



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: September 10, 2015

Jurisdiction: City of Hillsboro

Local file no.: ZC-005-15

DLCD file no.: 013-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/08/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 013-15 {23913}
Received: 9/8/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Hillsboro

Local file no.: **ZC-005-15**

Date of adoption: 9/1/15

Date sent: 9/8/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 7/15/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Ruth Klein, Senior Planner

Phone: 503-681-6465

E-mail: PlanningTechs@hillsboro-oregon.gov

Street address: 150 E Main Street

City: Hillsboro

Zip: 97123-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Co. FD-20	to Multiple zones, see attached	Acres: 422
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address): 1S2110001600 and 1S2140002600

List affected state or federal agencies, local governments and special districts: Washington County, Metro, Tualatin Valley Fire and Rescue

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

City-initiated Zone Change of property 422.55 acres in size from Co. FD-20 Future Development - 20 acres to multiple zones designated within the South Hillsboro Community Plan. The zones are: MFR-3 Multi-Family Residential, MFR-2 Multi Family Residential, MFR-1 Multi-Family Residential, SFR 4.5 Single Family Residential, SFR-6 Single Family Residential, SFR-7 Single Family Residential, SFR-8 Single-Family Residential and MU-VTC Mixed Use – Village Town Center.



September 8, 2015

TO: Plan Amendment Specialist
State of Oregon Department of Land Conservation and Development

FROM: Lisa Califf, Planning Technician

RE: Transmittal of DLCD Form 2 Notice of Adoption
Hillsboro Case File No. Zone Change 005-15

I, Lisa Califf, submitted on this date, September 8, 2015, the DLCD Form 2 and attached Ordinance Nos. 6134 and 6135 with exhibits via the DLCD FTP site for the above referenced Case File No., which was adopted by the Hillsboro City Council on September 1, 2015.

If you have any questions regarding this transmittal, please contact me at 503-681-5257. Should you have any questions in regards to the amendments, please contact Ruth Klein at 503-681-6465.



September 4, 2015

TO: Interested Parties

FROM: Planning Department

**RE: NOTICE OF DECISION – Request for Annexation and Zone Change Approval
Case File Nos.: Annexation 003-15 and Zone Change 005-15: Reed’s Crossing**

This letter is to inform you of a decision of the City Council regarding a request for annexation and City-initiated zone change, in which you may have interest. At their regular meeting on September 1, 2015, the Hillsboro City Council adopted Ordinance No. 6134 approving a request from the property owner for annexation of property identified as Tax Lot 1600 on Washington County Assessor’s Tax Map 1S2-11 and Tax Lot 2600 on Tax Map 1S2-14, and associated right-of-way. At the same meeting, the City Council adopted Ordinance No. 6135 approving a City-initiated request for a zone change on these properties from County FD-20 Future Development 20-acre to multiple City zones designated in the South Hillsboro Community Plan. The Ordinances are attached for your information.

Please note that the annexation and zone change will not be in effect until the annexation has been finalized by the State of Oregon. A separate notice of final approval will be sent at that time.

Persons who participated either orally or in writing in the City Council proceedings on this matter may appeal the annexation and/or zone change decisions to the Land Use Board of Appeals within 21 days of the mailing of the decision, which is September 25, 2015, under the provisions of ORS 197.830 to 197.845; or the annexation may be contested by referendum within 30 days of the decision date, which is October 1, 2015, pursuant to ORS 222.120.

If you have any questions please call me at (503) 681-6179 or Ruth Klein at (503) 681-6465.

Sincerely,

CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in black ink that reads 'Daniel L. Dias'.

Daniel L. Dias
Development Services Manager

Attachment: Ordinance Nos. 6134 and 6135

cc: File

ORDINANCE NO. 6134

ANNEXATION 003-15: REED'S CROSSING

AN ORDINANCE ANNEXING CERTAIN TRACTS OF LAND AND ASSOCIATED RIGHT-OF-WAY INTO THE CITY LIMITS OF HILLSBORO AND WITHDRAWING THE TRACTS FROM THE TERRITORIES OF WASHINGTON COUNTY RURAL FIRE PROTECTION DISTRICT NO. 2 AND TUALATIN VALLEY FIRE AND RESCUE DISTRICT.

WHEREAS, the City received a complete petition from the property owner of certain tracts of land, described in Exhibit "A" attached to this Ordinance, requesting that the property be annexed into the City Limits of Hillsboro;

WHEREAS, the petition represented 100 percent of the property owners of the territory requesting to be annexed into the City Limits of Hillsboro as required by ORS 222.125 in order to consent to an annexation;

WHEREAS, the tracts of land can be served by City services;

WHEREAS, as permitted by ORS 222.120(2) and Metro Code Sections 3.09.045(a) the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection;

WHEREAS, the tracts of land are eligible for annexation under Metro Code Sections 3.09.070 and 3.09.090 and is within an unincorporated area designated as "urban" by the Washington County comprehensive plan and its annexation will implement and be in conformance with City and County Urbanization Forum resolutions, South Hillsboro Community Plan and associated Annexation Agreement;

WHEREAS, the tracts of land lie within the following districts: Washington County Rural Fire Protection District No. 2 and Tualatin Valley Fire and Rescue District;

WHEREAS, notice of the proposed annexation and withdrawal has been published, mailed and posted in the manner provided by law;

WHEREAS, the City Council conducted a public hearing on this matter on August 18, 2015 and does hereby favor the annexation of the subject tracts of land and withdrawal from the districts based on the findings attached hereto as Exhibit "B";

WHEREAS, the annexation and withdrawal are not contested by any necessary party;

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

Section 1. The tracts of land and associated right-of-way, described in Exhibits "A" and "C" are declared to be annexed to the City of Hillsboro, Oregon

Section 2. The findings attached as Exhibit "B" and the annexation agreement attached as Exhibit "D" are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(f) and ORS 222.005. The annexation and withdrawal shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

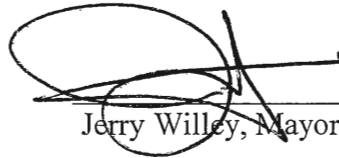
Section 3. The tracts of land annexed by this ordinance and described in Section 1 are withdrawn from the following districts upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2 and Tualatin Valley Fire and Rescue. The City Council further supports the property's future annexation into any special districts necessary for the provision of urban services to the property.

Section 4. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

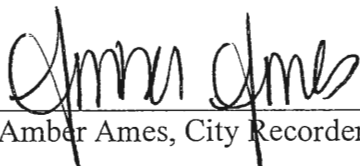
First approval of the Council on this 18th day of August 2015.

Second approval and adoption by the Council on this 1st day of September 2015.

Approved by the Mayor this 1st day of September 2015.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder

VANCOUVER OFFICE

1325 SE Tech Center Drive, Suite 140 • Vancouver, WA 98683
360.695.3411 • info@mackaysposito.com

JLM

EXHIBIT A

TRACT 1

BEING A PORTION OF PARCEL 1 PARTITION PLAT 1996-054 (PP1996-054) LOCATED IN SECTIONS 10 AND 11, TOWNSHIP 1 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, SAID TRACT ALSO BEING TAX LOT 1600 AS SHOWN ON TAX MAP 15211 AND A PORTION OF SW 229TH AVE, THE BOUNDARIES OF SAID TRACT 1 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE C. STEWART D.L.C. NO. 56, BEING A POINT ON THE CENTERLINE OF SW 229TH AVENUE, COUNTY ROAD 208, AND ON THE WEST LINE OF THE NATHAN ROBERTSON D.L.C. NO. 45; THE SOUTHWEST CORNER OF SAID NATHAN ROBERTSON DONATION LAND CLAIM NO. 45 BEARS SOUTH 02° 47' 30" WEST, 2910.10 FEET, THENCE ALONG THE EXISTING CENTERLINE OF SAID SW 229TH AVENUE AND SAID WEST LINE OF D.L.C 45, NORTH 03° 45' 48" EAST, 1462.32 FEET TO A POINT ON THE SOUTHERLY LINE OF THE 60 FOOT WIDE RIGHT OF WAY OWNED BY UNION PACIFIC RAILROAD (FORMALLY SOUTHERN PACIFIC RAILROAD) AND OPERATED BY PORTLAND AND WESTERN RAILROAD; SAID POINT BEING THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED AS PARCEL 1 OF THE LAND ANNEXED TO THE CITY OF HILLSBORO BY BOUNDARY CHANGE PROPOSAL 2561; THENCE LEAVING SAID CENTERLINE ALONG SAID SOUTHERLY LINE SOUTH 79° 55' 27" EAST, 15.09 FEET TO **POINT OF BEGINNING** AND THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF SAID SW 229TH AVE (BEING 15 FEET FROM THE CENTERLINE WHEN MEASURED PERPENDICULAR THERETO); THENCE CONTINUING ALONG SAID SOUTHERLY RAILROAD RIGHT OF WAY LINE AND THE NORTHERLY RIGHT OF WAY LINE OF SW OLD HILLSBORO ROAD, COUNTY ROAD 296, BEING 60 FEET WIDE, SOUTH 79° 55' 27" EAST, 2775.62 FEET; TO THE POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 13, BLOCK 2, LADD AND REED ACRES, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THAT TRACT OF LAND ANNEXED TO THE CITY OF HILLSBORO BY BOUNDARY CHANGE PROPOSAL 3147, AND THE EAST LINE OF THE CITY OF HILLSBORO; THENCE NORTH 02° 29' 29" EAST, 152.32 FEET ALONG SAID EAST LINE TO THE NORTHERLY RIGHT OF WAY LINE OF TUALATIN VALLEY HIGHWAY (TV HWY) PER ODOT ROLL MAP 07B3011 AND A POINT ON A 1602.48 FOOT RADIUS CURVE TO THE LEFT; THENCE 326.19 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°39'46", THE CHORD OF WHICH BEARS SOUTH 84° 18' 58" EAST, 325.63 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 33° 28' 22" WEST 74.75 FEET TO THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DEED 2002-075738, THENCE ALONG SAID NORTHERLY EXTENSION AND

EXHIBIT A

WESTERLY LINE SOUTH 10° 04' 33" WEST, 47.33 FEET TO THE NORTHERLY LINE OF SAID 60 FOOT WIDE RIGHT OF WAY OWNED BY UNION PACIFIC RAILROAD AND OPERATED BY PORTLAND AND WESTERN RAILROAD; THENCE ALONG SAID NORTHERLY LINE SOUTH 79° 55' 27" EAST, 2297.61 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF SW 209TH AVE (BEING 30' FROM THE CENTERLINE WHEN MEASURED PERPENDICULAR THERETO); THENCE LEAVING SAID NORTHERLY LINE, ALONG SAID EAST RIGHT OF WAY LINE, WITH ALL IT'S IRREGULARITIES, SOUTH 2032.57 FEET MORE OR LESS TO THE EASTERLY EXTENSION OF THE NORTH LINE OF THAT VACATED PLAT LADD AND REEDS 2ND ADDITION TO REEDVILLE, THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE ALONG SAID EXTENSION AND NORTH LINE NORTH 87° 54' 08" WEST, 3967.14 FEET TO THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN EXHIBIT A OF DEED DOCUMENT 2012-097956; THENCE ALONG SAID EAST LINE NORTH 02° 47' 30" EAST, 563.55 FEET; THENCE ALONG THE NORTHERLY LINE OF SAID EXHIBIT A OF DEED 2012-097956 THE FOLLOWING 9 COURSES; NORTH 87° 12' 30" WEST, 41.00 FEET; THENCE NORTH 70° 16' 49" WEST, 194.29 FEET; THENCE NORTH 66° 20' 16" WEST, 175.16 FEET; THENCE NORTH 79° 41' 55" WEST, 235.00 FEET; THENCE SOUTH 89° 06' 16" WEST, 154.00 FEET; THENCE NORTH 67° 03' 06" WEST, 265.91 FEET; THENCE NORTH 51° 18' 12" WEST, 188.47 FEET; THENCE NORTH 73° 14' 28" WEST, 101.84 FEET; THENCE SOUTH 78° 32' 27" WEST, 81.07 FEET TO THE SAID CENTERLINE OF SW 229TH AVE, THENCE LEAVING SAID CENTERLINE NORTH 87° 12' 30" WEST 20.00 FEET TO THE WEST RIGHT OF WAY LINE OF SW 229TH AVE; THENCE ALONG SAID WEST LINE OF SW 229TH AVE, WITH ALL IT'S IRREGULARITIES, NORTH 1756.8 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY LINE OF THE 60 FOOT WIDE RIGHT OF WAY OWNED BY UNION PACIFIC RAILROAD (FORMALLY SOUTHERN PACIFIC RAILROAD) AND OPERATED BY PORTLAND AND WESTERN RAILROAD; THENCE ALONG SAID SOUTHERLY LINE SOUTH 79° 55' 27" EAST 35.21 FEET TO THE POINT OF BEGINNING,

CONTAINING 260.34 ACRES MORE OR LESS.

TOGETHER WITH

TRACT 2

BEING A PORTION OF PARCEL 1 PARTITION PLAT 1996-054, LOCATED IN SECTIONS 14 AND 15, TOWNSHIP 1 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, SAID TRACT ALSO BEING TAX LOT 2600 AS SHOWN ON TAX MAP 1S214 AND A PORTION OF SW 229TH AVE, THE BOUNDARIES OF SAID TRACT 2 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NATHAN ROBERTSON D.L.C 45, AS SHOWN ON PARTITION PLAT NO. 1996-054, RECORDS OF SAID COUNTY, SAID CORNER BEING ON THE

EXHIBIT A

CENTERLINE OF SW 229TH AVENUE; THE NORTHEAST CORNER OF THE C. STEWART D.L.C. NO. 56 BEARS NORTH 02° 47' 30" EAST, 2910.10 FEET, THENCE ALONG SAID CENTERLINE NORTH 02° 47' 30" EAST, 364.03 FEET TO THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF PARCEL 2 PARTITION PLAT 1996-054 AND THE **POINT OF BEGINNING**, THENCE LEAVING SAID CENTERLINE NORTH 87° 54' 42" WEST, 20.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SW 229TH AVENUE; THENCE ALONG SAID WESTERLY LINE NORTH 02° 47' 30" EAST, 802.26 FEET TO THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THAT TRACT OF LAND DESCRIBED AS EXHIBIT A PER DEED DOCUMENT 2012-097956; THENCE LEAVING SAID WESTERLY LINE ALONG SAID EXTENSION OF SAID SOUTHERLY LINE SOUTH 87° 12' 28" EAST 1376.90 FEET; THENCE ALONG THE EASTERLY LINE OF SAID EXHIBIT A OF DEED 2012-097956 NORTH 02° 47' 30" EAST, 579.45 FEET TO THE NORTH LINE OF THAT VACATED PLAT OF LADD AND REEDS 2ND ADDITION TO REEDVILLE; THENCE ALONG SAID NORTH LINE AND EASTERLY EXTENSION SOUTH 87° 54' 08" EAST, 3967.14 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID SW 209TH AVE; THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING 3 COURSES: SOUTH 03° 11' 21" WEST, 488.86 FEET, SOUTH 10° 12' 59" EAST, 52.21 FEET; SOUTH 09° 47' 28" WEST, 1231.41 FEET TO THE SOUTH LINE OF SAID NATHAN ROBERTSON DONATION LAND CLAIM NO. 45; THENCE ALONG SAID SOUTH LINE NORTH 87° 32' 00" WEST, 3872.36 FEET TO THE SE CORNER OF SAID PARCEL 2, PP1996-054, THENCE ALONG THE EAST LINE OF SAID PARCEL 2, NORTH 01° 54' 51" EAST, 369.96 FEET; THENCE ALONG THE NORTH LINE OF SAID PARCEL 2 AND THE WESTERLY EXTENSION NORTH 87° 54' 42" WEST, 1304.22 FEET; TO THE **POINT OF BEGINNING**.

CONTAINING 182.83 ACRES MORE OR LESS.

TOGETHER WITH

TRACT 3

ALL THAT RIGHT OF WAY OF SW 229TH AVE LYING BETWEEN THE SOUTH LINE OF TRACT 1 AND THE NORTH LINE OF TRACT 2 DESCRIBED ABOVE IN TRACT 1 AND TRACT 2 THAT IS ADJACENT TO THAT TRACT OF LAND DESCRIBED AS EXHIBIT A PER WARRANTY DEED 2012-097956.

COMMENCING AT THE SOUTHWEST CORNER OF SAID NATHAN ROBERTSON D.L.C 45, AS SHOWN ON PARTITION PLAT NO. 1996-054, RECORDS OF SAID COUNTY, SAID CORNER BEING ON THE CENTERLINE OF SW 229TH AVENUE; THE NORTHEAST CORNER OF THE C. STEWART D.L.C. NO. 56 BEARS NORTH 02° 47' 30" EAST, 2910.10 FEET, THENCE ALONG SAID CENTERLINE NORTH 02° 47' 30" EAST, 364.03 FEET TO THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF PARCEL 2 PARTITION PLAT 1996-054, THENCE NORTH 87° 54' 42" WEST, 20.00 FEET TO THE WEST RIGHT OF WAY OF SAID SW 229TH AVE, THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE NORTH 02° 47' 30" EAST,

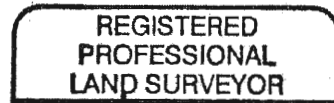
EXHIBIT A

802.26 FEET TO THE **POINT OF BEGINNING**, THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, WITH ALL IT'S IRREGULARITIES, NORTH 1509.56 FEET MORE OR LESS TO THE SOUTH LINE OF TRACT 1 DESCRIBED ABOVE, THENCE SOUTH 87° 12' 30" EAST, 20.00 FEET TO THE CENTERLINE OF SW 229TH AVE, THENCE NORTH 78° 32' 27" EAST, 15.48 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF SAID SW 229TH AVE, THENCE SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE, WITH ALL IT'S IRREGULARITIES, SOUTH 1515.63 FEET MORE OR LESS TO THE NORTHERLY LINE OF TRACT 2 AS DESCRIBED ABOVE, THENCE NORTH 87° 12' 28" WEST, 57.00 FEET; TO THE **POINT OF BEGINNING**.

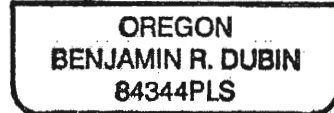
CONTAINING 1.52 ACRES MORE OR LESS.

THE COMBINED AREAS OF TRACTS 1, 2 AND 3 DESCRIBED ABOVE IS 445.21 ACRES MORE OR LESS.

THE BEARING AND DISTANCE CALLS HEREIN SHALL BE LENGTHENED OR SHORTENED TO THE CONTROLLING CALLS RESPECTIVELY. THE BASIS OF BEARINGS FOR THE ABOVE DESCRIPTION IS THE OREGON STATE COORDINATE SYSTEM NORTH ZONE (NAD 83/91 EPOCH 2002).



Benjamin R. Dubin



EXPIRES 12/31/2015

EXHIBIT B
FINDINGS IN SUPPORT
CASE FILE NO. ANNEXATION 003-15
REED'S CROSSING

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

A petitioner representing a property requested City Council approval for annexation of approximately 422.55 acres into the City Limits of Hillsboro. The property owner, GLC – South Hillsboro, LLC, is interested in annexing in order to prepare the site for future development.

The property under consideration for annexation is located generally north of SE McInnis Street, south of SE Tualatin Valley Highway, west of SW 209th Avenue and east of SE 67th Avenue (formerly SW 229th Avenue). The property can be specifically identified as Tax Lot 1600 on Washington County Assessor's Tax Map 1S2-11 and Tax Lot 2600 on Tax Map 1S2-14. Per Washington County Tax and Assessment records, the total Taxable Assessed Value is \$375,580 and the Market Total Value is \$18,405,840. The property has a slight slope to the west and the majority of the site is an agricultural field with a few scattered trees. The Bonneville Power Administration (BPA) easement bisects north/south along the eastern portion of the site. The property has a Washington County plan designation of FD-20 (Future Development – 20 Acre District). The site is also within the recently adopted South Hillsboro Community Plan area.

There are 36-inch City water lines located in the SW Old Hillsboro Road right-of-way north of the site and 10-12-inch water lines located the SE 67th Avenue right-of-way west of the site. There is a 20-inch City sanitary sewer line located in the SW Old Hillsboro Road and SE 67th Avenue right-of-ways and an 8-inch to 24-inch sanitary sewer line located in the SW 209th Avenue right-of-way. There are 12-inch and 15-inch City storm lines in the SE 67th Avenue right-of-way west of the site and ditches for storm drainage along the remaining frontages.

The property has frontage on SE McInnis Street, SW Old Hillsboro Road, SE 67th Avenue and SW 209th Avenue. In the City of Hillsboro Transportation System Plan (TSP) and in Community Development Code Section 12.65 South Hillsboro Plan District, SE McInnis Street is identified as a 2-lane Neighborhood Route street; SW Old Hillsboro Road will not be a part of the future road network and is potential open space and/or trail; SE 67th Avenue is identified as a 3-lane Collector and SW 209th Avenue is identified as a 5-lane Arterial road.

The Clean Water Services Sensitive Areas Pre-Screen Map identifies potential sensitive areas on different portions of the site. The City of Hillsboro Significant Natural Resource Overlay analysis does not identify any Significant Natural Resources on the site.

II. PROCEDURAL REQUIREMENTS

In accordance with ORS 222.125 the petition for annexation from the property owners constituted 100 percent of the property owners and at least 50 percent of the registered voters residing on the property. Notice of the proposed annexation was given as specified by Metro Code Chapter 3.09.030 and ORS 222.120. A staff report was prepared and available 15 days prior to the hearing as stipulated by Metro Code Chapter 3.09.050. A public hearing on the matter was conducted by the City Council on August 18, 2015.

III. APPLICABLE APPROVAL CRITERIA

Metro Code Chapter 3.09.045(D) and (E) specify the minimum review criteria for a proposed annexation. The applicable criteria are as follows:

1. Find that the change is consistent with expressly applicable provisions in:
 - a. *Any applicable urban service agreement adopted pursuant to ORS 195.065;*
 - b. *Any applicable annexation plan adopted pursuant to ORS 195.205;*

FINDING: The current Hillsboro Urban Service Provider Agreement, dated April 2, 2003, does not include areas within the urban growth boundary that were added to the UGB after 2002. Specifically, these areas include the Evergreen and Helvetia industrial lands and the South Hillsboro residential and mixed-use lands, which are nonetheless eligible for annexation into the City of Hillsboro under Metro Code Sections 3.09.070 and 3.09.090. In addition, Metro Code Title 11 Section 3.07.110.C (Planning for Areas Designated Urban Reserves) contemplates cities as the preferred provider of urban services. Therefore, this annexation is consistent with Metro Code because future urbanization will occur within the City and urban services can be provided to this site by the City.

- c. *Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*

FINDING: The property is identified as being within the urban growth boundary and annexation of the property will be a contiguous expansion of the Hillsboro city limits. In June and July of 2009, the City of Hillsboro and Washington County passed resolutions acknowledging commitment and consensus policies for the governance and management of existing unincorporated urbanized areas in the County (aka, "Urbanization Forum" resolutions). City of Hillsboro Resolution No. 2291 states that "all future additions to the applicable Urban Growth Boundary in Washington County during and after 2010 must be governed and urbanized by the interested City" and that "in this context, 'urbanized' means that the interested City has planning responsibility under state law, and land use decision making authority with respect to the subject territory." The area being annexed is within an unincorporated area designated as "urban" by the Washington County

comprehensive plan and its annexation will implement and be in conformance with the referenced City and County resolutions.

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*
- e. Any applicable comprehensive plan;*

FINDING: The annexation would be consistent with the following Comprehensive Plan policies and implementation measures:

Section 2. Urbanization Policy (III)(A) Urbanization within the planning area shall be consistent with the goals and policies of this Plan. Development shall occur according to the availability of urban services and within the context of the Urban Planning Area Agreement. The City and other government agencies shall encourage property owners to maintain the present rural use and character of undeveloped or underdeveloped lands within the Hillsboro Planning Area until such land is required and proposed for urban use and the necessary urban services are available.

Section 2. Urbanization Implementation Measure (IV)(G) All land in the Hillsboro Planning Area is assumed to be available for annexation and/or development, consistent with the Comprehensive Plan, zoning, subdivision regulations, and the Urban Planning Area Agreement.

Section 12. Public Facilities and Services, Goal (A) Provide public facilities and services in an orderly and efficient manner consistent with the expansion of urbanization into rural areas.

Section 12. Public Facilities and Services, Policy (D) Public facilities and services shall be provided at a level sufficient to create and maintain an adequate supply of housing and service an increasing level of commercial and industrial activity.

Section 12. Public Facilities and Services, Policy (G) The location of schools should be used as a tool in directing future growth within the planning areas.

Section 12. Public Facilities and Services, Policy (K) Utilization of schools and other public facilities as multi-purpose facilities should be encouraged to help meet the education, recreation and civic needs of the community.

Section 12. Public Services Implementation Measure (C)(2) The City shall require properties to annex to the City prior to the provision of sanitary sewer service.

Section 12. Public Services Implementation Measure (I)(2) The City shall require properties in the urban area to annex to the City prior to the provision of water service.

Section 12. Public Services Implementation Measure (J)(1) Public Facilities planning and projections shall be maintained in five year increments and shall be coordinated with the joint City/County urbanization studies.

Section 12. Public Services Implementation Measure (J)(2) The City shall coordinate with the school districts located in the Urban Area to help assure an adequate level of educational services. Areas of coordination shall include:

- (a) Location of school site;
- (b) Reservation of potential school sites during the development approval process;
- (c) Provision of adequate pedestrian, bicycle and bus access from residential districts to school sites;
- (d) Consideration of school capacities, school population, and district assessed value during the development approval process; and

Section 31. South Hillsboro Community, (II) General Development Policies

(A) Land Use

Objective: South Hillsboro functions as a complete community serving all segments of the population when it is fully developed.

(1) Land uses and development patterns within the South Hillsboro Plan Area (as illustrated in Figure 31-1) shall reflect principles of a “Complete-Connected-Green” community (discussed in further detail in the Appendix of this section) as follows:

- (a) Complete – The community shall have a full spectrum of facilities and services that address the needs and desires of residents for health, housing, education, shopping and recreation.
- (b) Connected – The community shall provide residents and visitors with a transportation system that provides for all modes of travel (walking, bicycling, driving and transit), seamlessly connecting neighborhoods. The community shall provide both new areas and older neighborhoods to the East and North with access to parks, trails, open space, shopping and family services.
- (c) Green – Development of South Hillsboro shall result in a sustainable community that incorporates state-of-the-art green development practices, preserving and improving existing natural resources and wildlife corridors.

(2) City zones shall be applied in a manner consistent with the general land uses and development prescribed for South Hillsboro by:

- (a) Relevant sections of the Hillsboro Comprehensive Plan (including but not limited to this section, Figure 31-2 and its Appendix); and,
 - (b) The zoning concept illustrated in Figure 31-3, which assumes ultimate buildout of 95% of the maximum dwelling units allowed under the depicted zones.
- (3) Development within South Hillsboro should be consistent with development patterns described in Metro’s “Great Community Characteristics.”
- (4) More intense land uses should be placed along Cornelius Pass Road, such that:
- (a) A “Town Center” is located south of the railway corridor near the intersection of Cornelius Pass Road and Tualatin Valley Highway, to include commercial, employment, residential (including multifamily), mixed-use, civic, and transit center uses with an associated greenspace system;
 - (b) A “Village Center” is located along the Cornelius Pass Road extension south of Butternut Creek, to include commercial and residential uses with an associated greenspace system, with connections to nearby residential and institutional uses (e.g., parks and schools);
 - (c) Commercial development is confined to the Town and Village Centers with the exception of small-scale, low-impact commercial uses such as home occupations or small neighborhood-serving retail as consistent with the Community Development Code;
 - (d) Strip commercial development is prohibited; and,
 - (e) Compact, mixed-use development is encouraged in a way that utilizes as much of the allowable land capacity as possible, consistent with Community Development Code provisions in Town and Village Centers and other higher-density areas.
- (5) Overall development density should be compatible with surrounding planned density. A variety of development densities should be utilized where:
- (a) Higher-density housing is located near the Town and Village Centers, along Cornelius Pass Road and in other areas identified on the City’s Zoning and Comprehensive Plan maps and in the Appendix of this section;
 - (b) Single-family detached residential units are generally located farther from the centers, except as specified in the Appendix of this Section; and
 - (c) The least dense residential areas are located along the golf course and rural edges.
- (6) Provide flexibility, balanced against financing assumptions, to allow response to changing demographics, market conditions, and market demands, through Planned

Unit Development review, or via adjustments and variances adjudicated by staff or the Planning Commission.

f. Any applicable concept plan; and

FINDING: The annexation would be consistent with regional framework and functional plans. The City’s current plan designations for the property are RMR Residential Mid-Rise Density, RH Residential – High Density, RM Residential – Medium Density, RL Residential – Low Density, MU Mixed Use and OS Open Space Comprehensive Plan designations, as established in the South Hillsboro Community Plan and which is consistent with the regional urban growth goals and objectives. The property will be rezoned to City MFR-3 Multi-Family Residential, MFR-2 Multi Family Residential, MFR-1 Multi-Family Residential, SFR 4.5 Single Family Residential, SFR-6 Single Family Residential, SFR-7 Single Family Residential, SFR 8.5 Single Family Residential and MU-VTC Mixed Use – Village Town Center pursuant to Section 12.80.160.C.3 of the Community Development Code.

2. *Consider whether the boundary change would:*

- a. Promote the timely, orderly and economic provision of public facilities and services;*
- b. Affect the quality and quantity of urban services; and*

FINDING: An annexation agreement specific to this site, between the City of Hillsboro and the property owner, contained an infrastructure master plan which demonstrated how utilities would be provided to the site. Infrastructure services was extensively pre-planned during the development of the South Hillsboro Community Plan and the annexation agreement lays out how this site would implement the Community Plan. In the annexation agreement, 8.a. states, “Owner further agrees that development of the Property will not exceed the capacity of any other affected public utilities, including facilities for water, sanitary sewer and storm water, including any improvements proposed or conditioned as part of a development approval.”

Specifics regarding these services will also need to be addressed to the satisfaction of the City and service districts during future land use applications for development. There are 36-inch City water lines located in the SW Old Hillsboro Road right-of-way north of the site and 10-12-inch water lines located the SE 67th Avenue right-of-way west of the site. There is a 20-inch City sanitary sewer line located in the SW Old Hillsboro Road and SE 67th Avenue right-of-ways and an 8-inch to 24-inch sanitary sewer line located in the SW 209th Avenue right-of-way. There are 12-inch and 15-inch City storm lines in the SE 67th Avenue right-of-way west of the site and ditches for storm drainage along the remaining frontages.

Additionally, the annexation agreement addresses the capacity of affected transportation facilities and 8.a. states “...that development of the Property, or any phases thereof, will not exceed the capacity of affected transportation facilities, including any improvements proposed or conditioned as part of a development approval, and the capacity of affected

transportation facilities shall be determined based on the TIA and any subsequent transportation study that may be provided or conditioned as part of a development approval.” The annexation agreement establishes the specifics of the timing of the construction of road infrastructure that will provide the required capacity and also how the increased capacity of these road improvements can be capitalized on by the property owner.

If approved, fire and police protection would be provided to the property by the City of Hillsboro and the property would be automatically withdrawn from the following districts as of the effective date of the annexation:

Washington County Rural Fire Protection District No. 2
Tualatin Valley Fire and Rescue

Prior to development of the property, the property owner will need to annex the property into the following district:

Clean Water Services District

Annexation of the subject property will not interfere with the provisions of public facilities and services.

c. Eliminate or avoid unnecessary duplication of facilities or service.

FINDING: Pursuant to ORS 222.524, the City of Hillsboro has determined that withdrawal of the property from the Washington County Rural Fire Protection District No. 2 and Tualatin Valley Fire and Rescue is in the best interest of the City. Prior to developing, the property owner will need to annex the property into the Clean Water Services District.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

FINDING: The subject property that is being annexed is entirely within the UGB.

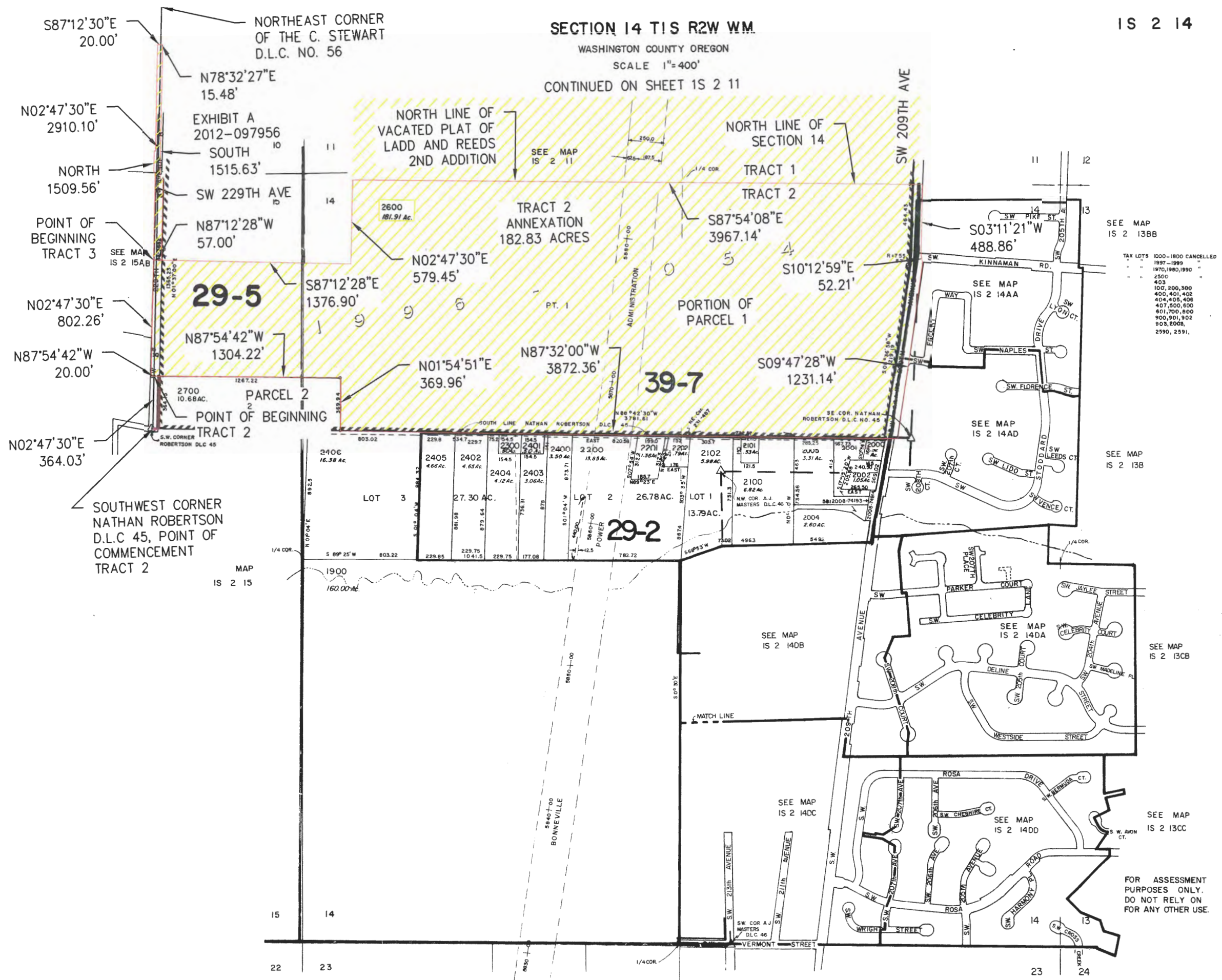
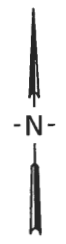
IV. TESTIMONY FROM NECESSARY PARTIES

No written testimony was received prior to or at the public hearing from a necessary party as defined in Metro Code Chapter 3.09.020(j), nor was oral testimony received by the City Council from a necessary party at the public hearing.

V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED BY REFERENCE IN FINDINGS

- Staff Report dated August 4, 2015.

SECTION 14 T1S R2W WM.
WASHINGTON COUNTY OREGON
SCALE 1"=400'
CONTINUED ON SHEET IS 2 11



TAX LOTS

1000-1800	CANCELLED
1997-1999	
1970,1980,1990	
2500	
403	
100, 200, 300	
400, 401, 402	
404, 405, 408	
407, 500, 500	
601, 700, 800	
900, 901, 902	
903, 9005,	
2590, 2591,	

FOR ASSESSMENT PURPOSES ONLY. DO NOT RELY ON FOR ANY OTHER USE.

SEE MAP IS 2 23

EXHIBIT D

ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT ("Agreement") is between the City of Hillsboro, an Oregon municipal corporation ("City"), and GLC- South Hillsboro LLC ("Owner" or "GLC"). This Agreement becomes effective when approved by the City and signed by authorized representatives of both Parties.

RECITALS

- A. GLC owns approximately 422 acres located in unincorporated Washington County (the "Property"), which Property is more particularly described in attached Exhibit A. The Property was added to the UGB by Metro Ordinance No. 11-1246B, adopted October 20, 2011 (the "UGB Order"), which order provides for the City of Hillsboro to annex and adopt land use regulations to allow for the development of the Property.
- B. The Oregon Legislature adopted House Bill 4078, effective April 1, 2014 (codified at Oregon Laws 2014 Chapter 92), which affirmed the UGB Order.
- C. In September 2012, the Hillsboro City Council approved the South Hillsboro Community Plan covering approximately 1,400 acres, including the Property. The plan established policies and guidelines for development within the planning area.
- D. Also in September 2012, the City and GLC entered into a Memorandum of Understanding ("MOU") that describes the parties' mutual expectations and commitments regarding the implementation of the South Hillsboro Community Plan and GLC's development of the Property. A copy of the MOU is attached as Exhibit B.
- E. Since the Property was added to the UGB in 2011, and for many years before that, the City, GLC and other interested stakeholders have been working together on planning for the development of the South Hillsboro Plan Area. As part of that planning process, GLC, in conjunction with the City, prepared a conceptual master plan for the development of the Property, to be known as "Reed's Crossing."
- F. On January 20, 2015, the Hillsboro City Council approved amendments to its Comprehensive Plan and Community Development Code (the "Regulatory Package"), which are intended to provide the land-use framework to implement the South Hillsboro Community Plan and establish the regulations that will control the development of Reed's Crossing, as well as other projects that owners/developers may propose in the plan area.
- G. The MOU between the City and GLC recognizes that the parties will enter into an annexation agreement, and provides that the terms of the annexation agreement "will derive from [the] basic Commitments" in the MOU, and that the terms of the annexation agreement "shall supersede any inconsistent Commitments set forth in this MOU."

- H. The Regulatory Package amended the Community Development Code ("CDC") to include a requirement that an annexation application must include an executed annexation agreement (CDC 12.80.010.C.2) that addresses the general requirements set forth in CDC 12.65.040.
- I. This Agreement is intended to provide the annexation agreement required under CDC 12.80.010.C and to address the provisions of both the MOU and CDC Section 12.65.040.

NOW, THEREFORE, the parties agree as follows:

AGREEMENT

1. Consent to Annexation. Subject to the terms of this Agreement, Owner shall apply to annex the entire Property to the City, and the City agrees to review the annexation request in a timely manner. Prior to applying for annexation of the entire Property, Owner may apply to annex a portion of the Property as needed to facilitate construction of the improvements necessary to implement ODOT Rail Crossing Order RX 1695, issued February 3, 2014 (the "Rail Order").
2. Current and Proposed Zoning (CDC 12.65.040.C.2-4). The Property is currently designated by Washington County as FD-20 Future Development 20 Acre Minimum. Owner accepts the proposed City zoning designations for the Property shown on the City Zoning Concept Map, Figure 31-3, Section 31, of the Hillsboro Comprehensive Plan, which was adopted as part of the Regulatory Package. A copy of the City Zoning Concept Map is attached as Exhibit C.
3. Reed's Crossing Engineering Assessment (CDC 12.65.040.C.5). The Engineering Assessment attached as Exhibit D to this Agreement describes certain projected public facilities and infrastructure improvements for Reeds Crossing. Figures SS1-4, STM1-4 and WAT1-4 describe the current master plan for sanitary sewer, storm water and water service facilities.
4. Reed's Crossing Transportation Study (CDC 12.65.040.C.6). The Traffic Impact Analysis ("TIA") attached as Exhibit E to this Agreement describes the projected transportation impacts of Reeds Crossing. In addition to CDC 12.65.040.C.6, the TIA is intended to address the requirements of CDC 12.70.200 to 220 and 12.65.910. The Parties agree the commitments in this Agreement are predicated on the conclusions of the TIA. The Parties further recognize that subsequent land use applications and decisions may require additional transportation analysis and studies.
5. Gateway Improvements and Trip Capacity. As described in the TIA, , the "Gateway Improvements" consist of:
 - (1) The improvements required by the Rail Order, which include:

- Construction of the new rail crossing and intersection improvements at TV Highway and Cornelius Pass Road, and related improvements along TV Highway;
- Extension of Cornelius Pass Road approximately 300 feet south of TV Highway;
- Closure of the rail crossing and the south section of the intersection of SW 229th Avenue and TV Highway; and,
- Closure of other off-site private rail crossings.

(2) The "Phase 1 On-Site Road Network," which includes:

- Construction of Cornelius Pass Road from 300 feet south of TV Highway to the intersection with Blanton and Alexander streets;
- Extension of Blanton and Alexander streets from SW 209th Avenue to SW 229th Avenue and related intersections and roadway improvements to 209th Avenue; and,
- Related infrastructure improvements for sewer, water, storm drainage and private utilities.

The Parties agree that construction of the Gateway Improvements shall be a condition of approval for the Reed's Crossing Planned Unit Development (PUD) described in Section 7.B below. In exchange for the imposition of that obligation, GLC shall be entitled to utilize for the development of Reed's Crossing as much of the road capacity created by the construction of the Gateway Improvements as may be necessary to accommodate the development-generated vehicle trips described in the TIA. In addition, other non-Gateway Improvements infrastructure required to mitigate development impacts, including but not limited to intersection specific improvements along the roadways comprising the Gateway Improvements, shall be conditioned upon review and approval of the appropriate phase of the PUD. Accordingly, the Parties agree that GLC is vested in sufficient capacity in the Gateway Improvements to accommodate the development-generated vehicle trips.

6. In-Process Traffic (CDC 12.01.500 and 12.70.220). GLC's vested capacity in the Gateway Improvements described in Section 5 above, shall be considered vested upon the City's approval of the annexation and zone change associated with this annexation agreement, for all phases of Reed's Crossing development, as described in the TIA, and shall be considered "in-process traffic" for all other annexation and development in South Hillsboro.
7. Development Approval Schedule (CDC 12.65.040.G.2). The target dates to begin construction of the Gateways Improvements are: November 2015 for the Rail Order improvements, and May 2016 for the Phase 1 Onsite Road Network improvements. The Parties' anticipated schedule of significant development-related events necessary to facilitate the target dates for start of construction and development includes the following events. While the Parties intend in good faith to achieve these target dates, they expressly acknowledge the dates are targets and not intended to be binding.
 - a. By October 2015, the Parties anticipate the City will approve annexation and City zoning for the entire Property.

- b. By October 2015, the City will approve the land-use actions necessary to allow for the development/construction of the Gateway Improvements. The Parties intend that the necessary land-use approvals will include an initial limited infrastructure-only PUD application including a large-lot subdivision (the "Infrastructure PUD"), and will not include any habitable buildings or structures.
- c. In the first quarter of 2016, GLC anticipates submitting an application for a master concept plan PUD approval for the entire Reed's Crossing project and detailed plans for the first phase of the project.

8. Owner Commitments (12.65.040.E):

- a. Owner agrees that development of the Property, or any phases thereof, will not exceed the capacity of affected transportation facilities, including any improvements proposed or conditioned as part of a development approval, and that the capacity of affected transportation facilities shall be determined based on the TIA and any subsequent transportation study that may be provided in conjunction with a development application. Owner further agrees that development of the Property will not exceed the capacity of any other affected public facilities, including facilities for water, sanitary sewer and storm water, including any improvements proposed or conditioned as part of a development approval.
- b. Pursuant to CDC 12.65.040.E.2, Owner agrees that any requests for credits against the Washington County Transportation Development Tax ("TDT") or City System Development Charges ("SDCs") to fund transportation in the South Hillsboro Plan Area will conform to any relevant provisions, assumptions or methodology of the Transportation Finance Plan the City may adopt. This provision may require the Owner to waive certain rights otherwise granted by the TDT Ordinance and City SDC Ordinance.
- c. Owner agrees that the City may limit or condition any land use decision or entitlements consistent with the TIA, any subsequent transportation impact analysis or other public infrastructure capacity analysis, as determined by the City, to ensure that adequate public infrastructure can be reasonably provided to serve the proposed development. This provision is not intended to supersede any provision of the City Code, except that where the City Code allows development in excess of available infrastructure, as determined by the City, the parties agree that the limitations of this section shall be given priority.
- d. Owner shall act in good faith and employ the resources as reasonably necessary to prepare and submit for City review those land-use applications in a timely manner so as to enable the City to review and approve the applications and take other actions necessary to meet the target dates for development and construction in Section 7 herein.

9. City Commitments (12.65.040.F):

- a. The City will act in good faith and employ the resources as reasonably necessary to review and approve land-use applications, and take other necessary actions, in a timely manner so as to meet the target dates for development and construction established in Section 7 of this Agreement.
- b. When it approves annexation of the Property, the City will designate zoning districts for the Property consistent with Exhibit C.
- c. The City will process the "infrastructure PUD" application concurrently with the review and approval of the annexation and zone-change applications. GLC may be required to waive any claims against the City should any third party object to the concurrent review and approval of the applications.

10. General Provisions (CDC 12.040.G):

- a. The City shall not approve any vertical development of the Property, or any vertical development of any other property within the South Hillsboro Plan Area, until the City approves a Financing Program for South Hillsboro as represented in the South Hillsboro Transportation Supplemental System Development Charge Methodology Report Appendix "C" and any implementing ordinances are adopted and become effective. "Vertical development" means any structure intended for human habitation, occupation, or commerce for which a certificate of occupancy is required, except as may be necessary for the construction of public facilities.
- b. The City shall not approve any vertical development of the Property until a PUD, including a complete concept plan, as provided for in CDC 12.80.120.K, has been approved for the Property. The infrastructure PUD described in Section 7 above does not satisfy the requirement of this Section 10b and its approval shall not allow any vertical development.
- c. The Parties acknowledge that the requirements of this Agreement will be implemented through related land use decisions, including conditions of approval, and financing decisions.
- d. Owner agrees to waive the right to remonstrate against the formation of a local improvement district, taxing district, reimbursement district or other financing mechanism based on ownership of the Property.

TERMS AND CONDITIONS

11. Severability. Should any provision of this Agreement be rendered invalid by a court of competent jurisdiction or arbitrator with authority to render a provision invalid, it is agreed that every other part of the Agreement shall remain in full force and effect.

12. Remedies.
 - a. Any controversy arising under this Agreement that is not resolved by discussion between the Parties shall be submitted to mediation. The Parties shall mutually select the mediator, who shall be compensated equally by the Parties. The Parties shall seek a mediator with experience in land use, real estate or development. The mediation must conclude within 90 days of the date the mediator is retained.

 - b. In the event the Parties are not able to resolve the controversy in mediation, the Parties retain all available legal and equitable remedies to enforce this Agreement, including claims for damages. Any claim, suit or other action arising under the terms of this Agreement shall proceed under to the laws of the State of Oregon and shall be brought in Washington County Circuit Court. In any legal proceeding, each Party is responsible for its own fees and costs, including legal fees.

13. Entire Agreement. This Agreement constitutes the complete understanding among the Parties on the subject. No promises or agreements made subsequent to the execution of this Agreement by the Parties regarding the Joint Materials and Potential Litigation shall be binding unless reduced to writing and signed by the Parties.

14. Counterparts. This Agreement may be signed in one or more counterparts, and each counterpart shall be deemed to be an original instrument.

15. Termination.
 - a. Pursuant to CDC 12.65.040.G, the Agreement expires 1 year from the date it is signed by the Parties unless the City has received an annexation application for the property and deemed the application complete.

 - b. This Agreement also may be terminated by mutual written consent of the Parties.

16. Amendment or Modification. Any amendment or modification to this Agreement must be in writing and signed by both Parties.


17. Assignment. The Parties agree that the rights, obligations and commitments described in this Agreement are intended to run with the land and are binding on the Parties heirs, successors and assigns.

18. The City shall record this Agreement in the property records for Washington County, Oregon.

19. Future Expenditures. Any obligation(s) under the terms of this Agreement imposed upon the City to expend monies in the future is expressly contingent upon the absolute discretionary ability of the City to appropriate or not appropriate monies for that obligation, subject to the City's budgetary processes.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

CITY OF HILLSBORO, OREGON,

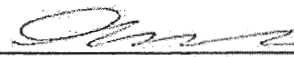
By: 

Print Name: Michael Brown

Title: City Manager

Date: July 10, 2015

GLC-South Hillsboro, LLC.,

By: 

Print Name: Davis Wood

Title: Pres

Date: 7/15/15

ORDINANCE NO. 6135

ZONE CHANGE 005-15: REED'S CROSSING

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, AS AMENDED, BY CHANGING THE ZONING OF TRACTS OF LAND FROM COUNTY FD-20 FUTURE DEVELOPMENT, 20-ACRE MINIMUM LOT SIZE TO MULTIPLE CITY ZONES.

WHEREAS, certain tracts of land described herein have been annexed to the City of Hillsboro; and

WHEREAS, rezoning annexed property from a County designation to a City zone allows for development of that property in accordance with City standards; and

WHEREAS, the City of Hillsboro Planning Commission approved Order No. 8159 on July 22, 2015, initiating the zone change on the annexed property described below; and

WHEREAS, the City Council hereby adopts the staff report, attached hereto as Exhibit A, as findings in support of this decision; 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 zones recommended by the Planning Commission are the best suited for the subject site.

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

Section 1. The following described tracts of land, also shown on Exhibit B, are hereby rezoned from Washington County FD-20 Future Development, 20-acre minimum lot size, to City MFR-3 Multi-Family Residential, MFR-2 Multi Family Residential, MFR-1 Multi-Family Residential, SFR 4.5 Single Family Residential, SFR-6 Single Family Residential, SFR-7 Single Family Residential, SFR 8.5 Single Family Residential and MU-VTC Mixed Use – Village Town Center as defined in the City of Hillsboro Community Development Code Ordinance No. 6094, as amended:

Tax Lot 1600 of Washington County Assessor's Tax Map Section 11, Township 1 South, Range 2 West, Willamette Meridian, dated February 13, 2013; and

Tax Lot 2600 of Washington County Assessor's Tax Map Section 14, Township 1 South, Range 2 West, Willamette Meridian, with no date.

Section 2. The findings attached as Exhibit "A" and the annexation agreement attached as Exhibit "C" are adopted.

Section 3. The City Planning Director is hereby instructed to cause the official zoning map, a part of Ordinance No. 6094, to be amended to include the zone change set forth in Section 1 hereof, upon the effective date of associated Case File No. Annexation 003-15.

Section 4. Except as herein amended, Community Development Code Ordinance No. 6094, as amended, shall remain in full force and effect.

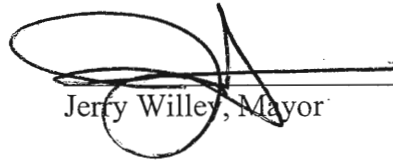
Section 5. The zone change shall become effective upon filing of the associated annexation records of Case File No. Annexation 003-15 with the Secretary of State as provided by ORS 222.180.

Section 6. 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 18th day of August 2015.


Second approval and adoption by the Council on this 1st day of September 2015.

Approved by the Mayor this 1st day of September 2015.



Jerry Willey, Mayor

ATTEST:



Amber Ames, City Recorder



**EXHIBIT A
STAFF REPORT**

To: City Council

From: Planning Department

Date: August 11, 2015
August 18, 2015 Revised

Subject: Request for Approval of Zone Change
Case File No. Zone Change 005-15: Reed's Crossing

Requested City Council Action:

Staff requests that the City Council hold a public hearing at its August 18, 2015 meeting to receive public testimony for a proposed zone change from the County designation of FD-20 Future Development 20-Acre District, to City MFR-3 Multi-Family Residential, MFR-2 Multi Family Residential, MFR-1 Multi-Family Residential, SFR-4.5 Single Family Residential, SFR-6 Single Family Residential, SFR-7 Single Family Residential, SFR-8.5 Single Family Residential and MU-VTC Mixed Use – Village Town Center. The subject property consists of two tax lots totaling approximately 422.55 acres. After receipt of public testimony, staff requests that the City Council consider adoption of the attached ordinance.

Background:

The City of Hillsboro, acting as applicant, requests a zone change from the County designations of FD-20 Future Development 20 acre minimum lot size, to City MFR-3 Multi-Family Residential, MFR-2 Multi Family Residential, MFR-1 Multi-Family Residential, SFR-4.5 Single Family Residential, SFR-6 Single Family Residential, SFR-7 Single Family Residential, SFR-8.5 Single Family Residential and MU-VTC Mixed Use – Village Town Center on two properties totaling approximately 422.55 acres. The purpose of the zone change request is to implement the RMR Residential Mid-Rise Density, RH Residential – High Density, RM Residential – Medium Density, RL Residential – Low Density, MU Mixed Use and OS Open Space Comprehensive Plan designations, as established in the South Hillsboro Community Plan, on the property following annexation. The property owner is GLC - South Hillsboro, LLC.

This zone change is in conjunction with an annexation application for the same properties (Case File No. Annexation 003-15), which will also be reviewed by the City Council at their August 18, 2015 meeting. Pursuant to Community Development Code Section 12.80.160.C, the Planning Commission approved Order No. 8159 on July 22, 2015, initiating this zone change request.

Site Description:

The property under consideration for zone change is located generally north of SE McInnis Street, south of SE Tualatin Valley Highway, west of SW 209th Avenue and east of SE 67th Avenue

(formerly SW 229th Avenue). The property can be specifically identified as Tax Lot 1600 on Washington County Assessor’s Tax Map 152-11 and Tax Lot 2600 on Tax Map 152-14. Per Washington County Tax and Assessment records, the total Taxable Assessed Value is \$375,580 and the Market Total Value is \$18,405,840. The property has a slight slope to the west and the majority of the site is an agricultural field with a few scattered trees. The Bonneville Power Administration (BPA) easement bisects north/south along the eastern portion of the site. The property has a Washington County plan designation of FD-20 (Future Development – 20 Acre District). The site is also within the recently adopted South Hillsboro Community Plan area. The property has frontage on SE McInnis Street, SW Old Hillsboro Road, SE 67th Avenue and SW 209th Avenue. In the City of Hillsboro Transportation System Plan (TSP) and in Community Development Code Section 12.65 South Hillsboro Plan District, SE McInnis Street is identified as a 2-lane Neighborhood Route street; SW Old Hillsboro Road will not be a part of the future road network and is potential open space and/or trail; SE 67th Avenue is identified as a 3-lane Collector and SW 209th Avenue is identified as a 5-lane Arterial road.

The Clean Water Services Sensitive Areas Pre-Screen Map identifies potential sensitive areas on different portions of the site. The City of Hillsboro Significant Natural Resource Overlay analysis does not identify any Significant Natural Resources on the site.

Description of Surrounding Area:

Area	Plan	Zoning	Land Uses
North	C Commercial	C-G Commercial General	Commercial buildings
	IN Industrial	I-P Industrial Park	Vacant land
East	County Industrial	County Industrial	Commercial buildings
	County Institutional	County Institutional	Residential
	County R-9 Residential	County R-9 Residential	
	County R-15 Residential	County R-15 Residential	
South	RL Low Density Residential	County FD-20	Large lot residential
	RM Medium Density Residential	Future Development – 20 Acre District	Agricultural
West	RL Low Density Residential	County FD-20	Large lot residential
	RM Medium Density Residential	Future Development – 20 Acre District	
	PF Public Facility		

Public Utilities:

Service	Provider	Size	Location	Distance From Site
Water	City	36"	SW Old Hillsboro Road	Adjacent
	City	10"-12"	SE 67 th Avenue	Adjacent

Sanitary Sewer	City	20"	SW Old Hillsboro Road	Adjacent
	City	20"	SE 67 th Avenue	Adjacent
	City	8"-24"	SW 209 th Avenue	Adjacent
Storm Drain	City	12"-15"	SE 67 th Avenue	Adjacent
	County	Ditch	SW 209 th Avenue	Adjacent
	County	Ditch	SE McInnis Street	Adjacent

Transportation Facilities:

<u>Streets</u>	<u>Existing</u>		<u>Plan Designated</u>	
	<u>R-O-W</u>	<u>Improvement</u>	<u>R-O-W</u>	<u>Improvement</u>
SE 67 th Avenue	50'-75'	40'-20' +/-	72'-76'	48'-52'
SW 209 th Avenue	75'-80'	20'-40' +/-	100'	76'
SE McInnis Street	48'	10' +/-	72'	48'
	<u>Easement</u>			
<u>Sidewalk Improvements</u>	<u>Existing</u>		<u>Plan Designated</u>	
SE 67 th Avenue	None		5'-6' sidewalk and 5' planter strip	
SW 209 th Avenue	None		6' sidewalk and 5' planter strip	
SE McInnis Street	None		6' sidewalk and 5' planter strip	
<u>Bus</u>	<u>Route</u>		<u>Distance to Site</u>	
	#57		Adjacent - 1 miles +/- (north)	
<u>Bicycle Lane</u>	<u>Existing</u>		<u>Plan Designated</u>	
SE 67 th Avenue	None		7'	
SW 209 th Avenue	None		7'	
SE McInnis Street	None		6'	

Cost:

The costs for the City to process this application consist of staff time for processing the application and materials for providing public notice.

Applicable Comprehensive Plan Policies and Implementation Measures:

Section 2 Urbanization Implementation Measure (IV) (A). Urban development shall occur only where urban services exist or are available. It is the intent of this Plan to encourage development in those areas where such services are currently available or can be readily provided in a logical manner.

- (1) Urban services necessary for development include adequate water, sewer, and fire protection. The documentation of the availability of these needed services must be current.
- (2) Whenever feasible, the installation of sewage trunk lines shall occur prior to the development of the affected urban area.

- (3) Public streets, new or existing, which are proposed for access to a particular site proposed for development, shall be developed in accordance with the transportation element of the Comprehensive Plan.

Section 2 Urbanization Implementation Measure (IV) (I). Use of services available in the Hillsboro Planning Area will be maximized through the encouragement of new development at maximum densities prescribed by the applicable Comprehensive Plan/land use ordinance, and through the infilling of partially developed areas. The social and aesthetic impact of poorly designed development increases with density. Consequently, development proposals above the minimum prescribed density of the applicable zone must demonstrate compliance with any applicable objective development standards and design guidelines adopted by the City Council or the Planning Commission.

Section 2 Urbanization Implementation Measure (IV)(J). 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 is consistent with and represents the highest use allowed by the Comprehensive Plan Land Use Map, and in the case of zone changes in 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. In developed areas where existing uses and zoning are not consistent with the highest use under the Comprehensive Plan Land Use Map, an "incremental" zone change, which would allow development opportunity at the highest Plan use, shall be required prior to further redevelopment.

Section 2 Urbanization – Implementation Measure (IV)(M). The land use map shall designate property in the Hillsboro Planning Area as Low, Medium, High, or Mid-Rise Residential, Mixed-Use, Mixed-Use Urban Residential, Mixed-Use Urban Commercial, Mixed-Use Urban Employment, Mixed-Use Institutional, Commercial, Industrial, Open Space, Floodplain, Public Facility or Station Community Planning Area. 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 3 Housing – Policies (III)(B). A variety of housing units shall be encouraged throughout the planning area for households of all incomes, ages and living patterns. Such housing should include, but not be limited to, single-family residences, accessory dwellings, duplexes, apartments, attached single-family residences, co-op housing, condominiums, townhouses and manufactured housing. Specific locations for each type of housing shall be consistent with the comprehensive plan map and zoning map. Each type of housing should be available at various prices and rents in order to maximize housing choices of the public.

Section 3 Housing – Policies (III)(E). In order to promote home ownership and to increase efficient land use, developments with lots less than 7,000 square feet shall be allowed when specifically

authorized by the Zoning Ordinance. Because the social and aesthetic impact of poorly designed residential developments increases with density, such developments shall be of a quality and design which effectively offsets increases in density and/or smaller lots and through provisions of usable open space as well as other amenities.

Section 3 Housing – Policies (III)(L). New residential areas shall have water, sewers, storm drainage, street lights and underground utilities. In addition, new residential areas shall have paved streets, curbs, pedestrian ways; and where site conditions are favorable to stormwater infiltration, the use of vegetated stormwater management facilities, pervious pavement and similar “green streets” elements is encouraged where technically feasible and appropriate. The provision of such services in older residential areas shall be encouraged.

Section 3 Housing – Policies (III)(Y). Residential land shall develop within the density range designated by the Comprehensive Plan unless higher densities are approved by the City under the Planned Unit Development process. Density reductions and transfers may also be allowed within the Significant Natural Resource Overlay (SNRO) District and within Habitat Benefit Areas that fall outside of the SNRO District.

Section 13 Transportation – Implementation Measure (VII)(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.

Section 13 Transportation – Implementation Measure (VII)(M). Proposed new developments shall consider opportunities to incrementally extend and connect proposed new streets with existing streets within adjacent or nearby areas in addition to addressing street connectivity recommendations shown on the Local Street Connectivity maps contained within Section 21. Transportation System Plan.

Section 31 South Hillsboro Community Plan – Implementation Measure (III)(E)(1) Zoning Concept and Implementation Measures. The land use designations shown on the South Hillsboro Community Plan Map (Map 31-1) will be implemented through appropriate city zones consistent with the Zoning Concept Map (Figure 31-3) applied by the City following annexation of property in the South Hillsboro Community Plan area. City zones identify permitted uses, minimum densities and floor area ratios as appropriate, and development and design standards applicable to the South Hillsboro planning area. Planned Unit Development Overlay zones may also be used to implement the development and design standards.

The following table is an example of the types of City zones that may be applied within the South Hillsboro Community Plan area based on the City's adopted Comprehensive Plan designations for the South Hillsboro Community. Zones should be applied with appropriate flexibility to achieve

desired housing and employment capacity, density and diversity, as set forth in the South Hillsboro Community Plan:

Staff Response to Approval Criteria:

Community Development Code Section 12.80.160.E specifies the approval criteria for a proposed Zone Change as follows:

- 1. The proposed zone implements and is consistent with the Comprehensive Plan Land Use Map designation for the site. A zone change to a zone not consistent with the Comprehensive Plan Map designation cannot be approved prior to approval of an amendment to the Comprehensive Plan Land Use Map to change the designation to one which is implemented by the requested zone;***

STAFF RESPONSE: The proposed zones are consistent with the Comprehensive Plan Land Use Map designations for the site and consistent with the Zoning Concept map within the South Hillsboro Community Plan. This approval criterion is met.

- 2. Where the Comprehensive Plan Map designation has more than one implementing zone, the proposed zone is the most appropriate for the subject site, based on the purposes of each zone and the zoning pattern of surrounding land;***

STAFF RESPONSE: Although there are multiple zones that could implement multiple Comprehensive Plan designations on the property, it would be inappropriate to implement zones which are contrary to the Comprehensive Plan South Hillsboro Community Plan Zoning Concept map and table and Implementation Measures. The proposed zones are consistent with the direction provided by the Comprehensive Plan Section 32 South Hillsboro Community Plan – Implementation Measure (III)(E)(1) Zoning Concept and Implementation Measures. This approval criteria is met.

- 3. Existing or planned transportation facilities are adequate or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zone;***

STAFF RESPONSE: The City has coordinated with the property owners regarding preparation of an Annexation Agreement that contains a traffic impact analysis which establishes a development pattern and provision of infrastructure elements that will maintain adequate capacity for the existing and planned transportation facilities and will maintain compliance with the Transportation Planning Rule analysis incorporated into the South Hillsboro Community Plan. This approval criteria is met.

- 4. Existing or planned public infrastructure services (water, wastewater, stormwater, police and fire protection) are adequate or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zone;***

STAFF RESPONSE: An annexation agreement specific to this site, between the City of Hillsboro and the property owner, contained an infrastructure master plan which demonstrated how utilities would be provided to the site. Infrastructure services was extensively pre-planned during

the development of the South Hillsboro Community Plan and the annexation agreement lays out how this site would implement the Community Plan. In the annexation agreement, 8.a. states, "Owner further agrees that development of the Property will not exceed the capacity of any other affected public utilities, including facilities for water, sanitary sewer and storm water, including any improvements proposed or conditioned as part of a development approval."

Specifics regarding these services will also need to be addressed to the satisfaction of the City and service districts during future land use applications for development. There are 36-inch City water lines located in the SW Old Hillsboro Road right-of-way north of the site and 10-12-inch water lines located the SE 67th Avenue right-of-way west of the site. There is a 20-inch City sanitary sewer line located in the SW Old Hillsboro Road and SE 67th Avenue right-of-ways and an 8-inch to 24-inch sanitary sewer line located in the SW 209th Avenue right-of-way. There are 12-inch and 15-inch City storm lines in the SE 67th Avenue right-of-way west of the site and ditches for storm drainage along the remaining frontages. This approval criteria is met.

- 5. Pursuant to Section 12.70.230, the Transportation Planning Rule Compliance analysis demonstrates that traffic impacts can be reasonably mitigated at the time of development. As an alternative to providing a Transportation Planning Rule Compliance analysis, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning; and***

STAFF RESPONSE: The City has coordinated with the property owners regarding preparation of an Annexation Agreement and associated Traffic Impact Analysis (TIA) that establish a development pattern that will maintain adequate capacity for the existing and planned transportation facilities and will maintain compliance with the Transportation Planning Rule analysis incorporated into the South Hillsboro Community Plan. The annexation agreement addresses the capacity of affected transportation facilities. The annexation agreement and associated TIA establishes the specifics of the timing of the construction of road infrastructure that will provide the required capacity and also how the increased capacity of these road improvements can be capitalized on by the property owner. This approval criteria is met.

- 6. Any potential impacts on any designated significant natural resources, cultural resources or areas within the 100-year floodplain as a result of the proposed zone change are minimal or can be reasonably mitigated at the time of development.***

STAFF RESPONSE: The subject property includes 100-year floodplain associated with Gordon Creek. At the time of development, potential impacts would be identified during that review and the appropriate restrictions and mitigation would be applied.

Section 12.80.160.F of the Community Development Code identifies the findings which must be adopted by the Review Authority to impose conditions on the approval of a zone change. These findings must show that:

The zone change will allow uses more intensive than those allowed in the current zone;

- 1. The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property;*
- 2. The conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties; and*
- 3. The conditions are based upon policies or standards in the Comprehensive Plan or other standards adopted by the City of Hillsboro.*

Staff anticipates the need for a condition requiring the dedication and improvement of the Cornelius Pass Road gateway improvements. This condition would appear within the City Council staff report and draft ordinance following internal coordination by the Planning Transportation Division and the Public Works Engineering Division on the proposed language. Additional development requirements are applied as conditions of approval specific to the plans reviewed and approved with development applications such as a preliminary partition plat, and thus would not be appropriate for adoption with this zone change.

Testimony Received:

No public testimony has been received as of the date of completion of this staff report.

Departmental Comments:

The proposed Zone Change was routed to City departments and no comments were received.

Key Considerations:

No items of concern were identified during the review of this Zone Change application.

Discussion:

The City Comprehensive Plan designations are RMR Residential Mid-Rise Density, RH Residential – High Density, RM Residential – Medium Density, RL Residential – Low Density, MU Mixed Use and OS Open Space Comprehensive Plan designations, as established in the South Hillsboro Community Plan. The recommended implementing zones are City MFR-3 Multi-Family Residential, MFR-2 Multi Family Residential, MFR-1 Multi-Family Residential, SFR 4.5 Single Family Residential, SFR-6 Single Family Residential, SFR-7 Single Family Residential, SFR 8.5 Single Family Residential and MU-VTC Mixed Use – Village Town Center. During the zone change initiation process the Planning Commission agreed with this assessment and adopted Order No. 8159 recommending these zone as the most appropriate for the site.

Recommendation:

Staff recommends the Council conduct a public hearing and after receipt of public testimony, staff recommends that the City Council consider adoption of the proposed attached ordinance applying zoning to the property described in Exhibit A of that ordinance.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

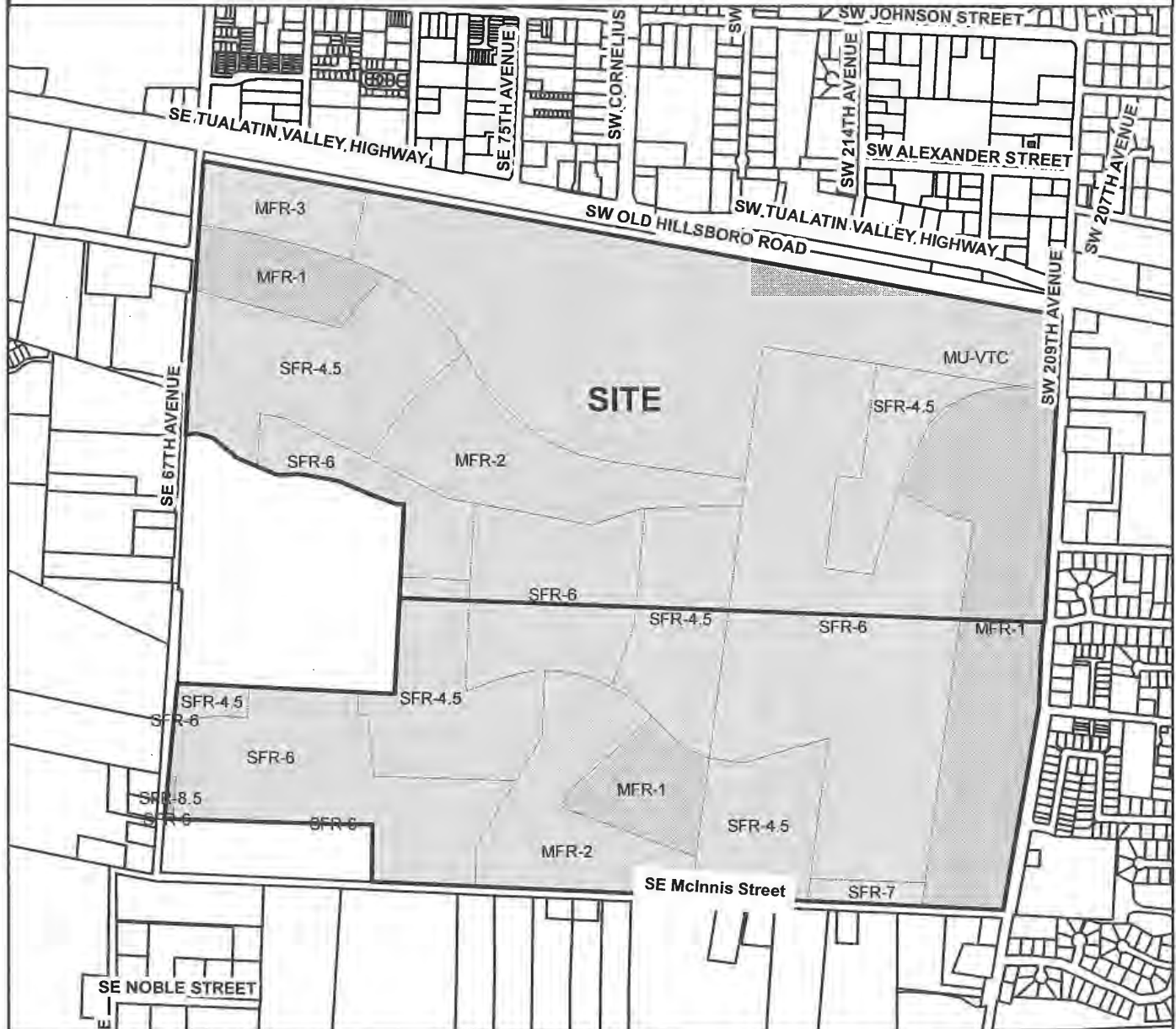
A handwritten signature in black ink, appearing to read "Ruth Klein".

Ruth Klein
Senior Planner

Cc: GLC South Hillsboro, LLC
Jeff Bachrach
Heather Davis, MacKay Sposito

Attachments: Draft Ordinance with Exhibits
Planning Commission Order No. 8159
Planning Commission Initiation Staff Report with Attachments

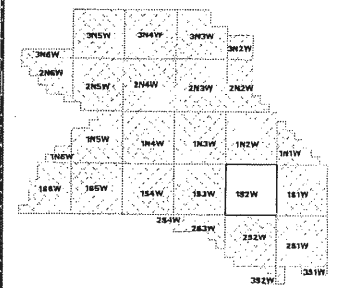
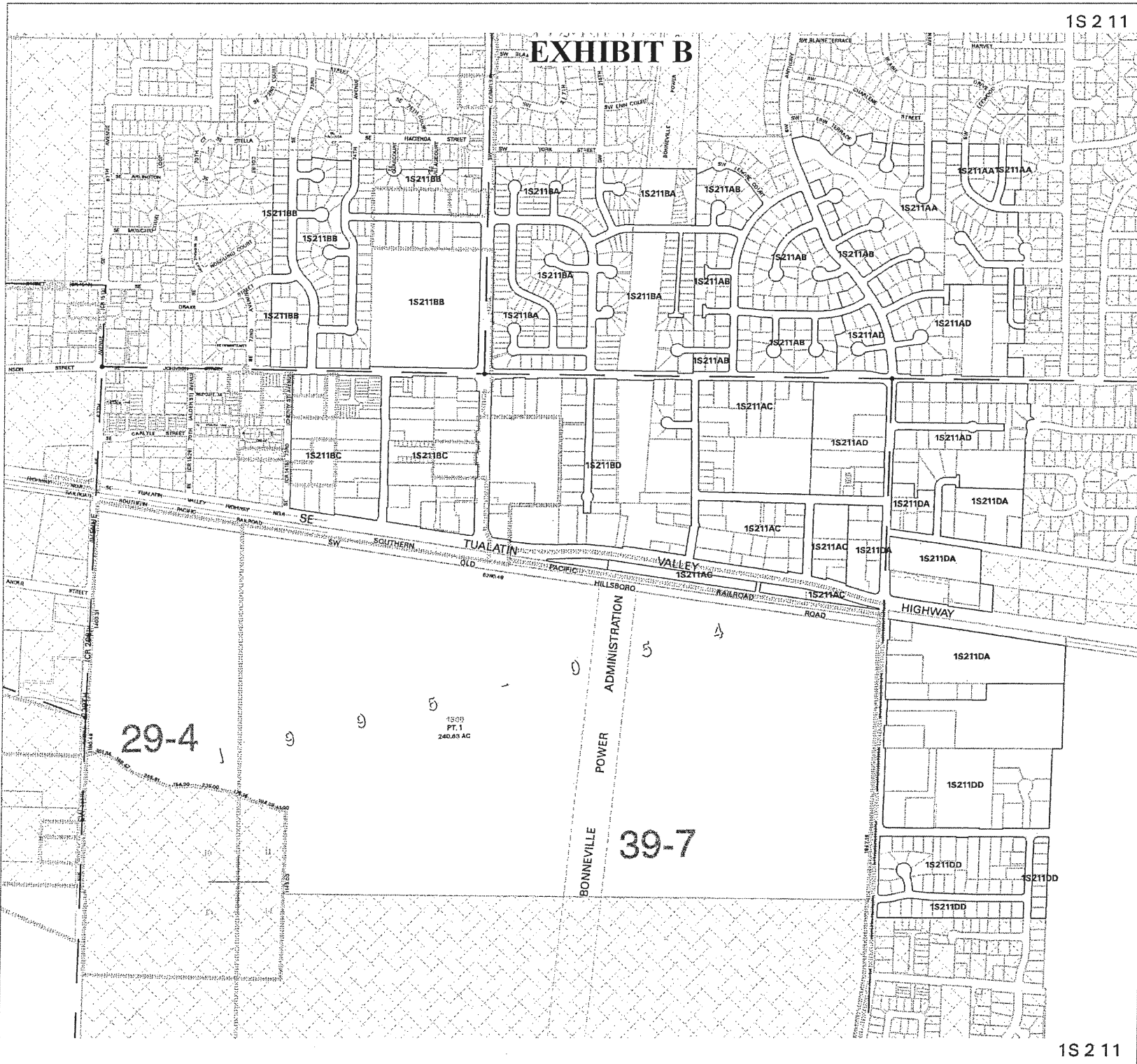
Annexation 003-15 & Zone Change 005-15: Reed's Crossing Proposed Zoning



ANNEXATION		ZONING DESIGNATIONS	
ANX	Recent Annexation	C-6	Commercial - General
CD	County	C-M	Commercial - Neighborhood
PUD	Planned Unit Development	I-G	Industrial - General
SFR-4.5	Single Family Residential	I-P	Industrial Park
SFR-6	Single Family Residential	I-S	Industrial Sanctuary
SFR-7	Single Family Residential	MU-C	Mixed-Use - Commercial
SFR-8.5	Single Family Residential	MU-N	Mixed-Use - Neighborhood
SFR-10	Single Family Residential	MU-VTC	Mixed-Use - Village Town Center
MFR-1	Multi-Family Residential	UC	Urban Center
MFR-2	Multi-Family Residential	UC-DM	Residential Medium Density
MFR-3	Multi-Family Residential	UC-OR	Office / Research
SID: Special Industrial District		UC-AC	Activity Center
SSID	Sioux River SID	UC-NC	Neighborhood Center
ESID	Evergreen SID	UC-MU	Mixed-Use Urban Density
HSID	Helvetia SID	UC-PP	Research Park
SC: Station Community		SC: Station Community	
SC-BP	Business Park	SC-IP	Industrial
SC-I	Industrial	SC-F	Fair Complex Institutional
SC-M	Multi-Family Residential	SCC: Station Community Commercial	
SC-SC	Station Commercial	SCC-SC	Station Commercial
SC-MM	Multi-Modal	SCC-MM	Multi-Modal
SC-DT	Downtown District	SCC-DT	Downtown District
SC-R: Station Community Residential		SC-R: Station Community Residential	
SC-RD	High Density	SC-RD	High Density
SC-RM	Medium Density	SC-RM	Medium Density
SC-LD	Low Density	SC-LD	Low Density
SC-V	Village	SC-V	Village
SC-DTC	Downtown Townhouse Conservation	SC-DTC	Downtown Townhouse Conservation
SC-DNC	Downtown Neighborhood Conservation	SC-DNC	Downtown Neighborhood Conservation



EXHIBIT B



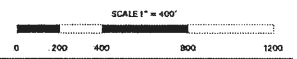
WASHINGTON COUNTY OREGON
SECTION 11 T1S R2W W.M.
SCALE 1" = 400'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

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

BB	BA	AB	AA
B			A
BC	BD	AC	AD
CB	CA	DB	DA
C			D
CC	CD	DC	DD

Cancelled Taxlots For: 1S211
1100,1200,1508,700,800,900,1001,1002,1003,1004,1005,
1006,1007,1101,1502,101,102,103,104,105,106,107,108,
200,300,301,302,100,109,1008,1009,1000,1300.



PLOT DATE: February 13, 2013
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map.

EXHIBIT C

ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT ("Agreement") is between the City of Hillsboro, an Oregon municipal corporation ("City"), and GLC- South Hillsboro LLC ("Owner" or "GLC"). This Agreement becomes effective when approved by the City and signed by authorized representatives of both Parties.

RECITALS

- A. GLC owns approximately 422 acres located in unincorporated Washington County (the "Property"), which Property is more particularly described in attached Exhibit A. The Property was added to the UGB by Metro Ordinance No. 11-1246B, adopted October 20, 2011 (the "UGB Order"), which order provides for the City of Hillsboro to annex and adopt land use regulations to allow for the development of the Property.
- B. The Oregon Legislature adopted House Bill 4078, effective April 1, 2014 (codified at Oregon Laws 2014 Chapter 92), which affirmed the UGB Order.
- C. In September 2012, the Hillsboro City Council approved the South Hillsboro Community Plan covering approximately 1,400 acres, including the Property. The plan established policies and guidelines for development within the planning area.
- D. Also in September 2012, the City and GLC entered into a Memorandum of Understanding ("MOU") that describes the parties' mutual expectations and commitments regarding the implementation of the South Hillsboro Community Plan and GLC's development of the Property. A copy of the MOU is attached as Exhibit B.
- E. Since the Property was added to the UGB in 2011, and for many years before that, the City, GLC and other interested stakeholders have been working together on planning for the development of the South Hillsboro Plan Area. As part of that planning process, GLC, in conjunction with the City, prepared a conceptual master plan for the development of the Property, to be known as "Reed's Crossing."
- F. On January 20, 2015, the Hillsboro City Council approved amendments to its Comprehensive Plan and Community Development Code (the "Regulatory Package"), which are intended to provide the land-use framework to implement the South Hillsboro Community Plan and establish the regulations that will control the development of Reed's Crossing, as well as other projects that owners/developers may propose in the plan area.
- G. The MOU between the City and GLC recognizes that the parties will enter into an annexation agreement, and provides that the terms of the annexation agreement "will derive from [the] basic Commitments" in the MOU, and that the terms of the annexation agreement "shall supersede any inconsistent Commitments set forth in this MOU."

- H. The Regulatory Package amended the Community Development Code ("CDC") to include a requirement that an annexation application must include an executed annexation agreement (CDC 12.80.010.C.2) that addresses the general requirements set forth in CDC 12.65.040.
- I. This Agreement is intended to provide the annexation agreement required under CDC 12.80.010.C and to address the provisions of both the MOU and CDC Section 12.65.040.

NOW, THEREFORE, the parties agree as follows:

AGREEMENT

1. Consent to Annexation. Subject to the terms of this Agreement, Owner shall apply to annex the entire Property to the City, and the City agrees to review the annexation request in a timely manner. Prior to applying for annexation of the entire Property, Owner may apply to annex a portion of the Property as needed to facilitate construction of the improvements necessary to implement ODOT Rail Crossing Order RX 1695, issued February 3, 2014 (the "Rail Order").
2. Current and Proposed Zoning (CDC 12.65.040.C.2-4). The Property is currently designated by Washington County as FD-20 Future Development 20 Acre Minimum. Owner accepts the proposed City zoning designations for the Property shown on the City Zoning Concept Map, Figure 31-3, Section 31, of the Hillsboro Comprehensive Plan, which was adopted as part of the Regulatory Package. A copy of the City Zoning Concept Map is attached as Exhibit C.
3. Reed's Crossing Engineering Assessment (CDC 12.65.040.C.5). The Engineering Assessment attached as Exhibit D to this Agreement describes certain projected public facilities and infrastructure improvements for Reeds Crossing. Figures SS1-4, STM1-4 and WAT1-4 describe the current master plan for sanitary sewer, storm water and water service facilities.
4. Reed's Crossing Transportation Study (CDC 12.65.040.C.6). The Traffic Impact Analysis ("TIA") attached as Exhibit E to this Agreement describes the projected transportation impacts of Reeds Crossing. In addition to CDC 12.65.040.C.6, the TIA is intended to address the requirements of CDC 12.70.200 to 220 and 12.65.910. The Parties agree the commitments in this Agreement are predicated on the conclusions of the TIA. The Parties further recognize that subsequent land use applications and decisions may require additional transportation analysis and studies.
5. Gateway Improvements and Trip Capacity. As described in the TIA, the "Gateway Improvements" consist of:
 - (1) The improvements required by the Rail Order, which include:

- Construction of the new rail crossing and intersection improvements at TV Highway and Cornelius Pass Road, and related improvements along TV Highway;
- Extension of Cornelius Pass Road approximately 300 feet south of TV Highway;
- Closure of the rail crossing and the south section of the intersection of SW 229th Avenue and TV Highway; and,
- Closure of other off-site private rail crossings.

(2) The "Phase 1 On-Site Road Network," which includes:

- Construction of Cornelius Pass Road from 300 feet south of TV Highway to the intersection with Blanton and Alexander streets;
- Extension of Blanton and Alexander streets from SW 209th Avenue to SW 229th Avenue and related intersections and roadway improvements to 209th Avenue; and,
- Related infrastructure improvements for sewer, water, storm drainage and private utilities.

The Parties agree that construction of the Gateway Improvements shall be a condition of approval for the Reed's Crossing Planned Unit Development (PUD) described in Section 7.B below. In exchange for the imposition of that obligation, GLC shall be entitled to utilize for the development of Reed's Crossing as much of the road capacity created by the construction of the Gateway Improvements as may be necessary to accommodate the development-generated vehicle trips described in the TIA. In addition, other non-Gateway Improvements infrastructure required to mitigate development impacts, including but not limited to intersection specific improvements along the roadways comprising the Gateway Improvements, shall be conditioned upon review and approval of the appropriate phase of the PUD. Accordingly, the Parties agree that GLC is vested in sufficient capacity in the Gateway Improvements to accommodate the development-generated vehicle trips.

6. In-Process Traffic (CDC 12.01.500 and 12.70.220). GLC's vested capacity in the Gateway Improvements described in Section 5 above, shall be considered vested upon the City's approval of the annexation and zone change associated with this annexation agreement, for all phases of Reed's Crossing development, as described in the TIA, and shall be considered "in-process traffic" for all other annexation and development in South Hillsboro.
7. Development Approval Schedule (CDC 12.65.040.G.2). The target dates to begin construction of the Gateways Improvements are: November 2015 for the Rail Order improvements, and May 2016 for the Phase 1 Onsite Road Network improvements. The Parties' anticipated schedule of significant development-related events necessary to facilitate the target dates for start of construction and development includes the following events. While the Parties intend in good faith to achieve these target dates, they expressly acknowledge the dates are targets and not intended to be binding.
 - a. By October 2015, the Parties anticipate the City will approve annexation and City zoning for the entire Property.

- b. By October 2015, the City will approve the land-use actions necessary to allow for the development/construction of the Gateway Improvements. The Parties intend that the necessary land-use approvals will include an initial limited infrastructure-only PUD application including a large-lot subdivision (the "Infrastructure PUD"), and will not include any habitable buildings or structures.
- c. In the first quarter of 2016, GLC anticipates submitting an application for a master concept plan PUD approval for the entire Reed's Crossing project and detailed plans for the first phase of the project.

8. Owner Commitments (12.65.040.E):

- a. Owner agrees that development of the Property, or any phases thereof, will not exceed the capacity of affected transportation facilities, including any improvements proposed or conditioned as part of a development approval, and that the capacity of affected transportation facilities shall be determined based on the TIA and any subsequent transportation study that may be provided in conjunction with a development application. Owner further agrees that development of the Property will not exceed the capacity of any other affected public facilities, including facilities for water, sanitary sewer and storm water, including any improvements proposed or conditioned as part of a development approval.
- b. Pursuant to CDC 12.65.040.E.2, Owner agrees that any requests for credits against the Washington County Transportation Development Tax ("TDT") or City System Development Charges ("SDCs") to fund transportation in the South Hillsboro Plan Area will conform to any relevant provisions, assumptions or methodology of the Transportation Finance Plan the City may adopt. This provision may require the Owner to waive certain rights otherwise granted by the TDT Ordinance and City SDC Ordinance.
- c. Owner agrees that the City may limit or condition any land use decision or entitlements consistent with the TIA, any subsequent transportation impact analysis or other public infrastructure capacity analysis, as determined by the City, to ensure that adequate public infrastructure can be reasonably provided to serve the proposed development. This provision is not intended to supersede any provision of the City Code, except that where the City Code allows development in excess of available infrastructure, as determined by the City, the parties agree that the limitations of this section shall be given priority.
- d. Owner shall act in good faith and employ the resources as reasonably necessary to prepare and submit for City review those land-use applications in a timely manner so as to enable the City to review and approve the applications and take other actions necessary to meet the target dates for development and construction in Section 7 herein.

9. City Commitments (12.65.040.F):

- a. The City will act in good faith and employ the resources as reasonably necessary to review and approve land-use applications, and take other necessary actions, in a timely manner so as to meet the target dates for development and construction established in Section 7 of this Agreement.
- b. When it approves annexation of the Property, the City will designate zoning districts for the Property consistent with Exhibit C.
- c. The City will process the "infrastructure PUD" application concurrently with the review and approval of the annexation and zone-change applications. GLC may be required to waive any claims against the City should any third party object to the concurrent review and approval of the applications.

10. General Provisions (CDC 12.040.G):

- a. The City shall not approve any vertical development of the Property, or any vertical development of any other property within the South Hillsboro Plan Area, until the City approves a Financing Program for South Hillsboro as represented in the South Hillsboro Transportation Supplemental System Development Charge Methodology Report Appendix "C" and any implementing ordinances are adopted and become effective. "Vertical development" means any structure intended for human habitation, occupation, or commerce for which a certificate of occupancy is required, except as may be necessary for the construction of public facilities.
- b. The City shall not approve any vertical development of the Property until a PUD, including a complete concept plan, as provided for in CDC 12.80.120.K, has been approved for the Property. The infrastructure PUD described in Section 7 above does not satisfy the requirement of this Section 10b and its approval shall not allow any vertical development.
- c. The Parties acknowledge that the requirements of this Agreement will be implemented through related land use decisions, including conditions of approval, and financing decisions.
- d. Owner agrees to waive the right to remonstrate against the formation of a local improvement district, taxing district, reimbursement district or other financing mechanism based on ownership of the Property.

TERMS AND CONDITIONS

11. Severability. Should any provision of this Agreement be rendered invalid by a court of competent jurisdiction or arbitrator with authority to render a provision invalid, it is agreed that every other part of the Agreement shall remain in full force and effect.

12. Remedies.
 - a. Any controversy arising under this Agreement that is not resolved by discussion between the Parties shall be submitted to mediation. The Parties shall mutually select the mediator, who shall be compensated equally by the Parties. The Parties shall seek a mediator with experience in land use, real estate or development. The mediation must conclude within 90 days of the date the mediator is retained.

 - b. In the event the Parties are not able to resolve the controversy in mediation, the Parties retain all available legal and equitable remedies to enforce this Agreement, including claims for damages. Any claim, suit or other action arising under the terms of this Agreement shall proceed under to the laws of the State of Oregon and shall be brought in Washington County Circuit Court. In any legal proceeding, each Party is responsible for its own fees and costs, including legal fees.

13. Entire Agreement. This Agreement constitutes the complete understanding among the Parties on the subject. No promises or agreements made subsequent to the execution of this Agreement by the Parties regarding the Joint Materials and Potential Litigation shall be binding unless reduced to writing and signed by the Parties.

14. Counterparts. This Agreement may be signed in one or more counterparts, and each counterpart shall be deemed to be an original instrument.

15. Termination.
 - a. Pursuant to CDC 12.65.040.G, the Agreement expires 1 year from the date it is signed by the Parties unless the City has received an annexation application for the property and deemed the application complete.

 - b. This Agreement also may be terminated by mutual written consent of the Parties.

16. Amendment or Modification. Any amendment or modification to this Agreement must be in writing and signed by both Parties.


17. Assignment. The Parties agree that the rights, obligations and commitments described in this Agreement are intended to run with the land and are binding on the Parties heirs, successors and assigns.

18. The City shall record this Agreement in the property records for Washington County, Oregon.

19. Future Expenditures. Any obligation(s) under the terms of this Agreement imposed upon the City to expend monies in the future is expressly contingent upon the absolute discretionary ability of the City to appropriate or not appropriate monies for that obligation, subject to the City's budgetary processes.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

CITY OF HILLSBORO, OREGON,

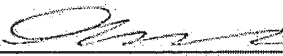
By:  _____

Print Name: Michael Brown

Title: City Manager

Date: July 10, 2015

GLC-South Hillsboro, LLC.,

By:  _____

Print Name: Davis Wood

Title: Pres

Date: 7/15/15