



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

04/27/2012

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 002-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 11, 2012

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 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
Angela Lazarean, DLCD Urban Planner
Anne Debbaut, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<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

APR 23 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Hillsboro**

Local file number: **ZC 1-12**

Date of Adoption: **4/17/2012**

Date Mailed: **4/20/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

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".

ZONE CHANGE ON THREE PARCELS WITHIN HILLSBORO CITY LIMITS FROM SCR-MD STATION COMMUNITY RESIDENTIAL TO SCC-SC STATION COMMUNITY COMMERCIAL - STATION COMMERCIAL.

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

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **SCR-MD**

to: **SCC-SC**

Location: **1N234AA01000, 1N234AA01400, 1N234AA01401**

Acres Involved: **4**

Specify Density: Previous: **18-23**

New: **24-30**

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. 002-12 (19167) [17013]

DLCD file No. _____

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

Local Contact: **Ruth Klein**

Phone: **(503) 681-6465** Extension:

Address: **150 E Main Street**

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

City: **Hillsboro**

Zip: **97123-**

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

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.

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

Updated December 30, 2011

ORDINANCE NO. 6012

ZC 1-12: HOLLAND

AN ORDINANCE CHANGING THE ZONING FROM STATION COMMUNITY RESIDENTIAL - MEDIUM DENSITY (SCR-MD), TO STATION COMMUNITY COMMERCIAL – STATION COMMERCIAL (SCC-SC), FOR THREE VACANT PARCELS TOTALING 4.24 ACRES.

WHEREAS, in 2011, the City approved a zone change for the owner (Pacific Realty Associates LP - PacTrust) from Station Community Business Park (SCBP), to Station Community Residential - Medium Density (SCR-MD), for Tax Lots 800, 1000, 1400 & 1401 on Washington County Assessor's Tax Map 1N2-34AA; and

WHEREAS, the owner, PacTrust, and current applicant and putative developer (Holland Acquisitions Company, LLC – Holland), seek a zone change for three of these parcels (Tax Lots 1000, 1400 & 1401), totaling 4.24 acres, from Station Community Residential - Medium Density (SCR-MD) to Station Community Commercial – Station Commercial (SCC-SC); and

WHEREAS, the three parcels have remained vacant for more than 10 years despite the Station Community Planning Area (SCPA) Comprehensive Plan designation, SCBP zoning for 10 years and SCR-MD zoning for one year, and the prior owner's active marketing efforts throughout that time; and

WHEREAS, the property is generally located north of NE Cherry Drive and south of NE Cornell Road, with NW 231st Avenue running generally north-south and dividing the parcels from Tax Lot 800, which was rezoned with these parcels in 2011, but is not part of the present zone change request; and

WHEREAS, the proposal was scheduled and duly noticed for public hearing on March 7, 2012, at which time the Planning and Zoning Hearings Board, consisting of Daniel Kearns, Walter Hellman and Brenda McCoy (the "Board"), convened the public hearing to take testimony and evidence and to consider the application; and

WHEREAS, the Board received the Planning Department staff report and supplemental report dated February 29 and March 7, 2012, respectively. The applicant was represented at the hearing by Clyde Holland and Gary Vance of Holland Partners Group, Chris Brehmer of Kittelson & Associates, Dana Krawczuk of Perkins Coie LLP, Cathy Corlis of Angelo Planning Group, and Wink Brooks of Wink Brooks Strategies LLC. The Board received written or oral testimony in support of the proposal from: Denzil Scheller of the Hillsboro Chamber of Commerce, David Noren, attorney representing Tuality Healthcare, Metro, TriMet, 1000 Friends of Oregon, New Seasons Market, and Douglas Akin. Speaking or writing in a neutral or opponent capacity were: Wendy Collins, Bonny Kookan, Joan Cramer and Al Waibel; and

WHEREAS, at the conclusion of public testimony, the Board closed the record, deliberated and tentatively voted to approve the application subject to the conditions recommended in the February 29th staff report and the major institutions use condition discussed during deliberations.

WHEREAS, the City Council has reviewed and concurs with the findings of the Planning and Zoning Hearings Board in regard to this matter; 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 property is hereby rezoned from Station Community Residential - Medium Density (SCR-MD) to Station Community Commercial - Station Commercial (SCC-SC):

Tax Lots 1000, 1400 & 1401 on Washington County Assessor's Tax Map 1N2-34AA

Section 2. The property described above is located on the following Washington County Assessor's Tax Map attached as Exhibit C and hereby made a part of this Ordinance:

Washington County Tax Map 1N2-34AA, Section 34, Township 1 North, Range 2 West, Willamette Meridian, on record as of January 31, 2012; and

Section 3. The City Council decision in this matter is based on the findings attached as Exhibit A.

Section 4. Approval of this zone change is conditioned upon the applicant's satisfactory completion or compliance with the conditions set forth in Exhibit B.

Section 5. 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 6. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

Section 7. 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 3rd day of April 2012.

Second approval and adoption by the Council on this 17th day of April 2012.

Approved by the Mayor this 17th day of April 2012.

ATTEST:


Amber Ames, City Recorder


Jerry Willey, Mayor

EXHIBIT A
(Findings)

The Planning and Zoning Hearings Board (the "Board") incorporates herein by this reference and adopts as its own, the summary and analysis of the approval criteria set forth in the Discussion section of the February 29, 2012 Staff Report, as augmented by the March 7, 2012 Supplemental Staff Report, and adopts as its own the applicant's justification for the proposal set forth in the application materials. In addition, the Board adopts the following findings:

1. The city complied with all required notice and hearing procedures for the Board's March 7th hearing in this matter. At the commencement of the hearing, the Hearings Officer made the disclosures and announcements required by ORS 197.763 (5) and (6) and 197.796. 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 Ruth Klein provided a verbal summary of the February 29 and March 7, 2012 staff reports, described the proposal and significant issues. The applicant was represented at the hearing by Clyde Holland and Gary Vance of Holland Partners Group, Chris Brehmer of Kittelson & Associates, Dana Krawczuk of Perkins Coie LLP, Cathy Corlis of Angelo Planning Group, and Wink Brooks of Wink Brooks Strategies LLC. Mr. Holland explained his development plans for the site that, unlike the zone change approved in 2011, are not speculative but ready to proceed. He also explained that the current SCR-MD zone approved last year is no longer relevant in the context of his development that is poised to begin in just a few months. He testified that the SCPA mixed use zoning ordinance amendments, approved by Council on March 6, 2012, improve the required regulatory building ratio of residential dwellings to commercial and job-generating space. This new flexibility with neighborhood commercial and residential space in a mixed use development will help balance the current imbalance of residential and commercially zoned land in the Orenco area. Accordingly, Mr. Holland asserts that SCC-SC is the most appropriate zoning designation.
3. Tuality Healthcare submitted a letter on the proposal, generally supportive, but requesting that a condition be imposed that precludes Major Institutional uses on this site, most notably medical facilities. Attorney David Noren appeared and testified at the hearing on behalf of Tuality Healthcare, reiterated the requested condition, based on an alleged increase in health care efficiency by limiting the number of health care facilities in close proximity to each other. In support of his arguments, Mr. Noren cited Comprehensive Plan Section 12(I)E, Section 2(I)E and Section 15(III)A. Clyde Holland responded that the applicant supported the condition, and no one, including staff, objected to the proposed condition.
4. Those testifying in opposition to this zone change proposal raised several site development impacts that might occur if the site is developed, *e.g.*, stormwater drainage, traffic generation, the amount of parking supplied, building height and possible incompatibilities with the near-by Orenco historic district. While these are all legitimate concerns in the context of a particular development proposal, the request currently before the Board is for a

zone change, and none of these issues relate to the applicable zone change approval criteria. The opponents and other neighbors concerned about possible impacts to the surrounding area should hold onto these concerns and participate in the Development Review that will be required for any development on any of these parcels following this rezone.

5. This zone change shall be allowed if there is 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.
6. 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.6
 - b) Section 2, Urbanization Implementation Measure I
 - c) Section 2, Urbanization Implementation Measure M
 - d) Section 3, Housing Policy B
 - e) Section 3, Housing Policy O
 - f) Section 7, Air, Water and Land Resource Quality Policy A
 - g) Section 13, Transportation Policy C.3
 - h) Section 13, Transportation Implementation Measure B
7. While the applicant has a particular development proposal for the property, that plan is irrelevant in the context of this zone change application because nothing about the zone change will necessarily bind the applicant to any particular development proposal. Instead, the evaluation of these criteria must consider the reasonable worst case scenario to evaluate possible impacts. The following zones implement the City's SCPA Comprehensive Plan designation in this location:
 - Station Community Commercial – Station Commercial (SCC-SC)
 - Station Community Residential – High Density (SCR-HD)
 - Station Community Residential – Medium Density (SCR-MD)
 - Station Community Residential – Village (SCR-V)
8. With regard to each of the above-mentioned approval criteria, the Board specifically finds as follows:
 - a) Consistency with the Comprehensive Plan Designation: The Station Community Commercial – Station Commercial (SCC-SC) zone proposed in this application is one of four zones that implement the site's SCPA Comprehensive Plan designation, just as does

the property's current SCR-MD zone. With regard to the above-referenced Comprehensive Plan provisions, the Board finds that the proposed SCC-SC zone meets or is consistent with all of these policies for the reasons stated in the applicant's narrative submitted as part of the application and as explained in the February 29th staff report, both of which the Board adopts as its own. Therefore, the Board finds that the proposed SCC-SC zone is consistent with the applicable Comprehensive Plan provisions and designation for the property. This criterion is met.

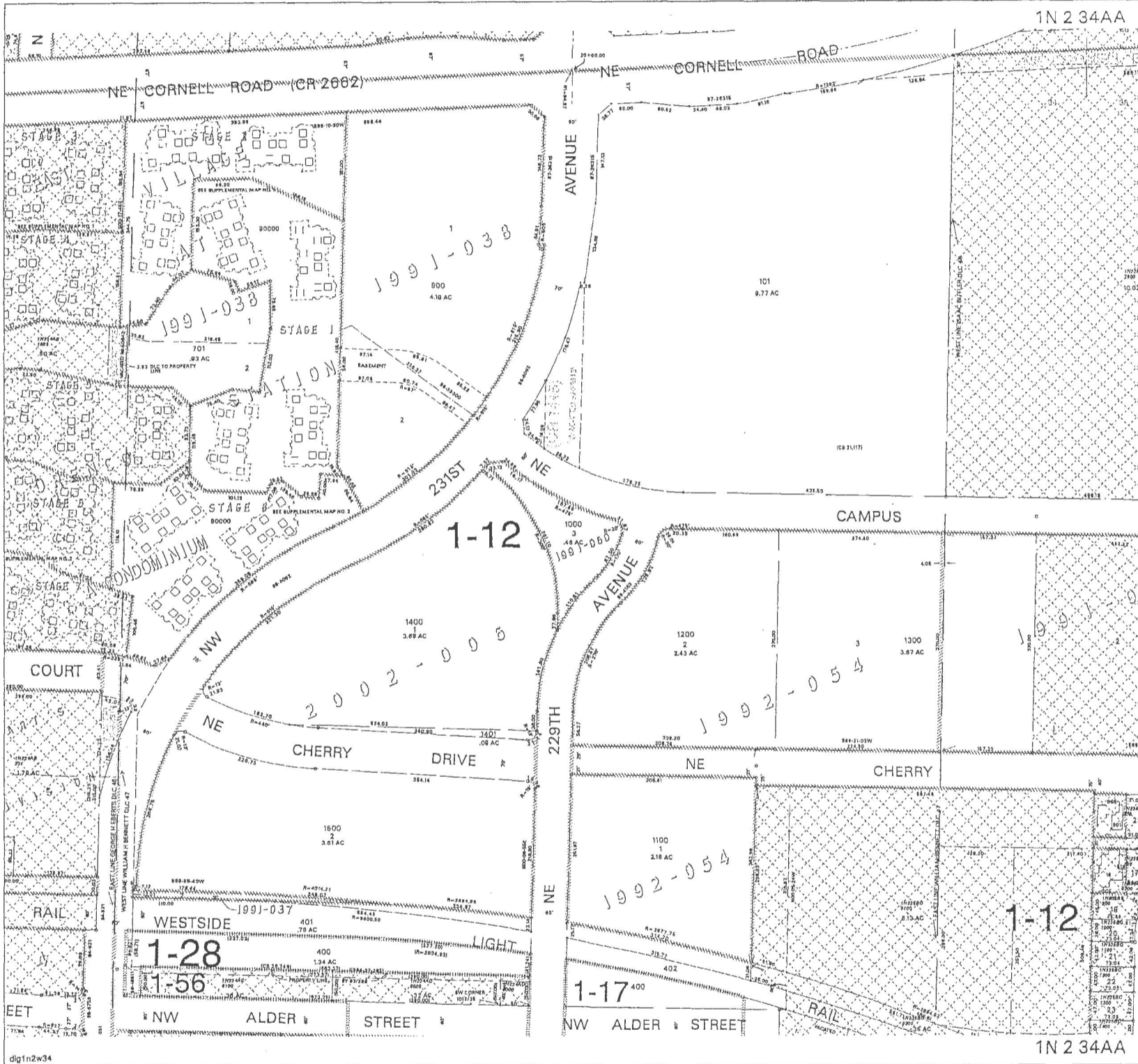
b) The SCC-SC zone is the best suited for the Property. The Board concludes that the owner has made legitimate efforts to market and develop this property under the SCR-MD zone with no success. The Board heard credible, uncontested testimony from the applicant and developer of the site that more flexibility than permitted in the current zone is needed to facilitate mixed use development in the Orenco area to provide a commercially viable balance of residential and neighborhood commercial uses. The Board received unrebutted testimony that the SCC-SC zone proposed this time around, in fact, is the best suited to the property given the current economic context. On this basis, the Board concludes that, once again, this criterion is met.

9. It warrants special mention that this proposal complies with the requirements of the City's Transportation System Plan and the Goal 12 Transportation Planning Rule because the worst-case development scenario under the proposed SCC-SC zoning will generate fewer p.m. peak vehicle trips than will the worst-case development scenario under the current SCR-MD zone. The record includes a transportation and trip generation analysis that documents this and the applicant's transportation engineer, Chris Brehmer of Kittelson & Associates testified to that effect at the hearing. The Board views this as credible unchallenged expert evidence on this issue and on that basis concludes that the proposed zone will generate fewer new vehicle trips than will the current zone. For that reason, a more detailed transportation impact analysis is not required at this juncture. Instead, the applicant shall provide a Transportation Impact Analysis during the Development Review process once the applicant has formulated a specific development plan.

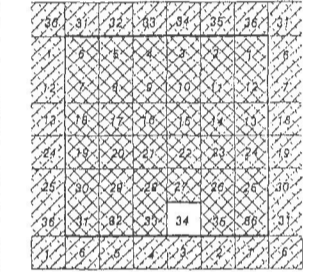
EXHIBIT B

The City Council decision is expressly based upon the applicant/owner (the “applicant”) of the subject property fully complying with all material representations made about the proposed use and the following conditions of approval:

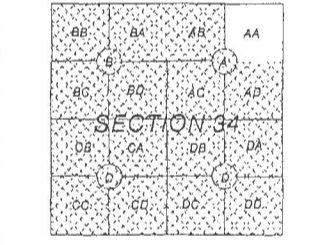
1. Future development on all parcels subject to this decision (Tax Lots 1000, 1400 and 1401 on Washington County Assessor’s Tax Map 1N2-34AA) shall comply with all applicable dimensional, development and other standards of the SCC-SC zone, unless the applicant obtains a variance.
2. Prior to the issuance of building permits, the applicant shall apply for and obtain Development Review approval for any development or construction on the subject parcels pursuant to Section 133 of the Zoning Ordinance. The application submittal shall include a Traffic Impact Analysis (TIA) prepared in accordance with City requirements, including a consolidated access plan for these lots if required. Based on the results of the TIA, the City may require off-site mitigation as a condition of Development Review.
3. With the submittal of any Development Review application, the applicant shall also provide a Clean Water Services (CWS) Service Provider Letter and shall comply with all conditions of the CWS Service Provider Letter.
4. 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 applicant will be required to construct road improvements along the frontage of the property, as required and approved by the City Engineer, prior to the issuance of a temporary or final certificate of occupancy for any building within the development.
5. Major Institution uses are prohibited on all parcels that are subject to this zone change decision.



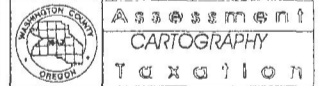
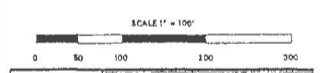
WASHINGTON COUNTY OREGON
NE 1/4 NE 1/4 SECTION 34 T1N R2W W.M.
SCALE 1" = 100'



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



Cancelled Taxlots For: 1N234AA
300, 200, 100, 700, 1101, 500, 600, 101-A1, 801, 403, 404.

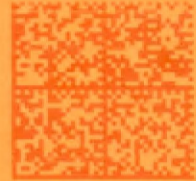


PLOT DATE: January 31, 2012
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

HILLSBORO
1N 2 34AA



Hillsboro Plann
150 E. Main Street
Fourth Floor
Hillsboro, OR 97123



repost

049J82035275

\$01.100

04/20/2012

Mailed From 97123
US POSTAGE

DEPT OF

APR 23 2012

LAND CONSERVATION
AND DEVELOPMENT

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