

HILLSBORO CITY COUNCIL

**Preliminary Agenda
Tuesday, May 6, 2008**

**6 PM
Hillsboro Civic Center Conference Room C113B**

**Special Transportation Committee Meeting
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 - May 1, 2008**

**SPECIAL TRANSPORTATION COMMITTEE MEETING – 6 PM – CONFERENCE ROOM
C113B**

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Hillsboro Police Department Honor Guard

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 15, 2008

B. Award a capital improvement contract to First Cascade Corporation for \$359,777 for construction of a concession/restroom building at 53rd Avenue Community Park site, and authorize the Mayor and City Recorder to execute the documents. (Park Commission recommendation)

C. Authorize the Mayor and City Recorder to execute standard developer contract(s) for the following:

<u>Project Name</u>	<u>Developer</u>
Nuevo Horizonte	Patricio Maldonado
Orenco Station Medical Office Bldg	PacTrust

D. Authorize a dedication deed of additional public right-of-way to complete NE Brookwood Avenue, and authorize the Mayor and City Recorder to execute the documents. (Transportation Committee recommendation)

E. Acting as the Local Contract Review Board, award contracts to the lowest responsive bidders for the following contracts (the bids from Ashwood Construction and Lakeside were rejected and considered nonresponsive for being incomplete): (Pending Transportation Committee approval on May 6, 2008)

2008 Street Maintenance Program

Bretthauer Road Oil	Schedule A	\$36,834.40
Intermountain Slurry Seal, Inc.	Schedule B	\$320,320.00
Knife River dba Morse Bros	Schedule C	\$1,150,525.98

Engineer's Estimate:

Schedule "A" (Crack Seals)	\$55,430.00
Schedule "B" (Slurry Seals)	\$315,442.39
Schedule "C" (A.C. Replacement and Overlays)	\$1,377,104.82

- F. Accept a petition for VAC 08-01 for the vacation of a portion of NW Alder Street from NW 228th Avenue east to its terminus, and schedule a public hearing for June 3, 2008. Petitioner is: The Unitarian Universalist Community Church.
- G. Endorsement of liquor license annual renewal: *(This renewal request has been reviewed by the Police Department and no objections have been filed.)*

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

- 1. Pizza in Paradise, 1050 SW Baseline Rd. #C-2 – Limited On-Premises Sales

2. PRESENTATIONS AND APPOINTMENTS:

- A. Washington County Historical Society and Museum presentation by Collections and Exhibit Manager Jennifer Kozik and Research Librarian Winn Herrschaft.
- B. Proclamation: Emergency Medical Services Week – May 18-24, 2008. Presentation by Metro West Wheelchair Division Supervisor Nick Jones.
- C. Proclamation: National Bike Month – May 2008. Presentation by Washington County Bicycle Transportation Coalition Executive Director Hal Ballard.
- D. Proclamation: National Law Enforcement Week – May 10-16, 2008.

3. PUBLIC HEARINGS:

- A. ET 08-01: David Busser: Consider adopting a resolution allowing extraterritorial water service to Tax Lots 4500, 4700 and 4701 on Washington County Tax Assessor's Map 1S 5 36AB. The property is located in Cherry Grove on SW Cherry Grove Drive. **Resolution No. * _____ is available.**
- B. SN 1-08: NE Penny Way: Consider Planning Commission recommendation to adopt an ordinance officially naming a private street NE Penny Way. **Ordinance No. * _____ is available.**

4. UNFINISHED BUSINESS:

- A. None.

5. NEW BUSINESS:

- A. Consider Human Resources and Fire departments staff recommendation to reclassify the budgeted *Fire Prevention/Education Officer* position to a *Public Information/Education Officer* position at a PERS-eligible Pay Range of 22 (\$5142 to \$6563 per month) effective immediately.

- B. HCP 2-08: Strauss: Consider a Planning Commission recommendation to adopt 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 property and to redesignate such property from County FD-20 (Future Development – 20 Acre District) to City RL (Low Density Residential). The affected property is approximately 5.25 acres in size and is located generally north of SW McInnis Lane, south of SE Alexander Street, east of SW 234th Avenue, and west of SW 229th Avenue. The property can be specifically identified as Tax Lot 200 on Washington County Tax Assessor's Map 1S2-10DC. **Ordinance No. * _____ is available.**
- C. Consider Transportation Committee recommendation to adopt a resolution requesting Washington County initiate action to rename NE/NW Shute Road from US Highway No. 26 to NE Brookwood Parkway/NE Shute Road to NE/NW Brookwood Parkway. **Resolution 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. Red Brick Table Grill, 1887 NW 188th Ave. – Original Application – Full On-Premises Sales

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

7. **ADVICE/INFORMATION ITEMS:**

- A. Proclamation: Municipal Clerks Week – May 4-10, 2008.
- B. Budget Committee meetings, May 21 and 22 (if needed), 2008, 6 PM, Hillsboro Civic Center conference rooms C113B&C.
- C. Memorial Day Holiday – May 26, 2008. City offices closed.
- D. Audit Committee meeting, May 28, 2008, 6 PM, Hillsboro Civic Center conference room C207.
- E. American Cancer Society Relay for Life, begins June 21, 2008 at 10 AM and ends June 22, 2008 at 10 AM, Hillsboro Stadium. For more information visit <http://www.relayforlife.org/relay/>.

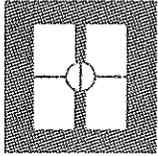
ANNUAL COMMUNITY EVENTS:

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

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

- A. Capital Improvement Program Update – presented by Sarah Jo Chaplen, Rob Massar and Ellen Conley

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HILLSBORO CITY COUNCIL

**Minutes
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**

WORK SESSION – 6 PM – CONFERENCE ROOM C113B

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

The work session was held.

REGULAR SESSION – 7 PM – AUDITORIUM

PLEDGE OF ALLEGIANCE – Cub Scout Packs 227 and 520

CALL TO ORDER - Roll Call

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

Staff Present: Sarah Jo Chaplen, Erik Jensen, Kevin Smith, Don Odermott, Barbara Simon, Ellen Conley, John Southgate, Pat Ribellia, Tina Bailey, Rob Massar, Peter Martins, Amber Deming and City Attorney Pam Beery

1. CONSENT AGENDA:

- 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:
 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

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

2. PRESENTATIONS AND APPOINTMENTS:

- A. Quarterly Exchange Presentation by Metro Councilor Kathryn Harrington

Metro Councilor Harrington gave a PowerPoint presentation. She described the Making the Greatest Place program, the business recycling requirements proposal, natural area purchases in Metro District 4, the Integrating Habits Design Competition and described ways the community can get involved. Councilor Carleson reminded the councilors that an electronic newsletter is distributed monthly.

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

Mr. Hoglund gave a PowerPoint presentation and described the current program. He stated the region is working toward a goal to achieve a 64% waste reduction. He said Metro and local governments have provided assistance through a voluntary program that is free of charge to businesses, yet the services are underutilized. Metro's proposed program would direct all local governments to require businesses to recycle paper and containers. He described the benefits of the program including: consistency of recycling services, potential cost savings for businesses, material supply for local recycling companies and reduced environmental impact. Metro would provide training, containers and signage to the businesses. This would require passage of an ordinance and enforcement by the City and/or Metro.

Mayor Hughes expressed his concern about a regulatory approach versus an incentive program. There was brief discussion on the idea of looking at alternative approaches. It may be beneficial to increase community awareness and outreach rather than considering implementation of a mandate on businesses.

- C. Hillsboro Arts and Culture Council
- | | |
|-------------------|-----------------------------|
| Terry Blackburn | 3-year term (reappointment) |
| Deborah Clarke | 2-year term |
| Suzanne Cusick | 1-year term |
| Kay Demlow | 3-year term (reappointment) |
| Nanita McIlhattan | 3-year term |
| Scott Palmer | 3-year term |
| Lynn Scheller | 2-year term |
| Tina Seidel | 3-year term (reappointment) |

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

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. 5856 was available.

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

Mayor Hughes opened the public hearing on AN 2-08 and asked for testimony in support or opposition. There was none. The public hearing was closed.

Motion was made by Dennis, seconded by O'Donnell, that Ordinance No. 5856 do pass. Roll call on the motion was as follows: Dennis, aye, O'Donnell, aye, Carleson, aye, Johnson, aye, Acuña, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5856 was declared passed.

ORDINANCE NO. 5856
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.

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. 5857 was available.

Motion was made by O'Donnell, seconded by Dennis, that Ordinance No. 5857 do pass. Roll call on the motion was as follows: Carleson, aye, Johnson, aye, O'Donnell, aye, Dennis, aye, Acuña, aye, Andrews, aye. The motion passed unanimously and Ordinance No. 5857 was declared passed.

ORDINANCE NO. 5857
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 TO INCLUDE RECENTLY ANNEXED PROPERTIES AND TO REDESIGNATE SUCH PROPERTIES FROM COUNTY FD-20 (FUTURE DEVELOPMENT – 20 ACRE DISTRICT) TO CITY PF (PUBLIC FACILITY).

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. 2250 was available.

Motion was made by O'Donnell, seconded by Johnson, that Resolution No. 2250 be adopted. The motion passed unanimously with Carleson, Dennis, Johnson, O'Donnell, Acuña and Andrews voting in favor.

RESOLUTION NO. 2250

A RESOLUTION INITIATING ACTION TO TRANSFER JURISDICTION OF COUNTY ROADS, NW BROOKWOOD AVENUE AND SW 229TH AVENUE, TO THE CITY.

- 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. 5858 was available.

Motion was made by Andrews, seconded by O'Donnell, that Ordinance No. 5858 do pass. Roll call on the motion was as follows: O'Donnell, aye, Dennis, aye, Acuña, aye, Andrews, aye, Carleson, aye, Johnson, aye. The motion passed unanimously and Ordinance No. 5858 was declared passed.

ORDINANCE NO. 5858

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.

- D. Consider endorsement of liquor license application:

- 1. The Venetian, 253 E Main St. – Original Application – Full On-Premises Sales

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

6. COMMUNICATION AND NON-AGENDA ITEMS:

- A. Sharon Cornish, 30265 NW Evergreen Road, addressed her concerns related to the City considering a possible reservoir site location near her home.

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.

ANNUAL COMMUNITY EVENTS:

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

There being no further business to come before the Council, the meeting was adjourned at 8:27 PM.

Council President

ATTEST: _____
City Recorder



CITY OF HILLSBORO
Parks & Recreation

MEMORANDUM

DATE: April 28, 2008
TO: City Council
FROM: Bruce Copenhagen; Project Manager
RE: 53rd AVE. PARK CONCESSION BUILDING BID RESULTS

REQUEST

Staff respectfully requests City Council to authorize award of a public improvement contract to First Cascade Corporation for a total contract amount of \$359,777.00 for construction of a concession/restroom building at the 53rd Avenue community park site.

BACKGROUND

Seven sealed bids were opened on April 17, 2008 for construction of a new concession/restroom building adjacent to the new all-weather sport fields at the 53rd Avenue community park site.

A tabulation of the bids received is shown below. Bidders were requested to provide a lump sum bid total for all work shown in the plans and specifications. Staff has evaluated the bid results and the apparent low bidder is First Cascade Corporation. No bids were rejected due to incomplete submittals and no protests have been filed.

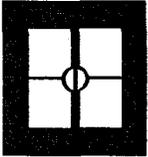
At its regular session meeting of April 22, 2008, the Hillsboro Park Commission unanimously approved a motion to forward a recommendation to City Council to award the bid to First Cascade Corporation for a total contract amount of \$359,777.00. Funds for this project are available in part from a Local Government Grant and the Parks SDC fund. The pre-bid construction cost range was estimated from \$350,000 to \$425,000.

The bid results were as follows:

<u>53rd Ave Park Concession Building - Bid Due 2: PM, Thursday, April 17, 2008</u>		
1	First Cascade Corporation	\$ 359,777.00
2	Cedar Mill Construction	\$ 374,650.00
3	Zinc Commercial Contractors	\$ 386,179.20
4	Bourke Construction	\$ 395,357.00
5	Todd Hess Building Co.	\$ 398,800.00
6	Kell-Tek Builders, Inc.	\$ 411,700.00
7	Interwest Construction, Inc.	\$ 436,685.00

RECOMMENDATION

Given the Park Commission's recommendation, staff respectfully requests that the City Council to award a public improvement contract to First Cascade Corporation for a total contract amount of \$359,777.00 and authorized the Mayor and City Recorder to execute the necessary contract documents.



DATE: May 6, 2008
TO: Mayor and City Council
FROM: Roy Gibson, Public Works Director
PROJECT: Neuvo Horizonte

Description: Public improvements are being constructed to serve a new 5 lot residential development located at 1000 SW Brookwood Ave.

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

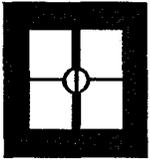
Staff therefore requests authorization for the City Manager and City Recorder to execute standard developer installation agreements as follows:

Developer: Patricio Maldonado

	Construction	Deposit
Street	\$0.00	\$0.00
Storm	\$0.00	\$0.00
Sanitary	\$26,280.00	\$1,314.00
Water	\$31,157.00	\$1,557.85
TOTAL	\$57,437.00	\$2,871.85

Attachment: Location Map

CITY OF HILLSBORO



Public Works Department, Engineering Division

DATE: May 13, 2008
TO: Utilities Commission
FROM: Roy Gibson, Public Works Director
PROJECT: Neuvo Horizonte

Description: Public improvements are being constructed to serve a new 5 lot residential development located at 1000 SW Brookwood Ave.

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

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

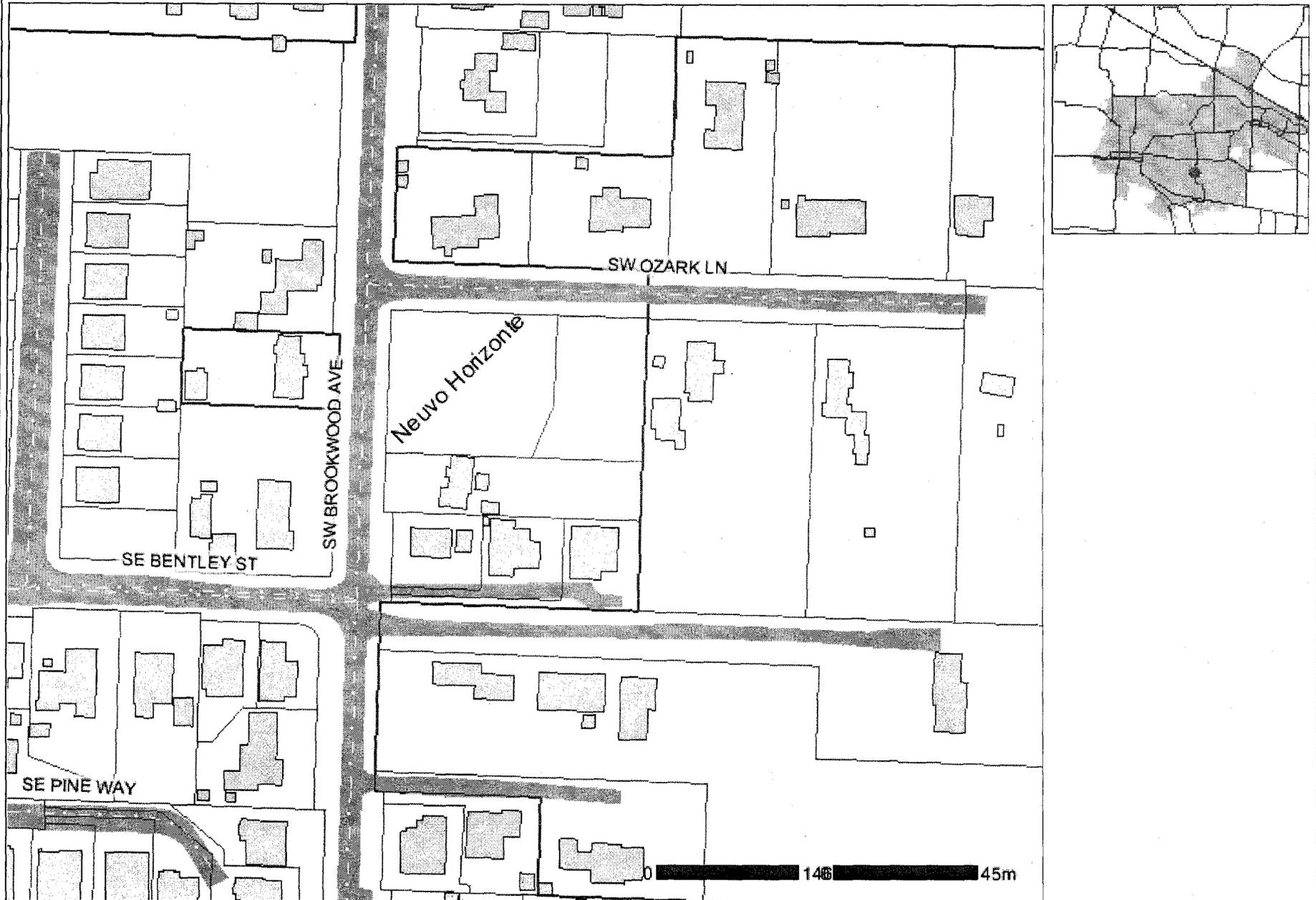
Developer: Patricio Maldonado

	Construction	Deposit
Street	\$0.00	\$0.00
Storm	\$0.00	\$0.00
Sanitary	\$26,280.00	\$1,314.00
Water	\$31,157.00	\$1,557.85
TOTAL	\$57,437.00	\$2,871.85

Attachment: Location Map

Neuvo Horizonte

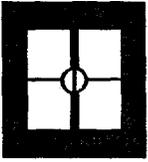
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DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to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

Data: Updated Weekly Metro Data Updated Quarterly

CITY OF HILLSBORO



Public Works Department, Engineering Division

DATE: May 6, 2008
TO: Mayor and City Council
FROM: Roy Gibson, Public Works Director
PROJECT: Orenco Station Medical Office Bldg

Description: Public improvements to serve a new commercial office building located at 6355 NE Cornell Rd (1N227DC24800).

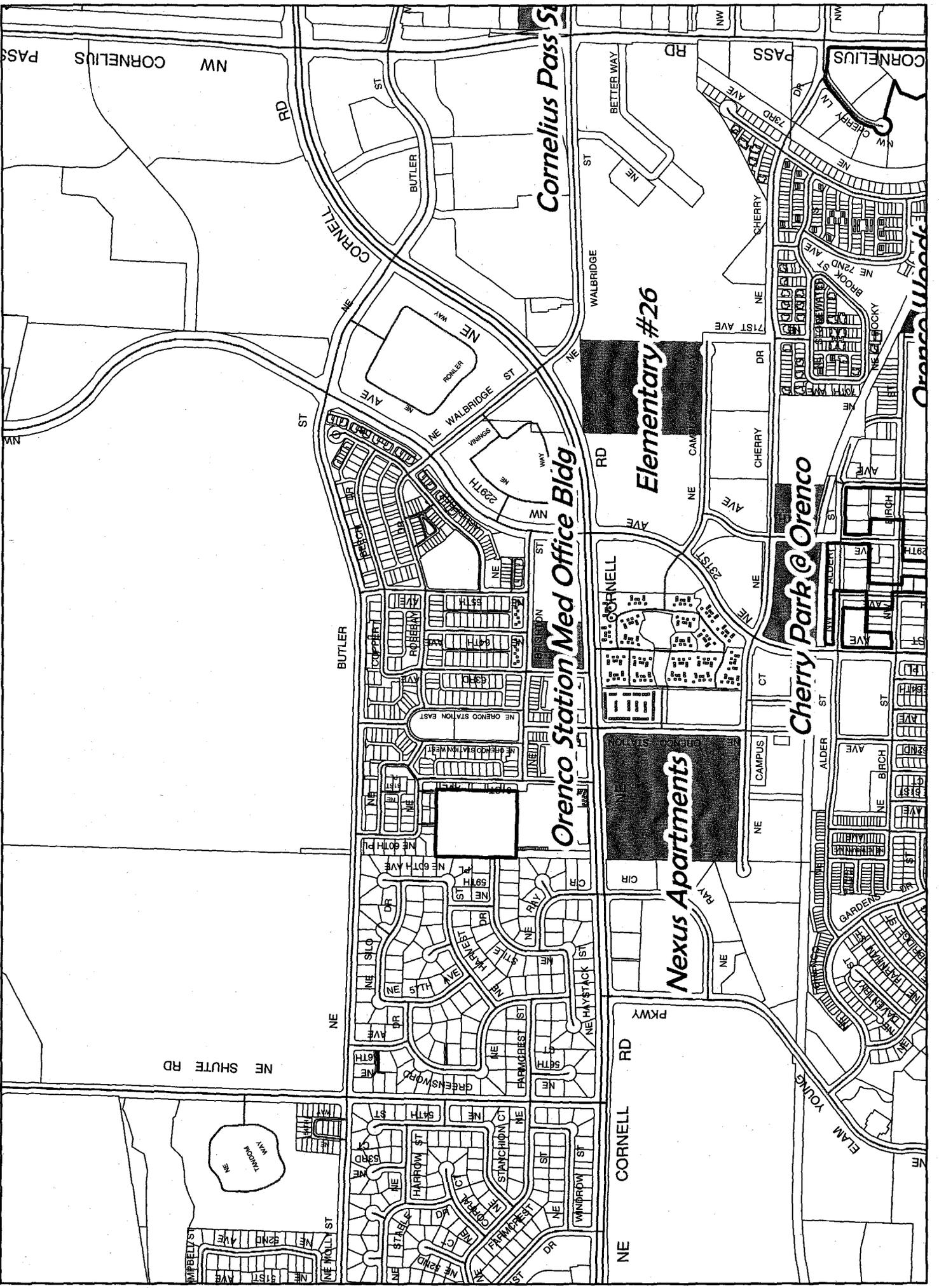
The developer of the above referenced project has submitted the required financial guarantees, insurance certificates and paid the appropriate fees.

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

Developer: PacTrust

	Construction	Deposit
Street	\$16,366.00	\$818.30
Storm	\$2,435.00	\$182.63
Sanitary	\$0.00	\$0.00
Water	\$0.00	\$0.00
TOTAL	\$18,801.00	\$1,000.93

Attachment: Location Map



Cornelius Pass St

Orencia Wood

Orencia Station Med Office Bldg

Elementary #26

Nexus Apartments

Cherry Park @ Orencia

NE SHUTE RD

NE CORNELL RD

NE YOUNG ELM

CORNELL RD

BUTLER ST

WALBRIDGE ST

CHERRY AVE

ST

NE WY

CORNELIUS PASS

NE SHUTE RD

NE CORNELL RD

CITY OF HILLSBORO

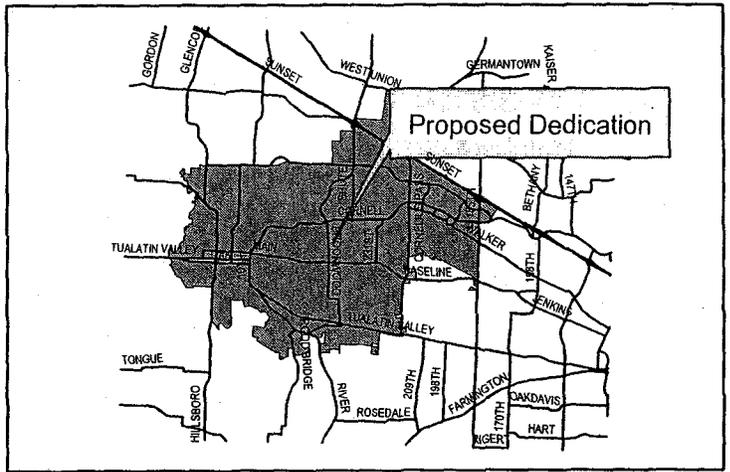
11



May 6, 2008

TO: Mayor and City Council

FROM: Michael Filicky, City Surveyor



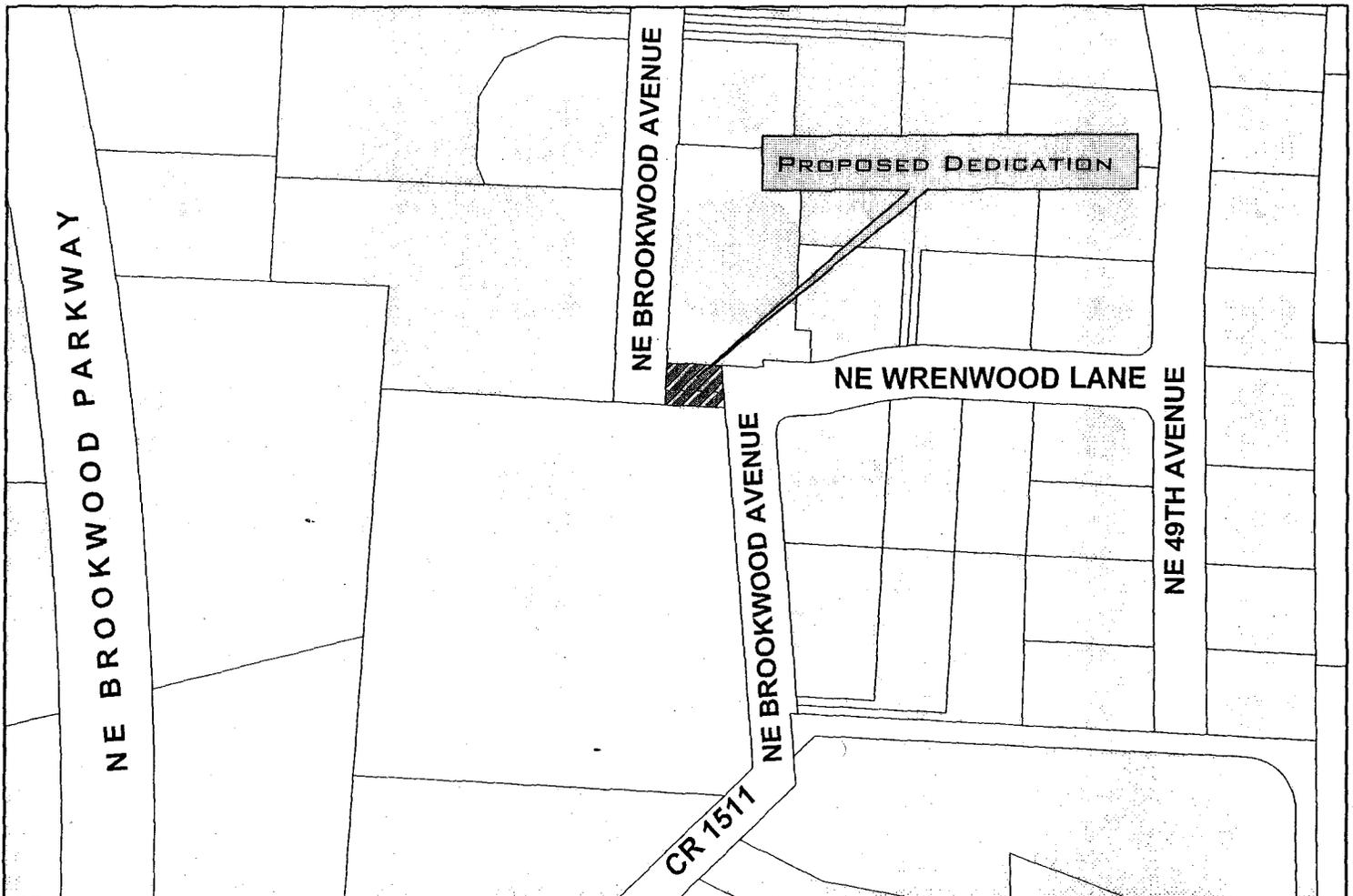
RE: Dedication of additional public right-of-way to complete NE Brookwood Avenue

It was discovered that a gap exists between NE Brookwood Avenue, also known as County Road 1511 (CR 1511), and NE Brookwood Avenue as dedicated to the public by deed. Washington County came into possession of the property through foreclosure proceedings.

This dedication would serve the public by allowing a legitimate connection between the two public roads. It would also allow future roadway maintenance and improvements of an area that was previously outside of any agencies' road maintenance district. And finally, the dedication would facilitate the transfer of jurisdiction of CR 1511 to the City.



Transportation Committee recommends acceptance of the dedication.



After recording, return to:
City of Hillsboro Engineering Division
Attn: Mike Filicky
150 East Main Street
Hillsboro, OR 97123

Until a change is requested, all
Tax statements shall be sent to:
NO CHANGE IN TAX STATEMENTS

DEDICATION DEED

Washington County, a political subdivision of the State of Oregon, Grantor, conveys, dedicates and warrants to the CITY OF HILLSBORO, an Oregon municipal corporation, Grantee, the real property described in Exhibit A, free from all monetary liens or encumbrances. The CITY (and other entities or persons the CITY deems appropriate) shall have the perpetual right to construct, improve, operate and maintain a public right-of-way (and such other uses deemed by the CITY not to be incompatible therewith) across, under and on the property described on Exhibit "A" provided said right-of-way is intended or used for public road, highway, sidewalk and/or similar public purposes.

The true consideration for this conveyance consists of other property or other value given or promised. (ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424 OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 1195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Dated as of April 1, 2008

Board of County Commissioners
for Washington County, Oregon

STATE OF OREGON)

By: Tom Brian
Tom Brian, Chair

County of Washington)

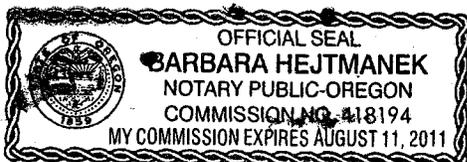
By: Barbara Hejtmarek
Recording Secretary

This instrument was acknowledged before me by Tom Brian as Chair of the Washington
County Board of Commissioners on the 1st day of April, 2008.

Barbara Hejtmarek

Notary Public for Oregon

My commission expires: 8-11-11



APPROVAL AND ACCEPTANCE BY THE CITY OF HILLSBORO (ORS 93.808)

The City Council of the City of Hillsboro hereby approves and accepts the foregoing
dedication this _____ day of _____, 2008

Mayor

ATTEST: _____
City Recorder

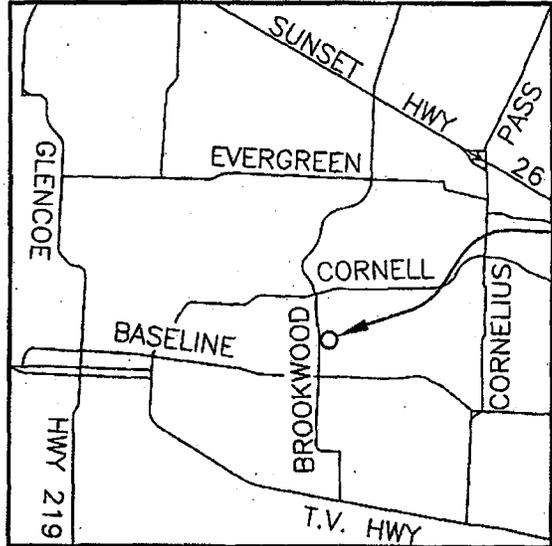
EXHIBIT "A"

DEDICATION OF RIGHT-OF-WAY

A parcel of land lying in the Southeast One-quarter of Section 33, township 1 North, Range 2 West, W.M., Washington County, Oregon. Said parcel being all that property described on Page 4 of 18 of Exhibit 2 in Deed Document No. 2001-114100, Washington County Book of Records.

PROPOSED DEDICATION

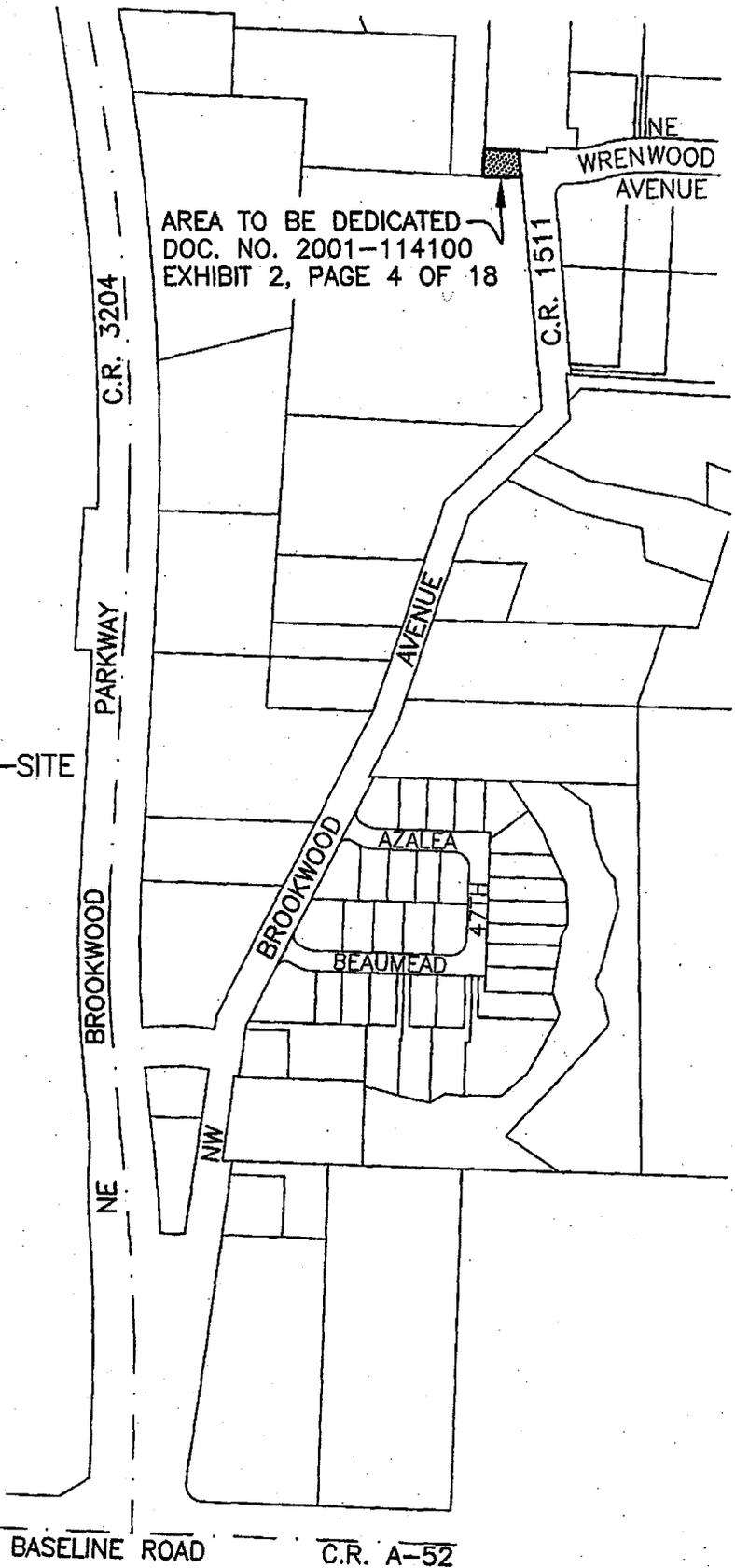
EXHIBIT "B"



VICINITY MAP

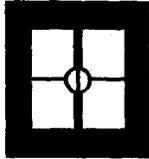


NOT TO SCALE



WEST BASELINE ROAD

C.R. A-52



Public Works Department, Engineering Division

May 6, 2008

To: Mayor and City Council
 From: Teresa Gibson, Project Engineer
 Re: 2008 Street Maintenance Program

The Engineering Division held a bid opening April 24, 2008 for the 2008 Street Maintenance Program with the results shown below. The program was divided into three schedules, Schedule "A": Crack Seals, Schedule "B": Slurry Seals, and Schedule "C": AC Replacements & Overlays. Each schedule is a separate contract for award.

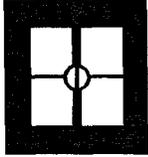
Bidder	Schedule "A"	Schedule "B"	Schedule "C"
Bretthauer Road Oil	\$36,834.40	-	-
Roger Langeliers Const.	\$39,830.03	-	-
Ashwood Const.	Non-Responsive (\$47,876.00)	-	-
Valley Slurry Seal Co.	\$121,786.00	\$475,043.00	-
Blackline	-	\$324,764.88	-
Intermountain Slurry Seal, Inc.	-	\$320,320.00	-
Asphalt Maint Assoc.	-	\$327,784.19	-
California Pavement Maintenance	-	\$364,167.52	-
Baker Rock Resources	-	-	\$1,644,337.00
Brix Paving	-	-	\$1,310,668.34
Eagle-Elsner	-	-	\$1,183,185.50
Kodiak Pacific Const.	-	-	\$1,196,988.00
Knife River	-	-	\$1,150,525.98
Hoss Paving	-	-	\$1,189,694.88
Lakeside	-	-	Non-Responsive (\$1,339,165.80)
Engineers Estimate	\$55,430.00	\$315,442.39	\$1,377,104.82

At a special meeting on May 6, 2008 Transportation Committee approved and is recommending City Council, acting as the Local Contract Review Board:

1. Reject and declare the bid from Ashwood Construction as non-responsive due to the fact the bid did not include a completed Section IV. Residency Information and did not acknowledge the addendums.
2. Reject and declare the bid from Lakeside as non-responsive due to the fact the bid did not include a completed Section IV. Residency Information.
3. Award contracts to the following low responsive bidders for each schedule:
 - Schedule "A": Crack Seals to Bretthauer Road Oil.
 - Schedule "B": Slurry Seals to Intermountain Slurry Seal, Inc.
 - Schedule "C": AC Replacements & Overlays to Knife River.

CITY OF HILLSBORO

IF



Public Works Department, Engineering Division

May 6, 2008

To: Mayor and City Council

From: Tina Bailey, Project Manager

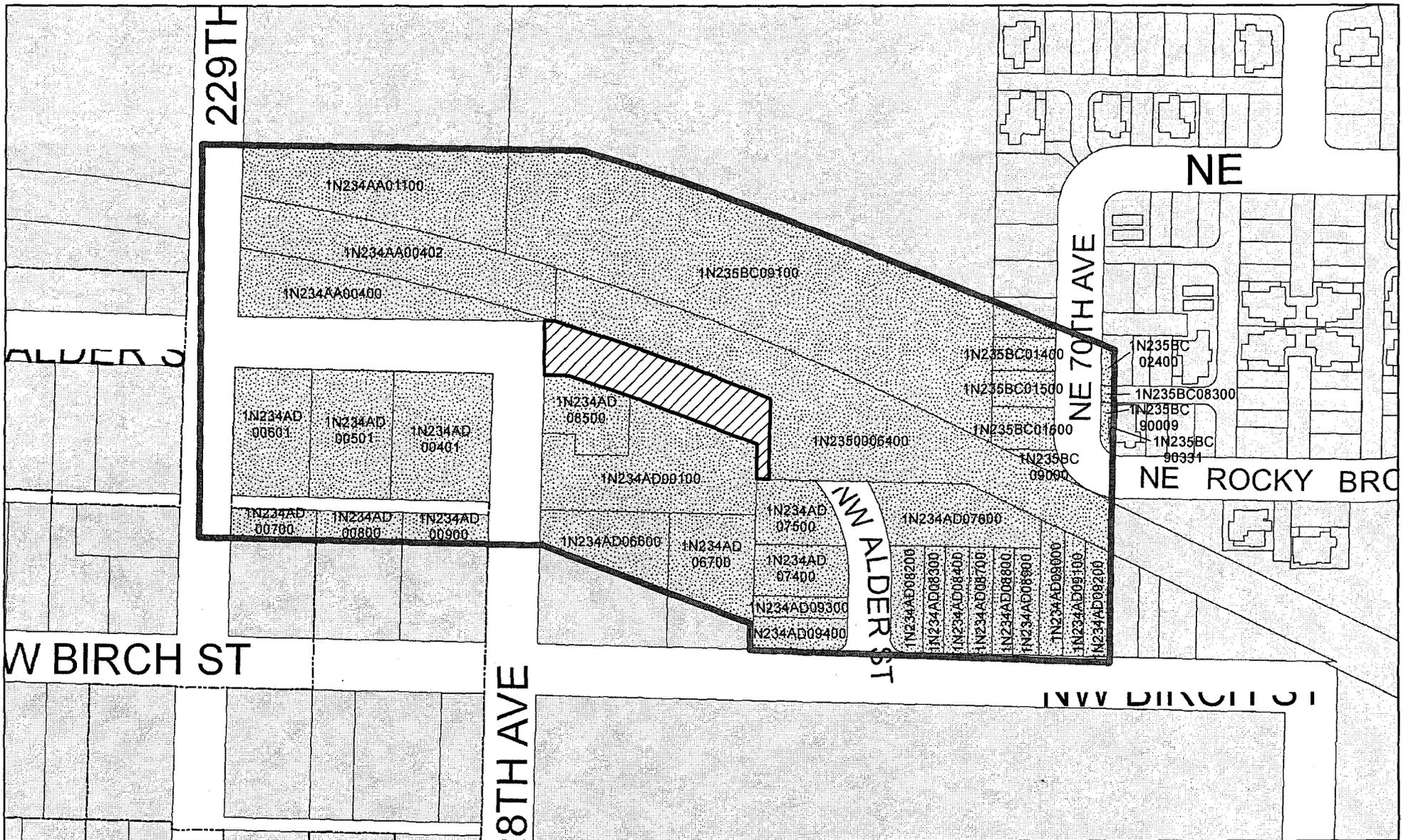
Re: VAC 08-01: Petition for Vacation of NW Alder Street east of NW 228th Avenue

The Unitarian Universalist Community Church has submitted a petition for the vacation of NW Alder Street east of NW 228th Avenue to its terminus. As defined in Chapter 270 of the Oregon Revised Statutes, the following information has been submitted:

1. Written consent of all owners fronting the proposed vacation;
2. Written consent of more than two thirds, in area, of the real property affected by the proposed vacation.
3. A fee in the amount of \$610.00;

Please accept the petition and schedule a public hearing for the regular Council meeting on Tuesday, June 3, 2008. Prior to the public hearing, City staff will notify residents in the immediate area, utility companies, City departments and other public agencies for comment. An engineer's report will be available at the public hearing.

Attachments: Petition
 Map



Alder Street Vacation Consent Zone
As of 12-05-07

Legend

-  Affected Area Boundary
-  Proposed Vacation
-  Affected Area
-  City Limits

1 inch equals 149.460705 feet

PETITION FOR VACATION OF PUBLIC STREET OR ALLEY

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

We, the undersigned, do hereby petition the City Council for the vacation of that street or alley or portion thereof as described in Exhibit "A" attached hereto. With this petition we have included acknowledged signatures(s) of the owner(s) in fee simple of all the properties fronting the proposed vacation and two-thirds of the real property affected by the proposed vacation, as required by Oregon Revised Statute 217.080.

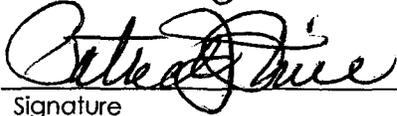
The vacation is being requested because:

The U.U.C.C.W.C. wishes to landscape and maintain the property
for the benefit of the neighborhood and church, and to
allow for possible future development of expansion and
parking.

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

Tax lot and map number of petitioner's land: Map # 1N234AD
0100, 8500,
6600 Unitarian Universalist Community Church of Wash. Co.
Tax Lot No. Owner

January 30, 2008
Signature Date


Signature

Patrick Pine
Printed Name

U.U.C.C.W.C.
Representing

22785 NW Birch St
Street Address

Hillsboro, OR 97124
City, State, Zip Code

503-648-5218
Telephone Number

Signature Date

Signature

Printed Name

Representing

Street Address

City, State, Zip Code

Telephone Number

CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: 1N234AA00402

[Signature]
Signature

Signature

Dan Blocher
Printed Name

Printed Name

TRIMET
Representing

Representing

710 NE Holladay St
Street Address

Address (if different)

Portland, OR 97232
City, State, Zip Code

City, State, Zip Code

Bus. 503.962.2244
Telephone numbers

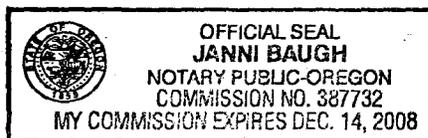
Telephone numbers

State of Oregon)
County of ~~Washington~~) MULTNOMAH

This instrument was acknowledged before me on 1/2/08 by Dan Blocher
for TRIMET

[Signature] JANNI BAUGH
Notary Public for Oregon

My Commission expires: 12/14/08



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: 1N23AAA00900

[Signature]
Signature

Don Blocher
Printed Name

TRIMET
Representing

710 NE Holladay St
Street Address

Portland, OR 97232
City, State, Zip Code

Bus. 503.962.2241
Telephone numbers

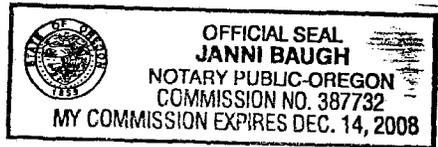
State of Oregon)
County of ~~Washington~~) MULTNOMAH

This instrument was acknowledged before me on 1/2/08 by Don Blocher

of TRIMET.

[Signature] - JANNI BAUGH
Notary Public for Oregon

My commission expires: Dec 14, 2008



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: 1 N 234 AA 01100

Tom Walsh
Signature

Tom Walsh
Printed Name

ORECO III, LLC
Representing

1100 NW GLISAN ST.
Street Address

PORTLAND, OR 97209
City, State, Zip Code

503-973-5001
Bus. Fax

Telephone numbers

Signature

Printed Name

Representing

Address (if different)

City, State, Zip Code

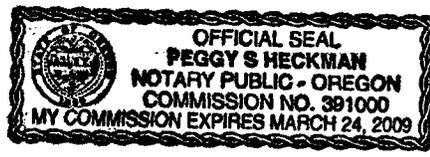
Telephone numbers

State of Oregon)
County of Washington)

This instrument was acknowledged before me on 4/13/08 by Tom Walsh

Peggy S. Heckman
Notary Public for Oregon

My commission expires: 3/24/09



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN235BC 01600

Roselynn Rapattoni
Signature

Signature

Roselynn Rapattoni
Printed Name

Printed Name

Representing

Representing

Street Address

Address (if different)

703 NE 70th AVE
City, State, Zip Code

City, State, Zip Code

HILLSBORO Bus. OR Fax 97124 503-648-2855
Telephone numbers Telephone numbers

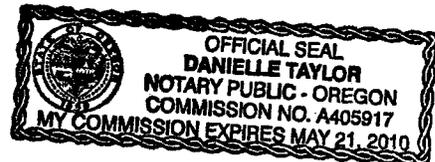
State of Oregon)

County of Washington)

This instrument was acknowledged before me on March 17th 2008 by _____

Roselynn Rapattoni
Danielle Taylor
Notary Public for Oregon

My commission expires: May 21, 2010



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN235BC 01300

Steven W Finnegan
Signature

Patricia F. Finnegan
Signature

Steven W Finnegan
Printed Name

Patricia F. Finnegan
Printed Name

731 NE 70th Ave
Representing

731 NE 70th Ave
Representing

Street Address
Hillsboro OR 97124
City, State, Zip Code

Address (if different)
Hillsboro OR 97124
City, State, Zip Code

Bus. Fax
Telephone numbers

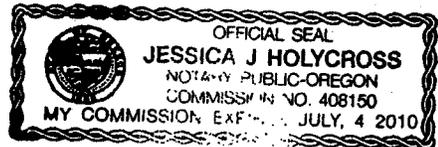
503-693-9898
Telephone numbers

State of Oregon)
County of Washington)

This instrument was acknowledged before me on March 22, 2008 by Steven W. Finnegan and Patricia F. Finnegan

Jessica J Holy Cross
Notary Public for Oregon

My commission expires: July 4, 2010



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: 1N234AD 09200

[Signature]
Signature

Douglas J. Bucklew
Printed Name

Signature

Printed Name

Representing

22619 NW BIRCH ST.
Street Address

HILLSBORO, OR 97124
City, State, Zip Code

503-504-8440
BUS. Telephone numbers Fax

Representing

Address (if different)

City, State, Zip Code

Telephone numbers

State of Oregon)
County of Washington)

This instrument was acknowledged before me on March 17, 2008 by _____

Douglas Bucklew

[Signature]
Notary Public for Oregon

My commission expires: May 21, 2010



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: 1W234AD 00401

Marvin Sharp
Signature

Signature

Marvin Sharp
Printed Name

Printed Name

Sharp Family Living Trust Agreement
Representing

Representing

1345 NW 228th Ave.
Street Address

Address (if different)

Hillsboro OR 97124
City, State, Zip Code

City, State, Zip Code

(503) 488-2533 Bus. Fax
Telephone numbers

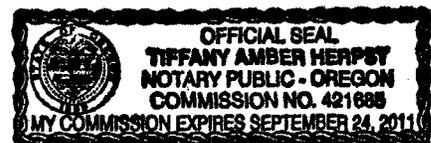
Telephone numbers

State of Oregon)
County of Washington)

This instrument was acknowledged before me on March 6, 2008 by Marvin Sharp

Tiffany Amber Herpst
Notary Public for Oregon

My commission expires: September 24, 2011



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN234AD 00601

Monte L. Rehling
Signature

Signature

Monte L. Rehling
Printed Name

Printed Name

Representing

Representing

22890 NW Alder St.
Street Address

Address (if different)

Hillsboro OR 97124
City, State, Zip Code

City, State, Zip Code

503-648-5433 us. 503-696-3872 Fax
Telephone numbers

Telephone numbers

State of Oregon)
County of Washington)

This instrument was acknowledged before me on Feb. 25, 2008 by _____

Monte L. Rehling

Carrie L. Wolf
Notary Public for Oregon

My commission expires: Sept 28, 2010



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN234 AD TL 7500 TL 7600

Jimmy Wae-Ping Wong
Signature

Jimmy Wae-Ping Wong
Printed Name

Candy Mei-Fung Wong
Signature

Candy Mei-Fung Wong
Printed Name

Representing _____

2728 NW 166 Terrace
Street Address

Beaverton, OR 97006
City, State, Zip Code

503-712-2909 (BUS.) Fax _____
Telephone numbers

State of Oregon)
County of Washington)

Representing _____

Address (if different) _____

City, State, Zip Code _____

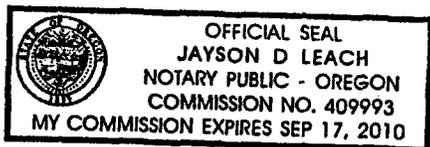
Telephone numbers _____

This instrument was acknowledged before me on March 5th, 2008 by _____

Jimmy Wae-Ping Wong and Candy Mei-Fung Wong

Jayson D Leach
Notary Public for Oregon

My commission expires: Sep. 17, 2010



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN 234 AD Lot 09300, Lot 09400

Joseph P. Robertson
Signature

Signature

Joseph P. Robertson
Printed Name

Printed Name

Alder Street Properties, LLC
Representing

Representing

1973 SE DUNCAN DR.
Street Address

Address (if different)

HILLSBORO OR 97123
City, State, Zip Code

City, State, Zip Code

503 681 8940 Bus. 503 681 8940 Fax
Telephone numbers

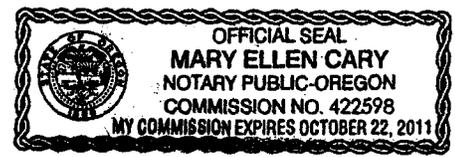
Telephone numbers

State of Oregon)
County of Washington)

This instrument was acknowledged before me on March 12, 2008 Joseph D. Robertson

Mary Ellen Cary
Notary Public for Oregon

My commission expires: Oct 22, 2011



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN234AD 00501

Dirk T. Knudsen
Signature

Dirk T. Knudsen
Printed Name

17555 N.W. Solano Ln.
Representing

Portland, OR 97229
Street Address

City, State, Zip Code

503-533-5722 Bus. _____ Fax _____
Telephone numbers

State of Oregon)
County of Washington)

Darcy L. Knudsen
Signature

Darcy L. Knudsen
Printed Name

Representing

Address (if different)

City, State, Zip Code

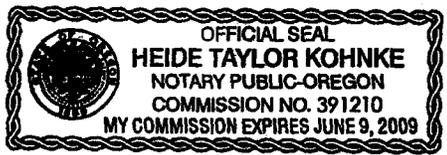
Telephone numbers

This instrument was acknowledged before me on 2/26/08 by _____

Dirk T. Knudsen & Darcy L. Knudsen

Heide Taylor Kohnke
Notary Public for Oregon

My commission expires: 6/9/09



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN234AD 08900

William W. Harrold
Signature

William W. Harrold
Printed Name

Representing

Street Address

City, State, Zip Code

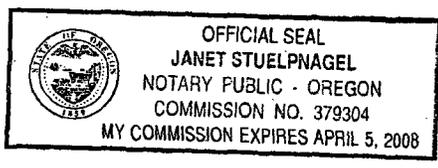
Bus. Fax
Telephone numbers

State of Oregon)
County of Washington)

This instrument was acknowledged before me on 03.20.08 by William & Charlotte Harrold

Janet Stuelpnagel
Notary Public for Oregon

My commission expires: 04.05.08



Charlotte Harrold
Signature

Char Harrold
Printed Name

Self
Representing

22785 NW Birch St
Address (if different)

Hillsboro
~~Portland~~ or or
City, State, Zip Code

503-240-2824
Telephone numbers

CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN 235 BC 01500

Lynn B. Price
Signature

Lynn B. Price
Printed Name

Representing

717 NE 70th Ave

Street Address

Hillsboro, OR 97124

City, State, Zip Code

Bus. Fax

Telephone numbers

State of Oregon)

County of Washington)

Marshall L. Price
Signature

Marshall Price
Printed Name

Representing

717 NE 70th Ave

Address (if different)

Hillsboro, OR 97124

City, State, Zip Code

Bus. Fax

Telephone numbers

This instrument was acknowledged before me on 3/22/08 by Lynn B. and Marshall Price

Jessica J. Holy Cross
Notary Public for Oregon

My commission expires: July 4, 2010



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: 1N234AD06700

Leo G. Graham Trustee
Signature

Leo G. Graham, Trustee
Printed Name

A. Jane Graham Trustee
Signature

Jane A. Graham, Trustee
Printed Name

Representing

22735 NW Birch St
Street Address

Hillsboro, OR 97123
City, State, Zip Code

Bus. _____ Fax _____
Telephone numbers

State of Oregon)
County of Washington)

Representing

Address (if different)

City, State, Zip Code

Telephone numbers

This instrument was acknowledged before me on MARCH 17, 2008 by Leo G. Graham, Trustee and A. Jane Graham, Trustee

Nancy Findlay
Notary Public for Oregon

My commission expires: 4-2-11



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN234AD TLO100, TLO8500, TLO6600

Patrick Pine
Signature

Patrick Pine
Printed Name

Unitarian Universalist Community Church of Washington Co.
Representing

22785 NW Birch St
Street Address

Hillsboro, OR 97124
City, State, Zip Code

Signature

Printed Name

Representing

Address (if different)

City, State, Zip Code

503-648-5218 Bus. _____ Fax _____
Telephone numbers

Telephone numbers

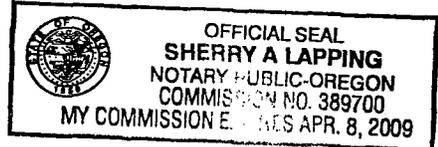
State of Oregon)
County of Washington)

This instrument was acknowledged before me on 30th Jan 2008 by Sherry

A. Lapping

Sherry A. Lapping
Notary Public for Oregon

My commission expires: 4-8-09

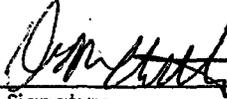


CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: 1N234AD 07400


Signature

Derek, M Mitchell
Printed Name

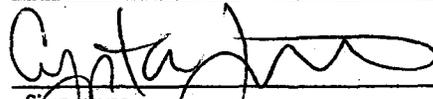
Ascendium, LLC
Representing

11655 Bethan Dr
Street Address

Dublin CA 94568
City, State, Zip Code

925-551-3322
Bus. Fax

Telephone numbers


Signature

Cynthia J. Mitchell
Printed Name

Ascendium, LLC
Representing

11655 Bethan Dr
Address (if different)

Dublin, CA 94568
City, State, Zip Code

Telephone numbers

State of Oregon)
County of Washington)

This instrument was acknowledged before me on _____ by _____

See attached Notary

Notary Public for Oregon

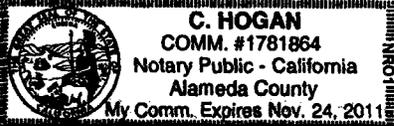
My commission expires: _____

**AB 886 (Chapter 399) Notary Certificate Requirements
Effective January 1, 2008**

California All-Purpose Acknowledgment

Civil Code section 1189(a)(1) amended to provide that any certificate of acknowledgment taken within the State of California shall be in the following form:

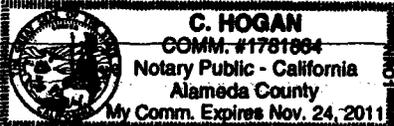
State of California)
County of <u>Alameda</u>) SS
On <u>April 1, 2008</u> before me, <i>(here insert the name and title of the officer)</i> , personally appeared <u>Derek & Cynthia Mitchell</u> who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.	
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.	
Witness my hand and official seal.	
<u>C. Hogan</u> (Signature)	[Seal]



California Jurat

Government Code section 8202(b) amended to provide that any affidavit subscribed and sworn to before a notary in the State of California shall have attached a jurat in the following form:

State of California)
County of <u>Alameda</u>) SS
Subscribed and sworn to (or affirmed) before me on the <u>1</u> day of <u>April</u> 2008, by <u>Derek & Cynthia Mitchell</u> proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.	
<u>C. Hogan</u> (Signature)	[Seal]



CONSENT FOR VACATION OF PUBLIC STREET OR ALLEY

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

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

Tax Map and Tax Lot numbers: IN234AD 00900

[Signature]
Signature

David M. Putzolu
Printed Name

[Signature]
Signature

Christine A. Armer
Printed Name

Representing

1255 NW 228TH AVE
Street Address

HILLSBORO OR 97124
City, State, Zip Code

503-264-4578 Bus. Fax
Telephone numbers

State of Oregon)
County of Washington)

Representing

Address (if different)

City, State, Zip Code

Telephone numbers

This instrument was acknowledged before me on 3/22/08 by David M.

Putzolu

[Signature]
Notary Public for Oregon

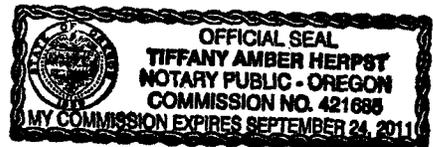
My commission expires: July 4, 2010



This instrument was acknowledged before me on 4.10.08 by Christine A. Armer.

[Signature]
Notary Public for Oregon

My Commission expires 9/24/2011





Washington County

HISTORICAL SOCIETY & MUSEUM





Museum at Heidel
House in Hillsboro,
641 E. Main St.

Current
Museum at
PCC Rock
Creek



Mobile Museum — *brings local history to your classroom with seven exciting programs!*



Mobile Museum

in the Classroom

A hands-on history education outreach program



Washington County
HISTORICAL SOCIETY & MUSEUM

washingtoncountymuseum.org

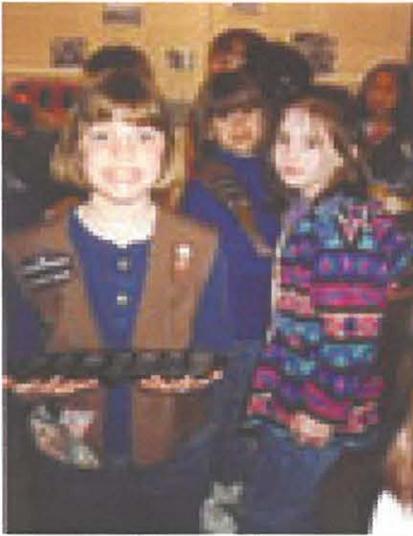
Mobile Museum

in the Community

A hands-on history education outreach program



Washington County
HISTORICAL SOCIETY & MUSEUM



Scout Saturdays for Girls

Scout Saturdays for Boys



Scout Saturdays

teach local history to Cub Scouts while helping them meet their objectives.

A hands-on history education program for Cub Scouts

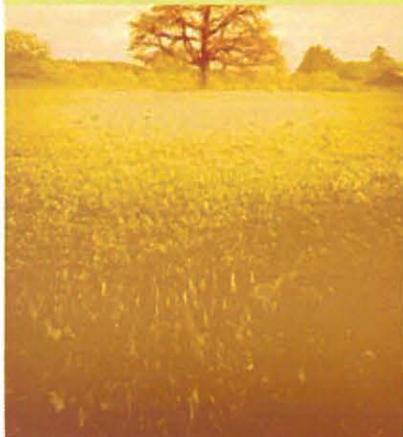
A hands-on history education program for Scouts


Washington County
HISTORICAL SOCIETY & MUSEUM

washingtoncountymuseum.org


Washington County
HISTORICAL SOCIETY & MUSEUM

washingtoncountymuseum.org



Exhibits



Whipsaws to
Chainsaws



Traveling Exhibits

This Kalapuya Land

Monthly Crossroads Lecture Series

3:30 p.m. at the WCHS Museum

Upcoming Lectures:

MAY 21

Geology lecture, title T.B.A. with PCC professor Matt Constantino

JUNE 18

Innovators and Traders: Indigenous People of the Columbia River
with Pat Courtney Gold

JULY 16

Mountain Men, Trappers and Traders with Jon Asmussen

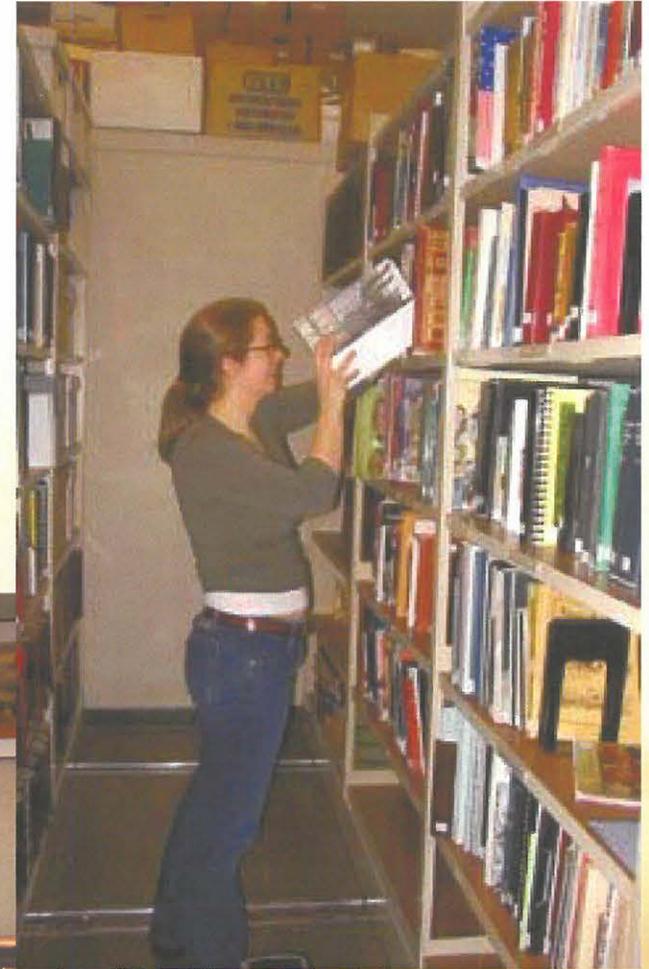
AUGUST 20

Lewis & Clark and the International Competition for Oregon
with Mark Eifler

SEPTEMBER 17

Atfalati-Kalapuya: First People of Washington County
with Warren Lockwood

Research Library





Linking the past to the future in Washington County, Oregon for more than 50 years

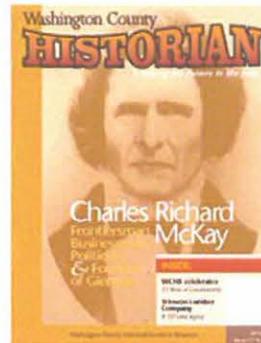
Washington County Historical Society & Museum
17677 NW Springville Rd.
Portland, OR 97229
(503) 645-5353

Monday - Saturday
10 am to 4:30 pm

[Directions](#)



This Month's Feature



Washington County Historian

The current issue of the Washington County Historian has many interesting stories to share about our local heritage. Topping the list is a feature article on Charles Richard McKay, the founder of the present day town of Glencoe. You will also learn about the city of Hillsboro as one of the original villages of Washington County. Stimson Lumber company is also highlighted in the Pioneering Business column. The magazine is available for purchase in all grocery stores in Washington County and is free to WCHS members.

Traveling Exhibits



Doing Time: Then and Now

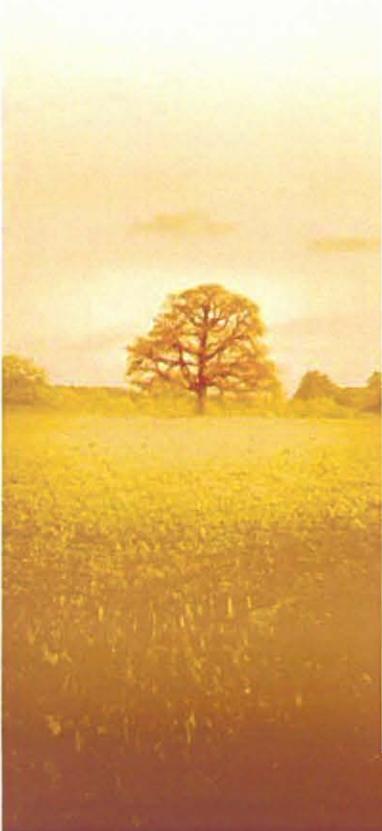
Learn about the history of law enforcement in the county through intriguing tales of murder and mayhem set in the context of mid-19th century life.

Current Exhibits



Whipsaws to Chainsaws: History of Logging and Timber in Washington County

Discover what it was like to live in a lumber camp, or imagine yourself working as a River Rat. Find out about local timber communities, the Tillamook Burn, and the importance of our forests.



*Memberships for
Businesses, Professionals & Associations*

**Preserve and Enrich
the place we call home**

Washington County
HISTORICAL SOCIETY & MUSEUM

*Memberships for
Families and Individuals*

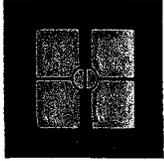
**Preserve and Enrich
the place we call home**

Washington County
HISTORICAL SOCIETY & MUSEUM

Membership

STREET SCENE
HILLSBORO OREGON





Proclamation

Emergency Medical Services Week, May 18-24, 2008

WHEREAS, emergency medical services are a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

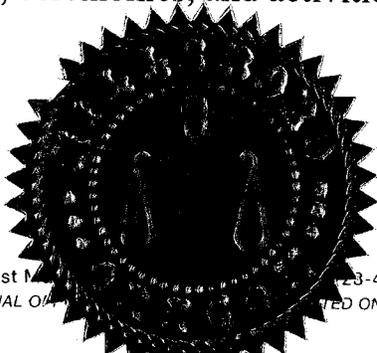
WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and the appropriate use of the EMS system will reduce national health care costs.

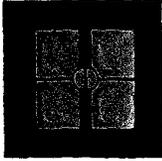
NOW, THEREFORE, I, Tom Hughes, Mayor of the City of Hillsboro, do hereby proclaim the week of May 18-24, 2008

EMERGENCY MEDICAL SERVICES WEEK

and encourage everyone in the community to observe this week with appropriate programs, ceremonies, and activities.



Tom Hughes, Mayor
May 6, 2008



Proclamation

National Bike Month

WHEREAS, the bicycle is a viable and environmentally sound form of transportation, as well as an excellent form of recreation and physical activity; and

WHEREAS, many Hillsboro residents will experience the joys of bicycling this summer through educational programs, commuting events, trail work days, helmet promotions, recreational bike rides and other bicycling events; and

WHEREAS, the bicycle offers a clean, quiet, affordable and healthy alternative to automobile commuting; and

WHEREAS, the national nonprofit League of American Bicyclists has declared the month of May as National Bike Month for each of the last 52 years, and has done so again in 2008; and

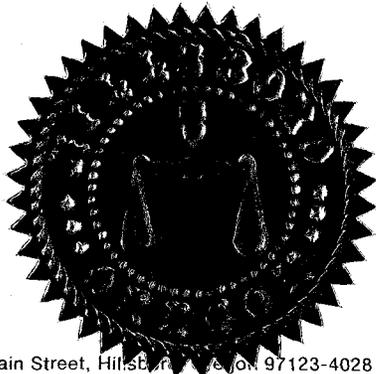
WHEREAS, during the month of May, the Hillsboro Parks and Recreation Department, along with bicycle clubs, police departments, hospitals, businesses and civic groups throughout Oregon will be promoting bicycling as a wholesome transportation and leisure activity, as well as an environmentally friendly alternative to the automobile; and

WHEREAS, the Washington County Bicycle Transportation Coalition conducts the "And We Bike" Campaign to raise awareness that bicyclists are family friends and neighbors, and to "drive as if you know us because it just might be true."

NOW, THEREFORE, I, Tom Hughes, Mayor of Hillsboro, do hereby declare May 2008 as

National Bike Month

May 10-16, 2008 as Bike Week, and May 16, 2008, as Bike to Work and School Day in Hillsboro, and encourage all residents to use the bicycle for transportation during the month of May, to recognize the importance of bicycle safety and to be more aware of cyclists on our streets and highways.



Tom Hughes, Mayor
May 6, 2008

 May is National Bike Month

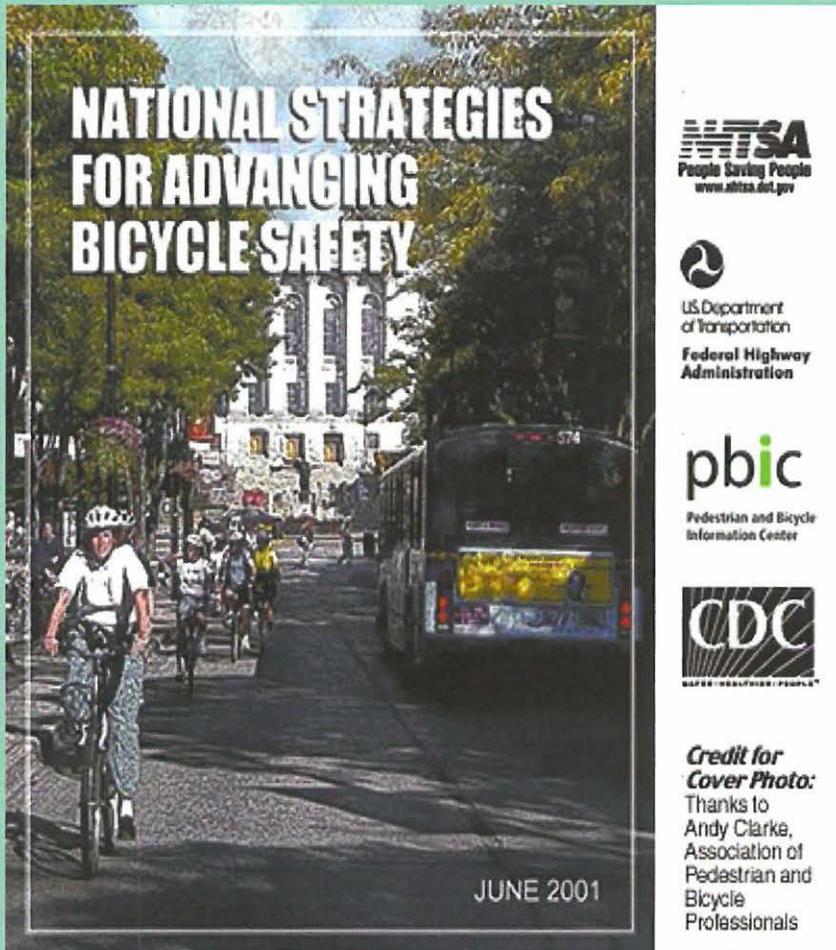
**League of
American
Bicyclists**



Partnering Strategies

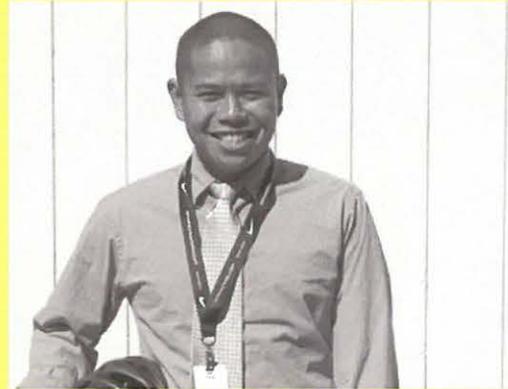
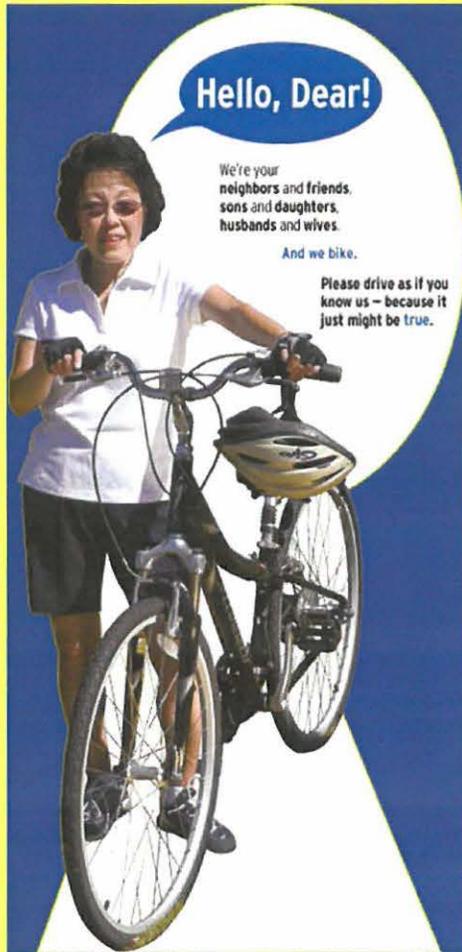
The National Strategies for Advancing Bicycle Safety is a publication of the National Highway Traffic Safety Administration, part of the U.S. Department of Transportation; the National Center for Injury Prevention and Control, part of the Centers for Disease Control and Prevention; and the Federal Highway Administration, part of the U.S. Department of Transportation.

Goals



- **Goal #1** Motorists Will Share the Road
- **Goal #2** Bicyclists Will Ride Safely
- **Goal #3** Bicyclists Will Wear Helmets
- **Goal #4** The Legal System Will Support Safe Bicycling
- **Goal #5** Roads and Paths Will Safely Accommodate Bicycling

www.AndWeBike.com



We're your neighbors and friends, sons and daughters, husbands and wives.

And we bike.

Please drive as if you know us – because it just might be true.

Our roads should be safe for everyone – motorists and bicyclists. In order to co-exist safely, we all need mutual respect and understanding, since we share the same rights and responsibilities on public roads.

Here are five easy ways you can drive so everyone will thrive:

5 tips to safer driving

1. Treat everyone on the roads as if you know them, because you might:

- Whether it's bicyclists or fellow car drivers, treat everyone on the road with the respect you'd give someone you know and your drive will be safer and much more pleasant.

2. Allow at least 3 feet when passing :

- Slow down and wait for a safe place to pass when driving behind a bicyclist on a narrow roadway. A car passing too closely can injure or kill a bicyclist. (It's also the law)

3. Wait patiently to pass :

- More often than not, a bicyclist in front of you on a narrow roadway is happy to let you pass. Give them time to do the safe thing, then pass at a reasonable speed. Road rage kills, and bicyclists are vulnerable users of the roads.

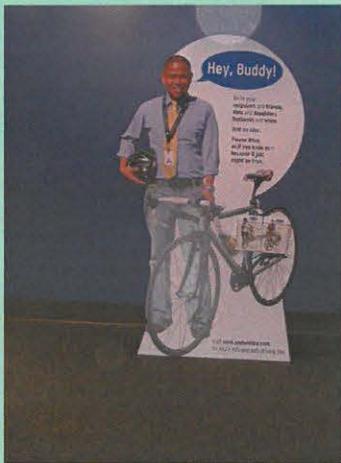
4. Treat bicycles like any slow-moving vehicle:

- Don't try to squeeze by a bicyclist on a blind corner, near the crest of a hill, when there is oncoming traffic or on a narrow road. Always wait for a safe place to pass. Unsafe passing can result in a head-on collision!

5. Watch for bicyclists , especially when turning right:

- Look for bicycles when driving and parking. Always check for bikes before opening a car door or changing lanes, especially when turning right: **look right, turn right!**

Lobby Campaign



L-r from top
Peter and Betty in your
lobby.
Hal at the PSB and
Will in Beaverton

Burma Shave Campaign



"On the curves ahead, remember sonny the rabbit's foot didn't save the bunny!"
~Burma Shave



WestSide Ride of Silence

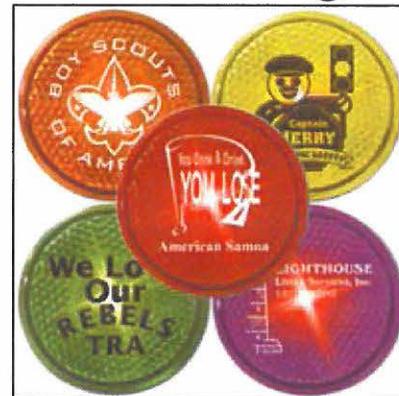
Wednesday, 7PM, May 21, 2008



Bicycle Safety Inspections



- Inspected and adjusted, if needed. (not repaired)
- CPSC approved bicycle helmets fitted by trained volunteers
- Medical Carrier Information Systems®
- Red flashing taillights



Kid's Pedal & Dash May 3, 2008

 FitnessWork presents

Kid's Pedal & Dash

Come run and/or bike around the Hillsboro Stadium!



100
Hillsboro Parks & Recreation
Presents
Kid's Pedal & Dash

Date: Saturday, May 3, 2008
Time: 11:00 a.m.
Place: Hillsboro Stadium
4450 NW 229th Ave
Ages: For youth up to 12 years
Fee: \$10 (#1714)



Choose either the 1/2 mile or 1 mile course:

- Run Only Race
- Bike & Run Race (Duathlon)

All bike participants must wear a helmet.
Ribbons are awarded to all participants!



To Register:

- Online with RecXpress at www.ci.hillsboro.or.us/parksrec.
- Call the Hillsboro Parks & Recreation Registration Line at 503.681.5397.

Contact Hillsboro Parks & Recreation at 503.681.6120 for more information.

  CITY OF HILLSBORO
Parks & Recreation

Bicycle Education

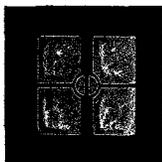
- Kids I
- Kids II
- Road I
- Road II
- Commuter
- Group Ride Clinics
- Motorist Education

Questions/Comments

ridden your bike lately?

<http://www.washcobtc.org>
<http://www.bikeleague.org>
bicyclist@comcast.net

CITY OF HILLSBORO

**Proclamation**

Hillsboro Law Enforcement Week, May 10-16, 2008
Law Enforcement Memorial Day, May 16, 2008

WHEREAS, the City of Hillsboro wishes to join the rest of the nation in honoring the memories of the more than 18,724 deceased law enforcement officers, including 166 from Oregon, who have given their lives in the performance of their duties of protecting our citizens; and

WHEREAS, the police officers of the City of Hillsboro work devotedly and selflessly on behalf of the people of Hillsboro servicing more than 85,000 calls for assistance in 2007; and

WHEREAS, these officers each day safeguard the lives and property of their fellow citizens; and

WHEREAS, by the enforcement of our laws, these same officers have given our City internal freedom from fear of the violence and civil disorder that is presently affecting other communities across our nation; and

WHEREAS, the City of Hillsboro is proud of its law enforcement officers and wishes to recognize their commitment to the public safety profession; and

WHEREAS, these men and women, by their patriotic service and their dedicated efforts, have earned the gratitude of this community.

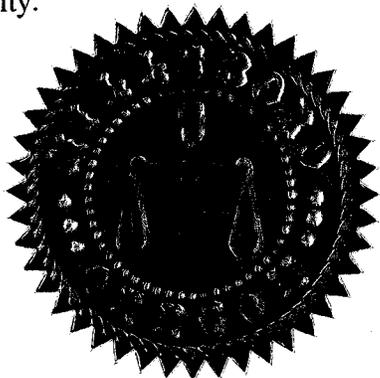
NOW, THEREFORE, I, Tom Hughes, Mayor of the City of Hillsboro, do hereby proclaim the week of May 10 –16th, 2008

HILLSBORO LAW ENFORCEMENT WEEK

and also hereby proclaim May 16, 2008

LAW ENFORCEMENT MEMORIAL DAY

in recognition of the service given by the men and women who night and day, stand guard in our community.



 Tom Hughes, Mayor
 May 6, 2008



May 6, 2008

To: Mayor and City Council

From: Mark Hamerl, Project Manager

Subject: Public Hearing-Request for Extraterritorial Water Service
File No. ET 08-01 – for David & Neva Busser

Attached are materials relating to three (3) proposed extraterritorial water extensions. The properties under consideration are located in rural western Washington County, in the community of Cherry Grove, on SW Cherry Grove Dr. The properties can be specifically identified as Tax Lots 4500, 4700, 4701, on Washington County Tax Assessor's Map 1S5 36AB.

The applicant has provided the necessary information and documentation required. Washington County's Rural-Natural Resource Plans allows connection to a public water system. The Hillsboro Utilities Commission has approved the request for water service. Public Notices for the proposed extraterritorial water extension have been published in the newspaper, posted near the site and posted in the Civic Center Building.

Staff requests City Council approval of this resolution to provide water service to Tax Lots 4500, 4700, 4701. An exhibit map and staff findings have been attached for your information and a copy of the Proposed Resolution has also been included for your consideration.

RESOLUTION NO. _____

ET 08-01: BUSSER

A RESOLUTION ALLOWING EXTRATERRITORIAL WATER SERVICE TO
TAX LOTS 4500, 4700, 4701 ON WASHINGTON COUNTY TAX ASSESSOR'S
MAP 1S 5 36AB.

WHEREAS, the City received a complete petition from the property owner for certain tracts of land, described and depicted in Exhibit A to this resolution, requesting that their properties receive extraterritorial water service from the City of Hillsboro; and

WHEREAS, Chapter 3.09 of the Metro Code does not apply since the property to be served is located outside the Urban Growth Boundary and the boundary of Metro; and

WHEREAS, requirements of ORS 199.464(3) no longer apply and approval of extraterritorial water services are now under the jurisdiction of the Hillsboro City Council; and

WHEREAS, the City Council conducted a public hearing on this matter on May 10th 2008, and does hereby favor an extraterritorial water service to the subject tracts of land based on the Findings attached hereto as Exhibit B;

NOW, THEREFORE, BE IT RESOLVED, by the Hillsboro City Council, that the findings attached as Exhibit B are adopted and extension of an extraterritorial water service by the City of Hillsboro to the tracts of land described in Exhibit A is hereby authorized.

Introduced and passed by the Council this 6th day of May 2008.

Approved by the Mayor this 6th day of May 2008.

This resolution is effective immediately following adoption by the City Council and signature by the Mayor

Mayor

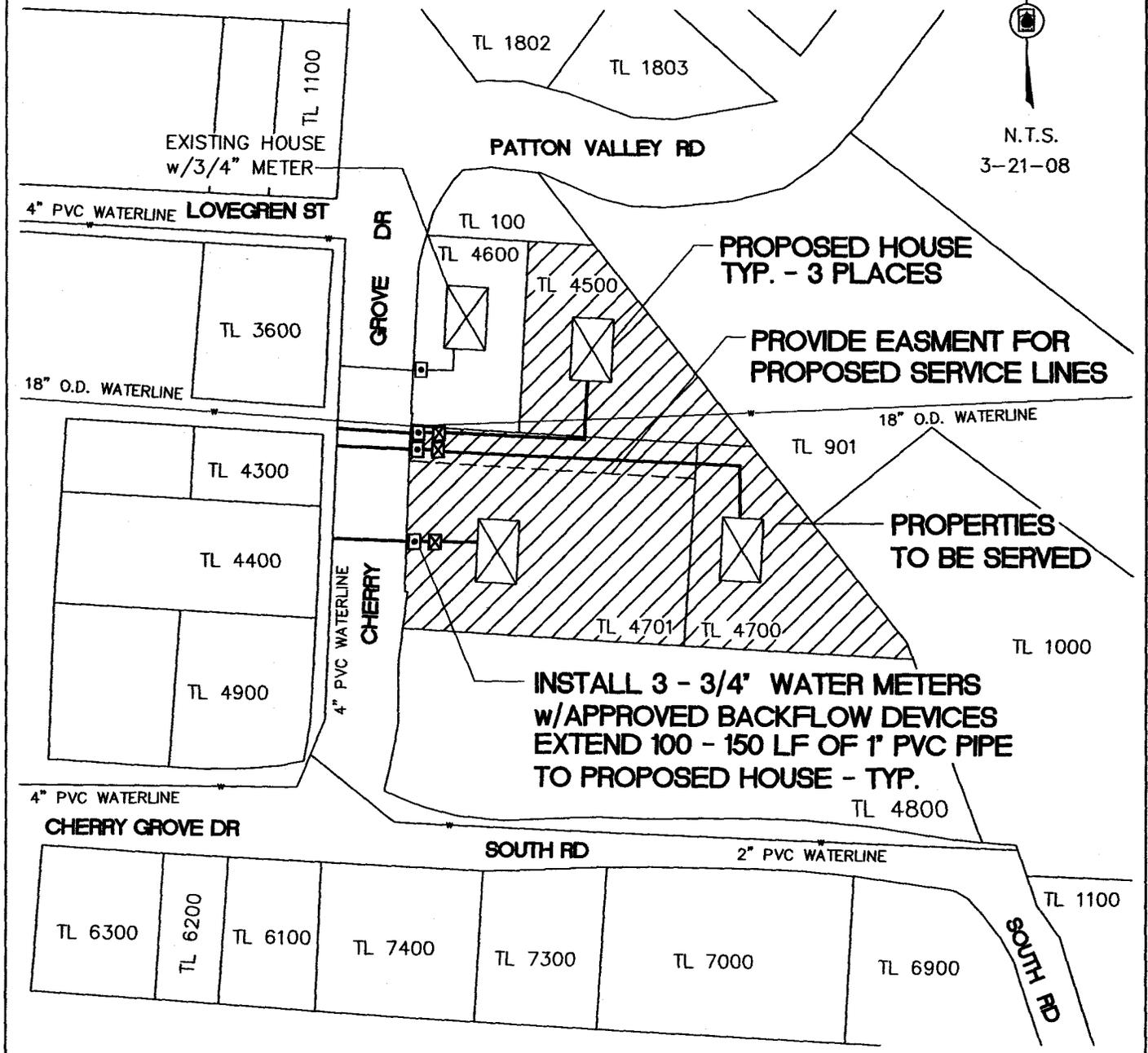
ATTEST:

City Recorder

EXHIBIT "A"
CITY OF HILLSBORO
EXTRATERRITORIAL WATERLINE EXTENSIONS
PROPOSAL ET 08 - 01
PROPOSED WATER SERVICES FOR
TL's 4500/4700/4701 - IS 5 36AB



N.T.S.
3-21-08



Extraterritorial Water Service

**Requested by David & Neva Busser
for TL's 4500, 4700, 4701 - 1S 5 36AB**

ET 08 - 01 FINDINGS

STAFF REPORT:

The Water Department received a request from David and Neva Busser, on March 6, 2008 to provide water service to three (3) properties located in Cherry Grove. The properties can be specifically identified as TL 4505, TL 4700 and 4701 on map 1S 5 36AB. The applicant has provided the information and documentation required by Washington County to allow connection to a public water system and construction of the service lines.

The City of Hillsboro has published and posted notices of the City Council meeting to be held on May 6th 2008 in the Auditorium of the Civic Center Building, 150 East Main Street, Hillsboro, Oregon where a decision on this proposal will be made. Interested persons will be given a reasonable opportunity to express their opinion at the City Council meeting.

FINDINGS:

1. The proposal involves the extension of 3 – 1” PVC service lines, 100 to 150 feet long, from the existing 4” line in SW Cherry Grove Dr to the proposed homes.
2. TL's 4500, 4700 and 4701 on map 1S 5 36AB have been designated and zoned Agriculture and Forest District – 5-acre minimum parcel size (AF-5). AF-5 is a Rural Residential zone for which the County has taken an exception, as required by LCDC Goal 2, from the agriculture and forest goals because the lands were committed to non-resource uses. The exception allows the existing uses to continue and allows some additional development.
3. The properties to be served are located outside the Urban Growth Boundary and the boundary of Metro.
4. The properties to be served have been approved or will obtain approval for a septic system prior to purchasing a water meter.
5. The properties to be served are in the Gaston Rural Fire Protection District.
6. The Washington County Sheriff's department provides police protection to the territory.
7. The City of Hillsboro can provide water service from a 4-inch PVC waterline, located in SW Cherry Grove Dr. The line, built in 1994, provides 85 psi at the point of connection and is in good condition.

REASONS FOR DECISION:

1. The proposal is consistent with the County's planning for the area.
2. The City has an adequate quantity and quality of service available to serve the new home.

CITY OF HILLSBORO



April 28, 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.

City staff is requesting that the street segment, as shown on the attached map, be renamed NE Penny Way. Renaming the street NE Penny Way will increase safety and make the City's street grid more consistent. Staff would note that this change is purely procedural in nature due to the fact that the street signs were installed as NE Penny Way and the structures along that street section have NE Penny Way addresses.

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 open the public hearing on the proposed street name change and accept any testimony presented. Should the Council choose to approve the requested street name change, a draft ordinance adopting the street name is attached for the Council members' review.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



Colin Cooper, AICP
Planning Supervisor

Attachments: Draft City Council Ordinance
Attachment A: Vicinity Map
PC Resolution No. 1664-P

ORDINANCE NO. _____
SN 1-08: NE PENNY WAY

AN ORDINANCE OFFICIALLY NAMING A PRIVATE STREET 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 adopted Resolution No. 1664-P recommending to the City Council that the Council approve the street name change, and

WHEREAS, pursuant to ORS 227.120 the City Council held a public hearing to consider the recommendation on May 6, 2008, and voted to adopt the Planning Commission's recommendation on this matter.

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

Section 1. The street as shown on Exhibit A shall be renamed NE Penny Way.

Section 2. The City Planning Director is hereby instructed to amend the official City maps to reflect the changes in the street names and to notify all pertinent parties and units of government of the change in the street name.

Passed by the Council this 6th day of May, 2008.

Approved by the Mayor this 6th day of May, 2008.

Mayor

ATTEST: _____
City Recorder

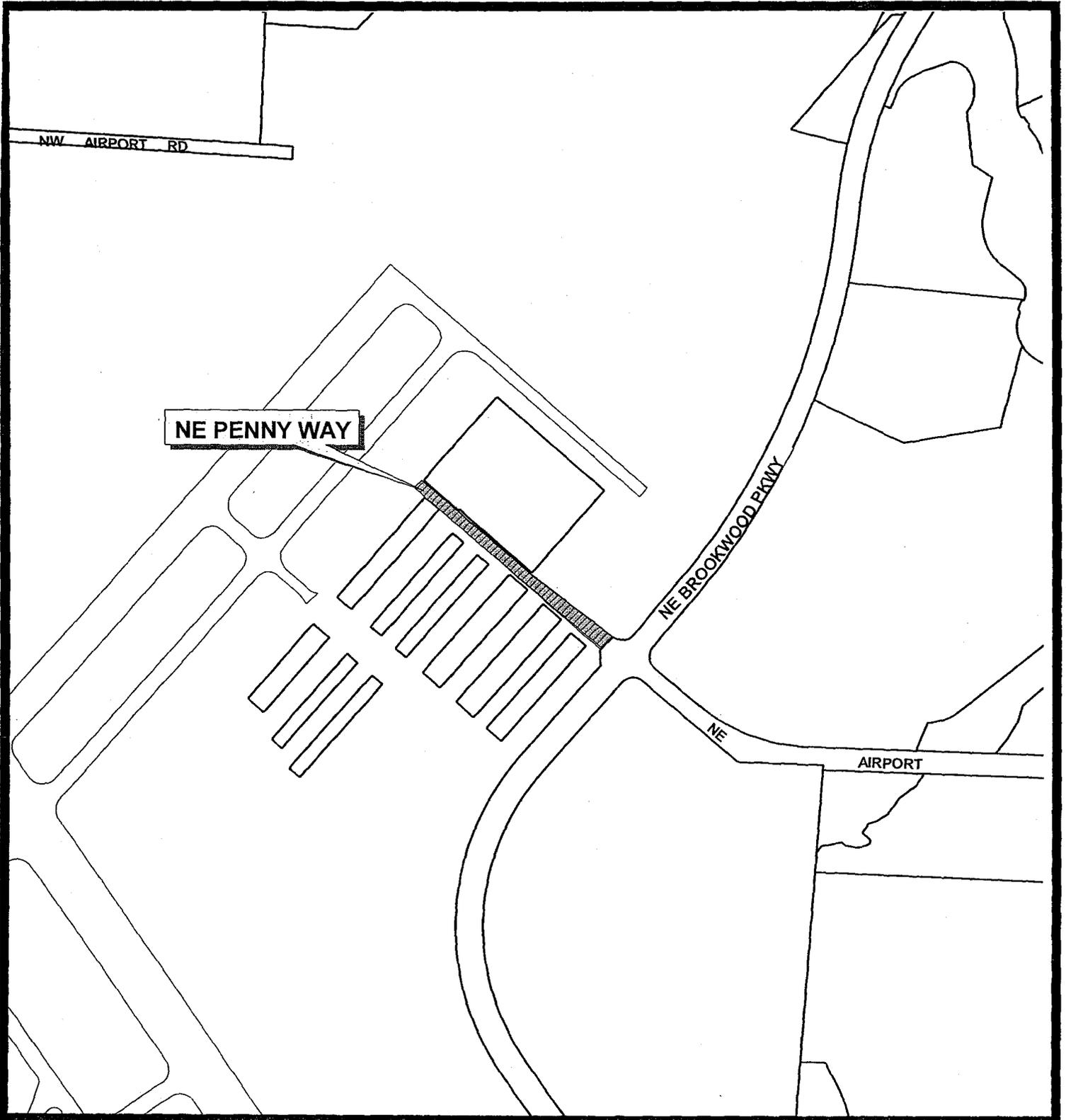


SN 1-08: NE PENNY WAY

EXHIBIT A



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



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

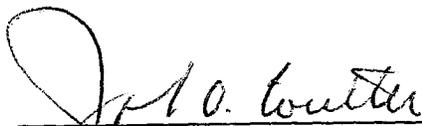
WHEREAS, ORS 227.120 sets forth the procedure for naming and renaming streets and requires the Planning Commission to forward a recommendation to the City Council to hold a public hearing on the proposed private street name, and

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.

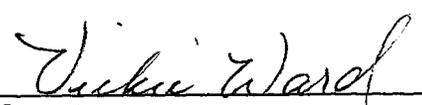
NOW, THEREFORE, BE IT RESOLVED, by the City of Hillsboro Planning Commission that the Commission by and through this resolution hereby recommends that the City Council schedule a public hearing, at a time the Council deems appropriate, to consider officially naming and recording the private street segment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

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



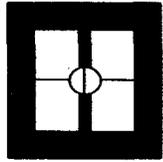
President

ATTEST:



Secretary

CITY OF HILLSBORO



MEMORANDUM

TO: City Council

FROM: Amy Heinlen, Human Resources Director
Gary Seidel, Fire Chief

RE: Reclassification of the budgeted *Fire Prevention/Education Officer* position to a *Public Information/Education Officer* position

DATE: May 6, 2008

Please consider approving Staff's recommendation to reclassify the budgeted *Fire Prevention/Education Officer* position to a *Public Information/Education Officer* at a PERS-eligible Exempt Pay Range of 22 (\$5142 to \$6563 per month) effective immediately.

Staff recommends moving forward with this salary recommendation. This decision is based on the need to have a designated position to oversee the education and information program in order to ensure that the Fire Department can be ready to service the educational and informational needs of the community.

Background Information: The primary function of the *Public Information/Education Officer* is to manage and coordinate the personnel and Fire Department public education programs and to coordinate and direct the dissemination of information to the public, elected officials, media and staff regarding Department incidents, programs, and events. The work is performed under the direct supervision of the Administrative Chief and extensive leeway is granted for the exercise of independent judgment and initiative. Supervision is exercised over assigned departmental personnel. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with supervisors, City and department personnel, co-workers, vendors, contractors, and the general public. The principal duties of this class are performed in a wide range of environments including: general office environment and hazardous environments at emergency incidents which may require work to be performed under conditions of mental and physical stress through exposure to deceased humans and/or potentially dangerous environmental conditions, schools, commercial/industrial settings and public meeting places. It appears that this reclassified position should be exempt from representation by HFFA by virtue of the added supervisory responsibilities and the confidential nature of the assigned duties that is described in the class specification. This is an overtime exempt position.

The recommended pay range is based on a factor point analysis of this position verified by external market data.

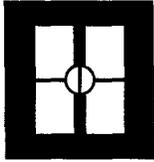
Memorandum to City Council, May 6, 2008

Re: *Public Information/Education Officer* Position

Budget Impact: The *Fire Prevention/Education Officer* is a budgeted position in fiscal year 2007-2008. The position is budgeted at a HFFA PERS-eligible pay range of \$5033 to \$6363 per month, but, after further analysis of the additional responsibilities added to the job description, staff is recommending Pay Range 22 and a title change to *Public Information/Education Officer*. This equates to an increase of approximately \$600 over the budgeted amount for the remaining 3 months of the Fiscal Year 2007-2008 and can be absorbed in the current budget's line item.

Recommendation: Please consider approving Staff's recommendation to reclassify the budgeted *Fire Prevention/Education Officer* position to a *Public Information/Education Officer* at a PERS-eligible Exempt Pay Range of 22 (\$5142 to \$6563 per month) effective immediately.

CITY OF HILLSBORO



April 30, 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: Strauss

Attached are materials related to a proposed Minor Comprehensive Plan Land Use Map change from County FD-20: Future Development – 20 Acre District to City RL: Low Density Residential on 5.25 acres of recently annexed property. The owners of the affected property are Robert and Deanna Strauss. 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 Lot 200 on Washington County Tax Map 1S2-10DC.

During the public hearing before the Planning Commission on March 12, 2008, March 26, 2008 and April 9, 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 1665-P on April 9, 2008, recommending approval of the proposed Minor Comprehensive Plan Land Use Map change.

Planning Commission staff reports, dated March 6, 2008, March 20, 2008 and April 3, 2008 are attached for the Council member's review. Attached to the draft Ordinance are the findings from Resolution 1665-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: STRAUSS (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 PROPERTY AND TO REDESIGNATE SUCH PROPERTY FROM COUNTY FD-20 (FUTURE DEVELOPMENT – 20 ACRE DISTRICT) TO 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 subject property is located within Study Area 71, and

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

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

WHEREAS, the Planning Commission held a public hearing on the proposed Plan Map amendment on March 12, 2008, March 26, 2008, and April 9, 2008 and received testimony in favor of and with questions regarding the proposed change, and subsequently adopted Resolution No. 1665-P on April 9, 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 May 6, 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 ORDAINS AS FOLLOWS:

Section 1. Comprehensive Plan Ordinance No. 2793, as amended, Section 14 Comprehensive Plan Maps, is further amended by designating the following described property as Low Density Residential:

Tax Lot 200 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 6th day of May, 2008.

Approved by the Mayor this 6th day of May, 2008.

Mayor

ATTEST: _____
City Recorder

EXHIBIT A

FINDINGS

HCP 2-08 STRAUSS (AREA 71)

SUMMARY OF DECISION

The property owners, Robert and Deanna Strauss, have applied for a Comprehensive Plan Land Use Map Changes on a 5.25 acre site from County FD-20 Future Development - 20 Acre District to City RL Low Density Residential. The Planning Commission held a public hearing on the proposed Plan Changes on March 12, 2008, March 26, 2008 and April 9, 2008 and received testimony in favor of the change from the property owners and the Hillsboro School District. No testimony was submitted in opposition. Based on the application and the supporting materials, the Planning Commission finds that the proposed Plan Changes meet the applicable criteria and recommends City Council approval of the change.

BACKGROUND

The property proposed for the Plan Change is generally located north of SW Rosa Road, south of SE Alexander Street, west of SW 229th Avenue and east of SW 234th Avenue. The property is approximately 5.25 acres in size and can be specifically identified as Tax Lot 200 on Washington County Tax Assessor's Map 1S2-10DC.

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 with the Hillsboro School District with the intent that the Plan Change in connection with the site, consisting of low density housing, will funnel neighborhood children into the new school facility. Following approval of this Plan Change the Strauss' will apply for a Zone Change in conformance with the RL Comprehensive Plan designation.

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, neighborhood meeting information, draft site plans.
- Planning Department staff report, dated March 6, 2008, with attachments.
- Planning Department staff report, dated March 20, 2008, with attachments.
- Planning Department staff report, dated April 3, 2008, with attachments.

SATISFACTION OF CRITERIA FOR LOW DENSITY RESIDENTIAL 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 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 development as housing 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. As the school will be completed before any development occurs on the Strauss property, the sewer line that is extended to serve the school will also provide service to the Strauss property.

Storm Sewer

Stormwater can be directed to the southwest corner of the Strauss property and disposed of into Gordon Creek.

Water

A water line can be constructed from the existing system at SE Alexander Street and extended south to the School property, passing the Strauss portion of the site.

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. Construction of a new housing subdivision on this site would meet the needs of the growing City.

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.

This Minor Plan Change is consistent with the referenced Plan goal because continued population growth of Hillsboro translates directly to a need for family housing. This parcel of land is some of the only property within the immediate area that is of sufficient size to accommodate a low density residential subdivision. 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.

This Minor Plan Change is 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) Goal. To provide for the housing needs of the citizens of Hillsboro and surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient number and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.

This Minor Plan Change is consistent with the housing goal in providing low density residential housing, typically occupied by families, which is a growing need within the City. These houses will be ideally located next to an elementary school for the children of families living in this low density housing.

(III) 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.

This Minor Plan Change is consistent with the referenced Plan policy because the low density residential housing will be developed following the construction of 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 utility lines that are extended to the school property will pass the Strauss property. The location of the low density residential housing next to the school will be convenient for families with young children and school employees.

(C) Housing in the planning area shall be designed and constructed in a manner that assures safe, healthy, and convenient living condition for the community's citizens

This Minor Plan Change is consistent with the referenced Plan policy because the low density residential houses are suited to a community of growing families whose children will benefit from the close proximity of the adjacent elementary school. The shorter travelling distance of the school children to the facility promotes a safer community for those children. It is also convenient for parents and school employees.

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.

BASIS OF BEARINGS:

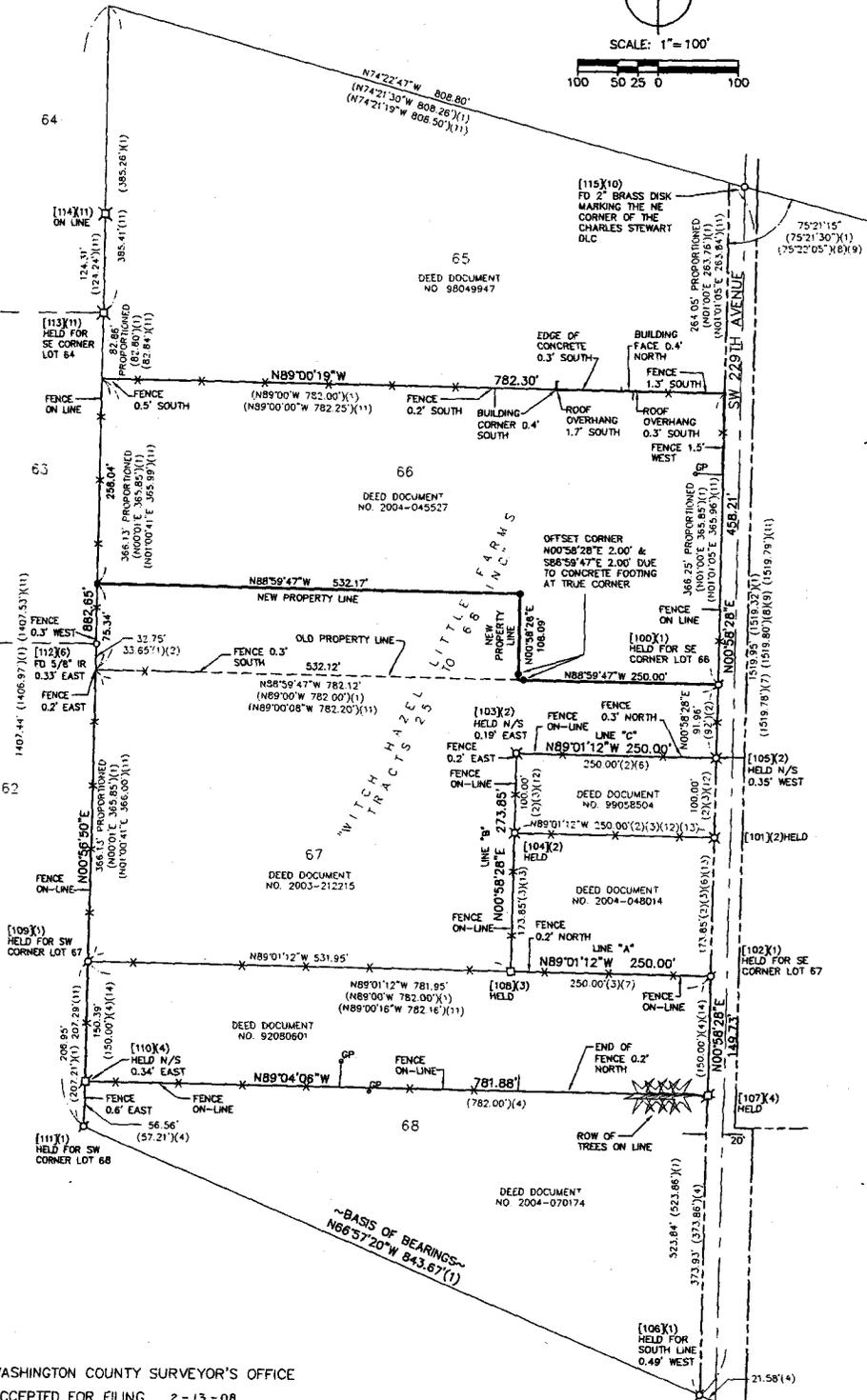
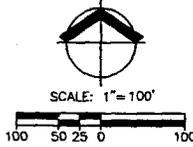
THE BASIS OF BEARINGS IS PER FOUND AND HELD MONUMENTS [106] AND [111] MARKING THE SOUTHERLY LINE OF LOT 68, "WITCH HAZEL LITTLE FARMS TRACTS 25 TO 68 INC." BEING N66°57'20"W AS SHOWN HEREON.

REFERENCES:

- ###-## - DENOTES MEASURED DISTANCE
- (###-##)(#) - DENOTES RECORD DISTANCE PER REFERENCE NUMBER (BELOW)
- ###-##(##) - DENOTES MEASURED AND RECORD DISTANCE PER REF. NO. (BELOW)
- (1) - DENOTES RECORD INFORMATION PER THE PLAT OF "WITCH HAZEL LITTLE FARMS TRACTS 25 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 USPT BOOK 6, PAGES 564-566
- (11) - DENOTES RECORD INFORMATION PER PARTITION PLAT NO. 1985-122
- (12) - DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 99058504
- (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. 98049947
- (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" IP 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 1985-122 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
- SN - DENOTES SURVEY NUMBER, WASHINGTON COUNTY SURVEY RECORDS.
- FD - DENOTES FOUND
- IR - DENOTES IRON ROD
- IP - DENOTES IRON PIPE
- [XXX] - DENOTES MONUMENT NUMBER
- OP - 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. 2004-045527, 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], [10], AND [103] 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 66 WAS ESTABLISHED BY PROPORTIONING THE DISTANCE BETWEEN MONUMENTS [109] AND [113]. THE NORTHEAST CORNER OF LOT 66 WAS ESTABLISHED BY PROPORTIONING THE DISTANCE BETWEEN MONUMENT [110] 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 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 "B" 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.

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
 421.12.2004
 SAMANTHA R. BIANCO
 61303LS

RENEWAL DATE 12-31-09

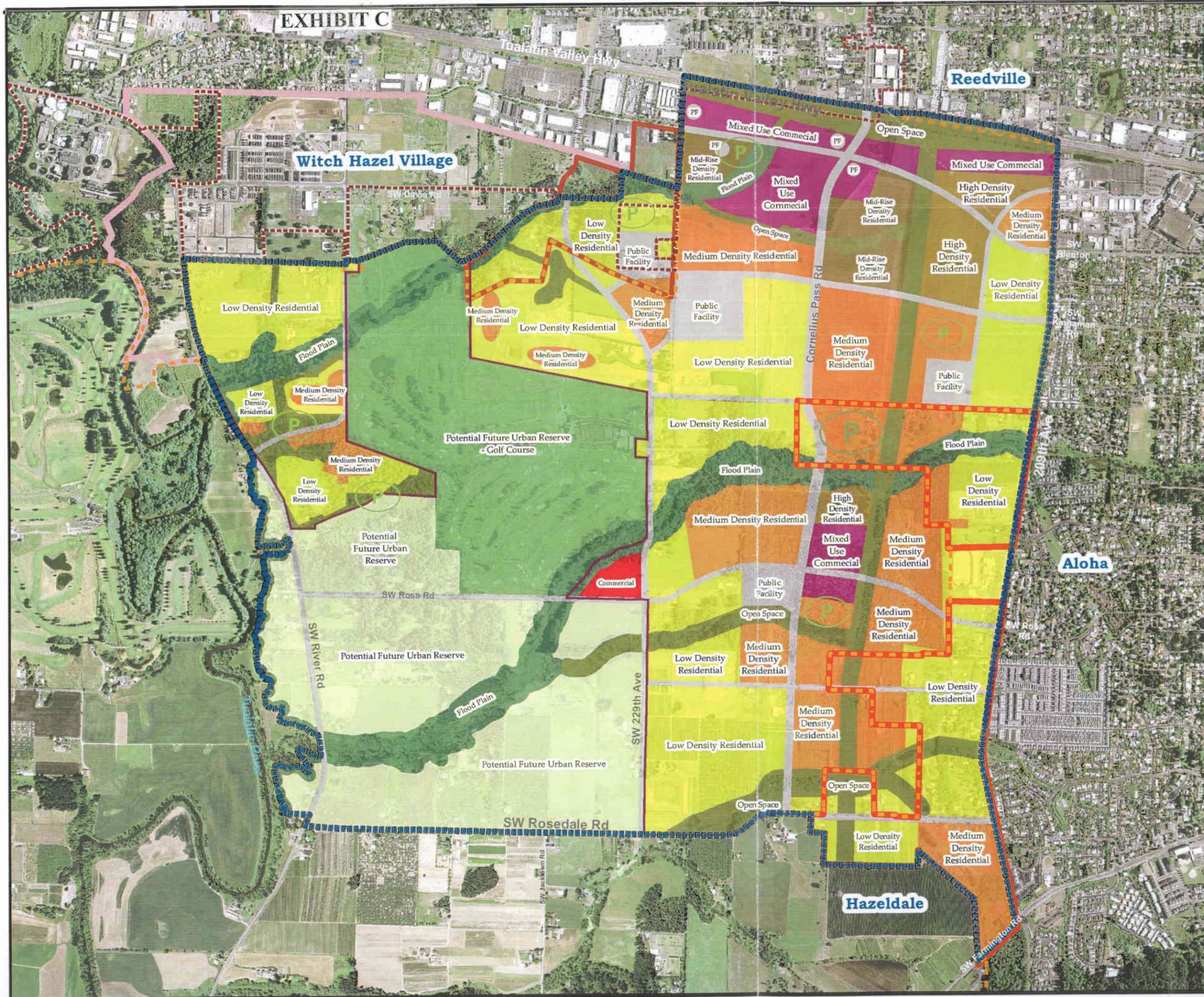
SHEET 1 OF 1
 HS07402 TLB/SFB 02/08/08
 W R G
 DESIGN INC.
 5415 SW WESTGATE DR., PORTLAND, OREGON 97221
 (503) 419-2500 FAX (503) 419-2600
 PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

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

EXHIBIT C

CITY OF HILLSBORO
South Hillsboro
Community Plan

Plot Date: March 11, 2008



South Hillsboro Comp Plan

- 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

Future Parks - final location to be determined by Park Commission

- P Community Park
- P Neighborhood Park

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:

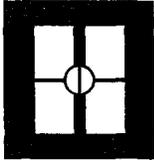
- Taxlots
- Hillsboro City Limits
- UGB

Sources:

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



CITY OF HILLSBORO



April 3, 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 to Public Facility on two currently undesignated properties was approved by the Planning Commission on March 26, 2008 as Resolution 1663-P.

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. During the presentation, staff recommended that the Commission address each map change request individually. 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 and Dean Alterman, of Alterman Law Office, requested a continuance on behalf of Robert and Deanna Strauss. There was no testimony in opposition. President Coulter then continued the hearing to March 26, 2008.

President Coulter then opened the hearing for the RL Low Density Residential Comprehensive Plan Change request. Testimony in favor of the request was provided and Dean Alterman, of

Alterman Law Office, requested a continuance on behalf of Robert and Deanna Strauss. There was no testimony in opposition. President Coulter then continued the hearing to March 26th.

At the March 26, 2008 meeting, the Planning Commission heard the presentation of the March 20, 2008 staff report. During the presentation, staff presented Mr. Doughman's analysis of the written testimony submitted by Mr. Alterman at the March 12, 2008 meeting. Staff stated that an agreement had been reached between the Strauss' and Planning staff regarding the concerns raised by Mr. Alterman and that with the submission of findings specific to the RL Low Density Residential request staff would recommend Planning Commission approval. A copy of the agreement is attached.

President Coulter then opened the hearing for the PF Public Facility Comprehensive Plan Change request. Testimony in favor of the request was provided by the applicant. There was no testimony in opposition. The Commission then moved for approval of the PF Comprehensive Plan Change request.

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 the applicant. There was no testimony in opposition. The Commission then moved to continue the RL Comprehensive Plan Change request to April 9, 2008 and directed staff and the applicant to return with a draft resolution and findings respectively.

RECOMMENDATION

Should the Planning Commission choose to approve the requested Plan Change to RL Low Density Residential on the Strauss' 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: Planning/Strauss Agreement
Draft Resolution for RL Designation, With Exhibits

AFTER RECORDING RETURN TO:

City of Hillsboro Planning Department
Attn: Ruth Klein
150 E Main Street, Fourth Floor
Hillsboro, OR 97123

AN AGREEMENT

This Agreement is entered into by and between Robert and Deanna Strauss ("Strauss") and the City of Hillsboro, Oregon ("City") this __ day of March, 2008.

WHEREAS, Strauss owns property in the City, specifically tax lot 200 on Washington County 1S210DC (the "Property") and has applied for a Minor Plan Map Amendment (the "Amendment") pursuant to Hillsboro Comprehensive Plan Section 1(IV)(B), as reflected in City File No. HCP 2-08;

WHEREAS, the City has started the concept planning process for Area 71 and the Property is within Area 71;

WHEREAS, the City would like to complete the Area 71 concept planning process prior to the submission of a development application on the Property;

WHEREAS, the City believes it has the right to delay a decision on the requested Amendment until the Area 71 concept planning is complete;

WHEREAS, the City and Strauss have discussed terms and conditions to prevent a delay of the decision on the requested Amendment; and

WHEREAS, this Agreement memorializes those terms.

NOW, THEREFORE, the City and Strauss agree as follows:

1. City staff will recommend approval of the Amendment to the Planning Commission on March 26, 2008 if the following terms are met. Findings demonstrating to staff's satisfaction that the requested Low Density Residential ("RL") designation is appropriate for the Property must be available for Planning Commission consideration prior to a Planning Commission recommendation to the City Council. These findings will be prepared by Strauss or their designee. If the findings are not available prior to 5 p.m. March 26, 2008 the Planning Commission may continue its hearing on the requested Amendment to the next available meeting date.
2. If the City Council ultimately approves the requested RL designation following a recommendation from the Planning Commission, Strauss will not file any application for development of the Property (excepting an application for a single family residence and permitted outbuildings) until the earlier of: (a) September 27, 2009 or (b) the adoption of

the Area 71 plan by the City Council and the expiration of all appeal periods or completion of the appeal process. Further, Strauss will not subdivide, partition nor develop the Property in any manner (excepting a single family residence and permitted outbuildings) until the earlier of: (a) March 27, 2010 or (b) the adoption of the Area 71 plan by the City Council and the expiration of all appeal periods or completion of the appeal process.

3. Strauss waives any right to appeal the Area 71 plan so long as the plan: (a) retains a base plan designation of RL on the Property; (b) does not zone the Property more restrictively than for single-family homes at urban densities consistent with Metro regulations and applicable state laws; (c) does not apply an overlay that restricts development of the Property; or (d) does not apply a natural area or environmental restriction to the Property above and beyond existing City and/or Clean Water Services criteria regulating natural resources (Goal 5), water quality (Goal 6) and hazard areas (Goal 7). However, in no way will a floating plan designation identifying suitable park/open space within Area 71 generally, and on the Property specifically, constitute a basis for Strauss to appeal the Area 71 plan.
4. This Agreement is binding on the parties' successors and assigns and will be recorded with Washington County. Except for any successors and assigns, this Agreement does not confer any benefits on third-parties.
5. This Agreement is not to be construed to create any agency relationship or a partnership or joint venture between the parties.
6. This Agreement may be executed in multiple counterparts, each of which will be an original, and all of which together will constitute one and the same Agreement. Delivery of a scanned or faxed copy of an executed counterpart will be equivalent to delivery of an original of such counterpart.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

For Strauss:

For City:

Robert Strauss
Robert Strauss

Pat Ribellia
Pat Ribellia, Planning Director

Deanna Strauss
Deanna Strauss

STATE OF OREGON)
County of Washington) ss.

On this 26th day of March, 2008, personally appeared before me, the above named person(s), known to be the person(s) whose signature is above subscribed, and acknowledged to me that this is a free act and deed, for the uses and purposes therein expressed. In witness whereof, I have hereunto set my hand and affixed by official seal on the day and year last above written.

Notary Public for Oregon [Signature]
My Commission Expires: 3/21/2011

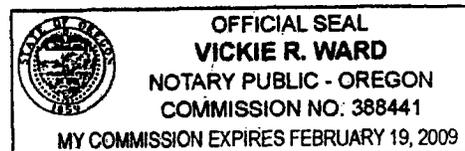


STATE OF OREGON)
County of Washington) ss.

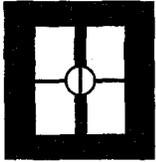
On this 4th day of April, 2008, personally appeared before me, the above named person(s), known to be the person(s) whose signature is above subscribed, and acknowledged to me that this is a free act and deed, for the uses and purposes therein expressed. In witness whereof, I have hereunto set my hand and affixed by official seal on the day and year last above written.

Vickie R. Ward
Notary Public for Oregon

My Commission Expires: February 19, 2009



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

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.

March 21, 2008

Page 3

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

ORIGINAL

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PORTLAND, OREGON 97205
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DEAN N. ALTERMAN
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dean.alterman@alterman.us

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).

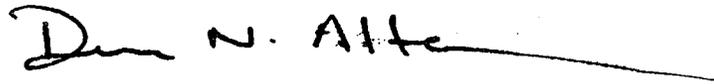
The Strausses and the Hillsboro School District have worked in harmony to produce this application, which when approved will accomplish important goals for the community as well as the co-applicants. The co-applicants have worked with the City throughout the annexation process; in fact, they filed the 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

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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)

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

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:

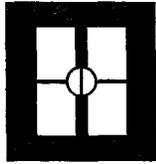
Tax Lot 200 on Washington County Tax Assessor's Map 1S2-10DC, Section 10,
Township 1 South, Range 2 West, Willamette Meridian.

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

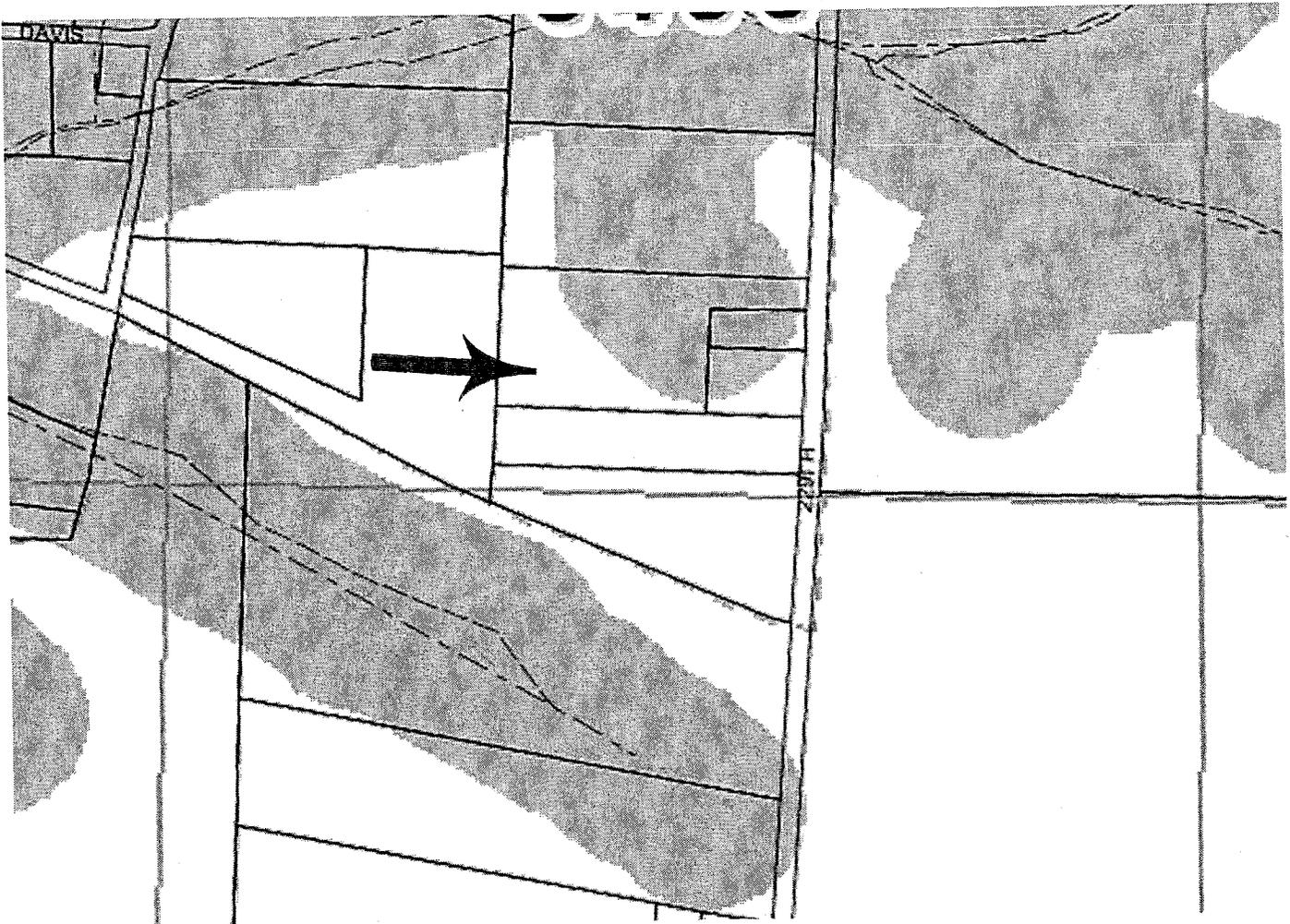


Ruth Klein
Urban Planner

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

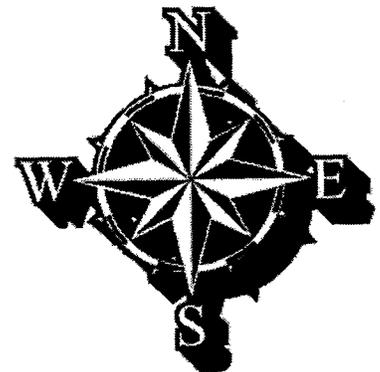
HCP 2-08: HILLSBORO SCHOOL DIST. & STRAUSS PROPERTY

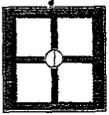
Clean Water Services Sensitive Area Pre-Screen Map



Legend

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

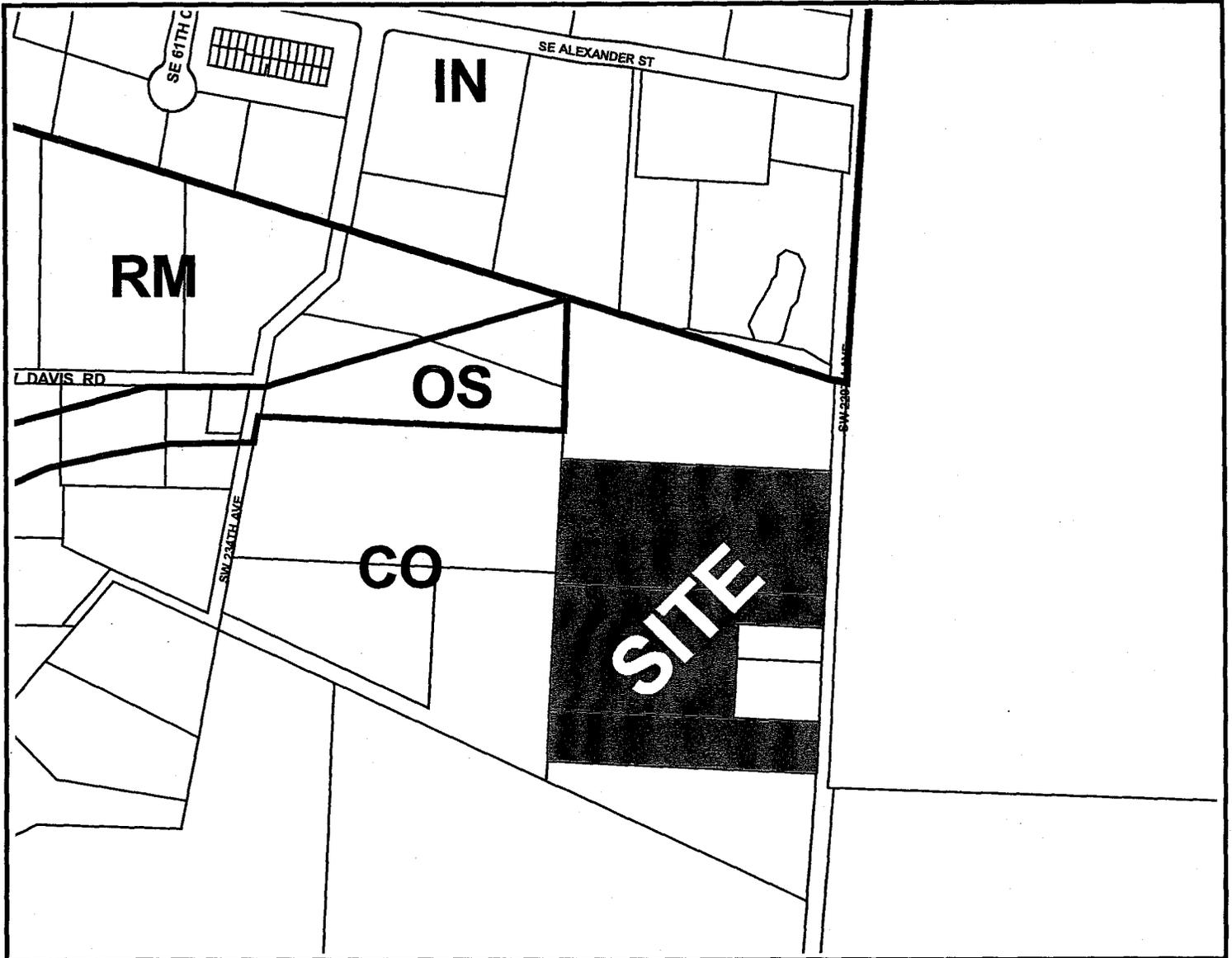




HCP 2-08: HILLSBORO SCHOOL DISTRICT / STRAUSS



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

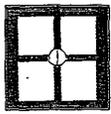


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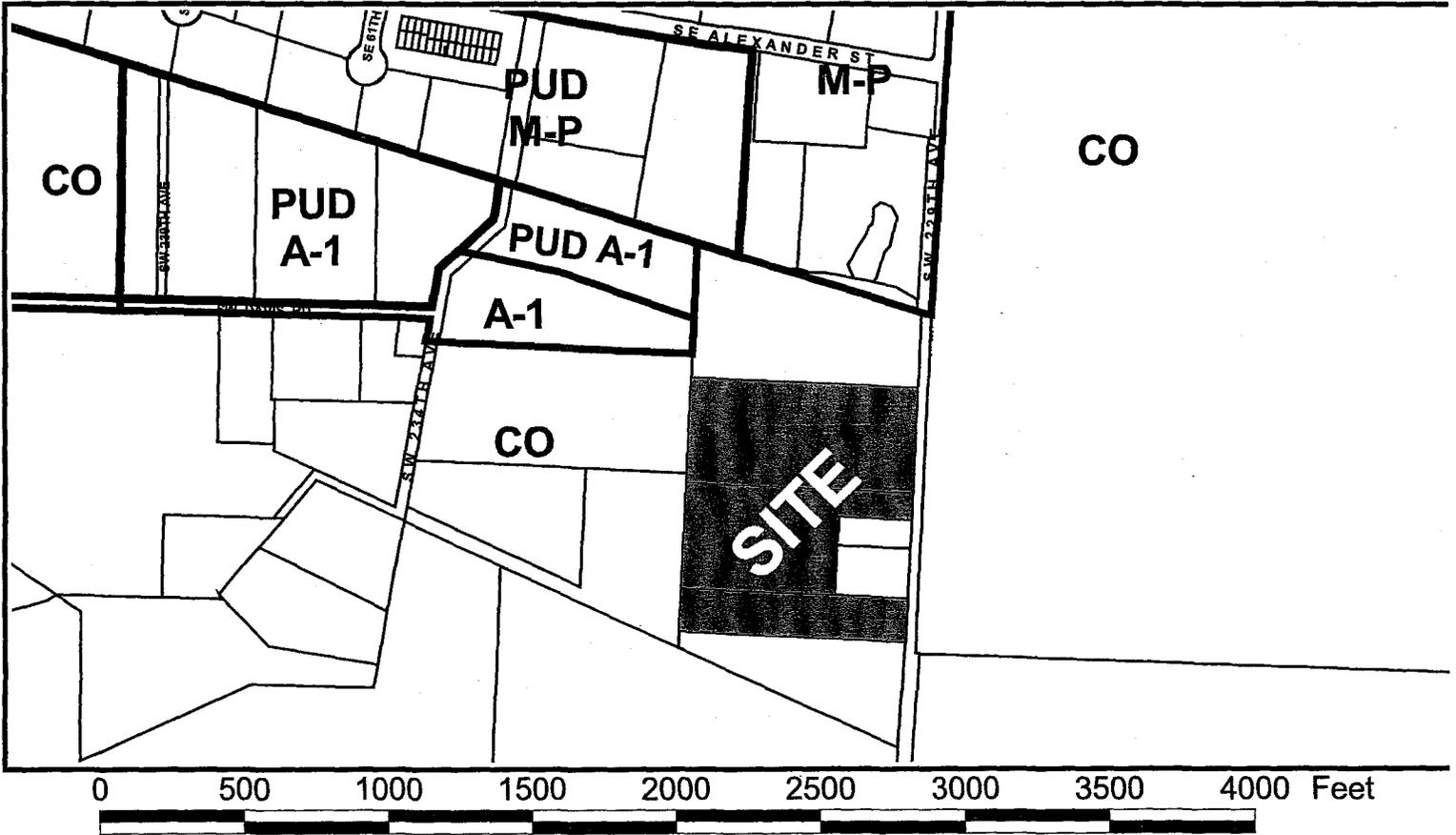
Comprehensive Plan Designations

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



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

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RESOLUTION NO. 1658-P

HCP 3-08: AREA 69, SOUTH HILLSBORO COMMUNITY PLAN

A RESOLUTION INITIATING AMENDMENTS TO THE HILLSBORO COMPREHENSIVE PLAN ORDINANCE NO. 2793, AS AMENDED, MODIFYING SECTION 14, COMPREHENSIVE PLAN MAPS, AND ADDING A NEW SECTION 27, AREA 69, SOUTH HILLSBORO COMMUNITY PLAN TO ESTABLISH GOALS, POLICIES AND IMPLEMENTATION MEASURES FOR THAT AREA.

WHEREAS, approximately 248 acres of land situated south of Tualatin Valley highway and west of SW 209th Avenue and generally identified as "Area 69" was added to the Urban Growth Boundary (UGB) on December 5, 2002 through adoption of 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, Metro Code, Section 3.07.1120 requires the preparation of Title 11 concept plans for lands added to the UGB and incorporation of such concept plans into the comprehensive plans and/or land use regulations of the local government assuming land use planning jurisdiction over such lands; and

WHEREAS, Metro Ordinance No. 02-969B contains eight (8) UGB general conditions of Approval that are attached to all expansion areas and one (1) UGB condition of approval specific to Area 69, and also requires the incorporation of proposals and recommendations of a Title 11 concept plan into the Hillsboro Comprehensive Plan; 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 Area 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

WHEREAS, the *South Hillsboro Community Plan* addresses all applicable titles in Metro's Urban Growth Management Functional Plan, particularly Title 11 Code requirements, and includes recommended land use policies, a land use map, and additional information, analyses, and recommendations related to Area 69, and

WHEREAS, Section 1 (II)(B) of Hillsboro Comprehensive Plan Ordinance No. 2793, as amended, defines a City "community plan" as a plan which establishes and coordinates policies and development guidelines for the development of land uses and development activities within a specific area of the City, and grants comprehensive plan status and function to the community plan relative to the specific geographic area to which it applies; and

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.

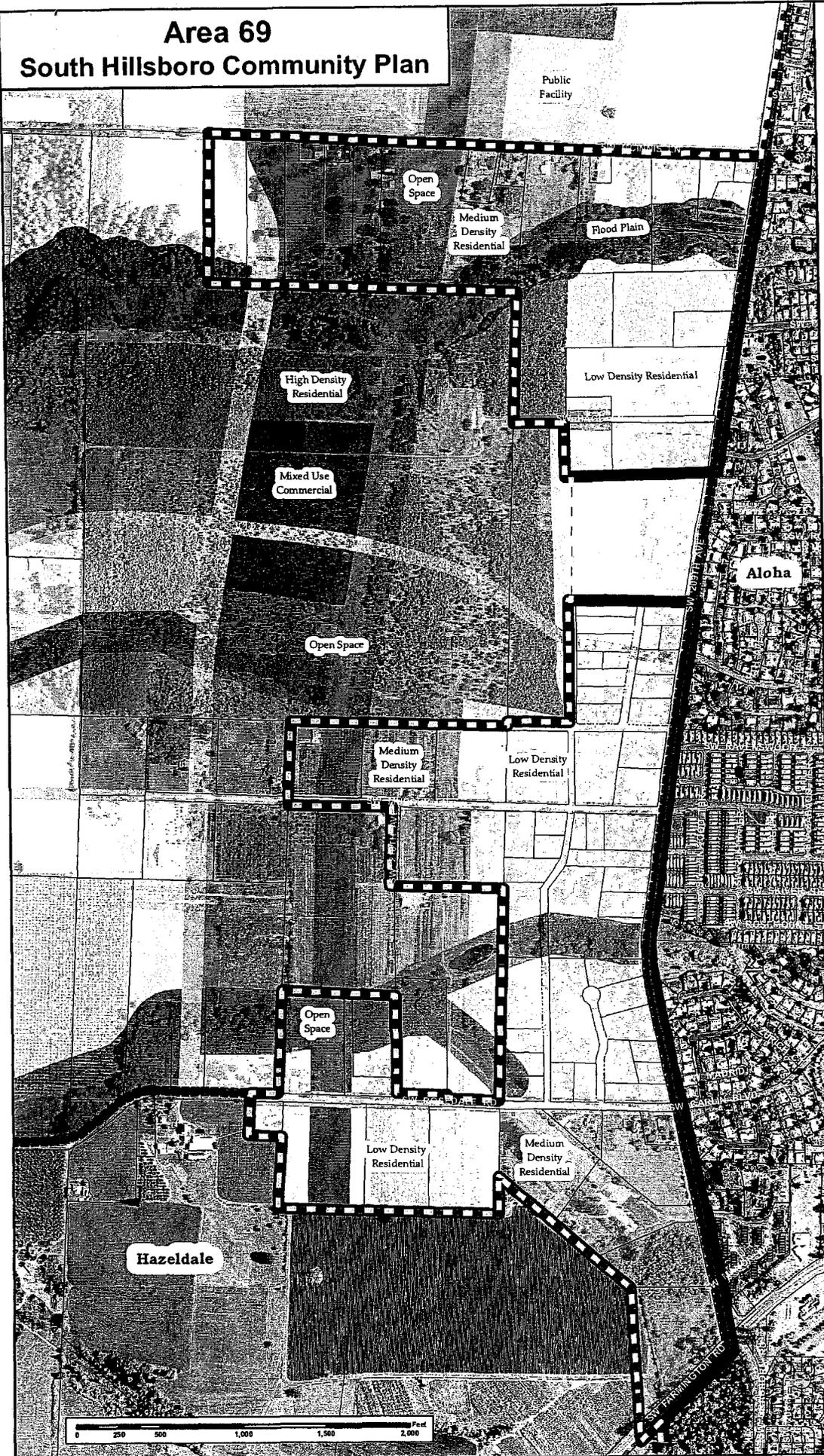
President

Attest: _____
Secretary

Area 69 South Hillsboro Community Plan

CITY OF HILLSBORO South Hillsboro Community Plan

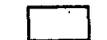
Plot Date: February 21, 2008



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.



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RESOLUTION NO. 1659-P

HCP 5-08: AREA 71, SOUTH HILLSBORO COMMUNITY PLAN

A RESOLUTION INITIATING AMENDMENTS TO THE HILLSBORO COMPREHENSIVE PLAN ORDINANCE NO. 2793, AS AMENDED, MODIFYING SECTION 14, COMPREHENSIVE PLAN MAPS, AND ADDING A NEW SECTION 26, AREA 71, SOUTH HILLSBORO COMMUNITY PLAN TO ESTABLISH GOALS, POLICIES AND IMPLEMENTATION MEASURES FOR THAT AREA.

WHEREAS, approximately 87 acres of land situated immediately east of Witch Hazel Village and generally identified as "Area 71" was 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, Metro Code, Section 3.07.1120 requires the preparation of Title 11 concept plans for lands added to the UGB and incorporation of such concept plans into the comprehensive plans and/or land use regulations of the local government assuming land use planning jurisdiction over such lands; and

WHEREAS, Metro Ordinance No. 02-969B attaches eight (8) UGB Conditions of Approval to Area 71, and also requires the incorporation of the proposals and recommendations of the Title 11 concept plan into the Hillsboro Comprehensive Plan; 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 Area 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 87 acres in Area 71, and

WHEREAS, the *South Hillsboro Community Plan* addresses all applicable titles in Metro's Urban Growth Management Functional Plan, particularly Title 11 Code requirements, and includes recommended land use policies, a land use map, and additional information, analyses, and recommendations related to Area 71, and

WHEREAS, Section 1 (II)(B) of Hillsboro Comprehensive Plan Ordinance No. 2793, as amended, defines a City "community plan" as a plan which establishes and coordinates policies and development guidelines for the development of land uses and development activities within a specific area of the City, and grants comprehensive plan status and function to the community plan relative to the specific geographic area to which it applies; and

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

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(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.

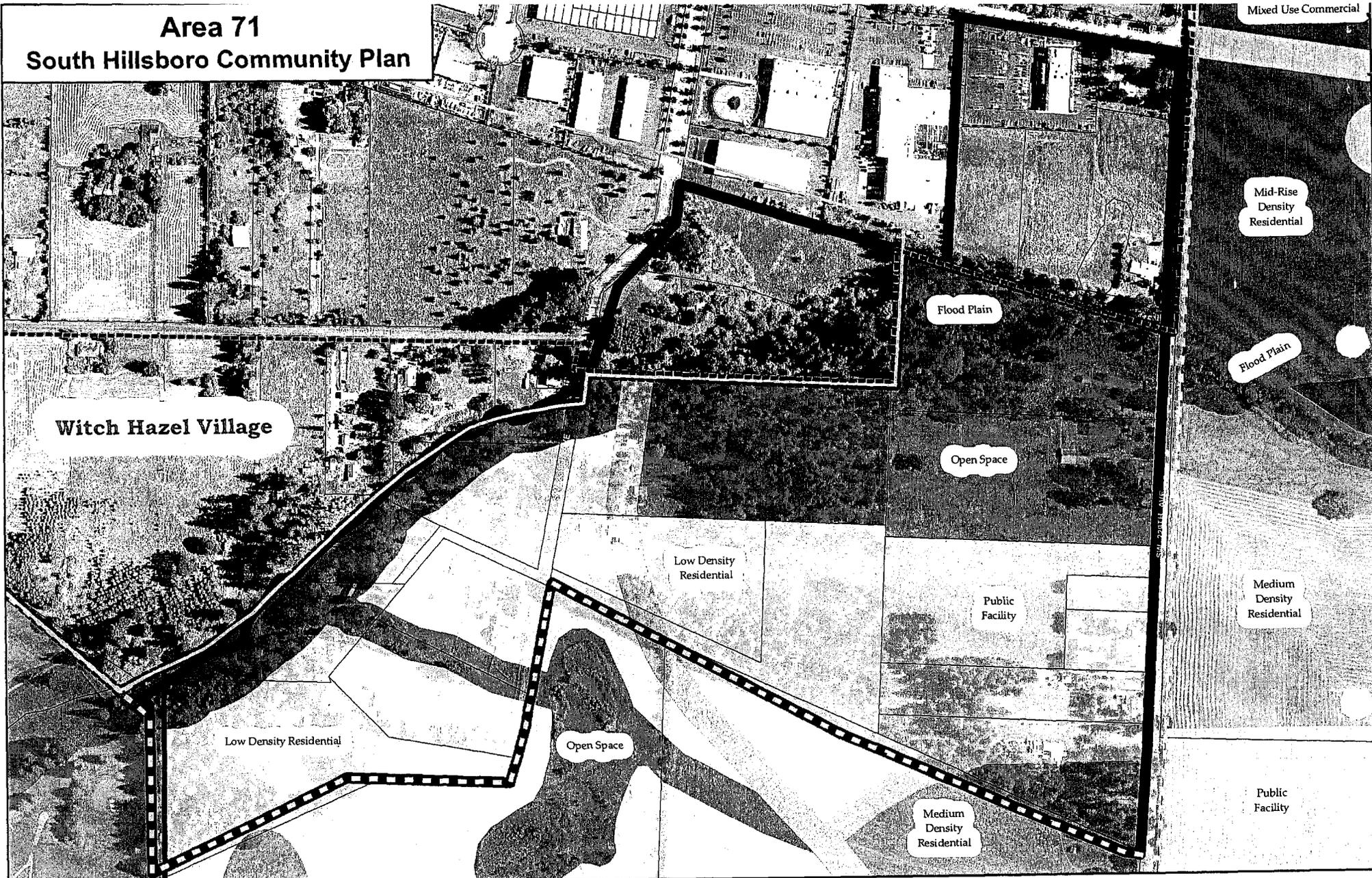
BE IT FURTHER RESOLVED that the Planning Commission hereby schedules these amendments for public hearing before the Commission on April 29, 2008.

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/ LCDDC 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 [intervenors'] 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

use, as conditioned, will be compatible with surrounding park, recreational and residential uses. Id. We have reviewed the evidence in the record cited by the parties and agree that, based on this evidence, a reasonable person could conclude that the design and operation of the proposed use will be compatible with surrounding uses. *Younger v. City of Portland, supra*, 305 Or at 360; [**33] *City of Portland v. Bureau of Labor and Industries*, 298 Or 104, 119, 690 P2d 475 (1984).

This subassignment of error is denied.

C. Industrial Development Policy 7

Industrial Development Policy 7 provides:

"Traffic generated by industrial uses should be diverted away from residential areas, and should have convenient access to arterial or collector streets."

Petitioners' argument concerning this policy, in its entirety, is:

"There is not substantial evidence in the whole record that the traffic caused by operation of a concrete batch plant on the subject property will divert the traffic from aggregate and concrete trucks away from River Road South and the high density [residential] and commercial recreational areas which have been and are being developed near the subject property." Petition for Review 26-27.

The challenged decision explains the city's determination of compliance with the above policy:

"[T]he proposed uses are directly adjacent to South River Road, an arterial street. [T]he truck traffic that presently travels to the top of the existing batch plant to provide the raw aggregate material for [**34] concrete, approaches within a few feet of houses [*579] in the adjoining residential area. [G]ravel delivery trucks will now make deliveries across the street at the new location and will no longer be required to travel immediately adjacent to residential areas. [T]his is a diversion of traffic away from residential areas. [T]raffic generated by this use will travel on South River Road and will, therefore, avoid residential areas to the southwest of South River Road. * * *"

Record 23.

The Salem Transportation Plan (STP), of which we take official notice, designates South River Road as a minor arterial. STP, Map 12. Condition 3 and the approved site plan indicate the proposed industrial use of the subject property will have two direct access points onto South River Road. Record 3, 90, 161. Therefore, the city's determination that the proposed use will have convenient access onto an arterial is supported by substantial evidence. The city also determines the challenged decision will have the effect of diverting industrial traffic away from the residentially zoned and developed areas to the south of South River Road. A reasonable person could make this determination based [**35] on the evidence in the record cited by the parties.

This subassignment of error is denied.

D. Industrial Development Policy 14

Industrial Development Policy 14 provides:

"Industries shall be encouraged to locate in industrial areas, but those industrial uses which place few demands on public services and cause no significant environmental impacts may be located in other areas."

The city finds compliance with the above quoted policy for two reasons. First, the city determines that because the subject property is currently designated Industrial Commercial and is used as part of intervenors' industrial operation, it is an "industrial area," as that term is used in Industrial Development Policy 14. Record 24. In the alternative, the city finds the proposed use may be located outside an industrial area, because it will place no new demands on existing public services and will not have significant environmental impacts. Id.

Petitioners contend the record does not contain substantial evidence that the proposed use will not place significant

demands on public services or that it will not have significant environmental impacts. Petitioners do not, however, [**36] challenge the city's determination that the subject property is an [*580] "industrial area," as that term is used in Industrial Development Policy 14. This interpretation is within the discretion afforded the city council by *ORS 197.829 and Clark v. Jackson County, supra*. Accordingly, the city's alternative findings on public services and environmental impacts are surplusage, and whether they are supported by substantial evidence is of no consequence.

This subassignment of error is denied.

The eighth assignment of error is denied.

THIRD ASSIGNMENT OF ERROR

SRC 115.020(a) sets out the following approval criterion for a variance from an SRC development standard:

"There are special conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the same district, and which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. Nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such special conditions, nor shall the purely economic [**37] interests of the applicant. The potential for economic development of the subject property itself, may, however, be considered among the factors specified in this subsection." (Emphasis added.)

Petitioners contend the challenged decision misinterprets the above emphasized requirement of SRC 115.020(a) for "unreasonable hardships or practical difficulties." Petitioners argue this Board has frequently held that a "traditional" variance standard requiring "unreasonable hardships or practical difficulties" creates very limited authority to deviate from applicable ordinance standards, and does not allow such deviation simply to maximize the permissible use of the subject property. *Harris v. Polk County, 23 Or LUBA 152, 156 (1992)*. According to petitioners, an "unreasonable hardships or practical difficulties" variance standard cannot be satisfied if there is a reasonable use of the property without the variance. *Roberts v. City of Lake Oswego, 23 Or LUBA 302, 303-04 (1992)*. Petitioners further argue the record does not contain substantial evidence that the requested variance from the special South River Road setback is required [**38] for intervenors to put the subject property to a reasonable use. [*581]

SRC 115.020(a) differs from a traditional strict "unreasonable hardships or practical difficulties" variance standard in at least two respects. First, it requires that unreasonable hardships or practical difficulties be "most effectively" relieved by a variance, not that they can "only" be relieved by a variance. Compare *Harris, supra, 23 Or LUBA at 155*. Second, SRC 115.020(a) specifically allows the "potential for economic development of the subject property" to be considered in determining whether there are unreasonable hardships or practical difficulties. Additionally, *Harris* and *Roberts*, and the opinions cited in those decisions, in which LUBA considered local "unreasonable hardships or practical difficulties" variance standards, were decided before *Clark v. Jackson County, supra*, and the enactment of *ORS 197.829* governing our review of local government interpretations of local enactments. See *Thomas v. City of Rockaway Beach, 24 Or LUBA 532, 535 n 1 (1993)*.

Under *ORS 197.829* and *Clark v. Jackson County*, [**39] this Board is required to defer to a local governing body's interpretation of its own enactment, unless that interpretation is contrary to the express words, purpose or policy of the local enactment. n14 *Gage v. City of Portland, 319 Or 308, 316-17, 877 P2d 1187 (1994)*; *Watson v. Clackamas County, 129 Or App 428, 431-32, 879 P2d 1309 (1994)*. This means we must defer to a local governing body's interpretation of its own enactments, unless that interpretation is "clearly wrong." *Goose Hollow Foothills League v. City of Portland, 117 Or App 211, 217, 843 P2d 992 (1992)*; *West v. Clackamas County, 116 Or App 89, 93, 840 P2d 1354 (1992)*.

n14 Under *ORS 197.829(4)*, we are also authorized to reverse or remand a local governing body's interpretation of its own enactment if the interpretation is contrary to a state statute, statewide planning goal or administrative rule which the local enactment implements. However, petitioners do not contend the city council's interpretation of SRC 115.020(a) is contrary to any statute, goal or administrative rule that this SRC provision implements, and

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



April 30, 2008

STAFF REPORT

TO: City Council
FROM: Engineering Department / Planning Department

RE: **Consideration of proposed street name change –
NW Shute Road to NW Brookwood Parkway**

Several years ago, the Transportation Committee directed Planning and Engineering Department staff to work with Washington County regarding a proposed street name change on the segment of NW Shute Road from Sunset Highway to the intersection south of NW Evergreen Road. The completion of NE Brookwood Parkway in the mid-1990s reconfigured the intersection of Shute and Evergreen, resulting in the present intersection design in which the southern section of Shute Road intersects Brookwood Parkway south of the Evergreen intersection, but the through street north of Evergreen, on the old Shute Road alignment, retains the Shute Road name. Since Shute Road is under Washington County jurisdiction, the process for changing the street name must be administered by the Washington County Survey Department, and the public hearing on the proposed name change would be held before the County Board of Commissioners.

In the earlier work, City Planning staff determined the specifics of processing the street name change through the Washington County Survey Department and the County Board of Commissioners (BOC). City Engineering staff researched the cost of street sign changes, which was substantial in the case of the ODOT signs on the Sunset Highway. Based on the sign costs, the absence of public support for the proposed change, and additional staff work load, the City did not proceed with the formal initiation process.

City Engineering staff were recently contacted by ODOT personnel, who informed us that Sunset Highway signage will be changed by ODOT as part of a highway improvement project scheduled for FY 2008-2009. Within this project, the highway signage could be revised at no cost to the City, and ODOT personnel asked if the City remained interested in pursuing the street name change. Given the removal of the sign change cost impediment, City Engineering and Planning staff believes it is now appropriate to move ahead with this proposal, as described below (dates subject to change):

April 11th City sends informal letters sent to property owners regarding proposed street name change, and advising of opportunity to comment at April 22nd Transportation Committee meeting

- April 22nd Transportation Committee meeting. After considering any public comments, Transportation Committee forwards recommendation to Council for approval of a resolution to County Board of Commissioners (BOC) requesting initiation of the street name change
- May 6th City Council accepts Street Committee recommendation and approves resolution to County BOC
- May 12th Resolution and supporting materials are sent to County Survey Department for preparation of staff report for BOC agenda
- June 3rd County BOC considers City request. If no opposition is expressed by affected property owners, BOC may take action by resolution at this time. If opposition has been expressed at the City or County level, a public hearing would be scheduled
- July 1st County BOC public hearing on proposed street name change (if scheduled) Assuming support for the change, BOC directs County Survey to prepare final documents
- July 15th County BOC approves resolution changing street name.

Two additional issues related to the street name change must be resolved prior to final City action on this matter: coordination of signage and address changes; and provision for double-signage by Washington County.

Coordination of signage and address changes: Engineering staff estimates that new signage on Sunset Highway will not be installed until Spring 2009. To avoid confusion and potential emergency services delays, County signage changes and address changes should be deferred until the ODOT signage is installed. The City and County resolutions should therefore include language authorizing deferral of the effective date of the street name change to allow coordinated street sign and address changes in Spring 2009.

Provision for double-signage by Washington County: The City's practice for street name changes includes double signage for 12 months following the change. Engineering staff will work with Washington County DLUT staff to confirm the cost and availability of this option on the Shute Road segment.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



Deborah A. Raber AICP
Project Manager

RESOLUTION NO. _____

A RESOLUTION REQUESTING WASHINGTON COUNTY INITIATE ACTION TO RENAME NE/NW SHUTE ROAD FROM US HIGHWAY NO. 26 TO NE BROOKWOOD PARKWAY/NE SHUTE ROAD TO NE/NW BROOKWOOD PARKWAY.

WHEREAS, NE/NW Shute Road from US Highway No. 26 to NE Brookwood Parkway is not contiguous with NE Shute Road south of Evergreen Road; and

WHEREAS, the disconnect of the Shute Road segments creates confusion for the public and emergency responders; and

WHEREAS, renaming NE/NW Shute Road to NE/NW Brookwood Parkway will eliminate this confusion; and

WHEREAS, the City of Hillsboro has notified all property owners located adjacent to the proposed name change via certified mail of the proposal; and

WHEREAS, notification to the adjacent property owners included notice of two public meetings where the proposal would be considered; and

WHEREAS, no public comment was received at either public meeting; and

WHEREAS, the City of Hillsboro agrees to cover the costs of sign modifications to roadways affected by the proposed name change; and

WHEREAS, the Oregon Department of Transportation will be conducting routine sign replacement on US Highway No. 26 during the summer of 2009; and

WHEREAS, a name change made in conjunction with the Oregon Department of Transportation sign replacement will reduce the overall costs to the City; and

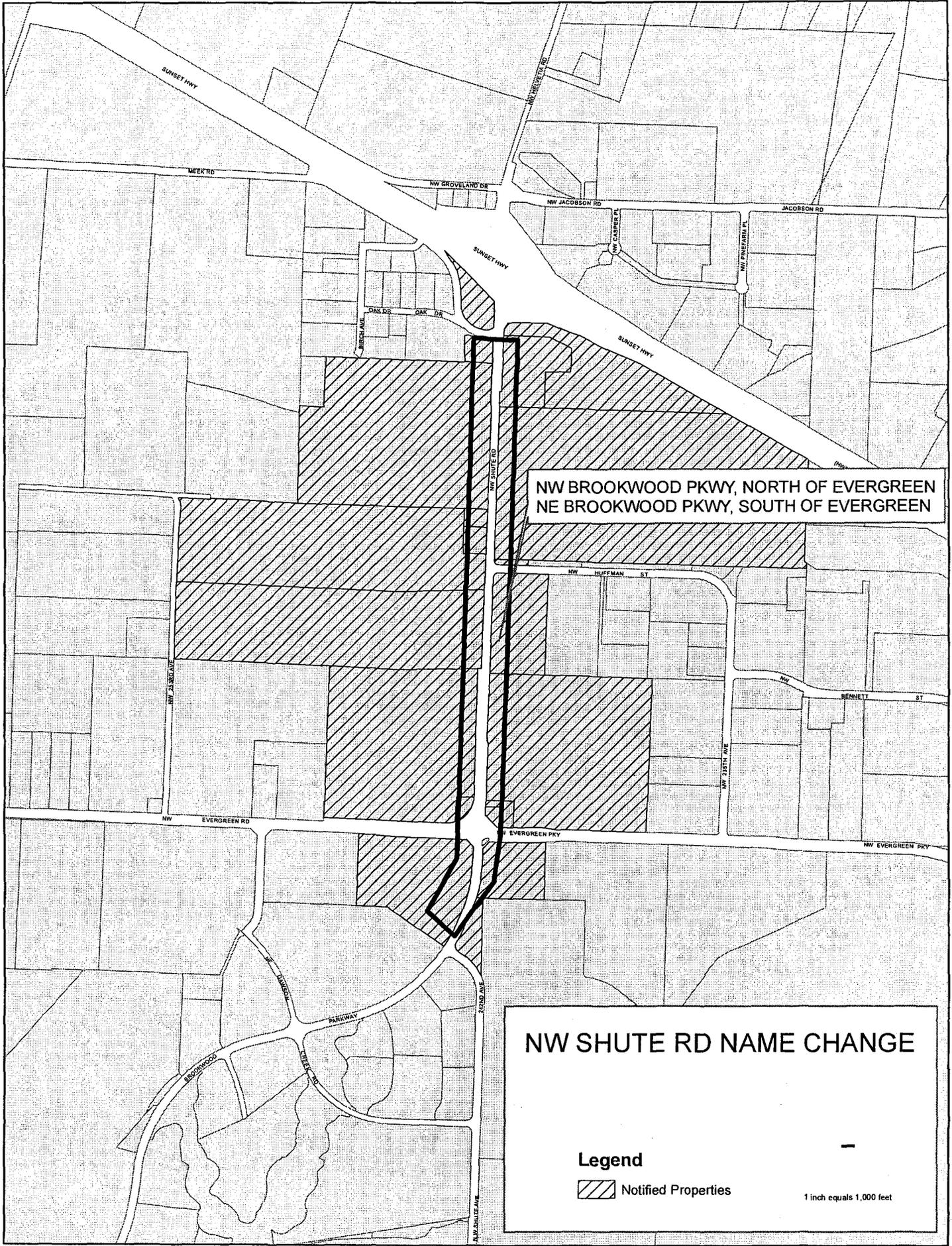
WHEREAS, the name change should be made effective in June 2009 to allow for businesses and property owner to plan for the change and to correspond with the changes to the US Highway No. 26;

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, initiate action to rename NW Shute Road between US Highway No. 26 and NW Evergreen Parkway to NW Brookwood Parkway and to rename NE Shute Road between NW Evergreen Parkway and NE Brookwood Parkway to NE Brookwood Parkway with said name change to be effective in June of 2009.

Introduced and passed this 6th day of May 2008.

Mayor

ATTEST: _____
City Recorder



NW BROOKWOOD PKWY, NORTH OF EVERGREEN
NE BROOKWOOD PKWY, SOUTH OF EVERGREEN

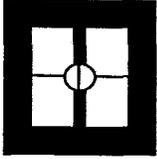
NW SHUTE RD NAME CHANGE

Legend

 Notified Properties

1 inch equals 1,000 feet

CITY OF HILLSBORO



MEMORANDUM

DATE: April 28, 2008
TO: Mayor and City Council
FROM: Hillsboro Police Department
Amber Deming, City Recorder
SUBJECT: Request for liquor license endorsement

Please consider staff recommendations for the following liquor license application:

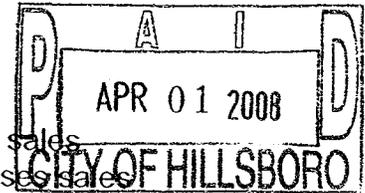
1. Red Brick Table Grill, 1887 NW 188th – Original Application – Full on-premises sales

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
Liquor License Application
City of Hillsboro, Oregon

No. 171-08



Indicate type of application:

License type:

- \$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

- Full on-premises sales
- Limited on-premises sales
- Off-premises sales
- Temporary sales license

BUSINESS NAME: Red Brick Table Grill, Inc.

DBA NAME: Red Brick Table Grill

Business Address: 1887 NW 188th Hillsboro, OR 97062

Applicant: Kenneth K. Ho
(Full Name)

Home Address: _____
Street _____ Home Phone _____
City _____ State _____ Zip _____ Business Phone 971 563 3023

Driver's License No.: _____ State: _____

Co-Applicant: _____
(Full Name)

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

Home Address: _____
Street _____ Home Phone _____
City _____ State _____ Zip _____ Business Phone _____

Driver's License No.: _____ State: _____

Note: If applicant is a corporation, list name and address of home offices: _____
9725 SW Beaverton - Hillsdale Hwy #210B
Beaverton OR 97005

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: 4/1/08
Signature(s) of Applicant(s) or Agent(s) _____

City Business License No.: _____ Receipt No. _____

Note: This page is to be filled out for new applications, change of ownership, change of location, change of class of license and temporary licenses.

Describe in detail the nature of the establishment you propose to operate. (For example, is your facility going to be a tavern, a family dining establishment, a neighborhood grocery store, part of a community shopping center, a special purpose retail outlet like a wine shop, etc.) If additional space is necessary, please use the back of this form, or attach additional page(s).

A family dining establishment with full bar

Days and hours of operation: 11-12

Ratio of projected food sales to alcohol sales: 20%

Service Capacity (i.e. maximum number of customers that can be accommodated at any give time): 114

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

Le Hana, Inc.

Has the applicant ever been issued a liquor license? Yes No

If yes, describe below the nature and location of the outlet(s), the type of license, and the dates during which the license was held.

family dining establishment / limited license

Has the applicant ever been cited or had a compliance plan in effect for a liquor license? Yes No

If yes, describe below the nature of the license sought, the location of the proposed outlet, the date of the citation, and reasons for the citation.

Is any building remodeling planned? If so, generally describe.

Police Department: Approved Denied Signature [Signature] 16572 4/22/08

Comments:

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.

Hillsboro City Council

Pavel Goberman – Candidate for US Senator
“Stop Political Prostitution!”,
P.O. Box 1664
Beaverton, OR 97075
(503)643-8348

ELECTION AND THE MEDIA: MESSAGE TO THE PEOPLE

05/06/08

Hi, my name is Pavel Goberman, I'm an official Candidate for US Senator.

I'm honest, incorruptible, with Faith, Integrity and High Moral Principles. My opponents in the Primary Speaker Merkley and Mr. Novick do not say that they are honest and incorruptible. They accepting money from many states, from special interests as banks, lawyers, medical organizations, big companies, unions and others, sold the People of Oregon for more than \$2 million to the media, and corrupted media is talking about them.

The media for own huge monetary benefits promotes bribery, corruption and political prostitution.

The media hijacked this country, violates the Constitution of the USA and the Code of Ethics for the Media.

The media must give an information, give the facts and evidence, but not to make Presidents and Senators.

The media is destroying our democracy, covering up crimes of politicians. Promoting Merkley and Novick, who have no military experience, the media creates more deaths of our soldiers in Iraq. The media digs a grave yard for itself and all of us.

The morons if the media as AP, the Oregonian, TV Ch 2 and Ch 8 can't understand that money will not shield this nation from a weapons of mass destruction.

Many our soldiers died in Iraq because of the media. The media creates a danger to our national security and is a cancer of our society, a public enemy.

People of Oregon, there is no need money in election. Ignore misleading ads by Merkley and Novick – it is a voice of special interests. Proverb: “The receiver is as bad as the thief” and Don't put rober to work in bank”.

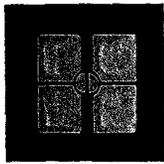
Do home work, read the Voter's Pamphlet. In first days of May you will get a Voter's Ballot and vote for honest people as me, who will work for you. If my name is not in your ballot, write it in.

Thank

Pavel Goberman



Item #: 60A
Offered By: Pavel Goberman
Date: 5/6/08
Exhibit #: 1



Proclamation

Municipal Clerks Week, May 4-10, 2008

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Municipal Clerks serve as the information center on functions of local government and community; and

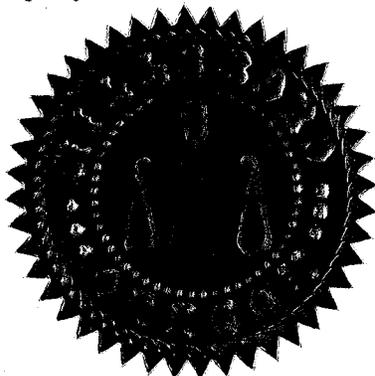
WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Tom Hughes, Mayor of the City of Hillsboro, do hereby recognize the week of May 4-10, 2008, as

MUNICIPAL CLERKS WEEK

and further extend appreciation to our City Recorder Amber Deming and Deputy City Recorder Debbie Werner and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.



Tom Hughes, Mayor
May 6, 2008

2008-09 Capital Improvement Program



May 6, 2008

City Council Work Session

CIP – 6 Year Projection

Project Description	Project Estimates	Fiscal Year					
		2007-08	2008-09	2009-10	2010-2011	2011-2012	2012-2013
Original Project List 2007-08 (2-28-08)							
Main Library	1,700,000	1,200,000	500,000				
Civic Center / Initial Construction completion	750,000	660,000	90,000				
Plaza Building /Tenant Improvements	650,000	-	650,000				
Griffin Oaks Fire Station (PORT)	4,350,000	90,000	2,260,000	2,000,000			
East Fire Station	5,000,000	1,600,000	1,700,000	1,700,000			
Parks Maintenance Building	2,300,000	2,300,000					
Town Theatre Remodel	750,000	750,000					
Public Works Facility	1,750,000			1,750,000			
Gordon Faber Recreation complex	100,000			100,000			
Other - (Contingency)	600,000	-	100,000	100,000	100,000	100,000	100,000
Total Original Project List	17,950,000	6,600,000	5,300,000	5,650,000	100,000	100,000	100,000
New Projects 2008-09							
Civic Center (server room, reconfigs, misc.)	665,000		665,000				
Shute Library HVAC repair	250,000		250,000				
Parks Maintenance Bldg/SDC Reimbursement	770,000		770,000				
Other (Theatre, Library, Hart, Archive, Yamhill)	140,000		105,000	20,000	15,000		
Resources Available	Resource Estimates	Fiscal Year					
		2007-08	2008-09	2009-10	2010-2011	2011-2012	2012-2013
Sale of Property*	\$ 5,000,000	\$ 200,000	4,000,000	\$ -	\$ -	\$ -	\$ -
<i>Strategic Investment Program**</i>	<i>3,800,000</i>	<i>175,000</i>	<i>850,000</i>	<i>600,000</i>	<i>350,000</i>	<i>300,000</i>	<i>300,000</i>
Depreciation Charges	3,275,000	1,150,000	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
Library Donations	600,000	200,000	200,000	200,000			
Lease Revenues	1,125,000	50,000	50,000	200,000	250,000	275,000	300,000
Interest Income/other	650,000	250,000	200,000	50,000	50,000	50,000	50,000
General Fund Transfer	-	250,000					
Resources Available	14,450,000	2,275,000	6,500,000	2,250,000	1,850,000	1,825,000	1,850,000
Beginning Capital Reserve	3,500,000	4,660,000	335,000	(255,000)	(3,675,000)	(1,940,000)	(215,000)
Total resources Available	17,950,000	6,935,000	6,835,000	1,995,000	(1,825,000)	(115,000)	1,635,000
Ending Capital Reserve	-	335,000	(255,000)	(3,675,000)	(1,940,000)	(215,000)	1,535,000

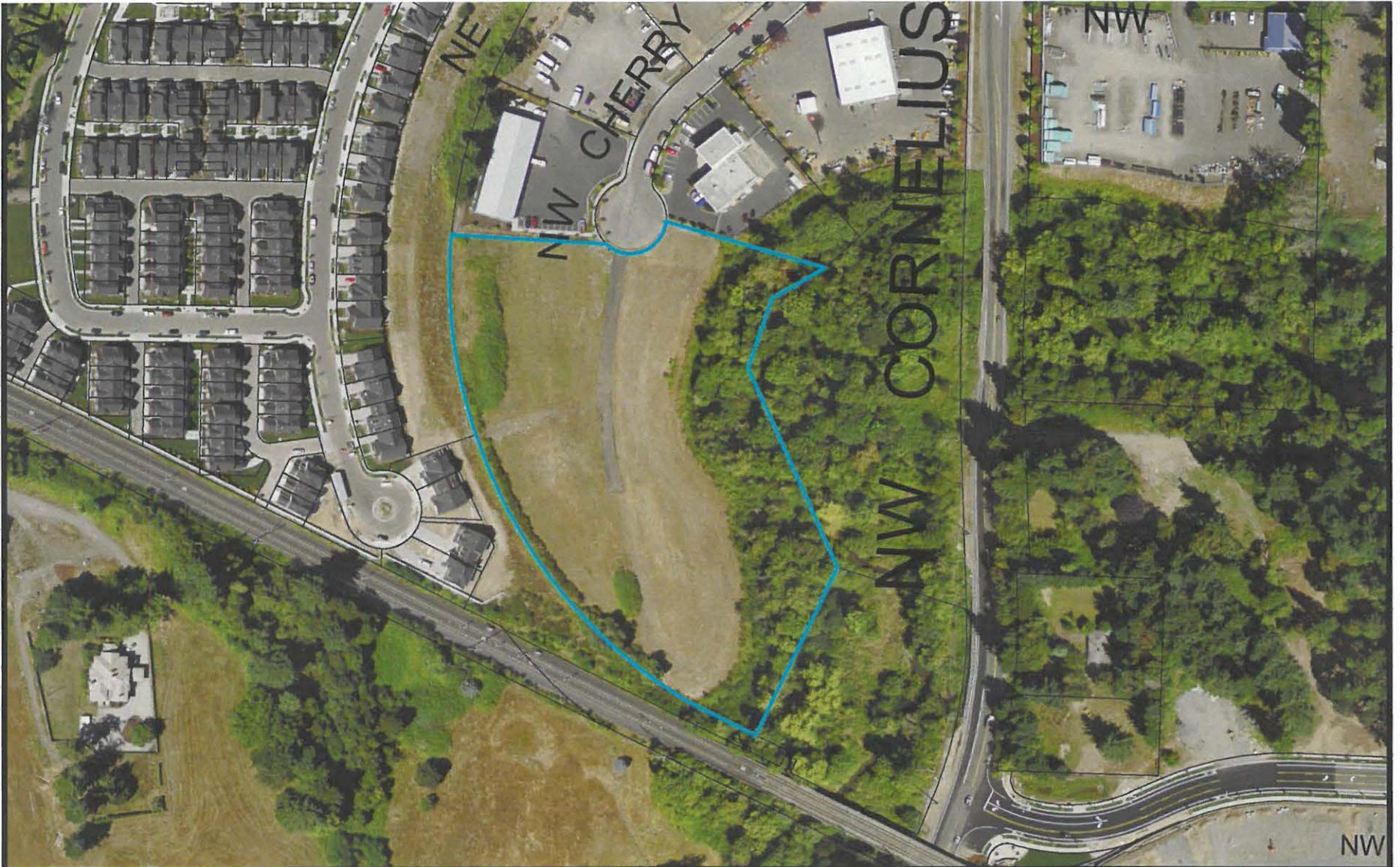
*Amount based on sale price, TBD

Additional Projects

- Shute Library
- Gordon Faber Recreation Complex
 - Stadium Turf (\$1.2 M)
 - Marquee (\$75K)
- Training Facility
- ADA Improvements
- Other Facilities
 - Archive
 - Fleet



Port Property – Proposed Fire Station



CITY OF
HILLSBORO

INFORMATION SERVICES
DEPARTMENT

150 E. Main Street, Third Floor
Hillsboro, OR 97123-4028
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Fax: 503.681.5430

Cherry Lane Fire Station

MAP SCALE 1:2,500



DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Source:
City of Hillsboro GIS
- Current as of May 5, 2008
Washington Count GIS
- Current as of May 5, 2008