



Oregon

Theodore R. Kubongosi, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/16/2013

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 012-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, October 01, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

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

<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
	SEP 11 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Hillsboro**

Local file number: **ZC 5-13**

Date of Adoption: **9/3/2013**

Date Mailed: **9/10/2013**

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".

AMENDMENT TO THE CONDITIONS OF APPROVAL PLACED ON A PREVIOUS ZONE CHANGE (CASE FILE NO. ZC 18-05) IN ORDER TO REDUCE THE SIZE OF A FUTURE PROPOSED SUBDIVISION AND ACCOMMODATE A PROPOSED 43-ACRES NATURE PARK. NO MAP CHANGE IS PROPOSED WITH THIS APPLICATION.

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

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

to: **N/A**

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

to: **N/A**

Location: **1N2350006800 and 6900; 1N235CB08200**

Acres Involved:

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

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

012-13 (19872) [17602]

DLCD file No. _____

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

WASHINGTON COUNTY, METRO

Local Contact: **RUTH KLEIN, URBAN PLANNER III** Phone: **(503) 681-6465** Extension: _____
Address: **150 E MAIN STREET** Fax Number: **503-681-6245**
City: **HILLSBORO** Zip: **97123-** E-mail Address: **Ruth.klein@hillsboro-**
oregon.gov

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. 6062

ZONE CHANGE 5-13: ORENCO WOODS CROSSING

AN ORDINANCE MODIFYING CONDITIONS OF APPROVAL OF A PREVIOUSLY APPROVED ZONE CHANGE FOR PROPERTY WEST OF NW CORNELIUS PASS ROAD, EAST OF NW 225TH AVENUE, AND NORTH OF NW QUATAMA ROAD.

WHEREAS, the applicants, City of Hillsboro Parks and Recreation Department and Polygon Homes initiated an application to modify conditions of a prior zone change for Tax Lots 6800 and 6900 on Washington County Tax Assessor's Map 1N2-35, and Tax Lot 8200 on Washington County Tax Assessor's Map 1N2-35CB. The purpose of the requested modifications is to allow development of an approximately 43.70 acre nature park, and an approximately 10.30 acre future residential development; and

WHEREAS, the Planning and Zoning Hearings Board (the "Board") received the Planning Department Staff Report and supporting documentation, dated June 25, 2013; and

WHEREAS, the Board, consisting of Ken Helm, James Maguire, and Brenda McCoy, held a duly-noticed public hearing on the application on July 3, 2013, to take testimony and evidence and consider the application, at which time the Board received testimony from the applicants, proponents and opponents of the application. Upon request of both the applicants and opponents, the Board continued the hearing to July 25, 2013 at 6:30 p.m. and left the written record open; and

WHEREAS, the Board held the continued hearing as scheduled, received the Planning Department Staff Reports and supporting documentation, dated July 18th and July 25th, and again accepted testimony and evidence from the applicants, proponents and opponents of the application, after which the Board closed the record and rendered a tentative oral decision to approve the proposal; and

WHEREAS, the recommendation for approval by the Board was finalized via Order No 4058, issued August 13, 2013; and

WHEREAS, the City Council has reviewed and concurs with the findings of the Planning and Zoning Hearings Board in regard to this matter; and,

WHEREAS, based on those findings, the City Council hereby determines that the zone change modifications conform to the Hillsboro Comprehensive Plan and Zoning Ordinance and all other applicable criteria, and the Station Community Residential - Village zone continues to be the best suited for the subject sites.

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

Section 1. Based on the testimony and evidence in the record, the City Council approves the modified conditions applicable to the property at the following location, and also attached as Exhibit C:

Tax Lots 6900 and 8200 on Washington County Tax Assessor's Map 1N2-35
Section 35, Township 1 North, Range 2 West, Willamette Meridian
Plot date November 27, 2012

Section 2. The City Council decision in this matter is based on the findings attached as Exhibit A and conditioned upon the applicant's satisfactory completion or compliance with the conditions set forth in Exhibit B.

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 this ordinance.

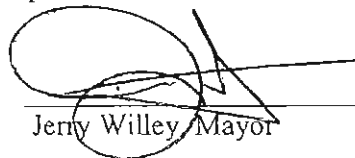
Section 4. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

Section 5. 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 20th day of August 2013.

Second approval and adoption by the Council on this 3rd day of September 2013.

Approved by the Mayor this 3rd day of September 2013.



Jerry Willey, Mayor

ATTEST 

Amber Ames, City Recorder

EXHIBIT A
(Findings)

The City Council adopts the following findings which were initially adopted by the Planning and Zoning Hearings Board (the "Board"):

1. The City complied with all required notice and hearing procedures for the Board's July 3, and July 25, 2013 hearings in this matter. At the commencement of both hearings the Hearings Officer made the disclosures and announcements required by ORS 197.763(5) and (6) and 197.796. No member of the Board had any ex parte contacts, conflicts of interest or biases to report. There were no procedural objections or objections to the participation of any member of the Board in this matter, and at the July 25, 2013 continued hearing no one requested a continuance or that the record be kept open.
2. At the July 3, 2013 hearing, Urban Planner Ruth Klein provided a verbal summary of the June 25, 2013 Staff Report, described the proposal, and generally discussed the significant issues relative to the approval criteria. The applicant provided testimony explaining that the original zone change did not contemplate the proposed size and configuration of the nature park. The proposed modifications were intended to allow for a larger park. One proponent addressed the proposed bridge over Rock Creek and requested that it be limited to pedestrian, bike and maintenance and emergency vehicles. Several opponents testified that although they desired the nature park, the requested modifications reopened the question of how the burden of access points and parking should be allocated between the northwest corner of the property and the future residential area in the southeast corner of the property. These opponents were concerned that the parking area proposed near the McDonald House would force a disproportionate amount of park related trips through Old Orenco on Birch Street. Upon request of both the applicants and opponents, the Board continued the hearing to July 25, 2013 at 6:30 p.m. and left the written record open.
3. At the July 25, 2013 continued hearing, Urban Planner Ruth Klein again described the proposal and discussed a supplemental staff reports dated July 18 and July 25, 2013. The applicant testified that a neighborhood meeting had been held and several of the concerns of neighbors had been discussed. Those discussions resulted in amendments to the proposed modifications to the applicable conditions. Those changes are generally reflected in the July 25, 2013 supplemental staff report. Don Odemott from the City's Transportation Planning Department requested revisions to proposed Condition 5 which set forth restrictions to the use of the proposed bridge over Rock Creek. The proposed new language was as follows:

The developer of the park shall construct a bridge across Rock Creek sized to accommodate only bicycle, pedestrian and park maintenance vehicles, and for emergency vehicle access if determined a requirement by the City Fire Marshal through the CDP/DDP process.

He also recommended changing the word "minimum" to "maximum" in Condition 11 because he believed it unlikely that Washington County would grant access to the

future residential area in the southeast corner of the property onto NW Cornelius Pass Road.

Fred Gast of Polygon Homes testified to clarify that the applicant had agreed in principle that parking for the park should be provided in the future residential area in the southeast corner of the property with the amount and configuration to be determined in the Concept Development Plan/Detailed Development Plan process.

One opponent testified voicing some concerns about whether the proposed bridge should be sized and engineered for fire trucks, and if so whether that might lead to future automobile use of the bridge

4. The Board then deliberated about the revised conditions. Jim Maguire asked whether the term "shall" in proposed Condition 7; "There shall be some parking for the proposed nature park provided on the SE residential parcel, as determined through the CDP/DDP process" was too restrictive. The applicant clarified that the term "shall" was desired and intended. Thereafter, a motion for approval was made and seconded, and the Board voted unanimously to approve the application with the conditions identified below.

EXHIBIT B
(Conditions of Approval)

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

- 1) The developer shall apply for and receive Concept Development Plan (CDP) / Detailed Development Plan (DDP) approvals as part of development and site review for the subject property.
- 2) Within the Concept Development Plan and within the Detailed Development Plan for the nature park, the developer shall provide the following:
 - a) Information on how the Historic McDonald House has been provided protection as a cultural resource under HZO Section 132;
 - b) Information verifying that funding has been dedicated to an application to place the McDonald House on the National Register of Historic Places, and the status of the application. The developer and owner of the property shall follow the advice and conditions provided by the State Historic Preservation Office and shall make a good-faith effort in filing the application(s);
 - c) A landscape and improvement plan for an open space / landscaped area around the McDonald House that will provide context to the House; and
 - d) Information on how consideration of the context of the McDonald House was addressed in the plans included in the CDP application and the nature park's DDP application.

There shall be continued coordination by the property owner to ensure that the maintenance of the McDonald house is continued.

- 3) The owners of the property shall cooperate with the City so that at least five acres located north of Rock Creek, outside the OS Plan designated area, and outside the City of Hillsboro Goal 5 Significant Natural Resource Overlay (SNRO) are available to be acquired by the City for development of a neighborhood park. The location of the park shall be addressed in the CDP/DDP applications. If appropriate arrangements can be made, those lands designated as OS may also be acquired for public use. If the OS/SNRO lands cannot be acquired by the City for open space or park use, maintenance of these lands for open space use shall be specified during the CDP/DDP process and may include a required homeowners association, the Elks or equivalent maintenance mechanism.
- 4) The developer shall dedicate right-of-way and construct half-street improvements along the site's frontage with NW Cornelius Pass Road and NW Quatama Road to

the standards required in the transportation system plans for the City of Hillsboro and Washington County.

- 5) The developer of the park shall construct a bridge across Rock Creek sized to accommodate only bicycle, pedestrian and park maintenance vehicles, and for emergency vehicle access if determined a requirement by the City Fire Marshal through the CDP/DDP process.
- 6) The maximum number of residential dwelling units for the southeast corner of the property shall be in the range of 75 dwelling units, plus or minus 5%, and the actual density shall be determined through the CDP/DDP application review.
- 7) The western portion of the property consists of the proposed nature park. The only public vehicular access to the proposed nature park shall be provided from the intersection of NW Birch Street at NW 225th Avenue as shown on the Master Plan for Orenco Woods Crossing as adopted by the Hillsboro Parks and Recreation Commission on June 25, 2013 and attached as Exhibit C. This does not preclude additional access if needed for emergency purposes. The number of parking spaces for the proposed nature park is to be determined through the CDP/DDP modification based on traffic impact studies. There shall be some parking for the proposed nature park provided on the SE residential parcel, as determined through the CDP/DDP process.
- 8) As part of subsequent development applications, the developer shall demonstrate that each project phase will meet the standards of the Oregon Transportation Planning Rule (OAR 660, Div 12) regarding the capacity of streets and intersections providing automobile access to the site. The City of Hillsboro shall make a determination that the standards of the Transportation Planning Rule are met regarding this matter prior to approval of the applications. Phased development shall be coordinated with street improvements to assure that capacity is available on the street system servicing the site to serve the site generated traffic for each phase.
- 9) Deleted
- 10) Enhanced landscaping along NW 225th Avenue shall be provided. The plan identifying the enhanced landscaping shall be described in detail in the DDP application.
- 11) If granted by Washington County, the development shall include a maximum of one access onto NW Cornelius Pass Road. All access points shall be constructed to the standards required by the City of Hillsboro and Washington County.
- 12) Construction vehicles used for site development for the SE residential parcel shall access the property only from NE Cornelius Pass Road and/or NW Quatama Road from the east, and shall not access the property through the old Orenco

neighborhood.

- 13) Pursuant to Zoning Ordinance Section 131(A).3.b.3, City Zoning on those portions of the property identified as Significant Natural Resource Area or as Impact Area on the City's adopted Goal 5 Inventory shall include the Significant Natural Resources Overlay District. Development on those portions of the property shall be subject to the provisions of Section 131(A) of the Zoning Ordinance.

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09/10/2013
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ZIP 97123
041L11236796

DEPT OF
SEP 11 2013
LAND CONSERVATION
AND DEVELOPMENT



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

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