



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

04/29/2013

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 001-13

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: Thursday, May 09, 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: Jeannine Rustad, City of Hillsboro
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst
Gary Fish, DLCD Transportation Planner

<paa> Y



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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	APR 22 2013
	LAND CONSERVATION AND DEVELOPMENT <small>For Office Use Only</small>

Jurisdiction: **Hillsboro**Local file number: **HCP 1-13**Date of Adoption: **4/16/2013**Date Mailed: **4/18/2013**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".

Amendments to the Hillsboro Comprehensive Plan, specifically to Section 14, Comprehensive Plan maps, and Section 30 North Hillsboro Industrial Area to apply the Industrial Comprehensive Plan designation to 330 acres added to the Urban Growth Boundary in 2011.

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

Plan Map Changed from: **Count EFU & AF-20**to: **City Industrial**Zone Map Changed from: **N/A**to: **N/A**Location: **See Exhibit B of Ordinance**Acres Involved: **330**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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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. _____

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

Local Contact: **JEANNINE RUSTAD**

Phone: (503) 681-5321 Extension:

Address: **150 E MAIN ST**

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

City: **HILLSBORO**
oregon.gov

Zip: **97123-**

E-mail Address: **jeannine.rustad@hillsboro-**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 6047

HILLSBORO COMPREHENSIVE PLAN AMENDMENT 1-13 NORTH HILLSBORO INDUSTRIAL AREA COMMUNITY PLAN AMENDMENT

AN ORDINANCE AMENDING THE HILLSBORO COMPREHENSIVE PLAN ORDINANCE NO. 2793, AS AMENDED, SPECIFICALLY TO SECTION 14, COMPREHENSIVE PLAN MAPS, AND SECTION 30 NORTH HILLSBORO INDUSTRIAL AREA TO APPLY THE NORTH HILLSBORO INDUSTRIAL COMMUNITY PLAN DESIGNATION TO THE 330 ACRES ADDED TO THE URBAN GROWTH BOUNDARY IN 2011.

WHEREAS, the North Hillsboro Industrial Area Community Plan was adopted in January 2012, along with its implementing Industrial Sanctuary (I-S) Zone as a proactive industrial land management tool to facilitate greater industrial development opportunities; and

WHEREAS, approximately 330 acres of land situated north of Waibel Creek and roughly west of 253rd Avenue and east of Sewell Road and south of Highway 26 and generally identified as "Area 1" was added to the Urban Growth Boundary (the "UGB Expansion Area") on October 20, 2011, through adoption of Metro Ordinance No. 11-1264B, and; and

WHEREAS, in accordance with Metro Ordinance 11-1264B, the City has prepared amendments to the North Hillsboro Industrial Community Plan (Section 30) and Comprehensive Plan Map (Section 14) to apply the North Hillsboro Industrial Area Community Plan to the UGB Expansion Area; and

WHEREAS, the Planning Commission adopted Order No. 8081 initiating the proposed major Comprehensive Plan amendments on February 13, 2013; and

WHEREAS, the Planning Commission held a public hearing on March 13, 2013, to consider the proposed amendments to the Comprehensive Plan and received the staff report and public testimony; and

WHEREAS, on March 13, 2013, based on the testimony, the Record and Exhibits A, B and C attached hereto, the Planning Commission recommended City Council approval of the initiated Comprehensive Plan amendments through Adoption of Order No. 8084; and

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. Comprehensive Plan, Section 14, Comprehensive Plan Maps, will be amended to apply the Industrial Comprehensive Plan Designation to UGB Expansion Area, as illustrated on Exhibit B attached to this Ordinance.

Section 2. Comprehensive Plan, Section 30, North Hillsboro Industrial Area Community Plan will be amended as set forth in Exhibit A attached to this Ordinance.

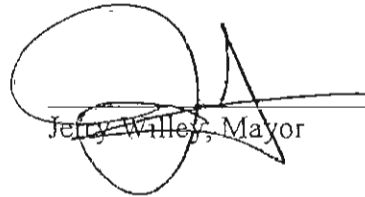
Section 3. Except as herein amended, Comprehensive Plan Ordinance No. 2793, as amended, shall remain in full force and effect.

Section 4. 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 April 2013.

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

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



Jerry Willey, Mayor

ATTEST: Dellin Wernier for
Amber Ames, City Recorder

Note: Deletions shown through ~~striketrough~~
Additions *italicized and underlined*
Highlighted items amended since initiation

Section 30. North Hillsboro Industrial Area Community Plan
(Added by Ord. No. 5977/2-11 and amended by Ord. No. XXXX/1-13)

(I) Goals

- (A) To identify land planning and design concepts for the North Hillsboro Industrial Area ~~that shall generally~~ to guide land use, development lotting patterns and public facilities planning and implementation within the Area in order to expand opportunities for job creation.
- (B) To expand and diversify the Hillsboro industrial economic base by providing for:
- Large parcels to accommodate industrial campuses, vertically-integrated companies and related businesses; and other industrial users;
 - Medium and small parcels to accommodate industrial campuses and business parks for flex space users, research and development companies, incubator businesses, business suppliers, spin-off companies and other businesses that derive from, or are extensions of larger campus users and industrial developments within the North Hillsboro Industrial Area and the Portland Region.

(II) Policies

- (A) Where the prevailing ownership pattern is larger lots, encourage and facilitate the creation of large industrial sites (parcels 50 – 100 or more acres in size) for large-scale industrial campuses and development projects; ~~and~~ Assist with land assembly and reservation of such sites where large-size parcels form the prevailing land ownership pattern. Encourage assembly of large lots resulting in remnant parcels that are useable for smaller industrial uses and/or commercial purposes consistent with this Section.
- (B) Where the prevailing ownership pattern is smaller lots, encourage and facilitate the development of smaller, diversified industrial uses and sites (20 – 50 acres in size) - especially smaller-scaled flex-space industrial business parks suitable for spin-off operations and start ups.
- (C) Create opportunity for location of support commercial nodes at ~~specific~~ specified areas to reduce vehicle miles traveled and serve the daily commerce needs of businesses and employees in the surrounding industrial areas, provided that such nodes are ~~created~~ located based on demonstrable need from surrounding development.

(D) Provide for aesthetically attractive, well-designed well-designed industrial development within every development site in the North Hillsboro Industrial Area.

(E) In accordance with ORS 268.390 (SB 722 '07), ~~develop and~~ Metro Service District (Metro) Code, apply ~~an the~~ Industrial Sanctuary zone to lands within the North Hillsboro Industrial Area in a way that substantially complies with Metro Urban Growth Boundary (UGB) Conditions of Approval and Urban Growth Management Functional Plan requirements ~~that may apply to~~ for properties in the North Hillsboro Industrial Area.

(III) Implementation Measures

(A) Annexation

Prior to their annexation to the City and the concurrent application of the Industrial Sanctuary zoning to properties in the North Hillsboro Industrial Area, land uses within the Area shall continue to be governed by the existing Washington County zoning of the properties. Annexation of Area properties to the City shall take place in accordance with annexation policies and practices set forth in the City Municipal Code and in ~~the Metro Code of the Portland Metropolitan Service District ("Metro")~~ Section 3.09.

(B) Compatibility with ~~a~~ Agricultural ~~u~~ Uses

Site design and architectural measures that provide for compatibility between and among industrial land uses developed within the Area and nearby agricultural uses and operations shall be provided through the City Development Review/Approval process (Section 133 of the Hillsboro Zoning Ordinance), unless demonstrated to be physically or financially impracticable. Possible compatibility measures include, but are not limited to: building orientation and setbacks; landscaping; land buffers; ~~and access easements for farming vehicles and machinery; and designated lanes on adjacent public roadways for movement of slow-moving farm machinery.~~

(C) Commercial ~~u~~ Nodes

Development of new commercial uses shall be clustered into mapped nodes within the Area in order to primarily serve the needs of businesses and employees in the surrounding industrial uses. In addition to the mapped nodes, commercial uses shall be allowed as per Section 30(III)(G)(2). New commercial development will demonstrably ~~primarily~~ serve the spectrum of daily convenient commerce needs of businesses and employees in the surrounding industrial area, which may include: ~~supporting commercial service developments may containing~~ child-care ~~child care~~ and pet care facilities.

(D) Natural Resources Management

In accordance with the City's Goal 5 provisions of Section 6, Natural Resources, Open Space, Scenic and Historical Sites, of the Hillsboro Comprehensive Plan, upon

annexation to the city, significant wetland and riparian/upland wildlife habitat resources in the North Hillsboro Industrial Area shall be accorded the appropriate protection level prescribed by Section 131A, Significant Natural Resources Overlay District, of the Hillsboro Zoning Ordinance ~~upon annexation to the City of the land on which they exist~~.

In particular, mitigation and enhancement activities shall emphasize the improvement of the Waible Creek Tributary wetlands, floodplain and riparian upland wildlife habitat resources, collectively referenced as the Waible Creek Tributary Riparian Corridor. In the Corridor, the guiding principle for mitigation and enhancement activities is connectivity of resource types, to allow wildlife passage between larger habitat units and genetic flow between plant communities. Where development projects impact significant natural resources, the City may identify and require appropriate mitigation and enhancement measures by such projects to improve connectivity and resource functions and values within and connected to the Corridor.

(E) Parks and Open Space

Greenspace corridors will be preserved and passive recreational opportunities and trails provided along the edges of greenspace areas for employees within the North Hillsboro Industrial Area.

(E)(F) Historic Resources

At the time of Development Review and construction on property in the vicinity of the probable former location of the historic *Methodist Meeting House*, as documented on the Washington County cultural and historic resource list, the City shall require construction of a Monument on that property by the developer. The Monument shall commemorate the historical importance of the Methodist Meeting House and shall include plaques or other written descriptions of the history of the Meeting House and its historical significance to the local community and Washington County. The Monument shall further include historical information relating to burial grounds once associated with the Meeting House location. Final design and location of the Monument shall be reviewed by the *Historic Landmarks Advisory Committee (HLAC)*, who shall provide recommendation to the Planning Director, who shall approve the proposal and approved by the Planning Director as a part of required project Development Review prior to its construction.

(F)(G) Compliance with Metro Functional Plan and UGB ~~e~~Expansion ~~e~~Conditions

(I) Consistent with ORS 268.390, *Metro Code and applicable Metro Council "Conditions on Land Added to the UGB,"* the City's ~~shall-adopted-an~~ Industrial Sanctuary zone shall be applied to the Area upon annexation to assure that public and private land use and development actions within the Area attain substantial compliance with Regional UGB Conditions of Approval, including standards assuring substantial

compliance with Title 4 development requirements and Regionally Significant Industrial Area (RSIA) designations.

(2) The 330 acres brought into the UGB in 2011 (Metro Ordinance 11-1264B) ("NoHi") shall provide for at least two parcels of 50 acres or more and one parcel of 100 acres or more. Consistent with this Section, smaller-scale industrial flex-space and commercial uses shall be allowed on remnant parcels resulting from compliance with this provision.

~~(G)~~(H) Public Infrastructure (Water and Sanitary Sewer) Management Plans

The recommended water system, sanitary sewer system, and storm water disposal system facilities shown on the *North Hillsboro Industrial Area Public Facilities and Services Maps*, as shown in Figures 30-A through 30-~~IF~~, shall be incorporated into the following *Hillsboro Public Facilities Plan* (2001) Maps as appropriate:

- *Water System Improvements Map* (June, 2001)
- *Surface Water Management System Improvements Map* (June, 2001)
- *Sanitary Sewer System Improvements Map* (June, 2001)

~~(H)~~(I) Transportation System Plans

Transportation System Plans are shown in Figures 30-~~G,I~~ through 30-~~L~~ and 30-~~H~~. Proposed roadway improvements include the following:

Arterial Streets:

NW Evergreen Road
NW Brookwood Parkway
Meek Road

Collector Streets:

NW Huffman extension
Dawson Creek Drive extension
NW 253rd Avenue extension
NW 263rd / 264th Avenue extension
NW Sewell Road extension
NW 273rd Avenue
NW Jacobson Road realignment
NW Schaff Road extension
NW Pubols Road extension

The location and design of the transportation facilities shown in Figures 30-~~J~~ through 30-~~LG~~ and 30-~~H~~ are conceptual and general in nature. Specific roadway alignments and intersection improvements shall be incorporated into Section 21 - the City Transportation System Plan (TSP) when such alignments and improvements have been firmly determined and finalized.

Figure 30-A Evergreen/Shute Sub-Areas Conceptual Water System

Figure 30-B Helvetia/West Union Sub-Areas Conceptual Water System

Figure 30-C NoHi Sub-Area Conceptual Water System Alternatives

Figure 30-~~CD~~ Evergreen/Shute Sub-Areas Conceptual Sanitary Sewer System

Figure 30-~~DE~~ Helvetia/West Union Sub-Areas Conceptual Sanitary Sewer System

Figure 30-F NoHi Sub-Area Conceptual Sanitary Sewer System Alternatives

Figure 30-~~EG~~ Evergreen/Shute Sub-Areas Conceptual Storm Drainage System

Figure 30-~~FH~~ Helvetia/West Union Sub-Areas Conceptual Storm Drainage System

Figure 30-I NoHi Sub-Area conceptual Storm Drainage System Alternatives

Figure 30-~~GJ~~ Evergreen/Shute Sub-Areas Conceptual Street System with Commercial Support Node Locations

Figure 30-~~HK~~ Helvetia/West Union Sub-Areas Conceptual Street System with Commercial Support Node Locations

Figure 30-L NoHi Sub-Area Conceptual Street System Alternatives

(Section 30 Added by Ord. No. 5977/1-12, *as amended by Ord. No. XXXX/X-13*)

North Hillsboro 330-Acre Proposed City of Hillsboro Comprehensive Plan Designation

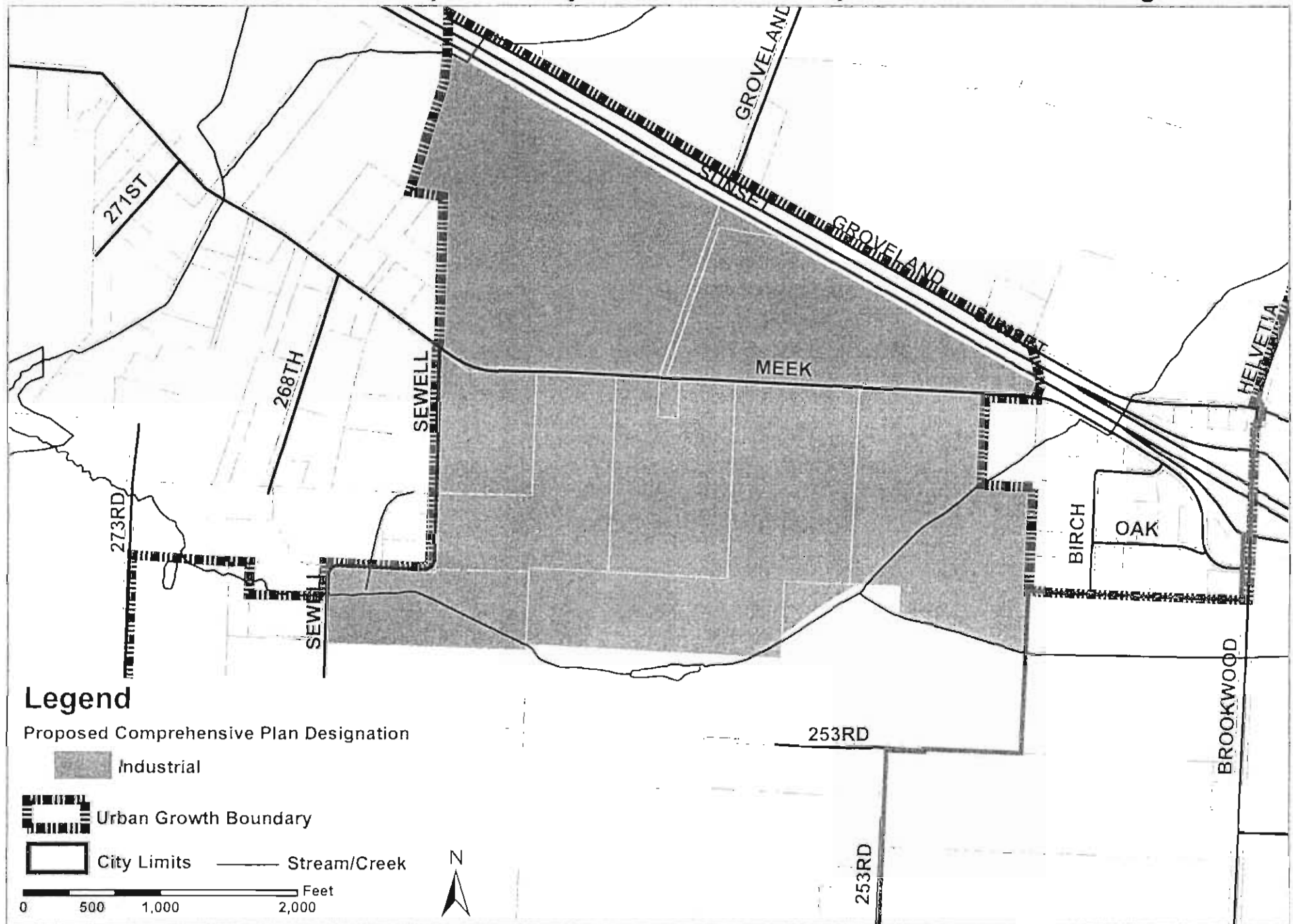


EXHIBIT C

BEFORE THE CITY COUNCIL OF THE CITY OF HILLSBORO

A REQUEST FOR COMPREHENSIVE
PLAN AMENDMENTS TO SECTIONS 14
AND 30 RELATING TO THE NORTH
HILLSBORO INDUSTRIAL AREA

CITY OF HILLSBORO
CASE FILE NO. HCP 1-13
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

NATURE OF AMENDMENTS

The proposed amendments to the Hillsboro Comprehensive Plan (HCP) Ordinance No. 2793, as amended, are legislative in nature and defined as “major plan amendments.” The amendments were initiated by the Planning Commission through adoption of Order No. 8081 on February 13, 2013. The proposed amendments would:

- Add text provisions to Section 30 (North Hillsboro Industrial Area Community Plan) to reflect regional and local policy direction established during the 2011 regional urban growth boundary (UGB) process and subsequent city public outreach process; and
- A series of infrastructure maps to Section 30 and a Comprehensive Plan designation to Section 14 (Comprehensive Plan Map). The maps would affect the 330 acre Urban Growth Boundary (UGB) expansion area approved by Metro Council in October 2011 (Metro Ordinance 11-1264B)(the “UGB Expansion Area”).

BACKGROUND

The North Hillsboro Industrial Area is key to the city’s future economic development opportunities. The area includes 330 acres north of Waibel Creek, west of 253rd and east of Sewell Road to Highway 26, which was brought into the regional Urban Growth Boundary (UGB) for large-lot industrial development by the Metro Council in October 2011 (Metro Ordinance 11-1264B)(the “UGB Expansion Area”). The area is composed of eight primary property owners¹ who have entered into an agreement to consolidate their holdings to meet future large-lot requirements.

The proposed Comprehensive Plan map amendments to Sections 14 and 30 and text amendments to Section 30 (*North Hillsboro Industrial Area Community Plan*) will comply with Metro’s conditions of approval adding the 330 acres to the UGB and apply the Industrial Comprehensive Plan designation to the entire area.

¹ In addition to these eight property owners, other ownerships include ODOT (near Highway 26) and a remnant of a parcel that was included in the 2005 urban growth boundary expansion.

URBAN GROWTH BOUNDARY EXPANSION CONDITIONS OF APPROVAL

Metro's conditions of approval for inclusion of the 330 acres in the urban growth boundary included the following conditions:

1. *The city of Hillsboro, in coordination with Washington County and Metro, shall adopt comprehensive plan provisions and land use regulations for Area 1 to authorize urbanization, pursuant to Metro Code section 3.07.1120.*
2. *The city shall apply the Regionally Significant Industrial Area (RSIA) designation to Area 1, as described in Metro Code section 3.07.420.*
3. *Land use regulations adopted pursuant to Metro Code section 3.07.1120 shall provide for creation of at least one parcel of 100 acres or more and at least two parcels of 50 acres or more. The resulting parcels shall be subject to limitations on division in Metro Code 3.07.420.*
4. *Land use regulations shall prohibit establishment of schools, places of assembly larger than 20,000 square feet and parks intended to serve people other than those working or residing in the RSIA.*
5. *Land use regulations shall include provisions – such as setbacks, buffers and designated lanes for movement of slow-moving machinery – to enhance compatibility between urban uses in Area 1 and agricultural and forest practices on adjacent land outside the UGB that is zoned for farm or forest use pursuant to statewide planning Goal 3 or 4.*
6. *The city of Hillsboro and Washington County, in partnership with the Oregon Department of Transportation, shall complete an interchange area management plan for an adequate and safe local transportation network. This plan must be completed and adopted by the Oregon Transportation Commission prior to permitting urban development.*

Finding: An amendment to Section 14 is proposed to apply the Industrial Comprehensive Plan Designation to the UGB Expansion Area in compliance with Metro's Regionally Significant Industrial Area (RSIA) designation. In addition, maps showing conceptual water, sanitary sewer, storm drainage and street systems for the UGB Expansion Area are amendments to Section 30. A prior amendment (HCP 3-12) established an overall North Hillsboro Industrial Area transportation network including streets, bicycle and pedestrian facilities. HCP 3-12, which included transportation improvements identified in the interchange area management plan (condition 6, above), was acknowledged by the State of Oregon on October 26, 2012, and provides the basis for the transportation system improvements identified in the Section 14 map amendments.

Text amendments to Section 30 (*North Hillsboro Industrial Area Community Plan*) are proposed to comply with Metro conditions of approval. Amendments include:

- Updates to reflect the fact that an Industrial Sanctuary Zone has been adopted.²
- Addition of an implementation measure regarding green spaces.
- Reference to Metro Condition #3 requiring the provision for two 50-acre and one 100-acre site for large lot industrial.
- Allowance for flexibility in the location of small-industrial and commercial uses on remnant parcels resulting from compliance with Metro Condition #3.
- Staff has developed three map alternatives that illustrate potential compliance with Metro Condition #3 (Figures 1-3. Proposed text amendments will allow market flexibility in actual compliance.).
- Requirements to foster compatibility with nearby agricultural uses, included designating lanes on adjacent public roadways for movement of slow-moving farm machinery.



Figure 1

² At the time Section 30 was adopted, the city was anticipating adoption of the Industrial Sanctuary (I-S) zone.

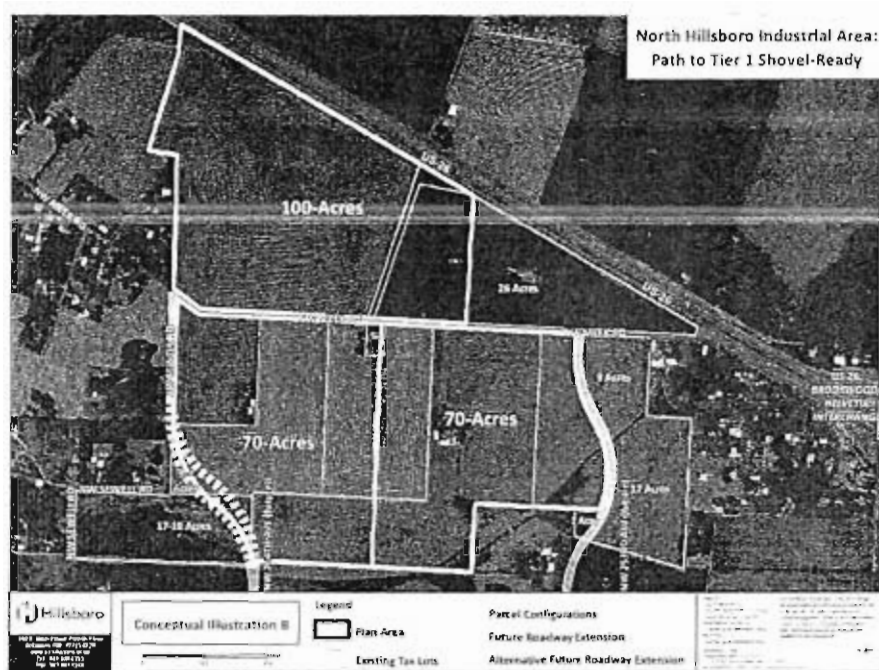


Figure 2

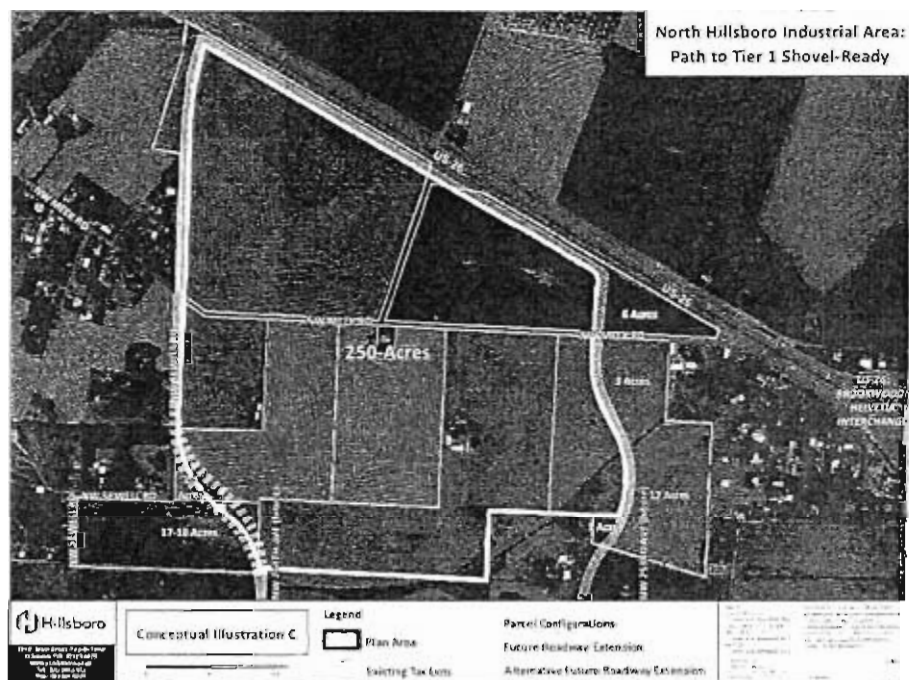


Figure 3

MAJOR PLAN AMENDMENT PROCEDURES

Section 1. (Planning and Citizen Involvement), subsection (II)(G) defines a Major Plan Amendment as:

"...any significant change to the Comprehensive Plan text or map initiated by the City Council or Planning Commission. A "significant change" is one that amends or refines both the Plan map and text, has operative effect over a large geographic area and is likely to have significant environmental, energy, economic and social consequences. Major plan amendments include but are not limited to Plan amendments that incorporate community plans as part of the Comprehensive Plan or incorporate portions of public facility plans as part of the Comprehensive Plan in accordance with State statute and regulations implementing Statewide Planning Goal 11."

All major plan amendments are processed as legislative procedures in accordance with Section 1. Part (III).

Finding: The proposed amendments to the HCP Ordinance No. 2793, as amended, for the North Hillsboro UGB Expansion Area meet the definition of a "Major Plan Amendment" and were processed in accordance with the procedures specified in HCP Section 1 (III) Plan Revision and Major Plan Amendments. Specific findings of compliance with Section 1 (III) appear below.

(III) Plan Revision and Major Plan Amendments

Plan revisions and major plan amendments shall be processed as legislative procedures. The following process shall be used when conducting any plan revision or major plan amendment of the Comprehensive Plan:

(A) For each proposed plan revision or major plan amendment to the Comprehensive Plan, the City Planning Department will:

- (1) With the advice and assistance of the CIAC, establish and conduct a citizen involvement program which provides for public involvement and input into the proposed revision or amendment which complies with Statewide Planning Goal 1 requirements. At a minimum, such a public involvement program shall provide for adequate notice on citizen involvement activities; advanced information on matters under consideration; and opportunities for public involvement in all phases of the planning process applicable to the proposed plan revision or major plan amendment as determined by the CIAC.*

Finding: Hillsboro planning staff met with the Advisory Committee for Citizen Involvement on December 5, 2012, and the Planning Commission, acting as the Citizen Involvement Advisory Committee (CIAC), on December 12, 2012 and January 23, 2013, to establish a citizen involvement program that provides for public involvement and input into the proposed major plan amendments. The CIAC approved the public involvement plan, which was built upon the planning and public outreach that occurred during the 2010-2011 UGB expansion process. Outreach efforts pursuant to the public participation plan included:

- Project webpage updates
- UGB Expansion Area owner meetings on December 20, 2012, January 15, 2013 and February 15, 2013.

- Surrounding area neighbor meetings on February 6 and 20, 2013
- Public Open House on February 28, 2013.
- Presentation to Citizen Participation Organization 8 on February 12, 2013.
- Planning Commission work program informational item on December 12, 2012, work session on January 23, 2013 and hearing on March 13, 2013.

(2) Identify issues to be addressed and related information and data to be collected, reviewed and made available for public review. Inform citizens of these issues; and provide opportunity for citizen access to the related information and data; and for citizen input on these issues.

(3) Notify affected government agencies of planning activities; invite review and comment.

Finding: Outreach to property in and around the UGB Expansion Area began with Metro's analysis of potential UGB expansion areas in 2010-11. Additional outreach was conducted through the Oregon Department of Transportation's Brookwood Interchange Area Management Plan (LAMP) in 2011-2012. Issues to be addressed were identified, and data was collected, reviewed and made available for public review relating to the proposed map and text amendments.

Citizen input was received during UGB Expansion Area owner meetings on December 20, 2012, January 15, 2013, and February 13, 2013. Input was also received at adjacent area neighbors' meetings on February 6 and 20, 2013, as well as during a Citizen Participation Organization (CPO) 8 meeting on February 12, 2013. Public notice for the February 28, 2013 open house was posted on Hillsboro Argus and Hillsboro Tribune online, on the city's project webpage, and included in the February 2013 City Views newsletter to all Hillsboro residents.

Approximately 65 people attended the neighborhood meetings and open house, providing comments on the proposed map and text amendments. City staff informed community outreach participants of the date for the public hearing before the Planning Commission, inviting them to attend the hearing.

The Comprehensive Plan amendment process invited citizen and government agency participation through a wide range of methods over the course of the project. As such, the amendments are consistent with Section 1. Part (III)(A).

(4) Collect relevant information and data.

(5) Analyze each issue and identify proposed actions that address the issue sufficiently. As part of the public involvement program for the plan revision or major plan amendment:

(a) Compile and combine the issues, relevant data and information and actions into text format and make copies of such text available for review and comments by citizens and affected government agencies.

(b) Compile comments received from citizens and affected government agencies for consideration by the Planning Commission. The Planning Department shall prepare written responses to comments and make the responses available for public review

and to the Planning Commission during its consideration of the proposed plan revision or major plan amendment.

Finding: The proposed Comprehensive Plan map and text amendments are part of a larger effort to position the UGB Expansion Area as a “Tier 1, Shovel Ready” site. Towards this larger objective, staff from the city’s Planning, Public Works, Water, Economic Development, and Finance departments collaborated with staff from Washington County Land Use and Transportation (DLUT) and Clean Water Services. These efforts included: land use planning; provision of public infrastructure and infrastructure financing; provision of private utilities; natural resource and environmental planning; and property owner and partnership agreements.

As part of the development of the UGB Expansion Area map and text amendments the following activities related to the above requirements were completed:

- Collection and analysis of available data and background information, including planning context, environmental conditions, cultural conditions, infrastructure conditions and deficiencies, transportation conditions and regulatory context. Background information was summarized and made available to community members and government agency staff.
- Comments received from citizens and affected agencies were compiled by the Planning Department and forwarded to the Planning Commission for consideration, along with Planning Department responses. Comments and responses are part of the public record and available for public review.

- (6) A Planning Commission public hearing on a plan revision or major plan amendment shall be conducted after completion of the tasks set forth in Section (III)(A)(1 through 5) above and the citizen involvement program for the plan revision or major plan amendment established by the CIAC. Notice of any public hearing by the Planning Commission or City Council on a plan revision or major plan amendment to the Comprehensive Plan shall be published in a newspaper of general circulation in the City a minimum of 20 days prior to the date of the initial public hearing.*
- (7) The Planning Commission may recess the hearing in order to obtain further information or provide additional notification. Upon recessing for these purposes, the Commission shall announce the time and date when the hearing will be resumed.*
- (8) After hearing the plan revision or major plan amendment, the Planning Commission shall forward a recommendation of denial, approval, or approval with modifications of the plan revision or major plan amendment to the City Council.*
- (9) The City Council shall hold a hearing during its consideration of a plan revision and may hold a public hearing on any major plan amendment. Notice of the hearing shall be provided in the manner prescribed in subsection (III)(A)(6). After consideration of the plan revision or major plan amendment, the City Council may adopt or deny the plan revision or major plan amendment.*

Finding: Public notice of the Planning Commission hearing was published in the February 19, 2013 and March 5, 2013 editions of the Hillsboro Argus newspaper, and posted on the city’s project webpage on February 20, 2013.

Although not required for legislative amendments, notice of the Planning Commission hearing was also mailed on February 20, 2013 to 10 property owners located within the UGB Expansion Area and adjacent owners within 500 feet of the affected territory. Although not required for legislative amendments, public notices of the hearing were posted on February 21, 2013, in the Hillsboro Civic Center and Washington County Public Services Building.

The Planning Commission held a public hearing on the amendments on March 13, 2013. Public notice regarding that hearing was disseminated according to city requirements and consistent with state law. At the close of the hearing, the Planning Commission forwarded its recommendation on the Comprehensive Plan map and text amendments to the City Council. Dispensing with a second public hearing, the City Council has scheduled first reading of an ordinance to adopt the proposed map and text amendments for April 2, 2013 and second reading for April 16, 2013.

Based on the above, the UGB Expansion Area map and text amendments are consistent with Section 1.

(V) Community Plans, Public Facility Plans and Functional Plans.

A Community Plan, a Public Facility Plan or a Functional Plan may be initiated by the City Council or Planning Commission at any time in response to community need. Community Plans shall be adopted by the City Council as major plan amendments to the city's Comprehensive Plan Text or Land Use Map as applicable.

Finding: In January 2012, the Hillsboro City Council adopted the North Hillsboro Industrial Area Community Plan (Section 30) as a major Comprehensive Plan amendment, including both map and text amendments. The amendments proposed in HCP 1-13 expand the area of the North Hillsboro Industrial Area Community Plan by 330 acres to accommodate the 2011 UGB expansion. Therefore, initiation of these amendments is consistent with policy (V) because expansion of the UGB created a community need to act on Metro's UGB decision and associated conditions of approval.

MAJOR PLAN AMENDMENT REVIEW CRITERIA

In order to adopt the proposed map and text amendments, the city must demonstrate the amendments are consistent with applicable state, regional and local policies, rules and regulations. Applicable policies, rules and regulations include:

- City of Hillsboro Comprehensive Plan goals and policies contained in:
 - Section 1 Citizen Involvement
 - Section 2 Urbanization
 - Section 6 Open Space, Scenic and Historic Sites
 - Section 7 Air, Water and Land Resource Quality
 - Section 10 Economy
 - Section 11 Energy
 - Section 12 Public Facilities and Services

- Section 13 Transportation
- Metro Regional Functional Plan Requirements
 - Title 3 Water Quality and Flood Management
 - Title 4 Employment Areas
 - Title 11 Planning for New Urban Areas (NOT applicable)
- Oregon Statewide Planning Goals
- Oregon Administrative Rule (OAR) 660, Division 012 – Transportation Planning Rule
- OAR 660, Division 023 - Procedures and Requirements for Complying with Goal 5

These Findings of Fact and Conclusions of Law demonstrate the Comprehensive Plan map and text amendments are consistent with applicable policies, rules and regulations. Each policy, rule or regulation is cited, followed by findings and a consistency statement. Generally, sections of policies, rules or regulations that do not apply to adoption of the Comprehensive Plan amendments are not included.

COMPREHENSIVE PLAN COMPLIANCE

The Hillsboro Comprehensive Plan was originally adopted by the city and acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with applicable statewide planning goals, state statutes and state administrative rules in 1984. Since acknowledgement, the Comprehensive Plan has been legislatively amended numerous times, including recent additions of the North Hillsboro Industrial Area Community Plan, South Hillsboro Community Plan, and North Hillsboro Industrial Area Community Plan and North Hillsboro Transportation System Plan Amendments in 2011 and 2012. All of these amendments were acknowledged by LCDC. The North Hillsboro Industrial Area Community Plan (HCP 2-11) and North Hillsboro Transportation System Plan Amendments (HCP 3-12) in particular form the basis for the map and text amendments proposed by HCP 1-13.

Section 1 (Planning and Citizen Involvement) Part (III) does not list any applicable approval criteria for legislative Comprehensive Plan amendments. Changes to the maps and text contained in the plan must however be consistent with acknowledged Comprehensive Plan goals and policies that are not amended. The findings in this section address city Comprehensive Plan goals and policies that are pertinent to the proposed map and text amendments.

Section 2 Urbanization

(I) Goal. To provide for an orderly and efficient transition of land from rural to urban use through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area.

Finding: The proposed map and text amendments provide for an orderly and efficient transition of land from rural to urban uses by establishing the UGB Expansion Area as an urban, large-lot industrial sanctuary within the North Hillsboro Industrial Area Community Plan. Upon

annexation, the UGB Expansion Area will be available for urban-level industrial employment uses. Therefore, the proposed amendments are consistent with Section 2.

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

(I) Goals.

- (A) Preserve, protect and maintain for present and future residents of Hillsboro and surrounding community open space, historic sites and structures.*
- (B) Provide a livable and attractive environment.*
- (C) Promote and encourage development in character with the natural features of the land.*
- (D) Identify and provide appropriate protection for "significant" Goal 5 natural resource sites including wetlands, riparian corridors and wildlife habitat areas, including Habitat Benefit Areas not within the Significant Natural Resource Overlay District throughout the City.*

Finding: Section 6 provides for protection and enhancement of natural resources. The city is currently conducting a Goal 5 natural resources inventory for the UGB Expansion Area, including determination of significant natural resources. Significant natural areas will be protected by the city's Significant Natural Resource Overlay (SNRO), which would be applied following annexation at the time of rezoning the property from county to city zones. In addition, the Comprehensive Plan text is amended to add subsection (E) Parks and Open Space under Section 30 (III) Implementation Measures to address establishment of greenspace corridors in the UGB Expansion Area. Therefore, the proposed amendments are consistent with Section 6.

Section 7. Air, Water and Land Resource Quality.

- (I) Goal. To maintain and improve the quality of the air, water and land resources, the total waste and process discharges from all developments and activities in the planning area shall not degrade resources or threaten resource availability.*

Finding: The map and text amendments provide for protection of the air, water and land resources in the UGB Expansion Area through future city zoning actions. Therefore, the amendments are consistent with Section 7.

Section 10. Economy.

(I) Goals.

- (A) Expand, improve and diversify the economy of the Hillsboro planning area.*
- (B) Provide local employment opportunities for area residents.*
- (C) Conserve energy by lowering commuting distance.*
- (D) Increase and expand the economic base, tax base and economic independence of the area.*
- (E) Provide choice in the purchase of goods and services available to the public.*

Finding: The proposed Comprehensive Plan map and text amendments are part of a larger effort to position the UGB Expansion Area as a "Tier 1, Shovel Ready" site for large-lot industrial employers. Future development will expand and diversify the economic base for the greater Hillsboro area and will provide employment along with limited retail and services to employees working in the North Hillsboro Industrial Area. Therefore, the proposed amendments are consistent with Section 10.

Section 11. Energy.

(I) Goal. To conserve energy by using energy conservation as a determinant in:

- (A) The location of various land use activities (residential, commercial and industrial).*
- (B) The design of developments.*
- (C) The design and development of a transportation system.*
- (D) The design and construction of housing and other structures.*

Finding: The UGB Expansion Area is located adjacent to one of the largest industrial employment areas in Washington County. Future development in the area will be able to maximize connectivity for biking and walking while encouraging the integration of eco-employment site design principles and green development practices, such as including a natural systems approach to managing storm water. All of these features will help conserve energy by reducing dependence on automobiles and vehicle miles traveled. Further, development within the UGB Expansion Area will be encouraged to use green building practices in order to reduce energy usage and associated costs (e.g., heating and cooling, solar orientation and on-site storm water management). For these reasons, the proposed amendments are consistent with Section 11.

Section 12 Public Facilities and Services

(I) Goals.

- (A) Provide public facilities and services in an orderly and efficient manner consistent with the expansion of urbanization into rural areas.*
- (B) Utilize the availability of public facilities and services as a tool for guiding urbanization with the Hillsboro Planning Area.*
- (C) Provide a safe and healthy living environment.*
- (D) Provide that existing land uses are and will continue to be supported by needed public facilities and services.*
- (E) Provide that future development is appropriately guided and supported by the provision of public facilities and services in a timely, orderly, and efficient manner.*

Finding: As described above, the proposed map and text amendments provide for extension of public facilities and services in an orderly and efficient manner to ensure a safe environment and appropriate future development. Therefore, the proposed amendments are consistent with Section 12.

Section 13. Transportation.

(I) Goals:

(A) Safety. Develop and maintain a safe City transportation system.

(B) Multi-modal Travel. Provide a balanced City transportation system.

(C) Trip Reduction. Develop a transportation system that helps to reduce the number of motor vehicle trips and contributes to regional goals to reduce per capita vehicle miles of travel.

(D) Performance. Provide an efficient transportation system that manages congestion.

(E) Goods Movement. Provide for efficient movement of goods and services.

(F) Livability. Transportation facilities within the City shall be designed and constructed in a manner that enhances livability of Hillsboro.

(G) Accessibility. Develop transportation facilities that are accessible to all members of the community and minimize out-of-direction travel.

Finding: The proposed map and text amendments provide for a multi-modal transportation system within the UGB Expansion Area and connections to the larger Hillsboro community. The map amendments will ensure connectivity and an efficient pattern of streets to help reduce vehicle miles and facilitate freight movement. Therefore, the map and text amendments are consistent with Section 13.

APPLICABLE METRO CODE

The remainder of these findings address only applicable regional and state goals, policies and implementation measures. If a specific goal, policy or implementation measure is not included in these findings, the Planning Commission has determined it is not applicable to the proposed Comprehensive Plan map and text amendments.

Metro Urban Growth Management Functional Plan

The City of Hillsboro is required to comply with Metro's Urban Growth Management Functional Plan (UGMFP) when amending its Comprehensive Plan and Zoning Code. As noted on page 6, three UGMFP Titles (3, 4 and 11) are potentially applicable to the proposed map and text amendments.

Title 3: Water Quality and Flood Management

3.07.310 Intent

To protect beneficial water uses and functions and values of resources within Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

Finding: Volume I, Section 131 of the Hillsboro Zoning Ordinance contains provisions for the city's Regulatory Floodplain District (RFD), which complies with Title 3 by reducing the potential for flood damage and limiting development in areas subject to flooding. The provisions in Section 131 limit the types of uses that can be established in the RFD and include standards to ensure development does not negatively impact the floodplain. The standards also require

coordination and consistency with state and federal agencies and regulations. The text amendments recognize the RFD areas by identifying a green/open space system for preservation along the UGB Expansion Area stream corridors.

In addition, as described in the findings for OAR 660, Division 23 below, water quality resources will be protected by applying the Significant Natural Resource Overlay (SNRO) District to the significant riparian corridors along the creeks within the UGB Expansion Area.

Based on the findings above, the proposed amendments are consistent with Title 3.

Title 4: Employment Lands

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSLAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.

Metro's role in promoting and sustaining a strong, competitive regional economy is partially implemented by cities and counties through compliance with UGMFP Title 4 (Industrial and Other Employment Areas). Title 4 protects a diverse group of industrial and employment lands throughout the region in order to provide a strong jobs base and enable the efficient movement of goods and freight.

Metro addresses employment lands in three categories: regionally significant industrial areas; other industrial areas; and employment areas. These areas are officially designated on a map approved by the Metro Council and reflected in city and county zoning. Title 4 of Metro's UGMFP (Sections 3.07.410-3.07.450), provides greater detail on Metro's policies relating to the protection of Regionally Significant Industrial Areas (RSIA), other industrial areas and employment areas.

In 2009, Metro reviewed the region's employment and housing needs for the next 20 years, which resulted in an Urban Growth Report (UGR) indicating the region needed to add lands for future industrial employers who might require sites of 50 acres or larger. Such lands are typically designated for RSIA uses. As a result, in October 2011, the Metro Council added 330 acres in North Hillsboro to the UGB for future large-lot industrial employment.

The city's existing comprehensive plan and zoning regulations, as amended in 2012 by HCP 2-11 and ZOA 2-11, have been deemed by Metro to comply with current Title 4 regulations. The city developed the North Hillsboro Industrial Area Community Plan and its implementing Industrial Sanctuary (I-S) zone as a proactive industrial land management tool to facilitate greater industrial development opportunities while complying with Metro Code 3.07 Title 4. The I-S zone ensures future industrial areas are developed in a cohesive manner that maximizes efficient use of job creating industrial land.

The following sections address UGMFP Title 4 requirements for regionally significant industrial areas, other industrial areas and employment areas and describe how the city's proposed Comprehensive Plan and Zoning Code amendments comply with those requirements.

Regionally Significant Industrial Areas (RSIAs)

According to Metro, regionally significant industrial areas are those industrial areas near the region's most significant transportation facilities that enable the efficient movement of freight. RSIAs also include other areas most suitable for the movement and storage of goods.

Because of the significance of these areas to the region's overall economy, they are regulated to ensure their continued use and availability as industrial lands. While cities and counties have zoning authority for these areas, Metro's code places limits on the size and location of new buildings for retail commercial uses, such as stores, restaurants, and medical offices, so that these businesses primarily serve the needs of workers in those industrial areas (Section 3.07.420(B)).

2011 revisions to Title 4 improved protections of significant industrial lands by limiting the development of new parks, schools and places of assembly in those areas. Section 3.07.420(D) restricts the placement of schools, places of assembly (20,000 square feet or larger), and parks in RSIAs. Metro also limits the division of lots 50 acres in size or larger in order to maintain an adequate supply of large-lot industrial sites for current and future employment needs (Section 3.07.420(F)).

In Regionally Significant Industrial Areas, non-industrial uses are limited to:

- *Retail and professional service uses less than 20,000 square feet per development project, amounting to no more than 3,000 square feet of sales or service area in a single outlet (Section 3.07.420(B));*
- *Uses necessary to serve the needs of businesses and employees of the Regionally Significant Industrial Area. (Section 3.07.420(B)); and*
- *Uses that will not reduce off-peak road performance on major regional freight network routes. (Section 3.07.420(C))*

Finding: Implementation of Title 4 measures is focused on local zoning code compliance rather than Comprehensive Plan map or text amendments. In accordance with Section 3.07.420(A), the city derived "specific plan designation and zoning district boundaries of RSIAs within its jurisdiction" from Metro's Title 4 Employment and Industrial Areas Map and adopted an Industrial Sanctuary (I-S) zone in 2012.

The city's acknowledged Industrial Sanctuary development regulations prohibit or severely restrict new commercial retail uses while allowing "commercial office uses that are accessory to and in the same building containing businesses engaged in high-technology product manufacturing." Title 4 compliance in the I-S Zone is achieved by limiting the scale and location of "eating and drinking establishments, general office uses, and retail goods and services," requiring those uses must "serve primarily the needs of the businesses and employees in the industrial area."

The North Hillsboro Industrial Area Community Plan restricts stand-alone retail, office and service support commercial uses to three areas embedded in the industrial area. These locations were identified on NHIA Community Plan Figures 30-J and 30-K for the Evergreen, Shute and Helvetia and subareas. For the UGB Expansion Area, Section 30 of the Comprehensive Plan has been amended to allow smaller-scale industrial flex-space and commercial uses on remnant parcels resulting from compliance with the condition of providing for at least two 50-acre and one 100-acre sites.

Based on the findings above, the proposed amendments are consistent with Title 4 because the city's acknowledged Title 4 Comprehensive Plan provisions are being extended into the UGB Expansion Area with changes necessary to implement Metro Council's conditions of approval for the 2011 expansion. In addition, acknowledged I-S zoning regulations will be applied to industrially designated lands following annexation to the city.

Title 11: Planning for New Urban Areas

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

3.07.1110 Planning for Areas Designated Urban Reserve

A. The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435 of this chapter. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.

B. A local government, in creating a concept plan to comply with this section, shall consider actions necessary to achieve the following outcomes:

- 2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:*
 - a. A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;*
 - b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;*
 - c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;*
 - d. Protection of natural ecological systems and important natural landscape features; and*
 - e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.*

C. A concept plan shall:

- 1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;*
- 2. For proposed sewer, park and trail, water and stormwater systems and transportation facilities, provide the following:*
 - a. The general locations of proposed sewer, park and trail, water and stormwater systems;*
 - b. The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;*
 - c. The proposed connections of these systems and facilities, if any, to existing systems;*
 - d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;*
 - e. Proposed methods to finance the systems and facilities; and*
 - f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.*
- 3. If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;*
- 4. If the area subject to the concept plan calls for designation of land for residential use, the concept plan will describe the goals for meeting the housing needs for the concept planning area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available. As part of this statement of objectives, the concept plan shall identify the general number, price and type of market and nonmarket-provided housing. The concept plan shall also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection B of this section;*
- 5. Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of this chapter;*
- 6. Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;*
- 7. Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;*
- 8. Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;*

9. Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

10. Be coordinated with schools districts, including coordination of demographic assumptions.

Finding: While Hillsboro is the city responsible for comprehensive planning of the 330 acre UGB Expansion Area, the city is not required to comply with Title 11, Section 3.07.1110 Urban Reserve concept planning requirements because that section is only applicable to Metro Council decisions made after 31 December 2011. Since the UGB decision was made in October 2011 the city is not required to complete Title 11 concept planning before proceeding to Comprehensive Plan map and text amendments for the 330 acre UGB Expansion Area.

3.07.1120 Planning for Areas Added to the UGB

A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by section 3.07.1455B(4) of this chapter.

B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

Finding: For the reason stated above, these requirements do not apply.

C. Comprehensive plan provisions for the area shall include:

1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

Finding: The proposed map amendment designates the entire UGB Expansion Area for industrial use consistent with the design type assigned by Metro in conditions of approval when the area was added to the UGB in October 2011. Thus, the proposed amendments are consistent with subsection C(1).

2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

Finding: The city requires annexation of properties before zoning is applied. The city's annexation process also requires annexation into any applicable service district (e.g., Metro, Tri-Met) and withdrawal from special districts that duplicate city services.

Based on the above findings, the proposed amendments are consistent with subsection C(2).

7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For

areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

Finding: The proposed North Hillsboro Industrial Area Community Plan Figure 30-L transportation map shows the conceptual street plan for the 330 acre UGB Expansion Area, including arterials, collectors and connections to adjacent areas. The text amendments identify a multi-modal transportation network for the North Hillsboro Industrial Area Community Plan that incorporates the following elements:

- Connected pattern of streets and roads with bike lanes and sidewalks
- Greenspace circulation system with bicycle and pedestrian trails
- A system of north/south and east/west collector streets to serve the UGB Expansion Area and provide connections to roads adjacent to and outside the UGB Expansion Area

The Comprehensive Plan policy language proposed for the UGB Expansion Area includes provisions related to streets, including language that supports strategic public investments in arterial and collector road improvements to accommodate all modes of travel for commuters and freight.

No portions of the UGB Expansion Area will allow residential or mixed-use development and are therefore not subject to RTFP street connections standards.

The findings above demonstrate that the proposed amendments are consistent with subsection C(7).

8. Provision for the financing of local and state public facilities and services; and

Finding: The proposed amendments were informed by an assessment of infrastructure costs and a discussion of potential funding sources. In addition, the proposed Comprehensive Plan policies address provision of public utilities as part of future industrial development activity.

The findings above demonstrate that the proposed amendments are consistent with subsection C(8).

9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

Finding: The Bookwood Parkway/Highway 26 Interchange serves the UGB Expansion Area. An Interchange Area Management Plan (IAMP) was adopted in October 2012 by the Oregon Transportation Commission, fulfilling a Metro condition of approval #6 for the 330 acre UGB Expansion Area. The IAMP establishes a schedule of interchange improvements that will support future industrial growth as the UGB Expansion Area urbanizes in the future.

The findings above demonstrate that the proposed amendments are consistent with subsection C(9).

D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, within 30 days after adoption of new land use regulations for the area.

Finding: Because the proposed Comprehensive Plan map and text amendments designate the 330 acre UGB Expansion Area for industrial use, this requirement is not applicable.

3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;

B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;

C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010 of this chapter, or for a new public school;

Finding: The city of Hillsboro will not adopt or approve any of the above land use actions until I-S zoning, which complies with section 3.07.1120, is applied to the area following annexation.

Overall Title 11 Finding: Based on the findings above, the proposed amendments are consistent with Metro Code Chapter 3.07, Title 11.

APPLICABLE STATEWIDE PLANNING GOALS AND ADMINISTRATIVE RULES

Oregon Statewide Planning Goals

Goal 1 Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: As demonstrated in the findings for city Comprehensive Plan Major Plan Amendment Procedures, Section 1 (Planning and Citizen Involvement) Part (III), the city invited citizen and public agency participation using a variety of methods and techniques. Between 2011 and 2013, during preparation of the proposed map and text amendments, public participation included:

- Plan area property owner meetings.
- Neighboring property owner meetings.
- Citizen Participation Organization 8 meeting.
- A public open house held on February 28, 2013.
- Service provider meetings held with the Hillsboro Public Works, Water, Fire and Police departments, Clean Water Services, representatives from Washington County Department of Land Use and Transportation, and private utility companies.
- Advisory Committee on Citizen Involvement (ACCI) and Citizen Involvement Advisory Committee (CIAC) meetings.
- Planning Commission work session, informational item and public hearing.

- Media outreach.
- Project webpage.

Based on the above findings, the proposed amendments are consistent with Goal 1 Citizen Involvement.

Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The Hillsboro Comprehensive Plan was adopted by the city and acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with applicable statewide planning goals, state statutes and state administrative rules in 1984. The city established a land use planning process and policy framework as a basis for all decisions and actions related to land use to assure an adequate factual base for future decisions and actions. The planning process established a factual base for the Plan, including the following elements:

- Planning context
- Infrastructure conditions
- Environmental context
- Cultural context
- Regulatory context

Decisions for the Plan were made based on the factual base and consistent with existing city policies. Therefore, the proposed amendments are consistent with Goal 2.

Goal 5 Natural Resources, Scenic and Historic Areas and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Waibel Creek flows west/southwest through the southern portion of the UGB Expansion Area, ultimately flowing into the Tualatin River via McKay and Dairy creeks. The Hillsboro Zoning Ordinance Volume 1 Section 131 contains standards and regulations intended to protect floodplains such as those along Waibel Creek by limiting the types of uses that can be located within floodplain areas.

Because the North Hillsboro UGB Expansion Area is not currently located within the Hillsboro city limits, the city's existing Goal 5 inventory does not include the properties in the UGB Expansion Area. Properties that may contain natural resources are currently being inventoried and a significance determination will be made using the methodologies described in the adopted *Hillsboro Goal 5 Natural Resource Inventory & Assessment Report*.

Significant natural resources and their associated impact areas will be added to the Significant Natural Resource Overlay (SNRO) district as part of the rezoning process subsequent to annexation. The SNRO district provides protection for significant wetlands, riparian corridors and wildlife habitats. An Economic, Social, Environmental, and Energy (ESEE) Consequences Analysis will be conducted for the Significant Natural Resource (SNR) sites added to the SNRO district.

In addition to the city's SNRO district, the city is a partner in the Tualatin Basin Fish & Wildlife Habitat Program. This is a voluntary program that encourages the use of Habitat Friendly Development Practices, including Low Impact Development (LID) techniques, designed to reduce the environmental impacts of new development and remove barriers to their use. The intent is to provide flexibility in land development to encourage protection of qualified Habitat Benefit Areas.

Furthermore, the proposed text amendments include a Parks and Open Space policy that states:

Greenspace corridors will be preserved and passive recreational opportunities and trails provided along the edges of greenspace areas for employees within the North Hillsboro Industrial Area.

Based on the findings above, the proposed amendments are consistent with Goal 5 Natural Resources, Scenic and Historic Areas and Open Spaces.

Goal 6 Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Finding: As mentioned above, Waibel Creek is a tributary of the Tualatin River that flows through the UGB Expansion Area. Water resources are protected by existing floodplain regulations and through integrating the creek corridor into an open space network through the UGB Expansion Area. Furthermore, the Oregon Department of Environmental Quality (DEQ) regulates air, water and land with CWA Section 401 Water Quality, Water Quality Certificate, State 303(d) listed waters, Hazardous Wastes, Clean Air Act (CAA), and Section 402 NPDES Construction and Stormwater permits. The Department of State Lands and the Army Corps of Engineers regulate jurisdictional wetlands and CWA Section 404 water of the state and the country respectively. Clean Water Services regulates impervious surface and storm water runoff throughout the city. Future development within the UGB Expansion Area will need to comply with these state and national regulations and protections for air, water and land resources quality. Based on the findings above, the proposed amendments are consistent with Goal 6 Air, Water and Land Resources Quality.

Goal 9 Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: As described in the Comprehensive Plan compliance findings above, the proposed Comprehensive Plan map and text amendments are part of a larger effort to position the UGB Expansion Area as a "Tier 1, Shovel Ready" site for large-lot industrial employers. Future development will expand and diversify the economic base for the greater Hillsboro area and will provide employment along with limited retail and services to employees working in the North Hillsboro Industrial Area.

Based on these findings, the proposed amendments are consistent with Goal 9 Economic Development.

Goal 11 Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: As described in the Comprehensive Plan Compliance findings above, the proposed map and text amendments provide for extension of public facilities and services in an orderly and efficient manner to ensure a safe environment and appropriate future development. Timing and funding of new and expanded infrastructure in the UGB Expansion Area will be closely coordinated with development.

Work on the proposed amendments included an assessment of existing and proposed infrastructure within the North Hillsboro area, providing a context for how sewer, water and storm drainage will be managed as the area develops. Sewer service will be provided through construction of new collection, pumping and conveyance facilities to serve new development. Water service will be provided through extension of existing water lines located south of the UGB Expansion Area and construction of new water facilities. Storm water management will be accomplished with a combination of conventional systems and low-impact facilities.

Based on the findings above, the proposed amendments are consistent with Goal 11 Public Facilities and Services.

Goal 12 Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding: As described in the Comprehensive Plan Compliance and Metro Title 11 findings above, the proposed map and text amendments identify a multi-modal transportation network for the North Hillsboro Industrial Area Community Plan that incorporates the following elements:

- Inter-connected pattern of streets and roads with bike lanes and sidewalks
- Greenspace circulation system with bicycle and pedestrian trails
- A system of north/south and east/west collector streets to serve the UGB Expansion Area and provide connections to roads adjacent to and outside the UGB Expansion Area

Based on the findings above, the proposed amendments are consistent with Goal 12 Transportation.

Goal 13 Energy Conservation

To conserve energy.

Finding: As described in the Comprehensive Plan Compliance findings above, the proposed text amendments encourage preservation of open space and green development practices in the UGB Expansion Area. Such measures could include a natural systems approach to managing storm water, an emphasis on use of walking, bicycling and transit, particularly for commuter trips. Such actions would help conserve energy by reducing dependence on automobiles and vehicle miles traveled. Greenstreet designs for new accessways in the UGB Expansion Area will provide opportunity for natural storm water treatment, temperature mitigation and air quality improvements. Development within the UGB Expansion Area will be encouraged to use green building practices in order to reduce energy usage and associated costs (heating and cooling, solar orientation and on-site storm water management for example).

Based on the findings above, the proposed amendments are consistent with Goal 13 Energy Conservation.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The UGB Expansion Area was included in amendments to the UGB approved by Metro in October 2011, and is intended to meet local and regional needs for industrial employment land. There is substantial evidence in the record associated with the UGB amendment related to consistency and compliance with Goal 14.

Based on the findings above, the proposed amendments are consistent with Goal 14 Urbanization.

Oregon Administrative Rules

OAR 660, Division 012 – Transportation Planning Rule (TPR)

660-012-0060 – Plan and Land Use Regulation Amendments

These findings are intended to supplement the extensive OAR 660-012-0060 findings adopted by the city in late 2012 as part of HCP 3-12 (Transportation Improvements for the North Hillsboro Industrial Area), which amended the Transportation System Plan and Transportation Policy portions of the Comprehensive Plan related to the North Hillsboro Industrial Area Community Plan. Those findings are incorporated herein by reference. The HCP 3-12 amendments were acknowledged by the state on October 26, 2012 and provided the basis for the transportation related maps and text included in this Comprehensive Plan amendment.

OAR 660-012-0060 requires the following:

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) Change standards implementing a functional classification system; or*
 - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Finding: Amendments to the Hillsboro Transportation System Plan (TSP) were made in 2012 to establish adequate transportation system improvements necessary to accommodate reasonably likely development of land within the Urban Growth Boundary, including the 330 acre UGB Expansion Area. Those amendments added the following new collector and arterial roadways into the transportation system in the UGB Expansion Area:

- NW 253rd Avenue (NW Evergreen Rd to NW Meek Rd): a city 3-lane Collector;
- NW Huffman Street (NW Brookwood Pkwy to NW Sewell/west UGB boundary): a city 3-lane Collector; and
- NW 264th Avenue (NW Evergreen Rd to NW Meek Rd): a city 3-lane Collector.

An existing roadway recommended for reclassification is the segment of NW Meek Road between the planned NW 253rd Avenue extension and NW Brookwood Parkway. The Planning Commission concurs with the recommendations of the Oregon Department of Transportation (ODOT), Washington County, neighboring property owners, and the advisory groups that disconnection of vehicular access between NW Meek Road and NW Brookwood Parkway would be in the best interest of the public to ensure public safety adjacent to the Interchange improvements. Pedestrian, bicycle and emergency vehicle access may continue to be accommodated to NW Brookwood Parkway. With the provision of new roadway connections between NW Meek Road and area arterial roadways (NW 253rd Ave. and NW 264th Ave.), the traffic on NW Meek Road will significantly be reduced, thereby removing the need for a collector roadway designation.

Acknowledged amendments to the Hillsboro Transportation System Plan changed existing area roadway designations in a manner consistent with the roadways' existing and planned Washington County Transportation System Plan designations. These include the following roadways in or near the UGB Expansion Area:

- NW Meek Road (West UGB boundary to NW 253rd Avenue): County Collector roadway to be designated as a city 3-lane Collector roadway upon annexation to the city of Hillsboro; and
- NW Sewell Road (NW Evergreen Pkwy to NW Meek Rd): County Local Street roadway to be designated as a city Local Industrial Street upon annexation to the city of Hillsboro;

No changes to adopted standards implementing a functional classification system are proposed or required for these major comprehensive plan amendments. The amendments would not promote types or levels of travel or access inconsistent with the functional classification of existing or planned transportation facilities. Further, the amendments would ensure the existing and planned

transportation facilities would operate in a manner which would meet the performance standards identified in the TSP and Comprehensive Plan. OAR 660-012-0060(1)(c)(C) is not applicable.

(2) *If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.*

(a) *Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

(b) *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

(c) *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

(d) *Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*

(e) *Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.*

Finding: Acknowledged amendments to the Hillsboro TSP will accommodate the growth of traffic beyond the planning horizon. The analysis completed for the Brookwood Parkway Interchange Area Management Plan and related city studies were based on reasonably likely development levels within the Urban Growth Boundary, including the UGB Expansion Area.

(3) *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*

- (a) *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
- (b) *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*
- (c) *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*
- (d) *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.*

Finding: OAR 660-012-0060(3) is not relevant based on the findings detailed above under OAR 660-012-0060(1) and OAR 660-012-0060(2). Further, ODOT adopted the LAMP on October 16, 2012, through an Oregon Transportation Commission consent agenda item.

- (4) *Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*
 - (a) *In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*
 - (b) *Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*
 - (A) *Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*
 - (B) *Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a*

development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

- (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*
- (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*
- (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.*

Finding: The US 26/Brookwood-Helvetia interchange is under the jurisdiction of ODOT. ODOT has full funding authority for the improvements being designed and scheduled for construction commencing in 2013. These improvements are contained in the ODOT IAMP adopted by the Oregon Transportation Commission on October 16, 2012, and are listed in the Metro federal financially constrained Regional Transportation Plan (RTP). The requirements of OAR 660-012-0060(4)(b)(C) are met.

Remaining improvements proposed in these map and text amendments are or will be under Hillsboro's jurisdiction. The majority of the roadways contained in these amendments are currently on the Metro financially constrained RTP. Roadways that are not on the financially constrained RTP have been found by the city to be reasonably likely to be provided by the end of the planning period.

- (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:*
 - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or*
 - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.*

Finding: The UGB Expansion Area lies outside an interstate interchange area since US 26 is not designated as an Interstate freeway. This section is not applicable to the proposed amendments.

- (d) As used in this section and section (3):*

- (A) *Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;*
- (B) *Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and*
- (C) *Interstate interchange area means:*
 - (i) *Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or*
 - (ii) *The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*

Finding: The UGB Expansion Area lies outside an interstate interchange area since US 26 is not designated as an Interstate freeway. This section is not applicable to the proposed amendments.

- (e) *For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*

Finding: The Planning Commission finds it is reasonable to assume that the transportation system plan amendments contained in HCP 3-12 can be constructed prior to the end of the planning period, and as such deems the facilities to be planned transportation facilities for serving the transportation needs associated with development of the lands contained within the Urban Growth Boundary as it exists pursuant to amendments adopted in October 2011.

- (5) *The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.*

Finding: The proposed major comprehensive plan amendments for the 330 acre UGB Expansion Area are not applicable to rural lands under this division or OAR 660-004-0022 and 660-004-0028.

- (6) *In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)-(d) below:*
 - (a) *Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in*

available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

- (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;
- (c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
- (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

Finding: The areas surrounding the roadways addressed in these amendments are not mixed-use or neighborhoods, and as such OAR 660-012-0060(6) does not pertain to the amendments.

- (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

- (a) *The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;*
- (b) *The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and*
- (c) *The proposed amendment would significantly affect a transportation facility as provided in section (1).*

Finding: The Planning Commission finds OAR 660-012-0060(9) does not apply because none of the criteria of subsections (a)-(c) are triggered by the proposed amendments.

(10) *Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.*

(a) *A proposed amendment qualifies for this section if it:*

- (A) *Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and*
- (B) *Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.*

(b) *For the purpose of this rule, "multimodal mixed-use area" or "MMA" means an area:*

- (A) *With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;*
- (B) *Entirely within an urban growth boundary;*
- (C) *With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;*
- (D) *With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and*
- (E) *Located in one or more of the categories below:*
 - (i) *At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;*

- (ii) *Within the area of an adopted Interchange Area Management Plan (LAMP) and consistent with the LAMP; or*
 - (iii) *Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.*
- (c) *When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.*
- (A) *The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:*
- (i) *Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;*
 - (ii) *Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and*
 - (iii) *Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.*

Finding: The Planning Commission finds designation of an MMA is not required for the areas considered in the proposed amendments, and thus the subsection does not apply.

(B) *If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.*

Finding: The proposed amendments will support necessary transportation system improvements needed to protect the safe operations of the interchange, particularly as it relates to facilitating clearing traffic queues on the interchange exit ramps.

- (d) *A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.*

Finding: The Planning Commission finds designation of an MMA is not required for the areas considered in the proposed amendments, and thus the subsection does not apply.

- (e) *A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use*

regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

Finding: The Planning Commission finds designation of an MMA is not required for the areas considered in the proposed amendments, and thus the subsection does not apply.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits

of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

- (A) Proposed amendment.
- (B) Proposed mitigating actions from section (2) of this rule.
- (C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.
- (D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.
- (E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

Finding: The Planning Commission finds OAR 660-012-0060(11) does not apply to the proposed amendments because partial mitigation is not proposed by the map or text amendments.

Overall TPR Finding: Based on the above findings, the proposed amendments are consistent with OAR 660, Division 012.

OAR 660, Division 023 - PROCEDURES AND REQUIREMENTS FOR COMPLYING WITH GOAL 5

Purpose and Intent

This division establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This division explains how local governments apply Goal 5 when conducting periodic review and when amending acknowledged comprehensive plans and land use regulations.

Finding: Volume 1, Section 131A of the Hillsboro Zoning Ordinance contains the Significant Natural Resources Overlay (SNRO) District. This district was adopted by the city to provide protection for Significant Natural Resources under Statewide Planning Goal 5 and to comply

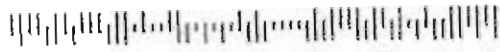
with the provisions of OAR 660, Division 23. The purpose language for the SNRO District states that, "For the purpose of this ordinance, Significant Natural Resources are designated as Significant Wetlands, Riparian Corridors and Wildlife Habitat. These resources have been inventoried within the city of Hillsboro according to procedures, standards and definitions established under Goal 5 and are identified in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report*."

Properties within the UGB Expansion Area have not yet been inventoried by the city for Goal 5 natural resources. The inventory is currently underway. A determination of significance will be made using the methodologies described in the adopted *City of Hillsboro Goal 5 Natural Resource Inventory & Assessment Report*. Natural resources identified as significant and their associated impact areas will be added to the SNRO District as part of the rezoning process when properties annex into the city. An Economic, Social, Environmental and Energy (ESEE) analysis will be conducted by the city for all natural resource sites added to the SNRO District.

Based on the above findings, the proposed amendments are consistent with OAR 660, Division 23.

CONCLUSION

For the reasons set forth above, the Planning Commission finds the Comprehensive Plan map and text amendments proposed for the 330 acre UGB Expansion Area within the North Hillsboro Industrial Area Community Plan are consistent with city and regional comprehensive plan goals, policies and implementation measures, thereby meeting the approval criteria for major plan amendments. The Planning Commission hereby recommends approval of HCP 1-13 as supported by these Findings of Fact and Conclusions of Law.



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 Oregon 97301

