



Department of Land Conservation and Development

635 Capitol Street, Suite 150 Salem, OR 97301-2540 (503) 373-0050 Fax (503) 378-5518 www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/18/2013

TO: Subscribers to Notice of Adopted Plan

or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialis

SUBJECT: City of Hillsboro Plan Amendment

DLCD File Number 014-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, December 04, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent t appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged

Cc: John Boren, City of Hillsboro Gordon Howard, DLCD Urban Planning Specialist Anne Debbaut, DLCD Regional Representative



E2 DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final
Ordinance is signed by the public Official Designated by the jurisdiction
and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed
DEPT OF
NOV 1 / 2013
A DATE ON THE PROPERTY OF
M
For Office Use Only

Jurisdiction: Hillsboro	Local file number: ZC 9-13			
Date of Adoption: 11/5/2013	Date Mailed: 11/14/2013			
	ailed to DLCD? X Yes No Date: 8/13/2013			
Comprehensive Plan Text Amendment	Comprehensive Plan Map Amendment			
☐ Land Use Regulation Amendment	 ☑ Zoning Map Amendment ☐ Other: 			
☐ New Land Use Regulation				
Summarize the adopted amendment. Do not use	e technical terms. Do not write "See Attached".			
CITY ZONES APPLIED TO 29 PROPERTIES PREV DECEMBER 2012 THROUGH AN INVOLUNTARY PROPERTIES WILL BE ZONED STATION COMM CONSERVATION, R-6 SINGLE FAMILY RESIDE R-10 SINGLE FAMILY RESIDENTIAL.	Y COUNTY ISLAND ANNEXATION PROCESS.			
Does the Adoption differ from proposal? Yes, Ple TWO PROPERTIES WERE REZONED TO R-6 INS THESE PROPERTIES ARE ADDRESSED AS 409 N	TEAD OF THE ORIGINALLY PROPOSED R-7 ZONE			
Plan Map Changed from: N/A	to: N/A			
Zone Map Changed from: COUNTY R5 AND R9	to: SCR-OTC, R-6, R-7 AND R-10			
Location: SEE ATTACHED LIST	Acres Involved: 25			
Specify Density: Previous:	New:			
Applicable statewide planning goals:				
1 2 3 4 5 6 7 8 9 10 1	11 12 13 14 15 16 17 18 19			
Was an Exception Adopted? ☐ YES ☒ NO				
Did DLCD receive a Notice of Proposed Amendm	ent			
35-days prior to first evidentiary hearing?	⊠ Yes □ No			
If no, do the statewide planning goals apply?	☐ Yes ☐ No			
DLCD File No. 014-13 (19967_ [17676]				

	ate adoption?	□ res	□ №
DLCD file No.			
Please list all affected State or Federal Agencies, Lo	cal Governments or Specia	al Districts:	
Local Contact: JOHN BOREN, URBAN PLANNER	Phone: (503) 681-5292	Extension	10

TV-- DN-

E-mail Address: john.boren@hillsboro-

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660. Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).

Zip: 97123-

- When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
- Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
- Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
- Deadline to appeals to LUBA is calculated twenty-one (21) days from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
- In addition to sending the Form 2 Notice of Adoption to DLCD, please also remember to notify persons who
 participated in the local hearing and requested notice of the final decision. (ORS 197.615).
- Submit one complete paper copy via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
- 8. Please mail the adopted amendment packet to:

City: HILLSBORO

oregon.gov

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

Need More Copies? Please print forms on 8½ -1/2x11 green paper only if available. If you have any
questions or would like assistance, please contact your DLCD regional representative or contact the DLCD
Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 6069

ZONE CHANGE 9-13: INVOLUNTARY ISLAND ANNEXATIONS, AREA 4

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY APPLYING CITY ZONING TO 29 PARCELS WHICH WERE INVOLUNTARILY ANNEXED TO THE CITY ON DECEMBER 15, 2012.

WHEREAS, the Hillsboro City Council approved the annexation of 135 tax lots through an island annexation process on December 15, 2009 pursuant to Ordinance No. 5932, and city Comprehensive Plan designations were applied to all such lots previously; and

WHEREAS, most of the parcels thus annexed were done so voluntarily, but some were annexed involuntarily, and for those, annexation was not effective until December 8, 2012,

WHEREAS, the City of Hillsboro, as applicant, now seeks to apply City zoning to those lots that were involuntarily annexed as of December 8, 2012, consisting of 29 parcels totaling 25.27 acres; and

WHEREAS, City planning staff has proposed a City zone for each parcel that implements the City Comprehensive Plan designation for each parcel, is consistent with the zoning on the already-annexed portion of each parcel if applicable, is compatible with the predominant City zones of the surrounding properties, and is generally consistent with the former County zone; and

WHEREAS, this application was scheduled and duly noticed for public hearing on September 18, 2013, at which time the Planning and Zoning Hearings Board, consisting of Daniel Kearns, Drake Hood and Walter Hellman (the "Board"), convened the public hearing to take testimony and evidence and to consider the application; and

WHEREAS, the Board received one written comment (from Mel Csergei) seeking R-6 zoning for two parcels for which staff is recommending R-7, and oral testimony from one person (Jennifer Bowers) at the September 18th hearing; and

WHEREAS, at the conclusion of the September 18th hearing, the Board closed the record and tentatively voted to approve the rezoning request for all 29 parcels as proposed in the City's application and as analyzed in the September 11, 2013 staff report with the exception of revising the recommended zoning for the two parcels about which Mr. Csergei commented.

NOW, THEREFORE THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. Based on the application and evidence in the record, the Planning and Zoning Hearings Board hereby recommends City Council approval of the following City zoning designations for the following parcels that are the subject of this zone change request:

County Map & Tax Lot Number	Site Address	Size (Acres)	New City Zone	Existing City Plan Designation
1N234AD00501	22870 NW ALDER ST	0.33	SCR-OTC Station Community Residential - Orence Townsite Conservation	SCPA Station Community Planning Area
1N234AD00800	No Site Address	0.34	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234AD02700	22830 NW BIRCH ST	0.34	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234AD02600	22810 NW BIRCH ST	0.17	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234AD02100	22975 NW CHESTNUT ST	0.45	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area /
1N234AD03300	1115 NW 228TH AVE	0.17	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234AC01100	23050 NW CHESTNUT ST	0.34	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234AC01000	23030 NW CHESTNUTST	0.34	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234AD05400	22990 NW CHESTNUT ST	0.17	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234AD05300	22970 NW CHESTNUT ST	0.17	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234AD05500	990 NW 230TH AVE	0.17	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234AD05600	22975 NW DOGWOOD SY	0.17	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234DA01900	705 NW 227TH AVE	0.45	SCR-OTC Station Community Residential - Orenco Townsite Conservation	SCPA Station Community Planning Area
1N234CA01000	409 NE GOTH AVE	2.27	R-6 Single Family Residential	RL Low Density Residential
1N234CA01100	393 NE GOTH AVE	0.33	R-6 Single Family Residential	RL Low Density Residential
1N234CD01100	No Site Address	0.9	R-7 Single Family Residential	RL Low Density Residential
1N234CD01000	23675 W BASELINE RD	1.35	R-7 Single Family Residential	RL Low Density Residential
15203BA00400	23890 W BASELINE RD	4.05	R-7 Single Family Residential	RL Low Density Residential & FP Flood Plain
15203AD01200	6510 SE BORWICK ST	0.69	R-7 Single Family Residential	RL Low Density Residential
1\$2038000708	5207 SE PATTERSON ST	1.9	R-7 Single Family Residential	RL Low Density Residential

15203CB12400	5438 SE PATTERSON ST	0.98	R-7 Single Family Residential	RL Low Density Residential
152038D00900	6001 SE LOIS ST	1	R-7 Single Family Residential	RL Low Density Residential
1N233DA02400	650 NE 47TH AVE	2.34	R-10 Single Family Residential	RL Low Density Residential & FP Flood Plain
1N233DA02800	600 NE 47TH AVE	1.1	R-10 Single Family Residential	RL Low Density Residential & FP Flood Plain
1N233DC00200	440 NE 47TH AVE	1	R-10 Single Family Residential	RL Low Density Residential & FP Flood Plain
15204AC01200	815 SW BROOKWOOD AVE	1.73	R-7 Single Family Residential	RL Low Density Residential & RM Medium Density Residential
15204AD00901	2509S SW OZARK LN	0.58	R-7 Single Family Residential	RL Low Density Residential
15204AD01200	25030 SW OZARK LN	1,05	R-7 Single Family Residential	RL Low Density Residential
15204AD00801	2514S SW OZARK LN	0.39	R-7 Single Family Residential	RL Low Density Residential

Section 2. The property described above is located on the following Washington County Assessor's Tax Maps attached as Exhibit C and hereby made a part of this Ordinance:

Washington County Tax Map 1N2-33DA, Section 33, Township 1 North, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1N2-33DC, Section 33, Township 1 North, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1N2-34AC, Section 34, Township 1 North, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1N2-34AD, Section 34, Township 1 North, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1N2-34CA, Section 34, Township 1 North, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1N2-34CD, Section 34, Township 1 North, Range 2 West, Willarmette Meridian, on record as of June 13, 2013; and

Washington County Tax Map 1N2-34DA, Section 34, Township 1 North, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1S2-03AD, Section 03, Township 1 South, Range 2 West, Willarmette Meridian, on record as of July 7, 2010; and

Washington County Tax Map 1S2-03B, Section 03, Township 1 South, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1S2-03BA, Section 03, Township 1 South, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1S2-03BD, Section 03, Township 1 South, Range 2 West, Willamette Meridian, on record as of April 12, 2013; and

Washington County Tax Map 1S2-03CB, Section 03, Township 1 South, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1S2-04CB, Section 04, Township 1 South, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Washington County Tax Map 1S2-04AD, Section 04, Township 1 South, Range 2 West, Willamette Meridian, on record as of January 4, 2013; and

Section 3. The City Council decision in this matter is based on the findings attached as Exhibit A.

Section 4. Approval of this zone change is conditioned upon the applicant's satisfactory completion or compliance with the conditions set forth in Exhibit B.

<u>Section 5.</u> The Planning Director is hereby instructed to cause the official zoning map, a part of Ordinance No. 1945, to be amended to include the zone change set forth in Section 1 hereof, upon the effective date of this ordinance.

Section 6. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

Section 7. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 15th day of October 2013.

Second approval and adoption by the Council on this 5th day of November 2013.

Approved by the Mayor this 5th day of November 2013.

Jerry Willey, Mayor Pro Tem

ATTEST:

Amber Ames, City Recorder

EXHIBIT A (Findings)

The City Council incorporates herein by this reference and adopts as its own, the summary and analysis of the approval criteria and the descriptions of the 29 parcels set forth in the September 11, 2013 Staff Report, except as noted below. In addition, the Council adopts the following findings which were initially adopted by the Planning and Zoning Hearings Board (the "Board"):

- The City complied with all required notice and hearing procedures for the Board's September 18, 2013 hearing in this matter. At the commencement of the hearing the Hearings Officer made the disclosures and announcements required by ORS 197.763(5) and (6) and 197.796. No member of the Board had any ex parte contacts, conflicts of interest or biases to report. There were no procedural objections or objections to the participation of any member of the Board in this matter, and no one requested a continuance or that the record be kept open.
- At the hearing, Urban Planner John Boren provided a verbal summary of the September 11, 2013 staff report, described the proposal, the history of the island annexation process, the land use context of the 29 parcels involved in this application and generally discussed the significant issues relative to the approval criteria.
- 3. Only one person requested the opportunity to testify (Jennifer Bowers), and she testified in favor of the city zoning designations recommended in the staff report. A single written comment was received in this matter before the close of the record, which concerned the two parcels on NE 60th Avenue (parcel nos. 1N234CA01000 and 1N234CA01100) owned by Mel Csergei. In short, Mr. Csergei requested R-6 Single-Family Residential zoning for both parcels instead of the R-7 zoning that staff had recommended in its report. The Board then deliberated and reached a tentative decision to recommend approval of the rezoning proposal for each of parcels in this application as proposed in the City's zone change application, except for the two parcels owned by Mr. Csergei, which the Board recommended for R-6 zoning as the owner had requested. Zone changes such as this are not final until adopted by the City Council, so the Board's decision in this matter is a recommendation to the Council.
- 4. This zone change shall be allowed if there is a preponderance of credible evidence in the record demonstrating that the following criteria in Section 114(2) of Zoning Ordinance No. 1945 are or can be met:
 - a) The request must conform with the Hillsboro Comprehensive Plan and this Ordinance;
 - b) Where more than one designation is available to implement the Comprehensive Plan designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.

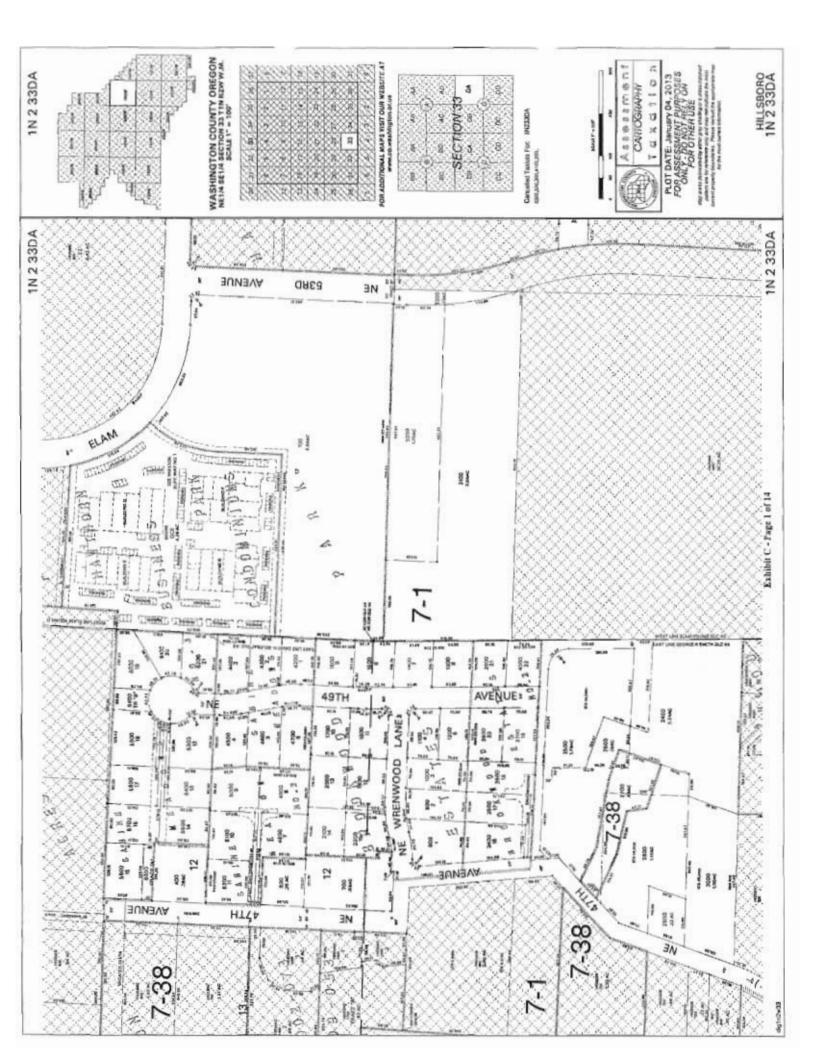
- Staff concluded, and no party to this proceeding disputes, that the following Comprehensive Plan provisions apply to this request:
 - Section 2, Urbanization Implementation Measure A.5
 - Section 2, Urbanization Implementation Measure J
 - Section 13, Transportation Implementation Measure B
- 6. No particular development is proposed for any of the 29 properties involved in this zone change proposal. The Board finds that the zones proposed by staff in the September 11, 2013 staff report, as modified herein, implement the City Comprehensive Plan designation for each parcel. Each recommended zone is compatible with the predominant City zones of the surrounding properties, and all are generally consistent with the former County zones for each parcel. With the exception of Mr. Csergei's September 5, 2013 letter, the Board received no testimony or written content objecting to any of these proposed zones.
- With regard to each of the above-mentioned approval criteria, the Board specifically finds as follows:
 - a) Consistency with the Comprehensive Plan Designation: The 29 parcels that are the subject of this zone change proposal comprise the involuntarily annexed parcels in Arca 4, which were annexed as of December 8, 2012 pursuant to Ordinance No. 5932. All of these parcels have a Residential County zone (either R-5 or R-9) and a City Comprehensive Plan designation of either SCPA (Station Community Planning Area - 13 parcels) or RL (Low Density Residential - 16 parcels). All of the parcels with a SCPA plan designation are also within the Orenco Townsite Historic District boundaries and are eligible only for the City's SCR-OTC Station Community Residential -- Orenco Townsite Conservation zone. Of those with an RL comprehensive plan designation, four also have an FP Flood Plain overlay designation. Those with an RL comprehensive plan designation are eligible for R-6, R-7, R-8.5 or R-10 City zone. Staff recommends 13 such parcels with an RL Plan designation for R-7 Single-Family Residential zoning and the remaining three parcels for R-10 zoning. The Board finds the City zone recommended by staff for all of these 29 parcels implements the corresponding City Comprehensive Plan designation and preserves the resources and design features, if any, identified in the Comprehensive Plan. That said, the Board finds that the two lots owned by Mr. Csergei are also eligible for the R-6 zone as he requests. The Board therefore concludes that the zones we approve for each of the 29 lots in this decision, as set forth in the table above, all satisfy, implement and are consistent with the applicable Comprehensive Plan provisions. This criterion is met.
 - b) The proposed zones are the best suited for each property. All of these parcels, until December 2012, were isolated unincorporated islands of land subject to Washington County jurisdiction, but they are surrounded by property zoned and served by the City of Hillsboro. The use of each parcel involved in this application evolved in the context of the surrounding City-zoned properties, and in each case, the City assigned either a SCPA or RL Comprehensive Plan designation that corresponded to the parcel's actual use and location. The zone selected and proposed by City staff reflects this fact, and the Board finds that, with two exceptions, staff has recommended the zone that is best suited for

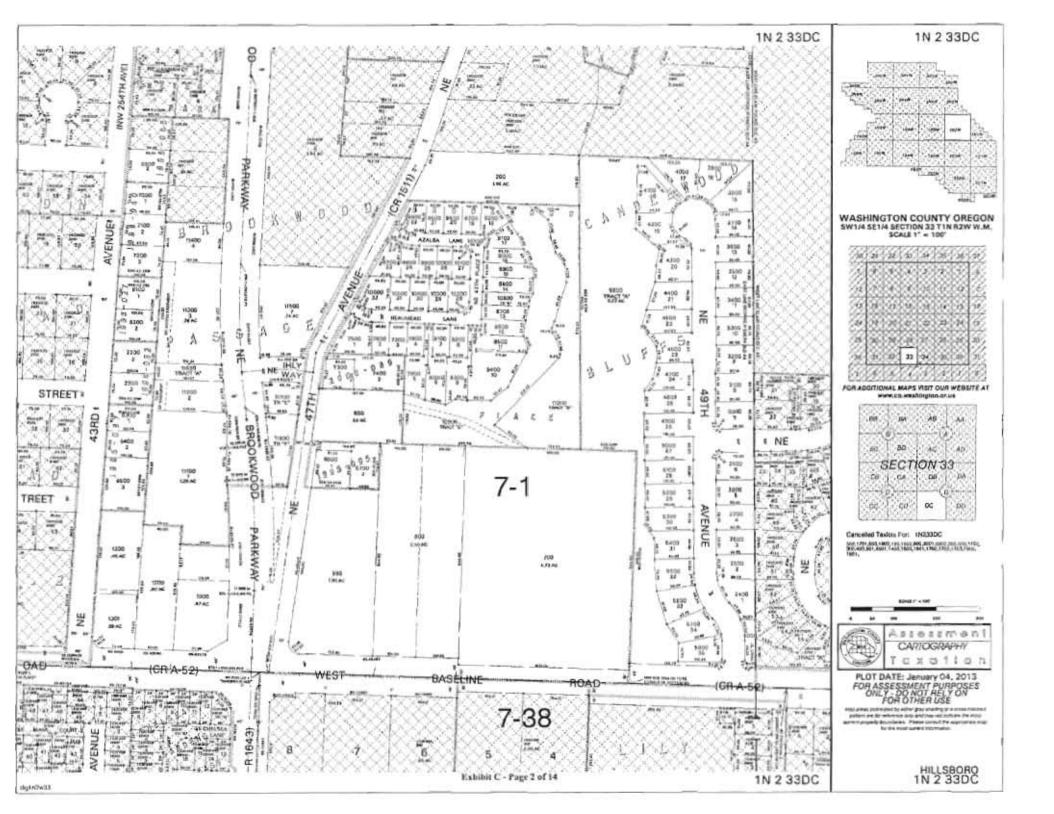
- each lot. With regard to the two parcels owned by Mr. Csergei (parcel nos. 1N234CA01000 and 1N234CA01100) on NE 60th Avenue, the Board accepts, agrees with and adopts as its own, the justification that Mr. Csergei offers in support of R-6 zoning on these two parcels in his September 5, 2013 letter. On this basis, the Board finds this criterion is met with regard to the zones that we herein recommend for each of these 29 parcels.
- 8. From the foregoing and based on the preponderance of credible evidence in the record, the Board concludes that this zone change application meets both of the approval criteria in Section 114(2) of Zoning Ordinance No. 1945 for each parcel. Therefore, the Board recommends all 29 parcels for zone change approval by the City Council as set forth in the table above, subject to the conditions in the next section.

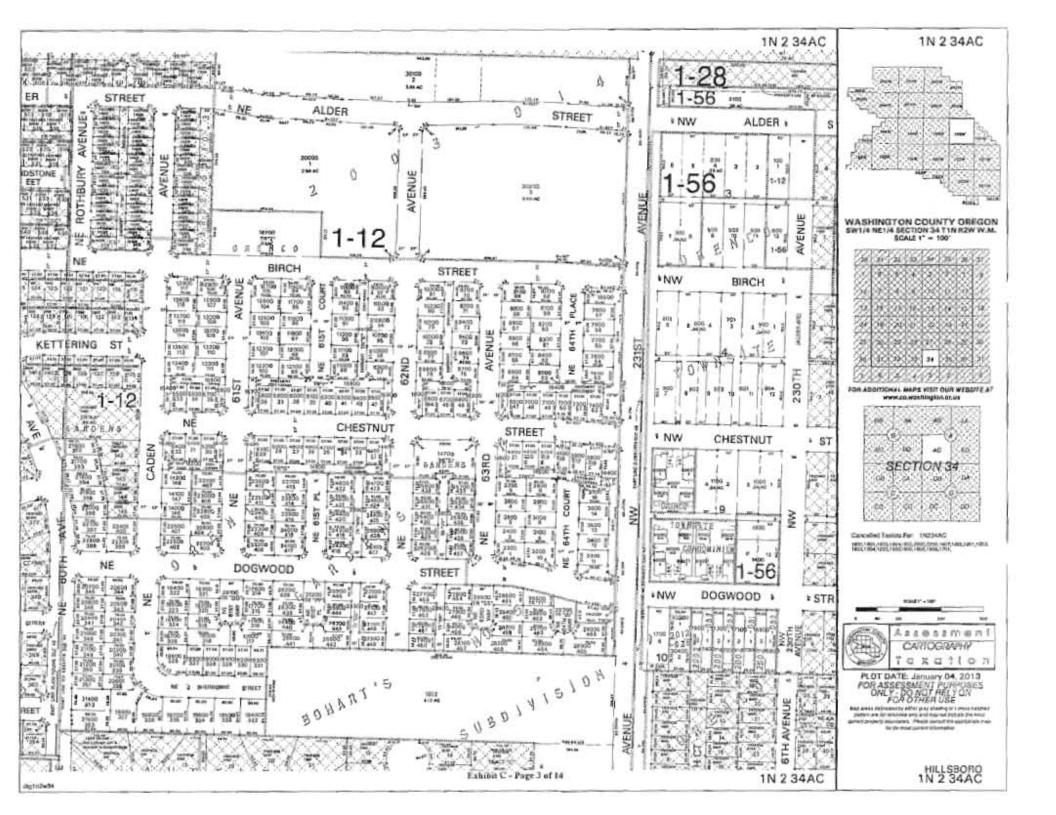
EXHIBIT B (Conditions of Approval)

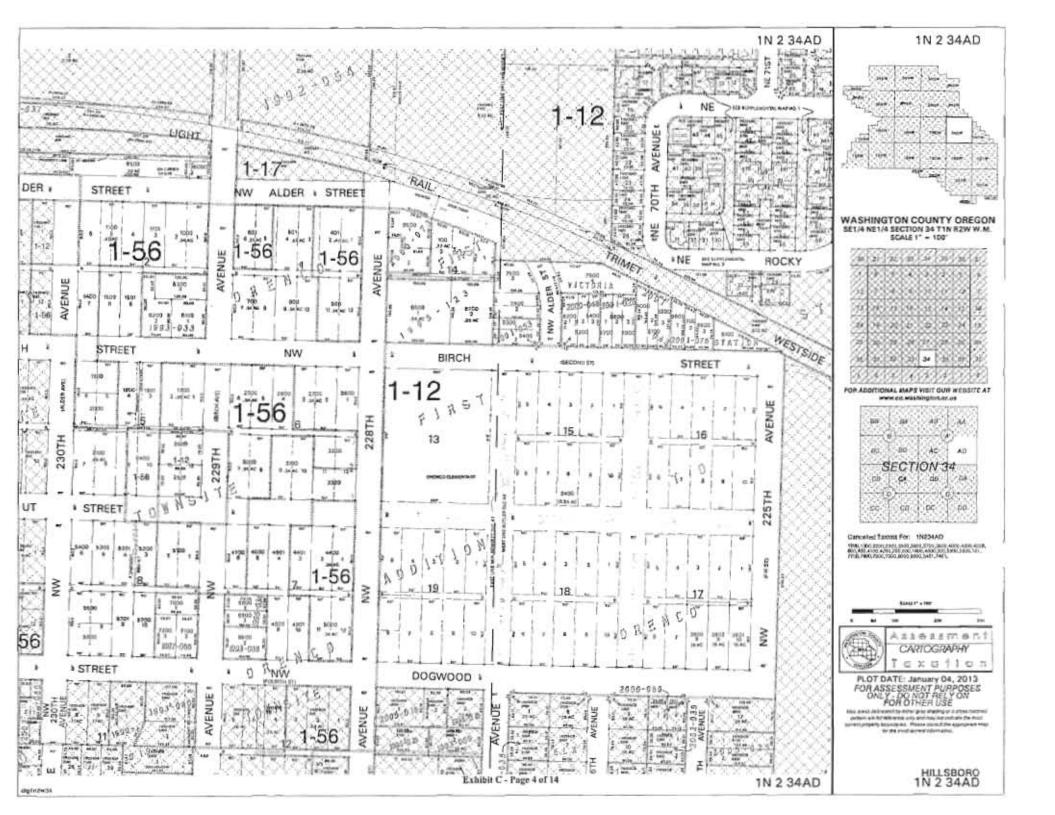
The City Council's decision is expressly based upon the requirement that owners of all of the parcels affected by this zone change fully comply with the following conditions of approval:

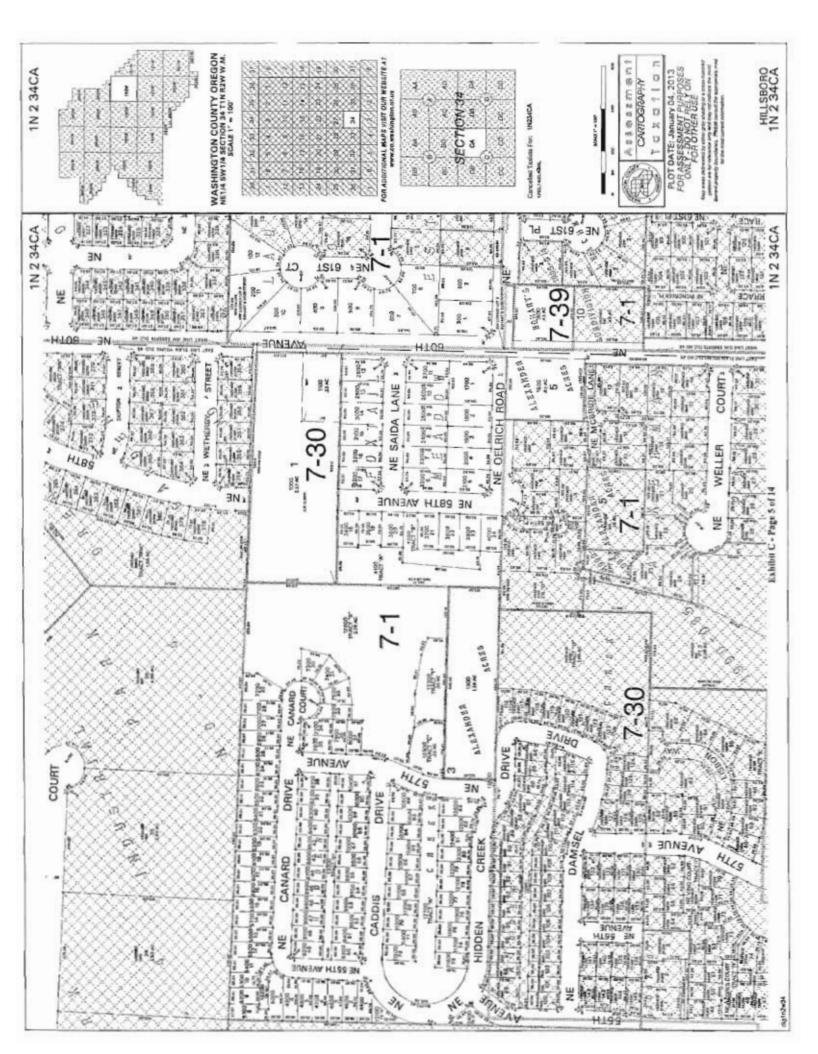
- As a condition of development or land use approval, as defined in Implementation Measure B of the Transportation Plan, the owner of each parcel that is subject to this zone change decision may be required to provide (dedicate to the City or County) additional street right-of-way along the property's frontage as necessary to meet the standards of the City Transportation Plan or Zoning Ordinance Section 140.
- 2. As a condition of development or land use approval, as defined in Implementation Measure B of the Transportation Plan, the owner of each parcel that is subject to this zone change decision may be required to construct any road improvements along the property's frontage as required and approved by the City or County Engineer.
- Prior to issuance of permits for any new development or building, the owner of each
 parcel that is subject to this zone change decision shall provide to the City a Clean Water
 Services Service Provider Letter, and any new development shall comply with any
 conditions set forth in the Letter.
- 4. Prior to issuance of permits for any new development or building, the owner of each parcel that is subject to this zone change decision and within the Significant Natural Resource Overlay District, shall apply for and receive Significant Natural Resource Permit approval for development and construction on the site as specified in Section 131A of the Zoning Ordinance, and any new development shall comply with any conditions set forth in the decision.

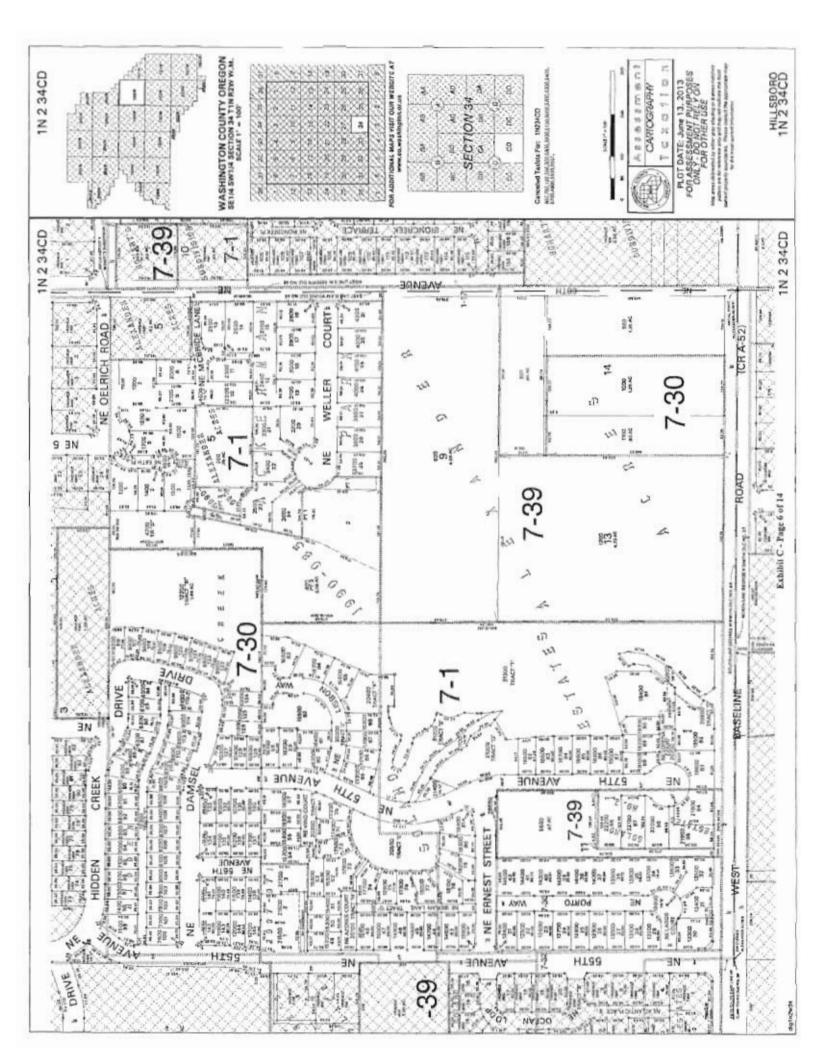


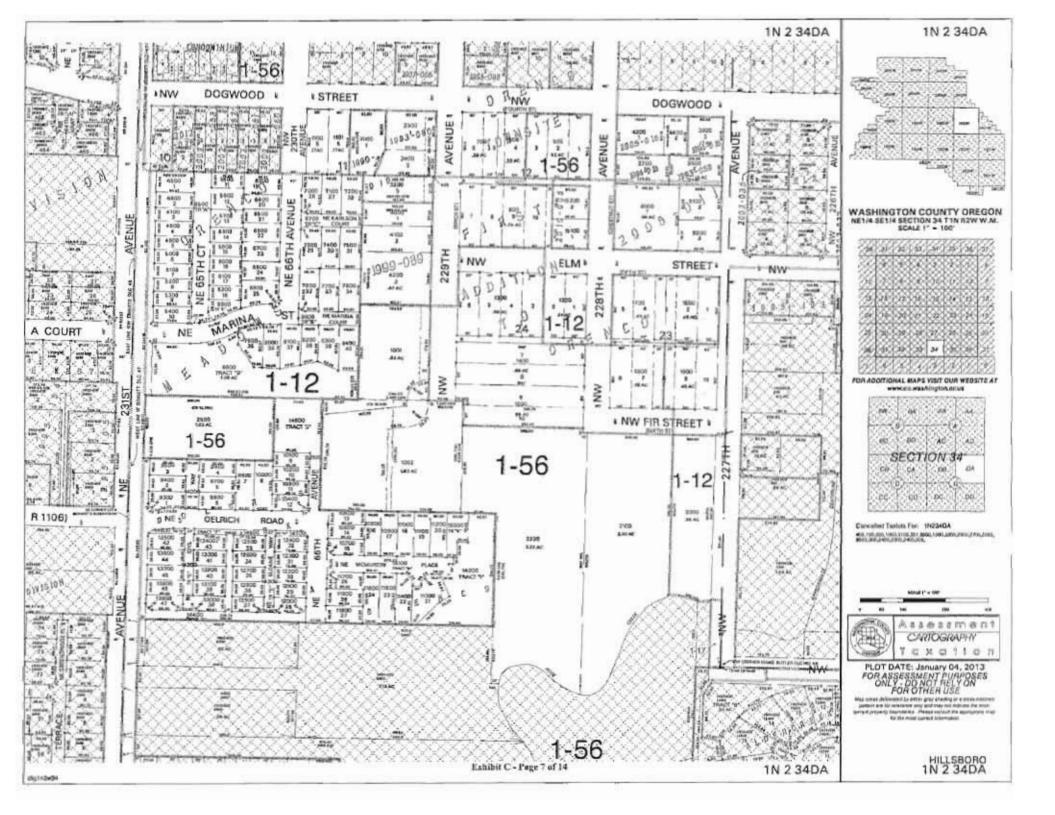


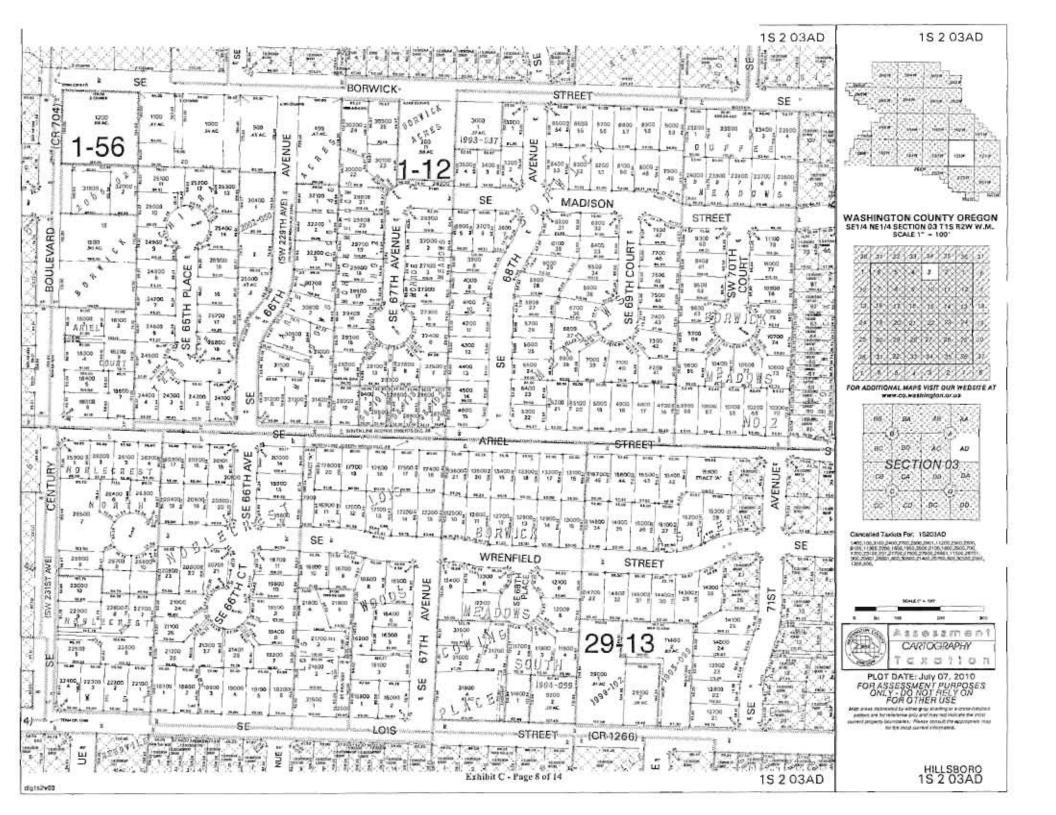


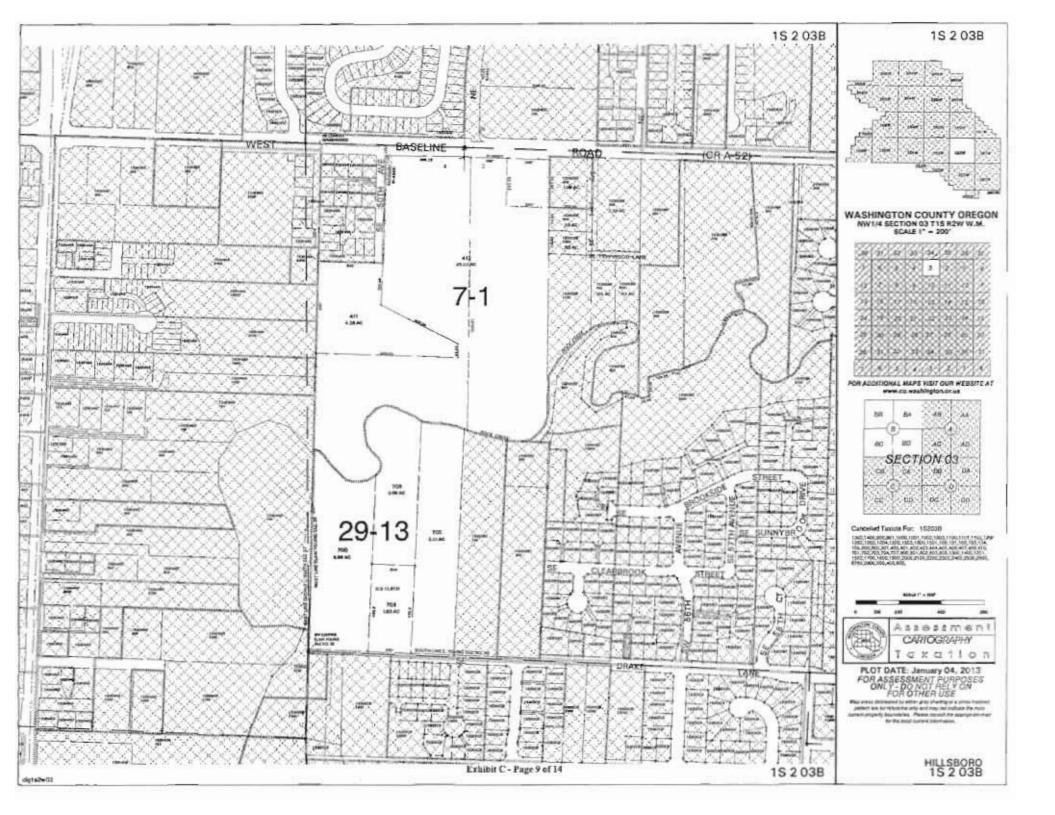


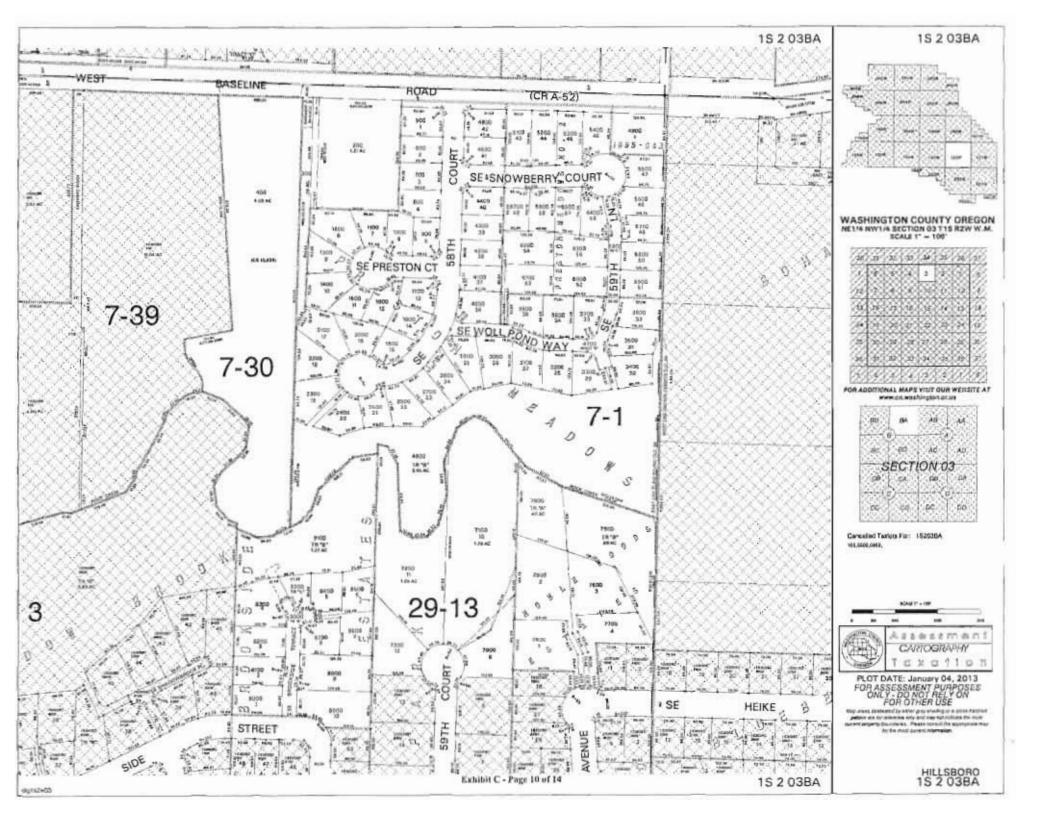


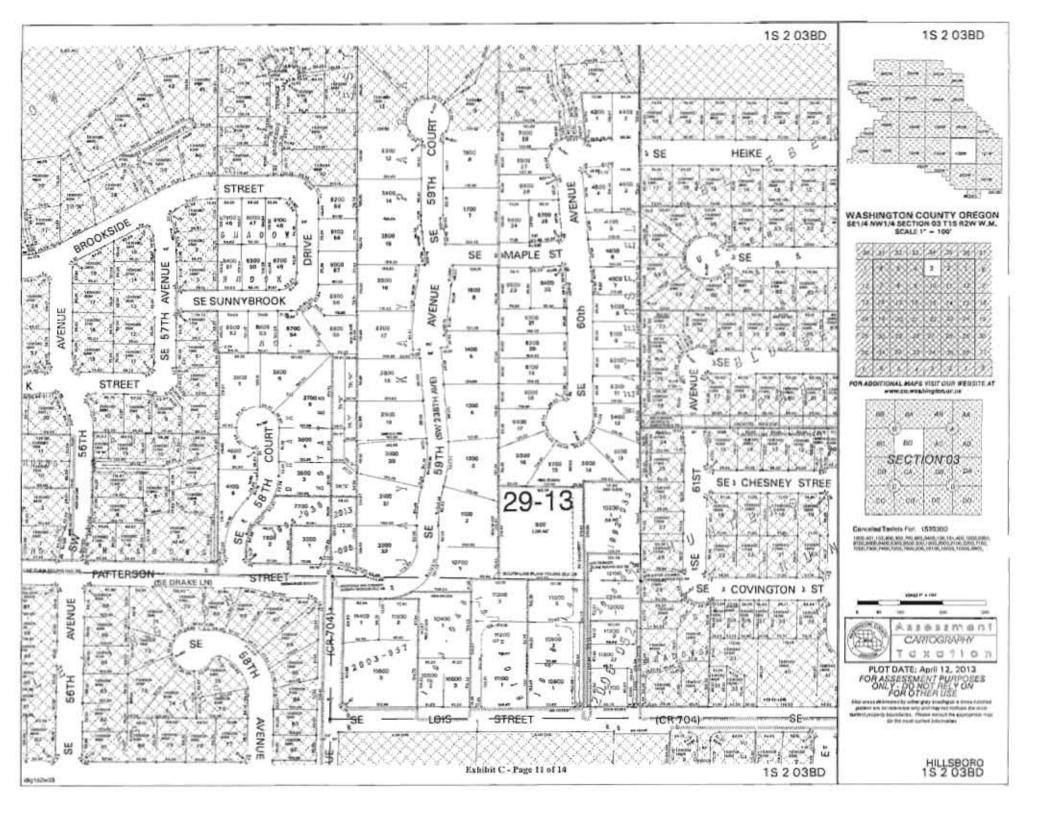


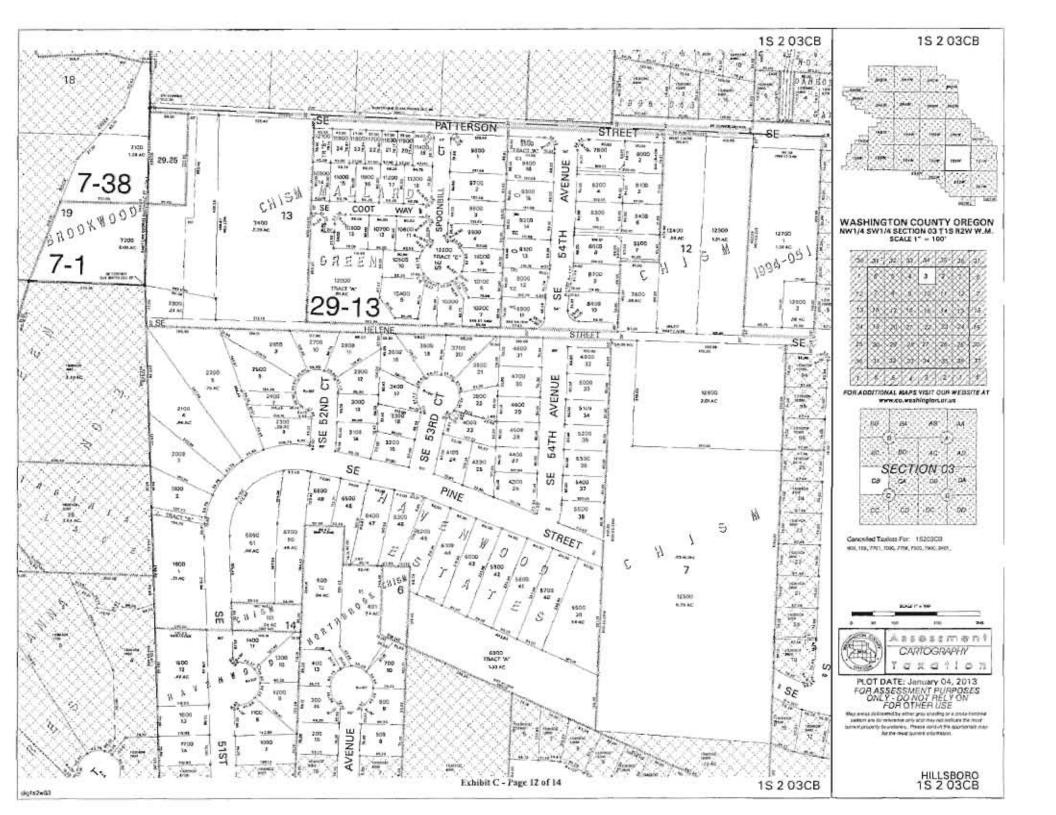


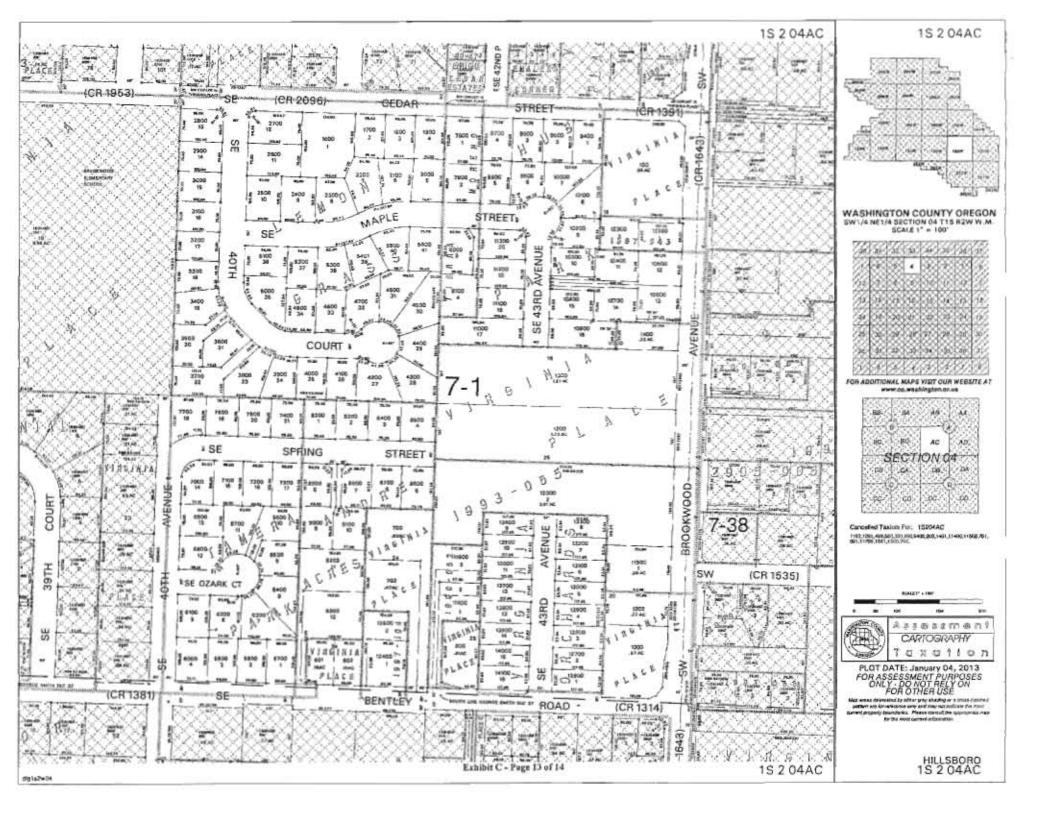


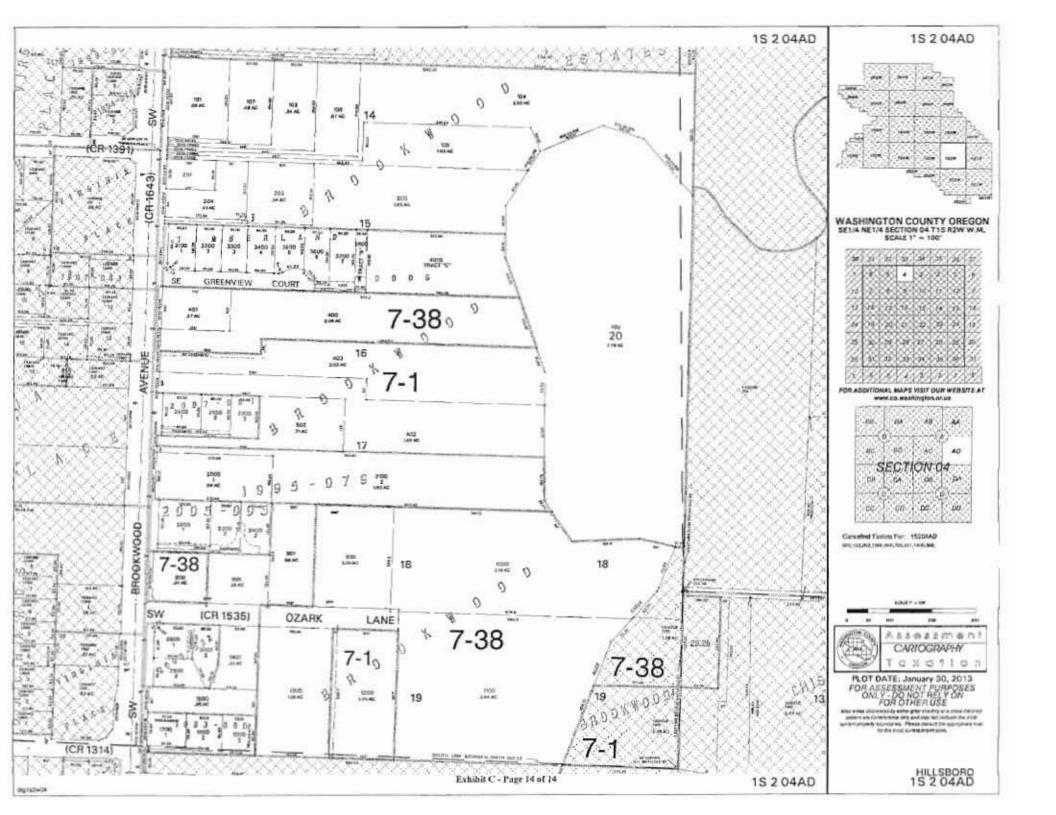














150 East Main Street Hillsborn, Oregan 97123-4028







Attn: Plan Amendment Specialist Dept. of Land Conservation & Development 635 Capital Street NE. Suite 150 Salem, Or 77301-2540

NDV.

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