



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

November 21, 2007



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 003-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 5, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Amanda Punton, Dlcd Natural Resource Specialist
Debbie Raber, City of Hillsboro

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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.

DEPT OF

NOV 16 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: HILLSBORO Local File No.: ZOA 1-07

Date of Adoption: October 2, 2007 Date Mailed: November 14, 2007

Date the Notice of Proposed Amendment was mailed to DLCD: June 28, 2007

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

Adopted amendments are text amendments to Zoning Ordinance Section 132 Cultural Resource Management Ordinance. Amendments update former language regarding Cultural Resource Inventory maintenance and provide for creation and operation of a Historic Landmarks Advisory Committee. Purpose of the amendments is to coordinate the City's historic preservation program with Vision 2020 and the State Certified Location Government Program.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Three minor changes from originally initiated language: in Section 1 Purpose (regarding language consistency); in Section 2 Definitions (a) (regarding changes in site landscaping; and in Section 5 Removal from the Cultural Resource Inventory regarding clarification of "property owner" versus "property owner of record." +

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

Zone Map Changed from: N/A to N/A

Location: N/A Acres Involved: N/A

Specified Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: Goal 5

Was an Exception Proposed? Yes: _____ No: X

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes X No _____

If no, do the Statewide Planning Goals apply? Yes _____ No _____

If no, did the Emergency Circumstances Require immediate adoption? Yes _____ No _____

Affected State or Federal Agencies, Local Governments or Special Districts: State Historic Preservation Office

Local Contact: Debbie Raber Phone: 503-681-6155

Address: 150 E MAIN STREET City: HILLSBORO Zip Code + 4: 97123-4028

DLCD No. 003-07 (16212)

ORDINANCE NO. 5802

**ZOA 1-07: CULTURAL RESOURCES MANAGEMENT AND
HISTORIC LANDMARKS ADVISORY COMMITTEE (HLAC)**

AN ORDINANCE APPROVING AMENDMENTS TO HILLSBORO ZONING ORDINANCE NO. 1945 AS AMENDED, REGARDING CULTURAL RESOURCE MANAGEMENT AND THE PROPOSED HISTORIC LANDMARKS ADVISORY COMMITTEE

WHEREAS, Strategy 15 of the Hillsboro 2020 Vision and Action Plan calls for the protection and enhancement of historical and cultural sites, and includes Action Items supporting creation of a Landmarks Commission, provision of educational materials on historic preservation to property owners, and development of incentives to restore and update historic structures; and

WHEREAS, in September 2006, the City Council directed Planning staff to proceed with creation of a Historic Landmarks Advisory Committee (HLAC) and to work toward participation in the State Historic Preservation Office's Certified Local Government (CLG) program, in order to implement the Actions listed in Hillsboro 2020; and

WHEREAS, establishment of the HLAC and participation in the CLG program require revisions in the language of Zoning Ordinance Section 132 Cultural Resource Management; and

WHEREAS, the Hillsboro Planning Commission, as authorized by Zoning Ordinance Section 112, initiated amendments to Section 132 through adoption of Resolution No. 1623-P on June 27, 2007; and

WHEREAS, the Planning Commission held public hearings on the proposed amendments on July 25 and August 8, 2007, receiving testimony in support and requests for minor changes in the amendment language; and

WHEREAS, the Planning Commission adopted Resolution No. 1627-P on September 12, 2007, recommending to the City Council approval of the proposed amendments with the supporting findings attached hereto as Attachment A, and also adopted by reference as supporting findings the Planning Department staff reports dated July 18 and August 8, 2007, and the memorandum from City Attorney Pamela Beery dated July 24, 2007, contained in Planning Department Casefile HCP No. 2-07; and

WHEREAS, the City Council considered the Planning Commission's recommendation on October 2, 2007, and voted to adopt the Planning Commission's findings as its own in regard to the proposed amendments.

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Zoning Ordinance Section 132 Cultural Resource Management is hereby amended to read as follows:

Section 132. Cultural Resource Management Ordinance.

- (1) Purpose: The purpose of the Cultural Resource Management Ordinance is to further the public welfare through identification and management of cultural resources, in order to:
 - (a) promote public awareness and appreciation of the City's social, political, economic, architectural, and archaeological history;
 - (b) advance civic pride and identity;
 - (c) contribute to the City's economy;
 - (d) enhance local property values; and
 - (e) identify and resolve conflicts between preservation of cultural resources and alternative land uses.
- (2) Definitions. These definitions apply only to Section 132 of this Ordinance.
 - (a) Alteration - any addition to, removal from, and/or change in the external appearance of any portion of a cultural resource. This definition include changes in site landscaping if the landscaping is comparable in age to the resource structure, but excludes changes in newer landscaping or the addition of landscaping if there was none originally. This definition also excludes ordinary maintenance or repair of an exterior feature which does not affect the feature's appearance, if such repair has been certified by the City Building Official as necessary for safe occupancy.
 - (b) Cultural Resource - any building, structure, site, or object included in the Cultural Resource Inventory and therefore subject to the provisions of this Ordinance.
 - (c) Cultural Resource Inventory - a listing of sites within the City recognized by City Council resolution as being culturally significant.
 - (d) Demolition - any intentional defacement, destruction, and/or other action which would cause partial or total ruin of a cultural resource.
- (3) Administering Boards
 - (a) The Planning Commission shall be the administrative body for the Cultural Resource Ordinance. The Planning Commission shall make findings and recommendations to the City Council regarding any cultural resource applications, or policies and programs pertaining to historic preservation within the City of Hillsboro.
 - (b) The Historic Landmarks Advisory Committee is authorized to initiate and review applications for nominations to or deletions from the Inventory; to review applications for alteration, demolition, or relocation of a cultural resource; and to make findings and recommendations to the Planning Commission.

- (4) Nomination to the Cultural Resource Inventory. The City of Hillsboro shall maintain a Cultural Resource Inventory which shall be updated as determined appropriate and as required.
- (a) The Historic Landmarks Advisory Committee shall nominate to the Cultural Resource Inventory sites within the City which are determined to have potential cultural significance. The determination of potential cultural significance shall be based on the following criteria:
1. capability to be categorized as a building, structure, site, or object, as defined by the National Park Service;
 2. association with significant historical or cultural events or persons important on a city, county, state, or national level; the site must have as an identifiable theme one of the 10 themes recognized by the National Park Service;
 3. demonstration of architectural integrity in workmanship, design, type of construction, regional style, or individual uniqueness;
 4. potential to provide archaeological information;
 5. inclusion in the National Register of Historic Places or the State Archaeological site file; and
 6. age of the building, structure, site, or object of at least 50 years, unless determined to be of exceptional significance.
- (b) Any property owner who wishes his or her property included in the Inventory shall apply to the Historic Landmarks Advisory Committee, and shall supply such information on the site as the Committee shall require. The Historic Landmarks Advisory Committee shall then review the application and adopt findings and a recommendation to the Planning Commission.
- (c) Following the nomination and determination of potential cultural significance, or consideration of an owner-initiated application as described in subsection (b), the Historic Landmarks Advisory Committee shall forward its findings and recommendation to the Planning Commission. The Planning Commission shall consider the recommendation, and shall authorize notice of the nomination to be sent by registered mail to the owner or owners of the affected property. Notice of the nomination shall include the following:
1. findings of potential cultural significance, as adopted by either the Historic Landmarks Advisory Committee or the Planning Commission;
 2. the provisions of this Section which may become applicable to the property upon its possible inclusion in the Cultural Resource Inventory,
 3. an explanation of the property owner's rights to refuse to consent to the listing of the property on the Inventory; and

4. the date, time and place of the Planning Commission public hearing as described in subsection (d).
- (d) At least 30 days after the notice described in subsection (c) has been sent to the property owner, the Planning Commission shall hold a public hearing on the nomination. Notice of the hearing shall be mailed to owners of property within a 200-foot radius of the affected property, to recognized local and County historical societies, and to the State Historic Preservation Office. At the public hearing, the Planning Commission shall receive the findings and recommendation of the Historic Landmarks Advisory Committee, and shall review the nomination based on the criteria listed in subsection (a).
- (e) Following the public hearing, the Planning Commission shall ~~then~~ make findings and recommendations to the City Council on the nomination. The Council shall add, by resolution, those sites it considers culturally significant to the Inventory. At any time prior to Council action on the nomination, the affected property owner or owners of record may refuse to consent to the addition of the site to the Inventory. This refusal to consent shall be in writing and filed with the Planning Director. The receipt of a refusal to consent shall remove the property from any continued consideration for nomination or listing on the Cultural Resources Inventory. If the City Council approves a resolution placing a site on the Inventory, the Planning Department shall prepare and record a document in the Deed Records of Washington County indicating the placement of the site on the Cultural Resource Inventory.

(5) Removal from the Cultural Resource Inventory

- (a) The property owner or owners of record of a site listed on the Cultural Resources Inventory prior to September 1, 2000, may request removal of the site from the Inventory by submitting a written request to the Planning Director. The request shall describe the site and its location with particularity, and shall include evidence documenting the formal objection of the property owner of record at the time the property was listed on the Cultural Resource Inventory. The Planning Director shall submit the request to the Planning Commission for adoption of a resolution acknowledging the request and forwarding the request to the City Council for approval. Upon receipt of the resolution of the Planning Commission, the City Council shall adopt a resolution removing the site from the Cultural Resources Inventory. The Planning Commission shall not conduct a public hearing on the request, but may recommend that the City Council conduct a hearing. The City Council may, but need not, conduct a public hearing on the request. The City Council may require that the site be documented in a manner consistent with accepted historic site documentation practices. The City shall not issue a permit for demolition or modification of a site subject to this subsection for at least 120 days from the date of the resolution removing the site from the Cultural Resources Inventory.
- (b) In the absence of an objection to the initial listing, the property owner or owners of record of a site listed on the Cultural Resources Inventory may also request removal of the site from the Inventory by submitting a written request to the Historic Landmarks Advisory Committee. The request shall cite the reasons why the property owner believes the site no longer qualifies as a designated cultural

resource, based on the criteria listed in section 4 (a). The Committee shall consider the request, and shall forward its findings and recommendation to the Planning Commission.

- (c) The Planning Commission shall hold a public hearing on the request. Notice of the hearing shall be mailed to owners of property within a 200-foot radius of the affected property, to recognized local and County historical societies, and to the State Historic Preservation Office. At the public hearing, the Planning Commission shall receive the findings and recommendation of the Historic Landmarks Advisory Committee, and shall receive any testimony submitted by interested parties.

Following receipt of testimony, the Planning Commission shall deliberate and analyze the significance of the resource site and the environmental, social, economic and energy consequences of allowing, limiting, or prohibiting uses which would conflict with the Cultural Resource designation. Based on that analysis, the Planning Commission shall make a determination whether to approve or deny the request. A decision to approve the request shall be made as a recommendation to the City Council. A decision to deny the request shall be final unless appealed.

- (d) The City Council shall receive and consider a recommendation from the Planning Commission to remove a site from the Cultural Resource Inventory, and may delete the site from the Inventory by resolution. The Council may also choose to conduct its own public hearing on the recommendation.
- (e) The City shall not issue a permit for demolition or modification of a site subject to this subsection for at least 120 days from the date of a resolution removing the site from the Cultural Resources Inventory.
- (f) Following approval or issuance of an alteration, relocation or demolition permit on a designated cultural resource, according to the requirements of Sections 6 and 7, the Historic Landmarks Advisory Committee may re-evaluate the site's conformance with the criteria in Section 4(a) of this Ordinance, and may forward findings and a recommendation to the Planning Commission. If the Commission finds that the site no longer exhibits the characteristics which justified its inclusion in the Inventory, the Commission shall forward a resolution to the City Council recommending deletion of the site from the Inventory. City Council shall then consider the matter and may delete the site from the Inventory by resolution.

(6) Application for Alteration of a Designated Cultural Resource.

- (a) No designated cultural resource shall be altered without prior review by the Historic Landmarks Advisory Committee and approval of the Planning Commission.
 - (b) Cultural resource owners desiring to alter a cultural resource shall submit an application to the Historic Landmarks Advisory Committee. The application shall include site plans, exterior building elevations, and materials specifications on any proposed alteration. The Historic Landmarks Advisory Committee shall review the application with respect to the criteria listed in subsection (d) and shall make
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findings and a recommendation to the Planning Commission regarding the proposal.

- (c) The Planning Commission shall hold a public hearing on the request. Notice of the hearing shall be mailed to owners of property within a 200-foot radius of the affected property, to recognized local and County historical societies, and to the State Historic Preservation Office. At the public hearing, the Planning Commission shall receive the findings and recommendation of the Historic Landmarks Advisory Committee, and shall receive any testimony submitted by interested parties.
- (d) The Historic Landmarks Advisory Committee and the Planning Commission shall evaluate a proposed alteration based on the degree to which the alteration would meet the following standards:
 - 1. The alteration would enable the resource to be used as it was historically or to be given a new use requiring the least practicable change to its distinctive materials, features, spaces, and spatial relationships.
 - 2. The historic character of the resource property would be retained and preserved, and the relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - 3. The alteration would recognize a physical record of the resource's time, place, and use, and changes that create a false sense of historical development (such as adding features from other historic properties) are not proposed.
 - 4. The proposed alteration would retain and preserve changes to the resource that have attained historic significance in their own right.
 - 5. The alteration would preserve distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the resource.
 - 6. Deteriorated historic features would be repaired rather than replaced. If severe deterioration requires replacement of a distinctive feature, the new feature would match the old in design, color, texture, and, where possible, materials. Replacement of missing features would be documented by historical evidence. Replacement of original features, such as wooden window, doors, or siding, with features made from modern materials such as vinyl, metal, or fiberglass, would be discouraged.
 - 7. Any proposed chemical and physical treatments would be undertaken using the gentlest means possible. Treatments that cause damage to historic materials would be avoided.
 - 8. Any archeological resources would be protected and preserved in place. If archeological disturbance can not be avoided, appropriate mitigation measures would be included as part of the alteration.

9. New additions, exterior alterations, or related new construction would not destroy historic materials, features, and spatial relationships that characterize the resource. To protect the integrity of the resource, new work would be differentiated from the old and would be compatible with the historic materials, features, size, scale and proportion, and massing
10. Any new additions and adjacent or related new construction proposed in the alteration would be constructed in a manner to allow their removal in the future without impairing the essential form and integrity of the resource and its surroundings.

For the review of exterior alterations of historic resources, the Historic Landmarks Advisory Committee and the Planning Commission may use, as supplemental information for clarification, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, published by the U.S. Department of the Interior, National Park Service and codified in 36 CFR 67 for use in the Federal Historic Preservation Tax Incentives Program.

- (e) The Planning Commission shall work with the applicant, interested citizens and technical staff to minimize the negative impact of the proposed action, wherever possible.
 - (f) Following receipt of testimony, the Planning Commission shall deliberate and analyze the proposed alteration. Based on that analysis, the Planning Commission shall make a determination whether to approve or deny the request. The Planning Commission's decision shall be final unless appealed.
 - (g) No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a designated Cultural Resource, where such action does not involve a change in design, materials, or appearance.
- (7) Application for Demolition or Relocation of a Designated Cultural Resource.
- (a) No designated cultural resource shall be demolished or relocated without prior review by the Historic Landmarks Advisory Committee and approval of the Planning Commission.
 - (b) Cultural resource owners desiring to demolish or relocate a cultural resource shall submit an application to the Historic Landmarks Advisory Committee. The Historic Landmarks Advisory Committee shall review the application with respect to the following standards:
 1. The designated property has deteriorated beyond repair, and relocation or demolition is structurally necessary;
 2. No prudent and feasible alternative exists to repair or use the structure in its present location; and
 3. The relocation or demolition is economically necessary. To prove economic necessity, the applicant must demonstrate through
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presentation of at least one rehabilitation option that the resource cannot be reasonably rehabilitated in its present location, and that the condition of the cultural resource prevents any substantial beneficial use of the property; and

4. The proposed use of the property has been found to be in compliance with all applicable city, state and federal requirements including zoning and building codes; and
5. The value to the community of the proposed use of the property outweighs the value of retaining the designated Cultural Resource on its present site.

The Committee shall consider shall consider the request, and shall forward its findings and recommendation to the Planning Commission.

- (c) The Planning Commission shall hold a public hearing on the request. Notice of the hearing shall be mailed to owners of property within a 200-foot radius of the affected property, to recognized local and County historical societies, and to the State Historic Preservation Office. At the public hearing, the Planning Commission shall receive the findings and recommendation of the Historic Landmarks Advisory Committee, and shall receive any testimony submitted by interested parties.
- (d) Following receipt of testimony, the Planning Commission shall deliberate and analyze the proposed relocation or demolition, based on the standards in subsection (b). Based on that analysis, the Planning Commission shall make a determination whether to approve or deny the request.
- (e) Approval of an application for relocation or demolition may be delayed up to 60 days by the Planning Commission. The Planning Commission may place any of the following conditions on approval of a demolition application:
 - (1) interior and/or exterior documentation of the site prior to the proposed demolition;
 - (2) preservation of selected architectural features and site landscaping; and
 - (3) a good faith effort by the applicant to sell the structure for relocation.

The Planning Commission may, however, approve a demolition permit at any time within the 60 day period if it feels the applicant has made an effort in good faith to retain, document, and/or preserve the culturally significant characteristics of the resource.

- (f) The City Council may extend a demolition delay by an additional 60 days at the request of the Historic Landmarks Advisory Committee, the Planning Commission or an interested party.

(8) Annexation of County-designated Cultural Resources.

Any site designated a cultural resource by Washington County shall be placed on the Cultural Resource Inventory upon annexation and shall be subject to the provisions of this Ordinance.

(9) Preservation of Cultural Resources in Additional Open Space.

Upon redevelopment of a Cultural Resource site, additional open space area around significant structures, set aside at the option of the developer, may be subtracted from the net residential area of the development for density calculation. Additional open space so set aside shall be identified on the final plat (or final development plan if no land division is involved) as a conservation easement or a separate permanent open space tract. Responsibility for maintenance and preservation of such tracts or easements shall be specified in covenants, conditions, and restrictions or other legal instrument subject to approval by the Planning Director and recorded prior to approval of a final development plan.

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

Passed by the Council this 2nd day of October, 2007.

Approved by the Mayor this 2nd day of October, 2007.

Mayor

ATTEST:


City Recorder

FINDINGS AND CONCLUSIONS

Minor Amendments to Comprehensive Plan Ordinance No. 2793 and
Zoning Ordinance No. 1945

Case File Numbers HCP 2-07 and ZOA 1-07
Historic Landmarks Advisory Committee Amendments

BACKGROUND

In 1999, as a part of the Hillsboro 2020 Vision process, a citizen task force guided by extensive community input prepared a Vision Statement. That Statement provides a picture of Hillsboro in the year 2020 through the eyes of citizens from a variety of backgrounds. The Vision Statement is divided into six focus areas intended to guide future community planning efforts. One focus area, Enhancing Neighborhoods and Districts, specifically referenced preserving the City's landmarks.

In 2000, the Vision Task Force prepared an Action Plan with Strategies and Actions to implement the Hillsboro 2020 Vision Statement. The Vision Action Plan (VAP) was updated in 2005. Both the 2000 and the 2005 VAPs included, within the Enhancing Neighborhoods and Districts focus area, Strategies which call for the protection and enhancement of landmarks. Strategy 15, and its associated Actions, read as follows:

15. Historical and Cultural Sites

Protect and enhance historical and cultural sites and other resources.

- *Establish a Hillsboro Landmarks Commission.*
- *Create a volunteer membership Historical Society for Hillsboro*
- *Provide educational materials for property owners on protection of historic and cultural sites, including qualifications, resources, how to establish and other information; build connections with other regional and state historical societies.*
- *Identify Hillsboro's historic sites and obtain grants for designation.*
- *Develop tax and other incentives to restore and update historic structures.*

Local citizens have already organized the Hillsboro Historical Society (HHS), whose mission is to protect and preserve local cultural resources through education of historic property owners, appointed and elected officials, and the general public. HHS has established several programs with the cooperation of other local preservation organizations, including the popular "Cemetery Dramas".

The Planning Department's work on these Strategies is referred to as the Landmarks Commission Project.

Landmarks Commission Project Phase 1

The scope of the project is to create a Hillsboro Landmarks Commission, with duties tailored to the needs and desires of the Hillsboro community. In general, landmarks commissions function in one or more of the following roles:

- Educate property owners and the public on preservation issues
- Inventory and designate local landmarks
- Review requests for alterations to landmarks
- Review nominations to the National Register of Historic Places

In most of these roles a landmarks commission could function in a regulatory capacity, an advisory capacity, or a combination of both.

In mid-2006, the City retained Ms. Kimberli Fitzgerald, a qualified preservation planner and former Planning Commissioner, to work on the Landmarks Commission Project. The Scope of Work for Phase 1 of the Project is shown below:

Step One: Evaluate Existing Conditions (June 2006):

- Consultant verified current number and type of historic resources within the City limits, previously inventoried to comply with Goal 5 requirements.
- Consultant compiled statistics regarding the number and type of applications related to these properties by year.
- Consultant prepared grant application for State Historic Preservation Office (SHPO) Certified Local Government (CLG) grant.
- Planning staff received Council approval for grant application.

The SHPO CLG grant application cited in Step One refers to the State Historic Preservation Office Certified Local Government program. Under this program, if the City's historic preservation program meets certain requirements, the City becomes eligible for state grants for projects to inventory resources, provide public education, and possibly administer grants or loans to resource owners for rehabilitation of historic structures.

Step Two: Determine Needs Assessment (July 2006):

- Consultant and Planning staff developed two questionnaires for stakeholders (City Council, Planning Commission, Hillsboro Historical Society, and identified neighborhood groups).
- Questionnaires were designed to identify two factors: "user" satisfaction with existing historic preservation programs; and stakeholder desires for specific preservation programs (i.e., education, funding etc.).
- City staff distributed questionnaires.
- Consultant compiled and analyzed results of questionnaires and presented results to Planning staff.

Step Three: Develop Alternatives (August 2006):

- Based upon the existing conditions and needs assessment, provide summaries of alternative preservation programs for the City of Hillsboro.
- Alternatives included estimated costs and benefits as well as proposed timelines for implementation.
- Consultant compiled statistics for preferred alternative and drafted a final recommendation.
- Final recommendation included a recommended list of members for the new Landmarks Commission.

Step Four: Recommendation (September 2006):

- Consultant and Planning staff presented questionnaire results and recommendations to the City Council at the September 19th work session.

City Council reviewed the alternative preservation programs and selected the option of an advisory Historic Landmarks Advisory Committee (HLAC). As directed by the Council, the functions, duties, and composition of the HLAC will be:

- *Advisory Review.* Conduct advisory review of all development proposals related to identified cultural resources. Visit sites when applications are submitted. Make recommendation to Planning Commission. Continue current practice of quasi-judicial review at Planning Commission with appeal to City Council.
- *Neighborhood Outreach.* Initiate contact with identified neighborhoods; coordinate with City and local historic non-profits to identify programs for annual work plan. Proactively educate the community regarding preservation.
- *Annual Work Plan.* Develop priorities for the community; pursue grant funding for identified projects such as walking tour brochures or historic plaques. Annually re-evaluate the need for traditional Landmarks Commission with quasi-judicial decision making powers.
- *Regular meetings.* Meet monthly.
- *Composition.* Three members representing historic Orenco, Main Street, and Heart of Hillsboro neighborhoods; with remaining four members to be either preservation professionals; experienced in land use; or having a demonstrated interest in preservation in Hillsboro. All members to be appointed by the Mayor and confirmed by the Council.

The City Council also directed the Planning staff and the Consultant to pursue the possibility of Hillsboro becoming a Certified Local Government under the State Historic Preservation Office program in order to qualify for technical and financial support to encourage historic preservation efforts.

Landmarks Commission Project Phase 2

In January 2007, Ms. Fitzgerald (the Consultant) was again retained for the second phase of the Landmarks Commission Project. Work by the Consultant and Planning staff is anticipated to proceed through the following four steps:

Step 1: Preparing to Create the Historic Landmarks Advisory Committee:

- Draft a City Council Resolution to establish the Hillsboro HLAC
- Review prospective members to be appointed to the HLAC

Step 2: Revising Current Land Use Codes concerning Historic Preservation:

- Review Comprehensive Plan policies, goals, and implementation measures and Zoning Ordinance requirements related to cultural resource inventories and historic preservation and recommending amendments
- Evaluate recommended amendments with City Administration, City Council, and Planning Commission, along with the Ordinance establishing the HLAC
- Initiate recommended amendments and hold public hearings before the Planning Commission
- Revise the amendments as directed by the Planning Commission
- Forward Planning Commission recommendations on the amendments, and the enabling Ordinance establishing the HLAC, to City Council for adoption

Step 3: Preparing the Certified Local Government (CLG) grant application:

- Prepare the necessary documentation for Hillsboro to become a CLG, including the enabling Ordinance, prospective HLAC members' resumes, and minutes of Planning Commission and Council meetings adopting the Code amendments and establishing the HLAC
- Draft supporting findings addressing the five National Parks Service and SHPO criteria and demonstrating how Hillsboro will meet the criteria to become a CLG
- Establish and implement staffing requirements for the HLAC

Step 4: Submitting the Certified Local Government (CLG) grant application:

- Coordinate final application review through City Administration and Planning staff
- Submit the CLG application to SHPO and resolving any outstanding issues with the SHPO staff
- Draft the Intergovernmental Agreement (IGA) between the City and SHPO, revising the draft IGA as necessary, and providing the IGA to the Mayor and City Council for approval and signature
- Submit the final CLG application and report to SHPO; monitor its progress through review at the NPS; and address issues as necessary

Pursuant to Step 2 of the Landmarks Commission Project, the proposed Comprehensive Plan and Zoning Ordinance amendments were prepared by staff and the consultant, reviewed by the City Attorney, and forwarded to the Planning Commission for review in June 2007. Pursuant to Comprehensive Plan Section 1 Planning and Citizen

Involvement, subsection (IV) (A) and Zoning Ordinance Section 112 Authorization to Initiate Amendments, the Planning Commission initiated the proposed amendments through adoption of Resolutions No. 1622-P (for the Comprehensive Plan) and 1623-P for the Zoning Ordinance. Both Resolutions were adopted on June 27, 2007.

OVERVIEW OF PROPOSED AMENDMENTS

The proposed Comprehensive Plan amendments would affect Section 6 Natural Resources, Open Space, Scenic and Historical Sites, as summarized below:

- Add two new definitions: “Cultural Resource;” and “Cultural Resource Inventory”
- Update existing policies to include conflict mitigation and property owner education
- Add new policies to authorize establishment of the Historic Landmarks Advisory Committee (HLAC); and to commit the City to seek incentives for restoration maintenance and adaptive reuse of cultural resource sites
- Update implementation measures to reflect current practices and procedures
- Add new implementation measures establishing duties and responsibilities of the HLAC

The proposed Zoning Ordinance amendments would affect Section 132 Cultural Resource Management Ordinance, as summarized below:

- Add references to the role of the Historic Landmarks Advisory Committee in the nomination, alteration, demolition and relocation processes
- Replace outdated language related to establishment of an Inventory with provisions for nominations to and removals from the existing Inventory
- Add clear and objective standards, consistent with State and Federal preservation guidelines, for review of cultural resource alterations, demolitions, and relocations

COMPLIANCE WITH THE HILLSBORO COMPREHENSIVE PLAN

Identification of the Plan Amendments as “Minor Amendments”

The City followed the process established at Section 1(III) of the HCP for review of proposed minor amendments to the Comprehensive Plan. A “Minor Plan Amendment” is defined as “any change to the Comprehensive Plan which is not a major plan amendment.” A “Major Plan Amendment,” in turn, is defined as follows in Section 1(II) (G):

“Major Plan Amendment” includes any significant change to the Comprehensive Plan text or map initiated by the City Council of Planning Commission. A “significant change” is one that amends or refines both the Plan text and map, has operative effect over a large geographic area and is likely to have significant environmental, energy, economic and social consequences.

Finding: The proposed amendments do not amend both the Plan text and map. All three elements of the definition of “major plan amendment” must be met in order for an amendment to meet the definition. In addition, the amendments will not have significant

environmental, energy, economic and social consequences as they are modifications designed to update existing language and to enhance the City's historic preservation program through more active encouragement of preservation, restoration, and adaptive reuse.

Conclusion: The City followed the appropriate process for a minor plan amendment as required by the Plan. Further, as required by state law, the City provided the required notice to the state Department of Land Conservation and Development prior to the first public hearing on the proposed amendments as required by ORS 197.610. Therefore, the applicable requirements for classifying and processing the proposed amendments are met.

Minor Amendment Criteria

Minor Amendments to the Comprehensive Plan may be made if a need for revision is documented pursuant to Section 1 (IV) (A). The proposed amendments meet this criterion based on the Planning Commission staff reports dated July 18 and August 8, 2007, identifying specific action items in the Hillsboro 2020 Vision Statement and Action Plan, and internal deficiencies in the current regulations and proposing solutions with new language.

In addition, the Plan requires that amendments can be submitted by the City, government agencies and property owners. These amendments were initiated by the Planning Commission for Hillsboro by Resolutions 1622-P and 1623-P on June 27, 2007.

Goals and policies of the Comprehensive Plan

Section 1. Planning and Citizen Involvement.

The Plan establishes processes that are designed to facilitate public involvement in revisions to the Plan and implementing regulations. Specifically, at Section 1(IV), a process is established for consideration of minor amendments such as this one. Newspaper notice was provided as required by Section IV (A) (1).

Finding: The Planning Commission initiated these amendments and conducted two public hearings over the course of its review of these revisions. Notice of the hearings was mailed to all owners of designated cultural resource sites and to interested parties such as the Hillsboro Historic Society, Washington County Historical Society and State Historic Preservation Office. Direct response to public input at these meetings is evidenced in the August 8, 2007 staff report.

Conclusion: The process requirements of the Comprehensive Plan have been met.

Section 2. Urbanization.

The Urbanization element of the Comprehensive Plan seeks to provide for orderly and efficient transition from rural to urban uses through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.

Finding: This section of the Plan is not impacted by these amendments.

Section 3. *Housing.*

The goal of the housing chapter of the Plan is to provide for the housing needs of the citizens of Hillsboro and the surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient numbers and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents.

Finding: By strengthening existing policies supporting historic preservation, the proposed amendments encourage greater variety of housing types in the City.

Conclusion: The applicable policy of the Housing section of the Plan is met.

Section 4. *Agricultural Lands.*

The goal of the Agricultural Lands section of the Plan is to utilize farms as open space and provide a method for maintaining agricultural lands outside the urban growth boundary for farm use.

Finding: This section is not applicable to the proposed amendments as Statewide Goal 3 does not apply within urban growth boundaries.

Section 5. *Forest Lands.*

The goal of the Forest Lands section of the Plan is to conserve forested lands and significant trees in the planning area.

Findings: This section of the Plan is not impacted by these amendments. However, preservation of historic structures may facilitate preservation of significant trees located on many of these sites.

Section 6. *Natural Resources, Open Space, Scenic and Historical Sites.*

One of the goals of this Section is to preserve, protect and maintain, for present and future residents of Hillsboro and the surrounding community, historic sites and structures.

Finding: The proposed amendments specifically implement this goal by strengthening the City's Cultural Resource Management program and by facilitating the City's designation as a Certified Local Government, enabling receipt of financial assistance for resource preservation efforts and for future historic preservation programs.

Conclusion: The goal and applicable policies of the Natural Resources, Open Space Scenic and Historical Sites section of the Plan are met.

Section 7. *Air, Water and Land Resource Quality.*

The goal of this Section of the Plan is to maintain and improve the quality of the air, water and land resources of the city and prevent waste discharges from developments from degrading or threatening those resources.

Finding: These amendments do not affect this Section of the Plan. All developments must comply with adopted City standards for air, water and land resource quality. However, the proposed amendments will facilitate preservation of existing historic structures, thereby reducing solid waste space.

Section 8. Natural Disasters and Hazards.

The goal of this section of the Plan is to protect life and property within the planning area from natural disasters and hazards.

Finding: The proposed amendments do not affect this Section of the Plan.

Section 9. Recreation.

The goal of this Section of the Plan is to provide a parks and recreation facilities plan and program including a variety of open spaces, parks and recreation facilities.

Finding: The proposed amendments do not affect this section of the Plan.

Section 10. Economy.

The goals of this Section of the Plan are to expand, improve and diversify the economy of the planning area, provide local employment opportunities, conserve energy by reducing commuting distances, and expand the tax base and economic independence of the area.

Finding: The proposed amendments do not affect this section of the Plan.

Section 11. Energy.

The goal of this Section of the Plan is to conserve energy through the design and location of land use activities in the City.

Finding: The proposed amendments do not affect this section of the Plan.

Section 12. Public Facilities and Services.

The goal of this Section of the Plan is to implement Statewide Planning Goal 11. The Plan envisions the provision of public facilities and services in an orderly and efficient manner and utilizing the provision of those services as a method for guiding urbanization within the Hillsboro Planning Area.

Finding: The proposed amendments do not affect this section of the Plan.

Section 13. Transportation.

The goal of this Section of the Plan is to implement Statewide Planning Goal 12 by ensuring provision of a safe, convenient, efficient and economic transportation system based on the City's Transportation System Plan.

Finding: The proposed amendments do not affect this section of the Plan.

The remaining Sections of the Plan do not apply to the proposed amendments. They include community plans, a Severability provision, and the City's Transportation System Plan.

COMPLIANCE WITH STATEWIDE PLANNING GOALS

As noted above, the goals and policies contained in the City's Comprehensive Plan reflect and are intended to implement requirements of the Statewide Planning Goals. Because the findings addressing applicable Plan policies are relevant to compliance of these amendments with the Statewide Planning Goals, those earlier findings are incorporated herein by this reference in additional support of the determination of goal compliance.

Following are findings concerning compliance of the amendments with applicable statewide Goals:

1. Goal 1: Citizen Involvement. The adoption of the comprehensive plan amendments has been the subject of significant public review, including mailings to all affected property owners. Ample opportunities for public input have been provided. As such, the amendments comply with Goal 1.

The Planning Commission held two public hearings on the amendments in June, July, and August 2007.

The City's process complied fully with its Plan requirements for citizen involvement. The amendments in their final form reflect responsiveness to public input during the process.

2. Goal 2: Land Use Planning. Goal 2 requires legislative decisions to be based on an adequate information base, consider alternatives, and implement policies that are consistent with the Goals. Additionally, Goal 2 requires coordination with affected governmental units prior to the adoption of such amendments. Goal 2 is met in several ways by the adopted amendments.
 - i) The amendments update the City's regulations consistent with state law and current practices, and were informed by targeted surveyed of interested parties. As the record reveals, information offered by City Staff, SHPO personnel, and Hillsboro residents, was considered and helped shape the amendments.
 - ii) Prior to adopting the amendment, the City considered alternative historic preservation programs, elected to pursue Certified Local

- Government status, and believes that the policies of the Plan are met by the amendments.
- iii) As these findings demonstrate, the amendments are consistent with the Goals.
 - iv) Prior to adopting the amendments, the City coordinated with potentially affected governmental units, including DLCD and SHPO.
3. Goal 3: Agricultural Lands. This goal is not applicable to land inside urban growth boundaries.
 4. Goal 4: Forest Lands. This goal is not applicable to land inside urban growth boundaries.
 5. Goal 5: Natural, Scenic and Historical Resources. Goal 5 requires local governments to adopt programs that will protect historic resources. Goal 5 is met in by the amendments as follows:
 - i) The amendments strengthen the City's historic preservation program by creating a new Historic Landmark Advisory Committee, as an advocacy and advisory committee for historic preservation.
 - ii) The amendments will also qualify the City to receive Certified Local Government status, allowing receipt of grant funds to further encourage historic preservation by individual property owners and to update the City's Cultural Resource Inventory.
 6. Goal 6: Air, Land and Water Resources Quality. This goal is not applicable to the adoption of the amendments, as land, air or water resources are not directly affected by the amendments.
 7. Goal 7: Natural Disasters and Hazards. This goal is not applicable to the adoption of the amendments, as the amendments do not address hazard areas or areas prone to natural disasters. Other regulations and standards specifically exist to satisfy the City's duties under Goal 7.
 8. Goal 8: Recreation. This goal is not applicable, as the amendments do not relate to citizens' and visitors' recreational needs or the siting of destination resorts.
 9. Goal 9: Economy of the State. This goal is not applicable, as the amendments do not directly impact economic interests related to commercial and industrial lands.
 10. Goal 10: Housing. This goal is not directly applicable, as the proposed amendments do not affect buildable land supply or the provision of needed housing types. However, to the extent that improved historic preservation programs will encourage retention of historic homes and structures, thereby providing additional options for housing locations, types, and density, the intent of this goal is met.
 11. Goal 11: Public Facilities and Services. This goal is not applicable to the adoption of the amendments, as they do not address public facilities and

services, and no evidence suggests that the amendment will have a deleterious effect on public facilities and services.

12. Goal 12: Transportation. This goal is not applicable to the adoption of the amendments, as they do not implicate the City's Transportation System Plan, its transportation networks, nor do they rezone any property.
13. Goal 13: Energy Conservation. This goal is not applicable to the adoption of the amendments, as the amendments are unlikely to improve or degrade the City's efforts to conserve energy.
14. Goal 14: Urbanization. This goal is not applicable to the adoption of the amendments, as they do not affect to City's ability to provide for an orderly transition from rural to urban land uses. However, to the extent that historic preservation and retention of cultural resources enhances livability in the City, the intent of this goal is met.

The remaining Statewide Planning Goals do not apply to these amendments.

CONCLUSION

The proposed amendments comply with applicable provisions of the Hillsboro Comprehensive Plan and the Statewide Goals.

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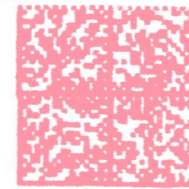
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CITY OF HILLSBORO



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