



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

May 19, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment
DLCD File Number 002-08 A

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: June 3, 2008

This amendment was submitted to DLCD for review 45 days 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 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Ruth Klein, City of Hillsboro

<paa> ya

FORM 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
MAY 14 2008
LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Hillsboro**

Local file number: **HCP 2-08**

Date of Adoption: **4/6/2008**

Date Mailed: **4/14/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/28/2008

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The total site is approximately 20.83 acres in size. A Comprehensive Plan Map designation of City RL Low Density Residential was approved for the 5.26 acre northern portion. The northern portion is located on Washington County Assessor's Tax Map 1S2-10DC, Tax Lot 200. The Comprehensive Plan Map designation of PF Public Facility for the southern portion has already been approved and a Notice of Adoption sent.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **FD-20**

to: **RL**

Zone Map Changed from:

to:

Location:

Acres Involved: **5**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD 002-08A(16662)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Washington County, Metro (affected entities)

Local Contact: **Ruth Klein**

Phone: (503) 681-6465 Extension:

Address: **150 E Main Street**

Fax Number: **503-681-6246**

City: **Hillsboro**

Zip: **97123-4028**

E-mail Address: **ruthk@ci.hillsboro.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 5860

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

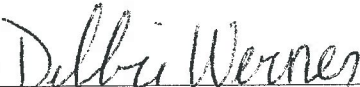
ATTEST: 
City Recorder

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

PREPARED FOR:
HILLSBORO SCHOOL DISTRICT

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

REFERENCES:

- DENOTES MEASURED DISTANCE
- DENOTES RECORD DISTANCE PER REFERENCE NUMBER (BELOW)
- DENOTES MEASURED AND RECORD DISTANCE PER REF. NO. (BELOW)
- DENOTES RECORD INFORMATION PER THE PLAT OF "WITCH HAZEL LITTLE FARMS TRACTS 25 TO 68 INC."
- DENOTES RECORD INFORMATION PER SN 6276
- DENOTES RECORD INFORMATION PER SN 7345
- DENOTES RECORD INFORMATION PER SN 7787
- DENOTES RECORD INFORMATION PER SN 9264
- DENOTES RECORD INFORMATION PER SN 16,778
- DENOTES RECORD INFORMATION PER SN 21,288
- DENOTES RECORD INFORMATION PER SN 21,704
- DENOTES RECORD INFORMATION PER SN 22,173
- DENOTES RECORD INFORMATION PER USBT BOOK 6, PAGES 564-566
- DENOTES RECORD INFORMATION PER PARTITION PLAT NO. 1985-122
- DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 99058504
- DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 2004-048014
- DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 92080601
- DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 2004-070174
- DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 2004-045527
- DENOTES RECORD INFORMATION PER DEED DOCUMENT NO. 98049947
- 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
- GP - DENOTES FENCE GATE POST
- X - DENOTES FENCE

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE PROPERTY LINES OF THOSE TRACTS OF LAND DESCRIBED IN DEED DOCUMENT NO. 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."

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

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

THE NORTHWEST CORNER OF LOT 68 WAS ESTABLISHED BY PROPORTIONING THE DISTANCE BETWEEN MONUMENTS [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 BY HOLDING MONUMENTS [102] AND [109]. MONUMENT [108] WAS FOUND TO BE ON SAID SOUTH LINE. THE RECORD DISTANCE OF 250.00' WAS HELD FOR LINE "A".

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

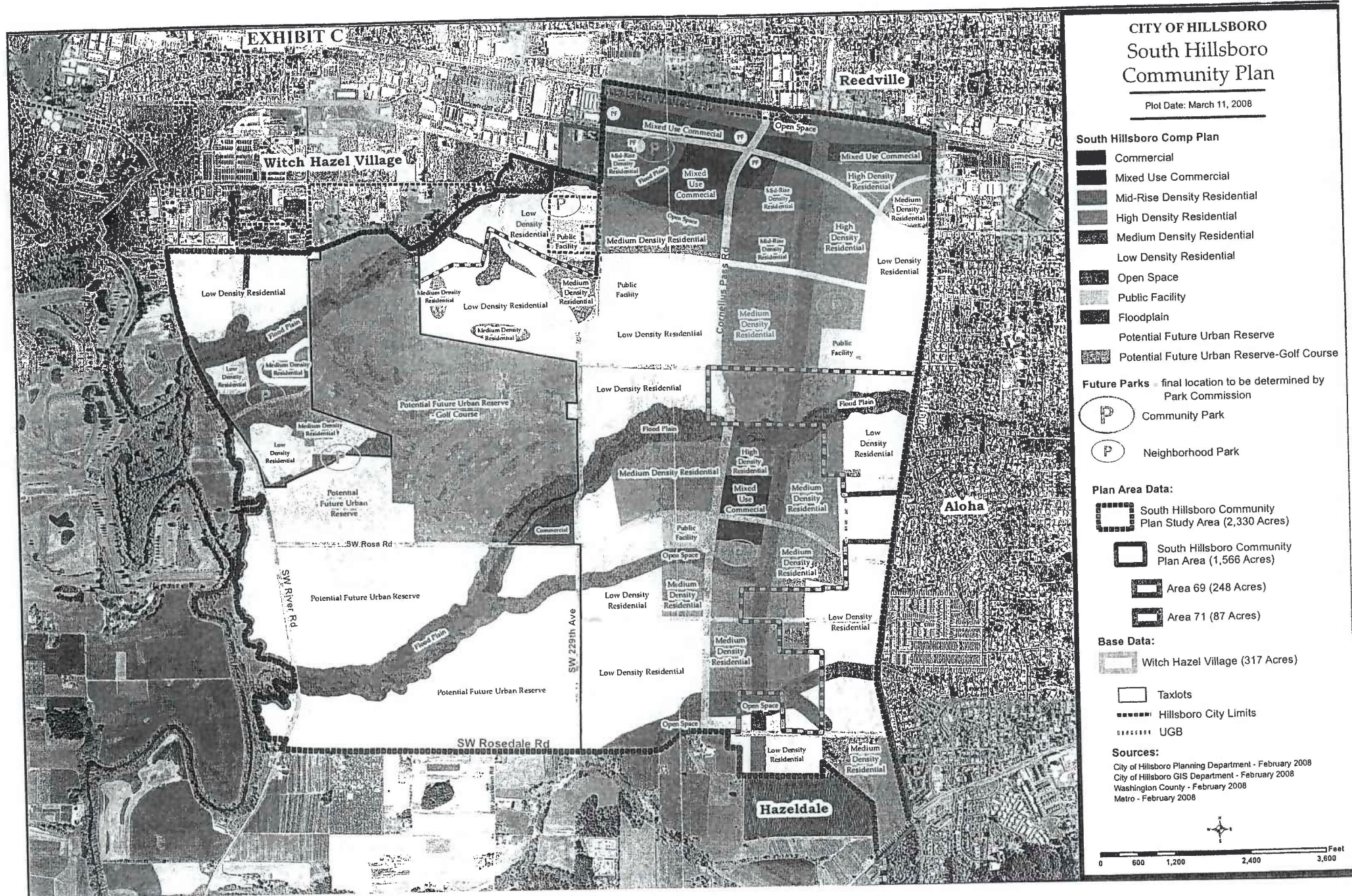
PER RECORD INFORMATION, LINE "C" WAS ESTABLISHED AS BEING PARALLEL WITH, AND 273.85 FEET NORTHERLY OF, THE SOUTHERLY LINE OF LOT 67. MONUMENTS [103] AND [105] WERE FOUND TO BE ON SAID LINE.



SHEET 1 OF 1
HSD7402 TUB/SRB 02/08/08
DESIGN INC.
5415 SW WESTGATE DR., PORTLAND, OREGON 97221
TEL (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



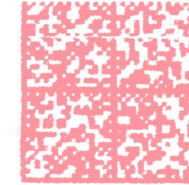
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05/13/2008

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First Class Mail

Planning Department
150 E. Main Street, Fourth Floor Hillsboro OR 97123

CITY OF HILLSBORO



Attn: Plan Amendment Specialist
Dept of Land Conservation &
Development
635 Capitol Street NE
Suite 150
Salem Oregon 97301