



Oregon

Theodore R. Kubongoski, 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 008-13

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: Ruth Klein, City of Hillsboro
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF
JUL 24 2013
LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **Hillsboro**

Local file number: **ZC 6-13**

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: 5/17/2013

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 for property annexing into the City limits, from County zone FD-20 Future Development - 20 Acres to City zone I-S Industrial Sanctuary.

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. zone: FD-20**

to: **City zone: Industrial Sanctuary**

Location: **5285 NW 253rd / 1N2210002300**

Acres Involved:

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
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 008-13 (19853) [17556]

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

Washington County, Metro

Local Contact: **Ruth Klein**

Phone: (503) 681-6465 Extension:

Address: **150 E Main Street**

Fax Number: **503-681-6245**

City: **Hillsboro**
oregon.gov

Zip: **97123-**

E-mail Address: **ruth.klein@hillsboro-**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCDC 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 DLCDC of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCDC, 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 DLCDC 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 DLCDC regional representative or contact the DLCDC Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 6055

ZONE CHANGE 6-13: PORTLAND GENERAL ELECTRIC

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 PROPERTY FROM COUNTY FD-20 FUTURE DEVELOPMENT – 20 ACRE DISTRICT TO CITY INDUSTRIAL SANCTUARY.

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. 8089 on June 12, 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 FD-20 Future Development 20 Acre-District to City I-S Industrial Sanctuary:

Tax Lot 2300 on Washington County Tax Map IN2-21
Section 21, Township 1 North, Range 2 West, Willamette Meridian
Plot date April 3, 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 1-13.

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

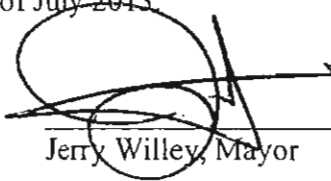
Section 5. The zone change shall become effective upon filing of the associated annexation records of Case File No. Annexation 1-13 with the Secretary of State as provided by ORS 222.180.

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 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

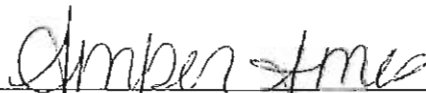
ATTEST: 
Amber Ames, City Recorder



EXHIBIT A

MEMORANDUM

To: City Council

From: Planning Department

Date: June 25, 2013

Subject: Request for Approval of Zone Change
Case File No. Zone Change 6-13: Portland General Electric

REQUEST

The City of Hillsboro, acting as applicant, requests a zone change from County FD-20 Future Development – 20 Acre District to City IS Industrial Sanctuary on a property approximately 10.63 acres in area. The purpose of the zone change request is to implement the IN Industrial designation on the property following annexation. The property owner is the City of Hillsboro.

The City received an associated annexation application (Case File No. Annexation 1-13) which will be reviewed by the City Council at their July 2, 2013 meeting. Pursuant to Zoning Ordinance Section 97, the Planning Commission approved Order No. 8089 on June 12, 2013, initiating this zone change request.

SITE DESCRIPTION

The property under consideration for annexation is located generally north of NW Evergreen Road and west and south of NW 253rd Avenue. The property can be specifically identified as Tax Lot 2300 on Washington County Assessor's Tax Map 1N2-21. The total Taxable Assessed Value is \$0 due to the property being owned by a tax-exempt company. The property has a slight slope to the west and there is a partial boundary of trees and vegetation along the northeastern property line. The majority of the site is an agricultural field. The property has a Washington County plan designation of FD-20 (Future Development – 20 Acre District).

The property has frontage on NW 253rd Avenue. NW 253rd Avenue is identified as a 5-lane Arterial street in the City of Hillsboro Transportation System Plan (TSP).

The Clean Water Services Sensitive Areas Pre-Screen Map identifies potential sensitive areas on the majority of the site. The City of Hillsboro Significant Natural Resource Overlay analysis has not been completed for this area of the City.

DESCRIPTION OF SURROUNDING AREA

<u>Area</u>	<u>Plan</u>	<u>Zoning</u>	<u>Land Uses</u>
North	IN Industrial	County FD-20 Future Development – 20 Acre District	Farmland Large lot residential
East	IN Industrial	County FD-20 Future Development – 20 Acre District	Farmland Large lot residential
South	IN Industrial	M-P Industrial Park with a Planned Unit Development Overlay	Solarworld Manufacturing
West	IN Industrial	County FD-20 Future Development – 20 Acre District	Farmland Large lot residential

PUBLIC UTILITIES

<u>Service</u>	<u>Provider</u>	<u>Size</u>	<u>Location</u>	<u>Distance from site</u>
Water	City	18"	NW Evergreen Road	Adjacent south
		66"	NW Evergreen Road	Adjacent south
Sanitary Sewer	City	10"	NW Evergreen Road	1,400' west
Storm Drain	City	12"	NW Evergreen Road	Adjacent south

TRANSPORTATION FACILITIES

<u>Streets</u>	<u>Existing</u>	<u>Improvement</u>	<u>Plan Designated</u>	
	<u>R-O-W</u>		<u>R-O-W</u>	<u>Improvement</u>
NW Evergreen Road	80'	55' +/-	70'	46'
<u>Sidewalk Improvements</u>	<u>Existing</u>		<u>Plan Designated</u>	
NW Evergreen Road	None		5' sidewalk and 6' planter strip	
<u>Mass Transit</u>	<u>Route</u>		<u>Distance to Site</u>	
Bus	Route 47		¼ mile +/- (south)	
<u>Bicycle Lane</u>	<u>Existing</u>		<u>Plan Designated</u>	
NW Evergreen Road	6'		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. Urbanization Implementation Measure (I) 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. 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, Commercial, Industrial, Open Space, Floodplain, Public Facility or Station Community Planning Area. As used in this subsection, "Mixed-Use" means a mix of residential and commercial uses either vertically or horizontally. The land use map may also designate the boundaries of Hillsboro "community plan" areas. Residential land outside Station Community Planning Areas shall be designated Low, Medium, or High density, or Mid-Rise Residential, so as to provide the opportunity for an overall density of 10 units per net acre, and a 50% detached single family/50% attached single family or multi-family split on new construction.

Section 13. 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 non-conforming uses, development reviews, site plan reviews, subdivisions, major partitions and minor partitions.

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 the Zoning Ordinance; (and)
- b) Where more than one zone is available to implement the Plan designation, the applicant must justify that the requested zone is more appropriate for the site, based on the policies of the Plan.

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

- a. Street improvements within and/or abutting the development;
- b. Street dedication within and/or abutting the development;
- 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 and/or fencing;
- l. Limiting access;
- m. Surety and performance bonds;
- n. Non-remonstrance clauses.

TESTIMONY RECEIVED

No written comments or testimony have been received to date from adjacent property owners, affected departments or agencies.

DISCUSSION

The City Comprehensive Plan designation for the property is IN – Industrial. There are two zones available in this area to implement the IN Comprehensive Plan designation: Evergreen Special Industrial District (ESID) and Industrial Sanctuary (IS). The ESID is a custom zone, adopted in 2008, that was created for a specific geographic area north of NW Evergreen Parkway, west of NW 253rd and east of NW 273rd Avenue. The IS is also a custom zone, adopted in 2012, that was created to standardized and streamline the regulations of four industrial zones: Evergreen Area Special Industrial District (ESID) West and East, Shute Road Site Special Industrial District (SSID) and Helvetia Area Special Industrial District (HSID). Prior to the

adoption of the IS zone the ESID West zone would have been recommended for this site. However, the IS zone is now the most applicable and encompasses this site within the Evergreen East sub-area. The City of Hillsboro Planning Department's staff report on the annexation, dated January 1, 2013, recommended that the subject property should be rezoned to IS - Industrial Sanctuary. During the zone change initiation process the Planning Commission adopted Order No. 8089 which recommended the IS zone as the most appropriate zone for the site.

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 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 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 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 CWS letter is one component of a complete development application.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



Ruth Klein
Urban Planner III

Attachment: Comprehensive Plan and Zoning Vicinity Maps
Clean Water Services Sensitive Areas Pre-Screen Map
Planning Commission Order No. 8089

neupost
07/23/2013
US POSTAGE

\$01.92⁰



ZIP 97123
041L11236796

DEPT OF
JUL 24 2013
LAND CONSERVATION
AND DEVELOPMENT



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

