



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

07/30/2013

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 004-13

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: Tuesday, August 13, 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 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: John Boren, City of Hillsboro
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM 2

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

DATE
STAMP

DEPT OF
JUL 24 2013
LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Hillsboro**

Local file number: **ZC 2-13**

Date of Adoption: **7/16/2013**

Date Mailed: **7/23/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 4/17/2013

☐ 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".

CITY-INITIATED ZONE CHANGE APPLIED CITY ZONE I-S INDUSTRIAL SANCTUARY TO PROPERTY PREVIOUSLY ANNEXED INTO THE THE CITY LIMITS.

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

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **Co. FD-20 / ANX**

to: **I-S Industrial Sanctuary**

Location: **23745 NW JACOBSON RD; 1N215CC00400**

Acres Involved: **0.35**

Specify Density: Previous: **N/A**

New: **N/A**

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...

35-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 file No. 004-13 (19803) [17554]

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

Washington County

Local Contact: **JOHN BOREN, URBAN PLANNER I** Phone: (503) 681-5292 Extension:
Address: **150 E MAIN STREET** Fax Number: **503-681-6245**
City: **HILLSBORO** Zip: **97123-** E-mail Address: **john.horen@hillsboro-**
oregon.gov

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).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. 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).
5. 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).
6. 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).
7. 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:

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

9. **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. 6056

ZONE CHANGE 2-13: HARDING

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY APPLYING CITY ZONING TO A TRACT OF PROPERTY FROM WASHINGTON COUNTY FD-20 FUTURE DEVELOPMENT – 20 ACRE DISTRICT TO CITY I-S INDUSTRIAL SANCTUARY.

WHEREAS, as part of Annexation Case File No. 2-12, the Hillsboro City Council approved an owner initiated annexation on June 5, 2012 for a 0.35-acre parcel at 23745 NW Jacobson Road, located north of NW Jacobson Road, south of NW Schaaf Road and east of NW Helvetia Road (tax lot 400 on Washington County Assessor's Tax Map 1N2-15CC); and

WHEREAS, upon annexation, the parcel was given a City IN Industrial Comprehensive Plan designation and retained its underlying County FD-20 Future Development 20-Acre District zoning; and

WHEREAS, the City of Hillsboro, as applicant, now seeks to apply City zoning to the parcel, in particular I-S, Industrial Sanctuary in conformance with the IN Comprehensive Plan designation; and

WHEREAS, this application was scheduled and duly noticed for public hearing on June 5, 2013, at which time the Planning and Zoning Hearings Board, consisting of Daniel Kearns, James Maguire and Brenda McCoy (the "Board"), convened the public hearing to take testimony and evidence and to consider the application; and

WHEREAS, the Board received no written testimony prior to the hearing and no oral testimony at the June 5th hearing; and

WHEREAS, at the conclusion of the June 5th hearing, the Board closed the record and tentatively voted to approve the rezoning request as proposed in the City's application and as analyzed in the May 29, 2013 staff report; and

WHEREAS, based on those findings, the City Council hereby determines that the zone change conforms to the Hillsboro Comprehensive plan and Zoning Ordinance and all other applicable criteria, 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 C, is hereby rezoned from Washington County FD-20 Future Development 20 Acre-District to City I-S Industrial Sanctuary:

Tax Lot 400 on Washington County Assessor's Tax Map 1N2-15CC

Section 15, Township 1 North, Range 2 West, Willamette Meridian
Plot date February 20, 2013

Section 2. The City Council decision in this matter is based on the findings attached as Exhibit A.

Section 3. Approval of this zone change is conditioned upon the applicant's satisfactory completion or compliance with the conditions set forth in Exhibit B.

Section 4. 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 this ordinance.

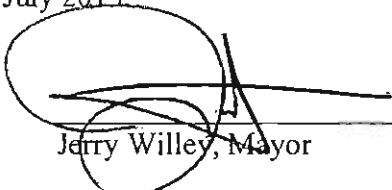
Section 5. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

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

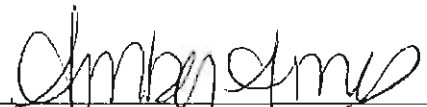
First approval of the Council on this 2nd day of July 2013.

Second approval and adoption by the Council on this 16th day of July 2013.

Approved by the Mayor this 16th day of July 2013.



Jerry Willey, Mayor

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 subject parcel set forth in the May 29, 2013 Staff Report. In addition, the Council adopts the following findings which were initially adopted by the Planning and Zoning Hearings Board (the "Board"):

1. The City complied with all required notice and hearing procedures for the Board's June 5, 2013 hearing in this matter. At the commencement of the hearing the Hearings Officer noted for the record that no one was present in the audience to speak on either item on the agenda and proposed waiving the procedural announcements required by ORS 197.763(5) and (6) and 197.796. There was no objection. 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.
2. At the hearing, Urban Planner John Boren provided a verbal summary of the May 29, 2013 staff report, described the proposal, the annexation history of this property, its land use context and generally discussed the significant issues relative to the approval criteria.
3. At the June 5th hearing, no one was present; no one requested the opportunity to testify on this item, and no written comments were received into the record before it closed at the conclusion of the June 5th hearing. The Board then deliberated and reached a tentative decision to recommend approval of the rezoning request as proposed in the City's zone change application. Zone changes such as this are not final until adopted by the City Council, so the Boards' 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; and
 - 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.
5. Staff concluded, and no party to this proceeding disputes, that the following Comprehensive Plan provisions apply to this request:
 - a) Section 2, Urbanization Implementation Measure A.5
 - b) Section 2, Urbanization Implementation J
 - c) Section 13, Transportation Implementation Measure B

6. No particular development is proposed for the property involved in this zone change proposal. The Board finds that the zone proposed by staff in the May 29, 2013 staff report, I-S Industrial Sanctuary, implements the City's IN Industrial Comprehensive Plan designation for the property. This designation is also compatible with the predominant City zones of the surrounding properties, and is generally consistent with the former County zone for the parcel. The Board received no testimony or written content objecting to this proposed zone.
7. With regard to each of the above-mentioned approval criteria, the Board specifically finds as follows:
 - a) Consistency with the Comprehensive Plan Designation: The parcel that is the subject of this zone change proposal was duly annexed to the City on June 5, 2012 (Case File No. Annexation 2-12) and is in need of rezoning as a result. The parcel has an underlying City IN Industrial Comprehensive Plan designation and a County FD-20 Future Development 20-Acre District zone. The Board finds the city zone recommended by staff for each of the property implements the corresponding City Comprehensive Plan designation and preserves the resources and design features, if any, identified in the Comprehensive Plan. The Board therefore concludes that the recommended zone satisfies, and is consistent with, the applicable Comprehensive Plan provisions. This criterion is met.
 - b) The proposed zone is the best suited for the property. The parcel, while subject to Washington County jurisdiction, is surrounded by property zoned and served by the City of Hillsboro. The use of this parcel involved in this application evolved in the context of the surrounding City-zoned properties. The zone selected and proposed by City staff reflects the parcel's actual use and location, and on this basis, the Board finds this criterion is met.
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 this parcel for zone change approval by the City Council as requested and as portrayed in the May 29th staff report, 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 the owner of the parcel affected by this zone change fully comply with the following conditions of approval:

1. Prior to issuance of permits for any new development or building, the owner of this parcel 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 CWS letter is one component of a complete development application
2. Prior to development that would require land use approval and would be considered to be "urbanization" by Metro, the owner of this parcel shall annex the property into the Metro Service District.

1N 2 15CC

1N 2 15CC

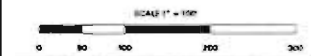


WASHINGTON COUNTY OREGON
SW 1/4 SW 1/4 SECTION 15 T1N R2W W.M.
SCALE 1" = 100'

28	31	32	33	34	35	36	37
1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32
33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

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

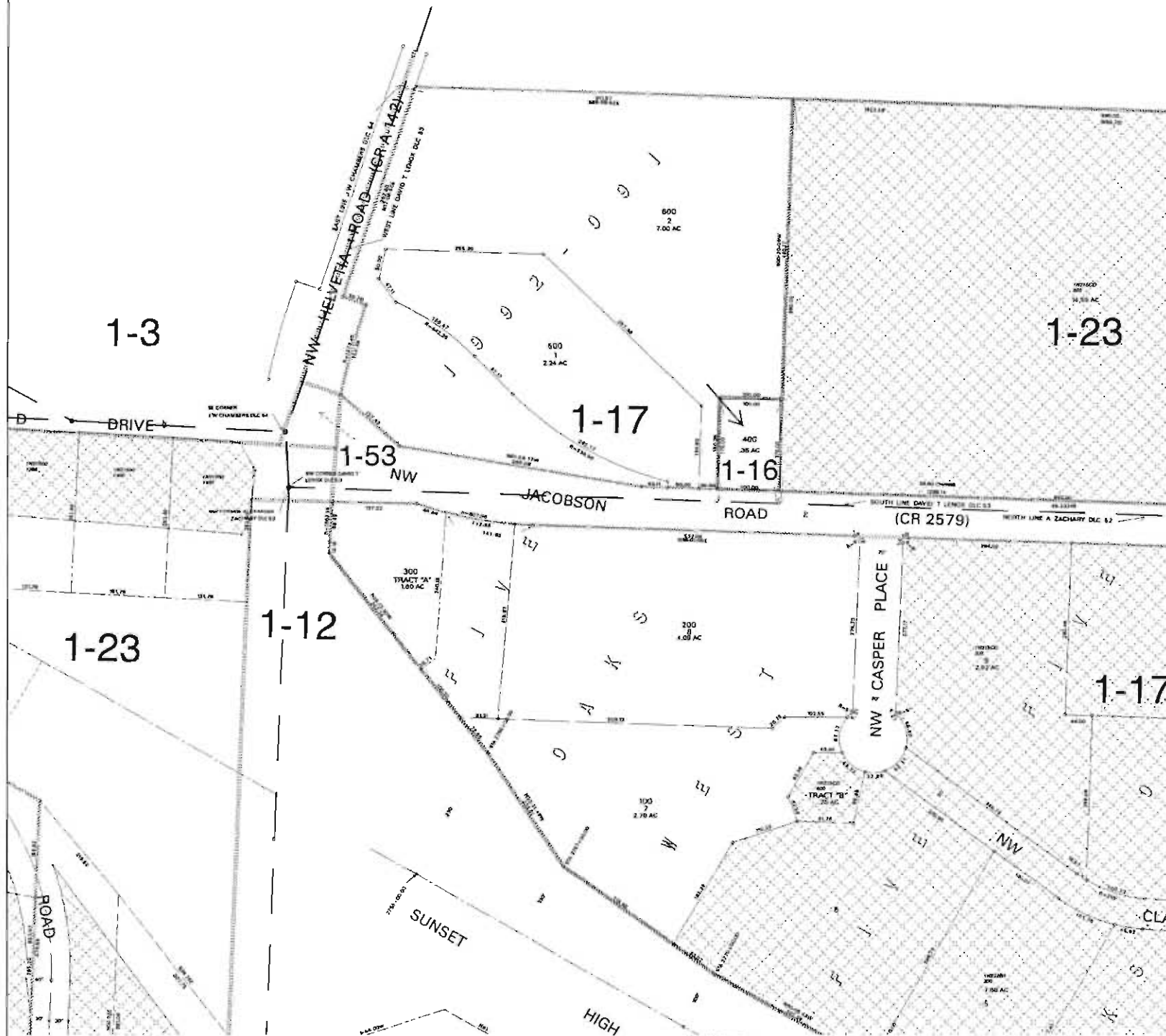


Assessment
CARTOGRAPHY
Taxation

PLOT DATE: February 20, 2013
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

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

HILLSBORO
1N 2 15CC





Planning Department | 150 E. Main St. | Hillsboro, OR 97123

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

