



Oregon

Theodore R. Kulongoski, Governor

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

12/16/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment  
DLCD File Number 015-13

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: Friday, January 03, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. 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 to 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: Jennifer Wells, City of Hillsboro  
Gordon Howard, DLCD Urban Planning Specialist  
Anne Debbaut, DLCD Regional Representative

<paa> YA



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
015-13 (20053)  
File No.: [17710]  
Received: 12/13/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Hillsboro

Local file no.: **ZC 10-13**

Date of adoption: 12/3/2013 Date sent: 12/12/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/16/2013
- No

Is the adopted change different from what was described in the Notice of Proposed Change?  Yes  No  
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Jennifer K. Wells, Senior Planner

Phone: 503-681-6214 E-mail: jennifer.wells@hillsboro-oregon.gov

Street address: 150 E Main Street City: Hillsboro Zip: 97123-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from \_\_\_\_\_ to \_\_\_\_\_ . \_\_\_\_\_ acres.  A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ . \_\_\_\_\_ acres.  A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ . \_\_\_\_\_ acres.  A goal exception was required for this change.
- Change from \_\_\_\_\_ to \_\_\_\_\_ . \_\_\_\_\_ acres.  A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 1S2080001300.

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from County R9 Residential to City R-7 Single Family Residen. Acres: 14

Change from           to           . Acres:

Change from           to           . Acres:

Change from           to           . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:           . Acres added:           . Acres removed:

Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: Washington County, Metro, Clean Water Services

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

# NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

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1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

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**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**Notice checklist. Include all that apply:**

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
  - A map showing the area changed and applicable designations, and
  - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change



December 10, 2013

**TO:** Interested Parties

**FROM:** Planning Department

**RE:** NOTICE OF DECISION – Request for Annexation and Zone Change Approval - Case File Nos.: Annexation 2-13 and Zone Change 10-13: Waibel

This letter is to inform you of a decision of the City Council regarding a request for annexation and City-initiated zone change, in which you may have interest. At their regular meeting on December 3, 2013, the Hillsboro City Council adopted Ordinance No. 6070 approving a request from the property owner for annexation of one property identified as Tax Lot 1300 on Washington County Assessor's Tax Map 1S2-08. At the same meeting, the City Council adopted Ordinance No. 6071 approving a City-initiated request for a zone change on this property from County R9 Residential District to City R-7 Single Family Residential. The Ordinances are attached for your information.

Please note that the annexation and zone change will not be in effect until the annexation has been finalized by the State of Oregon. A separate notice of final approval will be sent at that time.

Persons who participated either orally or in writing in the City Council proceedings on this matter may appeal the decision to the Land Use Board of Appeals under the provisions of ORS 197.830 to 197.845.

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

Sincerely,

CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in black ink, appearing to read 'Daniel L. Dias', is written over the typed name.

Daniel L. Dias  
Current Planning Supervisor

Attachment: Ordinance Nos. 6070 and 6071

cc: File

**ORDINANCE NO. 6071**

**ZONE CHANGE 10-13: WAIBEL**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY CHANGING THE ZONING OF A TRACT OF LAND FROM COUNTY R9 RESIDENTIAL DISTRICT TO CITY R-7 SINGLE FAMILY RESIDENTIAL

WHEREAS, a certain tract of land described herein has been annexed to the City of Hillsboro, and

WHEREAS, rezoning of an annexed tract of land from a County zone to a City zone prevents code enforcement problems associated with the City attempting to administer the land use laws of Washington County, and

WHEREAS, the City of Hillsboro Planning Commission approved Order No. 8093 on October 23, 2013, initiating the zone change on the annexed property described below, and

WHEREAS, the City Council hereby adopts the staff report, including the recommended conditions of approval, attached hereto as Exhibit A, as findings in regard to this matter, and

WHEREAS, based on those findings, the City Council hereby determines that the zone change conforms with the Hillsboro Comprehensive Plan and Zoning Ordinance, and the particular zone recommended is the best suited for the subject site.

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

Section 1. The following described tract of land, also shown on Exhibit B, is hereby rezoned from Washington County R9 Residential District to City R-7 Single Family Residential:

Tax Lot 1300 on Washington County Tax Map 1S2-08  
Section 8, Township 1 South, Range 2 West, Willamette Meridian  
Plot date July 12, 2013

Section 2. Approval of this zone change is subject to the following conditions:

- 1) As a condition of development or land use approval (approval of a land use action as defined in Implementation Measure B of the Transportation Plan), the owner of the parcel that is subject to this zone change decision may be required to provide (dedicate to the City) additional street right-of-way along the frontage of the property as necessary to meet the standards of the City Transportation Plan.
- 2) As a condition of development or land use approval (approval of a land use action as defined in Implementation Measure B of the Transportation Plan), the owner of the parcel that is subject to this zone change decision may be required to construct any

road improvements along the frontage of their property as required and approved by the City Engineer.

- 3) Prior to issuance of permits for any new development, the owner of the 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. The Clean Water Services letter is one component of a complete development application.

Section 3. The City Planning Director is hereby instructed to cause the official zoning map, a part of Ordinance No. 1945, to be amended to include the zone change set forth in Section 1 hereof, upon the effective date of associated Case File No. Annexation 2-13.

Section 4. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

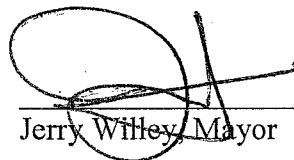
Section 5. The zone change shall become effective upon filing of the associated annexation records of Case File No. Annexation 2-13 with the Secretary of State as provided by ORS 222.180.

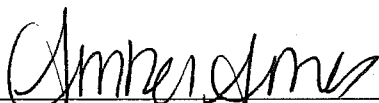
Section 6. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 19<sup>th</sup> day of November 2013.

Second approval and adoption by the Council on this 3<sup>rd</sup> day of December 2013.

Approved by the Mayor this 3<sup>rd</sup> day of December 2013.

  
\_\_\_\_\_  
Jerry Willey, Mayor

ATTEST:   
\_\_\_\_\_  
Amber Ames, City Recorder



## STAFF REPORT

**To:** City Council  
**From:** Planning Department  
**Date:** November 12, 2013  
**Subject:** Request for Approval of Zone Change  
Case File No. Zone Change 10-13: Waibel

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### **Requested City Council Action:**

Staff requests that the City Council hold a public hearing at its November 19, 2013 meeting to receive public testimony for proposed zone change from County R9 Residential District to City R-7 Single Family Residential on a property approximately 13.97 acres in area. After receipt of public testimony, staff requests that the City Council consider adoption of the attached ordinance.

### **Background:**

The City of Hillsboro, acting as applicant, requests a zone change from County R9 Residential District to City R-7 Single Family Residential on a property approximately 13.97 acres in area. The purpose of the zone change request is to implement the RL Low Density Residential Comprehensive Plan designation on the property following annexation. The property owner is the Wilhelmina E. Waibel Living Trust.

The City received an associated annexation application (Case File No. Annexation 2-13) which will be reviewed by the City Council at their November 19, 2013 meeting. Pursuant to Zoning Ordinance Section 97, the Planning Commission approved Order No. 8093 on October 23, 2013, initiating this zone change request.

### **Site Description:**

The property under consideration for annexation is located generally south of SE Roanoke Court, east of SE Pipers Drive and west of SE Rood Bridge Road. The property can be specifically identified as Tax Lot 1300 on Washington County Assessor's Tax Map 1S2-08. The total Taxable Assessed Value is \$13,490 and the Market Total Value is \$1,843,970. The property has a Washington County plan designation of R9 Residential District (7 units/acre minimum density and 9 units/acre maximum density).

The property has frontage on SE Rood Bridge Road. SE Rood Bridge Road is identified as a 2/3-lane Collector Street in the City of Hillsboro Transportation System Plan (TSP).



The property has steep vegetated slopes associated with the Tualatin River and a portion of the river to the south, and with the exception of the steep slopes, river and associated wetlands and floodplain, the entire site consists of an orchard.

The Clean Water Services Sensitive Areas Pre-Screen Map identifies potential sensitive areas on approximately forty-five percent (45%) of the site. The City of Hillsboro Significant Natural Resources Overlay District has identified Significant Natural Resources consisting of the Tualatin River and its wetlands and associated Impact Area on this site. The applicant for any land use permits is responsible for surveying and mapping the precise location of all Significant Natural Resources and associated Impact Areas at time of application submittal.

#### Description of Surrounding Area:

Area	Plan	Zoning	Land Uses
North	RL Low Density Residential	R-7 Single Family Residential	Single Family Residential
East	RL Low Density Residential/ FP Floodplain	R-7 Single Family Residential	Rood Bridge Park
South	Unincorporated County	County EFU: Exclusive Farm Use	Tualatin River/Agriculture
West	RL Low Density Residential/ FP Floodplain	R-7 Single Family Residential	Single Family Residential

#### Public Utilities:

Service	Provider	Size	Location	Distance from site
Water	City	6"	SE Piper Drive	Abutting west
Sanitary Sewer	City	8"	SE Pipers Drive	Abutting west
Storm Drain	City	12"	SE Pipers Drive	Approximately 217 feet to the west
	Unknown	12"	SE Rood Bridge Road	Abutting east

#### Transportation Facilities:

Streets	Existing	Improvement	Plan Designated	
	R-O-W		R-O-W	Improvement
SE Rood Bridge Road	60'	27' +/-	60' - 70'	36' - 46'
Sidewalk Improvements	Existing	Plan Designated		
SE Rood Bridge Road	None	5' sidewalk and 5' planter strip		
Bus/Light Rail Transit	Route	Distance to Site		
None				
Bicycle Lane	Existing	Plan Designated		
SE Rood Bridge Road)	None	6'		

**Applicable Plan Policies and Implementation Measures:**

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

Section 2.IV Urbanization Implementation Measure (J). Land uses identified by the Comprehensive Plan Land Use Map have been determined to be the most suitable needed by the City. To meet the burden of proof for a proposed zone change, it is both necessary and sufficient to show that the proposed zone change is consistent with and represents the highest land use allowed by the Comprehensive Plan Land Use Map, and in the case of zone changes in the residential areas, the proposed zone shall allow development of housing at a density within the range designated by the Land Use Map. In addition, the City may attach clear and objective conditions to the zone change provided such conditions are consistent with the Comprehensive Plan, the Zoning Ordinance and other rules and policies regulating development in the City.

Section 2.IV Urbanization Implementation Measure (M). The land use map shall designate property in the Hillsboro Planning Area as Low, Medium, High or Mid-Rise Residential, Mixed-Use, Mixed-Use Urban Residential, Mixed-Use Urban Commercial, Mixed-Use Urban Employment, Mixed-Use Institutional, Commercial, Industrial, Open Space, Floodplain, Public Facility or Station Community Planning Area. The land use map may also designate the boundaries of Hillsboro "community plan" areas. As used in this subsection, "Mixed-Use" means a mix of residential and commercial uses either vertically or horizontally. Appropriate Mixed Use zoning districts shall be applied to implement the Mixed-Use (MU) Plan designation on all properties designated Mixed-Use on the Comprehensive Plan Land Use Map, or on any properties identified for Mixed-Use on a Community Plan Area Map.

Section 13.VII Transportation Implementation Measure (B). Approval of land use actions on properties including or adjacent to rights-of-way and street improvements which are less than that specified in the transportation plan and maps shall require: dedication of adequate land for public right-of-way to meet that specified in the plan; construction of the required interior street system; and construction of, or execution of a non-remonstrance deed restriction for the specified street improvements immediately adjacent to the properties. For the purpose of this measure, land use actions are limited to zone changes, planned unit developments, conditional uses, variances, expansions of nonconforming uses, development reviews, site plan reviews, subdivisions, major partitions and minor partitions.

Section 13.VII Transportation Implementation Measure (M). Proposed new developments shall consider opportunities to incrementally extend and connect proposed new streets with existing streets within adjacent or nearby areas in addition to addressing street connectivity recommendations shown on the Local Street Connectivity maps contained within Section 21. Transportation System Plan.

**Approval Criteria:**

Zoning Ordinance No. 1945, Section 114 (2) specifies the approval criteria for a proposed zone change as follows:

- a) The request must conform with the Hillsboro Comprehensive Plan and this Ordinance; (and)
- b) Where more than one designation is available to implement the Comprehensive Plan designation (e.g. R-7 vs. R-10), the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.

Section 114(1) of the Zoning Ordinance lists conditions, stipulations or limitations that may be attached to a zone change approval:

- a. Street improvements abutting/within the development area;
- b. Street dedication abutting/within the development area;
- c. Joint use/access agreement;
- d. Improvement agreements for the installation of necessary on-site public facilities;
- e. Utility easements;
- f. Landscaping;
- g. Off-street parking;
- h. Storm drainage easements;
- i. Off-site public improvements when the rezoning and subsequent development will contribute significantly to the need for such off-site improvements;
- j. Development Review approval by the Planning Commission; for projects in zones or locations for which development requirements and design standards are specified in the Zoning Ordinance;
- k. Screening, fencing;
- l. Limiting access;
- m. Surety/performance bond;
- n. Non-remonstrance clause.

**Testimony Received:**

Planning staff received a November 9, 2013 email from Mohandas Koehler, a neighbor that lives on SE Pipers Drive, where the terminus of SE Pipers Drive abuts the western property line of the subject property. Mr. Koehler expressed his concerns regarding the future extension of SE Pipers Drive to SE Rood Bridge Road when this property is annexed to and received City zoning and is available for future residential development. An email response to Mr. Koehler was provided by Planning staff on November 13, 2013 (attached to this staff report).

SE Pipers Drive is stubbed at its terminus and was approved for a future connection to SE Rood Bridge Road when the Singing Woods Subdivision was granted final approval by the Planning Commission on May 14, 1974. Planning staff indicated to Mr. Koehler that the Local Connectivity Map (Figure 1-13) for South Hillsboro contained in the Hillsboro Transportation System Plan (TSP) shows SE Pipers Drive as a planned local street connection and that the zone change approval criteria (as listed on the previous page) for a zone change state that: "The request must conform with the Hillsboro Comprehensive Plan and this Ordinance".

The transportation goals, policies and implementation measures are contained in Section 13 of the Comprehensive Plan and the TSP is incorporated into the Plan in its entirety as stated in Section 21. The text for Transportation Implementation Measure M (Section 13.VII) listed on the previous page was provided to Mr. Koehler as this Implementation Measure requires extension and connection of proposed new streets with existing streets within adjacent or nearby areas in addition to addressing street connectivity recommendations shown on the Local Street Connectivity Maps.

**Discussion:**

The City Comprehensive Plan designation for the property is RL Low Density Residential. There are zones available in this area to implement the RL Plan designation: R-10: Single Family Residential, R-8.5: Single Family Residential and R-7 Single Family Residential. The R-10 and R-8.5 zones were eliminated from consideration as all of the surrounding property to the subject parcel is zoned R-7 Single Family Residential, therefore the proposed R-7 zone best suited for the subject parcel. During the zone change initiation process the Planning Commission adopted Order No. 8093 which recommended the R-7 zone as the most appropriate zone for the site.

**Cost:**

The only associated cost with this proposal is staff time.

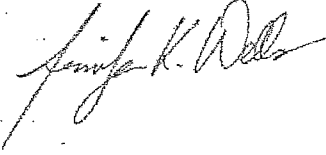
**Recommendation:**

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

- 1) As a condition of development or land use approval (approval of a land use action as defined in Implementation Measure B of the Transportation System Plan), the owner of each parcel that is subject to this zone change decision may be required to provide (dedicate to the City) additional street right-of-way along the frontage of the property as necessary to meet the standards of the City Transportation System Plan.
- 2) As a condition of development or land use approval (approval of a land use action as defined in Implementation Measure B of the Transportation System Plan), the owner of each parcel that is subject to this zone change decision may be required to construct any road improvements along the frontage of their property as required and approved by the City Engineer.
- 3) Prior to issuance of permits for any new development, 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. The Clean Water Services' Service Provider Letter is one component of a complete development application.

Respectfully submitted,

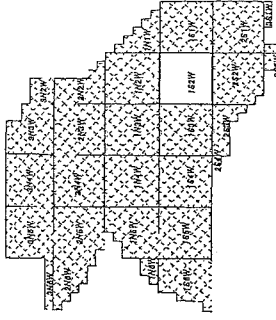
CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in black ink, appearing to read "Jennifer K. Wells". The signature is fluid and cursive, written over a light blue horizontal line.

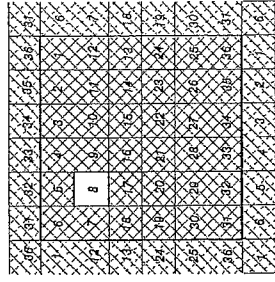
Jennifer K. Wells, CSBA  
Senior Planner

Attachment: November 13, 2013 email response to Mohandas Koehler  
Comprehensive Plan and Zoning Vicinity Maps  
Clean Water Services Sensitive Areas Pre-Screen Map  
Planning Commission Order No. 8093

1S 2 08



WASHINGTON COUNTY OREGON  
SECTION 08 T1S R2W W.M.  
SCALE 1" = 400'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)

BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

Cancelled Taxlots For: 1S208  
300-411

SCALE 1" = 400'

0 200 400 800 1200

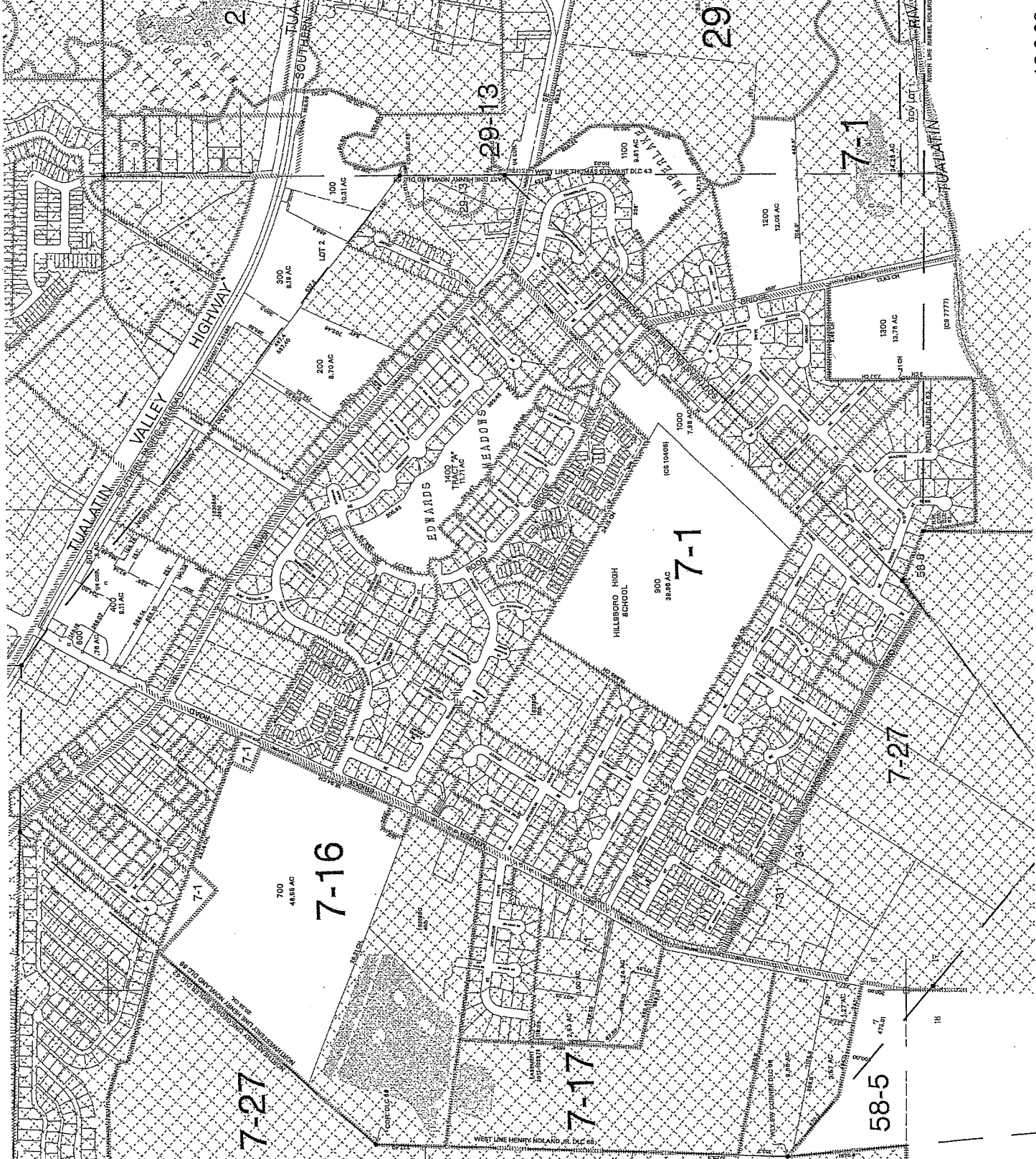


PLOT DATE: JULY 12, 2013  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

Map area submitted by either gray shading or a crosshatched pattern indicates a change in the current property boundaries. Please consult the appropriate map for the most current information.

HILLSBORO  
1S 2 08

1S 2 08



1S 2 08

**ORDINANCE NO. 6070**

ANNEXATION 2-13: WAIBEL

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND AND ASSOCIATED RIGHT-OF-WAY INTO THE CITY LIMITS OF HILLSBORO AND WITHDRAWING THE TRACT FROM THE TERRITORY OF WASHINGTON COUNTY RURAL FIRE PROTECTION DISTRICT NO. 2, ENHANCED WASHINGTON COUNTY SHERIFF PATROL DISTRICT AND URBAN ROAD MAINTENANCE DISTRICT.

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

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

WHEREAS, the tract of land can be served by City services;

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

WHEREAS, the tract of land is located within the Hillsboro Urban Service Area identified in the Hillsboro Urban Service Agreement (September, 2006) between and among the City of Hillsboro, Washington County, the City of Beaverton, Metro and several special service districts and is contemplated by the Agreement ultimately to become a part of the City of Hillsboro by eventual annexation of the tract of land to the City of Hillsboro;

WHEREAS, the tract of land lies within the following districts: Washington County Rural Fire Protection District No. 2, Enhanced Washington County Sheriff Patrol and Urban Road Maintenance;

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

WHEREAS, the City Council conducted a public hearing on this matter on November 19, 2013 and does hereby favor the annexation of the subject tract of land and withdrawal from the district based on the findings attached hereto as Exhibit "B";

WHEREAS, the annexation and withdrawal is not contested by any necessary party;

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

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

Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the following district upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2, Enhanced Washington County Sheriff Patrol and Urban Road Maintenance.

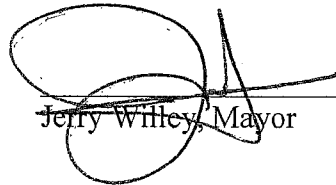
Section 3. The findings attached as Exhibit "B" are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(f) and ORS 222.005. The annexation and withdrawal shall become effective upon filing of the annexation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

Section 4. 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 19<sup>th</sup> day of November 2013.

Second approval and adoption by the Council on this 3<sup>rd</sup> day of December 2013.

Approved by the Mayor this 3<sup>rd</sup> day of December 2013.



Jerry Willey, Mayor

ATTEST:   
Amber Ames, City Recorder



City of Hillsboro  
Annexation 2-13: Waibel  
Proposed legal description  
CP, November 13, 2013

EXHIBIT A

A tract of land located in the southeast  $\frac{1}{4}$  of Section 8 and the northeast  $\frac{1}{4}$  of Section 17, Township 1 South, Range 2 West, Willamette meridian, Washington County, Oregon being more particularly described as follows:

Beginning at a point being the intersection of the centerline of SE Rood Bridge Road and the easterly extension of the south line of Block 2, Singing Woods a duly recorded plat in said county;

thence South  $89^{\circ}47'$  West, along said south line of Singing Woods, also being the north line of a 25' wide dedicated roadway from the plat of Newton Acres a duly recorded plat in said county, a distance of 624.36 feet;

thence South  $0^{\circ}58'$  East, a distance of 25.0 feet to the northwest corner of that tract of land described as Parcel II in deed to Wilhelmina E. Waibel and Donna M. Trudeau, Trustees of the Wilhelmina E. Waibel Living trust dated February 4, 1997, recorded December 4, 1998 as Washington County Deed Document 98136751;

thence continuing South  $0^{\circ}58'$  East, along the west line of said Wilhelmina tract, a distance of 480.59 feet to an angle point in said west line;

thence East, a distance of 13.86 feet;

thence South, continuing along the west line of said Wilhelmina tract, a distance of 520 feet more or less to the centerline of the Tualatin River;

thence along the centerline of the Tualatin River, also being the south line of said Wilhelmina tract, a distance of 825 feet more or less to the centerline of said SE Rood Bridge Road;

thence North  $11^{\circ}59'$  West, along the centerline of said SE Rood Bridge Road, a distance of 880 feet more or less to the point of beginning.

## **EXHIBIT B**

### **FINDINGS IN SUPPORT CASE FILE NO. ANNEXATION 2-13 WAIBEL**

#### **I. BACKGROUND INFORMATION AND SITE DESCRIPTION**

A petitioner representing a property requested City Council approval for annexation of approximately 13.97 acres into the City Limits of Hillsboro. The petitioner is interested in annexing in order to allow for future residential development.

The property under consideration for annexation is located generally south of SE Roanoke Court, east of SE Pipers Drive and west of SE Rood Bridge Road. The property can be specifically identified as Tax Lot 1300 on Washington County Assessor's Tax Map 1S2-08. The total Taxable Assessed Value is \$13,490 and the Market Total Value is \$1,843,970.

The property has steep vegetated slopes associated with the Tualatin River and a portion of the river to the south, and with the exception of the steep slopes, river and associated wetlands and floodplain, the entire site consists of an orchard. The property has a Washington County plan designation of R9 Residential District (7 units/acre minimum density and 9 units/acre maximum density).

The property has frontage on SE Rood Bridge Road. SE Rood Bridge Road is identified as a 2/3-lane Collector Street in the City of Hillsboro Transportation System Plan (TSP).

The Clean Water Services Sensitive Areas Pre-Screen Map identifies potential sensitive areas on approximately forty-five percent (45%) of the site. The City of Hillsboro Significant Natural Resources Overlay District has identified Significant Natural Resources consisting of the Tualatin River and its wetlands and associated Impact Area on this site. The applicant for any land use permits is responsible for surveying and mapping the precise location of all Significant Natural Resources and associated Impact Areas at time of application submittal. As mentioned above, the site also has regulatory floodplain associated with the Tualatin River in the southern portion of the site.

#### **II. PROCEDURAL REQUIREMENTS**

In accordance with ORS 222.125 the petition for annexation from the property owners constituted 100 percent of the property owners and at least 50 percent of the registered voters residing on the property. Notice of the proposed annexation was given as specified by Metro Code Chapter 3.09.030 and ORS 222.120. A staff report was prepared and available 15 days prior to the hearing as stipulated by Metro Code Chapter 3.09.050. A public hearing on the matter was conducted by the City Council on November 19, 2013.

### III. APPLICABLE APPROVAL CRITERIA

Metro Code Chapter 3.09.050(D) specifies the minimum review criteria for a proposed annexation. There are six applicable criteria that the City shall find that the proposed boundary change (annexation) is consistent with, as follows:

- 1) *Consistency with any applicable urban service agreement adopted pursuant to ORS 195.065;*

**FINDING:** The proposed annexation is consistent with the applicable urban service agreement adopted pursuant to ORS 195.065, which is the Urban Planning Area Agreement (between Washington County and the City of Hillsboro (UPAA)) adopted on September 13, 2006.

- 2) *Consistency with any applicable annexation plan adopted pursuant to ORS 195.205;*

**FINDING:** The proposed annexation is consistent with an annexation plan adopted pursuant to ORS 195.205.

- 3) *Consistency with any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*

**FINDING:** The proposed annexation into the City of Hillsboro (affected entity) withdraws special district responsibilities for fire and police protection and road maintenance from the Washington County Rural Fire Protection District No. 2, Enhanced Washington County Sheriff Patrol District and Urban Road Maintenance District upon the effective date of the annexation as the City is the provider of these services. The property proposed for annexation is already located within the Metro's Urban Service Area and Clean Water Services Sanitation District.

- 4) *Consistency with any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*

**FINDING:** The City of Hillsboro adopted a Public Facilities Plan (PFP) in accordance with Goal 11 and OAR 660-011 as a supporting document to the Hillsboro Comprehensive Plan in 2002. There are public utilities available (consistent with the PFP) to serve the property proposed for annexation.

- 5) *Consistency with any applicable comprehensive plan; and*

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

Section 2. Urbanization Policy (III)(A): Urbanization within the planning area shall be consistent with the goals and policies of this Plan. Development shall occur according to the availability of urban services and within the context of the Urban Planning Area

Agreement. The City and other government agencies shall encourage property owners to maintain the present rural use and character of undeveloped or underdeveloped lands within the Hillsboro Planning Area until such land is required and proposed for urban use and the necessary urban services are available.

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

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

Section 12. Public Facilities and Services Implementation Measure (V)(C)(2): Consistent with the adopted UPAA and other agreements with service providers the City shall require properties in the urban area to annex to the City prior to the provision of water service by the City or Tualatin Valley Water District (TVWD).

Section 12. Public Services Implementation Measure (V)(D)(1)(b): Consistent with the adopted UPAA and other agreements with service providers within Urban Area "A" the City shall require properties to annex to the City prior to the provision of sanitary sewer service.

6) *Consistency with any applicable concept plan.*

**FINDING:** There is no applicable concept plan adopted for the area where the property proposed for annexation is located.

Metro Code Chapter 3.09.050(D) also lists three criteria (listed below) where the City shall consider whether the proposed boundary change (annexation) would:

1) *Promote the timely, orderly and economic provision of public facilities and services;*

**FINDING:** The proposed annexation promotes the timely, orderly and economic provision of public facilities and services as these public facilities and services are available to serve the property proposed for annexation.

2) *Affect the quality and quantity of urban services; and*

**FINDING:** The quality and quantity of urban services is not affected by the proposed annexation.

3) *Eliminate or avoid unnecessary duplication of facilities or services.*

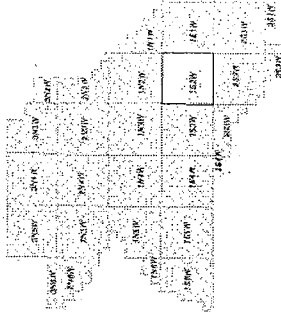
**FINDING:** The proposed annexation would eliminate the unnecessary duplication of provision of facilities or services as upon the effective date of the annexation, the property will be withdrawn from the Washington County Rural Fire Protection District No. 2, Enhanced Washington County Sheriff Patrol District and Urban Road Maintenance District, as the City provides these facilities and services.

**IV. TESTIMONY FROM NECESSARY PARTIES**

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

**V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED BY REFERENCE IN FINDINGS**

- Staff Report dated November 4, 2013.



WASHINGTON COUNTY, OREGON  
SECTION 08 T15 R2 W, W.M.  
SCALE 1" = 400'

36	37	32	33	34	35	36	37
6	5	4	3	2	1	6	5
12	7	8	9	10	11	12	7
18	16	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	20	20	20	27	26	25	20
30	31	32	33	34	35	36	31
36	37	32	33	34	35	36	37
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)

BE	BA	BB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

Cancelled Tables For: 15208  
300-ALL

SCALE 1" = 400'



PLOT DATE: JULY 12, 2013  
FOR ASSESSMENT PURPOSES  
DO NOT REPRODUCE  
FOR OTHER USE

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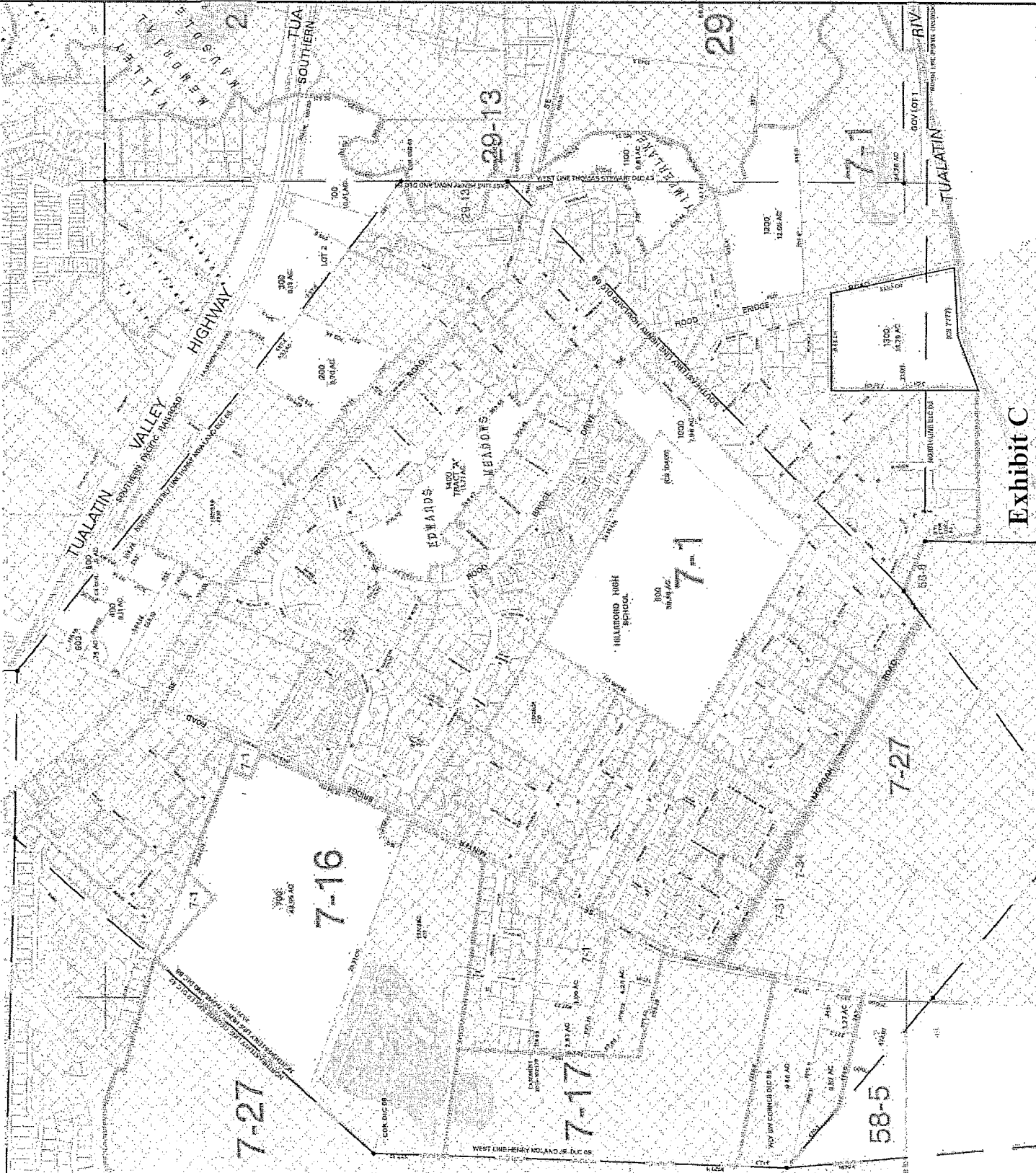


Exhibit C