



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

02/19/2013

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 011-12

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 06, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Ruth Klein, City of Hillsboro
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	FEB 14 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **HILLSBORO**Local file number: **ZC 6-12**Date of Adoption: **2/5/2013**Date Mailed: **2/13/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 1/15/2013☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

ZONE CHANGED FROM COUNTY FD-20 FUTURE DEVELOPMENT 20-ACRE DISTRICT TO CITY I.S. INDUSTRIAL SANCTUARY FOR PROPERTY ANNEXING INTO THE CITY LIMITS OF HILLSBORO.

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

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **COUNTY ZONE: FD-20 SANCTUARY**to: **CITY ZONE: I.S. INDUSTRIAL**Location: **1N2210002001**Acres Involved: **2**Specify Density: Previous: **N/A**New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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:

WASHINGTON COUNTY, METRO, CLEAN WATER SERVICES

Local Contact: **RUTH KLEIN**

Phone: (503) 681-6465 Extension:

Address: **150 E MAIN ST**

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

City: **HILLSBORO**
oregon.gov

Zip: **97123-**

E-mail Address: **Ruth.Klein@hillsboro-**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by 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. 6043

ZONE CHANGE 6-12: MARTINEZ

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

WHEREAS, a certain tract of land described herein has been annexed to the City of Hillsboro, and

WHEREAS, rezoning of an annexed tract of land from a County zone to a City zone prevents code enforcement problems associated with the City attempting to administer the land use laws of Washington County, and

WHEREAS, the City of Hillsboro Planning Commission approved Order No. 8080 on January 9, 2013, initiating the zone change on the annexed property described below, and

WHEREAS, the City Council hereby adopts the staff report, including the recommended conditions of approval, attached hereto as Exhibit A, as findings in regard to this matter, and

WHEREAS, based on those findings, the City Council hereby determines that the zone change conforms with the Hillsboro Comprehensive Plan and Zoning Ordinance, and the particular zone recommended is the best suited for the subject site.

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

Section 1. The following described tract of land, also shown on Exhibit B, is hereby rezoned from County FD-20 to City IS Industrial Sanctuary:

Tax Lot 2001 on Washington County Tax Map 1N2-21
Section 21, Township 1 North, Range 2 West, Willamette Meridian

Section 2. Approval of this zone change is subject to the following conditions:

- 1) As a condition of development or land use approval (approval of a land use action as defined in Implementation Measure B of the Transportation Plan), the owner of the parcel that is subject to this zone change decision may be required to provide (dedicate to the City) additional street right-of-way along the frontage of the property as necessary to meet the standards of the City Transportation Plan.
- 2) As a condition of development or land use approval (approval of a land use action as defined in Implementation Measure B of the Transportation Plan), the owner of the parcel that is subject to this zone change decision may be required to construct any

road improvements along the frontage of their property as required and approved by the City Engineer.

- 3) Prior to issuance of permits for any new development, the owner of the parcel that is subject to this zone change decision shall provide to the City a Clean Water Services Service Provider Letter, and any new development shall comply with any conditions set forth in the Letter. The Clean Water Services letter is one component of a complete development application.

Section 3. The City Planning Director is hereby instructed to cause the official zoning map, a part of Ordinance No. 1945, to be amended to include the zone change set forth in Section 1 hereof, upon the effective date of associated File No. Annexation 5-12.

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


Section 5. The zone change shall become effective upon filing of the associated annexation records of File No. Annexation 5-12 with the Secretary of State as provided by ORS 222.180.

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 15th day of January 2013.

Second approval and adoption by the Council on this 5th day of February 2013.

Approved by the Mayor this 5th day of February 2013.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder



EXHIBIT A

MEMORANDUM

To: City Council

From: Planning Department

Date: January 9, 2013

Subject: Request for Approval of Zone Change
File No. Zone Change 6-12: Martinez

REQUEST

The City of Hillsboro, acting as applicant, requests a zone change from County FD-20 Future Development – 20 Acre District to City IS Industrial Sanctuary on a property approximately 2.51 acres in area. The purpose of the zone change request is to implement the IN Industrial designation on the property following annexation. The property owner is the City of Hillsboro.

The City received an associated annexation application (File No. Annexation 5-12) which will be reviewed by the City Council at their January 15, 2013 meeting. Pursuant to Zoning Ordinance Section 97, the Planning Commission approved Order No. 8080 on January 9, 2013, initiating this zone change request.

SITE DESCRIPTION

The property under consideration for annexation is located generally north of NW Evergreen Road, west of NW 253rd Avenue and east of NW Sewell Road. The property can be specifically identified as Tax Lot 2001 on Washington County Assessor's Tax Map 1N2-21. The total Taxable Assessed Value is \$318,100 and the Market Total Value is \$429,940. The property has a slight slope to the north and a drainage swale horizontally bisects the northern portion of the site. There are trees along the drainage swale. A single family home is located on the southern portion of the site and the remainder of the site has been used for agriculture and farm uses. The property has a Washington County plan designation of FD-20 (Future Development – 20 Acre District).

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

The Clean Water Services Sensitive Areas Pre-Screen Map identifies potential sensitive areas on the entirety of the site. The City of Hillsboro Significant Natural Resource Overlay analysis has not been completed for this area of the City. At the time of the zone change a condition regarding applicable natural resource conditions will be applied to the site.

DESCRIPTION OF SURROUNDING AREA

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

PUBLIC UTILITIES

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

TRANSPORTATION FACILITIES

<u>Streets</u>	<u>Existing</u>	<u>Improvement</u>	<u>Plan Designated</u>	
	<u>R-O-W</u>		<u>R-O-W</u>	<u>Improvement</u>
NW Evergreen Road	80'	55' +/-	70'	46'
<u>Sidewalk Improvements</u>	<u>Existing</u>		<u>Plan Designated</u>	
NW Evergreen Road	None		5' sidewalk and 6' planter strip	
<u>Mass Transit</u>	<u>Route</u>		<u>Distance to Site</u>	
Bus	Route 47		¼ mile +/- (south)	
<u>Bicycle Lane</u>	<u>Existing</u>		<u>Plan Designated</u>	
NW Evergreen Road	6'		6'	

APPLICABLE PLAN POLICIES AND IMPLEMENTATION MEASURES

Section 2. Urbanization Implementation Measure (IV)(A)(5) The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.

Section 2. Urbanization Implementation Measure (I) Land uses identified by the Comprehensive Plan Land Use Map have been determined to be the most suitable needed by the City. To meet the burden of proof for a proposed zone change, it is both necessary and sufficient to show that the proposed zone change is consistent with and represents the highest land use allowed by the Comprehensive Plan Land Use Map, and in the case of zone changes in the residential areas, the proposed zone shall allow development of housing at a density within the range designated by the Land Use Map. In addition, the City may attach clear and objective conditions to the zone change provided such conditions are consistent with the Comprehensive Plan, the Zoning Ordinance, and other rules and policies regulating development in the City.

Section 2. Urbanization Implementation Measure (M) The land use map shall designate property in the Hillsboro Planning Area as Low, Medium, High or Mid-Rise Residential, Mixed-Use, Commercial, Industrial, Open Space, Floodplain, Public Facility or Station Community Planning Area. As used in this subsection, "Mixed-Use" means a mix of residential and commercial uses either vertically or horizontally. The land use map may also designate the boundaries of Hillsboro "community plan" areas. Residential land outside Station Community Planning Areas shall be designated Low, Medium, or High density, or Mid-Rise Residential, so as to provide the opportunity for an overall density of 10 units per net acre, and a 50% detached single family/50% attached single family or multi-family split on new construction.

Section 13. Transportation – Implementation Measure (B) Approval of land use actions on properties including or adjacent to rights-of-way and street improvements which are less than that specified in the Transportation Plan and Maps shall require: dedication of adequate land for public right-of-way to meet that specified in the Plan; construction of the required interior street system; and construction of, or execution of a non-remonstrance deed restriction for the specified street improvements immediately adjacent to the properties. For the purpose of this measure, land use actions are limited to zone changes, planned unit developments, conditional uses, variances, expansions of non-conforming uses, development reviews, site plan reviews, subdivisions, major partitions and minor partitions.

APPROVAL CRITERIA

Zoning Ordinance No. 1945, Section 114 (2) specifies the approval criteria for a proposed zone change as follows:

- a) The request must conform with the Hillsboro Comprehensive Plan and the Zoning Ordinance; (and)

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

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

- a. Street improvements within and/or abutting the development;
- b. Street dedication within and/or abutting the development;
- c. Joint use/access agreement;
- d. Improvement agreements for the installation of necessary on-site public facilities;
- e. Utility easements;
- f. Landscaping;
- g. Off-street parking;
- h. Storm drainage easements;
- i. Off-site public improvements when the rezoning and subsequent development will contribute significantly to the need for such off-site improvements;
- j. Development Review approval by the Planning Commission; for projects in zones or locations for which development requirements and design standards are specified in the Zoning Ordinance;
- k. Screening and/or fencing;
- l. Limiting access;
- m. Surety and performance bonds;
- n. Non-remonstrance clauses.

TESTIMONY RECEIVED

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

DISCUSSION

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

Evergreen West sub-area. The City of Hillsboro Planning Department's staff report on the annexation, dated January 1, 2013, recommended that the subject property should be rezoned to IS - Industrial Sanctuary. During the zone change initiation process the Planning Commission adopted Order No. 8080 which recommended the IS zone as the most appropriate zone for the site.

RECOMMENDATION

Should the City Council choose to approve the requested zone change, Planning staff recommends that the following conditions be placed on the properties:

- 1) As a condition of development or land use approval (approval of a land use action as defined in Implementation Measure B of the Transportation Plan), the owner of each parcel that is subject to this zone change decision may be required to provide (dedicate to the City) additional street right-of-way along the frontage of the property as necessary to meet the standards of the City Transportation Plan.
- 2) As a condition of development or land use approval (approval of a land use action as defined in Implementation Measure B of the Transportation Plan), the owner of each parcel that is subject to this zone change decision may be required to construct any road improvements along the frontage of their property as required and approved by the City Engineer.
- 3) Prior to issuance of permits for any new development, the owner of each parcel that is subject to this zone change decision shall provide to the City a Clean Water Services Service Provider Letter, and any new development shall comply with any conditions set forth in the Letter. The CWS letter is one component of a complete development application.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



Ruth Klein
Urban Planner III

Attachment: Comprehensive Plan and Zoning Vicinity Maps
Clean Water Services Sensitive Areas Pre-Screen Map
Planning Commission Order No. 8080



ANNEXATION 5-12 & ZONE CHANGE 6-12, MARTINEZ : 1N2210002001



COMPREHENSIVE PLAN MAP



COMPREHENSIVE PLAN DESIGNATIONS

C	Commercial	RL	Low Density Residential (3-7 units per acre)	MU	Mixed Use
CO	County	RM	Medium Density Residential (8-16 units per acre)	MU-I	Mixed Use Institutional
FP	Floodplain	RH	High Density Residential (17-23 units per acre)	MU-UC	Mixed Use Urban Commercial
IN	Industrial	RMR	Mid-Rise Residential (24-30 units per acre)	MU-UE	Mixed Use Urban Employment
OS	Open Space	SCPA	Station Community Planning Area	MU-UR	Mixed Use Urban Residential
PF	Public Facility				

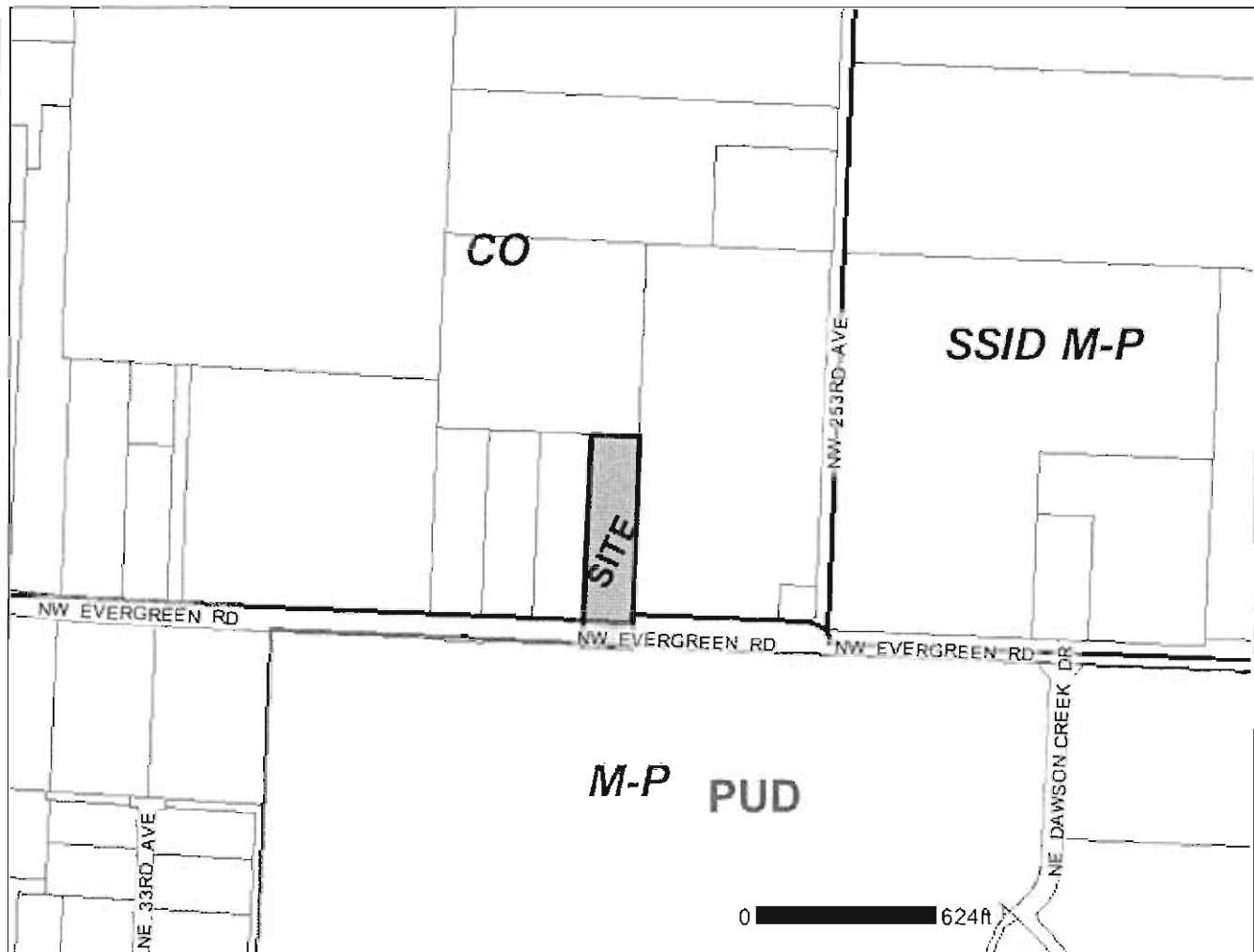
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ANNEXATION 5-12 & ZONE CHANGE 6-12, MARTINEZ : 1N2210002001



ZONING MAP



ZONING DESIGNATIONS

ANX Recent Annexation	CO County	PUD Planned Unit Development	SC : Station Community
Single Family Residential		C-1 General Commercial	SCBP Business Park
R-4.5 Single Family		C-4 Neighborhood Commercial	SCI Industrial
R-6 Single Family		I-S Industrial Sanctuary	SCFI Fair Complex Station
R-7 Single Family		M-2 Industrial	SCC : Station Community Commercial
R-8.5 Single Family		M-P Industrial Park	SCC-SC Station Commercial
R-10 Single Family		MU-C Mixed Use - Commercial	SCC-MM Multi-Modal
Multi-Family Residential		MU-N Mixed Use - Neighborhood	SCC-DT Downtown District
A-1 Duplex		UC : Urban Center	SCR : Station Community Residential
A-2 Multi-Family		UC-RM Residential Medium Density	SCR-HD High Density
A-3 Multi-Family		UC-OR Office/Research	SCR-MD Medium Density
A-4 Multi-Family		UC-AC Activity Center	SCR-LD Low Density
SID: Special Industrial District		UC-NC Neighborhood Center	SCR-V Village
SSID Shute Road		UC-MU Mixed-Use Urban Density	SCR-OTC Orenca Townsite Conservation
ESID Evergreen Area		UC-RP Research Park	SCR-DNC Downtown Neighborhood Conservation
HSID Helvetia Area			

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ANNEXATION 5-12 & ZONE CHANGE 6-12, MARTINEZ : 1N2210002001



CLEAN WATER SERVICES



CLEAN WATER SERVICES SENSITIVE AREA PRE-SCREEN MAP

- ☐ Taxlots
- ☒ Stream Buffers

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ORDER NO. 8080

ZONE CHANGE 6-12: MARTINEZ

AN ORDER INITIATING A ZONE CHANGE UPON A CERTAIN TRACT OF LAND WHICH HAS BEEN PROPOSED FOR ANNEXATION INTO THE CITY OF HILLSBORO.

WHEREAS, the owner of a certain tract of land, which is contiguous to the City of Hillsboro, filed with the City a written consent and request that the real property be annexed to the City, and

WHEREAS, Section 97 of the City of Hillsboro Zoning Ordinance No. 1945 states that the Planning Commission shall recommend a zone classification for areas which are being considered for concurrent annexation and zone change, and

WHEREAS, the Comprehensive Plan Land Use Map designates the subject property as IN Industrial, and

WHEREAS, the Planning Commission has determined that the zone that most appropriately implements the IN Industrial Plan designation of the City is IS Industrial Sanctuary.

THE CITY OF HILLSBORO PLANNING COMMISSION ORDERS AS FOLLOWS:

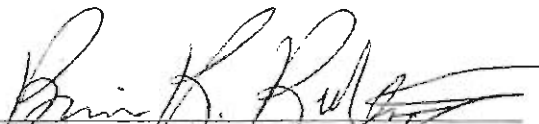
Section 1. Based on the testimony and record, the Commission recommends the rezoning of the tract of land described below from County FD-20 Future Development – 20 Acres to City IS Industrial Sanctuary as defined in the City of Hillsboro Zoning Ordinance No. 1945:

Tax Lot 2001 on Washington County Tax Map 1N2-21
Section 21, Township 1 North, Range 2 West, Willamette Meridian

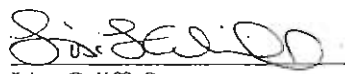
Section 2. Pursuant to Zoning Ordinance Section 97, that the Planning Commission's recommendation be forwarded to City Council for a public hearing on the proposed zone change, at a time the Council deems appropriate, upon the question of rezoning the above described tract to IS Industrial Sanctuary.

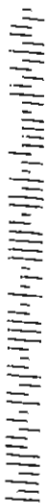
Section 3. This order takes effect immediately upon approval.

Approved this 9th day of January 2013.


Brian Roberts, Vice-President

ATTEST:


Lisa Califf, Secretary



FIRST • CLASS

First Class Mail



049JFZ035Z75
\$01.320
02/13/2013
Mailed From 97123
US POSTAGE



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

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

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT