC feedback, prepare a draft Community Plan, including priority actions and phasing, and projects, staffing and investments needed to implement the plan.
- 5.7 Present to the Planning Commission for comment and recommendation. Depending on timing, this could be the same meeting described in task 4.
- 5.8 Prepare a final Community Plan and present to the City Council for adoption. Note: depending on timing this could be the same meeting described in task 4.

Deliverables: Deliverables: Downtown Sustainable Community Plan, including recommendations for , that feature the elements and components described above in Tasks, 3, 4 and 5.

The Parametrix team believes the action plan can be completed in 10 to 12 months. Meeting this goal requires close coordination with the City and completing the Framework Plan (Task 3) in as short a period of time as possible. This will require careful planning and a concentrated series of activities. This then leaves time needed to develop the urban renewal plan (task 4) and other strategies and actions (Task 5) for the downtown area. These two tasks should be done concurrently as they are interrelated; and both require close coordination with stakeholders (and other taxing jurisdictions in the case of the urban renewal plan), and public hearings and actions by both the Planning Commission and City Council.



April 3, 2008

STAFF REPORT

TO: Finance Committee

FROM: Erik Jensen, Director, Administration Department

RE: Recommendation to City Council to Approve Personal Services Agreement with Beery, Elsner & Hammond, LLP as City Attorney

Action Requested

Staff respectfully requests Finance Committee recommend City Council authorize the Mayor to sign a professional services agreement with Beery Elsner & Hammond, LLP to provide general counsel legal services and serve as City Attorney for the City of Hillsboro. The agreement will be effective from the date it is signed by the Mayor until terminated by either party.

Background

The Mayor and City Council appointed Pamela J. Beery and Beery, Elsner & Hammond, LLP as City Attorney on March 20, 2007 on an interim basis. This appointment was made following the appointment of former City Attorney Timothy J. Sercombe to the Oregon Court of Appeals.

The City Attorney serves by appointment of the Mayor and Council pursuant to the City Charter, Section 34. The Charter further establishes the office of City Attorney as the chief legal officer of the city government. The attorney serves at the pleasure of the Mayor and Council, who may remove the attorney at any time. This Charter provision is implemented in the proposed Agreement.

The selection of the attorney is also governed by the City's Purchasing Rules, adopted pursuant to state law and administrative rule. The purchasing rules state at Section 3.3.2 that contracts for legal services may be procured without a competitive process.

Ms. Beery and her firm have served in this capacity since March, 2007. Upon recommendation of the Mayor, staff is now presenting a professional services agreement (attached) for consideration and authorization for the Mayor to sign. Approval of this Agreement will result in the interim status of the City Attorney being eliminated.

Cost

As provided in the attached personal services agreement, the City will make monthly payments to Beery, Elsner, & Hammond, LLP based upon monthly invoices describing work performed. The firm's hourly rates are:

Partners and Of Counsel	\$190.00 per hour
Associates	\$165.00 per hour
Paralegals	\$125.00 per hour
Legal Assistants	\$ 95.00 per hour

Recommendation

Please consider forwarding a request to the City Council to award a professional services contract to Beery, Elsner & Hammond, LLP to provide legal representation to the City of Hillsboro and authorize the Mayor and City Recorder to execute the documents.

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made and entered into effective this 15th day of April, 2008, by and between the City of Hillsboro, a municipal corporation in the State of Oregon ("HILLSBORO"), and Beery, Elsner & Hammond, LLP ("ATTORNEY").

WHEREAS, HILLSBORO has a need for legal services with the particular training, ability, knowledge, and experience possessed by ATTORNEY; and

WHEREAS, HILLSBORO has determined that ATTORNEY is qualified and capable of performing the professional services as HILLSBORO does hereinafter require, under the terms and conditions set forth herein; and

WHEREAS, ATTORNEY has been serving as City Attorney for Hillsboro on an interim basis since March, 2007 by appointment of the Mayor and Council, and the parties now wish to formalize this representation.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Term

This Agreement shall become effective on the date above and will continue until the Agreement is terminated by HILLSBORO or ATTORNEY.

At any time with or without cause, HILLSBORO or ATTORNEY shall have the right to terminate this Agreement. If HILLSBORO terminates the Agreement it shall deliver full payment to ATTORNEY for services rendered to the date of termination, as provided in Section 12.

2. Services

ATTORNEY will be responsible for HILLSBORO legal representation as authorized by the City Council or the City Manager. Authorization to perform specific tasks will come from the City Manager or other persons directly authorized by the City Manager.

3. Attorney Employer Identification

Upon request, ATTORNEY shall furnish to HILLSBORO its employer identification number, as designated by the Internal Revenue Service.

4. Compensation

A. Payment will be made to ATTORNEY for the services identified based upon a detailed monthly billing showing work performed.

B. Hourly rates:

Partners and Of Counsel \$190.00 per hour

Associates	\$165.00 per hour
Paralegals	\$125.00 per hour
Legal Assistants	\$95.00 per hour

C. Costs:

HILLSBORO shall reimburse ATTORNEY for out of pocket expenses at their direct and actual cost, without markup.

5. Project Manager/ Lead Attorney

HILLSBORO'S Project Manager is City Manager Sarah Jo Chaplen, or her designee, and Lead Attorney will be Pamela J. Beery. Each party shall give the other written notification of any change in these assignments.

6. Project Information

ATTORNEY agrees to share all project information, to fully cooperate with all corporations, firms, contractors, governmental entities, and persons involved in or associated with matters assigned to ATTORNEY. No information, news, or press releases shall be made to representatives of newspapers, magazines, television and radio stations, or any other news medium without the prior authorization of HILLSBORO's City Manager or designee.

7. Indemnity and Insurance

A. Indemnity: ATTORNEY acknowledges responsibility for any and all liability arising out of their performance under the terms of this Agreement and shall hold HILLSBORO harmless from, defend and indemnify HILLSBORO as against any and all liability, settlements, loss, costs, and expenses in connection with any action, suit or claim resulting or allegedly resulting from ATTORNEY's acts, omissions, activities, or services in the course of performing this contract or for the acts or omissions of their assignees, transferees, agents, employees and/or subcontractors.

B. Liability Insurance: ATTORNEY shall maintain professional liability insurance insuring ATTORNEY against errors or omissions in the amount and on the conditions required by the Professional Liability Fund of the Oregon State Bar.

8. Work is Property of HILLSBORO

Unless otherwise agreed to in writing by ATTORNEY and HILLSBORO, all work, including but not limited to documents, drawings, papers, computer programs, and photographs, performed or produced by ATTORNEY under this contract shall be the property of HILLSBORO.

9. Law of Oregon

The contract shall be governed by the laws of the State of Oregon. Venue shall be in the Circuit Court for Washington County, Oregon.

10. Successors and Assignments

ATTORNEY shall not assign any of its obligations hereunder without the prior consent of HILLSBORO.

In the event the ATTORNEY assigns, transfers or subcontracts any of the work contemplated or necessitated by the terms of this contract to some third party, ATTORNEY will ensure that said third party is made subject to all the terms and conditions of this Agreement.

11. Records

ATTORNEY shall retain all books, documents, papers, and records that are directly pertinent to this Agreement and any work done under its term for at least three (3) years.

ATTORNEY shall allow HILLSBORO, or any of its authorized representatives, to audit, examine, copy, take excerpts from, or transcribe any books, documents, papers, or records that are subject to the foregoing retention requirement.

12. Termination for Convenience

HILLSBORO may terminate all or part of this contract at any time for its own convenience by written notice to ATTORNEY. Upon termination under this paragraph, ATTORNEY shall be entitled to compensation for all services rendered prior to actual notice of the termination or the receipt of HILLSBORO's written notice of termination, whichever is earlier, plus ATTORNEY's reasonable costs actually incurred in closing out the contract.

13. Intellectual Property

The interest in any intellectual property, including but not limited to copyrights and patents of any type, arising from the performance of this contract shall vest in HILLSBORO. ATTORNEY shall execute any assignment or other documents necessary to effect this paragraph. ATTORNEY may retain a nonexclusive right to use any intellectual property that is subject to this paragraph. ATTORNEY shall transfer to HILLSBORO any data or other tangible property generated by ATTORNEY under this contract and necessary for the beneficial use of intellectual property covered by this paragraph.

14. Payment of Claims by HILLSBORO

If ATTORNEY fails, neglects, or refuses to make prompt payment of any claim for labor or services furnished to ATTORNEY or a subcontractor by any person in connection with this contract as the claim becomes due, HILLSBORO may pay the claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due to ATTORNEY pursuant to this contract. HILLSBORO's payment of a claim under this Paragraph shall not relieve ATTORNEY or ATTORNEY's surety, if any, from responsibility for those claims.

15. Modification

Any modification of the provisions of this contract shall be reduced to writing and signed by the parties.

16. No Waiver of Legal Rights

A waiver by a party of any breach by the other shall not be deemed to be a waiver of any subsequent breach.

CITY OF HILLSBORO:

BEERY, ELSNER & HAMMOND, LLP

By: _____

By: *Pamela J. Beery*

Tom Hughes

Pamela J. Beery

Title: Mayor

Title: Partner

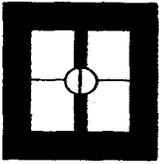
Date: _____

Date: 4/4/08

Attest to: _____

City Recorder

CITY OF HILLSBORO



MEMORANDUM

DATE: April 3, 2008

TO: Finance Committee

FROM: Suzanne Linneen, Interim Finance Director
Sherry Banaka, Human Resources Program Manager

RE: Recommendation to Include any Personal Financial Gain from Combining Business Travel and Personal Travel in the City's Compensation Package

Requested Finance Committee action:

Staff recommends that the City's compensation package be expanded to include any personal benefit received when combining personal travel with authorized business travel.

Findings:

ORS 244.040(1)(a) prohibits the personal gain earned by public officials and employees when combining personal travel with business travel, unless any travel benefit is included in the City compensation package:

"No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for any business with which the public official or a relative of the public official is associated."

For example, consider the following scenario:

An employee is going to attend a business conference in Detroit, Michigan and wants to travel to Miami, Florida after the conference for a vacation. At the time reservations are made, the employee obtains a written quote for the cost of a round trip ticket to fly from Portland to Detroit and back (\$400); then obtains a written quote for the cost of a round trip ticket to fly from Portland to Detroit to Miami and then back to Portland (\$700). The cost of the business portion of the trip is \$400. Adding the personal travel to the ticket would cost an additional \$300 (\$700-\$400=\$300). If the employee were to pay only the \$300 difference, it appears the employee would be using his/her official position to avoid the cost of a portion of the personal travel. The Oregon Government Ethics Commission (OGEC) has issued

an unofficial opinion that the employee would have to pay the full cost of the personal travel to avoid violating 244.040(1)(a), even though it would mean overcompensating the City for the business portion of the trip.

The City's attorney has advised the following:

The ethics test is gain or loss to the employee not additional cost to the City. ORS 244.040(1) prohibits a public official from using his/her position for financial gain or to avoid financial detriment. This applies to any gain or avoidance not otherwise available "but for" the holding of the official position. Thus, but for the City business trip to Detroit, the employee would need to pay \$600 for personal travel to Miami. Because of the City trip to Detroit, the employee is able to travel to Miami for \$300, a benefit of \$300. This benefit is only available because of City employment. To avoid any benefit from the City position, the employee must pay the same airfare available to any person not a City employee.

Under ORS 244.040(2)(a), the prohibition does not apply to "official compensation" as determined by the public body that the public official serves. The OGEC interprets this to include all components of compensation including insurance, paid leave, retirement benefits and formally adopted policies providing access to and use of government resources.. City rules could be amended to permit an "add on" to a city business trip by a city employee for incidental personal travel. The rule should require use of personal leave and no additional cost to the City. The rule would consider any financial benefit from authorized travel/leave as additional compensation. Such a rule could avoid ethics violations.

Staff recommends revising the City's **6.5 Travel and Business Expense** policy to include the following:

A. Combining Personal Travel with City Business

With appropriate supervisory approval, employees may add personal travel to business travel. When an employee combines official City business travel with holiday, weekend, vacation, or other personal travel, reimbursement and payments by the City will be made only for those costs necessary for the City's business portion of the trip. Transportation costs chargeable to the City must be for the most direct route for the purpose of City business. Any personal financial benefit that results from such authorized travel/leave is considered additional compensation and employees are solely responsible for any resulting income tax consequences.

Airfare for personal travel or companion airfares must be obtained as a private transaction charged to the employee at the time payment is required. The employee may not take advantage of government-established fares.

Example: Employee is planning to attend a conference in Detroit, Michigan and wants to travel to Miami, Florida after the conference for a vacation. At the time reservations are made, employee obtains a written quote for the cost of a round trip ticket to fly from Portland to Detroit and back (\$400); then obtains a written quote for the cost of a round trip ticket to fly from

Portland to Detroit to Miami and then back to Portland (\$700). The employee is responsible for the difference between the cost of the two tickets or \$300, at the time payment for the airfare is required. The \$400 the employee has saved by combining the business and personal travel ($\$700 - \$300 = \$400$) is considered a part of the employee's compensation, and the employee is solely responsible for any resulting income tax consequences.

Reimbursement and payment for meals per diem and lodging for the employee will be allowable only for the period of time the employee is on actual travel status for City business. No costs will be reimbursable for vacation/personal days. *Exception:* when the scheduling of a conference or meeting is such that travel over a Saturday preceding, or following, allows the purchase of an airline ticket with a price discount equal to, or greater than, the cost of any additional nights lodging and meals, the additional days would not be considered personal and the costs are allowable and reimbursable.

State law prohibits public employees from using government rates, discounts, or contract services for personal expenses; personal services, including tickets for personal travel added on to business travel, must be obtained at the rates generally available to non-public employees.

Recommendation:

Please consider forwarding a recommendation to City Council authorizing the inclusion of personal benefit received when combining personal travel with authorized business travel as part of the City's compensation package and revising the City's Travel and Business Expense policy to reflect this change.

IF

CITY OF HILLSBORO



April 7, 2008

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Street Name Change –
File No. SN 1-08: NE Penny Way

BACKGROUND

In March of 2002, a request was made to name the private street northwest of NE Brookwood Parkway, south of NW Evergreen Road and east of the Port of Portland's Hillsboro Airport runways. The street was named and signed NE Penny Way and buildings were addressed off of NE Penny Way; however, the street name was never officially recorded.

On March 26, 2008, the Planning Commission reviewed a request from City Staff to establish the name of the private street segment, as shown on the attached plat, as NE Penny Way. The clarification of the street name as NE Penny Way will increase safety and place the street name on appropriate Washington County Tax Assessor's Maps (1N2-28 and 1N2-28CA). This change would not adversely affect surrounding properties because these properties are already addressed off of NE Penny Way.

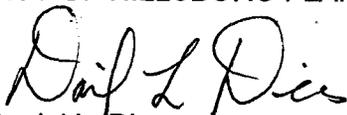
REQUEST

ORS 227.120 sets forth the procedure and approval process for naming or renaming streets. The procedure requires a recommendation from the Planning Commission to the City Council for the renaming of any existing street, highway, or road, other than a County road, if the Commission feels the renaming is in the best interest of the City. Upon receiving the Commission's recommendation, the Council is then required to schedule a public hearing to consider the matter.

Pursuant to ORS 227.120, the Planning Staff requests that the Council receive the Planning Commission's recommendation, and schedule a public hearing for the May 6, 2008 meeting to consider naming the private street NE Penny Way.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in cursive script, appearing to read "Daniel L. Dias".

Daniel L. Dias
Urban Planner I

Attachments: PC Resolution No. 1644-P
 Attachment A: Vicinity Map

PLANNING COMMISSION

RESOLUTION NO. 1664P
SN 1-08: NE PENNY WAY

A RESOLUTION TO THE CITY COUNCIL RECOMMENDING THAT A PRIVATE STREET SEGMENT BE NAMED NE PENNY WAY.

WHEREAS, in March, 2002, a private street segment was unofficially named NE Penny Way and adjacent buildings were assigned a NE Penny Way address; and

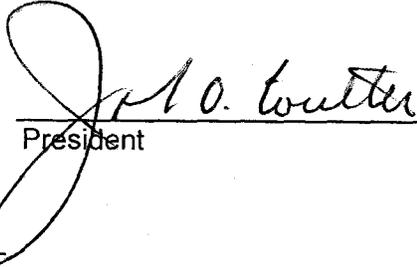
WHEREAS, ORS 227.120 sets forth the procedure for naming and renaming streets and requires the Planning Commission to forward a recommendation to the City Council to hold a public hearing on the proposed private street name, and

WHEREAS, naming the private street segment northwest of SE Brookwood Parkway and east of the Port of Portland's Hillsboro Airport runway would alleviate potential confusion and provide better emergency service, and

WHEREAS, the Planning Commission considered this matter on March 26, 2008, and supports the proposed private street name change as acceptable and appropriate.

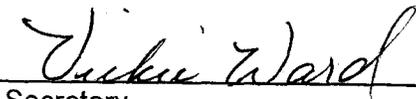
NOW, THEREFORE, BE IT RESOLVED, by the City of Hillsboro Planning Commission that the Commission by and through this resolution hereby recommends that the City Council schedule a public hearing, at a time the Council deems appropriate, to consider officially naming and recording the private street segment identified on Exhibit A as NE Penny Way.

Introduced and passed by the Commission this 26th day of March, 2008.



President

ATTEST:



Secretary

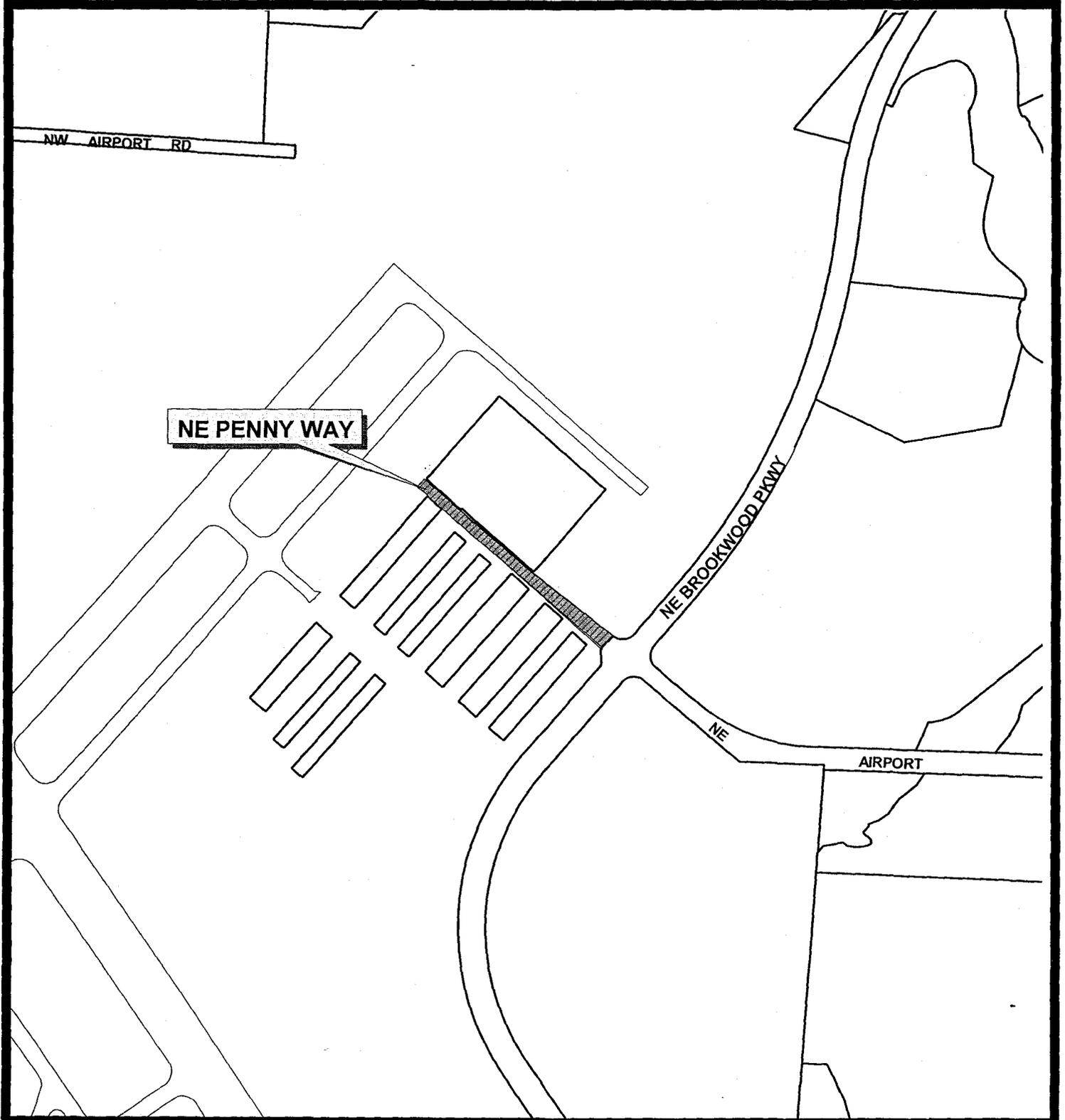


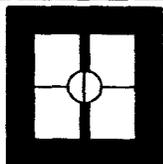
SN 1-08: NE PENNY WAY

EXHIBIT A



PROPOSED STREET NAME CHANGE TO OFFICIALLY RECORD
ONE PRIVATE STREET NAMED NE PENNY WAY





MEMORANDUM

DATE: April 8, 2008

TO: Hillsboro City Council

FROM: Mary Ordal, Project Manager

RE: Project Agreement & Contract for 2008 Community Development Block Grant: Bicentennial Park Renovation

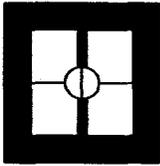
Background:

At the January 15, 2008 meeting, the Hillsboro City Council approved the application for 2008 CDBG grant funds for Bicentennial Park Renovation. Based on this application, Washington County has developed a Project Agreement and Contract between the City and County for the renovation project. This Project Agreement and Contract needs to be approved by the City of Hillsboro so that it can subsequently be approved by the Washington County Board at their early June meeting, enabling funds to be allocated at the start of the July 1 fiscal period.

At their April 8, 2008 meeting, the Hillsboro Park Commission unanimously passed a motion recommending that the City Council approve a Project Agreement with Washington County for the use of Community Development Block Grant Funds for the Renovation of Bicentennial Park. The CDBG funding in the agreement is \$259,168.

Staff request:

Based on the Park Commission recommendation, staff respectfully requests that the City Council grant approval of the Project Agreement with Washington County for the use of CDBG grant funds for the Bicentennial Park Renovation Project.

**MEMORANDUM**

DATE: April 9, 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 6.20 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 six properties totaling approximately 6.20 acres from Washington County as shown on the attached exhibit. The Park Commission voted unanimously to forward this recommendation to the Council on August 14, 2007.

BACKGROUND

Staff has been in negotiations with Washington County for the past three years to reach an agreement to acquire six parcels along NW Brookwood Avenue for purposes of developing the site into a neighborhood park. These properties would be combined with approximately .78 acres that the City already owns. Of the seven total acres of the potential park site, the southern 3.5 acres is available for traditional park amenities such as play-structures, shelters or other recreational activities. This future park would fulfill goals established in the City's Parks Master Plan which identifies the need for a neighborhood park in this area of the community.

The properties were originally acquired by the County for purposes of obtaining right-of-way for the connection of NW Brookwood Avenue between W. Baseline Road and NE Cornell Road. The sale of these properties to the City is part of the Intergovernmental Agreement that the Council approved at their regular meeting on April 1, 2008.

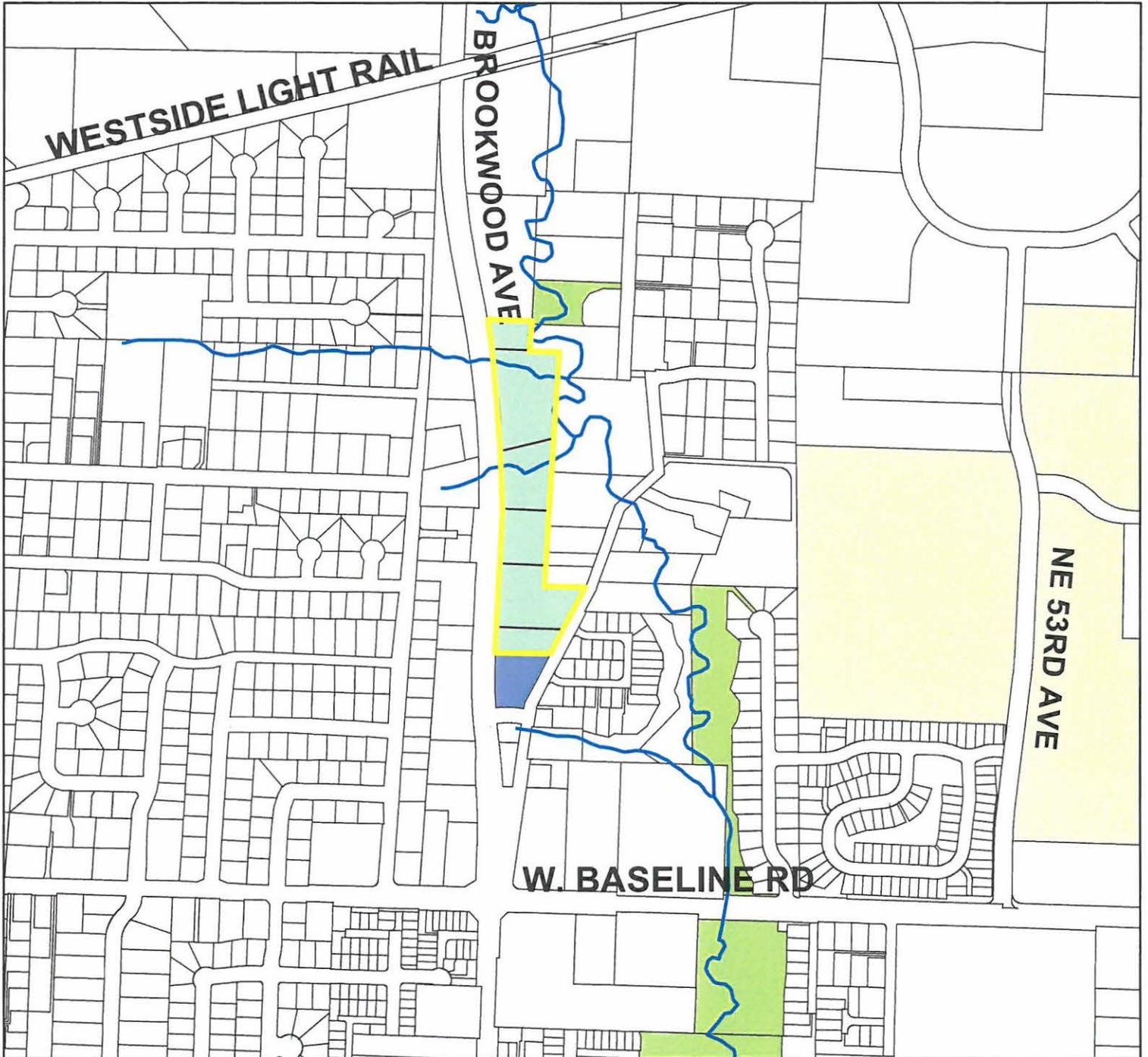
The cost to acquire the six properties was based on an appraisal which resulted in a total acquisition cost of \$646,139.00. Funding for the acquisition is available from existing Parks system development charges (SDC's).

RECOMMENDATION

At their regular meeting on August 14, 2007 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.



BROOKWOOD AVE PROPERTIES



PROPERTIES TO BE PURCHASED FROM COUNTY



CITY-OWNED PROPERTY (FUTURE PARK)



CITY-OWNED OPEN SPACE PROPERTY



53RD AVENUE PARK PROPERTIES





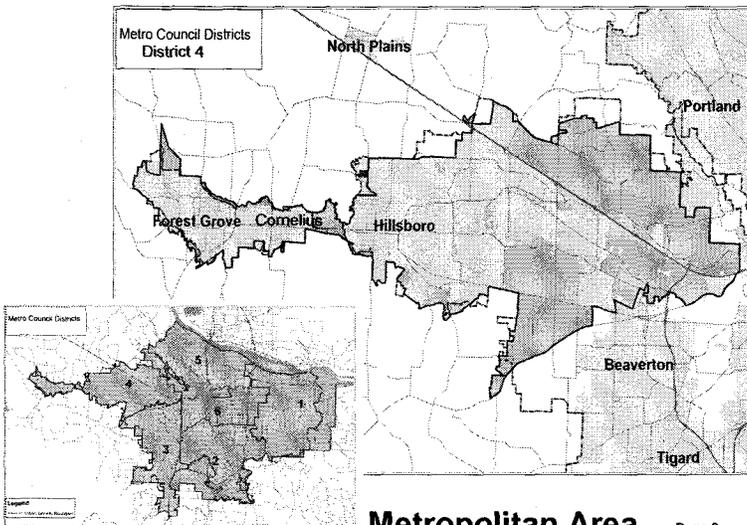
District 4 Quarterly Exchange

Hillsboro City Council
April 15, 2008

Metro Councilor Kathryn Harrington



Metro: Regional Government District 4



Metropolitan Area Page 2

Q2 - Quarterly Exchange

- Making the Greatest Place – update
- Business Recycling Requirements proposal
- Natural area purchases in District 4
- Integrating Habitats Design Competition
- Upcoming: ways to participate
- Your input – our dialogue



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COUNTY
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Page 3

Making the Greatest Place: Four Tracks

- Focus Investments, Regional Strategy
 - Gathering information at regional scale
- Performance-based Growth Management
 - Working on a criteria-based system for measuring success of development inside the UGB
- Urban and Rural Reserves
 - Reserves steering committee
 - working to identify study areas
- Regional Transportation Planning
 - 2035 RTP - State component
 - Look at investments needed to achieve 2040 goals
 - Consider 30-year funding strategies for implementation
 - Complete in fall 2009



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TRANSIT AUTHORITY

Page 4

Making the Greatest Place: Performance-based Growth Management

- Looking at many factors that influence where growth occurs
- Seeking to base our growth management decisions on regional values, rather than arbitrary land supply requirements
- Creating a deliberative process that evaluates the successes or shortcomings of different growth strategies
- Local governments have a direct impact

Page 5

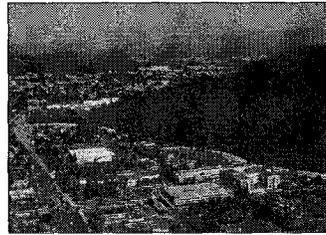
Making the Greatest Place: Performance-based Growth Management

- Performance can include:
 - Choice of many transportation options close to homes, businesses
 - Accessibility to nature, open spaces
 - Other factors
- Performance can be affected by:
 - Public and private investment
 - Local zoning decisions
 - Other factors
- Draft resolution to MTAC AND MPAC in May, Council consideration in late June



Making the Greatest Place: Urban and Rural Reserves

- Collaborative process among Metro and Multnomah, Washington and Clackamas counties to identify areas to accommodate future growth and protect valuable farm and forest land and natural areas that define the character of this region
- Rural Reserves:
50-yr. forest and farmland
- Urban Reserves:
meet urban growth needs



Page 7

Reserves Timeline

- Phase 1 (underway): Establish Committees and Public Involvement Process
 - To learn about opportunities for public input throughout all phases, visit www.metro-region.org/reserves
- Phase 2: Develop Reserve Study Areas
 - Reserves Steering Committee identifies broad study areas for reserve designations based on input from counties and other information
- Phase 3: Analyze Reserve Study Areas
 - Preliminary reserve areas recommended
- Phase 4: Recommend Reserve Designations
 - Reserve areas recommended via intergovernmental agreements
- Phase 5: Adoption of Urban and Rural Reserves
 - Metro designates urban reserves; Counties design rural reserves

Local Reserves Process

- Washington County Urban and Rural Reserves Coordinating Committee
 - Just started meeting
 - Organizing to provide input to the Reserves Steering Committee
 - Meets the first Monday of each month, 1:30 – 3 p.m. at the Beaverton Library



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Transportation
Organization

Page 9

Business Recycling

- Proposal to meet the regional recovery rate of 64%. Business recycling identified as 1 of 3 areas for improvement
- Proposal: Move from voluntary to required
 - Require local businesses to recycle all paper and certain plastic, aluminum and glass containers: essentially the same material as residents.
 - Requirements would be phased in and businesses would have a grace period to comply
- Education and technical assistance will continue to be available



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Page 10

Business Recycling Benefits

- Consistent service standards
 - Level playing field for all businesses
- Potential cost savings and revenue
 - Disposal costs can decrease as recycling increases and recyclables can be sold
- Increased supply to local recyclers
 - Support Oregon paper mills
- Reduced environmental impact
 - \$10.2 million environmental benefit for 80,000 tons of additional recovery
- Public preference
 - Surveys show residents' support
- For more information, visit www.metro-region.org/businessrequirements

Page 11

Natural Areas Program Acquisitions

- Three Metro regional acquisitions, 234 new acres in Washington County in 2007
 - Tualatin River Greenway and Lower Tualatin River Headwaters
 - Dairy/McKay Creeks Confluence (tributaries to the Tualatin River)
 - Chehalem Ridgetop to Refuge
 - For more information, visit www.metro-region.org/naturalareas



Integrating Habitats Design Competition

- 107 entries from around the world
- 3 design categories
- 6 distinguished jurors
- 650 people celebrated on Feb. 26
- www.metro-region.org/integratinghabitats



Page 13



METRO
METROPOLITAN
TRANSIT DISTRICT

Coming up... Ways to Participate

- Transportation Speaker Series:
 - Oliver Jones on Sustainable Transportation Policy Making: DVD available upon request, contact Emma Stocker, 503-813-7503, stockere@metro.dst.or.us
 - Stay tuned for more!
- MPAC consideration of Performance-based Growth Management
 - Resolution in May
- Connecting Green Alliance
 - Celebrating 20 years of Metropolitan Trails, Parks and Greenspaces,
 - Wed., April 23, 5 – 7:30 p.m.
Bridgeport Brewpub & Bakery,
1313 NW Marshall, Portland



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METROPOLITAN
TRANSIT DISTRICT

Coming up... Ways to Participate

- Metro Council meetings on the road!
 - Tigard April 16 and Wilsonville April 17
 - **Forest Grove, 2 p.m. Thursday, May 15**
 - *We are looking forward to your comments!*
- Infrastructure Workshops ☆
 - May: Review strategies
 - Final workshop in series, stay tuned for more details
- I-5 to Highway 99W Connector Project
 - Community Forums in mid-June with evaluation of six corridor alternatives; visit www.i5to99w.org
- Placemaking Summit: Fri., July 18 (tentative) ☆
 - Stay tuned!



METRO
MULTICOUNTY
TRAVELERS

Your input – Our dialogue Let's talk...

- What's on your mind?
- **Contact Kathryn Harrington:**
harringtonk@metro.dst.or.us
503-797-1553

www.metro-region.org



METRO
MULTICOUNTY
TRAVELERS

Representing District 4 –
Your community representative at Metro

Page 16



METRO

600 NORTHEAST GRAND AVENUE
TEL 503 797 1700

PORTLAND, OREGON 97232 2736
FAX 503 797 1797

Item #: 2A
Offered By: Katherine Harrington
Date: 4/15/08
Exhibit #: 1

Making the Greatest Place Upcoming Special Events

Overall purpose: To motivate local communities in the region to think boldly about where and how to grow in the next 50 years

April

- *Planning Directors Meeting - April 11*
Purpose: To coordinate efforts relating to periodic review issues including economic development, housing, public facilities and services, transportation, urbanization and natural resources as well as Making the Greatest Place aspirations
Audience: Local Planning Directors from throughout the region
- *Neighboring Communities Meeting - April 17*
Purpose: To continue discussions of long-term aspirations of neighboring communities for use in scenario work and Placemaking events
Audience: Neighboring Communities mayors/chairs

May

- *Mayor's Institute on City Design - May 7-9*
Purpose: To bring four mayors in the region together with design experts to find solutions to the most critical urban design challenges facing their cities
Audience: Invited mayors
- *50-year Range Forecast (Tentative dates are May 12 or May 22)*
Purpose: To get peer review of the 50-year population and employment forecast from a diverse group of users and experts that will be used for Reserve and Placemaking efforts
Audience: Reserves Steering Committee and constituent groups, MPAC, JPACT, MTAC, and TPAC
- *Reserves Steering Committee (May 14)*
Purpose: To continue discussion of reserves work program, study areas, and urban reserve factors
Audience: Reserves Steering Committee and interested parties

(continued on next page)

- Information Summary # 1011
v8 09/11/08
- *Urban Land Institute/Metro Infrastructure event with the International Society of City and Regional Planners (ISOCARP) - May 15*

Purpose: To gain insights from planning professionals from different counties and perspectives on infrastructure issues

Audience: Infrastructure Advisory Committee, service providers, local planning staff, city managers, neighborhood/community leaders, and developers

- *Infrastructure Workshop (at MPAC) - May 28*

Purpose: To review comparative infrastructure costs, financing gaps and possible solutions

Audience: Elected officials, service providers

July

- *Design and Development Code Workshop (date to be determined)*

Purpose: To introduce and highlight tools and solutions contained in the Design and Development Code Tool Kit (second installment of Community Investment Tool Kit)

Audience: Local planning commissioners, local government staff, developers, designers, planning and architecture organizations (e.g., American Institute of Architects, Urban Land Institute, American Landscape Architects)

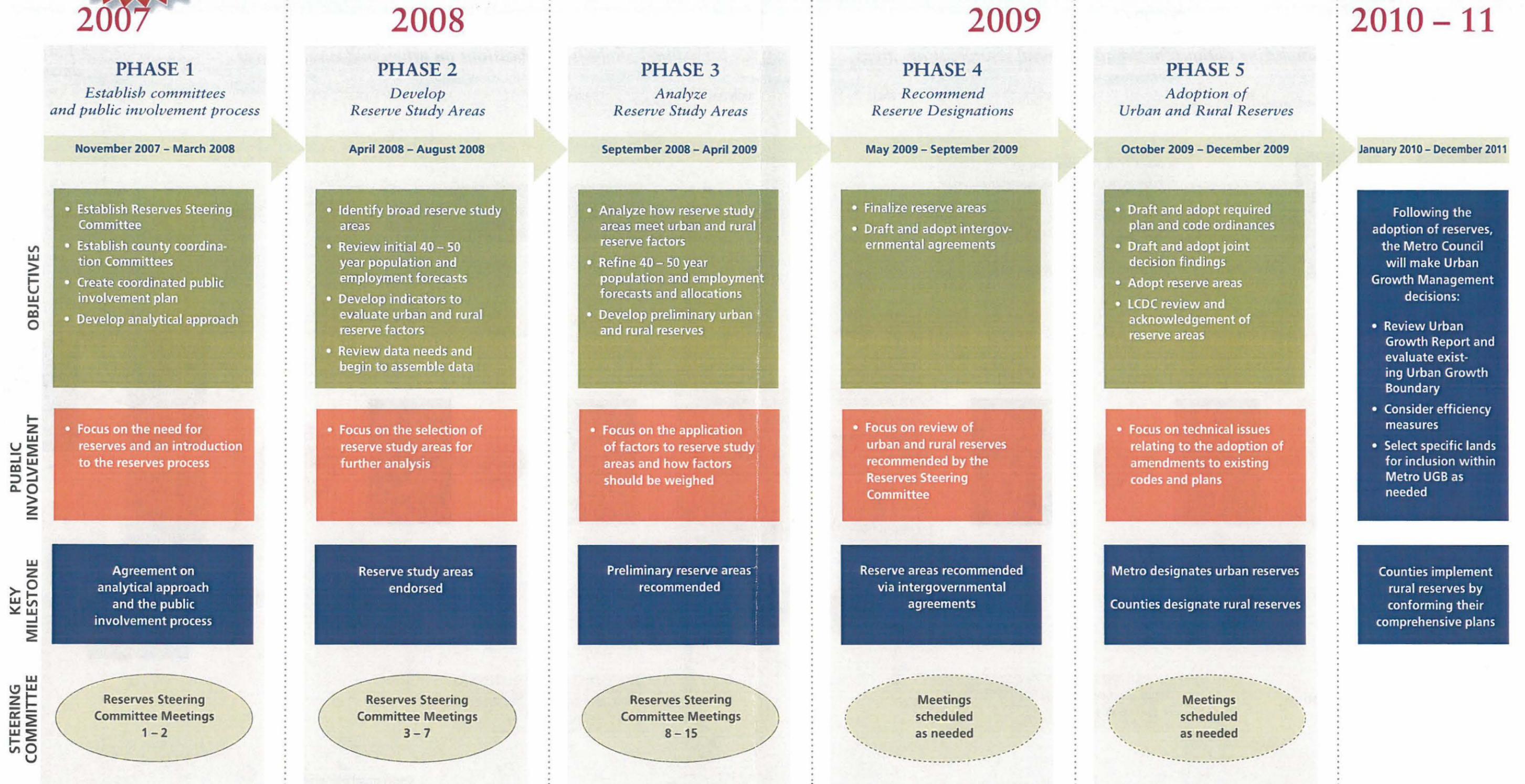
- *Placemaking Summit- July 18 (tentative)*

Purpose: To gain a common understanding of shared values and how jurisdictions are implementing Region 2040 in their communities and to increase awareness of innovative tools to achieve 20- and 50-year visions

Audience: Mayors/chairs; city councilors; county commissioners; local planning directors; neighboring communities mayors, city councilors, county commissioners, administrators and planning directors; state agency representatives, TriMet, and Port of Portland

DRAFT

Coordinated Reserves Work Program Overview



DRAFT

Key Milestones for Designating Urban and Rural Reserves

work in progress

2008

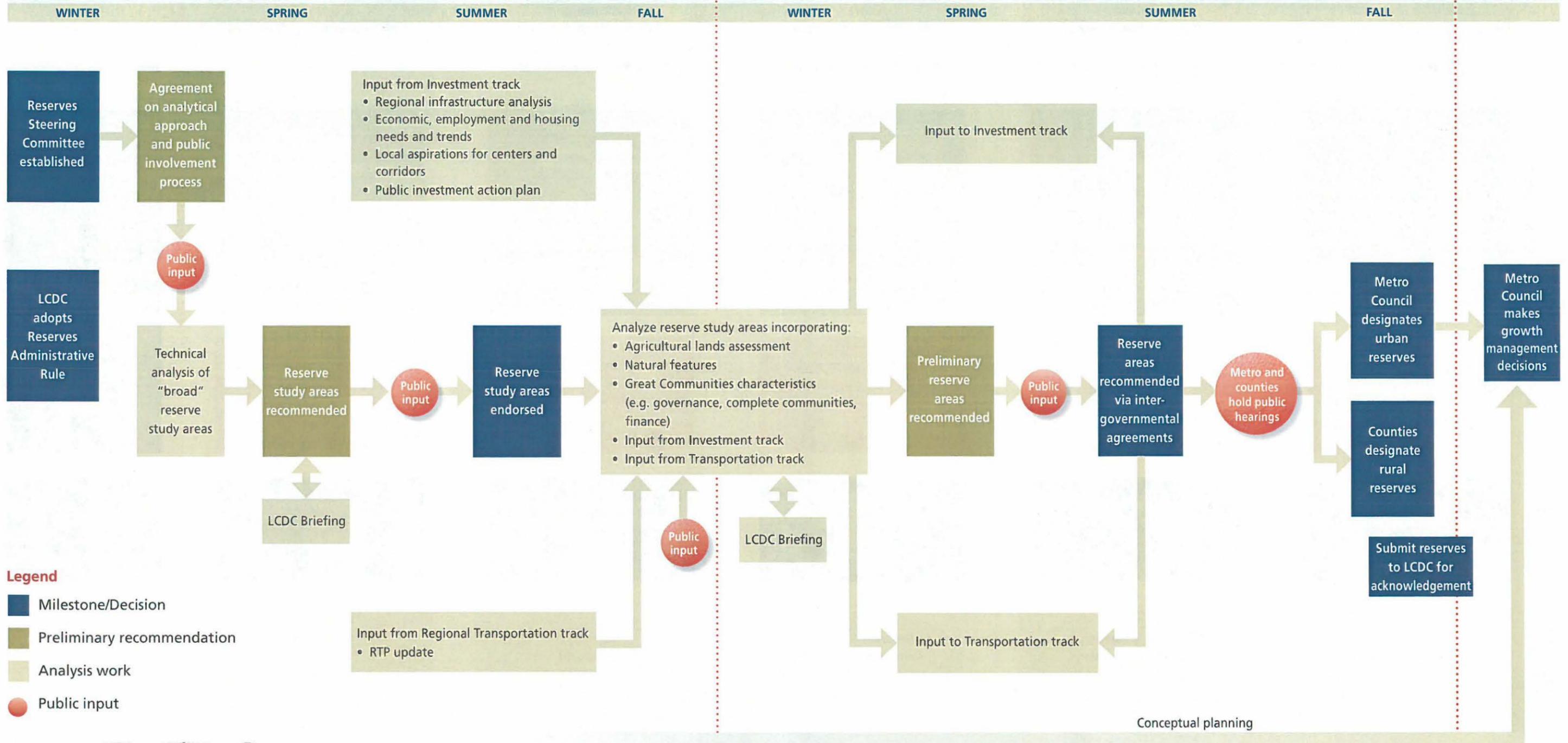
Identifying and analyzing options for urban and rural reserves study areas

2009

Final analysis and decisions on urban and rural reserves

2010

Future decisions





Proposed Business Recycling Requirements

April 15, 2008

Metro Councilor Kathryn Harrington and
Solid Waste and Recycling Director Mike Hoglund

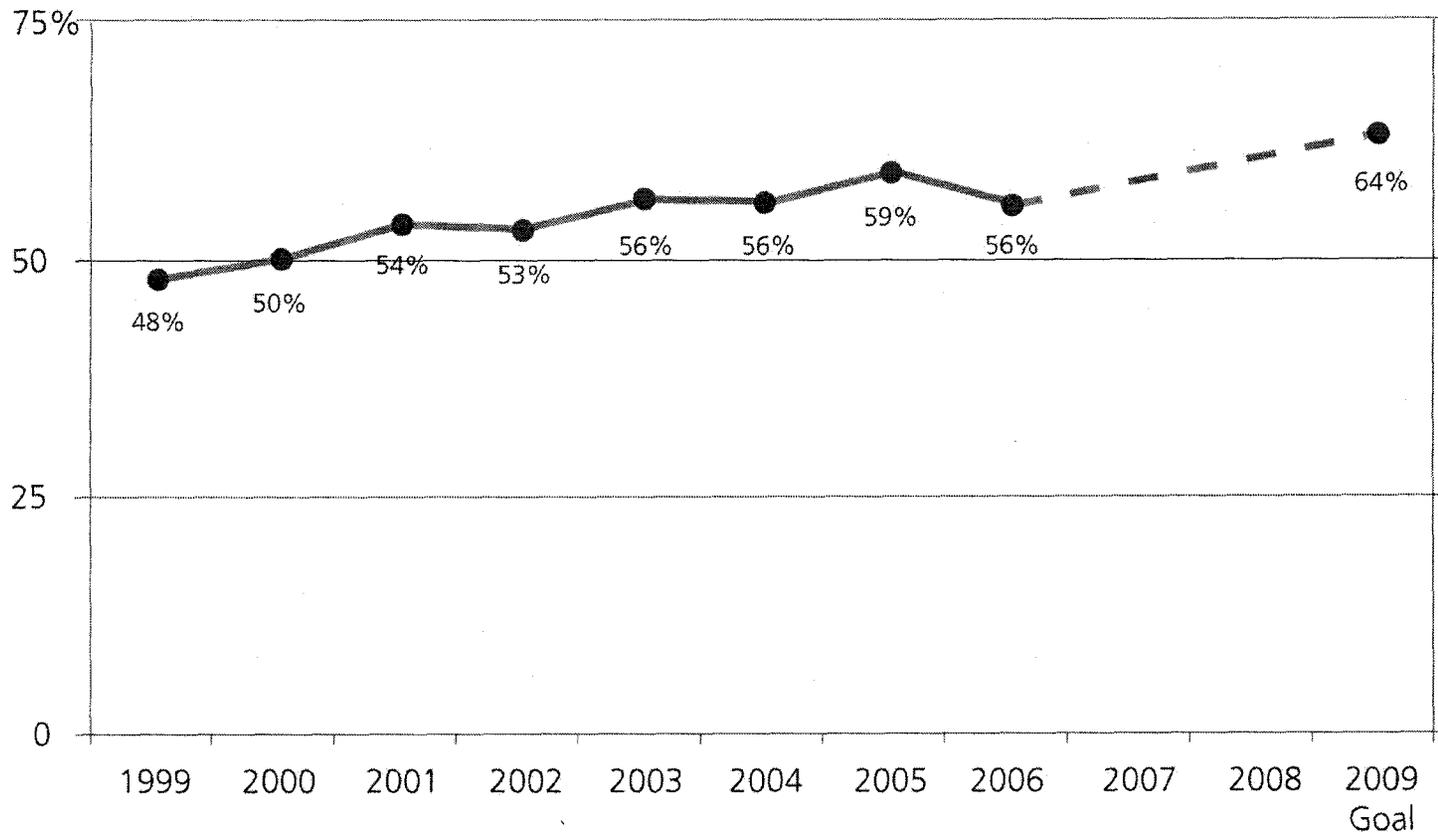




Overview

- Current Business Recycling
- Proposed Program
- Timeline
- Questions

Progress Toward Goal

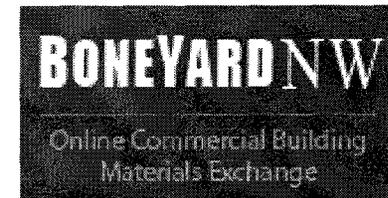


The region cannot achieve a 64% waste reduction goal without better recycling.

Business Recycling



Current Programs

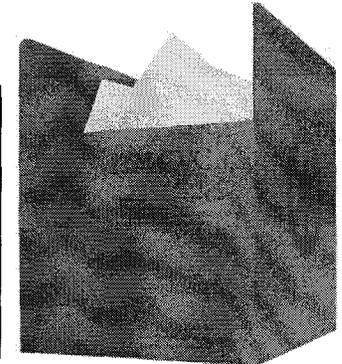


New Efforts

- Enhanced Dry Waste Recycling Program
- Proposed Business Recycling Requirements

Recycle at Work services since 2000

- Program set up and implementation
- Free posters, boxes, and signage
- Solutions to space constraints
- Communication between employees, tenants, property managers, and janitorial staff
- Program Partners (includes BOMA, Chambers of Commerce, media, & trade organizations)
- Recognition programs



re:cycle

Need help?

Business Recycling Specialists provide free education, resources, and on-site assistance for your building and your staff.



Recycle@Work
for the city and county of Denver

To get started

Call the Recycle at Work hotline at (503) 234-3000

or visit

www.RecycleAtWork.com

Metro and local governments have provided assistance through a voluntary program that is free of charge to businesses, yet the services are underutilized.



Incentives to Recycle

- Free education, technical assistance, and resources
- State law prohibiting garbage haulers from charging more for garbage and recycling services than they do for garbage alone
- Volume-based rates
- Recognition programs to highlight businesses doing well
- Stable infrastructure to collect, transport, sort, and recycle materials

Despite education efforts and incentives, some businesses choose not to participate.

**Businesses throw away more than
100,000 tons of recyclable paper and
containers annually - *one ton per minute.***

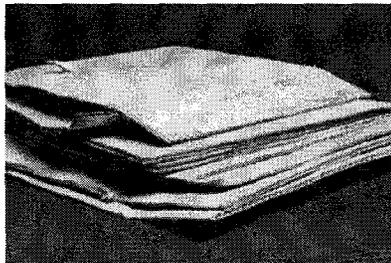


Business Recycling Requirements



Proposed Program

- Directs all local governments to require businesses to recycle paper and containers.
- Applies to all commercial establishments.
- Exceptions include inadequate storage space.

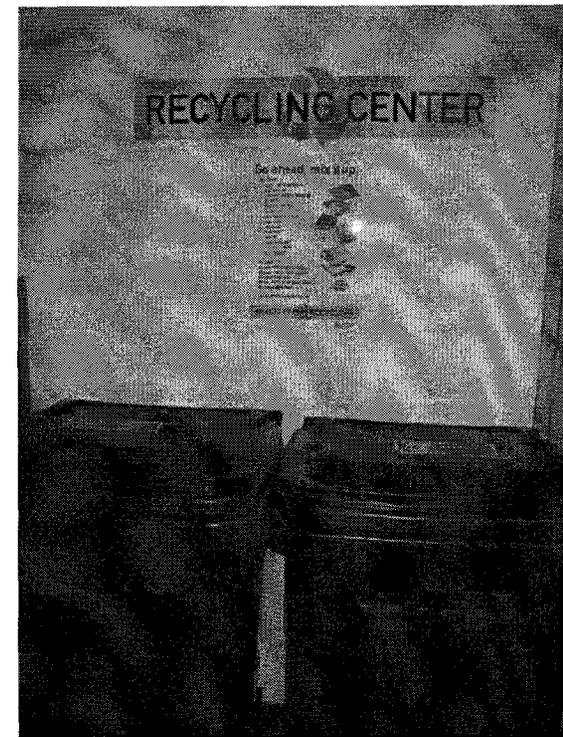


Business Recycling Requirements



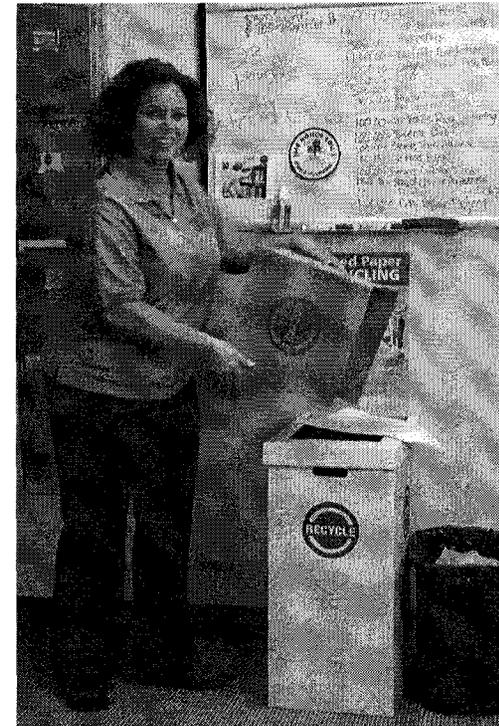
How does a business comply?

- Provide all tenants/employees with containers to recycle paper and containers
- Provide instructions and signage on how to recycle
- Recycle paper and containers



Impact on Businesses

- Volume-based rates may provide cost savings with more recycling
- Potential revenue from the sale of recyclables
- Outdoor recycling containers are provided as a part of a business' garbage rate
- Internal recycling containers are provided free by Recycle at Work





Impact on Local Government

- Requires local legislation
- Enforcement by local government or Metro
- Increased demand for business assistance
- \$400,000 additional funding provided by Metro

Business Recycling Requirements



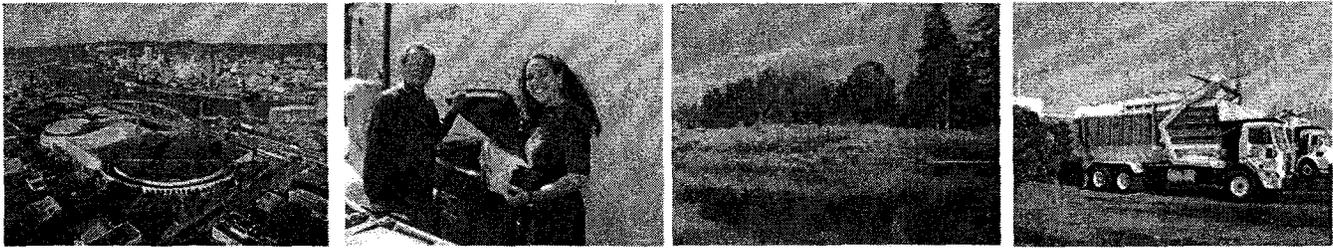
Benefits

- Consistency of recycling services across the region
- Potential cost savings for business
- Material supply for local recycling companies
- Reduced environmental impact:
 - Eliminates carbon emissions equal to taking 42,000 cars off the road.
 - Results in energy savings that could power nearly 15,000 homes for one year.
 - Saves 1.2 million trees per year (equivalent of Forest Park).

Business Recycling Requirements



Questions



Metro | *People places. Open spaces.*

Business Recycling Requirements
Metro's Proposed Program to Increase Regional Recycling
 February 2008

Background

Businesses generate almost half of the region's garbage, and each year dispose of more than 100,000 tons of recyclable materials. Increasing business recycling is a significant conservation opportunity for the region.

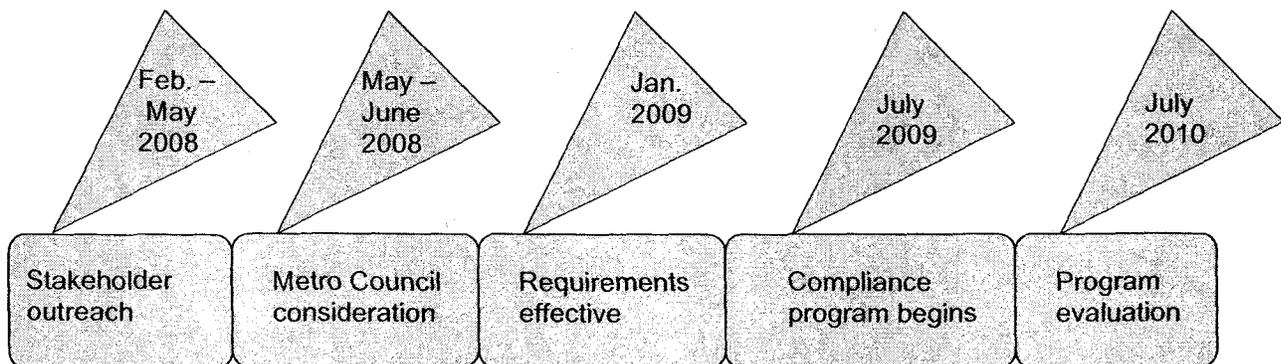
During the past eight years, Metro has invested \$3.5 million to encourage more business recycling through free consulting services. Metro also explored options for increasing business recycling by convening public and private work groups and through stakeholder outreach conducted from 2003 to 2006. More than 1,000 people provided advice on approaches for increasing business recycling.

The Metro Council is now ready to consider adopting substantial efforts to increase business recycling in the region, particularly in light of a recent drop in the region's recycling rate.

Proposed Program

The proposed program, Business Recycling Requirements, would make it mandatory for local businesses to recycle all types of paper and certain containers such as plastic bottles, aluminum cans and glass. Essentially, businesses would be required to recycle the same materials that can already be recycled at home. The requirements would be phased in and businesses would have a grace period to comply. Metro and local governments will continue to rely on education and technical assistance to encourage change.

Timeline





Metro | *People places. Open spaces.*

In the first few months of 2008, Metro councilors and staff will meet with local business associations, the Metro Policy Advisory Committee and the Solid Waste Advisory Committee to present and hear feedback on this proposed program. If the Metro Council approves their proposal as currently drafted, all local governments in the region would be responsible for formally adopting the requirements by Jan. 1, 2009.

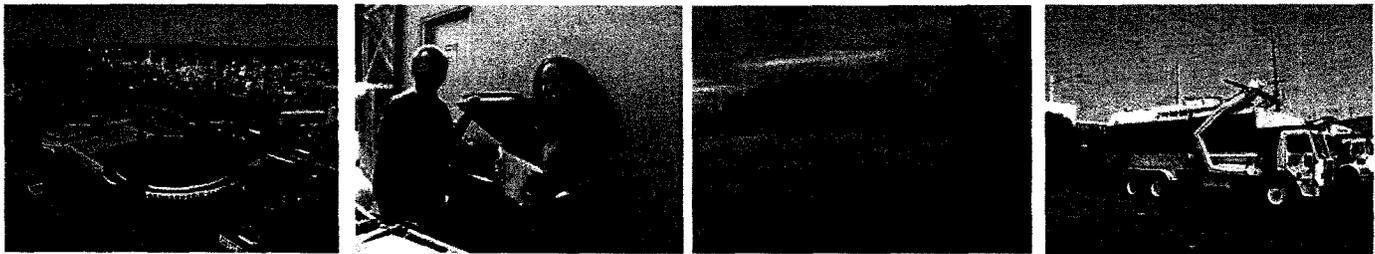
Proposal Benefits

- **Consistent service standards:** The proposed business recycling requirements provide a level playing field for all businesses. Currently, the inconsistent recycling requirements and variable services offered throughout the region can confuse and frustrate businesses.
- **Potential cost savings and revenue:** Some business may see disposal costs decrease as they recycle more, and may generate income by selling their recyclable paper and cardboard.
- **Increased supply to local recyclers:** The increase in paper recycling would support Oregon paper mills. Currently, paper collected in the Metro region provides less than 11 percent of total paper mill needs; the rest of the paper must be shipped in from outside our region.
- **Reduced environmental impact:** More business recycling means less garbage in the landfill. Energy and natural resources are conserved, and pollution is prevented as a result. The net environmental benefit of the business recycling requirements program is estimated to be \$10.22 million for 80,000 tons of additional recovery.
- **Public Preference:** Surveys show that residents overwhelmingly support requiring businesses to recycle. The City of Portland has mandated business recycling since 1996. Metro is proposing to apply components of this mandate region wide.

Feedback

Metro would appreciate your input, and staff is available to answer questions or provide further assistance. Please fill out our feedback form or learn more by visiting:

www.metro-region.org/businessrequirements



Metro | *People places. Open spaces.*

Business Recycling Requirements **Metro's Proposed Program to Increase Regional Recycling** February 2008

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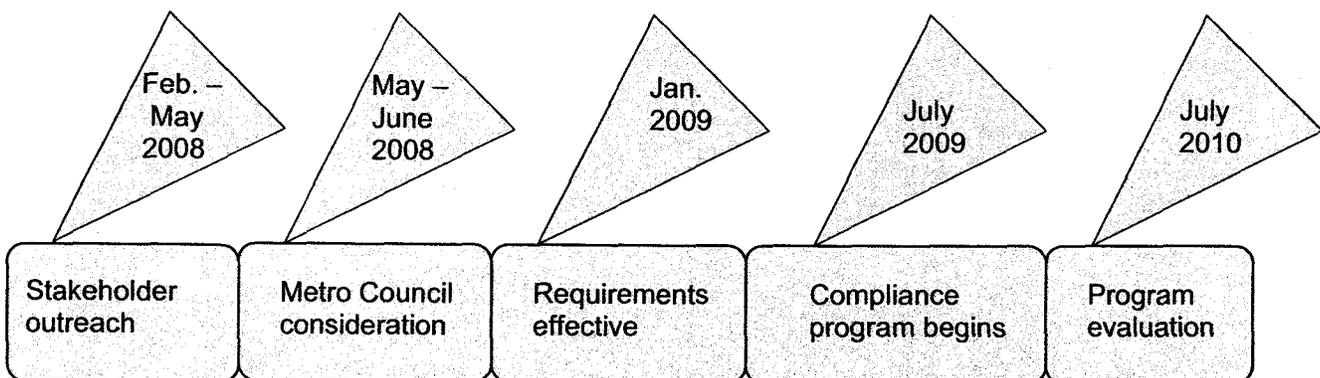
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Metro | *People places. Open spaces.*

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- **Public Preference:** Surveys show that residents overwhelmingly support requiring businesses to recycle. The City of Portland has mandated business recycling since 1996. Metro is proposing to apply components of this mandate region wide.

Feedback

Metro would appreciate your input, and staff is available to answer questions or provide further assistance. Please fill out our feedback form or learn more by visiting:

www.metro-region.org/businessrequirements



Proposed Business Recycling Requirements Frequently Asked Questions

February 13, 2008

Businesses generate almost half of the region's garbage and each year they dispose of more than 100,000 tons of recyclable materials. Increasing business recycling is a major conservation opportunity for the region. Achieving the state-mandated regional waste reduction goal requires new programs targeting commercially generated waste. Metro Council has directed staff to develop business recycling requirements for Council consideration. This document provides information about the proposed program for increasing business recycling.

BACKGROUND

Q: What is the issue?

A: Although many businesses recycle, an estimated 14 percent do not recycle or recycle only cardboard. As a result, more than 100,000 tons of recyclable resources (paper and containers) from this sector are disposed annually. To reach the state-mandated waste reduction goal, businesses must recycle an additional 80,000 tons of paper and containers.

Q: Why not provide businesses with incentives to recycle more?

A: There are many current incentives for businesses to recycle, including:

- Free education, technical assistance, and resources provided by the Recycle at Work program.
- State law prohibiting garbage haulers from charging more for garbage and recycling services than they do for garbage alone.
- Volume-based rates so that you pay less when you generate less.
- Recognition programs to spotlight businesses doing well.
- Stable infrastructure to collect, transport, sort, and recycle materials.

Incentives such as hauler or business payments to increase recycling have not been considered. They would ultimately be paid for by all businesses via collection rates.

Q: What are the benefits of increasing business recycling?

A: Business recycling requirements will lead to consistency of recycling services across the region, potential cost savings, material supply for local recycling companies, and reduced environmental impact. Currently, the inconsistent recycling requirements and variable services offered throughout the region can confuse and frustrate businesses. The proposed business recycling requirements provide a level playing field for all businesses.

Some businesses may see disposal costs decrease as they recycle more. Businesses may also generate income by selling recycled paper, depending on the quantity and quality of the material. Local recycling markets can source more supply from the region. Sending our materials to local companies will reduce their need to extract natural resources or import recyclables from other states.

More business recycling sends less garbage to the landfill, conserves energy and natural resources, and helps prevent pollution. Recycling an additional 80,000 tons of paper and containers each year saves:

- Greenhouse gas emissions savings of 218,000 tons of carbon dioxide equivalent.
- GHG emissions reductions equivalent to nearly 42,000 cars driving one year
- +1.3 trillion Btu of energy savings – enough to power nearly 15,000 homes for one year.
- The equivalent of nearly 1.2 million trees a year, almost 1.2 Forest Parks.

Metro staff estimates the net environmental benefits of the business recycling requirements program to be \$10.22 million for 80,000 tons of additional recovery.

Q: What services are currently being offered to businesses?

A: Recycle at Work (RAW) provides free resources and onsite technical assistance customized to each business's needs, including:

- **Program set up.**
- **Space planning**, including identifying solutions to space constraints and ensuring recycling bins are conveniently located.
- **Communication**, including staff training, signage and prompts. RAW also communicates with haulers, janitorial staff, property managers and decision-makers.
- **Invoice interpretation** to help businesses understand their garbage/recycling bill, the services available, and communicate more effectively with their hauler.
- **Containers**, including free deskside and central area recycling collection containers, and other tools.
- **Technical support**, including ongoing assistance from recycling specialists.

Q: What are the results of current services and programs?

A: Since its inception in 2000, RAW's 10 recycling specialists have:

- Provided onsite technical assistance to more than 1,000 businesses each year. Businesses and business partners have rated RAW highly for its quality of technical assistance.
- Distributed 50,000 recycling containers (since 2003).
- Helped institute local business recognition programs.

Q: Who partners with the RAW program?

A: Metro's Recycle at Work program relies on partnerships with more than 20 business associations throughout the region. Metro plays an active role on the Building Owners and Managers Association education committee, helping to bring recycling tools and knowledge to property managers, janitorial firms, and building owners. In addition, our local government partners all participate in local Chamber of Commerce events to connect with the business community. The Recycle at Work group also collaborates with the Oregon Lodging Association, Travel Portland, Columbia Corridor Association, Portland Metropolitan Association of Realtors, Oregon Lawyers for a Sustainable Future, Portland Development Commission, and the Sustainable Business Network to educate their members and offer free resources and assistance.

Q: What are current program challenges?

A:

- Lack of access to businesses for Recycle at Work specialists. Many businesses lack firm motivation to recycle ('nice to do' versus 'must do').
- Inconsistent region-wide recycling services.
- Limited information on businesses needing help with recycling are challenges to delivering Recycle at Work services.

PROPOSED PROGRAM

Q. What is Metro's proposed program?

A: Requires local governments in the region to make it mandatory for local businesses to recycle paper and containers (plastic bottles, soda cans, etc.), just like we do at our home for curbside recycling. Essentially, businesses would be required to recycle the same material that we all do at our homes for curbside recycling. The requirements would be phased in and businesses would have a grace period to comply. Metro and local governments would continue to rely on education and technical assistance to encourage change. Local governments would have the choice of either implementing a compliance program themselves or deferring to Metro enforcement staff.

Q: How does a business comply?

A: Generally, your business or building is complying with the requirements if you:

- Provide all tenants, employees and or guests with recycling containers for recyclable paper and containers
- Provide visible and correct signage to educate employees.
- Maintain 10 percent or less by volume of paper and containers in your garbage can.

Q: How will the ordinance be enforced with businesses?

A: The compliance program will be phased in to allow businesses time to upgrade their programs and utilize the free technical assistance available. In July 2009, enforcement will begin with periodic inspections of businesses. The focus would be on providing education and technical assistance to businesses rather than fines. The business would be provided a compliance schedule and have the opportunity to improve their programs prior to any fines being issued. Businesses that refuse to recycle will be referred for follow-up enforcement action and face penalties of up to \$500 per violation.

Q: How does the proposed Metro program differ from the City of Portland's business recycling requirements?

A: Adopted in 1996, the City of Portland's program requires businesses, multi-family residences and construction projects (valued at \$50,000 or more) to recycle at least 50 percent of their waste. Instead of an aggressive and punitive approach (only two fines have been issued to date), the City has relied on education and hands on assistance to motivate businesses to recycle. In March 2008, the City of Portland is proposing increased mandates for businesses including requiring businesses to recycle all paper and containers, which will be consistent with Metro's proposed program. Both of the programs will include:

- **Free education and technical assistance.** Metro and local governments will continue to provide free education and technical assistance to all businesses.
- **Notification.** All businesses affected by the new requirements will be provided with a notice of the local ordinance adoptions.
- **Voluntary compliance period.** Both programs offer a grace period for compliance to provide businesses with the opportunity to improve their programs.
- **Enforcement and penalties.** After the grace period, businesses that refuse to improve their recycling systems to comply will be subject to inspection and follow-up enforcement action. Penalties may be levied against the most resistant businesses. Enforcement authority will be used as the option of last resort.

Q: Will businesses in the City of Portland be subject to two different sets of recycling requirements, inspections and potential penalties?

A: No. The City of Portland will work in partnership with Metro to implement the new city requirements that will meet (or exceed) what Metro has proposed. City staff will assist businesses, verify compliance, conduct follow-up monitoring and inspections, and take enforcement action where necessary.

Q: How does the proposed program affect the local governments?

A:

- **Increased funding.** Metro will provide an additional \$400,000 pool of funds to be shared by the jurisdictions for implementation.
- **Minimal additional staffing and reporting.** Inherent with their jurisdictional authority over waste collection, local governments may spend staff time notifying businesses of the requirements, responding to customers, and enforcing the ordinance. Local governments may elect to have Metro enforce the ordinance on their behalf. If the local governments choose to enforce the ordinance and/or accept additional funds for technical assistance staff, they will be required to report results to Metro.
- **Increased delivery of services.** Currently, local government Recycle at Work staff spend up to 40 percent of their time trying to "get in the door" at businesses. Only about 60 percent of staff time is spent actually helping businesses improve recycling. Recycling requirements would increase staff time available to assisting businesses in their recycling efforts.

Q: How will increased recycling impact businesses?

A: For most businesses, the program would require employees to recycle additional items in current recycling containers. Internal recycling containers are provided free by Recycle at Work. For some businesses, the program may require businesses to change their level of garbage service and acquire additional recycling containers. Volume-based rates may provide cost savings with more recycling and outdoor recycling containers are provided as a part of your garbage rate.

Q: Where do I go if I need assistance setting up my work place recycling program?

A: To receive assistance from the Recycle at Work program, contact Metro at (503) 234-3000 or visit us at www.RecycleAtWork.com.

FEEDBACK

Q: How can I provide feedback regarding the proposed recycling requirements?

A: Metro would appreciate your feedback, and staff is available to answer questions or provide further assistance. Please fill out our feedback form at www.metro-region.org/businessrequirements or contact Marta McGuire, Senior Planner, at 503-797-1806.



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[REGIONAL VISION AND POLICY](#)

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[MANAGING GARBAGE AND RECYCLING](#)

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Metro considers business recycling requirements

[PLANNING AND STEWARDSHIP](#) › [MANAGING GARBAGE AND RECYCLING](#) › [BUSINESS RECYCLING POLICY](#)

In June 2008, Metro Council will consider adopting a new program to increase business recycling in the region.

Businesses generate almost half of the region's garbage and each year dispose of more than 100,000 tons of recyclable materials. Increasing business recycling is a major conservation opportunity for the region.

Over the past eight years, Metro and its local government partners have invested \$3.5 million to encourage more business recycling by providing free technical assistance. Metro explored options for increasing business recycling by convening public/private work groups and conducting stakeholder outreach from 2003 to 2006. More than 1,000 people provided advice on approaches for increasing business recycling.

The Metro Council is now ready to consider adopting more aggressive efforts to increase business recycling in the region, particularly in light of a recent drop in the region's recycling rate.

In the next few months, Metro councilors and staff will be meeting with local business associations, the Metro Policy Advisory Committee and the Solid Waste Advisory Committee to present and hear feedback on this proposed program. If the Council approves this proposal as currently drafted, all local governments in the region would be responsible for formally adopting these business recycling requirements by Jan. 1, 2009.

What is the proposed business recycling program?

The proposed program, Business Recycling Requirements, would direct local governments in the region to make it mandatory for local businesses to recycle paper and containers such as plastic bottles, aluminum cans and glass. Essentially, businesses would be required to recycle the same materials that can already be recycled at home. The requirements would be phased in and businesses would have a grace period to comply. Metro and local governments would continue to rely on education and technical assistance to encourage change.

Metro

503-797-1700

PLACES AND ACTIVITIES

503-797-1804 TDD

503-797-1797 fax

GARBAGE AND RECYCLING

SUSTAINABLE LIVING

PLANNING AND STEWARDSHIP

REGIONAL VISION AND POLICY

LAND AND DEVELOPMENT

TRANSPORTATION

NATURAL AREAS, PARKS AND TRAILS

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Metro

503-797-1700

503-797-1804 TDD

503-797-1797 fax

Why should businesses be required to recycle paper and containers?

While many businesses already recycle, an estimated 14 percent recycle nothing or cardboard only. As a result, businesses dispose of more than 100,000 tons of trash that could otherwise be recycled.

Metro's proposed business requirements would divert at least 80,000 tons of that material from the landfill to recycling which would result in an estimated \$10.22 million in net environmental benefits. For example, recycling 80,000 tons of paper and containers each year will result in greenhouse gas emission reductions equivalent to driving nearly 42,000 cars for one year.

The increase in paper recycling would also support Oregon paper mills. Currently, paper collected in the Metro region provides less than 11 percent of total paper mill needs; the rest of the paper must be shipped in from outside our region.

Surveys show that residents overwhelmingly support requiring businesses to recycle. The City of Portland has mandated business recycling since 1996. Metro is proposing to apply components of this mandate regionwide.

How will increased recycling impact businesses?

For most businesses, the program would only require employees to recycle additional items in current recycling containers. Some businesses may require additional recycling containers.

Although some businesses may see a slight service cost increase, others may see disposal costs decrease as they recycle more. Businesses may also generate income by selling recycled paper, depending on the quantity and quality of the material.

Is there assistance available to businesses?

Recycle At Work provides free education and assistance is available to help businesses set up or improve their recycling programs... [Learn more](#)

How can I provide comments?

Metro would like your feedback on the proposed business recycling requirements...

[Take the survey](#)

NEED ASSISTANCE?

Marta McGuire

503-797-1806

m McGuire@m metro.dst.or.us

 [Frequently Asked Questions on Business Recycling Requirements](#)
127K Adobe Acrobat PDF

 [Business Recycling Requirements Program Description](#)



HILLSBORO ARTS & CULTURE COUNCIL
MEMORANDUM

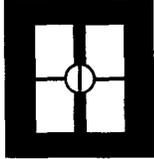
DATE: April 15, 2008
TO: City Council
FROM: Cristina Caravaca, Cultural Arts Program Supervisor
SUBJECT: Consider approving new appointees to Hillsboro Arts & Culture Council

The HACC, under the general direction of the City Council, oversees policies and programs pertaining to arts and culture for the City of Hillsboro. It promotes and supports the growth of arts and culture as assets for a vital, prosperous and livable community. Staff met with Mayor Hughes in early April to discuss the current composition of the Hillsboro Arts & Culture Council and to review applications from potential HACC members. At that time the Mayor selected five new appointees to serve one to three year terms on this citizen advisory board. The chosen candidates were selected based on their affiliations with Hillsboro’s arts, culture, heritage, business, education, social services and government organizations. The list below denotes the status of existing and potential incoming members.

Bold, italics indicate a new HACC member.

Terry Blackburn	.....	Expires 1 May 2011 (3 year term)
Kay Demlow	.....	Expires 1 May 2011 (3 year term)
<i>Nanita McIlhattan</i>	.....	Expires 1 May 2011 (3 year term)
<i>Scott Palmer</i>	.....	Expires 1 May 2011 (3 year term)
Tina Seidel	.....	Expires 1 May 2011 (3 year term)
<i>Deborah Clarke</i>	.....	Expires 1 May 2010 (2 year term)
Eileen Kane	.....	Expires 1 May 2010 (3 year term)
Bernd Kuehn	.....	Expires 1 May 2010 (3 year term)
<i>Lynn Scheller</i>	.....	Expires 1 May 2010 (2 year term)
Doug Sellers	.....	Expires 1 May 2010 (3 year term)
<i>Suzanne Cusick</i>	.....	Expires 1 May 2009 (1 year term)
Marilynn Helzerman	.....	Expires 1 May 2009 (2 year term)
Gayle Hughes	.....	Expires 1 May 2009 (2 year term)
Jodi Nielsen	.....	Expires 1 May 2009 (2 year term)
Julie Wilson	.....	Expires 1 May 2009 (2 year term)

CITY OF HILLSBORO



March 31, 2008

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Annexation of Property into the City Limits of Hillsboro --
File No. AN 2-08: NW Brookwood Avenue Right-of-Way

Attached are materials relating to a proposed annexation of approximately 0.21 acres of right-of-way into the City of Hillsboro. The right-of-way under consideration is a portion of NW Brookwood Avenue that lies between NE Azalea Lane and NE Wrenwood Avenue. The affected right-of-way can be specifically identified as directly west of Tax Lot 700 on Washington County Tax Map 1N2-33DB and east of Tax Lots 2700 and 2800 on Tax Map 1N2-33DA.

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

Please retain these materials until a final action has been taken on this matter. If you have any questions, please contact the Planning Department at (503) 681-6179.

Respectfully submitted,

HILLSBORO PLANNING DEPARTMENT

Daniel L. Dias
Urban Planner I

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

ORDINANCE NO. _____

AN 2-08: NW Brookwood Avenue Right-of-Way

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

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

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

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

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

WHEREAS, the tract of land lies within the following districts: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District #1 for Street Lights;

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

WHEREAS, the City Council conducted a public hearing on this matter on April 15, 2008, and does hereby favor the annexation of the subject tract of land and withdrawals from the districts based on the findings attached hereto as Exhibit B;

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

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

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

Section 2. The tract of land annexed by this ordinance and described in Section 1 are withdrawn from the following districts upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District #1 for Street Lights.

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

Section 4. Inasmuch as it is necessary that this annexation become effective soon, so as to avoid unnecessary hardship to the property owner and allow for the immediate provision of City services, and allow for annexation into service districts necessary for the provision of City services and site development, this ordinance shall become effective immediately upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Passed by the Council this 15th day of April, 2008.

Approved by the Mayor this 15th day of April, 2008.

Mayor

ATTEST: _____
City Recorder

Exhibit A

DOR 34-P454-2008 Preliminary Review



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

City of Hillsboro
Planning Department
Attn: Daniel Dias
150 E Main St, 4th floor
Hillsboro, OR 97123

Date: 3/28/2008

This letter is to inform you that the map and description for your PLANNED Annex to City of Hillsboro (Portion of NW Brookwood Ave) (AN 2-08/ 1N2-33DB) in Washington County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted in final form before March 31, 2008 per ORS 308.225.

Items for your consideration that do not affect approval:

The map sent to DOR 1N2-33DB shows NE Brookwood Avenue but NW Brookwood Avenue is used in the legal description.

If you have any questions please contact: Elise Bruch, 503-945-8344

CERTIFICATION OF PROPERTY OWNERS OF
AT LEAST ONE-HALF LAND AREA

I hereby certify that the names on the attached petition are owners of property as identified by the tax lot described in the petition.

These signatures represent at least one-half of the land area within the annexation or withdrawal area described in this petition.

NAME Heather Labonte
TITLE Cartographer Asst.
DEPARTMENT A&T Cartography
COUNTY OF Washington
DATE 3/20/08

ANNEXATION CERTIFIED
BY [Signature]

CERTIFICATION OF LEGAL DESCRIPTION AND MAP MAR 20 2008

WASHINGTON COUNTY A & T
CARTOGRAPHY

I certify that the description of property included within the attached petition has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Heather Labonte
TITLE Cartographer Asst.
DEPARTMENT A&T Cartography
COUNTY OF Washington
DATE 3/20/08

City of Hillsboro
Annexation 2-08: Washington County
Proposed legal description
MF March 6, 2008

ANNEXATION CERTIFIED
BY ck
20
MAR 05 2008
WASHINGTON COUNTY A & T
CARTOGRAPHY

Exhibit 'A', page 1

A tract of land in Section 33, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Commencing at the intersection of the centerlines of NW Brookwood Avenue (C.R 1511) and West Baseline Road (C.R. A-52)

thence North 6° 15' East, along the centerline of NW Brookwood Avenue (C.R 1511), a distance of 758.3 feet to an angle point therein;

thence North 25° 46' East, along said centerline, a distance of 505.0 feet to an angle point therein;

thence North 17° 22' East, along said centerline, a distance of 245.05 feet to a point on the easterly extension of the south boundary of that tract of land described in deed to Nicholas J. DeSantis and Tania M. DeSantis, recorded November 2, 1988, as document number 88-49030 in deed records of said county;

thence South 89° 57' West, along said projection, a distance of 20.96 to a point on the westerly right-of-way line of NW Brookwood Avenue (C.R 1511), and the TRUE POINT OF BEGINNING;

thence North 17°22' East, along said right-of-way line, a distance of 93.69 feet to an angle point therein;

thence North 44° 42' East, along said right-of-way line, a distance of 159.84 feet to the north boundary of said DeSantis tract;

thence South 89° 03' East, along the easterly projection of the north boundary of said DeSantis tract, a distance of 27.69 feet to the centerline of NW Brookwood Avenue (C.R 1511);

thence South 44° 42' West, along said centerline, a distance of 44.51 feet to the northwesterly projection of the most northerly boundary of that tract of land described in deed to Jerry and Jean Cheatham, recorded 7/26/1999 as document number 99087706, in deed records of said county;

thence South 66°15'51" East, along said projection, a distance of 21.42 feet to the easterly right-of-way line of NW Brookwood Avenue (C.R 1511);

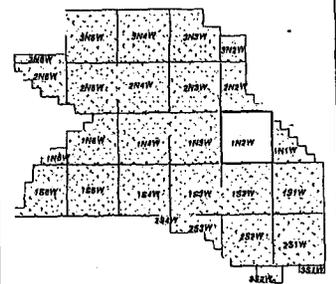
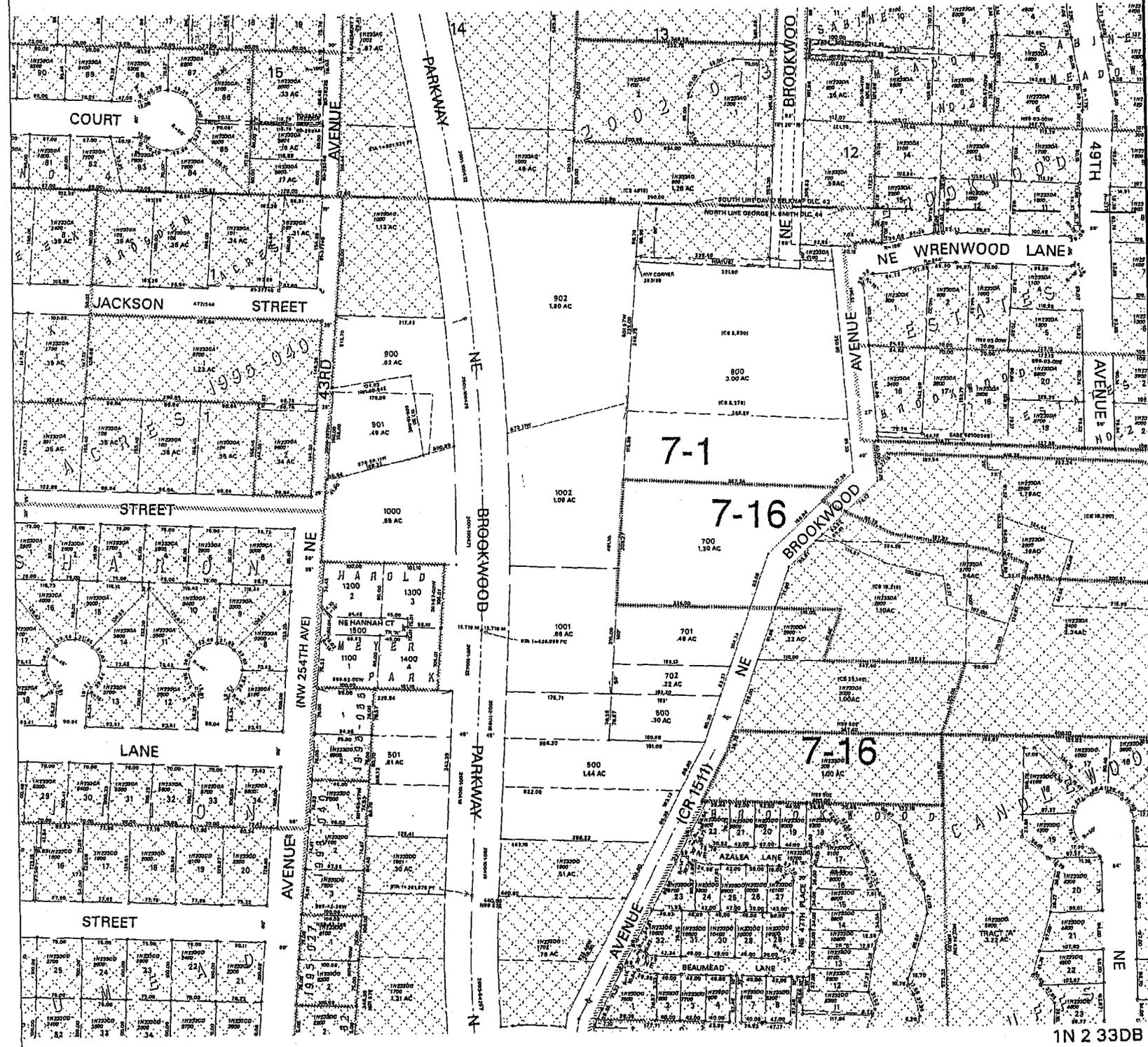
(continued on next page)

Exhibit 'A', page 2

thence South 44° 42' West, along said right-of-way line, a distance of 132.41 feet to an angle point therein;

thence South 17°22' West, along said right-of-way line, a distance of 71.42 feet to a point on the easterly projection of the south boundary of said DeSantis tract;

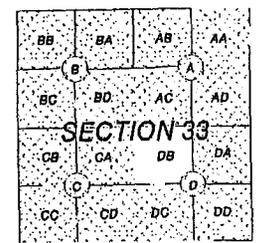
thence South 89° 57' West, along said projection, a distance of 41.92 to the TRUE POINT OF BEGINNING.



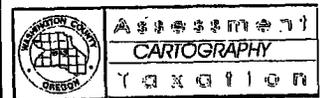
WASHINGTON COUNTY OREGON
 NW 1/4 SE 1/4 SECTION 33 T1N R2W W.M.
 SCALE 1" = 100'

36	31	32	33	34	35	36	31
6	5	4	3	2	1	6	
12	7	8	9	10	11	12	7
18	18	17	16	16	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: 1N233DB
 701, 305, 305, 100, 209, 300, 301, 302, 303,
 304, 307, 400, 601.



PLOT DATE: August 10, 2006
 FOR ASSESSMENT PURPOSES
 ONLY - DO NOT RELY ON
 FOR OTHER USE

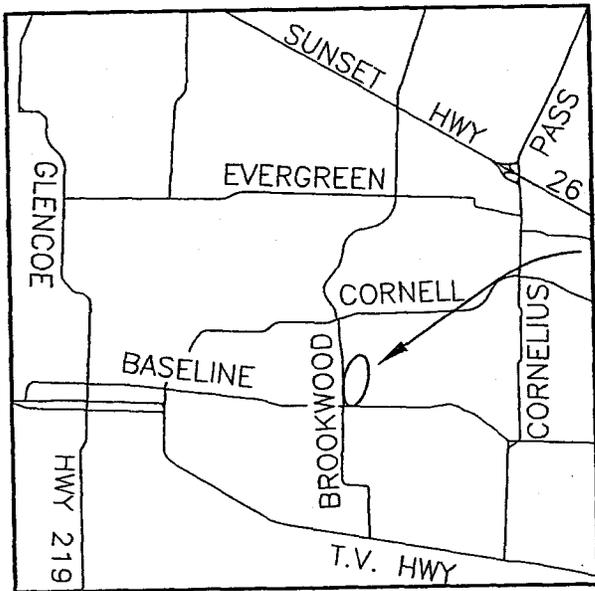
Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

PROPOSED ANNEXATION

NW BROOKWOOD AVENUE

WASHINGTON COUNTY

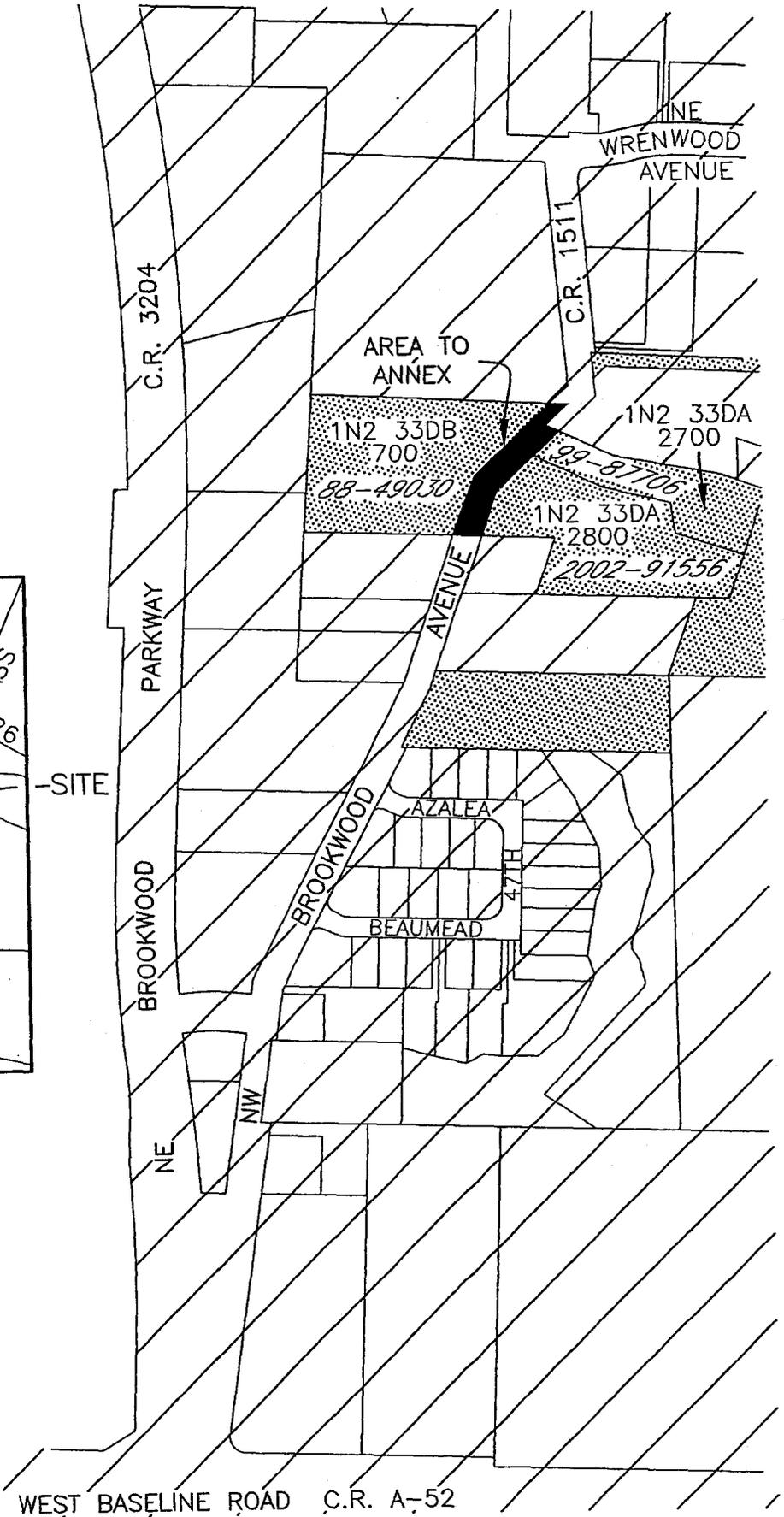
CITY OF HILLSBORO



VICINITY MAP



NOT TO SCALE



15
20
169

AFTER RECORDING RETURN TO:

Jerry Cheatham
Jean Cheatham

610 NW Brookwood Ave
Hillsboro OR 97124

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

Above

Escrow No: 3100-41207-CH
Order No: 204438

W204438
CHICAGO TITLE INSURANCE COMPANY

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

GUY D. MALCOLM

Grantor, conveys and warrants to JERRY CHEATHAM and JEAN CHEATHAM, as tenants by the entirety

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

(Continued)

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

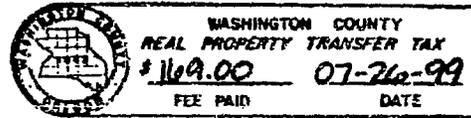
ENCUMBRANCES:

- 6. The premises herein described are within and subject to the statutory powers including the power of assessment of the Unified Sewerage Agency.
- (Continued)

The true consideration for this conveyance is \$168,900.00

Dated July 16, 1999 ; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Guy D. Malcolm
Guy D. Malcolm



STATE OF OREGON, County of Washington) ss. July 21, 19 99
 This instrument was acknowledged before me on _____
 by Guy D. Malcolm
 This instrument was acknowledged before me on _____, 19 ____
 by _____ ss _____
 of _____

Notary Public for Oregon
My commission expires: 2/22/01



STATE OF OREGON
County of Washington) SS

I, Jerry R. Hanson, Director of Assessment and Taxation and Eschew County Clerk for said county, do hereby certify that the within instrument was received and recorded in book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Eschew County Clerk

Doc : 99087706
Recd: 226419 210.00
07/26/1999 01:30:16pm

Encumbrances, continued

7. An easement created by instrument, including terms and provisions thereof;
Dated: April 17, 1980
Recorded: April 18, 1980
Recorder's Fee No.: 80013910
In Favor Of: Adjacent property owners
For: Roadway and utility purposes
Affects: A 15-foot strip of land across the Westerly portion of the herein described property

8. Driveway Maintenance Agreement, including the terms and provisions thereof;
Dated: April 17, 1980
Recorded: April 18, 1980
Recorder's Fee No.: 80013911

LEGAL DESCRIPTION

A tract of land in Section 33, Township 1 North, Range 2 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Commencing at a point South 02°36' East 74.8 feet from the Southeast corner of the David Belknap Donation Land Claim No. 43; thence South 02°26' East 804.60 feet; thence South 89°50' West 753 feet to the East right-of-way line of County Road No. 1511 (Northwest Brookwood Avenue); thence along said East right-of-way northeasterly a distance of 125.0 feet to the Southwest corner of that tract described in instrument recorded June 7, 1978, Recorder's Fee No. 78-25443, Washington County Deed Records; thence North 89°49'26" East 397.97 feet; thence North 16°41'28" East 150.07 feet to a point on the South line of that tract conveyed to Harold A. Wojahn, et ux, by Deed recorded in Book 600, Page 687, Washington County Deed Records, said point being the true point of beginning; thence continuing North 16°41'28" East 24.80 feet; thence North 71°57'03" West 72.81 feet to a point; thence North 81°42'00" West 157.87 feet to a point; thence North 66°15'51" West 88.79 feet to a point on the Easterly right-of-way line of Northwest Brookwood Avenue; thence Southwesterly 53.52 feet along said right-of-way to the most Northerly Northwest corner of that tract conveyed to Charlene L. Argyle by Deed recorded July 24, 1979, as Recorder's Fee No. 79-29127, Washington County Deed Records; thence South 66°15'51" East along the Northerly line of said Argyle Tract 114.67 feet; thence South 76°31'55" East 100.89 feet; thence South 9°36'15" East 47.17 feet; thence South 73°18'32" East 107.00 feet to the most Easterly Northeast corner of said Argyle Tract; thence North 16°41'28" East 80.07 feet to the point of beginning.

WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

Trenton E. Martin, Widower
Grantor,
conveys and warrants to Nicholas J. DeSantis and Tania M. DeSantis, husband and wife

Grantee, the following described real property free of encumbrances
except as specifically set forth herein situated in Washington County, Oregon, to-wit:

See exhibit "A" attached hereto and made a part hereof-----

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The said property is free from encumbrances except Regulations, including the power to acquire rights of way and easements, & to levy assessments of the Unified Sewerage Agency; Rights of the public, riparian owners and of governmental bodies in that portion of the above described property lying below the high water mark of unnamed creek; An easement recorded 6/29/78 Fee#78029360.

The true consideration for this conveyance is \$70,000.00..... (Here comply with the requirements of ORS 93.030)

Dated this 1st day of November, 1988

Trenton E. Martin
Trenton E. Martin

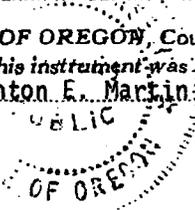
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, County of Washington) ss.

This instrument was acknowledged before me on November 1st, 1988
by Trenton E. Martin

[Signature]
Notary Public for Oregon
My commission expires 4/23/90

(SEAL)



WARRANTY DEED

MARTIN GRANTOR
DeSANTIS GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

Nicholas J. & Tania M. DeSantis
565 NW Brookwood Avenue
Hillsboro, Oregon 97124

NAME, ADDRESS, ZIP

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

same as above

NAME, ADDRESS, ZIP

Washington County Seal
REAL PROPERTY TRANSFER TAX
\$70,000
11.2.88
DATE
FEE PAID

STATE OF OREGON,) ss.
County of

I certify that the within instrument was received for record on the day of 1988, at o'clock M., and recorded in book/reel/volume No. on page or as fee/file/instrument/microfilm/reception No., Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME TITLE
By Deputy

A Recording Service of Transamerica Title Ins. Co.
1-23-88

10-20-88

Title Number : 22-21931

EXHIBIT "A"

A tract of land in Section 33, Township 1 North, Range 2 West of the Willamette Meridian, in the County of Washington and State of Oregon, described as follows:

Beginning at a point on the Westerly line of that tract of land in Section 33, Township 1 North, Range 2 West of the Wilamette Meridian, conveyed to Richard E. Herman, et ux, by deed recorded in Book 272, Page 367, Washington County, Oregon, Deed Records, North 01°57' East 150.0 feet from the Southwest corner, thereof, and running thence, North 01°57' East along said Westerly line, 209.27 feet; thence South 89°03' East 357.24 feet to the Easterly line of said Herman tract; thence, along said Easterly line, South 44°42' West 159.84 feet and South 17°22' West 93.69 feet; thence, South 89°57' West 224.0 feet to the point of beginning.

STATE OF OREGON
County of Washington

} SS

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

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

1988 NOV -2 AM 9:07

Five

AFTER RECORDING RETURN TO:

Martha Thompson
600 NW Brookwood Ave.
Hillsboro, OR 97124

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

As above

Escrow No. 3400-25078-JS
Order No. 247477

Washington County, Oregon 2002-091556
08/09/2002 08:57:49 AM
D-DBS Cnt=1 Str=4 A DUYCK
\$10.00 \$6.00 \$11.00 - Total=\$27.00



00144988200200915580020028

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



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

3400-25078-JS

Chicago Title 08/07/02

BARGAIN AND SALE DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

MARTHA B. THOMPSON AND NANCY L. LUDWIG. NOT AS TENANTS IN COMMON BUT WITH RIGHTS OF SURVIVORSHIP

Grantor, conveys to MARTHA B. THOMPSON

Grantee, the following described real property:

(Continued)

See attached legal description.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930

The true consideration for this conveyance is \$NONE
(Here comply with the requirements of ORS 93.030).

Dated August 5, 2002 ; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Martha B. Thompson
MARTHA B. THOMPSON

Nancy L. Ludwig
NANCY L. LUDWIG

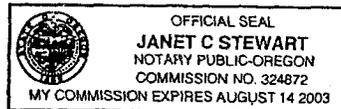
STATE OF OREGON, County of Washington)ss.

This instrument was acknowledged before me on August 5, 2002
by Martha B. Thompson and Nancy L. Ludwig

This instrument was acknowledged before me on _____

by _____ as _____

of _____
Janet C Stewart
Notary Public for Oregon
My commission expires _____





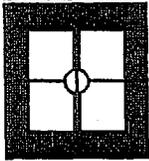
2002-91556

LEGAL DESCRIPTION

A tract of land located in the Southeast one-quarter of Section 33, Township 1 North, Range 2 West, of the Willamette Meridian, in the County of Washington and State of Oregon, more particularly described as follows:

Beginning at a point on the North line of that tract of land conveyed to Robert J. Burke and Barbara M. Burke, as described in Recorder's Fee No. 78 25790, Washington County Records, which bears South 2°26' East a distance of 74.8 feet and South 2°26' East a distance of 804.6 feet and South 89°50' West a distance of 753.5 feet and Northerly following the East line of Brookwood Avenue (County Road No. 1511) a distance of 125.00 feet and North 89°49'26" East a distance of 110.00 feet from the Southeast corner of David Belknap Claim No. 43; thence from said point of beginning North 89°49'26" East along the North line of the said Burke Tract and along the Easterly extension of the said North line a distance of 287.97 feet; thence North 16°41'28" East a distance of 70.00 feet; thence North 73°18'32" West a distance of 107.00 feet; thence North 9°36'15" West a distance of 47.17 feet; thence North 78°31'55" West a distance of 100.89 feet; thence North 66°15'51" West a distance of 114.67 feet to the East line of Brookwood Avenue; thence South 44°38'25" West along the said East line a distance of 78.90 feet; thence continuing along the said East line of Brookwood Avenue South 17°17'01" West a distance of 71.10 feet; thence North 89°49'26" East a distance of 110.00 feet; thence South 17°17'01" West a distance of 91.85 feet to the point of beginning.

CITY OF HILLSBORO



PETITION FOR ANNEXATION TO THE CITY OF HILLSBORO, OREGON

TO: The Council of the City of Hillsboro, Oregon

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Hillsboro.

SIGNATURE	PRINTED NAME	I AM A:*			ADDRESS	TAX MAP	TAX LOT	PRECINCT NO.	DATE
		PO	RV	OV					
<i>G. Miller</i>	Gregory E. Miller				Warlington County 1400 Walnut, Hillsboro	SW Brookwood Avenue Along following tax lots 1N223 DA	700 2700 AND 2800		2/29/08

*PO = PROPERTY OWNER
 RV = REGISTER VOTER
 OV = OWNER VOTER

EXHIBIT B

FINDINGS IN SUPPORT NW Brookwood Avenue Right-of-Way ANNEXATION FILE NO. AN 2-08

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

One petitioner representing one portion of right-of-way requested City Council approval for annexation of approximately 0.21 acres into the City Limits of Hillsboro.

The section of right-of-way under consideration is a portion of NW Brookwood Avenue that lies between NE Azalea Lane and NE Wrenwood Avenue. The affected right-of-way can be specifically identified as directly west of Tax Lot 700 on Washington County Tax Map 1N2-33DB and east of Tax Lots 2700 and 2800 on Tax Map 1N2-33DA. The portion of right-of-way is publicly owned and maintained; therefore it has no assessed property value.

II. PROCEDURAL REQUIREMENTS

In accordance with ORS 222.125 the petition for annexation from the property owners constituted 100 percent of the property owners and at least 50 percent of the registered voters residing on the property. Notice of the proposed annexation was given as specified by Metro Code Chapter 3.09.030 and ORS 222.120. A staff report was prepared and available 15 days prior to the hearing as stipulated by Metro Code Chapter 3.09.050. A public hearing on the matter was conducted by the City Council on April 15, 2008.

III. APPLICABLE APPROVAL CRITERIA

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

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

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

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

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

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

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

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

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

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

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

In particular, the annexation would be consistent with Section 2. Urbanization Implementation Measure (IV)(A)(5), supporting the annexation of infill areas.

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

FINDING: The annexation would be consistent with regional framework and functional plans. The City's current plan designation for the property is RL – Low Density Residential, which is consistent with the regional urban growth goals and objectives.

Due to the fact that the property is right-of-way, it has not been recommended for zoning.

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

FINDING: There is an eight inch City water line located in NW Brookwood Avenue right-of-way. There is an eight inch City sanitary sewer line in the NW Brookwood Avenue right-of-way. There is a twelve inch City storm line in NW Brookwood Avenue immediately north of the site.

Fire and police protection would be provided by the City of Hillsboro and the property would be withdrawn from the Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District No. 1 for Street Lights as of the effective date of the annexation.

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

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

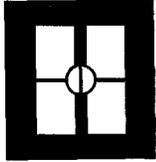
FINDING: Pursuant to ORS 222.524, the City of Hillsboro has determined that withdrawal of the property from the Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District No. 1 for Street Lights is in the best interest of the City.

IV. TESTIMONY FROM NECESSARY PARTIES

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

V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED IN FINDINGS

- Staff Report dated March 31, 2008.



March 31, 2008

STAFF REPORT

TO: City Council

FROM: Planning Department

RE: Request for Annexation of Property into the City Limits of Hillsboro –
File No. AN 2-08: NW Brookwood Avenue Right-of-Way

REQUEST

The petitioners and property owners, Washington County, request City Council approval for annexation of approximately 0.21 acres of right-of-way into the City Limits of Hillsboro. The purpose of the annexation is to allow for the transfer of jurisdiction of a portion of NW Brookwood Avenue from Washington County's jurisdiction to City of Hillsboro's jurisdiction.

SITE DESCRIPTION

The right-of-way under consideration is a portion of NW Brookwood Avenue that lies between NE Azalea Lane and NE Wrenwood Avenue. The affected right-of-way can be specifically identified as directly west of Tax Lot 700 on Washington County Tax Map 1N2-33DB and east of Tax Lots 2700 and 2800 on Tax Map 1N2-33DA. This portion of right-of-way is publicly owned and maintained and therefore has no assessed property value.

The portion of right-of-way is part of NW Brookwood Avenue. NW Brookwood Avenue is identified as a local street in the City of Hillsboro Transportation System Plan (TSP).

The City of Hillsboro Goal 5 Natural Resource Inventory identifies Significant Natural Resources level 3 and Impact areas on the site. The site appears to be within the 250-foot area of potential impact on the Clean Water Services Sensitive Areas Pre-Screen Map.

DESCRIPTION OF SURROUNDING AREA

Area	Plan	Zoning	Land Uses
North	RL – Low Density Residential FP – Flood Plain	R-10 Single Family Residential County R-9 (9 units per acre)	Undeveloped Single Family Residential Open Space/Flood Plain
East	RL – Low Density Residential FP – Flood Plain	R-10 Single Family Residential County R-9 (9 units per acre)	Single Family Residential Open Space/ Flood Plain
South	RL – Low Density Residential FP – Flood Plain	R-10 Single Family Residential County R-9 (9 units per acre)	Single Family Residential Open Space/Flood Plain
West	RL – Low Density Residential FP – Flood Plain	County R-9 (9 units per acre)	Single Family Residential Open Space / Flood Plain

PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City	8"	NW Brookwood Avenue	Adjacent
Sanitary Sewer	City	8"	NW Brookwood Avenue	Adjacent
Storm Drain	City	12"	NW Brookwood Avenue	Northeast, 80'+/-

TRANSPORTATION FACILITIES

Streets	Existing	Improvement	Plan Designated	
	R-O-W		R-O-W	Improvement
NW Brookwood Avenue	40' +/-	24' +/-	50'	28'
Sidewalk Improvements	Existing	Plan Designated		
NW Brookwood Avenue	Unimproved	5' sidewalk and 5' planter strip		
Mass Transit	Route and Station		Distance to Site	
Bus	Route 47/ E Main St.		1635 +/- (south)	
Bicycle Lane	Existing	Plan Designated		
NW Brookwood Avenue	None	None		

APPLICABLE PLAN POLICIES AND IMPLEMENTATION MEASURES

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

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

Section 12. Public Facilities and Services, Goal (A) Provide public facilities and services in an orderly and efficient manner consistent with the expansion of urbanization into rural areas.

Section 12. Public Facilities and Services, Policy (D) Public facilities and services shall be provided at a level sufficient to create and maintain an adequate supply of housing and service an increasing level of commercial and industrial activity.

Section 12. Public Services Implementation Measure (V)(1)(2) The City shall require properties in the urban area to annex to the City prior to the provision of water service.

APPROVAL CRITERIA

- 1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;
- 2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
- 3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;
- 4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
- 5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
- 6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval;
- 7) Consistency with other applicable criteria for the boundary change in question under state and local law.

DISCUSSION

Greg Miller, County Engineer of Washington County, representing that agency, requests annexation of a portion of the NW Brookwood Avenue right-of-way into the City Limits of Hillsboro. The petitioner legally represents 100 percent of the property owners as required by ORS 222.125. At present, the City Limits abut the site on the north and south sides.

There is an eight inch City water line located in NW Brookwood Avenue right-of-way. There is an eight inch sanitary sewer line in the NW Brookwood Avenue right-of-way. There is a twelve inch City storm line located in the NW Brookwood Avenue right-of-way north of the site.

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

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

The annexation would be consistent with the applicable Comprehensive Plan policies and implementation measures listed on pages 2 and 3. In addition, the annexation would be consistent with regional framework and functional plans.

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

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

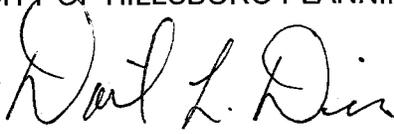
No written testimony has been received from neighboring property owners as of the preparation of this staff report. Neither has any testimony been received from necessary parties, defined in Metro Code Chapter 3.09.020(j) as follows: any county, city or district whose jurisdictional boundary or adopted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

RECOMMENDATION

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

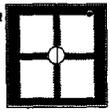
Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in black ink, appearing to read "Daniel L. Dias". The signature is fluid and cursive, with the first name "Daniel" being the most prominent part.

Daniel L. Dias
Urban Planner I

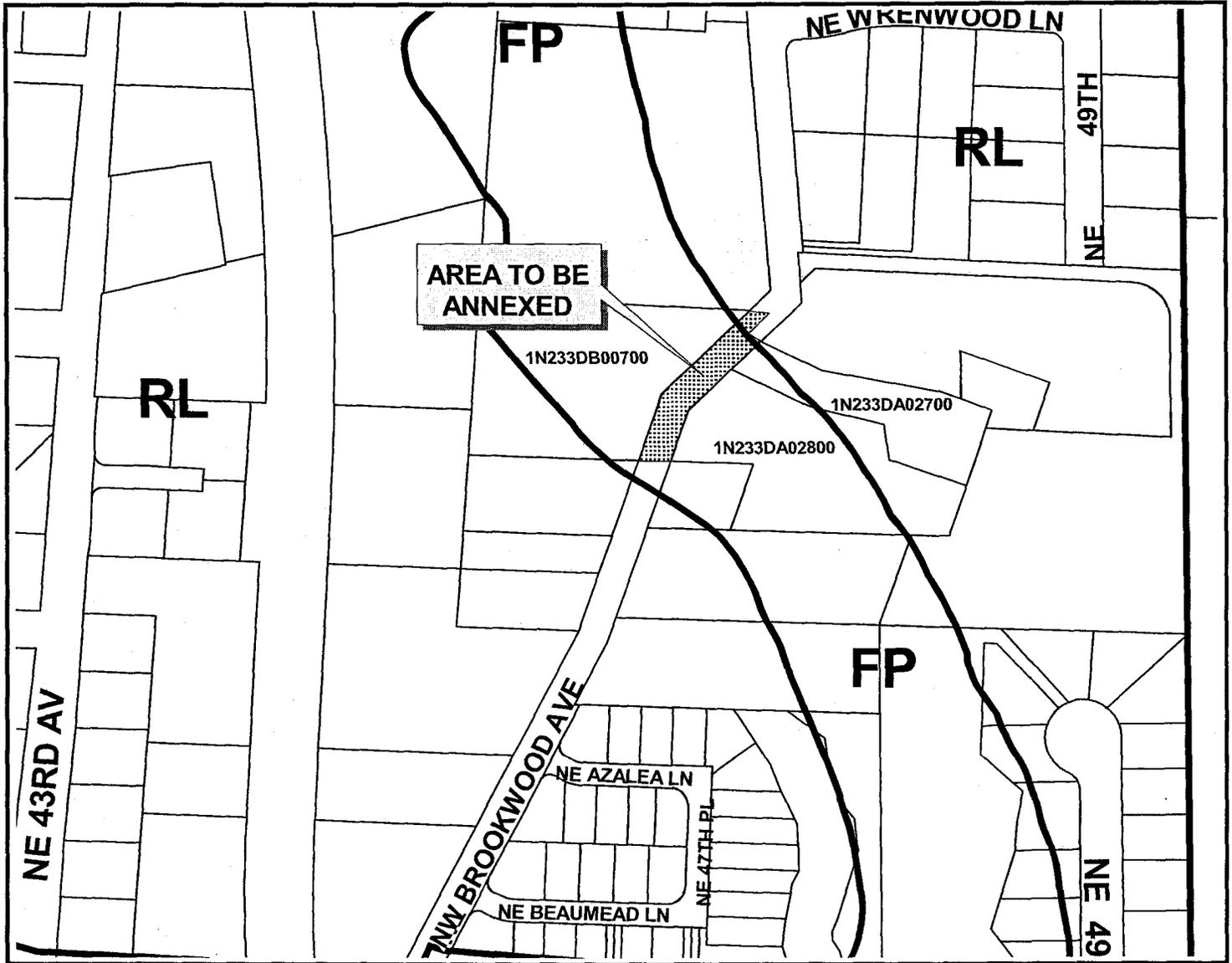
Attachments: Comprehensive Plan Map
 Zoning Map
 Aerial Map
 Clean Water Services Sensitive Area Pre Screen Map



AN 2-08: NW BROOKWOOD AVE R-O-W

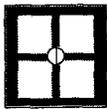


REQUEST FOR ANNEXATION OF A PORTION OF NW BROOKWOOD AVENUE RIGHT OF WAY INTO THE CITY LIMITS OF HILLSBORO



Comprehensive Plan Designations

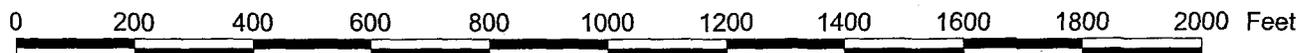
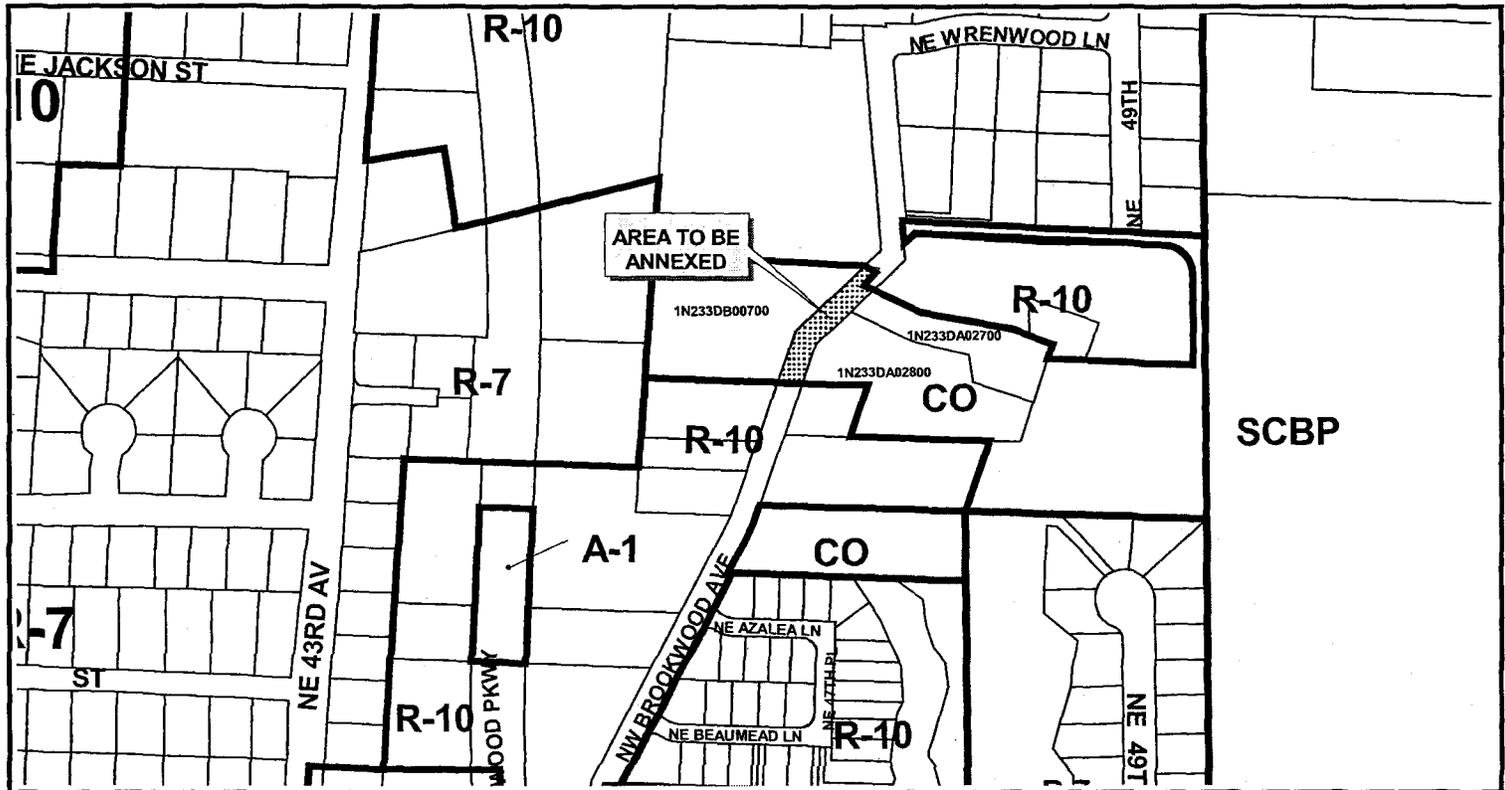
RL - Low Density Residential (3-7 units per acre)	C - Commercial	MU - Mixed Use
RM - Medium Density Residential (8-16 units per acre)	IN - Industrial	CO - County
RH - High Density Residential (17-23 units per acre)	PF - Public Facility	
RMR - Mid-Rise Residential (24 - 30 units per acre)	OS - Open Space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



AN 2-08: NW BROOKWOOD AVE R-O-W



REQUEST FOR ANNEXATION OF A PORTION OF NW BROOKWOOD AVENUE RIGHT OF WAY INTO THE CITY LIMITS OF HILLSBORO



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
SCR-P	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			ANX	Recent Annexation
SCR-DNC	Station Community Residential - Downtown Neighborhood Conservation			CO	Unincorporated County

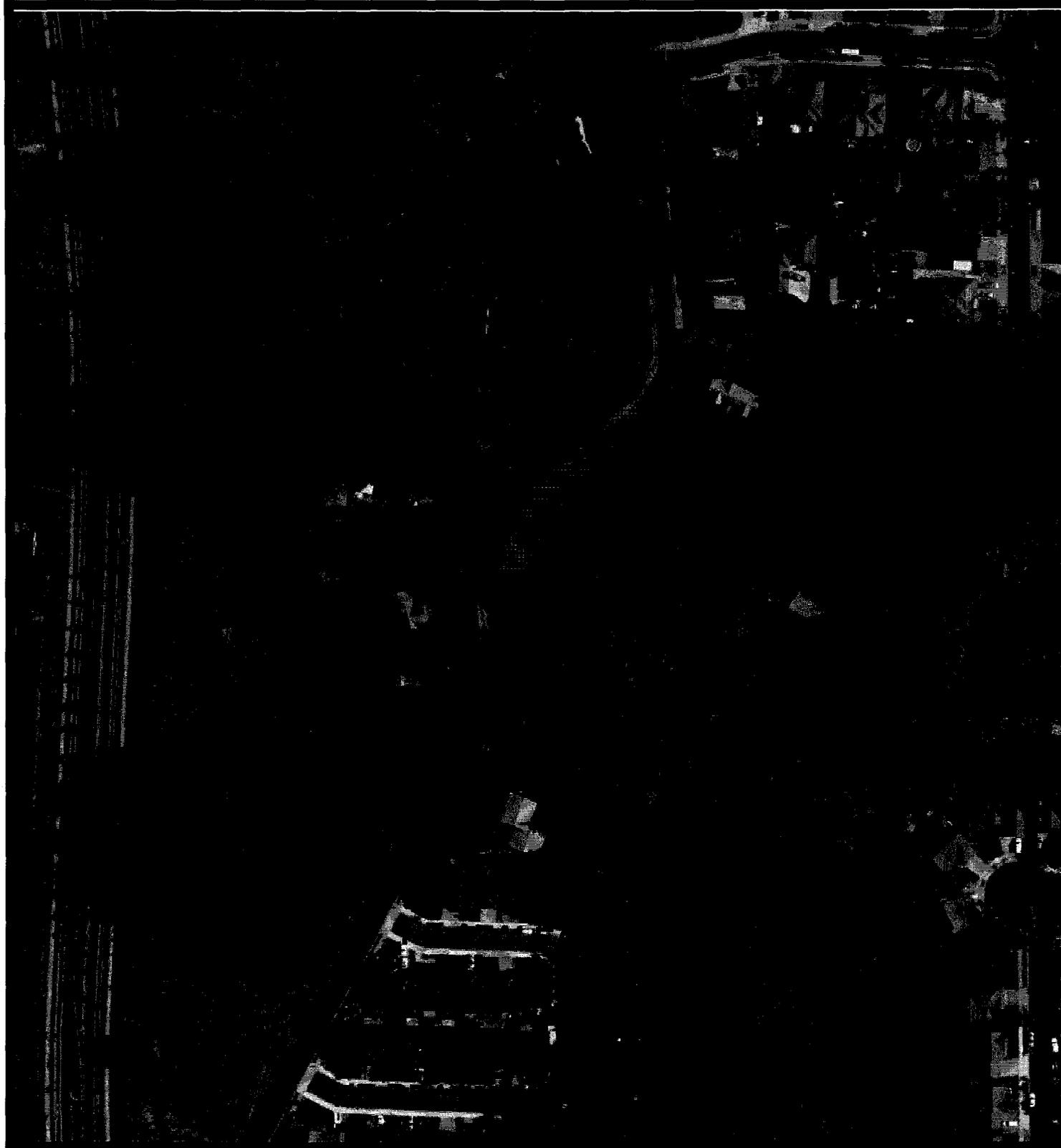
City of Hillsboro Planning Department: (503) 681-6153



AN 2-08: NW BROOKWOOD AVENUE R-O-W

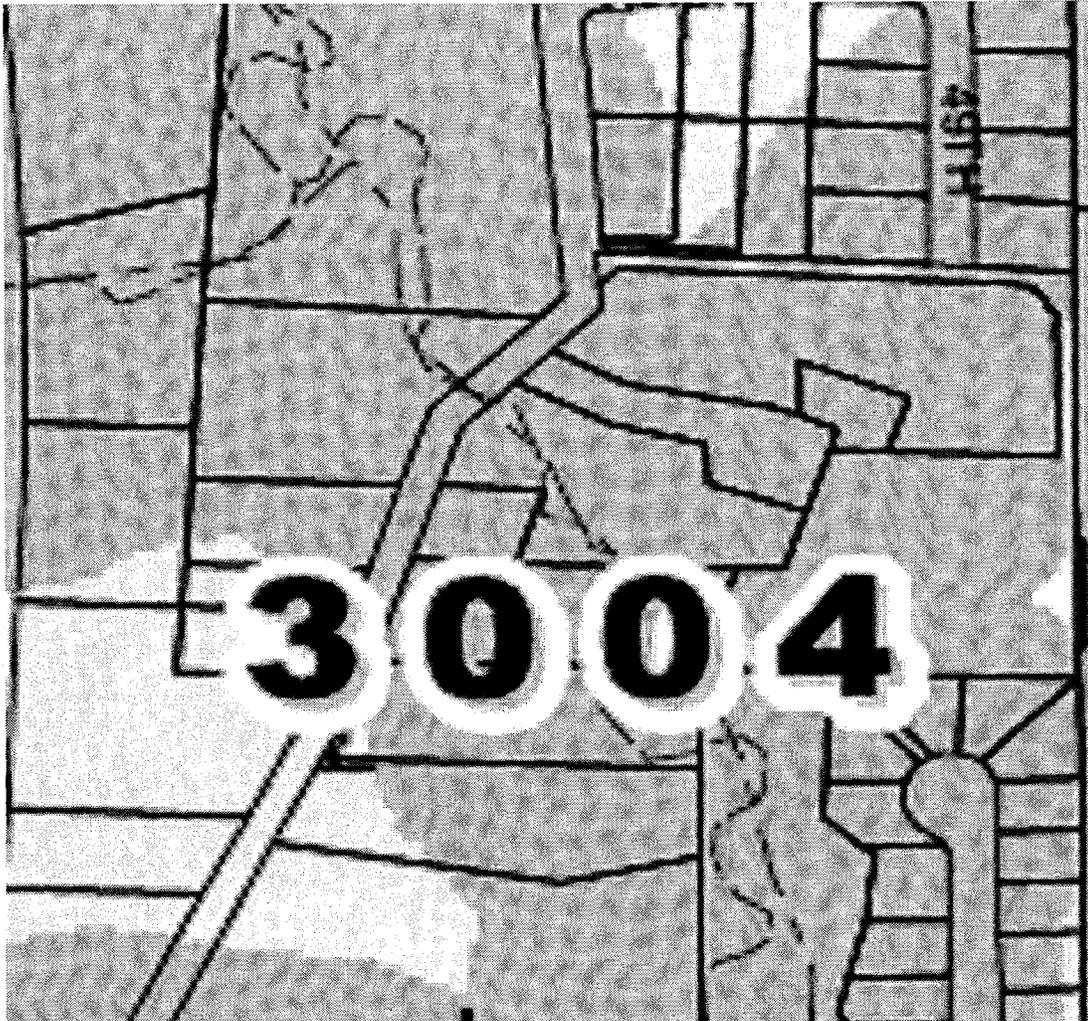


2006 AERIAL PHOTOGRAPHY



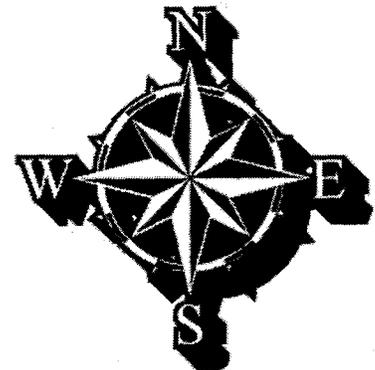
AN 2-08: NW Brookwood Ave.

Right-of-Way
Clean Water Services
Sensitive Area Pre-Screen Map



Legend

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



CITY OF HILLSBORO



April 9, 2008

STAFF REPORT

TO: City Council
FROM: Planning Department

RE: Request for Approval of a Minor Comprehensive Plan Land Use Map Change –
File No. HCP 2-08: Hillsboro School District

Attached are materials related to a proposed Minor Comprehensive Plan Land Use Map change from County FD-20: Future Development – 20 Acres to City PF: Public Facility on 9.01 acres of recently annexed property. The owner of the affected property is the Hillsboro School District. The purpose of the proposed Plan Change is to apply a designation to recently annexed property. The site of the proposed Plan Change is located generally north of SW Rosa Road, south of SE Alexander Street, west of SW 229th Avenue and east of SW 234th Avenue. The property can be specifically identified as Tax Lots 300 and 600 on Washington County Tax Map 1S2-10DC.

During the public hearing before the Planning Commission on March 12, 2008 and March 26, 2008, the Commission received testimony in favor of, and with questions regarding the change from the Hillsboro School District and from Dean Alterman, of Alterman Law Office, representing Robert and Deanna Strauss. No testimony was received in opposition. The Commission adopted Resolution 1663-P on March 26, 2008, recommending approval of the proposed Minor Comprehensive Plan Land Use Map change.

Two Planning Commission staff reports, dated March 6, 2008 and March 20, 2008 are attached for the Council member's review. Attached to the draft Ordinance are the findings from Resolution 1663-P attached as "Exhibit A", a property line adjustment site plan attached as "Exhibit B", and a draft South Hillsboro Concept Plan attached as "Exhibit C". Please retain these materials until a 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: Draft Ordinance and Exhibits
Planning Commission Staff Reports

ORDINANCE NO. _____
HCP 2-08: HILLSBORO SCHOOL DISTRICT (AREA 71)

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN, ORDINANCE NO. 2793, AS AMENDED, SECTION 14 COMPREHENSIVE PLAN MAPS, APPROVING A MINOR AMENDMENT TO THE COMPREHENSIVE PLAN MAP TO INCLUDE RECENTLY ANNEXED PROPERTIES AND TO REDESIGNATE SUCH PROPERTIES FROM COUNTY FD-20 (FUTURE DEVELOPMENT – 20 ACRE DISTRICT) TO CITY PF (PUBLIC FACILITY).

WHEREAS, the Metro Council approved the annexation of properties identified as Study Area 71 in to the Urban Growth Boundary, in December, 2002, and

WHEREAS, the subject properties are located within Study Area 71, and

WHEREAS, the owner of the subject properties submitted to the City of Hillsboro a petition requesting that the subject properties be annexed, which petition was approved by the City Council in January, 2008, and

WHEREAS, the owner of the subject properties submitted to the City of Hillsboro an application to include the recently annexed properties on the Comprehensive Plan Map and to redesignate the properties from County FD-20 Future Development 20 – Acre District to City PF Public Facility, and

WHEREAS, the Planning Commission held a public hearing on the proposed Plan Map amendment on March 12, 2008, and March 26, 2008, and received testimony in favor of and no testimony in opposition to the proposed change, and subsequently adopted Resolution No. 1663-P on March 26, 2008, recommending to the City Council approval of the proposed minor amendment with the supporting findings attached hereto as “Exhibit A”, a property line adjustment site plan attached hereto as “Exhibit B”, and a draft South Hillsboro Concept Plan attached hereto as “Exhibit C”, and

WHEREAS, the City Council considered the Planning Commission’s recommendation on April 15, 2008, and voted to adopt the findings of the Planning Commission as their own in regard to the application.

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

Section 1. Comprehensive Plan Ordinance No. 2793, as amended, Section 14 Comprehensive Plan Maps, is further amended by designating the following described properties as Public Facility

Tax Lots 600 and 300 on Washington County Tax Assessor’s Map 1S2-10DC, Section 10, Township 1 South, Range 2 West, Willamette Meridian, on record as of July 3, 2007, a copy of which is attached hereto and thereby made a part of this Ordinance.

Section 2. The City Planning Director is hereby instructed to cause the official Comprehensive Plan Map, a part of Ordinance No. 2793, to be amended to include the minor Plan Map changes set forth in Section 1 hereof.

Section 3. Except as therein amended, Comprehensive Plan Ordinance No. 2793, as amended, shall remain in full force and effect.

Section 4. In order to maintain the health, peace, and welfare of the City of Hillsboro, an emergency is declared and this ordinance shall take effect immediately upon its passage and approval by the Mayor.

Passed by the Council this 15th day of April, 2008.

Approved by the Mayor this 15th day of April, 2008.

Mayor

ATTEST: _____
City Recorder

EXHIBIT A

FINDINGS

HCP 2-08 HILLSBORO SCHOOL DISTRICT (AREA 71)

SUMMARY OF DECISION

The property owner, the Hillsboro School District, has applied for a Comprehensive Plan Land Use Map Change on a 9.01 acre site from County FD-20 Future Development - 20 Acre District to City PF Public Facility. The Planning Commission held a public hearing on the proposed Plan Change on March 12, 2008 and March 26, 2008, and received testimony in favor of the change from the District. No testimony was submitted in opposition. Based on the application and the supporting materials, the Planning Commission finds that the proposed Plan Change meets the applicable criteria and recommends City Council approval of the change.

BACKGROUND

The properties proposed for the Plan Change are generally located north of SW Rosa Road, south of SE Alexander Street, west of SW 229th Avenue and east of SW 234th Avenue. The properties can be specifically identified as Tax Lots 300 and 600 on Washington County Tax Assessor's Map 1S2-10DC. Tax Lot 600 is addressed as 3963 SW 229th Avenue.

On January 15, 2008, the Hillsboro City Council approved the annexation of this site as a part of a larger 14.26 acre site. On February 5, 2008, the annexation was filed with the Oregon Secretary of State's Office.

The intent of the Plan Change is to facilitate construction of a new elementary school on the 9.01 acre site so that quality educational services for the growing Hillsboro population can be accommodated. The conceptual layout for the elementary school is depicted on the site plan included in the application.

Following approval of this Plan Change, the District will apply for a Zone Change to R-7 Single Family Residential and a Conditional Use permit for construction and operation of the elementary school site. Elementary schools are allowed conditional uses in the proposed R-7 Single Family Residential zone.

REFERENCES

The following materials are hereby adopted by reference and included as part of these findings:

- Application, dated January 17, 2008 with the following associated material:
 - Narrative, vicinity maps, property line adjustment map, draft South Hillsboro Concept Plan maps, neighborhood meeting information, draft site plans.
- Planning Department staff report, dated March 6, 2008, with attachments.

SATISFACTION OF CRITERIA FOR PUBLIC FACILITY DESIGNATION

The criteria for a Minor Plan Amendment are set forth in the Planning and Citizen Involvement section of the City of Hillsboro Comprehensive Plan, Ordinance No. 2793, as amended. The following criteria apply to this Minor Comprehensive Plan Map Change:

- 1) The property is better suited for uses proposed than for the uses for which the property is currently designated by the Plan.

The property is not currently designated for any proposed use on the City Comprehensive Plan, since it is outside the boundary of the Plan. The property has been included within the regional UGB, and has been annexed to the City of Hillsboro. Therefore, the City of Hillsboro will have land use jurisdiction over the property and the rural County FD 20 designation is no longer appropriate. The City Public Facility Plan designation and appropriate zoning will accommodate development of the new school site.

The property is suited for the proposed school because it can be provided with urban services, as summarized below:

Sanitary Sewer

The school district is pursuing two options: a gravity line extended south along 229th Avenue and a pressure line with a temporary private pump station located at the northern boundary of the site.

Storm Sewer

Storm sewer is proposed to be directed to the northwest corner of the site and then into Gordon Creek. The school district is also exploring the idea of rain water harvesting.

Water

A water line can be constructed from the existing system at SE Alexander Street and extended south to the proposed school.

Private Utilities

Electric and gas services are available in the immediate vicinity.

- 2) A need exists for the proposed Plan Map designation that is not already met by existing Plan Map designations in the general area.

New residential neighborhoods proposed by the City's long range master plan for the area will require additional close at hand school facilities. Construction of a new elementary school in this location would provide additional needed school capacity.

COMPLIANCE WITH EXISTING COMPREHENSIVE PLAN POLICIES

The following applicable goals and policies of the Comprehensive Plan are satisfied and supported by evidence present in Case File No. HCP 2-08.

Section 2. Urbanization.

- (1) *Goal. To provide for an orderly and efficient transition of land from rural to urban use through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.*

Establishment of land use designations in particular areas will be based upon the need to:

- (A) Accommodate long-range population growth within the Hillsboro planning area.*
- (B) Control the economic, environmental and energy consequences of urban growth.*

The Minor Plan Change is consistent with the referenced Plan goal because continued population growth of Hillsboro translates directly to a need for new schools within the Hillsboro School District. The pressures of an increased population are being felt within the existing Hillsboro schools and the District needs to stay ahead of the growth curve if it is to deliver quality education opportunities. The District was successful in passing a bond in the last election that provides funds for the construction of the new school which has been planned on this site. This parcel of land is the only property owned by the School District within the immediate area that is of sufficient size to accommodate an elementary school campus.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites.

(I) Goal.

- (A) Preserve, protect and maintain for present and future residents of Hillsboro and surrounding community open space, historic sites and structures.*

The Minor Plan Change is consistent with the referenced Plan goal because athletic fields will surround the school building providing open space areas between the school and adjacent properties. The placement of these fields can further enhance the site and retains the open character of the existing area.

Section 9. Recreation.

(I) Goal. To design a parks and recreation facilities plan and provide a recreation program that:

- (A) Provides a variety of open spaces, parks, recreation facilities and recreation programs.*
- (B) Links open spaces, parks, recreation facilities, and school, via a pedestrian and bicycle trail system.*
- (C) Promotes and encourages a physically fit and healthy community.*

The Minor Plan Change is consistent with the referenced Plan goal because the school will be an asset not only to the immediate community as an educational facility with surrounding open space, but also an asset to the community at large for shared field use and community group use.

Section 10. Economy.

(I) *Goals.*

(B) *Provide local employment opportunities for area residents.*

(C) *Conserve energy by lowering commuting distance.*

The Minor Plan Change is consistent with the referenced Plan goal because the school will employ approximately 64 staff (administrative, teaching, custodial and kitchen). Located in the southwest quadrant of the Hillsboro planning district, the site will provide a facility for students in this area of the District. This will cut down on distance and travel times for parents, and possibly staff as well.

Section 11. Energy.

(I) *Goal. To conserve energy by using energy conservation as a determinant in:*

(B) *The design of developments.*

The Minor Plan Change is consistent with the referenced Plan goal because the project is being designed with energy conservation and green practices as a goal. The District will be exploring and implementing ways to manage energy and water usage using environmentally friendly practices.

Section 12. Public Facilities and Services.

(I) *Goals.*

(A) *Provide public facilities and services in an orderly and efficient manner consistent with the expansion of urbanization into rural areas.*

(III) *Policies.*

(K) *Utilization of schools and other public facilities as multi-purpose facilities should be encouraged to help meet the education, recreation and civic needs of the community.*

The Minor Plan Change is consistent with the referenced Plan goal and policy because this change would allow the property to be utilized for the common good. It will utilize land currently within the Urban Growth Boundary while maintaining the residential nature of the area. This request will allow the Hillsboro School District to provide needed athletic and educational services for future students and recreational and civic opportunities for the community.

EXHIBIT B

PROPERTY LINE ADJUSTMENT SURVEY

LOT 66 AND A PORTION OF LOTS 67 AND 68
 "WITCH HAZEL LITTLE FARMS TRACTS 25 TO 68 INC."
 LOCATED IN THE SE ONE-QUARTER OF SECTION 10,
 TOWNSHIP 1 SOUTH, RANGE 2 WEST, W.M.
 WASHINGTON COUNTY, OREGON
 SURVEYED: AUGUST, 2007

30,922

PREPARED FOR:
 HILLSBORO SCHOOL DISTRICT

NOTES:
 1. MEASUREMENTS GIVEN FROM FEATURES TO BOUNDARY LINES ARE PERPENDICULAR.

REFERENCES:

- ###-## - DENOTES MEASURED DISTANCE
- (###-##)(#) - DENOTES RECORD DISTANCE PER REFERENCE NUMBER (BELOW)
- ###-##(##) - DENOTES MEASURED AND RECORD DISTANCE PER REF. NO. (BELOW)
- ###-##(##) - DENOTES RECORD INFORMATION PER THE PLAT OF "WITCH HAZEL LITTLE FARMS TRACTS 26 TO 68 INC."
- (2) - DENOTES RECORD INFORMATION PER SN 6276
- (3) - DENOTES RECORD INFORMATION PER SN 7345
- (4) - DENOTES RECORD INFORMATION PER SN 7787
- (5) - DENOTES RECORD INFORMATION PER SN 9264
- (6) - DENOTES RECORD INFORMATION PER SN 16,778
- (7) - DENOTES RECORD INFORMATION PER SN 21,288
- (8) - DENOTES RECORD INFORMATION PER SN 21,704
- (9) - DENOTES RECORD INFORMATION PER SN 22,173
- (10) - DENOTES RECORD INFORMATION PER USBT BOOK 6, PAGES 564-566
- (11) - DENOTES RECORD INFORMATION PER PARTITION PLAT NO. 1985-122
- (12) - DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 98052504
- (13) - DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 2004-048014
- (14) - DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 92080601
- (15) - DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 2004-070174
- (16) - DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 2004-045527
- (17) - DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 98049547
- (18) - DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 2003-212215

LEGEND:

- - DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC."
- - DENOTES FOUND MONUMENT AS NOTED. HELD UNLESS OTHERWISE NOTED
- ⊕ - DENOTES FOUND 3/4" IR PER THE PLAT OF "WITCH HAZEL LITTLE FARMS" HELD UNLESS OTHERWISE NOTED
- ⊗ - DENOTES FOUND 5/8" IR PER SN 6,276 HELD UNLESS OTHERWISE NOTED
- ⊠ - DENOTES FOUND 5/8" IR PER SN 7,345 HELD UNLESS OTHERWISE NOTED
- ⊡ - DENOTES FOUND 5/8" IR PER SN 7,787 HELD UNLESS OTHERWISE NOTED
- ⊞ - DENOTES FOUND 5/8" IR WITH YPC MARKED "LAND TECH" PER PARTITION PLAT 1995-122 HELD UNLESS OTHERWISE NOTED
- RPC - DENOTES RED PLASTIC CAP
- OPC - DENOTES ORANGE PLASTIC CAP
- YPC - DENOTES YELLOW PLASTIC CAP
- ALC - DENOTES WITH ALUMINUM CAP
- SF - DENOTES SQUARE FEET
- SW - DENOTES SURVEY NUMBER, WASHINGTON COUNTY SURVEY RECORDS.
- FD - DENOTES FOUND
- IR - DENOTES IRON ROD
- IP - DENOTES IRON PIPE
- [###] - DENOTES MONUMENT NUMBER
- GP - DENOTES FENCE GATE POST
- X - DENOTES FENCE

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE PROPERTY LINES OF THOSE TRACTS OF LAND DESCRIBED IN DEED DOCUMENT NO. 92080601, DEED DOCUMENT NO. 2003-212215, AND DEED DOCUMENT NO. 92080601, WASHINGTON COUNTY DEED RECORDS AND TO ADJUST THE PROPERTY LINES AS SHOWN.

THE CENTERLINE OF SW 229TH AVENUE WAS ESTABLISHED BY HOLDING MONUMENT (115) FOR THE NE CORNER OF THE CHARLES STEWART DONATION LAND CLAIM AND BY HOLDING THE RECORD DISTANCE OF 21.58 FEET ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 68, "WITCH HAZEL LITTLE FARMS TRACTS 25 TO 68 INC." MONUMENTS [107], [102], [101], AND [100] WERE FOUND TO BE ON THE WESTERLY RIGHT-OF-WAY LINE OF SW 229TH AVENUE.

THE SOUTHERLY LINE OF SAID TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 92080601 WAS ESTABLISHED BY HOLDING MONUMENT [107] AND BY HOLDING MONUMENT [110] FOR NORTH-SOUTH POSITION. SAID SOUTHERLY LINE WAS THEN PROJECTED WESTERLY TO INTERSECT WITH THE WESTERLY LINE OF SAID LOT 68.

THE COMMON LINE OF LOTS 62, 63, 64, 65, 66, 67, AND 68; "WITCH HAZEL LITTLE FARMS TRACTS 25 TO 68 INC." WAS ESTABLISHED BY HOLDING MONUMENT [111] FOR THE SOUTHWEST CORNER OF LOT 68 AND BY HOLDING MONUMENT [113] FOR THE SOUTHEAST CORNER OF LOT 64. MONUMENT [109] WAS FOUND TO BE ON LINE. MONUMENT [114] WAS FOUND TO BE ON THE NORTHERLY EXTENSION OF SAID LINE.

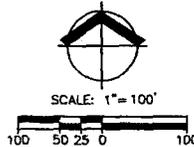
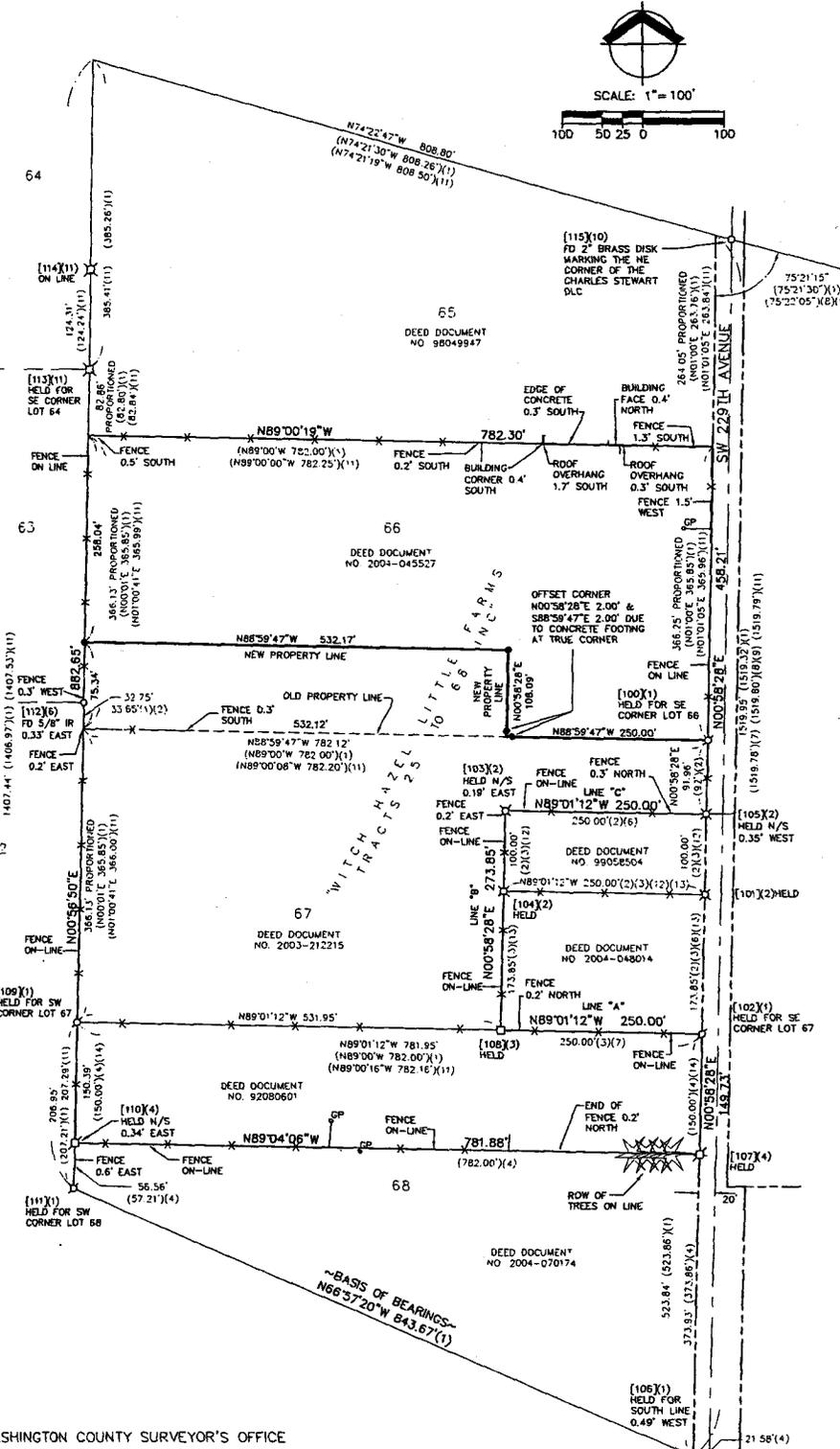
THE NORTHWEST CORNER OF LOT 68 WAS ESTABLISHED BY PROPORTIONING THE DISTANCE BETWEEN MONUMENTS [106] AND [113]. THE NORTHEAST CORNER OF LOT 68 WAS ESTABLISHED BY PROPORTIONING THE DISTANCE BETWEEN MONUMENT [100] AND THE CALCULATED NORTHEAST CORNER OF LOT 65. MONUMENT [115] WAS HELD FOR THE NORTH LINE OF SAID LOT 65. THE RECORD DISTANCE OF 385.41 FEET WAS HELD FROM MONUMENT [113] TO THE NORTHWEST CORNER OF SAID LOT 65.

THE SOUTH LINE OF LOT 67 WAS ESTABLISHED BY HOLDING MONUMENTS [102] AND [109]. MONUMENT [106] WAS FOUND TO BE ON SAID SOUTH LINE. THE RECORD DISTANCE OF 250.00 FEET WAS HELD FOR LINE "A".

PER RECORD INFORMATION, LINE "B" WAS ESTABLISHED AS BEING PARALLEL WITH, AND 250.00 FEET WESTERLY OF, THE WESTERLY RIGHT-OF-WAY LINE OF SW 229TH AVENUE. MONUMENTS [108] AND [104] WERE FOUND TO BE ON SAID LINE.

PER RECORD INFORMATION, LINE "C" WAS ESTABLISHED AS BEING PARALLEL WITH, AND 273.85 FEET NORTHERLY OF, THE SOUTHERLY LINE OF LOT 67. MONUMENTS [103] AND [105] WERE FOUND TO BE ON SAID LINE.

REGISTERED PROFESSIONAL LAND SURVEYOR
 SAMANTHA R. BIANCO
 OREGON
 JULY 12, 2004
 61302.5
 RENEWAL DATE 12-31-09



WASHINGTON COUNTY SURVEYOR'S OFFICE
 ACCEPTED FOR FILING 2-13-08

SHEET 1 OF 1
 HSD7402 TLB/SRB 02/08/08
 W R G
 DESIGN INC.
 5415 SW WESTGATE DR. PORTLAND, OREGON 97221
 ☎ (503) 419-2500 FAX (503) 419-2800
 PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

CITY OF HILLSBORO
**South Hillsboro
 Community Plan**

Plot Date: February 21, 2008

Plan Area Data:

 South Hillsboro Community Plan Study Area (2,330 Acres)

 South Hillsboro Community Plan Area (1,566 Acres)

 Area 69 (248 Acres)

 Area 71 (87 Acres)

Base Data:

 Witch Hazel Village (317 Acres)

 Taxlots

 Hillsboro City Limits

 UGB

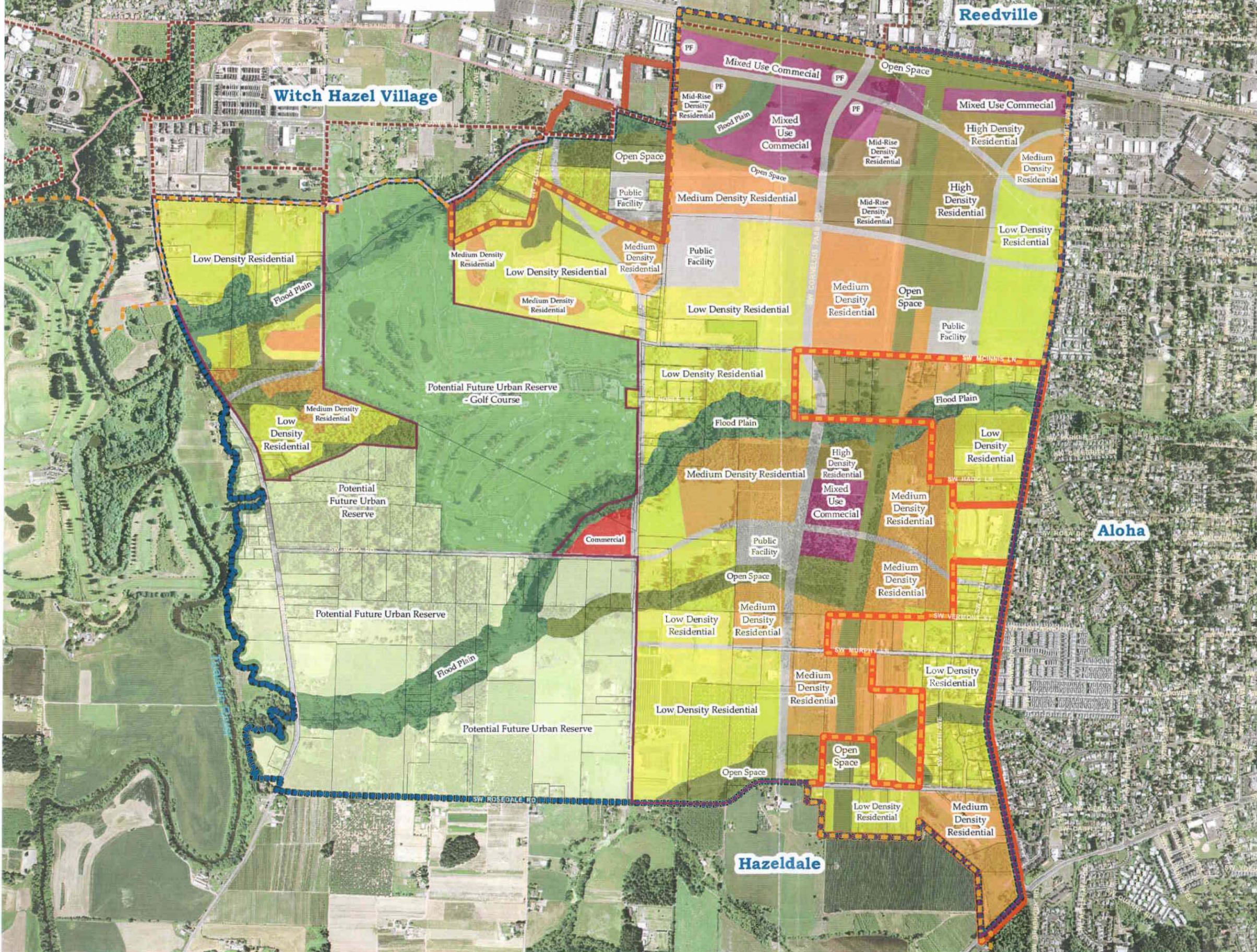
Comprehensive Plan Designation:

-  Commercial
-  Mixed Use Commercial
-  Mid-Rise Density Residential
-  High Density Residential
-  Medium Density Residential
-  Low Density Residential
-  Open Space
-  Public Facility
-  Floodplain
-  Potential Future Urban Reserve
-  Potential Future Urban Reserve-Golf Course

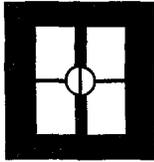
Sources:

City of Hillsboro Planning Department - February 2008
 City of Hillsboro GIS Department - February 2008
 Washington County - November 2007
 Metro - November 2007

Note: Parks included in Open Space designation for Planning purposes.



CITY OF HILLSBORO



March 20, 2008

SUPPLEMENTAL STAFF REPORT

TO: Planning Commission

FROM: Planning Department

RE: Request for Approval of a Minor Comprehensive Plan Land Use Map Change –
File No. HCP 2-08: Hillsboro School District / Strauss

REQUEST

A request for two Minor Comprehensive Plan Land Use Map changes have been submitted to the Planning Commission for three parcels located within Area 71, east of the Witch Hazel Village neighborhood.

The first map change request is to Public Facility on two currently undesignated properties. The properties are approximately 9.01 acres in size and can be specifically identified as Tax Lots 300 and 600 on Tax Map 1S2-10DC. The owner of the affected properties is the Hillsboro School District.

The second request is for a Comprehensive Plan Land Use Map change to Low Density Residential on a currently undesignated property. The property is approximately 5.25 acres in size and can be specifically identified as Tax Lot 200 on Tax Map 1S2-10DC. The owners of the affected property are Robert and Deanna Strauss.

BACKGROUND

At the March 12, 2008 meeting, the Planning Commission heard the presentation of the March 6, 2008 staff report by Ruth Klein. During the presentation, staff recommended that the Commission address each map change request individually. Staff elaborated that the public planning process for Area 71 had not been completed and that the specifics of the plan were still in flux. The Planning Commission is holding a work session on April 2, 2008 to discuss plan specifics such as open space and transportation implementation language. For that reason, staff would recommend that the District's request for a PF Public Facility Plan designation move forward and that the Strauss's request for a RL Low Density Residential Plan designation be placed on hold until adoption of the Area 71 Concept Plan by the City Council.

David Doughman, a City Attorney with Beery Elsner & Hammond, LLP, confirmed that addressing each Comprehensive Plan Change request individual was legally sound and that

the Planning Commission has the authority to table the Strauss's request until adoption of the Area 71 plan.

President Coulter then opened the hearing for the PF Public Facility Comprehensive Plan Change request. Testimony in favor of the request was provided by Rick Rainone of Cornerstone Management Group, Inc., on behalf of the Hillsboro School District, and Dean Alterman, of Alterman Law Office, on behalf of Robert and Deanna Strauss. Mr. Alterman requested a continuance. There was no testimony in opposition. President Coulter then continued the hearing to March 26th.

President Coulter then opened the hearing for the RL Low Density Residential Comprehensive Plan Change request. Testimony in favor of the request was provided by Dean Alterman, of Alterman Law Office, on behalf of Robert and Deanna Strauss. Mr. Alterman also submitted testimony and requested a continuance. Testimony in favor was also provided by Rick Rainone of Cornerstone Management Group, Inc. There was no testimony in opposition. President Coulter then continued the hearing to March 26th.

President Coulter directed Planning staff and the City Attorney to address the issues raised by Mr. Alterman's testimony and to return to the March 26th hearing with that information.

RECOMMENDATION

Attached, is Mr. Doughman's analysis of the written testimony submitted by Mr. Alterman at the March 12th public hearing.

Planning Staff and the City Attorney are working with the Mr. Alterman towards an agreement that would accommodate both the Strauss's interest in moving forward with their Comprehensive Plan Change application and the City's interest in completion of the planning process for Area 71 via a public process. An update regarding this discussion will be provided during the presentation of the staff report at the March 26th hearing. Should a satisfactory resolution be reached between the Strausses and City staff then Planning staff will be comfortable with recommending that the Strauss's RL Comprehensive Plan Change request move forward, rather than be tabled until the adoption of the Area 71 plan.

Should the Planning Commission choose to approve the requested Plan Change to PF Public Facility on the Hillsboro School District's portion of the subject site, staff recommends the Commission approve the attached draft resolution, findings and associated exhibits in support of that decision.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



Ruth Klein
Urban Planner

Attachments: Beery Elsner & Hammond Letter, March 21, 2008
Draft Resolution for PF Designation, With Exhibits



MEMORANDUM

TO: Hillsboro Planning Commission

FROM: David F. Doughman, City Attorney's Office *DFD*

SUBJECT: City File No. HCP 2-08 -- Response to Mr. Alterman's March 12 letter

DATE: March 21, 2008

This memo responds to issues raised in a March 12 letter from Dean Alterman, attorney for Robert and Deanna Strauss. The letter opposed the proposed bifurcation of the Strauss's request for a comprehensive plan designation from the Hillsboro School District's request.

Notwithstanding the arguments made in Mr. Alterman's letter, this office continues to believe that the City has the legal authority to forward a recommendation to the City Council on the District's application and delay consideration on the Strauss's request pending the outcome of the Area 71 process.

That said, staff and this office have been working cooperatively with the Strausses and Mr. Alterman to resolve this issue to both parties' satisfaction. While as of this writing we do not have a formal agreement, we have reached an informal accord to move the Strauss's application forward with the District's request. I will be drafting an agreement consistent with the parties' discussions and understandings, and we hope to have that executed before the Commission's March 26 meeting.

Response to Objection to Procedural Issues

With respect to whether the Strausses received adequate notice of the hearing and adequate time to review and respond to the staff report, those concerns have been rendered moot by the continuation of the hearing to March 26.

Regarding the City's authority to place the Strauss request on hold, Mr. Alterman argues that only one application was submitted to the City for the Strauss and District properties and that the

March 21, 2008

Page 2

comprehensive plan does not permit the City to bifurcate that application and consider the requests separately.

First, I don't believe that "one application" was submitted to the City. In fact, the City's file reveals two *separate* application forms: one for the Strauss property signed by the Strausses and a distinct application for the District signed by its representative. It is true that the City assigned a single file number to both applications. However, this simply recognized the fact that a consultant for the Strausses and the District packaged the applications together for the purposes of demonstrating compliance with the City's regulations. It doesn't mean that two applications merged into one.

Even if one application was submitted, nothing in state law or the City's comprehensive plan would prohibit the Planning Commission from hearing and deciding on the District's request and delaying a decision on the Strauss's request pending the outcome of Area 71.

The procedures for comprehensive plan amendments such as the Strauss amendment and the District amendment are found at Section 1(IV)(C) of the City's comprehensive plan. This section does not tie hearings to "applications" but rather to "amendments." For instance, "[a] public hearing shall be held by the Planning Commission on any minor plan *amendment*," and "[t]he Planning Commission *may recess a hearing* in order to obtain further information." Plan Section 1(IV)(C)(1) and (2) (emphasis added). Moreover, "[a]fter *hearing* the proposed minor plan *amendment*, the Planning Commission shall deny or forward a recommendation of approval or approval with modifications to the City Council." Plan Section 1(IV)(C)(3) (emphasis added).

Putting aside the issue of whether one or two applications exist, there are no doubt two separate comprehensive plan *amendments* being proposed: one for RL (Strauss) and one for PF (District). Thus, the recommendation to hear and decide on these amendments separately is entirely consistent with the City's comprehensive plan.

Response to Substantive Issues

1. The City is not applying its land use regulations evenly. While it is true that delaying a decision on the Strauss amendment treats the Strausses differently from the District, so long as that different treatment has a rational basis, I don't believe it is unlawful. As explained in the first staff report, the rational basis is that the District's desired PF designation is consistent with the City's work to date in Area 71. At the time of the bifurcation recommendation, it was not clear that the Strauss's proposed amendment was consistent with Area 71's goals.

2. The City may not apply unadopted land use regulations. I agree with Mr. Alterman that the City cannot apply unadopted regulations to land use applications. However, the City would *not* be applying *any* substantive regulations in the event the hearing on the Strauss amendment was delayed. It certainly would not apply any regulations resulting from the Area 71 process unless and until that process was complete. At that point, any regulations resulting from Area 71 *would be* adopted criteria.

3. Staff is proposing an unconstitutional taking of the Strauss's property. I disagree entirely. All staff was proposing is that the Planning Commission forward a recommendation on the District's amendment and delay a recommendation on the Strauss's amendment. At the very least, a takings claim would be predicated on a decision by the City on the Strauss's amendment. A delay of a decision does not constitute a taking, especially considering the Strausses are making and may continue to make economic use of their property.

Conclusion

As I indicated above, I am optimistic that this response will ultimately be considered a formality and that a delay on the Strauss amendment will not be necessary. I look forward to reconvening with the Planning Commission on March 26.

ALTERMAN LAW OFFICE

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March 12, 2008

CASE NO. HCP 2-08
OFFERED BY Strauss
DATE 3/12/08
EXHIBIT NO. 1

BY FACSIMILE AND HAND DELIVERY

Hillsboro Planning Commission
Hillsboro Civic Center
150 E. Main Street
Hillsboro, OR 97123

Re: Joint Application: Request for Approval of a Minor Comprehensive Plan
Land Use Map Change
Property Owners: Hillsboro School District and Robert and Deanna Strauss
Planning File No. HCP 2-08
Our File No. 2048.001

Dear Planning Commissioners:

We represent Robert and Deanna Strauss in this quasi-judicial matter in their joint application with the Hillsboro School District for a plan designation in the above-referenced file. These joint applicants request that the Planning Commission designate the southern portion of the site as PF (Public Facilities) and the northern portion of the site as RL (Low Density Residential).

The co-applicants applied for these two designations at the direction of City planning staff. Much to our surprise, and that of the School District, the Planning Department has recommended a partial denial of this application.

A. Procedural Issues with the City's Actions; Request for Additional Time

The City's Comprehensive Plan sets forth how the City may amend its Comprehensive Plan. Section 1 (IV)(B)(1) states that the City must mail notice of any public hearing, such as this hearing, not less than 20 days prior to the date of the hearing. The Strausses do not recall receiving mailed notice of this hearing (though it is possible that one was sent to them) and learned of it from the school district only last week.

When they learned of this hearing, they went to the planning office to get a copy of the staff report, which by law was to be ready on March 5. The staff report was not available on March 5 or March 6. The Planning Department was able to give them a copy on March 7.

For that reason, our response and analysis of the staff report and proposed findings have been somewhat rushed. We therefore request that if you do not approve the application in full tonight, you provide the Strausses with an opportunity to present additional evidence, arguments, and testimony in accordance with ORS 197.763(6)(a) and that you allow the Strausses at least seven days after the record is closed to all other parties to submit final written arguments in support of the application in accordance with ORS 197.763(6)(e). The Strausses will waive this request, however, if you vote tonight to approve the application as submitted.

The Planning Department has recommended that you deny this application in part or place it on indefinite hold. (Staff Report, pg. 4). The Comprehensive Plan, however, limits you to three actions in this case: you can recommend that the City Council approve the application, deny the application, or approve the application with modifications. (Section 1 (IV)(C)(3).) The Plan does not authorize the Planning Commission to cut an application into parts. The Planning Department's recommendation to "delay its consideration of the Strauss application" therefore violates the City's procedures. There is no "Strauss application" and there is no "School District application;" there is one single application submitted jointly by the Strausses and the School District.

B. Substantive Issues with the City's Actions

I. The City must apply its land use regulations evenly

First, it's a principle of land use law that the City must apply land use regulations fairly and evenly. The Planning Department's recommendation to you does not meet this basic standard. You can confirm this by placing the proposed findings for the School District property alongside the proposed findings for the Strauss property. The reasoning of the School District findings, when applied to the Strauss property, show that both properties meet the criteria for designation. We have revised the Planning Department's findings as attached to accurately show the Strauss property's conformity with the Plan.

II. The City may not apply unadopted land use regulations

Second, the Planning Department asks you to apply the Draft South Hillsboro Plan to the Strauss and School District properties as a basis for your decision. Here the Planning Department errs. The Draft South Hillsboro Plan is called a "Draft" because it is just that – a working document not yet adopted by the City, which has been revised many times in the last year and may be further revised before it is adopted. The public

hearings on the Draft South Hillsboro Plan will not even be held until April 2008. Revisions will likely come out of those hearings and adoption may be months away.

In short, the Draft Plan is not a land use regulation and may not become a land use regulation in anything like its present form. The City cannot apply the Draft Plan to this land use decision without running afoul of ORS 197.175(2)(d). That statute requires a local government with an acknowledged comprehensive plan and land use regulations to make its decisions in conformance to the acknowledged plan and regulations. The Draft Plan is neither an acknowledged comprehensive plan nor an acknowledged land use regulation. The City of Hillsboro can't use it as a basis for making, or failing to make, a decision on this application.

Case law has further defined this statute. A local government's comprehensive plan holds the preeminent position in its land use powers. Local land use decisions are intended to be the means by which the plan is effectuated and are subservient to the plan. *Phillippi v. City of Sublimity*, 294 Or. 730 (1983); *Baker v. City of Milwaukie*, 271 Or. 500 (1975). The Planning Commission must use the City's current adopted and acknowledged Comprehensive Plan as a basis for deciding this application.

III. Staff is proposing an unconstitutional taking of the Strausses' property

Third, the Planning Department is recommending partial denial of this application because the current version of the Draft Plan (which again is not a land use regulation) identifies the Strauss property as a site for a future public park. As far as the Strausses are aware, the City does not have the funds to acquire and develop a park on this site. The Planning Department is asking you to engage in a temporary taking, which the City cannot constitutionally do without paying just compensation. *First English Evangelical Lutheran Church v. City and County of Los Angeles*, 482 U.S. 304, 316, 107 S.Ct. 2378, 2386, 96 L.Ed.2d 250 (1987) (city and county that enacted a moratorium on development of plaintiff's property held liable to pay compensation under the Fifth Amendment).

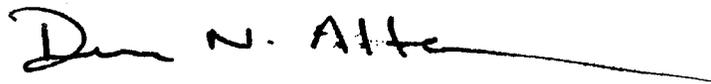
The Strausses and the Hillsboro School District have worked in harmony to produce this application, which when approved will accomplish important goals for the community as well as the co-applicants. The co-applicants have worked with the City throughout the annexation process; in fact, they filed the joint application for the designations recommended to them by the Planning Department. The Planning Department's about-face in the Staff Report is a surprise and a disappointment. If you adopt the Staff Report then you are effectively requiring the Strausses to appeal your decision on this application, putting the timely completion of the school in jeopardy.

The City does not want, or should not want, to send the message that it makes land use decisions contrary to state law and its own acknowledged plan and regulations. For this and the other reasons in this letter, the Strausses ask you to recommend that the City Council approve this application as submitted. I've attached proposed findings and a proposed resolution for your consideration.

We appreciate the Planning Commission's time in evaluating these issues. Thank you for your consideration.

Very truly yours,

ALTERMAN LAW OFFICE

A handwritten signature in black ink that reads "Dean N. Alterman". The signature is written in a cursive style with a long horizontal line extending to the right.

Dean N. Alterman

DNA:devs

Enclosures: Proposed findings
Proposed resolution

cc: Robert and Deanna Strauss
City of Hillsboro Planning Department (w/enclosures)
Hillsboro School District (w/enclosures)

EXHIBIT A

PROPOSED FINDINGS¹

HCP 2-08 HILLSBORO SCHOOL DISTRICT / STRAUSS (AREA 71)

SUMMARY OF DECISION

The property owners, the Hillsboro School District and Robert and Deanna Strauss, have jointly applied for two Comprehensive Plan Land Use Map Changes on a 14.26 acre site from County FD-20 Future Development - 20 Acre District to City PF Public Facility and City RL Low Density Residential. The Planning Commission held a public hearing on the proposed Plan Changes on March 12, 2008, and received testimony in favor of the change from the property owners. No testimony was submitted in opposition. Based on the application and the supporting materials, the Planning Commission finds that the two proposed Plan Changes meet the applicable criteria and recommends City Council approval of the two changes.

BACKGROUND

The properties proposed for the Plan Changes are generally located north of SW Rosa Road, south of SE Alexander Street, west of SW 229th Avenue and east of SW 234th Avenue. The properties can be specifically identified as Tax Lots 200, 300 and 600 on Washington County Tax Assessor's Map 1S2-10DC. Tax Lot 600 is addressed as 3963 SW 229th Avenue. The Hillsboro School District owns approximately 9.01 acres on the southern portion of the site and the Strausses own approximately 5.25 acres on the northern portion of the site.

On January 15, 2008, the Hillsboro City Council approved the annexation of this site as a part of a larger 14.26 acre site. On February 5, 2008, the annexation was filed with the Oregon Secretary of State's Office.

The property owners have worked together with the intent that the Plan Changes will 1) facilitate construction of a new elementary school on the 9.01 acre site so that quality educational services for the growing Hillsboro population can be accommodated and 2) the 5.25 acre site will consist of low density housing which will funnel neighborhood children into the new school facility. The conceptual layout for the elementary school is depicted on the site plan included in the application.

Following approval of these Plan Changes, the District will apply for a Zone Change to R-7 Single Family Residential and a Conditional Use permit for construction and operation of the elementary school site. Elementary schools are allowed as conditional uses in the proposed R-7 Single Family Residential zone. The R-7 zone is consistent with the proposed adjacent RL zone.

REFERENCES

¹ These findings are proposed by Alterman Law Office on behalf of Robert and Deanna Strauss, two of the three applicants in this case.

The following materials are hereby adopted by reference and included as part of these findings:

- Application, dated January 17, 2008 with the following associated material:
 - Narrative, vicinity maps, property line adjustment map, draft South Hillsboro Concept Plan maps, neighborhood meeting information, draft site plans.
- Planning Department staff report, dated March 6, 2008, with attachments.

SATISFACTION OF CRITERIA FOR PUBLIC FACILITY DESIGNATION

The criteria for a Minor Plan Amendment are set forth in the Planning and Citizen Involvement section of the City of Hillsboro Comprehensive Plan, Ordinance No. 2793, as amended. The following criteria apply to this Minor Comprehensive Plan Map Change:

- 1) The property is better suited for uses proposed than for the uses for which the property is currently designated by the Plan.

The property is not currently designated for any proposed use on the City Comprehensive Plan, since it is outside the boundary of the Plan. The property has been included within the regional UGB, and has been annexed to the City of Hillsboro. Therefore, the City of Hillsboro will have land use jurisdiction over the property and the rural County FD 20 designation is no longer appropriate. The City Public Facility Plan designation and appropriate zoning will accommodate development of the new school site. The City Low Density Residential Plan designation and appropriate zoning is consistent with the goal of using available large tracts of land for urban development such as residential housing.

The property is suited for the proposed school and housing development because it can be provided with urban services, as summarized below:

Sanitary Sewer

The property owners are pursuing two options: a gravity line extended south along 229th Avenue and a pressure line with a temporary private pump station located at the northern boundary of the site.

Storm Sewer

Storm sewer is proposed to be directed to the northwest corner of the School District portion of the site and then into Gordon Creek. The school district is also exploring the idea of rain water harvesting. Stormwater can be directed to the southwest corner of the Strauss portion and disposed of similarly.

Water

A water line can be constructed from the existing system at SE Alexander Street and extended south past the Strauss portion of the site to the proposed school.

Private Utilities

Electric and gas services are available in the immediate vicinity.

- 2) A need exists for the proposed Plan Map designation that is not already met by existing Plan Map designations in the general area.

The City's long range development goals call for new residential neighborhoods in the area and those neighborhoods will require additional close at hand school facilities. Construction of a new housing subdivision on this site would meet the needs of the growing City and a new elementary school in this location would provide additional needed school capacity.

COMPLIANCE WITH EXISTING COMPREHENSIVE PLAN POLICIES

The following applicable goals and policies of the Comprehensive Plan are satisfied and supported by evidence present in Case File No. HCP 2-08.

Section 2. Urbanization.

(I) Goal. To provide for an orderly and efficient transition of land from rural to urban use through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.

Establishment of land use designations in particular areas will be based upon the need to:

(A) Accommodate long-range population growth within the Hillsboro planning area.

(B) Control the economic, environmental and energy consequences of urban growth.

These Minor Plan Changes are consistent with the referenced Plan goal because continued population growth of Hillsboro translates directly to a need for family housing and new schools within the Hillsboro School District. The pressures of an increased population are being felt within the existing Hillsboro schools and the District needs to stay ahead of the growth curve if it is to deliver quality education opportunities. The District was successful in passing a bond in the last election that provides funds for the construction of the new school which has been planned on this site. This parcel of land is the only property owned by the School District within the immediate area that is of sufficient size to accommodate an elementary school campus. Environmental and energy consequences of urban growth are minimized by locating housing adjacent to the school site so that students can safely walk to school instead of being transported by car or bus.

(E) Assure efficient development of land consistent and compatible with the community's needs and resources.

(F) Provide decent housing, employment opportunities and an environment with a high degree of livability for the citizens of Hillsboro and surrounding community.

These Minor Plan Changes are consistent with the referenced Plan goal because the City's long range development plans call for increased housing to support the expanding population. Also the residential housing development will provide construction jobs for the local work force.

Section 3. Housing.

(I) Policies.

(A) 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.

These Minor Plan Changes are consistent with the referenced Plan policy because the low density residential housing is being developed in conjunction with the school district's public facility. This application and its objectives are directly in line with the Plan policy. Costs of extending public facilities are minimized because the extension of services to the school site will serve the Strauss site at the same time.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites.

(I) Goal.

(A) Preserve, protect and maintain for present and future residents of Hillsboro and surrounding community open space, historic sites and structures.

These Minor Plan Changes are consistent with the referenced Plan goal because athletic fields will surround the school building providing open space areas between the school and adjacent properties. The placement of these fields can further enhance the site and retains the open character of the existing area.

Section 9. Recreation.

(I) Goal. To design a parks and recreation facilities plan and provide a recreation program that:

(A) Provides a variety of open spaces, parks, recreation facilities and recreation programs.

(B) Links open spaces, parks, recreation facilities, and school, via a pedestrian and bicycle trail system.

(C) Promotes and encourages a physically fit and healthy community.

These Minor Plan Changes are consistent with the referenced Plan goal because the school will be an asset not only to the immediate community as an educational facility with surrounding open space, but also an asset to the community at large for shared field use and community group use.

Section 10. Economy.

(I) Goals.

(B) Provide local employment opportunities for area residents.

(C) Conserve energy by lowering commuting distance.

These Minor Plan Changes are consistent with the referenced Plan goal because the school will employ approximately 64 staff (administrative, teaching, custodial and kitchen). Located in the southwest quadrant of the Hillsboro planning district, the site will provide a facility for students in this area of the District. The adjacent housing will give further opportunity for close at hand housing. This will cut down on distance and travel times for parents, students, and possibly staff as well.

Section 11. Energy.

(I) Goal. To conserve energy by using energy conservation as a determinant in:

(B) The design of developments.

These Minor Plan Changes are consistent with the referenced Plan goal because the project is being designed with energy conservation and green practices as a goal. The property owners will be exploring and implementing ways to manage energy and water usage using environmentally friendly practices.

Section 12. Public Facilities and Services.

(I) Goals.

(A) Provide public facilities and services in an orderly and efficient manner consistent with the expansion of urbanization into rural areas.

These Minor Plan Changes are consistent with this goal because the extension of public facilities and services to the school site will efficiently provide the same services to the Strauss site.

(III) Policies.

(K) Utilization of schools and other public facilities as multi-purpose facilities should be encouraged to help meet the education, recreation and civic needs of the community.

These Minor Plan Changes are consistent with the referenced Plan goal and policy because this change would allow the property to be utilized for the common good. It will utilize land currently within the Urban Growth Boundary while maintaining the residential nature of the area. This request will allow the Hillsboro School District to provide needed athletic and educational services for future students and recreational and civic opportunities for the community.

RESOLUTION NO. _____
HCP 2-08: HILLSBORO SCHOOL DISTRICT (AREA 71)

A RESOLUTION RECOMMENDING APPROVAL TO THE HILLSBORO CITY COUNCIL OF AN AMENDMENT TO THE COMPREHENSIVE PLAN, ORDINANCE NO. 2793, AS AMENDED, SECTION 14 COMPREHENSIVE PLAN MAPS, APPROVING A MINOR AMENDMENT TO THE COMPREHENSIVE PLAN MAP TO INCLUDE RECENTLY ANNEXED PROPERTIES AND TO REDESIGNATE SUCH PROPERTIES FROM COUNTY FD-20 (FUTURE DEVELOPMENT – 20 ACRE DISTRICT) TO CITY PF (PUBLIC FACILITY) AND CITY RL (LOW DENSITY RESIDENTIAL).

WHEREAS, the Metro Council approved the annexation of properties identified as Study Area 71 in to the Urban Growth Boundary, in December, 2002, and

WHEREAS, the owners of the subject properties are located within Study Area 71, and

Deleted: is

WHEREAS, the Hillsboro School District and Robert and Deanna Strauss, the owners of the subject properties, submitted to the City of Hillsboro a petition requesting that the subject properties be annexed, which petition was approved by the City Council in January, 2008, and

WHEREAS, the owners of the subject properties submitted to the City of Hillsboro an application to include the recently annexed properties on the Comprehensive Plan Map and to re-designate the properties from County FD-20 Future Development 20 – Acre District to City PF Public Facility and City RL Low Density Residential, and

WHEREAS, the Planning Commission held a public hearing on the proposed Plan Map amendment on March 12, 2008, and received testimony in favor and no testimony in opposition to the proposed change, and

WHEREAS, based on the application, the staff report, and testimony received, the Planning Commission hereby adopts the findings attached hereto as "Exhibit A", a property line adjustment site plan attached hereto as "Exhibit B", and a draft South Hillsboro Concept Plan attached hereto as "Exhibit C"

NOW THEREFORE BE IT RESOLVED by the Hillsboro Planning Commission, that the Commission by and through this resolution does hereby recommend to the City Council that the Council approve the proposed Comprehensive Plan Map Change from County FD-20 (Future Development - 20 Acre District) to City PF (Public Facility) on the following described properties:

Tax Lots 600 and 300 on Washington County Tax Assessor's Map 1S2-10DC,
Section 10, Township 1 South, Range 2 West, Willamette Meridian.

And to City RL (Low Density Residential) on the following described property:

Tax Lot 200 on Washington County Tax Assessor's Map 1S2-10DC, Section 10,
Township 1 South, Range 2 West, Willamette Meridian.

RESOLUTION NO. _____
HCP 2-08: HILLSBORO SCHOOL DISTRICT (AREA 71)

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Section 10, Township 1 South, Range 2 West, Willamette Meridian.

And to City RL (Low Density Residential) on the following described property:

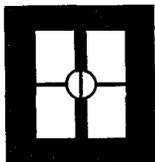
Tax Lot 200 on Washington County Tax Assessor's Map 1S2-10DC, Section 10,
Township 1 South, Range 2 West, Willamette Meridian.

Introduced and passed this 12th day of March, 2008.

President

ATTEST: _____
Secretary

CITY OF HILLSBORO



March 6, 2008

STAFF REPORT

TO: Planning Commission

FROM: Planning Department

RE: Request for Approval of a Minor Comprehensive Plan Land Use Map Change –
File No. HCP 2-08: Hillsboro School District / Strauss

REQUEST

A request for two Minor Comprehensive Plan Land Use Map changes has been submitted to the Planning Commission for a site located within Area 71, east of the Witch Hazel Village neighborhood.

The first map change request is to Public Facility on two currently undesignated properties. The properties are approximately 9.01 acres in size and can be specifically identified as Tax Lots 300 and 600 on Tax Map 1S2-10DC. The owner of the affected properties is the Hillsboro School District.

The second request is for a Comprehensive Plan Land Use Map change to Low Density Residential on a currently undesignated property. The property is approximately 5.25 acres in size and can be specifically identified as Tax Lot 200 on Tax Map 1S2-10DC. The owners of the affected property are Robert and Deanna Strauss.

SITE DESCRIPTION

The properties under consideration are located generally north of SW Rosa Road, south of SE Alexander Street, west of SW 229th Avenue and east of SW 234th Avenue.

The site slopes gradually towards the west. Two single family residences and a detached garage are located on the site. Trees are located around the existing residences and on the southwest portion of the site.

SW 229th Avenue is identified as a collector street in the City of Hillsboro Transportation System Plan (TSP).

The City of Hillsboro Goal 5 Natural Resource Inventory identifies Significant Natural Resources Impact Area on the site's northwest, west and southwest perimeter. The central area of the site

appears to be within the 250-foot area of potential impact on the Clean Water Services Sensitive Areas Pre-Screen Map.

DESCRIPTION OF SURROUNDING AREA

<u>Area</u>	<u>Plan</u>	<u>Zoning</u>	<u>Land Uses</u>
North	Study Area 71, Inside Urban Growth Boundary	County FD-20 Future Development – 20 Acres	Undeveloped Single Family Residential
East	Outside Urban Growth Boundary	County EFU Exclusive Forest Use	Farmland
South	Study Area 71 Inside Urban Growth Boundary	County FD-20 Future Development – 20 Acres	Undeveloped Single Family Residential
West	Study Area 71 Inside Urban Growth Boundary	County FD-20 Future Development – 20 Acres	Undeveloped Significant Tree Coverage

PUBLIC UTILITIES

<u>Service</u>	<u>Provider</u>	<u>Size</u>	<u>Location</u>	<u>Distance from site</u>
Water	City	10"	SE Alexander Street	North, 500'+/-
Sanitary Sewer	City	10"	SE Alexander Street	North, 500'+/-
Storm Drain	City	18"	SE Alexander Street	North, 500'+/-

TRANSPORTATION FACILITIES

<u>Streets</u>	<u>Existing R-O-W</u>	<u>Improvement</u>	<u>Plan Designated R-O-W</u>	<u>Improvement</u>
SW 229 th Avenue	40' +/-	35' +/-	70'	46'
<u>Sidewalk Improvements</u>	<u>Existing</u>		<u>Plan Designated</u>	
SW 229 th Avenue	Unimproved		5' sidewalk and 6' planter strip	
<u>Mass Transit</u>	<u>Route and Station</u>		<u>Distance to Site</u>	
Bus	Route 57 / TV Highway		½ mile +/- (north)	
MAX Light Rail Station	Fair Complex/Hillsboro Airport		2.5 miles +/- (north)	
<u>Bicycle Lane</u>	<u>Existing</u>		<u>Plan Designated</u>	
SW 229 th Avenue	None		6'	

APPROVAL CRITERIA

Section 1. Planning and Citizen Involvement.

(IV) Minor Plan Amendments: Plan Map.

(B) An applicant for such a Map amendment shall show:

1) that the property is better suited for uses proposed than for the uses for which the property is currently designated by the Plan; and

2) that a need exists for the proposed Plan Map designation that is not already met by existing Plan Map designations in the general area.

ISSUES RELATED TO PROPOSED REQUESTS

The planning area for the South Hillsboro Community Plan contains approximately 2,330 acres, including Study Areas 69 and 71. Area 69 and 71 contain approximately 335 acres and were added to the Urban Growth Boundary (UGB) by Metro in 2002 as Ordinance No. 02-969B. Area 71 is adjacent to the Witch Hazel Village community which is an area added to the UGB in 1998 and is currently being developed inside the City of Hillsboro. Area 69 is located south of Tualatin Valley Highway and west of SW 209th Avenue but is not adjacent to Hillsboro's city limits. The remainder of the planning area lies within unincorporated Washington County. The City expects to enter into a Memorandum of Understanding (MOU) shortly with Washington County which will formally assign concept planning responsibility for the entire 2,330 acre project area to Hillsboro. This MOU would replace an expired MOU that did assign concept planning responsibility for Area 71 to the City. The two requested Minor Comprehensive Plan Changes include three tax lots located in Area 71.

The concept planning for Area 71 is incorporated into the larger concept planning area for the South Hillsboro Community Plan. A current South Hillsboro Concept Plan Map is attached as Exhibit C to the draft resolution. On February 27, 2008, the Planning Commission initiated the Comprehensive Plan Changes and Zoning Ordinance Amendments for Areas 69 and 71. The February 21, 2008 staff report addressing those initiating resolutions is attached. On April 2, 2008, the Planning Commission will hold a work session to discuss how open space will be identified on the South Hillsboro Community Plan, as well as the smaller Area 69 and Area 71 pieces. The issue will be discussed further in subsequent public hearings, and until the City Council has adopted the Area 69 and Area 71 Comprehensive Plan changes and Zoning Ordinance Amendment, the implementation standards regarding this topic will not be solidified.

A request for two Minor Comprehensive Plan Land Use Map changes within Area 71 has been submitted to the Planning Commission.

The first map change request would place the Public Facility designation on two currently undesignated properties approximately 9.01 acres in size. The owner of the affected properties is the Hillsboro School District. The school district has a construction schedule that includes completion of the City permitting this spring, construction this summer and student enrollment this fall. The above mentioned issue regarding open space designations on community plans and the implementation of those designations will not impact the school district's request and an attached draft resolution and findings are attached which will allow the school district to move forward with its expedited construction schedule. Also attached to the draft resolution is Exhibit B, a property line adjustment site plan which identifies the current boundaries of Tax Lots 300 and 600 and in turn the boundaries of the Public Facility Comprehensive Plan designation; and Exhibit C a draft South Hillsboro Community Plan. As the Planning Commission will note in Exhibit C, the current South Hillsboro Concept Plan Map identifies the School District's property with a Public Facility designation. Thus, the District's request for a Minor Map change is entirely consistent with the City's desired Plan designation for this property.

The second request is for a Comprehensive Plan Land Use Map change to Low Density Residential on a currently undesignated property. The property is approximately 5.25 acres in size and can be specifically identified as Tax Lot 200 on Tax Map 1S2-10DC. The owners of the affected property are Robert and Deanna Strauss. Unlike the District's properties, where

the City and the District agree on the appropriate Comprehensive Plan designation, the Strauss's desired Plan designation is not consistent with the open space designation favored by the City. Determination of the open space designations within Area 71 and the greater South Hillsboro Community Plan and implementation of those designations is an unresolved issue that is applicable to this site. The City Attorney and Planning staff recommend that a decision on this portion of the request be delayed until adoption of the Comprehensive Plan and Zoning Ordinance Amendment for Area 71.

Comprehensive land use planning is the foundation of Oregon's land use planning system. The City's Comprehensive Plan is fairly interpreted to place a premium upon "Major Plan Amendments" such as the Area 71 amendments initiated by the Planning Commission in February, and to prioritize Major Plan Amendments over a Minor Plan Amendment such as the Strauss application. See HCP Section 1(II)(G) and (H). Given the inconsistency between the Strauss's requested designation and the City's current preferred designation, the City is entitled to prioritize and complete the holistic planning process for Area 71 before assigning a final designation to the property. The Planning Commission does have the authority to delay its consideration of the Strauss application because the request is not subject to the 120-day land use review time frame and is not subject to the "goal post" rule. This is because ORS 227.178, the statute that contains the 120-day and goal post rules, only applies to "permit" applications, limited land use decisions and zone changes – not to comprehensive plan amendments. See *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

WRITTEN TESTIMONY

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

RECOMMENDATION

Should the Planning Commission choose to approve the requested Plan Change to PF Public Facility on the subject site area identified herein, staff recommends the Commission approve the attached draft resolution, findings and associated exhibits in support of that decision. Should the Planning Commission choose to place the requested Plan Change to RL Low Density Residential on hold then staff would recommend that the hold extend until the adoption of the Comprehensive Plan Change and Zoning Ordinance Amendment for Area 71 by the City Council.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

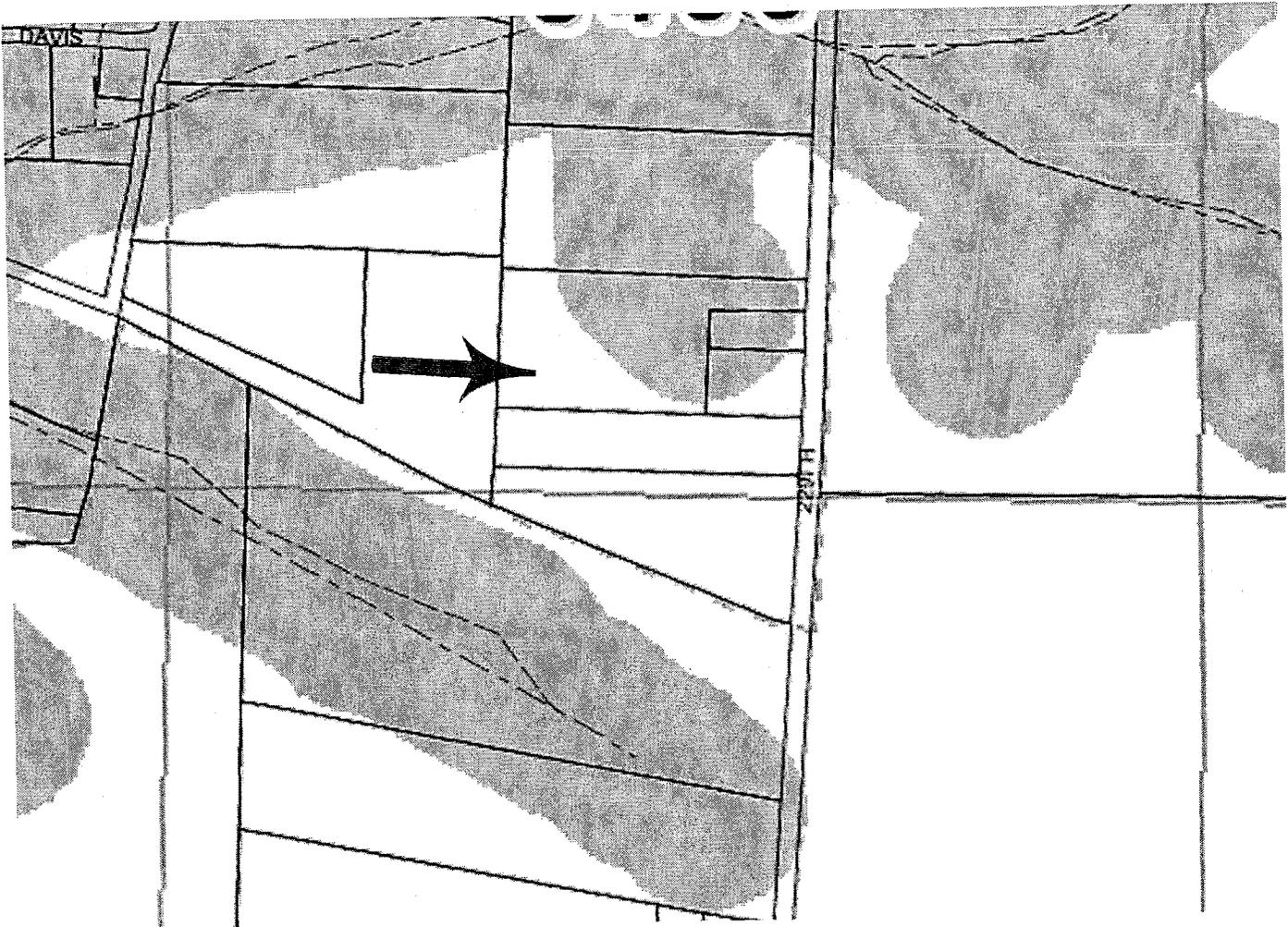


Ruth Klein
Urban Planner

Attachments: Vicinity Maps
February 21, 2008 Staff Report
Salem Golf Club v. City of Salem
Draft Resolution, with Exhibits

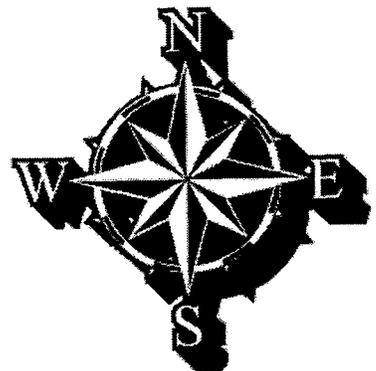
HCP 2-08: HILLSBORO SCHOOL DIST. & STRAUSS PROPERTY

Clean Water Services Sensitive Area Pre-Screen Map



Legend

-  GIS.WasCo_taxlots
-  p_5ftm
-  Streams2002
-  STM_LINE
-  Buffer_of_STM_LINE
-  GIS.CWSB
-  QTR_SEC
-  Hillsboro

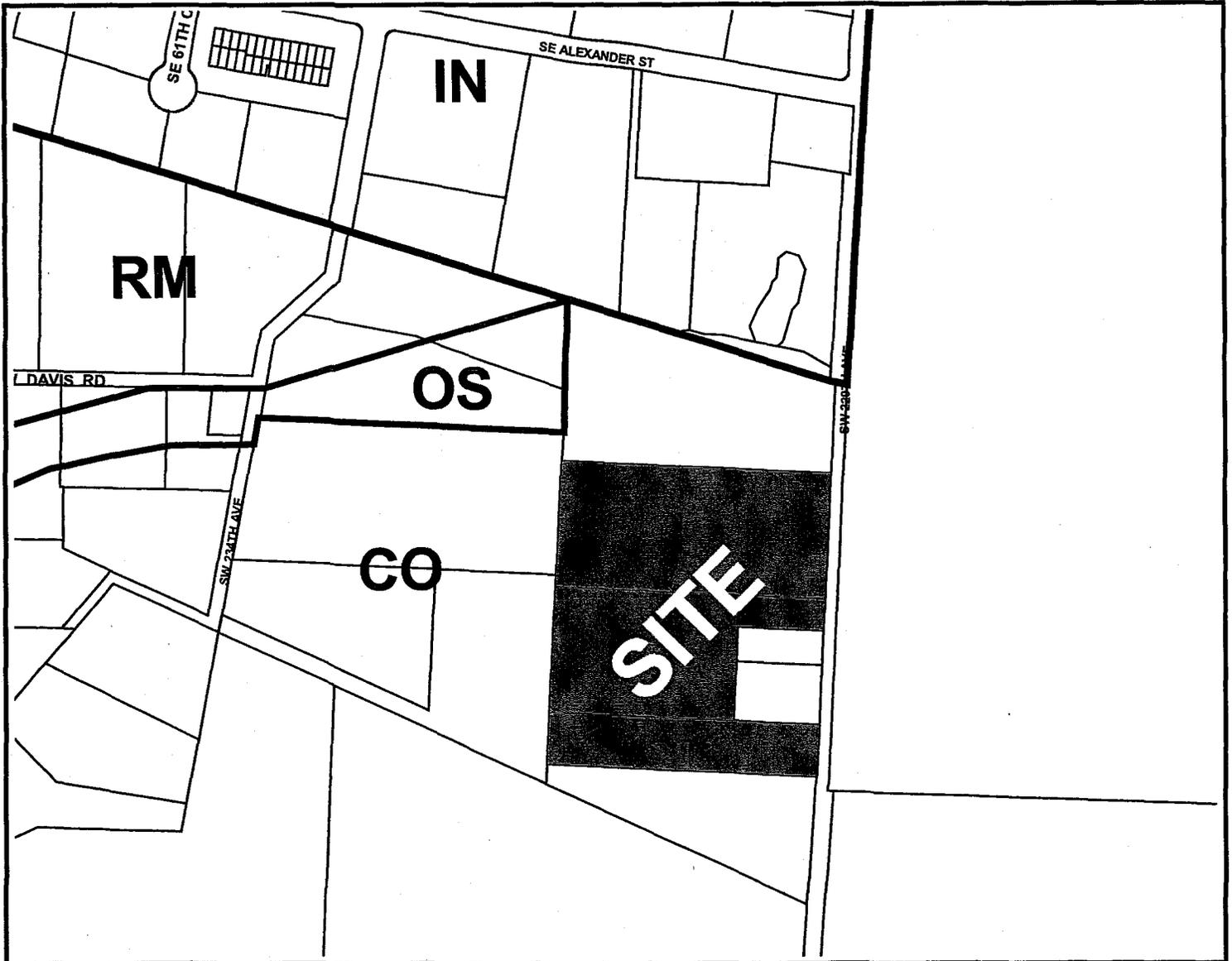




HCP 2-08: HILLSBORO SCHOOL DISTRICT / STRAUSS



REQUEST FOR APPROVAL FOR A MINOR COMPREHENSIVE PLAN LAND USE MAP CHANGES TO APPLY THE PF PUBLIC FACILITY AND RL LOW DENSITY RESIDENTIAL COMPREHENSIVE PLAN DESIGNATIONS TO THREE PROPERTIES RECENTLY ANNEXED INTO THE CITY OF HILLSBORO

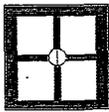


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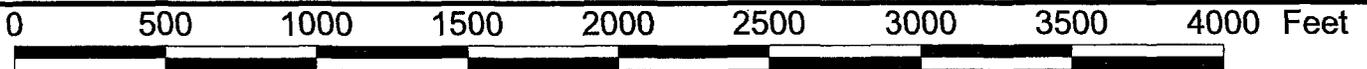
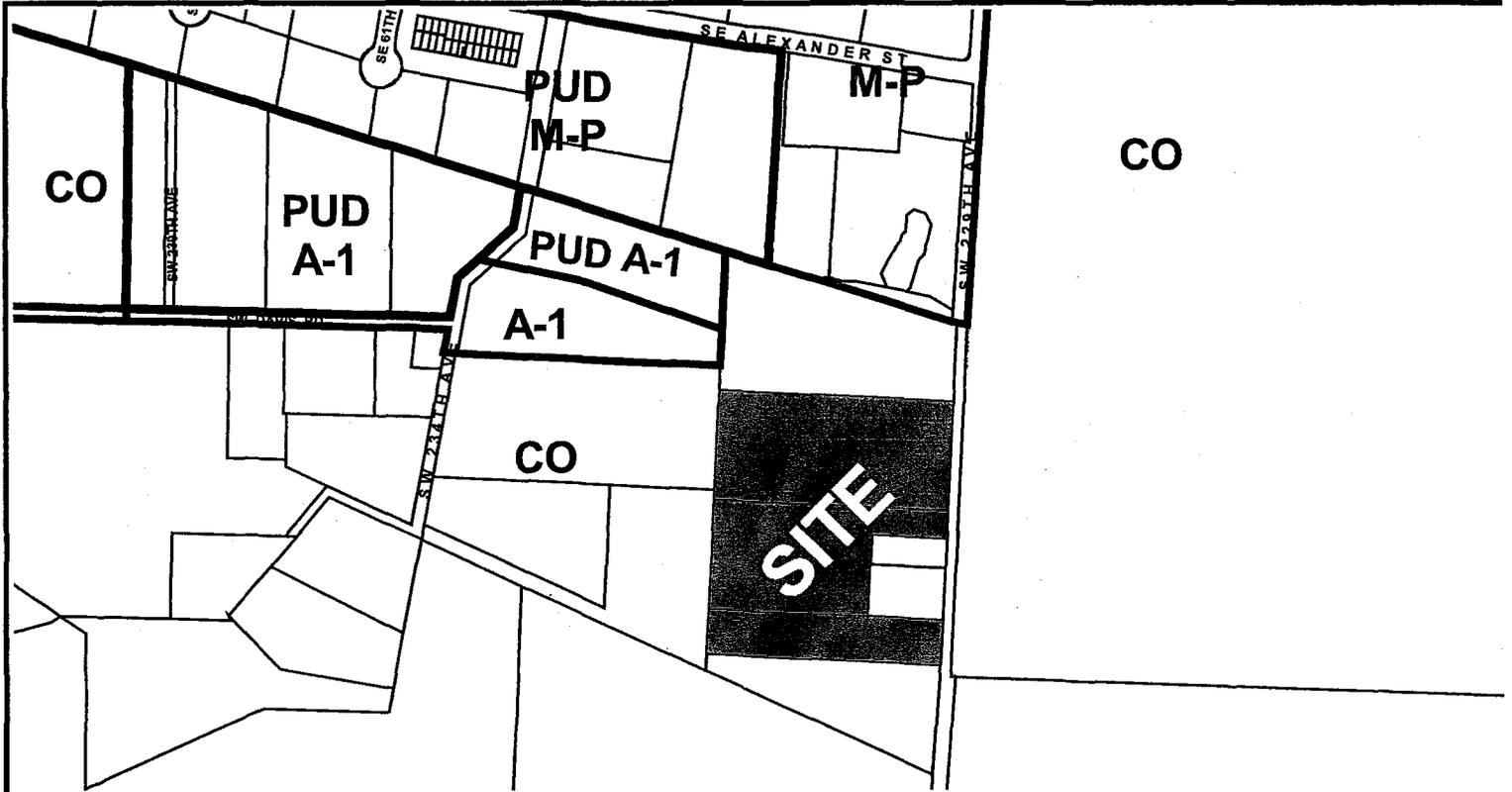
Comprehensive Plan Designations

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	



HCP 2-08: HILLSBORO SCHOOL DISTRICT / STRAUSS

REQUEST FOR APPROVAL FOR A MINOR COMPREHENSIVE PLAN LAND USE MAP CHANGES TO APPLY THE PF PUBLIC FACILITY AND RL LOW DENSITY RESIDENTIAL COMPREHENSIVE PLAN DESIGNATIONS TO THREE PROPERTIES RECENTLY ANNEXED INTO THE CITY OF HILLSBORO

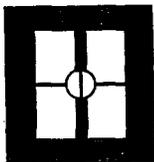


City of Hillsboro Zoning Designations

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
SCR-P	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			ANX	Recent Annexation
SCR-DNC	Station Community Residential - Downtown Neighborhood Conservation			CO	Unincorporated County

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

CITY OF HILLSBORO



February 21, 2008

TO: Planning Commission
FROM: Planning Department

RE: **Proposed Amendments to the Comprehensive Plan and Zoning Ordinance related to Area 69 and Area 71 of the South Hillsboro Community Plan**

REQUEST

Planning staff requests that the Planning Commission approve the attached draft resolutions initiating amendments to the Comprehensive Plan and the Zoning Ordinance related to Areas 69 and Area 71 of the South Hillsboro Community Planning area. The proposed Comprehensive Plan amendments would create two new Plan Sections, with goals, policies, and implementation measures for the two Areas, and would modify several other Sections, including adding land use designations to the Land Use Map for those Areas. The Zoning Ordinance amendments would affect Section 97A and Section 127, regarding annexations and Planned Unit Developments, respectively.

Both Area 69 and Area 71 were added to the Urban Growth Boundary by Metro in 2002 to meet an identified regional need for housing. Prior to urbanization of the Areas, the Metro Urban Growth Management Functional Plan requires development of a concept plan and adoption of local comprehensive plan amendments that will guide future development in them. In Hillsboro, Zoning Ordinance amendments are also required to implement the new comprehensive plan policies and implementation measures.

Area 69 encompasses approximately 248 acres generally located west of SW 209th Avenue and south of the current Hillsboro city limits. Area 71 encompasses approximately 87 acres and is located east of Witch Hazel Village and immediately adjacent to the current Hillsboro city limits.

As explained more fully in this staff report, Areas 69 and 71 are "pieces in a larger puzzle." To establish their context, attached to this staff report is a copy of the draft *South Hillsboro Community Plan*, dated February 2008. To reduce printing costs, Planning staff has provided black and white copies of the plan document. Color copies can be downloaded from the City's ftp site at <ftp.ci.hillsboro.or.us> [click on "Planning"]

folder then "South Hillsboro" for a .pdf of this document]. Color copies are also available in the Planning Department.

BACKGROUND

The South Hillsboro area has been a candidate for future urban growth for the past decade, and has seen multiple planning initiatives. In 1997, Metro designated 1,450 acres of land in this area (aka the South Hillsboro Concept Planning Area) as urban reserves for future inclusion in the region's UGB. Since 1998, the City of Hillsboro has been planning for the future of this area, to meet the need for additional housing generated by the regional employment center in the northeastern portion of the City. Although the regional employment center is forecasted to double its employment from approximately 50,000 employees to over 100,000 employees, housing land supply is close to capacity, relative to future demand. A recent report by Johnson Gardner indicates the current "Jobs/Housing" imbalance will increase without new housing opportunities. In 1998, Hillsboro signed a Memorandum of Understanding with Washington County to plan for and serve the area, and completed an extensive public planning process to create the South Urban Reserve Concept Plan, which was not adopted. However, that portion of South Hillsboro known as Witch Hazel Village was added to the UGB, was incorporated into the City's Comprehensive Plan in 2004 and is currently being developed.

Elements of the 1998 South Urban Reserve Concept Plan were used as a starting point in the current South Hillsboro Community Plan, which is intended to provide recommendations for future comprehensive plan and zoning amendments within the Concept Planning Area.

Located southeast of and adjacent to the City of Hillsboro, the 2,330 acre South Hillsboro Community Plan Area is bordered by Tualatin Valley Highway on the north, 229th Avenue, Gordon Creek, the Witch Hazel Village Neighborhood, and the Tualatin River on the west, Rosedale Road on the south and 209th Avenue on the east. The planning area is adjacent to the Reedville, Hazeldale, Aloha and Witch Hazel Village neighborhoods. Portions of the Plan Area are already included within the regional Urban Growth Boundary (UGB): Areas 69 and 71, shown in orange and brown lines respectively on the attached 11"x17" color photocopy.

The configurations of Areas 69 and 71 are the result of previous UGB expansion criteria (based on land resource value) which allowed only lower value agricultural land to be added to the UGB resulting in additions that did not, in some cases, have the locational qualities or physical relationships necessary to create successful future neighborhoods and communities. To be able to achieve the goals of compact urban form, efficient use of land, mixed-use development, and rational and economic provision of urban service, the City determined, and the County and Metro concurred, that Areas 69 and 71 should be planned as part of the larger South Hillsboro planning process. The South Hillsboro Community Plan will enable Areas 69 and 71 to develop as part of a larger community

that incorporates the core principles of smart growth in Metro's Regional 2040 Growth Concept and its Great Community characteristics.

The South Hillsboro Community Plan will also provide a guide for future potential Urban Reserve and UGB decisions. Senate Bill 1011, enacted by the 2007 Legislature, enables Metro and local counties to designate Urban and Rural Reserves in order to determine where the Portland metropolitan region will — and will not — expand to accommodate population and employment growth over the next 40 to 50 years. Based on the new State legislation the Land Conservation and Development Commission has adopted new rules that allow an alternative way for the Portland metropolitan region to consider the designation of urban and rural reserves. Metro, together with Multnomah, Clackamas and Washington Counties, are proceeding with a process to establish future urban and rural reserve areas, based on the new State legislation and rules.

The implementation measures the City will adopt will ensure that Areas 69 and 71 develop in compliance with the land uses, infrastructure financing and other fundamental components of the South Hillsboro Community Plan.

Planning staff also notes that because of current traffic generation, the South Hillsboro Community Plan Area was divided into two areas. The Concept Planning Area [shown in yellow on the color photocopy] comprises 1,566 acres and includes Areas 69 and 71. The potential future urban reserve area [outlined in purple on the color photocopy] encompasses 636 acres.

PUBLIC PARTICIPATION PROCESS AND COMMENTS RECEIVED

Stakeholders from within and beyond the South Hillsboro Community Plan area were engaged throughout the planning process. Public input was received during citizen-led Task Force meetings, three project open houses, two community forums, one scenario planning workshop, stakeholder interviews, a housing market focus group session, a local business community meeting, several Citizen Participation Organization (CPO) meetings and a Hillsboro Vision 2020 Town Hall event. Public feedback was also obtained through email, letters, surveys, and comment cards. Over twelve-thousand (12,000) project newsletters, comment cards and meeting notifications were mailed to property owners in-and-around the study area. The interactive project website: www.southhillsboro.net and local newspaper articles publicized upcoming project events. The project website served as an important resource for providing the public with relevant documents, reports, and images.

The South Hillsboro Community Plan draft dated January 25, 2008 was distributed to all South Hillsboro Technical Advisory members and the South Hillsboro Task Force members for final comments on the draft plan. Planning staff received comments from Tim O'Brien (Metro), Steve Larrance (Task Force member), Marah Danielson (ODOT), Aisha Willits (Washington County), Bernie Monahan (City Water Department), Read

Stapleton (Task Force member), and Dave Wood (Task Force member). These comments are attached for the Commissioners' information. Planning staff will discuss the comments with the Planning Commission at the work session on April 2nd.

PROPOSED HCP AMENDMENTS

Two new Plan sections are proposed. Section 26 would include four goals, six policies and four implementation measures for Area 71. Section 27 would include five goals, six policies and four implementation for Area 69. In each new section, the new amendments would generally guide land use, development lotting patterns, and public facilities planning and implementation within the Area consistent with the South Hillsboro Community Plan specific to that Area. Additional amendments to Section 12 regarding Public Facilities and Section 14 regarding Plan Maps area also proposed in connection with Areas 69 and 71.

The two attached draft resolutions include the proposed amendments related to each Area. Each resolution also includes a map illustrating the proposed land use map designations to be applied to the Area.

PROPOSED ZOA AMENDMENTS

Proposed General Development Policies for both Areas 69 and 71 authorize restrictions on annexation due to inadequate infrastructure. Therefore, a new subsection 97A is proposed to be added to the Zoning Ordinance consistent with proposed HCP Section 26 and Section 27. (Existing Section 97A would be renumbered as 97B).

In addition, proposed Implementation Measures for both Areas 69 and 71 would require that future urban development in those Areas be processed under the Planned Unit Development standards and criteria. A new Zoning Ordinance Section 127K is therefore proposed to be added consistent with proposed HCP Section 26 and Section 27.

The third attached draft resolution includes the proposed amendments to Sections 97A and 127.

RECOMMENDATION

The Planning Staff recommends the Commission approve the attached resolutions, initiating the HCP and ZOA amendments related to Area 69 and Area 71. The resolutions set the date for the first public hearings on the amendments for April 29, 2008.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

K. Antonini

Karla Antonini, AICP
Urban Planner III

Attachments: 11"x17" color photocopy of South Hillsboro Community Plan Map
Draft resolution initiating HCP amendments for Area 71
Draft resolution initiating HCP amendments for Area 69,
Draft resolution initiating ZOA for Areas 69 and Area 71
Draft South Hillsboro Community Plan document
Interested Party comments as noted

1 WHEREAS, Section 1 (II) (G) of the Comprehensive Plan defines a major plan
2 amendment to include any significant change to the Comprehensive Plan text or map initiated by
3 the City Council or Planning Commission; and
4

5 WHEREAS, Sections 1 (III) and 1 (V) of the Comprehensive Plan authorize the Planning
6 Commission to initiate major Plan amendments; and amendments to the Plan which adopt
7 community plans; and
8

9 WHEREAS, the Planning Commission hereby determines that the proposed land use
10 goals, policies and implementation measures contained in this Resolution for Area 69 constitute
11 both a major plan amendment and a Community Plan.
12

13 NOW, THEREFORE, BE IT RESOLVED by the Hillsboro Planning Commission that
14 the Commission, by and through this Resolution hereby initiates the following amendments to
15 Comprehensive Plan Ordinance No. 2793:
16

17 Section 1. Section 12, Public Facilities and Services, Subsection (VI) (C) Public
18 Facilities Plan, Capital Improvement Project List, is proposed to be amended with the addition to
19 the List of the following Area 69, South Hillsboro Community Plan public facilities: water
20 system, sanitary sewer system, storm water disposal system, and transportation system
21 improvements. [*This list is under preparation by the Planning Department, and will be provided*
22 *prior to the public hearing on these amendments*].
23

24 Section 2. Section 14, Comprehensive Plan Maps, Subsection 14 (I) (B) is proposed to
25 be amended with the addition of a new Subsection (9) to read as follows:
26

- 27 8) Area 69, South Hillsboro Community Plan Map. The South Hillsboro
28 Community Plan Map for Area 69 establishes the boundary, land uses, and
29 street pattern of Area 69 of the South Hillsboro Community Plan Area and
30 designates the land uses recommended within the Area by the Community
31 Plan.
32

33 Section 3. Section 14, Comprehensive Plan Maps, Subsection 14 (I) (B) (1) is proposed
34 to be amended with the incorporation into the Comprehensive Plan Land Use Map of the land
35 use designations for Area 69 of the larger South Hillsboro Community Plan Map, which is
36 attached hereto as Exhibit "A".
37

38 Section 4. Comprehensive Plan Ordinance No. 2793 is proposed to be amended with the
39 addition of a new Section 27. Area 69, South Hillsboro Community Plan, to read as follows:
40

41 (I) **Goals.**
42

- 43 (A) To provide a framework for development of the Area 69 neighborhood within
44 the context of the larger South Hillsboro Community Planning Area, the
45 inclusion of which into the Regional Urban Growth Boundary the City will

1 support during the Urban Reserve process or any other process Metro provides
2 for amending the UGB.

- 3 (B) To establish land use designations in Area 69 within the framework of the larger
4 South Hillsboro Community Plan area that will allow development to the extent
5 possible without the larger South Hillsboro Community planning area and to the
6 extent such development is not inconsistent with the South Hillsboro
7 Community Plan.
- 8 (C) To plan for transportation facilities and infrastructure in Area 69 within the
9 framework of the larger South Hillsboro Community Plan area that will allow
10 development to the extent possible without the larger South Hillsboro
11 Community planning area, and without further reductions in levels of service
12 for existing transportation facilities.
- 13 (D) Recognize the essential components of the entire South Hillsboro Community
14 Planning area located in this area.
- 15 (E) To lay the foundation for integration of this neighborhood into the larger
16 planning area at such time that the remainder of the South Hillsboro Community
17 Planning Area comes into the urban growth boundary.

18
19 **(II) General Development Policies.**

20
21 (A) Land Use.

22
23 Development within Area 69 shall conform substantially to the general land uses and
24 development pattern prescribed by the South Hillsboro Community Plan as shown in
25 Area 69 on the South Hillsboro Community Plan Map.

26
27 (B) Housing Policies.

- 28
29 (1) The planned residential densities within Area 69 within the South
30 Hillsboro Community Planning Area shall be consistent with those
31 established by HCP Section 3, Housing.
- 32
33 (2) Encourage a diverse housing stock within Area 69, including but not
34 limited to detached and attached single family units, courtyard clusters,
35 Charlestown row houses, row houses, subdivided manors, garden
36 apartments and condominiums.

37
38 (C) Transportation.

39
40 The planned transportation system shall be implemented as described below in Area
41 69 as per the South Hillsboro Community Plan unless future transportation analysis
42 does not support the proposed improvements:

- 43
44 1) Half street improvements to SW 209th Avenue.
45 2) Half street improvements to SW McInnis Lane.

- 1 3) Reservation of right-of-way for SW Cornelius Pass Road extension and
- 2 construction when needed.
- 3 4) Half street improvements to Rosa Road.
- 4 5) Butternut Creek crossing, SW 209th Avenue (utilizing a box culvert
- 5 structure).
- 6

7 (D) Public Utilities and Facilities.

8
9 Provision of public utilities and facilities, such as water, sanitary sewer, and storm
10 water facilities in Area 69 shall conform substantially to that described in the South
11 Hillsboro Community Plan.

12
13 (E) Parks and Recreation.

14
15 Provision of parks, recreation facilities and community amenities, shall conform
16 substantially to the South Hillsboro Community Plan Map, which identifies the
17 general location of the following recommended facilities:

- 18 (1) A community park approximately 15 acres in size located generally west
- 19 of the BPA powerline corridor and north of Butternut Creek that includes
both active parkland and passive natural area.
- (2) Bike and pedestrian pathways located along stream corridors.
- (3) Bike and pedestrian pathways located along the BPA powerline corridor.

(F) Annexation.

Notwithstanding HCP Section 2, Urbanization, Subsection (IV) (G), annexation within Area 69 of the South Hillsboro Community Plan area may be restricted due to inadequate transportation infrastructure and may be subject to certain annexation criteria, as identified in the *South Hillsboro Community Plan*.

(III) Implementation Measures

The land use designations shown on the South Hillsboro Community Plan Map in Area 69 shall be implemented through appropriate zoning districts. The zoning districts shall identify permitted land uses, minimum densities and floor area ratios, and development and design standards and guidelines, as appropriate.

- (A) All development within Area 69 as shown on the South Hillsboro Community Plan Map is required to use the Planned Unit Development (PUD) process established in Section 127 of the Hillsboro Zoning Ordinance No. 1945.
- (B) Upon annexation the City shall initiate zone changes to comply with the land use designations for Area 69 as shown on the South Hillsboro Community Plan Map.

- (C) The following implementation measures contained in Section 2, Urbanization, Subsections (IV)(A) (1-5), (IV)(B), (IV)(D), (IV)(H), and (IV)(I) shall apply to developments within Area 69.
- (D) Implementation of the transportation system elements recommended in the Plan pertaining to Area 69 in the *South Hillsboro Community Plan* shall occur in accordance with the South Hillsboro Community Plan Transportation Map (Plan document, Figure 17) until such time as the transportation system policies, provisions and improvements on that Map have been incorporated into the City Transportation System Plan (TSP) (January 2004), at which time the City TSP shall thereafter guide transportation improvements within the Community.

BE IT FURTHER RESOLVED that the Planning Commission hereby schedules these amendments for public hearing before the Commission on April 29, 2008.

Introduced and passed this 27th day of February 2008.

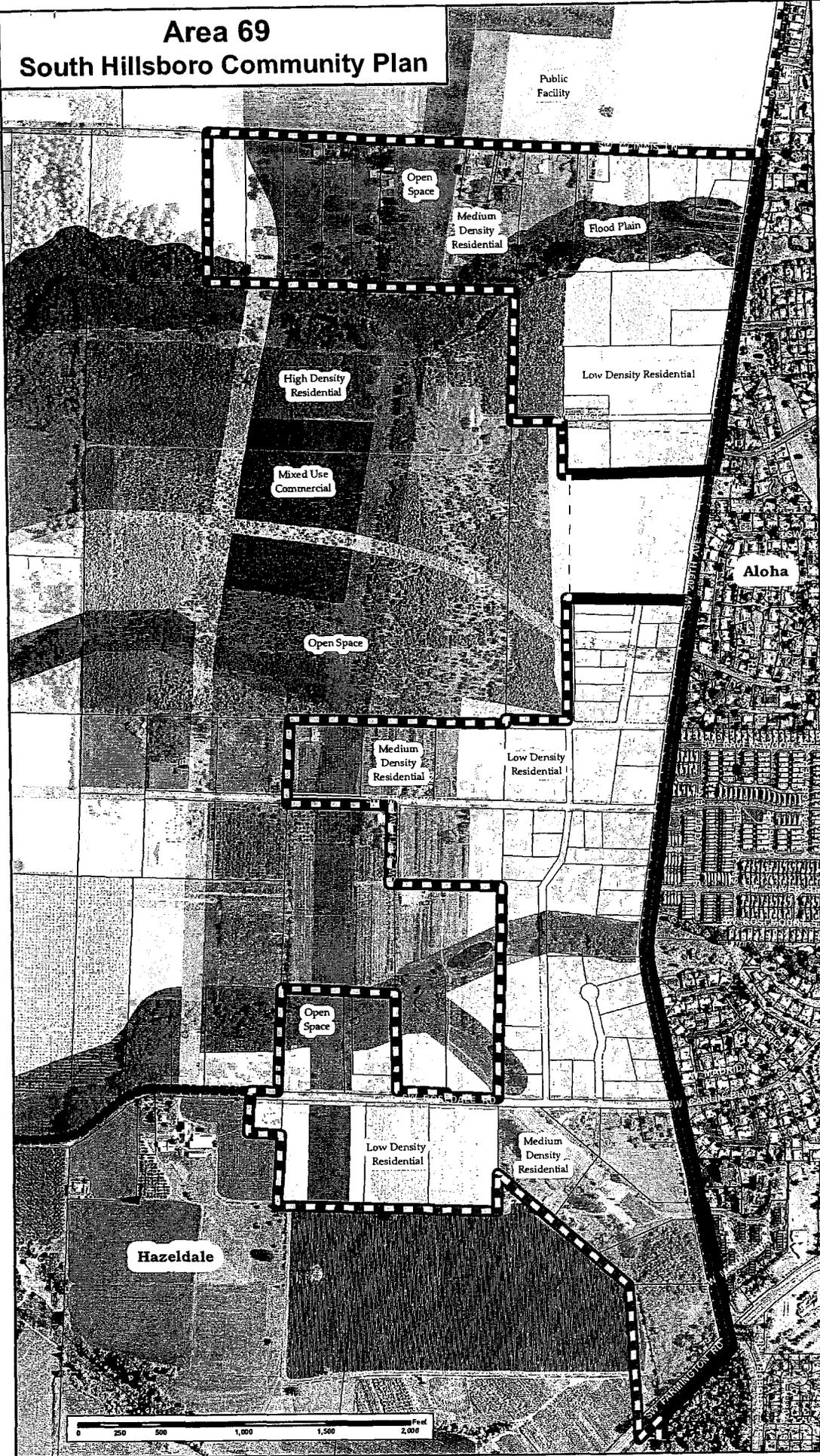
President

Attest: _____
Secretary

Area 69 South Hillsboro Community Plan

CITY OF HILLSBORO South Hillsboro Community Plan

Plot Date: February 21, 2008



Plan Area Data:

South Hillsboro Community Plan Study Area (2,330 Acres)

South Hillsboro Community Plan Area (1,566 Acres)

Area 69 (248 Acres)

Base Data:

UGB

Hillsboro City Limits

Taxlots

Comprehensive Plan Designation:

- Commercial
- Mixed Use Commercial
- Mid-Rise Density Residential
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Open Space
- Public Facility
- Floodplain
- Potential Future Urban Reserve
- Potential Future Urban Reserve-Golf Course

Sources:

City of Hillsboro Planning Department - February 2008
 City of Hillsboro GIS Department - February 2008
 Washington County - November 2007
 Metro - November 2007

Note: Parks included in Open Space designation for Planning purposes.



1 WHEREAS, Section 1 (II) (G) of the Comprehensive Plan defines a major plan
2 amendment to include any significant change to the Comprehensive Plan text or map initiated by
3 the City Council or Planning Commission; and
4

5 WHEREAS, Sections 1 (III) and 1 (V) of the Comprehensive Plan authorize the Planning
6 Commission to initiate major Plan amendments; and amendments to the Plan which adopt
7 community plans; and
8

9 WHEREAS, the Planning Commission hereby determines that the proposed land use
10 goals, policies and implementation measures contained in this Resolution for Area 71 constitute
11 both a major plan amendment and a Community Plan.
12

13
14 NOW, THEREFORE, BE IT RESOLVED by the Hillsboro Planning Commission that
15 the Commission, by and through this Resolution hereby initiates the following amendments to
16 Comprehensive Plan Ordinance No. 2793:
17

18 Section 1. Section 12, Public Facilities and Services, Subsection (VI) (C) Public
19 Facilities Plan, Capital Improvement Project List, is proposed to be amended with the addition to
20 the List of the following Area 71, South Hillsboro Community Plan public facilities: water
21 system, sanitary sewer system, storm water disposal system, and transportation system
22 improvements. [*This list is under preparation by the Planning Department, and will be provided*
23 *prior to the public hearing on these amendments*].
24

25 Section 2. Section 14, Comprehensive Plan Maps, Subsection 14 (I) (B) is proposed to
26 be amended with the addition of a new Subsection (8) to read as follows:
27

- 28 8) Area 71, South Hillsboro Community Plan Map. The South Hillsboro
29 Community Plan Map for Area 71 establishes the boundary, land uses, and
30 street pattern of Area 71 of the South Hillsboro Community Plan Area and
31 designates the land uses recommended within the Area by the Community
32 Plan.
33

34 Section 3. Section 14, Comprehensive Plan Maps, Subsection 14 (I) (B) (1) is proposed
35 to be amended with the incorporation into the Comprehensive Plan Land Use Map of the land
36 use designations for Area 71 of the larger South Hillsboro Community Plan Map, which is
37 attached hereto as Exhibit "A".
38

39 Section 4. Comprehensive Plan Ordinance No. 2793 is proposed to be amended with the
40 addition of a new Section 26. Area 71, South Hillsboro Community Plan, to read as follows:
41

42 (I) **Goals.**
43

- 44 (A) To provide a framework for development of the Area 71 neighborhood within
45 the context of the larger South Hillsboro Community Planning Area, the
46 inclusion of which into the Regional Urban Growth Boundary the City will

1 support during the Urban Reserve process or any other process Metro provides
2 for amending the UGB.

- 3 (B) To establish land use designations and to plan for transportation facilities and
4 infrastructure in Area 71 within the framework of the larger South Hillsboro
5 Community Plan area that will allow development to the extent possible without
6 the larger South Hillsboro Community planning area and to the extent such
7 development is not inconsistent with the South Hillsboro Community Plan.
8 (C) Recognize the essential components of the entire South Hillsboro Community
9 Planning area located in this area.
10 (D) To lay the foundation for integration of this neighborhood into the larger
11 planning area at such time that the remainder of the South Hillsboro Community
12 Planning Area comes into the urban growth boundary.

13
14 **(II) General Development Policies.**

15
16 (A) Land Use.

17
18 Development within Area 71 shall conform substantially to the general land uses and
19 development pattern prescribed by the South Hillsboro Community Plan as shown in
20 Area 71 on the South Hillsboro Community Plan Map.

21
22 (B) Housing Policies.

23
24 (1) The planned residential densities within Area 71 within the South
25 Hillsboro Community Planning Area shall be consistent with those
26 established by HCP Section 3, Housing.

27
28 (2) Encourage a diverse housing stock within Area 71, including but not
29 limited to detached and attached single family units, courtyard clusters,
30 Charlestown row houses, row houses, subdivided manors, garden
31 apartments and condominiums.

32
33 (C) Transportation.

34
35 The planned transportation system shall be implemented as described below in Area
36 71 as per the South Hillsboro Community Plan unless future transportation analysis
37 does not support the proposed improvements:

- 38
39 1) Improvements to SW 234th Avenue.
40 2) SW 229th Avenue.

41
42 (D) Public Utilities and Facilities.

43
44 Provision of public utilities and facilities, such as water, sanitary sewer, and storm
45 water facilities in Area 71 shall conform substantially to that described in the South
46 Hillsboro Community Plan.
47

1
2
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6
7

(E) Parks and Recreation.

Provision of parks, recreation facilities and community amenities, shall conform substantially to the South Hillsboro Community Plan Map, which identifies the general location of the following recommended facilities:

- (1) A community park approximately 15 acres in size located north of the proposed elementary school that includes both active parkland and passive natural area.
- (2) Bike and pedestrian pathways located along stream corridors

(F) Annexation.

Notwithstanding HCP Section 2, Urbanization, Subsection (IV) (G), annexation within Area 71 of the South Hillsboro Community Plan area may be restricted due to inadequate transportation infrastructure and may be subject to certain annexation criteria as identified in the *South Hillsboro Community Plan*.

(III) Implementation Measures

The land use designations shown on the South Hillsboro Community Plan Map in Area 71 shall be implemented through appropriate zoning districts. The zoning districts shall identify permitted land uses, minimum densities and floor area ratios, and development and design standards and guidelines, as appropriate.

- (A) All development within Area 71 as shown on the South Hillsboro Community Plan Map is required to use the Planned Unit Development (PUD) process established in Section 127 of the Hillsboro Zoning Ordinance No. 1945.
- (B) Upon annexation the City shall initiate zone changes to comply with the land use designations for Area 71 as shown on the South Hillsboro Community Plan Map.
- (C) The following implementation measures contained in Section 2, Urbanization, Subsections (IV)(A) (1-5), (IV)(B), (IV)(D), (IV)(H), and (IV)(I) shall apply to developments within Area 71.
- (D) Implementation of the transportation system elements recommended in the Plan pertaining to Area 71 in the South Hillsboro Community Plan shall occur in accordance with the *South Hillsboro Community Plan* Transportation Map (Plan document, Figure 17) until such time as the transportation system policies, provisions and improvements on that Map have been incorporated into the City Transportation System Plan (TSP) (January 2004), at which time the City TSP shall thereafter guide transportation improvements within the Community.

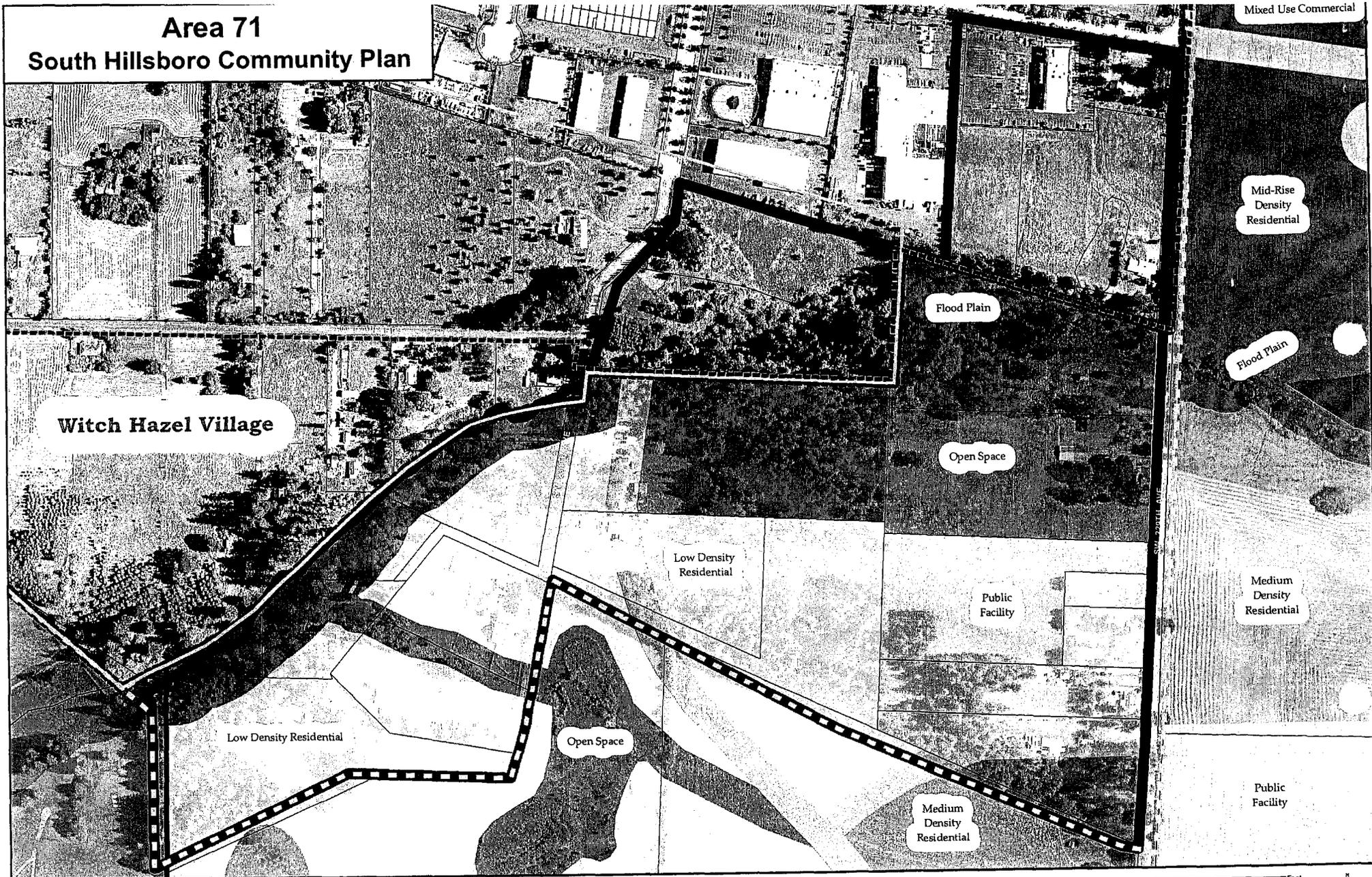
BE IT FURTHER RESOLVED that the Planning Commission hereby schedules these amendments for public hearing before the Commission on April 29, 2008.

Introduced and passed this 27th day of February 2008.

President

Attest: _____
Secretary

Area 71 South Hillsboro Community Plan



CITY OF HILLSBORO South Hillsboro Community Plan

Plot Date: February 21, 2008

Plan Area Data:

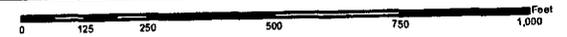
- South Hillsboro Community Plan Study Area (2,330 Acres)
- South Hillsboro Community Plan Area (1,566 Acres)
- Area 71 (87 Acres)

Base Data:

- UGB
- Hillsboro City Limits
- Witch Hazel Village (317 Acres)
- Taxlots

Comprehensive Plan Designation:

- Commercial
- Mixed Use Commercial
- Mid-Rise Density Residential
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Open Space
- Public Facility
- Floodplain
- Potential Future Urban Reserve
- Potential Future Urban Reserve-Golf Course



Sources:

City of Hillsboro Planning Department - February 2008
 City of Hillsboro GIS Department - February 2008
 Washington County - November 2007
 Metro - November 2007

Note: Parks included in Open Space designation for Planning purposes.

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RESOLUTION NO. 1660-P

ZOA 2-08: AREAS 69 & 71, SOUTH HILLSBORO COMMUNITY PLAN

A RESOLUTION INITIATING AMENDMENTS TO HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, MODIFYING SECTION 127, PLANNED UNIT DEVELOPMENT (PUD) AND SECTION 97, ANNEXATION TO IMPLEMENT TWO PROPOSED NEW SECTIONS OF THE COMPREHENSIVE PLAN.

WHEREAS, approximately 87 acres of land situated immediately east of Witch Hazel Village and generally identified as "Area 71" and approximately 248 acres of land situated south of Tualatin Valley highway, west of SW 209th Avenue, and generally identified as Area 69 were added to the Urban Growth Boundary (UGB) on December 5, 2002 through adoption of Metro Ordinance No. 02-969B, in order to partially satisfy a Regional 20-years housing land supply requirement as mandated in ORS 197.299; and

WHEREAS, in the interest of achieving the goals of compact urban form, efficient use of land, and rational and economic provision of urban services, the City determined that Areas 69 and 71 should be planned for urbanization in a manner consistent with the general conceptual design of the South Urban Reserve Concept Plan prepared in 1998 as part of the regional urban reserve planning process in place at that time; and

WHEREAS, the City has now prepared a proposed *South Hillsboro Community Plan* covering approximately 1,556 acres of the 1998 South Urban Reserve, which includes the 248 acres in Area 69 and the 87 acres in Area 71, and

WHEREAS, the Planning Commission has initiated amendments to Hillsboro Comprehensive Plan Ordinance No. 2793, to add a proposed new Section 26, Area 71, South Hillsboro Community Plan, and a proposed new Section 27, Area 69, South Hillsboro Community Plan, each of which Sections respectively includes Goals, Policies, and Implementation Measures related to those Areas, and

WHEREAS, proposed General Development Policies for both Areas 69 and 71 may require that annexation be restricted due to inadequate transportation infrastructure and/or other infrastructure and may be subject to certain annexation criteria, and

WHEREAS, it is necessary to amend Zoning Ordinance Section 97 in order to implement the proposed new Comprehensive Plan Section 26 and Section 27, and

WHEREAS, proposed Implementation Measures for both Areas 69 and 71 would require that future urban development in those Areas be processed under the Planned Unit Development standards and criteria specified in Zoning Ordinance Section 127, and

1 WHEREAS, it is necessary to amend Zoning Ordinance Section 127 in order to
2 implement these provisions from the proposed new Comprehensive Plan Section 26 and Section
3 27, and
4

5 WHEREAS, Zoning Ordinance Section 112 authorizes the Planning Commission to
6 initiate amendments to the Zoning Ordinance.
7

8 NOW THEREFORE BE IT RESOLVED by the Hillsboro Planning Commission, by and
9 through this resolution does hereby initiate the following amendments to Zoning Ordinance No.
10 1945:
11

12 Section 1. Section 97 Zoning of annexed areas is proposed to be amended with the
13 addition of a new subsection A Restrictions on annexation to read as follows, and with the
14 renumbering of existing Section 97A as Section 97B:
15

16 97A. Restrictions on annexation. Annexation of properties within Witch Hazel
17 Village and the South Hillsboro Community Planning Area may be restricted due
18 to inadequate transportation and/or other infrastructure and may be subject to
19 certain annexation criteria as specified in those community plans.
20

21 Section 2. Section 127 Planned Unit Development is proposed to be amended with
22 the addition of a new subsection K (i) and (ii) to read as follows, and with the renumbering of
23 existing Section K as Section L:
24

25 K. Development in Witch Hazel Village and South Hillsboro Community
26 Planning Areas.
27

- 28 (i) All development in Witch Hazel Village and South Hillsboro Community
29 Planning Areas, as identified in Sections 22, 23, 26, and 27 of the
30 Comprehensive Plan, shall be reviewed under the Planned Unit
31 Development process.
32 (ii) Development applications for PUDs within Areas 69 and Area 71 and
33 Witch Hazel Village shall demonstrate compliance with Section 2
34 Urbanization of the Hillsboro Comprehensive Plan Subsections (IV)(A)
35 (1-5), (IV)(B), (IV)(D), (IV)(H), and (IV)(I).
36
37

1 BE IT FURTHER RESOLVED that the Planning Commission hereby schedules this
2 amendment for public hearing before the Commission on April 29, 2008.

3
4 Introduced and passed this 27th day of February 2008.

5
6
7 _____
8 President

9
10
11 Attest: _____
12 Secretary

LEXSEE 28 OR LUBA 561

**SALEM GOLF CLUB, MIKE O'NEILL, and JERRY HOGEVOLL, dba SAFE
STOR, Petitioners, vs CITY OF SALEM, Respondent, and DAVE SIMONSON,
DONNA SIMONSON, and COMMERCIAL REDI-MIX CO.,
Intervenors-Respondent**

LUBA No. 92-239

OREGON LAND USE BOARD OF APPEALS

28 Or. LUBA 561; 1995 Ore. Land Use Bd. App. LEXIS 11

January 25, 1995

HISTORY: [**1] Appeal from City of Salem.

DISPOSITION: REMANDED

COUNSEL:

Terrence Kay, Salem, filed the petition for review and reply brief and argued on behalf of petitioners.

Paul A. Lee, Assistant City Attorney, filed a response brief on behalf of respondent.

Paul R. Hribernick, Portland, filed a response brief and argued on behalf of intervenors-respondent. With him on the brief was BlackHelterline.

JUDGES: SHERTON, Referee; HOLSTUN, Chief Referee; KELLINGTON, Referee, participated in the decision.

1. LUBA Procedures/Rules - Official Notice.

A complaint filed by a county in a circuit court does not constitute a local government enactment of which LUBA may take official notice as judicially cognizable law, as set out in OEC Rule 202(7).

2. LUBA Procedures/Rules - Evidentiary Hearings - Motion for.

LUBA Scope of Review - Grounds for Reversal/Remand - Generally. Petitioners cannot raise a new basis for reversing or remanding a challenged decision for the first time in a post oral argument motion for evidentiary hearing unless they demonstrate that they seek to present facts unknown to them at the time the petition for review was filed.

3. Local Government Procedures - Compliance with Local Ordinances/Regs - Application Requirements. Permits [**2] - Approval Standards - Application Requirements. Code provisions which simply require a land use application to contain certain information, and explain the burden is on the applicant to establish compliance with relevant approval criteria, do not impose an affirmative requirement on the applicant to disclose a dispute the applicant may have with another jurisdiction concerning another permit.

4. Local Government Procedures - Hearings - Evidence.

Where petitioners do not identify any code, statute or regulation provision requiring a local government to allow parties in land use proceedings to incorporate items into the local record by reference, the local government's refusal to do so is not error.

5. Administrative Law - Requirement for Findings - Generally.

Permits - Approval Standards - Use of Conditions. There is no generally applicable legal standard requiring a local government to have a "substantial or reasonable basis" for declining to impose a condition proposed by a party to a local government land use proceeding.

6. Comprehensive Plans - Amendment - Map Amendment: Standards.

Comprehensive Plans - Interpretation. Where a local comprehensive plan map amendment [**3] standard requires that there be no suitable alternative sites in the "vicinity" of the proposed use, the local governing body may interpret "vicinity" to mean a reasonable area around the site of the proposed use, rather than the entire market area served by the proposed use.

7. Administrative Law - Substantial Evidence - Generally.

Administrative Law - Substantial Evidence - Conflicting Evidence. The mere existence of a survey or computer listing of a city's available industrial land, absent argument by petitioner that particular listed sites represent available, industrially designated sites in the vicinity of a proposed plan map amendment, does not refute other evidence relied on by the city to determine there are no suitable alternative sites within a reasonable area of a proposed plan map amendment.

8. Statewide Planning Goals/ LCDC Rules - Acknowledgment.

Comprehensive Plans - Amendment - Map Amendment: Standards. When adopting a comprehensive plan map amendment, a city can rely on its acknowledged plan and regulations as providing a sufficient number of large parcels of industrially designated land to comply with a plan policy requiring the designation of a sufficient [**4] number of such parcels, where the plan map amendment does not affect the inventory or use of such parcels.

9. Administrative Law - Interpretation of Law - Effect of Local Government Interpretation. Variances. A city council's interpretation of a city code "unreasonable hardships or practical difficulties" variance standard, as requiring that it be "extremely difficult" to use the subject property for a proposed concrete operation without the requested variance, is not clearly wrong and, therefore, must be affirmed.

10. Administrative Law - Requirement for Findings - Statewide Goals.

Goal 6 - Air, Water and Land Resource Quality. When a property's plan and zone designations are changed to allow a particular use, Goal 6 requires the local government to adopt findings explaining why it is reasonable to expect that applicable state and federal environmental quality standards can be met by the proposed use. Goal 6 does not require the local government to demonstrate its decision will not cause any adverse environmental impact on individual properties.

11. Goal 8 - Recreational Needs.

LUBA Scope of Review - Postacknowledgment Amendments. When LUBA reviews a postacknowledgment comprehensive [**5] plan or land use regulation amendment for compliance with Goal 8, the relevant concern is whether the amendment has direct or secondary effects on "recreation areas, facilities and opportunities" inventoried and designated by the acknowledged plan to meet the local government's recreational needs. Goal 8 does not require that there will be no adverse effects on any recreational activity occurring in the vicinity of the proposed amendment.

12. Goal 9 - Economy of the State/ Goal 9 Rule.

Comprehensive Plans - Amendment - Map Amendment: Standards. Goal 9 does not require that a postacknowledgment plan amendment changing the designation of urban land from Industrial-Commercial to Industrial be supported by a demonstration that the proposed industrial use of the land is necessary to the local economy or will provide products that existing producers cannot supply.

13. Goal 12 - Transportation/ Goal 12 Rule.

Permits - Particular Uses - Mineral and Aggregate. Where a comprehensive plan map amendment to allow a proposed

concrete batch plant will result in all aggregate and concrete trucks entering the subject property via a road that provides the sole access to certain existing dwellings, [**6] Goal 12 requires the local government to demonstrate the amendment will result in use of the road being safe and adequate.

OPINIONBY: SHERTON

OPINION:

[*563]

NATURE OF THE DECISION

Petitioners appeal a city ordinance approving a comprehensive plan map amendment, zone change, conditional use [*564] permit and variance, to allow the replacement and relocation of a concrete batch plant.

MOTION TO INTERVENE

Dave Simonson, Donna Simonson and Commercial Redi-Mix Co., the applicants below, move to intervene in this proceeding on the side of respondent. There is no objection to the motion, and it is allowed.

FACTS

Intervenors own and operate a business that includes the mining and processing of aggregate materials (sand and gravel) and the production of concrete. The aggregate mining and processing portions of the business are located on parcels outside Salem city limits, under the jurisdiction of Marion County, in the Eola Bend area between South River Road and the Willamette River. The subject parcel is approximately 1.5 acres in size and is bisected by South River Road. It is designated Industrial Commercial on the city comprehensive plan map and zoned Industrial Commercial [**7] (IC).

The approximately 0.95-acre, triangular portion of the subject parcel on the northwest side of South River Road is used for intervenors' offices and truck garage, which are located near the northeastern apex of the triangle. Aggregate stockpiles are located near the southwestern base of the triangle. Between these two areas is an area used for parking intervenors' trucks. The approximately 0.5-acre portion of the parcel on the southeast side of South River Road contains an aging concrete batch plant that is a nonconforming use. Access to this batch plant from South River Road by intervenors' supply trucks and product trucks is difficult and creates traffic problems on South River Road.

The triangular portion of the subject parcel is bordered by Burlington Northern Railroad tracks on the northwest, across from which is land zoned Public Amusement (PA), containing the city's Minto-Brown Island Park (Minto Brown Park) and two dwellings. The park access road adjoins the apex of the triangle. The base of the triangle borders an unnamed public right-of-way providing access to the two dwellings. Across the right-of-way, on IC-zoned land, is a self-storage facility. The [**8] portion of the [*565] subject parcel adjoining South River Road to the southeast is surrounded on its other three sides by land which is zoned Multiple Family Residential (RM) and developed for residential use.

On July 6, 1992, intervenors filed an application with the city for (1) a comprehensive plan map amendment for the 0.95-acre triangular area (hereafter subject property) from Industrial Commercial to Industrial; (2) a zone change for the subject property from IC to General Industrial (IG); (3) a conditional use permit for a concrete batch plant on the subject property; and (4) a variance to allow paving within the special 62-foot setback from South River Road established by Salem Revised Code (SRC) 130.180. Approval of this application would allow intervenors to relocate their concrete operation to the southwestern, "base" portion of the subject triangular property, replacing the aging concrete batch plant with a modern portable concrete batch plant. n1

n1 Marion County had previously denied two applications by intervenors to allow placement of a concrete batch plant at intervenors' aggregate extraction or stockpiling site, respectively. See *Simonson v. Marion County*, 21 Or LUBA 313 (1991) (affirming county denial of conditional use permit application to place asphalt and concrete batch plants at the extraction site).

[**9]

On September 15, 1992, after holding a public hearing, the city planning commission approved intervenors' application. Petitioner Salem Golf Club appealed the planning commission's decision to the city council. On November 2, 1992, the city council held a public hearing on the application. On December 15, 1992, the city council adopted an ordinance approving the subject application. n2 This appeal followed.

n2 The city council's decision imposes 11 conditions on the zone change to IG. Condition 7 requires that the existing concrete batch plant be removed when all appeals of the challenged decision are exhausted. Conditions 8 and 9 provide the zone change will remain in effect only if intervenors' current DOGAMI extraction permit is not revoked or abandoned and operation of intervenors' proposed new concrete batch plant is not discontinued for more than one year. Record 4.

MOTION TO SUPPLEMENT RECORD

At oral argument, petitioners submitted a Motion to Supplement Record. This motion asks us to take official notice of a complaint filed by Marion County in Marion County Circuit Court on June 15, 1993. n3 The complaint alleges that intervenors Simonson violated a conditional use permit approved by the county for an aggregate mining operation at the Eola Bend extraction site and seeks to enjoin intervenors from continuing such violations. Petitioners argue the complaint bears directly on the question of whether the subject concrete batch plant could be relocated to intervenors' extraction site, an issue that was before the city during its proceedings. Petitioners contend this Board should remand the challenged decision to the city to establish the true availability of the extraction site as an alternative site for the concrete batch plant. 1 Although LUBA has authority to take official notice of judicially cognizable law, as set out in OEC Rule 202, because LUBA's review is limited by ORS 197.830(13)(a) to the record of the proceeding below, LUBA lacks authority to take official notice of adjudicative facts. *Murray v. Clackamas County*, 22 Or LUBA 247, 252 (1991); *Blatt v. City of Portland*, 21 Or LUBA 337, 341-42, aff'd 109 Or App 259 (1991), [**11] rev den 314 Or 727 (1992). Petitioners do not contend the complaint in question constitutes a local government enactment that is judicially cognizable under OEC Rule 202(7), and we do not see that it is.

n3 Petitioners' motion is entitled "Motion to Supplement Record." However, we do not understand petitioners to ask that the complaint be made part of the city's record, but rather that it be considered by LUBA and, therefore, become part of LUBA's record. In any case, the complaint could not possibly be part of the city's record, as it postdates the challenged decision by some six months. *Sunburst II Homeowners v. City of West Linn*, 18 Or LUBA 695, 698, aff'd 101 Or App 458, rev den 310 Or 243 (1990).

Petitioners' motion to supplement the record is denied.

MOTION FOR EVIDENTIARY HEARING

After oral argument in this appeal, petitioners filed a motion for an evidentiary hearing pursuant to ORS 197.830(13)(b) [**12] and OAR 661-10-045. n4 Petitioners contend there [*567] were procedural irregularities below that are not reflected in the record. Specifically, petitioners allege intervenors withheld evidence from the city that petitioners believe intervenors were required to disclose under SRC 114.160(b) and 110.210(a) and (b). n5

n4 ORS 197.830(13)(b) provides:

In the case of disputed allegations of unconstitutionality of the decision, standing, ex parte contacts or other procedural irregularities not shown in the record which, if proved, would warrant reversal or remand, [LUBA] may take evidence and make findings of fact on those allegations. [LUBA] shall be bound by any finding of fact of the local government * * * for which there is substantial evidence in the whole record." OAR 661-10-045(1) provides, in relevant part:

Grounds for [Evidentiary] Hearing: The Board may, upon written motion, conduct an evidentiary hearing in the case of disputed allegations in the parties' briefs concerning unconstitutionality of the decision, standing, ex parte contacts or other procedural irregularities not shown in the record and which, if proved, would warrant reversal or remand of the decision. * * *

n5 With regard to quasi-judicial land use actions, SRC 114.160(b) provides:

The proposal must be supported by proof that it conforms to all applicable criteria imposed [by the SRC,] all standards imposed by applicable goals and policies of [the SACP, and] all applicable land use standards imposed by state law or administrative regulation. * * * The burden rests ultimately on the proponent to bring forward testimony or other evidence sufficient to prove compliance with these standards. At a minimum, the proponent's case should identify and evaluate the proposal in the context of all applicable standards." SRC 110.210 (Application Forms) provides:

(a) * * * Application forms shall require at least the following information[:]

* * * * *

(6) Such other information as may be required for particular actions or permits elsewhere in [the SRC].

(b) All applications for land use actions * * * shall be complete as to all factual information required to be stated on or furnished with the application.

* * * * *

[**13]

Petitioners further argue the challenged city council decision is premised on the unavailability of an alternative site for the proposed concrete batch plant, especially intervenors' existing extraction site in Marion County. Petitioners contend they will present evidence, not known to them at the time this matter was before the city, establishing (1) the batch plant could be sited at the extraction site, and (2) this evidence (concerning siting the plant at the extraction site) would have resulted in denial of intervenors' application.

Petitioners allege the evidence they will present at an evidentiary hearing will include: [*568]

(1) A complaint filed by Marion County in Marion County Circuit Court on June 15, 1993, concerning intervenors' alleged violation of their 1979 aggregate extraction conditional use permit. (2) Evidence that Marion County has a policy of not granting new permit approvals until existing land use disputes are settled and that the existence of the dispute concerning the 1979 conditional use permit was the primary reason intervenors' application to use the extraction site for the batch plant was denied. (3) Testimony by two persons, members of [**14] the city council at the time the challenged decision was made, that neither they nor a majority of the city council would have voted to approve

intervenor's application if they had known the extraction site was an available alternative. (4) Testimony and documents from city staff establishing (i) intervenors have failed to comply with a condition of approval in the challenged decision requiring improvement of a section of the unnamed road adjoining the subject property to a 22-foot wide turnpike pavement, and (ii) trucks entering the subject property from the unnamed road, as required by the challenged decision, veer out of their lane and into the path of oncoming traffic on the unnamed road. ORS 197.830(13)(b) and OAR 661-10-045(1) and (2) require that a motion for evidentiary hearing not only explain with particularity what facts the moving party would present at an evidentiary hearing, but also explain how those facts, if proved, would warrant reversal or remand of the challenged decision. Petitioners' motion for evidentiary hearing fails to establish that the facts they seek to present, if proved, would result in reversal or remand of the challenged decision, for at least two reasons. [**15] 2 First, OAR 661-10-030(3)(d) requires that petitioners' assignments of error be set forth in their petition for review. Petitioners cannot raise a new basis for reversing or remanding a challenged decision for the first time in a post oral argument motion for evidentiary hearing unless they demonstrate that they seek to present facts unknown to them at the time the petition for review was filed. *Cf. DLCD v. Douglas County, 28 Or LUBA 242, 252 (1994)*, (petitioner may not raise a basis for reversal or remand for the first time at oral argument or in a post oral argument memorandum). [**569]

In this case, the "procedural irregularit[y] not shown in the record" alleged as the basis for petitioners' request for an evidentiary hearing is violation of SRC 114.160(b) and 110.210(a) and (b). However, the petition for review contains no assignment of error concerning alleged violation of SRC 114.160(b) or 110.210(a) and (b). n6 In addition, petitioners do not contend that at the time they filed their petition for review, they were unaware of the evidence they now seek to introduce through a motion for evidentiary hearing. Therefore, petitioners cannot raise this [**16] basis for reversal or remand for the first time in their motion for evidentiary hearing.

3 Second, we do not agree that the facts alleged by petitioners, if proved, would constitute a violation of SRC 114.160(b) and 110.210(a) and (b). n7 Petitioners' argument is premised on a belief that SRC 114.160(b) and 110.210(a) and (b) required intervenors to disclose to the city council, during its 1992 proceedings, facts relating to intervenors' dispute with Marion County concerning the 1979 extraction conditional use permit. n8 However, SRC 114.160(b) and 110.210(a) and (b) (quoted in n 5) simply require a land use application to contain certain information, and explain that the burden is on the applicant to establish compliance with relevant approval criteria. We see nothing in [**570] these SRC provisions imposing a requirement on intervenors to disclose, during the city proceedings on the subject application, the substance of any dispute intervenors may have had with the county concerning the terms of intervenors' 1979 extraction conditional use permit.

n6 As far as we can tell, SRC 114.160(b) and 110.210(a) and (b) are not referred to in the petition for review at all.

n7 The facts petitioners seek to introduce through their motion for evidentiary hearing include facts concerning intervenors' alleged noncompliance with a condition of approval in the challenged decision requiring certain street improvements. These facts appear unrelated to petitioners' claim of a procedural irregularity in the alleged violation of SRC 114.160(b) and 110.210(a) and (b). However, petitioners advance no legal theory as to how an alleged failure to comply with a condition imposed by a challenged decision, while that decision is on appeal, constitutes a basis for reversal or remand of that decision.

Consequently, we do not consider this issue further.

Petitioners also seek to introduce facts concerning impacts of the approved proposal on use of the unnamed road adjacent to the subject property which have occurred while the challenged decision has been on appeal. That evidence relevant to a substantive approval standard may have come into existence since the challenged decision was made does not provide a basis for an evidentiary hearing under ORS 197.830(13)(b) or OAR 661-10-045(1).

n8 We note that petitioners do not specify what facts they contend intervenors should have disclosed during the

city proceedings. The circuit court complaint petitioners seek to introduce through an evidentiary hearing was not filed until some six months after the challenged decision was made.

[**17]

The motion for evidentiary hearing is denied.

NINTH ASSIGNMENT OF ERROR

A. Denial of Continuance/Incorporation into Record

Petitioners contend the city erred by "refusing to continue the hearing to review the items stated in the Salem Golf Club 'request for continuance of hearing.'" n9 Petition for Review 28. Petitioners argue such continuance was "appropriate and necessary * * * to research the alternative sites, and the true availability of an application [sic] from the [county] to move the batch plant from River Road to the extraction site." Petition for Review 28. Petitioners also argue they were prejudiced by the city's failure to incorporate into its record, the record of "the Marion County Commissioners, which would establish or indicate the availability of a preferred and available site at the extraction site * * *." Id.

n9 Petitioners do not identify, by citation to the record or otherwise, the "request for continuance of hearing" to which they refer. We will assume, as do intervenors in their response brief, that petitioners refer to the document at Record 190, dated November 2, 1992, entitled "Salem Golf Club Request for Incorporation or [sic] Materials into the Record by Council Order."

[**18]

Apparently, at the November 2, 1992 city council hearing, petitioner Salem Golf Club submitted a request that the city council order certain listed items to be incorporated into the record of the proceeding or, in the alternative, that the city council "continue [the] hearing, or at least leave the record open for ten days or the time necessary, for the [listed] materials to be made part of the record." n10 Record 190. The city council declined to continue the hearing or leave the record open. The city council [*571] also declined to take official notice of the various documents, transcripts and files listed by petitioner Salem Golf Club, and noted that petitioner had not presented these items to the city council. Record 2.

n10 The items listed were (1) transcripts of certain hearings and deliberations by the planning commission and the Salem Parks Board; (2) city files concerning code violations, enforcement issues or South River Road closure permits related to the existing batch plant site; (3) city planning files concerning any applications during the past five years where the city considered public need and alternative sites; and (4) a "GLADS" report listing industrially zoned land within the city. Record 190.

[**19]

Petitioners do not identify any legal standard which they contend entitled them to a continuance of the city council's November 2, 1992 hearing, or to have the record of that hearing left open. Petitioners do not explain why they believe the procedures followed by the county denied them an adequate opportunity to present or rebut evidence on the alternative sites issue. LUBA can grant relief only if petitioners demonstrate that an applicable legal standard is violated. *Frankton Neigh. Assoc. v. Hood River County*, 25 Or LUBA 386, 389 (1993); *Lane School Dist. 71 v. Lane County*, 15 Or LUBA 150, 153 (1986). 4 With regard to the city's refusal to incorporate the items requested by petitioner

Salem Golf Club into the record, petitioners do not contend they actually placed the items in question before the city council. Neither do petitioners identify any SRC provision or other applicable statute or regulation requiring the city to allow parties in land use proceedings to incorporate items into the record by reference. n11 Absent such a requirement, the city's refusal to incorporate these items into the record is not error. See *Salem Golf Club v. City of Salem*, 25 Or LUBA 768, 770 (1993). [**20]

n11 We also note that although petitioners contend they were prejudiced by the city's failure to incorporate certain county files or documents into the record, the request for incorporation at Record 190 lists only city files and documents, and petitioners do not cite anything in the record establishing that petitioners ever requested incorporation of county documents into the record.

This subassignment of error is denied.

B. Refusal to Impose Conditions

Petitioners contend the city exceeded its authority by refusing to impose on the proposed use certain conditions requested below by petitioner Salem Golf Club. Petitioners argue the city did not have a "substantial or reasonable basis" for refusing to impose the requested conditions. Petition for Review 28. According to petitioners, the city's refusal to impose the requested conditions "prejudices the Petitioners and the reasonable use of their land, and fails to comply with applicable standards to consider conditions in the context of [intervenor's] application." [**21] Id. [*572]

5 Petitioners do not identify, and we are not aware of, any legal standard that requires a local government to have a "substantial or reasonable basis" for declining to impose a condition suggested by a party to a local government land use proceeding. Neither do petitioners argue that one or more of the requested conditions are essential to the proposal's compliance with an applicable approval standard. Consequently, petitioners' arguments provide no basis for reversal or remand.

This subassignment of error is denied.

The ninth assignment of error is denied.

FIRST AND SECOND ASSIGNMENTS OF ERROR

There is no dispute that the proposed comprehensive plan map amendment is a "minor plan change," as defined by the SRC. SRC 64.090(b)(1) requires a minor comprehensive plan change to satisfy the following criterion:

"[There is a] lack of appropriately designated suitable alternative sites within the vicinity of [the] proposed use. Factors in determining the suitability of the alternative sites are limited to one or both of the following:

"(A) Size: Suitability of the size of the alternative sites to accommodate the proposed use; or

"(B) Location: [**22] Suitability of the location of the alternative sites to permit the proposed use[.]" (Emphasis added.)

Petitioners argue that *Roden Properties v. City of Salem*, 17 Or LUBA 1249 (1989), establishes that the "vicinity" in which to determine the existence of suitable alternative sites under SRC 64.090(b)(1) must be "the same area used to determine the present plan does not already accommodate a public need [for the proposed use,] unless there is adequate justification to use a different area." Petition for Review 12. According to petitioners, intervenors admit their concrete is needed throughout the entire Salem area. Consequently, petitioners contend the city erred in the challenged decision by interpreting "vicinity," as used in SRC 64.090(b)(1), to mean "a reasonable area around the area that is proposed for the use." Record 12.

Petitioners also argue the city improperly concluded that IG-zoned sites identified by petitioners are unsuitable alternatives because they were located too far from the Eola Bend [*573] extraction site and would necessitate transport of the raw material (aggregate) through the central portion of the city. Finally, [**23] petitioners contend the city's determination that there are no suitable alternative sites in the vicinity of the proposed use is not supported by substantial evidence in the whole record.

A. Interpretation of SRC 64.090(b)(1)

Roden Properties, supra, dealt with the interpretation and application of former SRC 64.090(b)(2) and (3), which established the following approval criteria for minor plan changes:

"(2) There is an overriding public need which is best served by the proposed change.

"(3) The plan does not otherwise make adequate provision to accommodate the public need[.]" Sometime subsequent to our decision in *Roden Properties*, SRC 64.090(b) was amended. SRC 64.090(b) no longer contains the provisions concerning "public need" that were at issue in *Roden Properties*. Further, *Roden Properties* does not address the interpretation of any provision equivalent to current SRC 64.090(b)(1), or of the term "vicinity" in general. Therefore, *Roden Properties* has no bearing on this case. 6 The challenged decision rejects petitioners' contention that "vicinity" in SRC 64.090(b)(1) should be interpreted to mean the entire market area in which intervenors [**24] deliver their concrete products. The decision finds that "vicinity" means "a reasonable area around the area that is proposed for the use" and that "a reasonable area in this case is limited by the need to transport the raw materials from [intervenors'] Eola Bend extraction site to the proposed [batch plant] site." Record 12. Based on this interpretation, the city found alternative sites located on the north and east sides of the city, which would require transport of raw aggregate material through residential, commercial and downtown streets, "to be both outside the vicinity for the proposed use and to be unsuitable for the proposed use." *Id.* The city council's interpretation of "vicinity" in SRC 64.090(b)(1) to mean within a "reasonable area" of the proposed concrete batch plant site, and that such reasonable area does not include sites on opposite sides of the city from the existing extraction site, is within its discretion under *ORS 197.829 and Clark v. Jackson County, 313 Or 508, 514-15, 836 P2d 710 (1992)*. [*574]

This subassignment of error is denied.

B. Evidentiary Support

The city first found that, based on a review [**25] of its plan and zoning maps, most land designated Industrial and zoned IG is located on the north and east sides of the city, and that transport of raw aggregate from intervenors' extraction site to a site on the north or east side of the city would require routing truck traffic through heavily populated downtown or residential areas. Record 11. These findings are supported by comprehensive plan and zoning maps which allow a reasonable decision maker to conclude, as did the city council, that industrially designated and zoned sites on the north and east sides of the city either are not "suitable" alternative sites or are not within the "vicinity" of the proposed site.

The city next found that an IG-zoned site between the Boise Cascade paper plant and Minto Brown Park is not a suitable alternative site because it is in the floodplain, has no developed access, and would require that trucks carrying raw aggregate travel through the park or the downtown core. Record 11. This determination is supported by testimony of intervenors' attorney. Tr. 124. n12

n12 Transcripts of the planning commission and city council public hearings in this matter are attached to the petition for review and shall be cited as "Tr. ____."

[**26]

The city found a site suggested by petitioners on Homestead Road is presently zoned Residential Agricultural (RA) and, therefore, is not "appropriately designated" for the proposed use, as required by SRC 64.090(b)(1). Record 12. The city also found the Homestead Road site is not "suitable," in terms of location, because there is no buffer, such as the Burlington Northern Railroad tracks, separating it from Minto Brown Park and because the availability of this alternative site depends on an exchange of properties with greatly disparate value. Id. These findings are supported by the testimony of intervenors' land use consultant. Tr. 159-60.

Finally, the city found that intervenors' extraction and stockpiling sites in Marion County are not available alternative sites because the county has twice denied intervenors' applications for the necessary land use approvals to site a concrete batch plant at these sites. Record 12. These findings are supported by [*575] the staff report and the applicants' statement. Record 76, 94. Based on the evidence in the record, a reasonable person could conclude, as did the city, that these sites are neither suitable nor appropriately designated. [**27]

Petitioners contend "there is ample evidence in the record from which to conclude * * * there are alternative sites of adequate size available in the Salem area with an appropriate zone and suitable to accommodate the operation of a concrete batch plant" (Record 147-59, 216-273). Petition for Review 14. However, the evidence cited by petitioners consists of a 1988 survey entitled "Industrial Parcels for Sale or Lease" and a 13-page 1992 computer printout listing vacant industrial land. Both documents list parcels by street address and give their zoning and acreage. The inventory also lists ownership, tax account numbers and information on service availability. 7 As explained above, there is adequate evidentiary support for the city's determination that industrial sites on the north and east sides of the city are not "suitable alternatives in the vicinity of the proposed site" under SRC 64.090(b)(1). We also find evidence in the record supporting the city's determinations that four sites in the vicinity of the subject property are not appropriately designated or are not suitable for the proposed use. Petitioners claim the mere existence of the 1988 survey and the computer printout [**28] refutes the evidence relied on by the city. However, petitioners do not identify any survey or computer printout listings which they contend represent available, industrially zoned sites, in the same part of the city as the proposed site, that the city failed to consider. In the absence of such assistance from petitioners, we see no reason to conclude a reasonable person would find the evidence relied on by the city refuted by the evidence cited by petitioners. See *Younger v. City of Portland*, 305 Or 346, 358-60, 752 P2d 262 (1988).

This subassignment of error is denied.

The first and second assignments of error are denied.

EIGHTH ASSIGNMENT OF ERROR

SRC 64.090(b)(5) requires that a minor comprehensive plan change "conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements." Petitioners contend the challenged decision is not [*576] supported by substantial evidence in the record establishing compliance with four Salem Area Comprehensive Plan (SACP) Industrial Development policies. n13

n13 In October 1992, the city adopted a comprehensive revision of the SACP. That revision included changes to the wording of the intent statement for the Industrial plan map designation and two of the policies at issue under this assignment of error. Although the challenged decision was not approved until December 15, 1992, and comprehensive plan amendments are not subject to the requirement of ORS 227.178(3) that an application be governed by the standards in effect when the application was first filed, the city applied the pre-October 1992 version of the SACP in making the challenged decision. However, no party assigns this as error or contends the October 1992 amendments had a significant effect on the SACP provisions at issue in this appeal. Therefore, we review the challenged decision as though the pre-October 1992 SACP continues to apply.

[**29]

A. Industrial Development Policy 1
Industrial Development Policy 1 provides:

"Sufficient land in large parcels should be zoned industrial to ensure a competitive market for industrial sites." Further, the SACP intent statement for the Industrial plan map designation states:

"The intent is to provide a variety of industrial sites for all types of industrial uses throughout the Salem urban area.

"Many of the areas designated Industrial contain large parcels suitable for the type of industries which Salem seeks to attract. These parcels are typically 20, 40, 70 acres or greater. * * *" Plan, p. 13.

Petitioners argue the record lacks substantial evidence to support a conclusion that changing the plan map designation of the subject 0.95 acres to Industrial will provide sufficient large parcels of industrially zoned lands or ensure a competitive market for industrial sites.

The challenged decision states the proposed redesignation of the subject property from Industrial Commercial to Industrial conforms to the Industrial intent statement and Industrial Development Policy 1, as follows:

"[A] variety of industrial sites is achieved in the city by having large [**30] block parcels maintained for future development and at the same time, having other smaller parcels dedicated to industrial uses throughout the Salem urban area. [T]o the north and to the east of the proposed site are substantial industrial [*577] parcels which are typically large in acreage. [T]his proposed use will not deter the maintenance or use of these large parcels for industrial development nor will it require or encourage the division of large-sized industrial parcels. * * *

"[The proposed redesignation] does not affect the competitive market for large [parcels of] industrial land nor affect in any way the present zoning or future zoning of large parcels for industrial purposes. [T]his is a small parcel that has an existing industrial use and has specific advantages in terms of size and location and access to raw materials, which make it appropriate for the proposed use. * * *" Record 21.

This subassignment is premised on petitioners' assumptions that Industrial Development Policy 1 (1) prohibits application of the Industrial plan map designation to a small parcel; and (2) requires that the subject plan map change be supported by a demonstration that the city has [**31] sufficient large parcels of industrially zoned land. On the other hand, in the above quoted findings, the city interprets Industrial Development Policy 1 to allow application of the Industrial designation to small parcels, so long as the city has sufficient large parcels designated and zoned for industrial use. This interpretation is well within the city council's discretion under *ORS 197.829 and Clark v. Jackson County, supra*. 8 The above findings also assume the city can rely on its acknowledged plan and regulations as providing a sufficient amount of industrially designated and zoned large parcels to comply with Industrial Development Policy 1, where the subject plan map amendment does not affect the inventory or use of such parcels. We agree. See *Urquhart v. Lane Council of Governments, 80 Or App 176, 721 P2d 870 (1986)*.

This subassignment of error is denied.

B. Industrial Development Policy 4

Industrial Development Policy 4 provides:

"Industrial land bordered by residential or rural lands shall be subject to industrial development standards which ensure that development design [**32] and operation is compatible with surrounding land use."

Petitioners' argument, in its entirety, is that "[t]here is not substantial evidence in the whole record that the [proposed] [*578] industrial use on the subject property * * * is consistent with the surrounding high density residential, commercial recreational, and park uses." Petition for Review 26.

The challenged decision finds the development standards of the IG zone will ensure development design compatibility with surrounding uses, and finds compliance with those standards. Record 22, 37-39. The decision also finds the

11 conditions imposed by the city on the zone change will ensure the design and operation of the proposed use is compatible with the surrounding uses. Record 22. The decision goes on to explain why the city believes the proposed

we do not see that it is.

[**40]

The challenged decision includes lengthy findings addressing SRC 115.020(a). Record 33-35. The city found the triangular shape of the northwestern portion of the subject parcel (varying from 32 to 162 feet in depth), that the subject parcel is bisected by an arterial, and the lack of room to expand operations on the subject parcel because of the presence of the Burlington Northern Railroad tracks on the northwest and encroaching residential development on the south and east, constitute special [*582] conditions that do not apply to property in the district generally. The city further found these conditions make it "extremely difficult" for intervenors to run their concrete production operation, because of conflicts with adjoining residential areas and traffic problems, and that intervenors will best be able to alleviate these difficulties by relocating their concrete batching operation to the northwest portion of the parcel and combining it with their other operations on that site, necessitating the requested variance. n15 Record 34. 9 The above findings indicate the city council does not interpret the "unreasonable hardships or practical difficulties" provision of SRC 115.020(a) [**41] to require that there be no reasonable use of the subject property without the requested variance. Rather, the city council interprets this provision to require that it be "extremely difficult" to continue use of the subject property for intervenors' concrete operation without the requested variance, because of problems such as conflicts with nearby residential uses and with traffic on South River Road. This interpretation of the "unreasonable hardships or practical difficulties" provision of SRC 115.020(a) is not clearly wrong and, therefore, must be affirmed. n16

n15 The city also finds the "practical difficulties" can "most effectively" be relieved by a variance from the 62-foot South River Road special setback because there is already approximately 30 feet between the property line of the subject property and the existing pavement of South River Road, the existing truck shop building is within the special setback and the city will require an "improvement removal agreement" to guarantee removal of any structures within the special setback in the event South River Road is improved. Id.

n16 Because the city council is not required to, and does not, interpret the "unreasonable hardships or practical difficulties" provision of SRC 115.020(a) to require that there be no reasonable use of the subject property without the requested variance, there is no requirement that the record contain substantial evidence supporting such a determination.

Consequently, we do not consider petitioners' evidentiary challenge further. Petitioners do not contend the record lacks substantial evidence to support a determination of compliance with SRC 115.020(a) under the city's interpretation of that provision.

[**42]

The third assignment of error is denied.

FOURTH ASSIGNMENT OF ERROR

Statewide Planning Goal 6 (Air, Water and Land Resources Quality) provides: [*583]

"To maintain and improve the quality of the air, water and land resources of the state.

"All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

* * *

"* * * * *"

Petitioners argue that Goal 6 requires the county to adopt findings, supported by substantial evidence, that the proposed use of the subject property will be able to comply with all applicable environmental standards. *McCoy v. Linn County*, 16 Or LUBA 295, 313-14 (1987); *Spalding v. Josephine County*, 14 Or LUBA 143, 149 (1985). Petitioners contend the record lacks substantial evidence to establish that the modern concrete batch plant to be operated on the subject property will be able to comply with all applicable environmental standards. Petitioners also argue the record lacks substantial evidence that the [**43] challenged decision "will maintain, much less improve, the quality of air, water, or other land resources in Salem, as required by Goal 6." n17 Petition for Review 18.

n17 SRC 64.090(b)(3) requires that a minor comprehensive plan change "considers and accommodates as much as possible all applicable statewide planning goals." However, ORS 197.175(2)(a) requires that amendments to local government comprehensive plans be adopted "in compliance with" the statewide planning goals. Therefore, if the challenged comprehensive plan amendment complies with a particular statewide planning goal, as required by ORS 197.175(2)(a), it also satisfies SRC 64.090(b)(3).

10 When a property's comprehensive plan and zoning map designations are changed to allow a particular use of that property, Goal 6 requires the local government to adopt findings, supported by substantial evidence, explaining why it is reasonable to expect that applicable state and federal environmental quality standards can be met by the proposed use. *Eckis v. Linn County*, 19 Or LUBA 15, 35 n 18 (1990); [**44] *McCoy v. Linn County*, *supra*; *Spalding v. Josephine County*, *supra*. This is sufficient to establish compliance with the overall requirement of Goal 6 that the quality of the state's air, water and land resources be maintained and improved. Goal 6 does not require a local government to demonstrate that its decision will not cause any adverse environmental impact on individual properties. Cf. *Davenport v. City of Tigard*,

22 Or LUBA 577, 590 (1992) (interpreting similar Goal 9 requirement to improve the state's economy). [**584] The challenged decision finds intervenors' proposal satisfies Goal 6:

"[The] proposed use will allow [intervenors] to replace an aging batch plant with a more modern portable plant across the street. [W]hile there are letters from the

Department of Environmental Quality ('DEQ') in the file, the operator was able to make modifications to the old, aging [batch] plant which brought it into conformance with DEQ standards. [A] more modern plant will not have the problems of the old plant and will be able to maintain compliance with DEQ standards. [W]e have imposed a [**45] condition that requires compliance with all state regulations, which include DEQ air and water standards. [T]he existing site has operated for years without an adverse effect on water and [there is] no reason why [use of] the proposed site would have any adverse effect on water resources. [T]he proposed use will not produce any discharges to land or water bodies. [T]he proposed plant will be equipped with dust control devices so that emissions will be maintained within appropriate DEQ air quality standards. [T]he property is served by city sewer, water and storm drainage facilities and stormwater run-off will be collected and removed by the stormwater drainage system. * * *" Record 15.

The above findings conclude the proposed use will be able to satisfy applicable environmental quality standards. Additionally, they adequately explain the basis for that conclusion. We have reviewed the evidence in the record cited by the parties. n18 We agree with intervenors that based on this evidence a reasonable person could find, as did the city, that the proposed use will comply with applicable environmental quality standards and, therefore, with Goal 6.

n18 Petitioners specifically complain there is no evidence in the record from "the manufacturer of the concrete batch plant or the DEQ or any established expert that the proposed concrete batch plant will comply with DEQ standards." Reply Brief 16. Petitioners argue *Eckis v. Linn County*, 22 Or LUBA 27, 55-57, *aff'd* 110 Or App 309

(1991) (statement by intervenor's attorney and testimony by employee of explosives company not substantial evidence to support findings of compliance with DEQ noise standards), supports a requirement that there be evidence from such sources in the record. However, in Eckis, the attorney's testimony was that no testing to determine whether blasting complied with DEQ noise standards had been performed, and the employee's testimony was that testing showed compliance with U.S. Bureau of Mines vibration standards. Thus, our ruling in Eckis was based on the fact that neither person's testimony provided a basis for determining the proposed use could comply with DEQ noise standards, not on a general proposition that testimony by an applicant's attorney, employees or consultants cannot constitute substantial evidence.

[**46] [*585]

The fourth assignment of error is denied.

FIFTH ASSIGNMENT OF ERROR

Statewide Planning Goal 8 (Recreational Needs) provides:

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

"* * * *"

The challenged decision finds the proposed plan map amendment and zone change do not involve property planned and zoned to satisfy recreational needs. Record 16. The challenged decision also rejects the local appellant's argument that the proposed use of the subject property for a concrete batch plant violates Goal 8 because it will adversely affect Minto Brown Park or the bicycle path recreational facility located along South River Road, as follows:

"[T]he proposed use is separated from Minto Brown Park by the existing Burlington Northern Railroad line. [T]rees along the northwesterly side of the Burlington Northern Railroad line buffer the site from Minto Brown Park, which is to the northwest. [R]esidences and other nonpark structures are located between the proposed use and Minto Brown Park. [T]he existing [**47] concrete batch plant in use on the southeasterly side of South River Road presents potential problems with the bike path, as well as traffic problems. [T]hese problems are greatly mitigated by moving the operation across the street because the concrete trucks will no longer be required to back into the concrete batch plant for loading and potentially interfere with automobile or bike traffic. [T]his improvement alone significantly advances the recreational needs of the City of Salem [as] required by Goal 8. * * * Id.

Petitioners contend Goal 8 requires that "the activities conducted on the site will not adversely affect recreational activity." Petition for Review 20. Petitioners argue the above quoted findings are not supported by substantial evidence in the record. Petitioners also argue the city has failed to demonstrate compliance with Goal 8 because there is no proof in the record that unsafe conditions caused by intervenors' existing batch plant will be eliminated, or substantially reduced, by allowing intervenors [*586] to operate a concrete batch plant with substantially greater capacity on the subject property. n19 Finally, petitioners contend the findings are inadequate [**48] because they do not address the effect the proposed use will have on "other recreational activity nearby, such as the public's use of the Courthouse Athletic Club and the nearby golf courses." Petition for Review 20-21.

n19 According to petitioners, the record shows the proposed new concrete batch plant will have the capacity to increase intervenors' concrete production from approximately 200 cubic yards per day to 200 to 250 cubic yards per hour. Record 306; Tr. 52.

11 Goal 8 requires a local government with responsibility for "recreation areas, facilities and opportunities" to plan for "meeting [its recreational] needs, now and in the future," "in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements." *Sahagian v. Columbia County*, 27 Or LUBA 592, 597 (1994). Therefore, when reviewing a postacknowledgment comprehensive plan or land use regulation amendment for compliance with Goal 8, the relevant concern is whether the amendment [**49] has either direct or secondary effects on "recreation areas, facilities and opportunities" inventoried and designated by the acknowledged comprehensive plan to meet the local government's recreational needs. See 1000 *Friends of Oregon v. Jackson County*, 79 Or App 93, 98, 718 P2d 753 (1986).

In this case, there is no dispute the city properly determined the parcel subject to the proposed plan and zone changes is not itself inventoried or designated as a recreational resource by the acknowledged SACP. The city then considered the possible effects of the proposed plan and zone changes on nearby Minto Brown Park and the bicycle path running along South River Road at the subject site, which apparently are recreation areas or facilities recognized by the SACP. The city concluded recreational use of Minto Brown Park will not be adversely affected by the proposal, primarily because of the buffering effect of the railroad tracks, trees, residences and other nonpark structures between the site of the proposed batch plant and the park. The city also concluded the relocation of intervenors' batch plant to the northwest side of South River Road [**50] will mitigate current conflicts with recreational use of the bicycle path. We have reviewed the evidence in the record cited by the parties on these issues. Based on this evidence, a reasonable person could find as the city did. [*587]

Petitioners' final contention is that Goal 8 requires findings the proposal will not adversely affect recreational activity at an athletic club or nearby golf courses. n20 However, Goal 8 does not require that a postacknowledgment plan amendment be supported by a demonstration that there will be no adverse effects on any recreational activity that occurs in the vicinity of the proposed amendment. In the absence of argument that the acknowledged SACP inventories any such athletic club or golf courses as recreational resources or relies on them to satisfy the city's recreational needs, petitioners do not establish that Goal 8 requires impacts on these facilities to be addressed.

n20 Petitioners do not identify the location of such athletic club or golf courses.

The fifth assignment [**51] of error is denied.

SIXTH ASSIGNMENT OF ERROR

Statewide Planning Goal 9 (Economic Development) provides:

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

*** **

The challenged decision finds intervenors' proposal satisfies Goal 9:

"[T]he proposed use provides a significant number of jobs and represents a significant payroll in the Salem economy. [T]he use provides cost-competitive concrete products to contractors and helps lower the price of homes in the Salem area. [T]hese are significant benefits which improve the economy of the state.

Further, we reject [petitioners'] argument that other concrete suppliers can provide this product to the Salem market. [A] fourth concrete producer diversifies the economy and helps provide lower costs for essential building materials within the City of Salem. * * *" Record 16.

Petitioners contend Goal 9 requires that "the proposed change to the SACP is necessary to provide an adequate supply of concrete in the Salem area, and that such economic activity is vital to the health, welfare and prosperity

[**52] of Salem citizens." Petition for Review 21. Petitioners also contend the record does not contain substantial evidence supporting the city's findings that (1) the proposed use will provide a "significant" number of [*588] jobs and payroll, (2) the three existing concrete producers cannot supply the Salem market, or (3) having a fourth concrete producer will result in lower costs of essential building materials.

12 Goal 9 requires that comprehensive plans for urban areas (1) include an analysis of the community's economy; (2) contain policies concerning economic development opportunities; (3) provide an adequate supply of sites of suitable sizes, types, locations and service levels for a variety of industrial and commercial uses; and (4) limit uses on or near sites zoned for specific industrial or commercial uses to uses compatible with the proposed industrial or commercial use. Goal 9 does not require that a postacknowledgment plan amendment changing the designation of urban land from Industrial-Commercial to Industrial be supported by a demonstration that the proposed industrial use of the land is necessary to the local economy or will provide products that existing producers cannot [**53] supply. Petitioners' arguments do not contend the challenged decision results in the SACP and its implementing regulations being unable to satisfy any requirement of Goal 9 and, therefore, provide no basis for reversal or remand.

The sixth assignment of error is denied.

SEVENTH ASSIGNMENT OF ERROR

Statewide Planning Goal 12 (Transportation) provides:

"To provide and encourage safe, convenient and economic transportation systems.

"* * * *"

The challenged decision finds intervenors' proposal satisfies Goal 12:

"[A] major purpose of this application is to alleviate traffic problems which are caused by increasing use of traffic on South River Road and the need to maneuver trucks to reach the existing batch plant. [C]oncrete trucks must back-up into the existing concrete plant and this backing truck movement conflicts with traffic on

South River Road. [A]llowing [the proposed] concrete plant to be located on the opposite side of the street will provide a drive-through operation, which will alleviate these traffic problems. [W]e reject [petitioners'] argument that the sole reason for moving the plant is to allow increased operations. [T]he demand for [**54] concrete is directly related to the market. [W]hile we place no restriction on increased business * * * the move across [*589] the road will not directly increase operations [or] increase traffic. [E]ven if traffic increased, the additional safety provided by having the entire operation on one side of the road provides a benefit which greatly outweighs the possibility of additional trucks. * * *" Record 17-18.

Petitioners argue Goal 12 requires that the city adopt findings, supported by substantial evidence, establishing that the transportation system affected by the comprehensive plan amendment for the subject property will be safe and adequate. *ODOT v. Clackamas County, 23 Or LUBA 370, 376-77 (1992)*. Petitioners contend the above findings that moving intervenors' concrete batch plant operation to the subject property will alleviate traffic hazards on South River Road caused by the existing batch plant operation are not supported by substantial evidence in the record, particularly in view of the potential for a several-fold increase in the volume of intervenors' concrete production. Petitioners also contend the findings are inadequate because they [**55] fail to address the impacts of the proposed use on the safety and adequacy of the unnamed road adjoining the subject property to the southwest. The unnamed road serves the adjoining self-storage facility and the residences on the other side of the railroad tracks and will be used by the concrete and aggregate trucks entering the subject property.

We agree with petitioners that Goal 12 requires the city to demonstrate the transportation systems affected by the challenged plan and zone changes for the subject property will be safe and adequate. *ODOT v. Clackamas County, supra*. We understand the above quoted findings to conclude that the challenged decision facilitating location of intervenors' concrete batch plant on the subject property will alleviate existing traffic and safety problems on South River Road caused by the location of the existing batch plant and will result in South River Road being safe and

adequate for its intended use, regardless of any increase in concrete production that may occur because the old batch plant will be replaced with a modern facility. We have reviewed the evidence in the record on this issue cited by the parties. [**56] Based on this evidence, a reasonable person could conclude, as did the city, that the challenged decision will alleviate existing traffic and safety problems on South River Road and that South River Road will continue to be a safe and adequate transportation facility.

13 With regard to the unnamed public road adjoining the subject property to the southwest, the record shows this road provides the sole access to the two dwellings on the other side of [*590] the railroad tracks. Record 90; Tr. 138. The record also indicates this road is used for parking and unloading by the customers of the adjoining self-storage facility. Tr. 53. The site plan approved by the challenged decision indicates that all aggregate and concrete trucks entering the subject property to deliver or pick up materials from the new concrete batch plant will use this unnamed road. Record 90, 161. Consequently, we agree with petitioners that Goal 12 requires the city to demonstrate that the challenged decision will result in the use of this unnamed road being safe and adequate.

We are cited to no findings in the challenged decision addressing this issue and are unaware of any. However, intervenors argue the [**57] city adequately addressed impacts on the unnamed road because it imposed the following conditions on the approved zone change:

"[Intervenors] shall dedicate an additional 6 feet of right-of-way along the unnamed right-of-way adjacent to the subject property and construct a 22-foot wide turnpike pavement section to meet industrial/arterial streets structural cross-section standards."

* * * * *

* * * One-way traffic access to the batch plant shall be designated by signing to enter the facility from the unnamed right-of-way and exit via the most southerly proposed access point to South River Road." Record 3.

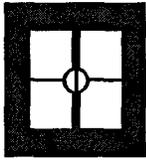
Imposition of the above conditions is no doubt relevant to an explanation of why the city believes the unnamed road will remain a safe and adequate transportation facility. However, Goal 12 requires the city to provide that explanation in the findings adopted in support of the challenged decision. n21 The city failed to do so.

n21 Under ORS 197.835(9)(b), where findings on a particular issue are inadequate, we are required to affirm that portion of the decision if "the parties identify relevant evidence in the record which clearly supports [that part] of the decision * * *." However, the only evidence cited by the parties with regard to the Goal 12/traffic impacts issue addressing the impacts on or safety and adequacy of the unnamed road is testimony by a member of the family that owns of one of the dwellings having access on the unnamed road and by the owner of the adjoining self-storage facility regarding potential adverse impacts on their uses of the unnamed road.

[**58]

The seventh assignment of error is sustained, in part.
The city's decision is remanded.

CITY OF HILLSBORO



Public Works Department, Engineering Division

April 15, 2008

To: Mayor and City Council

From: Tina Bailey, Project Manager

Re: Transfer of Jurisdiction
 NW Brookwood Ave, NE Brookwood Pkwy to NE Wrenwood Ln
 SW 229th Avenue, SE Alexander St south to City Limits

Several months ago Washington County contacted the City about the possibility of transferring jurisdiction of NW Brookwood Ave north of Baseline Rd. The road is the old alignment of Brookwood between Baseline and Cornell. The roadway north of NE Wrenwood Ln is publicly dedicated and inside City limits making it the maintenance responsibility the City of Hillsboro. South of Wrenwood the roadway is an adopted County roadway and it is this section of roadway the County wishes to transfer. A portion of this roadway is currently outside of City Limits. The roadway must be entirely within City limits of Hillsboro in order for the transfer to occur and County has initiated annexation process for the Brookwood right of way. The roadway is classified as a local street within the City's Transportation System Plan (TSP) and the transfer of jurisdiction is logical based on this classification.

In addition to Brookwood Avenue, the City would like to request the transfer of SW 229th Avenue from SE Alexander Street south to the City limits. This section of roadway was recently annexed with several lots owned by the Hillsboro School District. The District plans to begin improvements of this roadway in the summer. The roadway is classified as a collector in the TSP. County staff has no objections to the transfer. Transfer would allow the roadway to be built to City standards.

Oregon Revised Statutes require that the City of Hillsboro must by resolution request Washington County transfer jurisdiction of a roadway in order to initiate the transfer process. To expedite the transfer, staff is proposing the annexation of Brookwood and the jurisdiction transfers run concurrently. Transportation Committee has recommended forwarding a resolution to City Council requesting the transfer of NW Brookwood Rd (CR 1511) from NE Brookwood Pkwy to NE Wrenwood Ln and SW 229th Ave (CR 208) from SE Alexander St south to the City limits.

(Transportation Committee approval February 2008.)

RESOLUTION NO. _____

A RESOLUTION INITIATING ACTION TO TRANSFER JURISDICTION OF COUNTY ROADS, NW BROOKWOOD AVENUE AND SW 229TH AVENUE, TO THE CITY.

WHEREAS, action has been initiated to annex parcels to the City of Hillsboro that will include the right-of-way of NW Brookwood Avenue and SW 229th Avenue, and

WHEREAS, ORS 373.270(6) provides a mechanism to transfer jurisdiction of County roads within a city to a city; and

WHEREAS, the City Council of the City of Hillsboro has determined it necessary, expedient and in the best interest of the City to acquire jurisdiction over certain County roads or parts thereof to the same extent that it has over other public street and alleys of the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hillsboro, Oregon, that the City Council hereby requests the Board of Commissioners of Washington County, Oregon, transfer jurisdiction of those County roads, described and depicted in Exhibit "A" and "B" attached hereto, following annexation to the City, to the City of Hillsboro; said request to be granted or denied within one year of execution of this resolution.

Introduced and passed this 15th day of April 2008.

Mayor

ATTEST: _____
City Recorder

EXHIBIT "A"

NW BROOKWOOD AVENUE
FROM WEST BASELINE ROAD TO NE WRENWOOD LANE

SEE EXHIBIT "B" PAGE 1 OF 2

That portion of County Road No. 1511 lying easterly of a line being parallel with and 59.00 feet easterly from the centerline of NE Brookwood Parkway (County Road No. 3204), lying northerly of a line being parallel with and 73.00 feet northerly from the centerline of West Baseline Road (County Road No. A-52), and excluding that right of way dedicated in Document Nos. 2001-100423 and 2001-100424 . Said road being in the Southeast One-Quarter of Section 33, T1N, R2W, W.M.

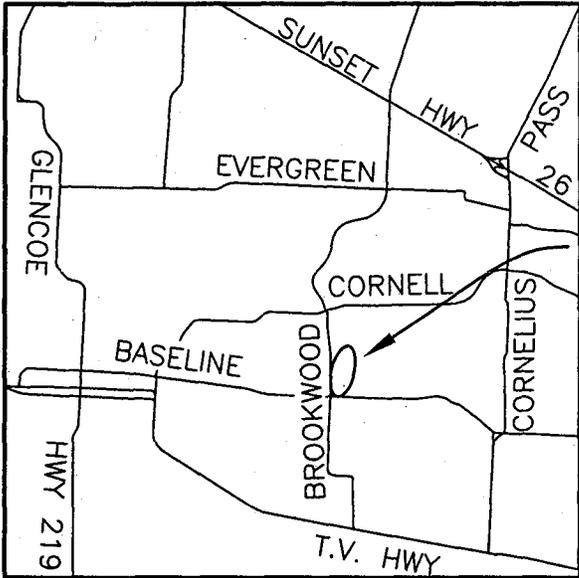
SW 229TH AVENUE
FROM SE ALEXANDER STREET TO A POINT ±1980 FEET SOUTH OF SE ALEXANDER STREET.

SEE EXHIBIT "B", PAGE 2 OF 2

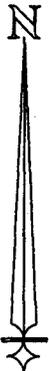
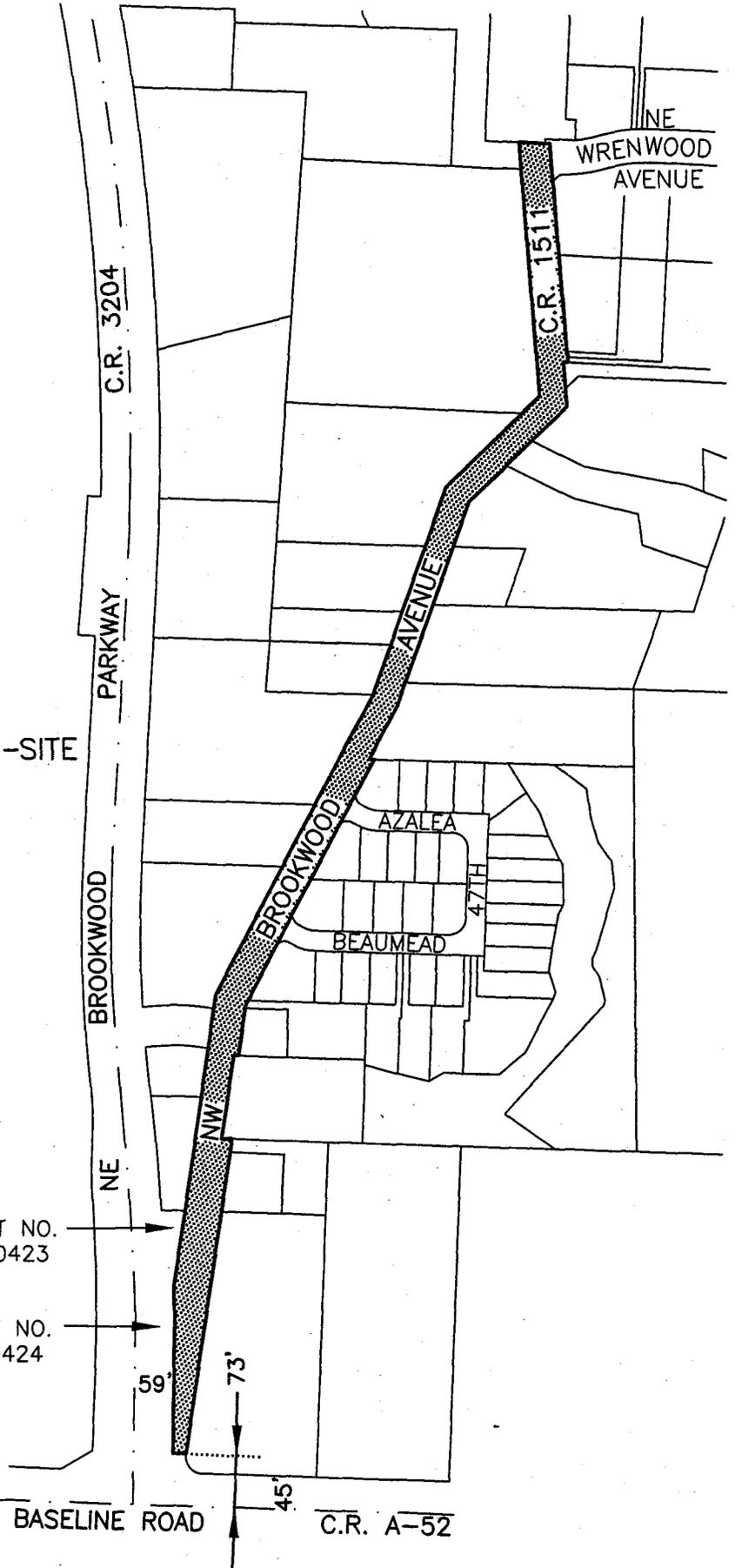
That portion of County Road No. 208 lying between the easterly extension of the southerly line of Deed Document No. 2007-068327 and that portion of said road already transferred to the City of Hillsboro in County Road No. 2435 T/J. Said road being situated in the Southeast One-Quarter of Section 10, T1S, R2W, W.M.

TRANSFER OF JURISDICTION

EXHIBIT "B"
PAGE 1 OF 2



VICINITY MAP



NOT TO SCALE

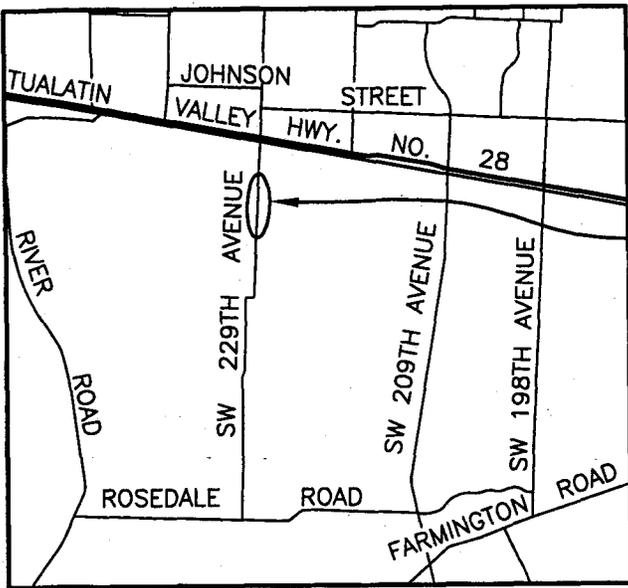
DOCUMENT NO. 2001-100423

DOCUMENT NO. 2001-100424

WEST BASELINE ROAD

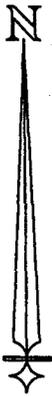
C.R. A-52

TRANSFER OF JURISDICTION

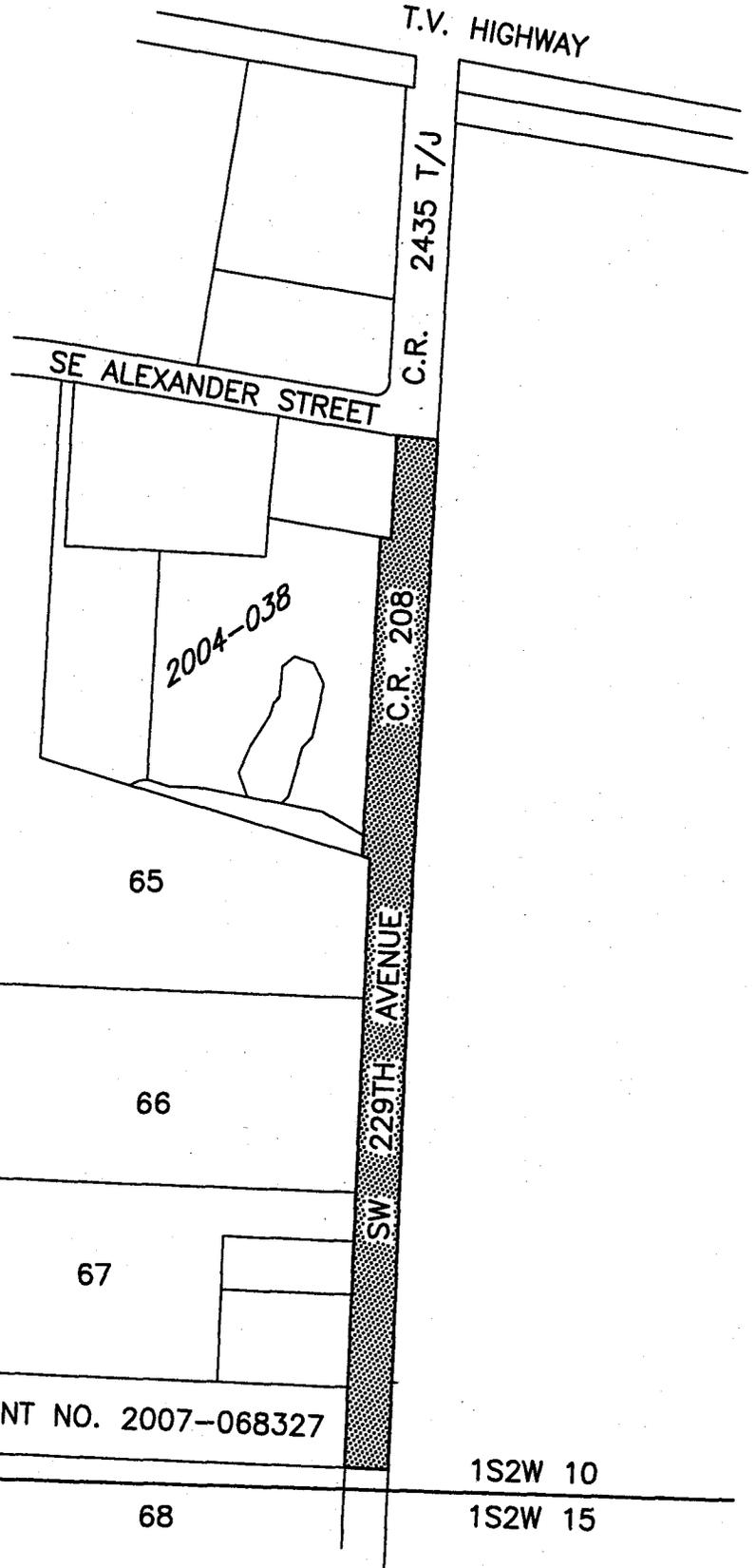


VICINITY MAP

EXHIBIT "B"
PAGE 2 OF 2



NOT TO SCALE



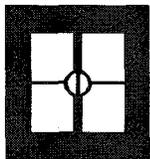
PLAT OF
WITCH HAZEL LITTLE FARMS
TRACTS 26 TO 68 INC

DOCUMENT NO. 2007-068327

68

1S2W 10
1S2W 15

CITY OF HILLSBORO



Public Works Department, Engineering Division

April 15, 2008

To: Mayor and City Council

From: Tina Bailey, Project Manager

Re: Proposed Hillsboro Municipal Code (HMC) Revisions
Chapter 10.08 & 10.12

Attached for your review you will find a revision to the Hillsboro Municipal Code Chapters 10.08 and 10.12. Presently Hillsboro Municipal Code requires the City to list each and every parking restriction, stopped street, through street, etc. in Chapters 10.08 Street Regulations and 10.12 Parking of the code. The critical changes to these sections of code are:

- Eliminates the need to define every parking restriction, stop street, through street, yields, right and left turn restrictions, and street closures directly in code.
- Provides the City Manger with authority to designate and regulate the above.
- Provides for appeals of City Manager decisions to the Transportation Committee.
- Provides for appeals of the Transportation Committee decisions to the full Council.

Why is this being considered?:

- **A number of conflicts exist in the existing code and has been used successfully to challenge citations in the past.** Before HMC was available electronically, querying the code was not possible. Staff was required to visually search through the code to determine if there were any potential conflicts. Given the number of regulations listed, conflicts were often missed. As a result, new code was often written without removing conflicting code and there are unknown numbers of conflicts that exist today. Because the code legally establishes the restriction, not the sign, savvy citizens have occasionally found these errors and used them to their advantage. Once found, staff must go through the lengthy process of modifying the code to accurately reflect the field conditions.

- **Codification process is often redundant.** Typically these restrictions are the result of requirements that were established as part of a land use action or they supported by standard engineering practices. Those that are not are often uncontroversial.
- **Eliminating the need to have all of these issues approved by City Council would improve response time to citizens and reduce staff time.** The time between Transportation Committee approval and ordinance approval has typically been one week. This time has recently increased as the result of the new Charter requirement to post ordinances for one full week. Staff will no longer have enough time to prepare ordinances for the first Council meeting after Transportation Committee and meet the posting requirement. This forces us to wait until the second Council meeting after Transportation Committee, adding two weeks to the process. By removing this requirement we will eliminate three weeks from the citizen's process. Additionally, staff will gain several hours a month by eliminating the need to prepare staff reports and ordinances for Council.
- **Eliminating the need to have all of these issues approved by Transportation Committee would further improve response time to citizens and significantly reduce staff time.** Staff generally needs 2 to 4 weeks to collect all the data necessary to come to a decision on an issue, although actual staff time may take anywhere from 2 to 16 hours of work. Packaging of this data is then necessary for public presentation at the Transportation Committee. While this generally can be done in a week, it is the most time intensive process for staff. It also must be completed over a week in advance of the Transportation Committee to allow for internal review and public distribution. Elimination of this step will save two weeks from the citizen's process
- **Very few jurisdictions, if any, codify each and every regulation in their code.**

Proposed Future Process:

Conceptually, the investigation aspect to these decisions would not change. Staff would collect all the data as if it was being presented to the Transportation Committee. This information would be stored should the decision be appealed. Staff already stores this data for historical comparison so this is not a significant change.

Following the completion of the investigation, staff would notify the requestor of their decision, provide a brief summary of why this decision was reached, and if staff denied their request provide information on how they could appeal this decision to the Transportation Committee. Staff would then implement any changes that were necessary as a result of the investigation.

If a staff decision is appealed, staff would package the investigation data as it now does and schedule the item for consideration at the next available Transportation Committee meeting.

How do we know what the City has installed?

Long term, it is our desire that parking regulations, stop signs, etc. will be placed into a GIS file that will be accessible by all interested parties and that there will be database inventory of the signs installed to support these regulations. In the interim, staff will be placing the existing regulations that are in code in a simple database that will be stored on the shared X drive. Engineering will maintain the data on the drive and Public Works and Police would have the ability to access. Engineering staff would send out updates as necessary to Police, Public Works, and Transportation Committee notifying of any changes.

Transportation Committee recommended forwarding the Ordinance to Council during their regularly scheduled meeting in February 2008.

ORDINANCE NO. _____

AN ORDINANCE AMENDING HILLSBORO MUNICIPAL CODE TITLE 10, VEHICLES AND TRAFFIC, TO ADD NEW PROVISIONS RELATING TO STREET AND PARKING REGULATIONS AND REPEALING CURRENT SECTIONS OF CHAPTER 10.08 AND CHAPTER 10.12.

WHEREAS, Hillsboro Municipal Code currently requires all parking and street regulations to be listed in detail in the code; and

WHEREAS, a number of conflicts currently exist in Chapter 10.08 and Chapter 10.12 of the Hillsboro Municipal Code, and

WHEREAS, the Federal Highway Administration has developed guidelines, published in the Manual of Uniform Traffic Control Devices, establishing rules and regulations for the installation of parking and street regulations; and

WHEREAS, the City considers establishing parking and street regulations based on the Manual of Uniform Traffic Control Devices; and

WHEREAS, establishing the signs and other traffic control devices as evidence of parking and street regulations will eliminate the need to designate said regulations in Hillsboro Municipal Code; and

WHEREAS, establishing the City Manager as the authority to designate and regulate street and parking regulations will provide for a more efficient and timely response;

WHEREAS, appeals of decisions made by the City Manager can be made to the Transportation Committee; and

WHEREAS, appeals of the decisions made by the Transportation Committee can be made to the City Council;

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. New provisions relating to street regulation and parking are added to and made a part of Title 10, Vehicles and Traffic, of the Hillsboro Municipal Code as set forth in Exhibit A to this ordinance.

Section 2. The following current sections of Title 10, Vehicles and Traffic, of the Hillsboro Municipal Court are repealed: 10.08.010, 10.08.20, 10.08.30, 10.08.40, 10.08.50, 10.08.60, 10.12.010, 10.12.020, 10.12.030, 10.12.040, 10.12.050, 10.12.060,

10.12.070, 10.12.080, 10.12.090, 10.12.100, 10.12.110, 10.12.120, 10.12.130, 10.12.140, 10.12.150, 10.12.160, 10.12.170, 10.12.180, 10.12.190, 10.12.200, 10.12.210, 10.12.215, 10.12.217, 10.12.218, 10.12.219, 10.12.220, 10.12.230, 10.12.235, 10.12.236 and 10.12.240.

Section 3. This ordinance takes effect 30 days after its adoption by the City Council and approval by the Mayor.

Passed by the City Council this 15th day of April, 2008.

Approved by the Mayor this 15th day of April, 2008.

Mayor

ATTEST: _____

City Recorder

Exhibit A

Street Regulations
Article 10.08

Section:

10.08.010 Street Regulations

10.08.010 Street Regulations

- (1) All traffic entering through streets shall come to a stop before entering such streets. When two through streets intersect or cross each other, traffic control signs or signals control.
- (2) Traffic on through streets shall stop as required by traffic signs or signals, or at the direction of a police officer.
- (3) The city manager may designate and regulate through streets, one-way streets, stop intersections, yield rights-of-way, right and left turns, and street closures.
- (4) The city manager will provide the Council Transportation Committee with specific streets and intersections that may be amended by the Committee by either adding or deleting streets or intersections. Any person may appeal a Council Transportation Committee decision to the Council that will approve the final street designation and regulation by resolution.

Parking Regulations
Article 10.12

Sections:

- 10.12.010 Parking Regulations**
- 10.12.020 Parking Time Limitations**
- 10.12.030 General Parking Prohibitions**
- 10.12.040 Prohibited Parking**
- 10.12.050 Loading and Unloading**
- 10.12.060 Passenger Loading**
- 10.12.070 Stopping, Standing of Busses and Taxis**
- 10.12.080 Use of Bus, Taxi Stands**
- 10.12.090 Exemptions**
- 10.12.100 Permits**
- 10.12.110 Use of Permits**
- 10.12.120 Permit Display**
- 10.12.130 Public Services Center Parking**

10.12.010 Parking Regulations

The city manager may:

- (1) Designate areas where parking is prohibited and areas in which time or duration of parking is to be limited, and the class or type of vehicles allowed or prohibited;
- (2) Direct the placing and maintenance of traffic signs, markers, pavement and curb markings, and parking meters and parking regulations relating to vehicular traffic, bicycles, and pedestrians;

Exhibit A

- (3) Administer and enforce all parking regulations throughout the City; and
- (4) Require the pruning or trimming of trees, bushes and other vegetations or removal of obstructing fences and other structures not to obstruct traffic control signs.

10.12.020 Parking Time Limitations

- (1) Parking limitations will be stated by the lettering upon the face of signs placed by the city in proximity to any street, curb, sidewalk or off-street parking place or lot, or by parking meters. These parking limits may be changed from time to time by the city manager. "Time limits" mean the continuous aggregate of time that one vehicle may be parked within a one block radius within a single day.
- (2) General parking limits apply, and are enforceable by the city between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday unless otherwise stated on the face of the sign. These parking limitations do not apply on Sundays, New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving, Christmas, and other legal holidays designated by state law.
- (3) It is unlawful to erase, remove or obliterate any marking that was placed on a vehicle for the purpose of monitoring parking time limits.
- (4) No person shall park in a manner, at a place or for a duration inconsistent with the display on a sign or meter erected under this section. A separate parking violation occurs upon the expiration of each successive maximum period of the designated time limit.
- (5) It is unlawful for any person to park or cause to be parked any truck, truck trailer or large commercial vehicle in or on any street, alley, sidewalk, bicycle path or lane, or parking strip in areas where no mode of parking is indicated by signs or markings for a longer period than 30 minutes unless that vehicle is being used for some purpose in connection with the property immediately adjacent to where the vehicle is parked and where there is adequate street width for vehicles, bicyclists or pedestrians to safely pass by.

10.12.030 General Parking Prohibitions

- (1) No person having control or charge of a motor vehicle shall allow it to stand on any street unattended without first fully setting its brakes and stopping its motor, without turning the wheels of such vehicle to the curb of side of the street.
- (2) Where only diagonal parking is permitted, as stated by a city-authorized sign or where parking stripes or other marking is painted upon the pavement, all motor vehicles shall be parked heading into the curb to the angle of and between the painted stripes or other marking upon the pavement.
- (3) It is unlawful for any person to park any vehicle or vehicle with trailer or semi trailer attached which has a total overall length of more than 20 feet (all bumpers, fenders and load included) in any part of this city where head-in parking is stated by marking.
- (4) Any vehicle that cannot be parked by virtue of its overall length, width or attached trailer within the confines of any marked parking area must be parked outside the restricted or limited parking areas in a manner that does not impede or interfere with traffic where there is no restricted parking.

10.12.040 Prohibited Parking

In addition to other provisions of this chapter prohibiting parking, no person shall park:

Exhibit A

- (1) A vehicle upon any bridge, viaduct or other elevated structure used as a street unless allowed by lawfully installed signs;
- (2) A vehicle in an alley except to load or unload persons or materials, not to exceed 30 minutes;
- (3) A vehicle upon any street for the principle purpose of:
 - a. Displaying such vehicle for sale;
 - b. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency;
 - c. Displaying advertising from such vehicle;
 - d. Selling merchandise from such vehicle except in duly established marketplace authorized or licensed by the city;
 - e. Storage, or as junk or dead storage, for more than 72 consecutive hours.
- (4) A vehicle upon any parkway except where specifically authorized;
- (5) A vehicle along any street with any wheel on or over the curb, or any curbside wheel further than eighteen inches from the outside edge of the curb;
- (6) A vehicle on the left side of any two-way street such that the vehicle faces oncoming traffic;
- (7) A vehicle on either side of a one-way street such that the vehicle faces oncoming traffic;
- (8) Within any intersection;
- (9) Within a cross walk or pedestrian lane;
- (10) Within 15 feet of a driveway entrance to a fire station;
- (11) Within 10 feet of a fire hydrant;
- (12) In front of a private driveway;
- (13) On a sidewalk or parkway between the curb and sidewalk;
- (14) Between a safety zone or island and the adjacent curb, or within 30 feet of a safety zone or island at the curb immediately opposite the safety zone or island unless a different distance is allowed by signs or markings;
- (15) Beside or opposite any street or highway excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (16) On the roadway side of any vehicle stopped or parked at the edge of curb of a street or highway;
- (17) At any place where official traffic signs or pavement markings prohibit standing and parking;
- (18) Within a designated bicycle lane.
- (19) Within 20 feet of a crosswalk
- (20) Within a travel lane.
- (21) At any place where state law prohibits parking or standing.

10.12.050 Loading and Unloading

- (1) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials or freight in any place designated as a loading zone during the hours loading zones are in effect. Only commercial type vehicles shall be allowed to use or utilize the zones. No loading zone shall be used for the loading or unloading of the materials or freight for more than 20 minutes.

Exhibit A

- (2) Whenever it is necessary to place the rear of any motor vehicle against the curb of any street for the purpose of loading or unloading of heavy freight, the vehicle shall be parked at a maximum angle of 45 degrees from the curb and headed in the same direction as vehicular traffic upon the street. The front of the vehicle shall project only a minimum distance into the next traffic lane, and shall not extend beyond the centerline or into the lane of opposing traffic direction. A police officer may require any vehicle so parked to move at any time for the purpose of traffic control and regulation.

10.12.060 Passenger Loading

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in any place designated as a passenger loading zone during the hours when the passenger loading zones are in effect.

10.12.070 Stopping, Standing of Busses and Taxis

The driver of a bus or taxicab shall not stand or park such vehicle upon any street in any business district at any place other than at a bus stand or taxicab stand. The driver of any taxicab may temporarily stop to load or unload passengers.

10.12.080 Use of Bus, Taxi Stands

No person shall stop, stand, or park a vehicle other than a bus in a bus stand or other than a taxicab stand. The driver of a passenger vehicle may temporarily stop there to load or unload passengers when such stopping does not interfere with any bus or taxicab using such zone.

10.12.090 Exemptions

The provisions of this Chapter regulating the parking or standing of vehicles do not apply to any City vehicle, public utility vehicle used in construction or repair work on the street, or any vehicle used for the collection, transportation or delivery of the United States mail.

10.12.100 Permits

The city manager may issue parking permits to duly licensed or taxed commercial activities operating within the City. The amount of the annual fee for such permits will be set by council resolution.

10.12.110 Use of Permits

Any person with a properly issued parking permit may use the permit for parking any vehicle owned by the permittee or permittee's business in a metered parking space without depositing the required coin for a period not to exceed 30 minutes. This does not allow parking in loading zones during the hours reserved or in any other restricted space.

10.12.120 Permit Display

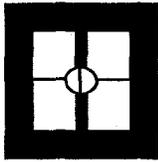
When parking a vehicle with a city issued permit the parking permit must be displayed in plain sight of the driver's side, on the top of the dashboard or on the window side of the sun visor in a down position.

Exhibit A

10.12.130 Public Services Center and Hillsboro Civic Center Parking

- (1) Parking facilities owned or operated by Washington County and the City for uses associated with the Public Services Center Campus and the Hillsboro Civic Center are subject to the applicable provisions of this chapter.
- (2) Specific use of individual spaces within these parking facilities requires modification from time to time. The actual restriction marked on the individual spaces or posted on the signs applicable to these spaces will be considered prima facie evidence that the restriction was placed by an appropriate authority and enforced by the City.
- (3) Parking restrictions for these lots shall generally be in effective Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., but not on legal holidays unless otherwise indicated on the face of the sign.

CITY OF HILLSBORO

**MEMORANDUM**

DATE: April 8, 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 applications:

1. The Venetian, 253 East Main Street – 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

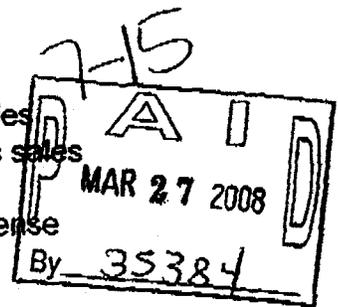
REQUEST FOR CITY COUNCIL ENDORSEMENT No. 16800
Liquor License Application
City of Hillsboro, Oregon

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



BUSINESS NAME: Orange Phelps Holding Company, LLC
 DBA NAME: The Venetian
 Business Address: 253 East Main Street
 Applicant: Denzil Dale Scheller
 (Full Name)

503.693.3953
Business Phone

Driver's License No.: 5 State: _____

Co-Applicant: Cynthia Saylor Peterson
(Full Name)

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

503.693.3953
Business Phone

Driver's License No.: _____ State: _____

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

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: 3.24.08 Denzil Scheller
Signature(s) of Applicant(s) or Agent(s)

City Business License No.: _____ Receipt No. _____

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.

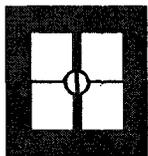
- ↓ Previously called a package store license

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 malt 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.



Memorandum

Date: April 7, 2008

To: City Council

From: Utilities Commission

Re: Periodic Report on Utilities Commission Activities

This is the first of the Utilities Commission's 2008 periodic reports to the Council. Please contact Will Crandall, Chair, or Kevin Hanway, Water Director, for additional information on any issue; we will be glad to provide it.

Tualatin Basin Water Supply Project

The Water Supply Project continues to be a primary focus of the Water Department. The partners in the project continue to work on both the title transfer and expansion projects on separate but parallel tracks. The local partners have nearly reached consensus on an intergovernmental agreement to form an agency that would accept title to the facilities from the Bureau of Reclamation. There is tentative agreement that Hillsboro would be designated the managing agency of this new entity, similar to the role it serves for the Joint Water Commission and the Barney Reservoir Joint Ownership Commission. The local partners are also nearing consensus on a Memorandum of Agreement with Reclamation to begin the official investigation of the proposed title transfer.

At the same time, both the local partners and Reclamation have continued to work on preliminary design aspects of the projects. In December Tualatin Valley Water District's board confirmed its selection of the Tualatin Basin Project as its preferred long term water supply source. The local partners are now preparing to contract with a program management firm to oversee the planning, design and coordination of these very large construction projects. Reclamation continues its review of the draft environmental impact statement (EIS) and its seismic rehabilitation studies. The local 2008-09 budget for design and permitting is \$21,600,000 (Hillsboro's share is \$4,765,000). Final decisions by the local partners to proceed with project design will not be made until issues relating to cost shares and project roles have been resolved with Reclamation.

Although the Utilities Commission has nearly \$29,000,000 in reserves, it will have to issue bonds to fund its estimated \$130,000,000 investment in the Water Supply Project and treatment plant expansions. Water and Finance Department staff have begun meeting with bond counsel and financial advisors to plan for those bond sales.

Review of Rates and Charges

The Commission adopted a complete restructuring of its water rates in 2006, converting from a three-tiered declining block rate that applied to all users and assessed lower charges as water usage

increased. The new rate structure is based on recovering the costs of service from each of five different customer categories, and generally establishes increasing blocks (or higher rates as usage increases) as an incentive to conserve water. As promised at the time of adoption, the Commission has begun a review of the performance of those rates to assure that they are producing revenue consistent with the projections made at the time of adoption. The project is scheduled for completion this Spring.

In anticipation of the proposed bond sale for the Water Supply Project, the Commission has also begun an update study of its water rates and system development charges to assure that the rates will be in place to support payments on the bonds. That analysis is scheduled for completion by the end of the year.

The Department has been participating in the Chamber of Commerce Real Estate Committee's review of city fees, and in the internal comprehensive fee analysis. The Utilities Commission approved the recent change from deposits to a flat fee system for development applications as well as the updated SDC financing rules.

Traffic Utility Fee: Water Department staff is working closely with the other departments involved in the collection and expenditures of the Traffic Utility Fee that is under consideration by the Council. Because the fee would be included on the utility bill, coordination is needed among these departments on the design of the bill to assure that customers understand how the funds will be allocated and where to direct their questions about each fee included on the bill.

Other Projects

The Commission is involved in several other projects, several of which are briefly summarized here.

Evergreen Solar Array: The Utilities Commission and the Council contracted with Honeywell Inc. to install an array of solar panels adjacent to the Commission's Evergreen Reservoir at Shute and Evergreen. Once the installation is completed in July, energy produced by the panels will supply the operation of the reservoir's pump station.

Operations Building: Design work is underway on an expansion of the Commission's Operations Building at 390 W. Main. The expansion will provide much needed space for the Operations Division's 25 employees, six of whom remain housed in a "temporary" construction trailer due to inadequate space in the adjacent existing building. The project will also improve the capability of the facility to serve as the Department Operations Center during emergency response activities.

Automated Meter Reading: The Department has now installed over 1,000 radio-read meters, part of a 10-year program to convert all of the city's water meters to radio-read equipment. Both the meter installations and the integration of the meter reading with our utility billing system are going smoothly.

Steel Line Replacements: The Commission has a program to replace its antiquated steel pipelines. These lines were installed more than 50 years ago, and are prone to leaks and breaks, resulting in water loss and potential water quality problems. During the current fiscal year, the Commission is investing \$1.3 million to replace lines in E. Main Street, NE Edison Street, SE Oak, SE Alder, SE 11th, SE 12th and SE 21st. Selection of these projects is coordinated each year with the Public Works Department each year to avoid cuts into new streets built by Public Works.

South Hillsboro: Under its agreement with the adjacent water provider, Hillsboro is responsible for providing water service to new development in South Hillsboro west of 209th Avenue. To facilitate that development once it is brought into the City, the Commission has included funds in its 2008-09 budget

for the design of a water line extension into the South Hillsboro area, with plans for construction of the line to occur in the following year.

Emergency Response Planning

Water Department staff place a high priority on being prepared to respond to emergencies. Our staff led the update of the recently completed Joint Water Commission Emergency Response Plan. The update improved the organization of the plan to make it more usable for field staff, and clarified many of the measures that need to be taken as part of the department's response to emergency events. A team from the operations Division recently attended a full-day training session on how to serve on a damage assessment team immediately following an event. The Department is participating in the countywide earthquake exercise in June, which will provide an excellent opportunity to put that training to use.

Staff Activities

Water Department Staff have taken leadership positions on a number of industry boards and committees, as listed below.

Kevin Hanway, Director, is completing his term as chair of the Oregon Water Utility Council, a statewide committee within American Water Works Association (AWWA), focused on legislative and regulatory activities. He is travelling to Washington, D.C., in mid-April on behalf of OWUC to meet with the members of Oregon's congressional delegation to advise them on issues affecting water utilities. Hanway is also the chair of the Regional Water Providers Consortium Technical Committee and secretary for ORWARN, a statewide water and wastewater utility emergency response mutual aid network.

Peter Martins, Assistant Director, is Oregon Vice-Chair and Chair of the Northwest Oregon Subsection for Water for People, a charity formed under AWWA's umbrella to fund water system construction and training in developing countries.

Niki Iverson, Water Resources Manager, is a member of the League of Oregon Cities Water Committee, which guides the League's decisions on legislative and regulatory issues related to water, and of the Tri-County Water Association's Legislative Committee. She is also active in AWWA's Young Professionals committee, the section's Water Resources Committee, and the independent Women in Water organization.

Chuck Kingston, Water Treatment Plant Supervisor, is President of the Northwest Oregon Subsection of AWWA's Pacific Northwest Section.

Rich Sattler, Project Development Coordinator, is a board member for the Oregon Chapter of the American Backflow Prevention Association.

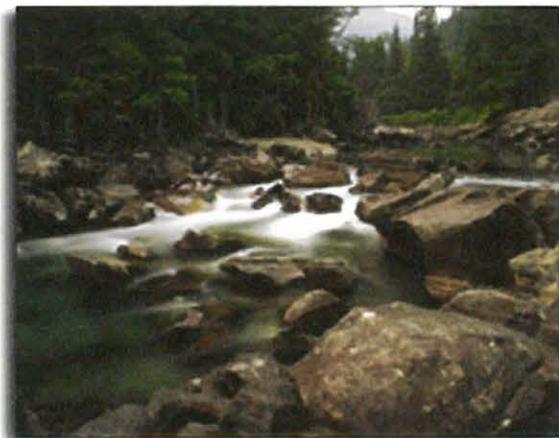
Tacy Steele, Water Programs Coordinator, is chair of the Regional Water Providers Consortium Conservation Committee.



McKay Creek Golf Course



City of Hillsboro: State Government Relations Activities and Plan 2008-2009



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Benal Park

City of Hillsboro:
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City of Hillsboro:
State Government Relations Activities and Plan 2008-2009

EXECUTIVE SUMMARY

FEBRUARY 2008 "SUPPLEMENTAL" LEGISLATIVE SESSION

The State Legislature met for a "supplemental" session from February 4 through February 22 of this year. During this session we tracked 11 bills on behalf of the city. Of these 11 bills, seven were passed by both the House and Senate chambers and are awaiting the requisite signatures to become law.

GOVERNMENT RELATIONS SURVEY

In December 2007, we crafted and obtained responses to a state government relations survey to obtain information from city managers about the impact state laws have on their departments, their interaction with state officials, and any state law changes or other issues they foresee that may impact their operations. We sent the survey to more than 20 managers and received 12 responses.

2008 INTERIM ACTIVITIES

Several activities will need to take place during the remainder of the 2008 interim that arise from legislation passed in the 2007 and 2008 legislative sessions. In addition, we plan to work closely with Mayor Hughes and City Managers to develop legislation and identify priorities for the upcoming 2009 regular legislative session.

2009 REGULAR LEGISLATIVE SESSION

In addition to the priorities identified by the city, we anticipate working on several issues on which interim work has already begun, categories of which include: transportation package, tort liability legislation, economic development, water, public infrastructure, public safety, parks and recreation, telecommunication, land use, and the revenue restructuring task force.

City of Hillsboro: State Government Relations Activities and Plan 2008-2009

I. INTRODUCTION

We have been pleased to assist the City of Hillsboro with its State Government relations activities since October 2006. During the 2007 legislative session, we monitored and worked directly on more than 100 individual pieces of legislation before the Oregon Legislative Assembly that impacted the City. During that time, we obtained very satisfactory results, including the authorization of \$7 million in lottery bonds to finance a public parking facility in downtown Hillsboro; legislation that created the "Gain Share" enhancement to the State's strategic investment property tax exemption; a bill modifying the standard of review by Metro of the City's comprehensive plans and land use regulations; and a law that creates new authority for the designation of rural reserves and urban reserves in connection with urban growth boundary expansions. We also joined in collaborative efforts related to city management issues, public safety, libraries, and land use and risk management. We further appreciated the opportunity to assist the City during the supplemental session of the Oregon Legislative Assembly in February 2008 and with the development of this Government Relations Plan in preparation for the 2009 Legislative Session. During the supplemental legislative session, we monitored 11 of the 100 measures that were before the Assembly. Of these bills, seven were passed by both the House and the Senate. The subject matter of these bills ranged from water supply and conservation to land use review, to MAX safety and to emergency preparedness.

In late 2007 and early 2008, we compiled the results of a survey submitted to City Managers in which the managers provided the state legislative priorities for the functional areas of their departments. With the benefit of the survey results, and conversations with current and recent coalition partners, as well as with key members of the Legislature during the recent supplemental session, we have prepared the recommendations set forth in this State Government Relations Plan. As with any successful planning activity, the recommendations and suggestions provided in this document will need to be adjusted and yield to the prevailing circumstances and priorities of Oregon's state government over time. However, we believe this Plan provides an appropriate baseline and guide for our activities during the 2008 Legislative interim and the 2009 regular session. We look forward to our continued collaboration with you as we work together to execute the objectives of this plan and ensure continuous representation of the citizens of the City of Hillsboro before Oregon's state government.

II. FEBRUARY 2008 "SUPPLEMENTAL" LEGISLATIVE SESSION

The State Legislature met for a "supplemental" session from February 4 through February 22 of this year. During this session we tracked 11 bills on behalf of the city. Of these 11 bills, seven were passed by both the House and Senate chambers and are awaiting the requisite signatures to

become law. While the city was not the lead proponent on any of this legislation, it had a direct interest in several bills and we played a supportive role in securing their passage. The most significant of these bills were SB 1069 (grants for studies related to water conservation projects), SB 5556 (containing funding for the Big Look Task Force and SB 1069), and SJM 14 (Tualatin Project). Information about the status of all 11 bills at the close of session and their post-session impact is detailed below.

HB 3608: Enacts international emergency assistance compact entered into by States of Oregon, Washington, Idaho and Alaska, Province of British Columbia and Yukon Government and authorizes implementing procedures for compact.

Sponsored by: Committee on Elections, Ethics and Rules at the request of the House Interim Committee on Emergency Preparedness and Ocean Policy.

Hillsboro position: No position taken.

Bill History: **(House)** Referred to Emergency Preparedness and Ocean Policy.
2-5 Public Hearing and Work Session held.
2-6 Recommendation: Do pass with amendments and be printed A-Engrossed.
2-7 Second reading.
2-8 Third reading. Carried by Nelson. Passed.
Ayes, 54; Absent, 1--Smith G.; Excused, 1--Smith P.; Excused for Business of the House, 4--Cowan, Galizio, Gelser, Holvey.
(Senate) Referred to Education and General Government.
2-18 Public Hearing and Work Session held.
2-20 Recommendation: Do pass the A-Eng. bill.
Second reading.
2-21 Third reading. Carried by Metsger. Passed.
Ayes, 29; Excused, 1--Walker.
3-4 Speaker signed.
3-6 President signed.
3-11 Governor signed.

Final Status: Chapter 25, (2008 Laws): Effective date March 11, 2008.

Advocacy: Monitored and reported on the legislation.

HB 3610: Requires that certain state agencies report recommendations regarding greenhouse gas emissions reduction goals to Oregon Global Warming Commission. Requires that a copy of the report and updates to report be provided to Legislative Assembly. Allows Environmental Quality Commission to require registration and reporting by persons who import, sell or distribute for use in this state electricity or fossil fuels. Directs commission to minimize burden

of reporting to extent it is consistent with purposes of commission rules. Increases membership of Oregon Global Warming Commission by two voting members and three nonvoting members.

Sponsored by: Committee on Elections, Ethics and Rules at the request of the House Interim Committee on Energy and the Environment.

Hillsboro position: No position taken.

Bill History: **(House)** Referred to Energy and the Environment with subsequent referral to Ways and Means.
2-11 Public Hearing held.
2-12 Public Hearing and Work Session held.
2-13 Recommendation: Do pass with amendments, be printed A-Engrossed, and be referred to Ways and Means by prior reference.
Referred to Ways and Means by prior reference.

Final Status: In committee upon adjournment.

Advocacy: Monitored and reported on the legislation.

HB 3629: Authorizes county to approve certain property line adjustments in which one or both affected properties continue to be smaller than applicable minimum tract size.

Sponsored by: Committee on Elections, Ethics and Rules at the request of the House Interim Committee on Agriculture and Natural Resources.

Hillsboro position: No position taken.

Bill History: **(House)** Referred to Agriculture and Natural Resources.
2-5 Public Hearing and Work Session held.
2-6 Recommendation: Do pass with amendments, be printed A-Engrossed, and be placed on Consent Calendar.
2-7 Second reading.
Removed from Consent Calendar in compliance with House Rule 4.05, subsection (3).
2-8 Third reading. Carried by Boquist. Passed.
Ayes, 49; Absent, 1--Smith G.; Excused, 1--Smith P.; Excused for Business of the House, 9--Barnhart, Bonamici, Cowan, Galizio, Gelser, Gilliam, Holvey, Hunt, Nolan.
Potential conflict(s) of interest declared by Berger.
(Senate) Referred to Environment and Natural Resources.
2-13 Public Hearing and Work Session held.

2-15 Recommendation: Do pass the A-Eng. bill.
Second reading.
2-19 Third reading. Carried by Bates. Passed.
Ayes, 30.
Bates declared potential conflict of interest.
Brown, excused, granted unanimous consent to vote aye.
2-22 Speaker signed.
2-22 President signed.
3-3 Governor signed.

Final Status: Chapter 12, (2008 Laws): Effective date, March 3, 2008.

Advocacy: Monitored and reported on the legislation.

HB 3635: Eliminates duty of employer to accommodate medical use of certain legal medications in workplace by employees in occupations requiring performance of hazardous duties. Exempts employers who have entered into collective bargaining agreement with labor organization if agreement addresses use of certain legal medications by employees subject to agreement. Allows employer to refuse to permit employees to possess or consume medical marijuana in workplace.

Sponsored by: Committee on Elections, Ethics and Rules at the request of the House Interim Committee on Business and Labor.

Hillsboro position: Oppose.

Bill History: (House) Referred to Rural Policy Committee.

Final Status: In committee upon adjournment.

Advocacy: Due to the controversy around this legislation and lack of support for the bill, it was declared "dead" early in the session.

HJR 101: Urges communication about transportation funding issues among all levels of government and stakeholders.

Sponsored by: Committee on Elections, Ethics and Rules at the request of the House Interim Committee on Rural Policy.

Hillsboro position: No position taken.

Bill History: **(House)** Referred to Rural Policy.
2-6 Public Hearing held.
2-7 Public Hearing and Work Session held.
2-8 Recommendation: Be adopted with amendments and be printed A-Engrossed.
2-11 Read. Carried by Roblan. Adopted.
Ayes, 57; Excused, 2--Nelson, Smith P.; Excused for Business of the House, 1--
Olson.
(Senate) Referred to Transportation.
2-14 Public Hearing held.

Final Status: In committee upon adjournment.

Advocacy: Monitored and reported on the legislation.

SB 1069: Directs Water Resources Department to provide grants and direct services payments for specified studies related to water conservation, reuse and storage. Establishes Water Conservation, Reuse and Storage Investment Fund. Continuously appropriates moneys in fund to department for grants and direct services payments. Directs Water Resources Department to conduct Umatilla Basin regional aquifer recovery assessment. Directs department to make certain requests to Bureau of Reclamation of United States Department of the Interior. Sunsets assessment on January 2, 2014.

Sponsored by: Senate Interim Committee on Environment and Natural Resources.

Hillsboro position: Support.

Bill History: **(Senate)** Referred to Environment and Natural Resources, then Ways and Means.
2-6 Possible Work Session cancelled.
2-7 Public Hearing and Work Session held.
2-14 Recommendation: Do pass and be referred to Ways and Means by prior reference.
Referred to Ways and Means by prior reference.
2-20 Work Session held.
2-21 Recommendation: Do pass with amendments. (Printed A-Eng.)
2-22 Second reading.
Rules suspended. Third reading. Carried by Avakian. Passed.
Ayes, 30.
(House) Referred to Ways and Means.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Jenson, Edwards D. Passed.
Ayes, 56; Absent, 4--Krummel, Minnis, Scott, Smith P.

Potential conflict(s) of interest declared by Dingfelder.
2-27 President signed.
2-29 Speaker signed.
3-5 Governor signed.

Final Status: 3-10 Chapter 13 (2008 Laws): Effective date, March 5, 2008.

Advocacy: Monitored closely and coordinated with the League of Cities and the Oregon Farm Bureau before and during the session. Funding to implement this legislation is contained in SB 5556, the omnibus budget reconciliation bill. In SB 5556, \$750,000 was allocated to the Water Resources Department for the Umatilla Basin regional aquifer assessment and feasibility study and \$1,750,000 was allocated to a grant program to provide grants for planning studies to evaluate the feasibility of developing water conservation, reuse and storage projects. The amount of money awarded for each grant (or direct services) is capped at \$500,000 per project and each project must have at least a dollar-for-dollar match. The bill takes effect immediately upon passage and the Water Resources Department must promulgate rules to implement the law.

The city has identified three water projects it has an interest in funding. To the extent the city would like to seek funding to study these projects, we would be happy to assist the city through the rulemaking and grant application process.

SB 1074: Requires Tri-County Metropolitan Transportation District of Oregon to perform evaluations of criminal activity occurring on or near light rail system, operational safety and personal safety and security of light rail passengers.

Sponsored by: Senator Monnes Anderson, Representative Minnis; Senators Avakian, Carter, Hass, Representative Lim.

Hillsboro position: No position taken.

Bill History: (Senate) Referred to Transportation, then Ways and Means.
2-7 Public Hearing and Work Session held.
2-8 Recommendation: Do pass with amendments and be referred to Ways and Means by prior reference. (Printed A-Eng.)
Referred to Ways and Means by prior reference.
2-19 Work Session held.
2-20 Recommendation: Do pass with amendments to the A-Eng. bill.
(Printed B-Eng.)
2-21 Second reading.
2-22 Third reading. Carried by Monnes Anderson. Passed.
Ayes, 30.
(House) Referred to Ways and Means.

Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Smith P. Passed.
Ayes, 56; Absent, 4--Boone, Krummel, Minnis, Scott.
2-27 President signed.
3-4 Speaker signed.
3-11 Governor signed.

Final Status: 3-18 Chapter 43 (2008 Laws): Effective date, March 11, 2008.

Advocacy: Monitored and reported on the legislation.

SB 1084: Provides for pedestrians to be positioned along a highway under certain circumstances (also known as the firefighter "fill-the-boot" bill).

Sponsored by: Senator Devlin; Senators Bates, Courtney, Hass, Monnes Anderson, Morrisette, Representatives Beyer, Hunt, Nolan, Roblan, Shields, Tomei

Hillsboro's position: Oppose, because it does not allow for local government control of pedestrians along roadways.

Bill History: **(Senate)** Referred to Transportation.
2-5 Public Hearing held.
2-8 Work Session held.
2-12 Work Session held.
2-13 Recommendation: Do pass with amendments. (Printed A-Eng.)
2-14 Second reading.
2-15 Third reading. Carried by Devlin. Passed.
Ayes, 24; Nays, 6--Burdick, George, G., Kruse, Metsger, Morse, Whitsett.
(House) Referred to Transportation.
2-20 Public Hearing held.
2-21 Work Session held.
Recommendation: Do pass.
2-22 Second reading.
Rules suspended. Third reading. Carried by Beyer. Passed.
Ayes, 40; Nays, 15--Barnhart, Bonamici, Burley, Cannon, Edwards D., Garrard, Gelsner, Gilman, Jenson, Kotek, Nolan, Richardson, Shields, Smith P., Tomei;
Absent, 4--Boquist, Krummel, Minnis, Scott; Excused for Business of the House, 1--Olson.
Potential conflict(s) of interest declared by Boone.
2-27 President signed.
3-4 Speaker signed.
3-11 Governor signed.

Final Status: 3-18 Chapter 47 (2008 Laws): Effective date, March 11, 2008.

Advocacy: Monitored.

SB 1085: Permits urban renewal plans to include school construction or reconstruction projects and funding for fire equipment to serve urban renewal areas. Permits certain urban renewal plans to add certain noncontiguous lands to urban renewal areas. Requires urban renewal agencies to categorize tax increment revenues used for school projects within urban renewal plan as school system funds.

Sponsored by: Senator Monroe.

Hillsboro position: Oppose.

Bill History: (Senate) Referred to Finance and Revenue.

Final Status: In committee upon adjournment.

Advocacy: Coordinated with the city, the League of Cities and the City of Portland as the legislation was being drafted and introduced. While the city did not necessarily oppose the bill on its merits, it did oppose the timing of bringing the bill forward in the 2008 session. Due to a lack of support, the bill died early in the session.

SB 1086: Allows public safety officer to prevent disclosure of home address and home telephone number contained in records of Department of Public Safety Standards and Training. Requires county clerk to record certain final orders and decisions on claims arising out of restriction of use of real property that are attributable to land use regulation.

Sponsored by: Senate Interim Committee on Judiciary.

Hillsboro position: No position taken.

Bill History: (Senate) Referred to Judiciary.
2-8 Public Hearing and Work Session held.
2-12 Recommendation: Do pass with amendments. (Printed A-Eng.)
2-13 Second reading.
2-14 Third reading. Carried by Girod. Passed.
Ayes, 29; Excused, 1--Burdick.
Prozanski declared potential conflict of interest.
(House) Referred to Judiciary.

2-19 Public Hearing and Work Session held.
2-20 Recommendation: Do pass with amendments and be printed B-Engrossed.
2-21 Second reading.
2-22 Third reading. Carried by Cameron. Passed.
Ayes, 54; Absent, 5--Boquist, Krummel, Minnis, Nelson, Scott; Excused for
Business of the House, 1--Olson.
2-22(S) Rules suspended. Senate concurred in House amendments and repassed
bill. Ayes, 30.
2-27 President signed.
3-4 Speaker signed.
3-11 Governor signed.

Final Status: 3-18 Chapter 48 (2008 Laws): Effective date, March 11, 2008.

Advocacy: Monitored and reported on the legislation.

SB 5556: Omnibus budget reconciliation bill, which includes funding for SB 1069, the water conservation, reuse and storage project planning grants, and funding for the Big Look Task Force.

Sponsored by: Joint Interim Committee on Ways & Means.

Hillsboro position: Support funding for water project grants and the Big Look Task Force.

Bill History: (Senate) Referred to Ways and Means.

2-5 Work Session held.
2-6 Work Session held.
2-7 Public Hearing held.
2-13 Work Session held.
2-14 Work Session held.
2-18 Work Session held.
2-19 Work Session held.
2-20 Work Session held.
2-21 Work Session held.
2-22 Recommendation: Do pass with amendments. (Printed A-Eng.)
Second reading.
Rules suspended. Third reading. Carried by Schrader. Passed.
Ayes, 26; Nays, 4--Atkinson, George G., George L., Starr.
(House) Referred to Ways and Means.
Recommendation: Do pass.
Rules suspended. Second reading.
Rules suspended. Third reading. Carried by Nolan. Passed.

Ayes, 53; Nays, 3--Boquist, Nelson, Thatcher; Absent, 4--Krummel, Minnis, Scott, Smith P.
2-27 President signed.
3-4 Speaker signed.
3-11 Governor signed.

Final Status: 3-18 Chapter 16 (2008 Laws): Effective date, March 11, 2008.

Advocacy: Monitored and communicated with legislators, the League of Cities and the Oregon Farm Bureau to secure funding.

Big Look Task Force: The Department of Land Conservation and Development received \$426,008 to fund the Big Look Task Force.

Water project planning studies: \$1,750,000 was allocated to the Water Resources Department to provide grants (or pay for direct services) for planning studies to evaluate the feasibility of developing water conservation, reuse and storage projects.

SJM 14: Urges Congress to support title transfer of Tualatin Project.

Sponsored by: Senate Interim Committee on Environment and Natural Resources.

Hillsboro position: Support.

Bill History: (Senate) Referred to Environment and Natural Resources.

2-6 Possible Work Session cancelled.
2-7 Public Hearing and Work Session held.
2-13 Recommendation: Be adopted.
Second reading.
2-14 Final reading. Carried by Avakian, Starr. Adopted.
Ayes, 29; Excused, 1--Burdick.
(House) Referred to Energy and the Environment.
2-19 Public Hearing and Work Session held.
Recommendation: Be adopted.
2-21 Read. Carried by Read. Adopted.
Ayes, 58; Absent, 2--Flores, Richardson.
2-22 President signed.
3-4 Speaker signed.

Final Status: 3-5 Filed with the Secretary of State.

Advocacy: Monitored and reported on the legislation and provided legislators with supporting materials.

The full text of all bills can be found on the legislature's webpage at www.leg.state.or.us/bills_laws/. The enrolled bill is the version that was passed into law.

III. GOVERNMENT RELATIONS SURVEY

In December 2007, we crafted and obtained responses to a state government relations survey to obtain information from city managers about the impact state laws have on their departments, their interaction with state officials, and any state law changes or other issues they foresee that may impact their operations. We sent the survey to more than 20 managers and received 12 responses.

According to the responses, 92 percent of the respondents replied that state law is "very important" or "important" to the operations of their respective departments. Managers identified several potential future changes in state law that would impact their departments, including system development charges for park improvements, building and fire codes, environmental regulations for public agencies such as energy conservation or solar energy requirements, public works construction and purchasing laws, data retention and information security rules for personal and criminal data, ethics reform, communication and interoperability, labor issues, disaster mitigation, tort liability, water rights and storage issues, land use issues, drinking water quality regulation such as fluoridation, and climate change.

This information is useful because it will assist us with identifying legislation and issues that may impact the city's operations and more effectively respond on the city's behalf.

IV. 2008 INTERIM ACTIVITIES

Several activities will need to take place during the remainder of the 2008 interim that arises from legislation passed in the 2007 and 2008 legislative sessions. In addition, we plan to work closely with Mayor Hughes and City Managers to develop legislation and identify priorities for the upcoming 2009 regular legislative session.

Parking Structure: We continue our work on the negotiation of a grant agreement with OECDD toward funding the \$7 million in state lottery dollars appropriated to a downtown parking garage near the Pacific University campus. Because this funding is contingent upon the full project cost being available we are also supporting Pacific University's federal lobbyists in their efforts to obtain an appropriation for this project. Our next status meeting with OECDD is in August and we are working with city staff to prepare for that meeting.

Legislative priorities for 2009: We will continue work with Mayor Hughes and City Managers to develop and refine a legislative agenda for the 2009 legislative session including subjects

reported in this document and identify, and take positions on, issues that may arise during the regular session.

SB 1069: We will monitor rulemaking and assist with grant applications for funding under SB 1069 for water project planning studies.

Enterprise zones: Under Senate Bill 151, passed in the 2007 regular legislative session, the Legislative Revenue Office must file a report that evaluates the performance of enterprise zones and related tax incentives with the Legislative Assembly before February 1, 2009. The interim House Revenue Committee or other appropriate interim committee on revenue or economic development must evaluate enterprise zones and related tax incentives. The evaluation must include the cost-benefit analysis of the effects on the state and local economy, public finance and services and other matters associated with actual business firms receiving the incentives, including but not limited to assessing the degree to which the incentives are significantly affecting investment and employment in the enterprise zones. The report must also include the statistical change in measures of local economic hardship over time for communities associated with enterprise zones. We are working with Art Fish at OECDD to provide data for the report and will assist Larry Pedersen in these efforts. We will likely see another effort by the special districts to repeal or make changes to this law that would be detrimental to the city. We should work with Washington County elected officials and companies on this issue.

SB 10 litigation: We will monitor litigation challenging the constitutionality of the gift limits and prohibitions for public officials under SB 10.

Tort Claims Task Force: We will monitor the Tort Claims Task Force created by the Speaker of the House and the President of the Senate. The task force will be chaired by Senator Floyd Prozanski and Representative Suzanne Bonamici. It will make recommendations to the 2009 legislature on changes to the Oregon Tort Claims Act in the wake of the Oregon Supreme Court's decision in *Clark v. OHSU*.

V. 2009 REGULAR LEGISLATIVE SESSION

In addition to the priorities identified by the city, we anticipate working on several issues on which interim work has already begun.

Transportation package: The Governor's office and members of the legislature have assembled workgroups to formulate a major, statewide transportation package for the 2009 session. The workgroups involve a variety of stakeholders, including business organizations and other transportation interest groups. At this point, the workgroups are discussing what the various elements of the package might be, including projects, funding, messaging to the public, and issues around sustainability and impact on climate change. We will monitor these conversations and work with Representative Edwards, Senator Starr and other legislators to secure funding for

projects identified by the city, such as the Shute Road Interchange, as being vital to industrial expansion in the area.

Tort liability legislation: Assuming legislation to modify the tort cap will be brought forward next session, we will monitor and respond to the legislation on the city's behalf as appropriate. The city's risk manager is a resource on this issue.

Economic Development:

Enterprise zones: The city has a compelling story to tell about its enterprise zone and as the conversation about the effectiveness of these zones evolves throughout the session, we will tell this story in an effort to preserve these zones, defend the program and otherwise support the state's economic development incentives.

OECD restructuring: The Governor and members of OECD have made recommendations to the OECD Commission to separate OECD's business development and community development functions as part of the agency's restructuring. Separating these two functions will allow each department to better focus on its distinct mission. We will monitor any legislation brought forward next session to effectuate the restructure. We are also working with Larry Pedersen, Mayor Hughes and the city's economic development staff to monitor proposed inter-government agreements as they are put into effect.

Urban Renewal: Even though the urban renewal legislation related to satellite districts introduced by the City of Portland in the 2008 session died early in the session without even a hearing, it is likely we will be involved with similar legislation again in 2009.

Water: We anticipate issues related to water storage and conservation will continue to be addressed through legislation next session, and we will participate in the discussion and respond where appropriate on the city's behalf.

Public Infrastructure: The City Of Gresham hopes to reintroduce a bill similar to SB 827 that it introduced in the 2007 legislative session. They have requested support from the City of Hillsboro and other Oregon cities. Generally, this measure would create a designated account of lottery bonds that could fund no interest loans to Oregon cities for the express purpose of bringing lands inside urban growth boundaries. The intended goal of this legislation to assist cities with managing the scope of the non-transportation infrastructure costs associated with making new employment lands available to prospective Oregon employers. We will advocate in support of this legislation as directed by the City.

Public Safety: We will monitor and respond to any legislation arising from the passage of SB 1074 during the 2008 session. The bill requires the Tri-County Metropolitan Transportation District to evaluate criminal activity occurring on or near light rail and to evaluate the

operational safety and personal safety of light rail passengers. The district must report its findings annually to the legislature and the first report must be made during the 2009 session. We will also respond to any legislation regarding labor and management issues as it arises.

Parks and Recreation: We will monitor any system development charges and other legislation as it arises and relates to Parks and Recreation issues.

Telecommunications: The League of Oregon Cities and Qwest may be close to a compromise on right of way issues and the assessment of the franchise fee. We will monitor activity on this front and report to city staff on all developments during the interim and the 2009 session.

Labor and Management:

Medical Marijuana: A bill attempting to clarify "reasonable accommodation" of employees and appropriate disciplinary action permitted by employers related to the actions of employees who are legal users of medical marijuana did not survive the supplemental session. Due to inconclusive court opinions on this subject it is likely a bill will emerge in the 2009 legislative session to yet again attempt to clarify the Oregon Medical Marijuana Act as it relates to the relationship between employers and employees.

Drug Testing: The City of Woodburn's broad pre-employment drug-testing policy was rejected in March by the 9th Circuit U.S. Court of Appeals. The court ruling applies only to government agencies. The court left open the possibility that public employers could require pre-employment drug testing for jobs with more serious safety issues. It is unclear whether the Legislature will attempt to clarify this issue in law when it meets in 2009. We will continue to monitor this issue.

Collective Bargaining/Worker's Compensation: It is likely public employee and public safety unions may attempt changes to broaden the state's collective bargaining and worker compensation laws. We will monitor all developments in this area.

Prevailing Wage on Public Projects: This issue appeared to be resolved with a compromise bill that emerged late in the 2007 session. Mayor Hughes participated in the negotiations with proponents of a broader measure that led to a compromise. It is not clear whether proponents of a broader application of the prevailing wage laws on public projects will attempt further expansions in 2009. We will monitor all developments in this area.

Land Use:

Urban/rural reserves: SB 1011 passed in 2007 led to the creation of a regional Reserves Steering Committee. This Committee is comprised of Metro Councilor

Kathryn Harrington, Washington County Chair Tom Brian, Clackamas County Commissioner Martha Schrader, and Multnomah County Commissioner Jeff Cogen. The Committee regular convenes meetings with a broad cross-section of stakeholders and interested parties, including representatives of local cities, neighboring communities, business groups, developers, farmers, land use advocates, environment organizations and others. The role of the Committee is designate areas outside the current urban growth boundary that are suitable for housing and job growth over the next 40 to 50 years (urban reserves) as well as areas that should be preserved and protected for agricultural and natural resource purposes for a similar period (rural reserves).

Industrial reserves: We may again see legislation similar to SB 186 from the 2007 session, which directed the Land Conservation and Development Commission to adopt by goal or rule incentives for local governments to designate industrial reserves and to create and maintain an adequate supply of prime industrial lands.

Big Look Task Force: The Big Look Task Force, whose funding was revived in the 2008 session, will bring recommendations on changes to the state's land use laws to the 2009 legislature. We will monitor the legislation and respond or advocate as appropriate.

Revenue Restructuring Task Force: The Comprehensive Revenue Restructuring Task Force will make recommendations to the 2009 legislature which will result in proposed changes to the state's revenue and tax structure. Mayor Hughes is a member of this task force and we will respond to, or advocate for, the legislation it promotes in 2009 as directed by the City.

VI. CONCLUSION

We sincerely appreciate the opportunity to work with the City of Hillsboro and represent the city before the Oregon Legislature, the Governor's Office and state agencies. The activity level of state public policy continues to increase unabated. We believe the City has benefitted from having constant representation before Salem policy makers. We intend to continue our advocacy efforts on behalf of the City with a high level of energy and enthusiasm. We appreciate the opportunity to serve the City, its residents, elected leaders and professional staff. As always we are available at any time to discuss the needs of the City as it relates to our representation in this area. Thank you.