



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



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

Date: May 24, 2016
Jurisdiction: City of Hillsboro
Local file no.: ZC-003-16
DLCD file no.: 006-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/23/2016. 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 39 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.: 006-16 {24359}

Received: 5/23/2016

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-003-16**

Date of adoption: 5/17/16

Date sent: 5/23/2016

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): 3/25/16

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:

N/A

Local contact (name and title): John Boren, Senior Planner

Phone: 503-681-5292

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 County FD-20	to MFR-1 Multi-Family Residential	Acres: 2.24
Change from Couty FD-20	to SFR-4.5 Single Family Residential	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:
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Location of affected property (T, R, Sec., TL and address): 1S210CD00100, 200, 300; 1S210DC01000

List affected state or federal agencies, local governments and special districts: Washington County, Metro.

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 portions of property approxiately 2.24 acres in size currently being annexed into the city limits for future dedication of right-of-way. The proposed zone change is from County zone FD-20 to City zone MFR-1 Multi-Family Residential and SFR-4.5 Single Family Residential.

Ordinance Nos. 6169 & 6170 are attached



May 23, 2016

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 003-16

I, Lisa Califf, submitted on this date, May 23, 2016, the DLCD Form 2 and attached Ordinance Nos. 6169 and 6170 with exhibits via the DLCD FTP site for the above referenced Case File No., which was adopted by the Hillsboro City Council on May 17, 2016.

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 John Boren at 503-681-5292.



May 19, 2016

TO: Interested Parties

FROM: Planning Department

**RE: NOTICE OF DECISION – Request for Annexation and Zone Change Approval
Case File Nos.: Annexation 003-16 and Zone Change 003-16: Century Boulevard at
Gordon Creek**

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 May 17, 2016, the Hillsboro City Council adopted Ordinance No. 6169 approving a request from the property owner for annexation of property identified as Tax Lots 100 & 200 and a portion of Tax Lot 300 on Washington County Assessor's Tax Map 1S2-10CD, a portion of Tax Lot 1000 on Tax Map 1S2-10DC, and adjacent right-of-way. At the same meeting, the City Council adopted Ordinance No. 6170 approving a City-initiated request for a zone change on this property from County FD-20 Future Development 20-acre to City MFR-1 Multi-family Residential and SFR-4.5 Single Family Residential. 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 June 9, 2016, 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 June 16, 2016, pursuant to ORS 222.120.

If you have any questions please call me at (503) 681-6179 or John Boren at (503) 681-5292.

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. 6169 and 6170

cc: File

ORDINANCE NO. 6169

ANNEXATION 003-16: CENTURY BOULEVARD AT GORDON CREEK

AN ORDINANCE ANNEXING CERTAIN TRACTS OF LAND AND ADJACENT RIGHT OF WAY INTO THE CITY LIMITS OF HILLSBORO AND WITHDRAWING THE TRACT FROM THE TERRITORY OF WASHINGTON COUNTY RURAL FIRE PROTECTION DISTRICT NO. 2.

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

WHEREAS, the property has no residents, and the petition represented 100 percent of the owners of the property proposed for annexation, as required by ORS 222.125 for consent to an annexation; and

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

WHEREAS, as permitted by ORS 222.120(2) and Metro Code Section 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; and

WHEREAS, the tract of land is located in the South Hillsboro Community Plan area which is 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; and

WHEREAS, the tract of land lies within Washington County Rural Fire Protection District No. 2; and

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

WHEREAS, the City Council conducted a public hearing on this matter on May 3, 2016, and does hereby favor the annexation of the subject tract of land and withdrawal from the district based on the findings attached hereto as Exhibit "C" and the annexation agreement attached as Exhibit "D"; and

WHEREAS, the annexation and withdrawal is not contested by any necessary party.

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

Section 1. The tracts of land described in Exhibits "A" and "B" are declared to be annexed to the City of Hillsboro, Oregon.

Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the Washington County Rural Fire Protection District No. 2. The City Council further supports the future annexation into any special districts necessary for the provision of urban services to the property.

Section 3. The findings attached as Exhibit "C" 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 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 the 3rd day of May, 2016.

Second approval and adoption by the Council on this 17th day of May, 2016.

Approved by the Mayor this 17th day of May, 2016.



Jerry Willey, Mayor

ATTEST:



Amber Ames, City Recorder



AKS ENGINEERING & FORESTRY, LLC
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062
 P: (503) 563-6151 F: (503) 563-6152

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT A

City of Hillsboro Annexation

A portion of the Charles Stewart DLC No. 56, located in the Southwest One-Quarter and the Southeast One-Quarter of Section 10, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Beginning at the southwest corner of Parcel 2, Partition Plat No. 1995-122, also being on the City of Hillsboro city limits line; thence along the southerly line of said Parcel 2 South $88^{\circ}54'09''$ East 41.39 feet; thence leaving said southerly line and the City of Hillsboro city limits line South $08^{\circ}55'16''$ West 342.04 feet; thence North $81^{\circ}04'44''$ West 127.00 feet; thence North $08^{\circ}55'16''$ East 104.02 feet to the northerly line of Document Number 91-023191; thence along the northerly line of said Document South $89^{\circ}47'36''$ West 150.36 feet to the southeasterly corner of Document Number 2004-069040; thence along the easterly line of said Document North $00^{\circ}45'32''$ West 295.22 feet to the southerly right-of-way line of SE Davis Road (20.00 feet from centerline), also being on the City of Hillsboro city limits line; thence along said right-of-way line and the easterly extension thereof North $89^{\circ}47'36''$ East 262.41 feet to the centerline of SW 234th Avenue; thence along said centerline South $08^{\circ}55'16''$ West 79.83 feet to the westerly extension of the north line of Tract 63 of the plat of "Witch Hazel Little Farms Tracts 26 to 68 Inc."; thence along said westerly extension and the northerly line of said Tract 63 South $88^{\circ}54'09''$ East 25.23 feet to the Point of Beginning.

The above described tract of land contains 2.27 acres, more or less.

04/11/2016

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

ANNEXATION CERTIFIED

BY VF

APR 12 2016

WASHINGTON COUNTY A&T
CARTOGRAPHY

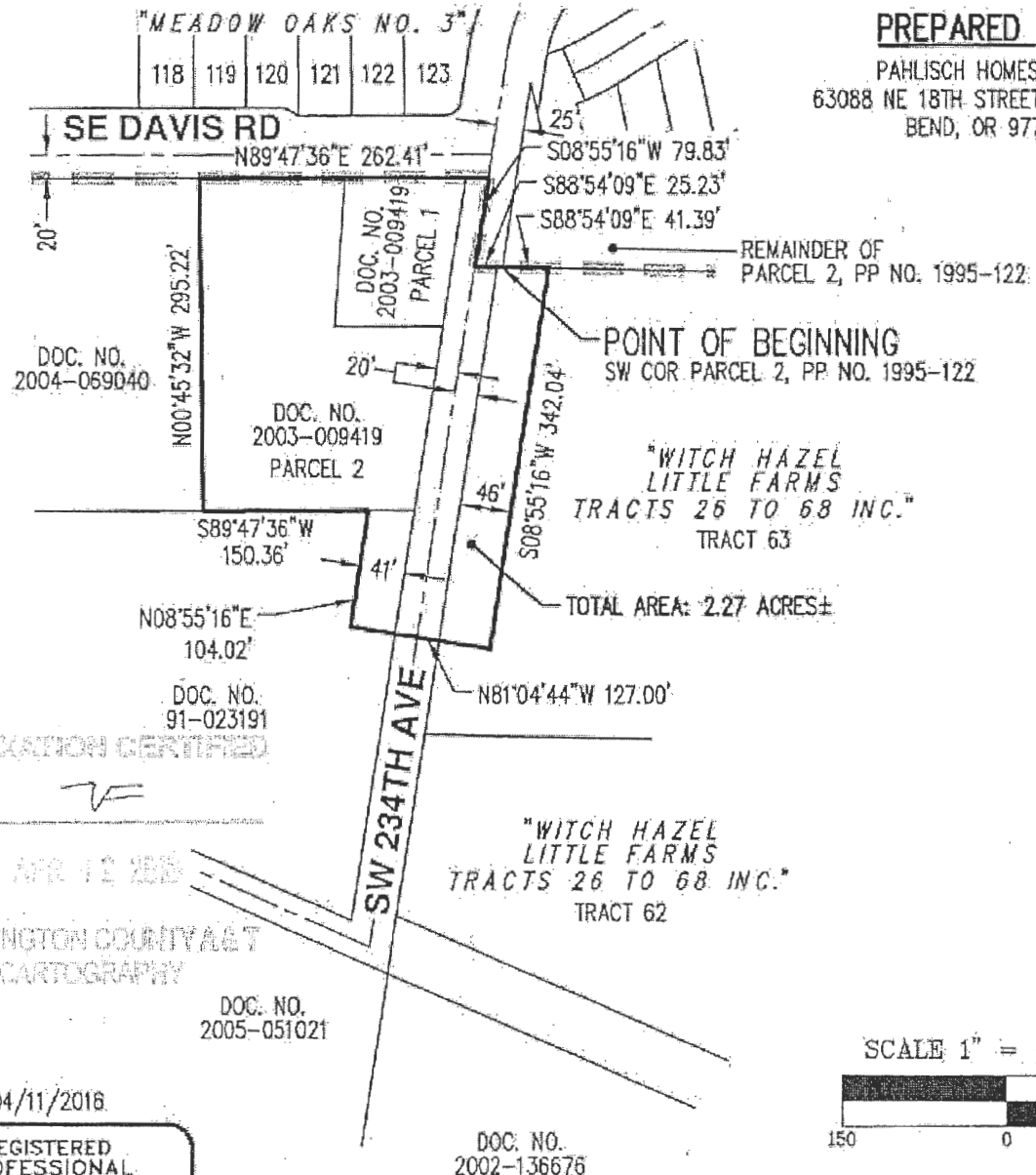
EXHIBIT B

CITY OF HILLSBORO ANNEXATION
 A PORTION OF THE CHARLES STEWART DLC NO. 56,
 LOCATED IN THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF
 SECTION 10, TOWNSHIP 1 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
 WASHINGTON COUNTY, OREGON

PREPARED FOR

PAHLISCH HOMES, INC.
 63088 NE 18TH STREET, SUITE 100
 BEND, OR 97701

LEGEND
 HILLSBORO CITY LIMITS
 HILLSBORO CITY LIMITS



ANNEXATION CERTIFIED
 BY _____
 APR 12 2007
 WASHINGTON COUNTY A&T
 CARTOGRAPHY
 DOC. NO. 2005-051021

SCALE 1" = 150 FEET



04/11/2016
 REGISTERED PROFESSIONAL LAND SURVEYOR

Nick White
 OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS
 RENEWS: 6/30/16

DOC. NO. 2002-136676

THE RESERVE		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: WCB CHKD: NSW AKS JOB: 4467



EXHIBIT C

FINDINGS IN SUPPORT CASE FILE NO. ANNEXATION 003-16 CENTURY BOULEVARD AT GORDON CREEK

BACKGROUND INFORMATION AND SITE DESCRIPTION

The property under consideration for annexation and rezoning is located generally south of SE Davis Rd, west of SE 67th Ave (formerly SW 229th Ave), and east of SE Davis Ct. The property can be more specifically identified as Tax Lots 100 & 200 and a portion of Tax Lot 300 on Washington County Assessor's Tax Map 1S2-10CD and a portion of Tax Lot 1000 on Tax Map 1S2-10DC.

The properties are currently being used for rural residences. There are Goal 5 Significant Natural Resources on the site that stem from Gordon Creek and transition into riparian upland. Portions of the area to be annexed are within the FEMA 100-year flood plain.

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 May 3, 2016.

I. APPLICABLE APPROVAL CRITERIA

Community Development Code Section 12.80.010.E contains the City approval criteria for a proposed Annexation which references the approval criteria in Metro Code 3.09. 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 entirety of the area proposed to be annexed is noted within Hillsboro Urban Service Provider Agreement, dated April 2, 2003. However this 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. It is also noted that

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 subject properties are within the Witch Hazel Village and South Hillsboro Community Plans which includes an adopted public facilities plan. This annexation will assist in facilitating the permitting of infrastructure identified in the public facilities plan. 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 22. Witch Hazel Village Community Plan Goals (I) Notwithstanding HCP Section 2, Urbanization, Subsection (IV) (G), annexation within the Witch Hazel Village Community Plan area may be restricted due to inadequate transportation infrastructure and may be subject to certain annexation criteria.

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 properties are RM Residential – Medium Density, FP Flood Plain, and OS Open Space Comprehensive Plan designations, as established in the South Hillsboro Community Plan and Witch Hazel Village Community Plan, which are consistent with the regional urban growth goals and objectives. The property will be rezoned to City MFR-1 Multi-Family Residential and SFR-4.5 Single Family Residential 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. The applicant is annexing this small area in order to advance on environmental permitting to construct a bridge over Gordon Creek, with a larger-scale annexation anticipated to encompass the broader area south of Gordon Creek, west of SE 67th Avenue and north of the Reserve Golf Course.

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

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

Clean Water Services District
Metro Service 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: The proposed annexation would eliminate the unnecessary duplication of provision of facilities or services because upon the effective date of the annexation, the property will be withdrawn from the Washington County Rural Fire Protection District No. 2, as the City provides this service. Prior to developing, the property owner will need to annex the property into the Clean Water Services District and the Metro Service 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.

II. 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 May 3, 2016.

ANNEXATION AGREEMENT

This ANNEXATION AGREEMENT ("Agreement") is between the City of Hillsboro, an Oregon municipal corporation ("City"); and Pahlisch Homes, Inc., an Oregon corporation, ("Developer"), collectively the "Parties". This Agreement becomes effective when executed by the Parties.

RECITALS

- A. Developer owns property located in unincorporated Washington County (the "Westling Property"), commonly known as Tax Lots 100 and 200 of T1S R2W S10CD, and intends to annex a 1.47 acre portion of the Westling Property into the City.
- B. Dan D. Breazile and Dixie L. Breazile own property located in unincorporated Washington County (the "Breazile Property"), commonly known as Tax Lot 1000 of T1S R2W S10DC, and have authorized Developer to act as their representative for purposes of annexing a 0.36 acre portion of the Breazile Property into the City, as shown on Exhibit A.
- C. Richard Duane Hendricks owns property located in unincorporated Washington County (the "Hendricks Property"), commonly known as Tax Lot 300 of T1S R2W S10CD, and has authorized Developer to act as his representative for purposes of annexing a 0.10 acre portion of the Hendricks Property into the City, as shown on Exhibit B.
- D. SE Century Blvd. is a 40 foot wide public right-of-way, and the Parties intend to annex a 0.31 acre segment of the right-of-way which lies between the Westling Property, the Breazile Property and the Hendricks Property, as depicted on Exhibit D.
- E. The total area being annexed pursuant to this agreement is 2.24 acres (the "Property"), as described on Exhibit C and depicted on Exhibit D.
- F. Since the Property was added to the UGB in 2011, and for many years before that, the City, Developer and other interested stakeholders planned for the development of the South Hillsboro Plan Area.
- G. 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.
- H. 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.
- I. The Oregon Legislature adopted House Bill 4078, effective April 1, 2014 (codified at Oregon Laws 2014 Chapter 92), which affirmed the UGB Order.

J. 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 the Property, and other projects that neighboring owners and developers may propose in the plan area.

K. 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.

L. This Agreement is intended to provide the annexation agreement required under CDC 12.80.010.C and to address the provisions of CDC Section 12.65.040 for the purposes of annexing the needed right-of-way and associated wetland mitigation and storm water facility(s) associated with the Century Boulevard extension over Gordon Creek.

NOW, THEREFORE, the parties agree as follows:

AGREEMENT

1. Consent to Annexation. Subject to the terms of this Agreement Developer shall apply to annex the Property to the City within two months of the execution of this agreement, and the City agrees to review the annexation request in a timely manner.
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. Developer 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 E.
3. Transportation Study (CDC 12.65.040.C.6). The purpose of this annexation agreement and subsequent annexation is to incorporate a key portion of right-of-way for the Century Boulevard extension and Gordon Creek crossing and for areas associated with needed wetland mitigation and storm water facility to support future annexations and development. There is no applicable need for a Traffic Impact Analysis ("TIA") associated with this annexation agreement due to no traffic generation occurring as a direct result of annexation of the subject area.
4. Developer Commitments (12.65.040.E):
 - a. Developer agrees to accept as conditions of approval on one or more land development applications the obligation to design, permit and construct the enhanced Gordon Creek crossing and extension of SE Century Blvd (aka SW234th Ave) from SE Davis Street south a distance of approximately 430

feet, as necessary, to be eligible for transportation SDC credits. In exchange for this commitment the Developer may be entitled to Washington County Transportation Development Tax ("TDT") and/or City South Hillsboro Transportation System Development Charges ("TSDCs") credits, in accordance with the provisions of the TDT and TSDC implementing ordinances, for any increased capacity and elements above the local road standard as a result of this improvement.

- b. Pursuant to CDC 12.65.040.E.2, Developer agrees that any requests for credits against the TDT or TSDCs to fund transportation in the South Hillsboro Plan Area will conform to any relevant provisions, assumptions or methodology of the South Hillsboro Finance Plan, or any adopted amendments thereto. This provision may require the Developer to waive certain rights otherwise granted by the TDT Ordinance and the City TSDC Ordinance.
 - c. Developer shall act in good faith and employ the resources as reasonably necessary to prepare and submit for City review those applications for the creek crossing and road extension and related storm water facilities in a timely manner so as to enable the City and other review authorities to review and approve the applications.
5. 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 the annexation, land use and permit applications.
 - b. When it approves annexation of the Property, the City will designate zoning districts for the Property consistent with Exhibit E.
 - c. The City will process the infrastructure applications immediately following the review and approval of the annexation and zone-change applications, and concurrently with any local improvement district procedures.
 - d. The City agrees to serve as the co-applicant for any necessary county, state or federal applications regarding the Gordon Creek crossing.
6. 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 South Hillsboro Transportation and Parks 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 subdivision, as provided for in CDC 12.80.098, or a Planned Unit Development, as provided for in CDC 12.80.120 and 122, has been approved for the Property. The infrastructure described in Section 4 above does not satisfy the requirement of this Section 10.b 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, infrastructure permitting, and financing decisions.
- d. Developer 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

7. 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.
8. 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.
9. 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 shall be binding unless reduced to writing and signed by the Parties.
10. Counterparts. This Agreement may be signed in one or more counterparts, and each counterpart shall be deemed to be an original instrument.
11. 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.
12. Amendment or Modification. Any amendment or modification to this Agreement must be in writing and signed by both Parties.
13. 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, their heirs, successors and assigns.
14. Recording. The City shall record this Agreement in the property records for Washington County, Oregon.
15. 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.

CITY OF HILLSBORO, OREGON

By: Rob Dixon
Printed Name: ROB DIXON
Title: ASST. CITY MGR
Date: 3/4/16

PAHLISCH HOMES, INC.

By: Dennis L. Pahlisch
Printed Name: Dennis L. Pahlisch
Title: President
Date: 2-11-16

ORDINANCE NO. 6170

ZONE CHANGE 003-16: CENTURY BOULEVARD AT GORDON CREEK

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, AS AMENDED, BY CHANGING THE ZONING OF CERTAIN TRACTS OF LAND FROM COUNTY FD-20 FUTURE DEVELOPMENT, 20-ACRE MINIMUM LOT SIZE, TO CITY MFR-1 MULTI-FAMILY RESIDENTIAL AND SFR-4.5 SINGLE FAMILY RESIDENTIAL.

WHEREAS, a certain tract of land described herein has 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 Comprehensive Plan South Hillsboro Community Plan Land Use Map designates the subject site as RM Residential – Medium Density and FP Flood Plain designation; and

WHEREAS, the Witch Hazel Village Community Plan Map designates the subject site as RM Residential – Medium Density and OS Open Space; and

WHEREAS, the FP Flood Plain and OS Open Space designations have no specific implementing zone; and

WHEREAS, the City of Hillsboro Planning Commission approved Order No. 8175 on April 13, 2016, initiating the zone change on the annexed property described below; and

WHEREAS, the City Council hereby adopts the findings attached hereto as Exhibit B, 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 Community Development Code, and the particular zone recommended by the Planning Commission is 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 A, is hereby rezoned from Washington County FD-20 Future Development, 20 acre minimum lot size City MFR-1 Multi-Family Residential and SFR 4.5 Single Family Residential as defined in the City of Hillsboro Community Development Code Ordinance No. 6094, as amended:

Tax Lots 100 & 200 and a portion of Tax Lot 300 on Washington County Assessor's Tax Map 1S2-10CD, dated August 19, 2015; and

A portion of Tax Lot 1000 of Washington County Assessor's Tax Map 1S2-10DC, dated August 19, 2015.

Section 2. 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 003-16.

Section 3. Except as herein amended, Community Development Code No. 6094, as amended, shall remain in full force and effect.

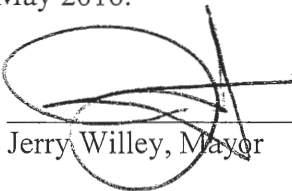
Section 4. The zone change shall become effective upon filing of the associated annexation records of Case File No. Annexation 003-16 with the Secretary of State as provided by ORS 222.180.

Section 5. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 3rd day of May 2016.

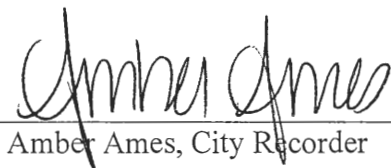
Second approval and adoption by the Council on this 17th day of May 2016.

Approved by the Mayor this 17th day of May 2016.



Jerry Willey, Mayor

ATTEST:



Amber Ames, City Recorder

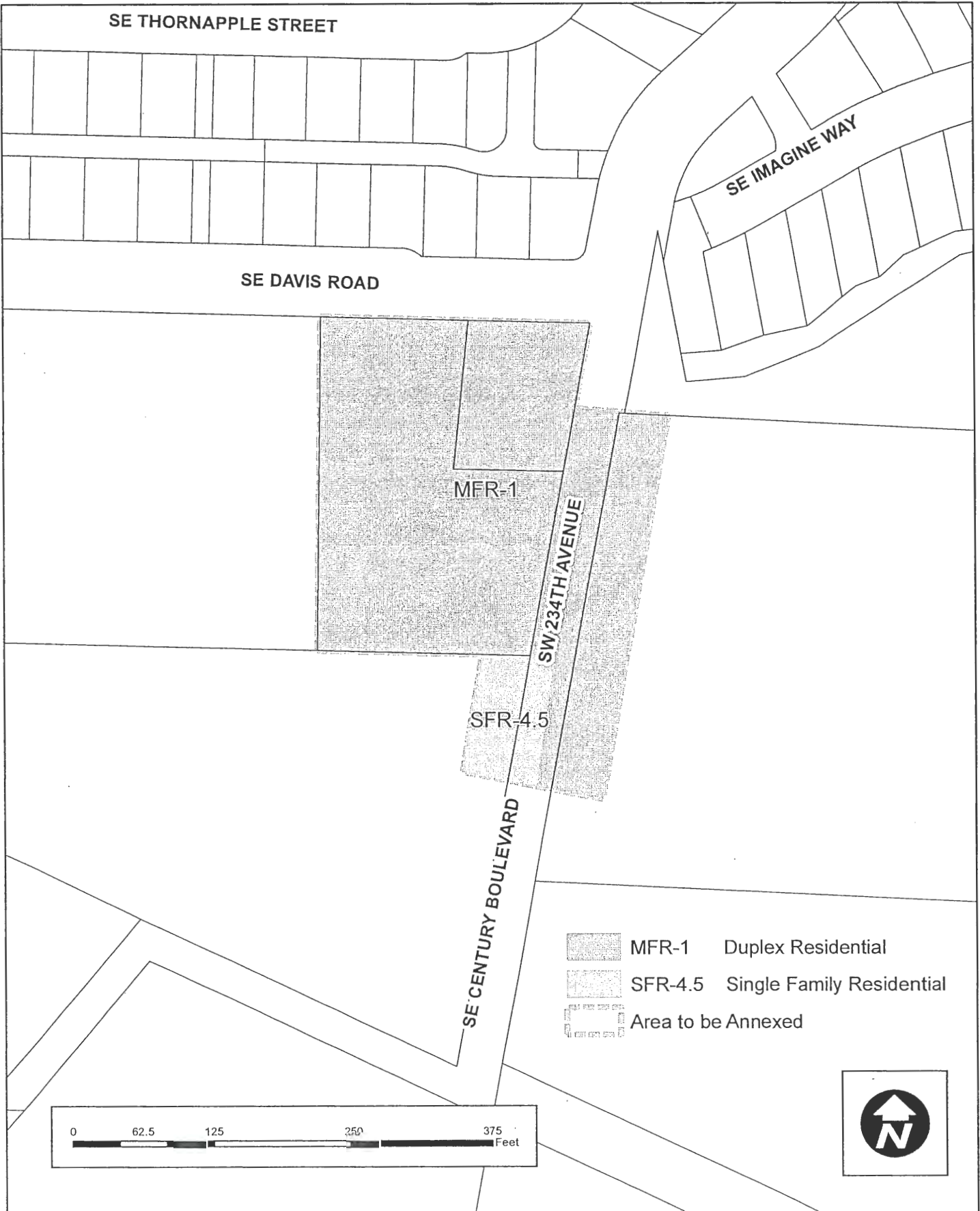


EXHIBIT B
(Findings)

The City Council incorporates herein by this reference and adopts as its own, the summary and analysis of the approval criteria set forth in the April 26, 2016 staff report. In addition, the Council adopts the following findings which were initially adopted by the Planning Commission:

1. The City complied with all required notice and hearing procedures for the City Council's May 3, 2016 hearing in this matter. At the commencement of the hearing, the Council made the disclosures and announcements required by ORS 197.763 (5) and (6) and 197.796. No member of the Council claimed any ex parte contacts, conflicts of interest or biases to report. There were no procedural objections, no objections to the participation of any member of the Council in this matter, and no one requested a continuance or that the record be kept open.
2. This Zone Change shall be allowed if there is a preponderance of credible evidence in the record demonstrating that all of the criteria from Community Development Code Section 12.80.160(E) are met or can be met. Those criteria are cited below and each is followed by a finding regarding the proposed Zone Change's compliance:

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;

Finding: The proposed zones of MFR-1 Multi-Family Residential and SFR-4.5 Single Family Residential 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;

Finding: Although both of the SFR-4.5 and MFR-1 zones could implement the RM Comprehensive Plan designations on the subject site, it would be inappropriate to implement zones in a manner which are contrary to the South Hillsboro Community Plan Zoning Concept map and as committed to in the Annexation Agreement. The proposed zones are consistent with the direction provided by the Comprehensive Plan Section 31 South Hillsboro Community Plan – Implementation Measure (III)(E)(1) Zoning Concept and Implementation Measures. The Witch Hazel Village Community Plan Map, Figure 22-1 denotes the plan designations, but does not contemplate specific implementing zones. The past pattern and practice within the Witch Hazel Village Community Plan area has been to apply the MFR-1 zone in all locations designed RM. The proposed zoning for the

two tax lots within the Witch Hazel Village Community Plan area is MFR-1. This approval criterion 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;*

Finding: The City has coordinated with the property owners regarding preparation of an Annexation Agreement which identifies planned transportation facilities and will maintain compliance with the Transportation Planning Rule analysis incorporated into the South Hillsboro Community Plan and Witch Hazel Village Community Plan. This approval criterion 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;*

Finding: City Departments were routed the proposed Zone Change, with none responding that existing or planned public infrastructure services would be compromised by the proposed Zone Change on this site. Infrastructure services was extensively pre-planned during the development of the South Hillsboro Community Plan and the Witch Hazel Village Community Plan. Specifics regarding these services will need to be addressed to the satisfaction of the City and service districts during future land use applications for development. This approval criterion 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*

Finding: The City conducted transportation analysis as part of the South Hillsboro and Witch Hazel Village community planning, which took into account the proposed zones denoted in the zoning concept. This approval criterion 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.*

Finding: The subject property includes 100-year floodplain and significant natural resources 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.

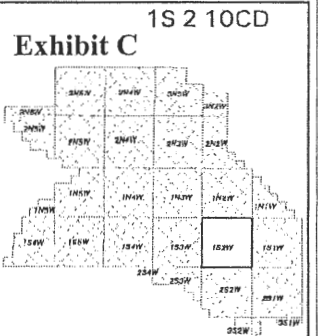
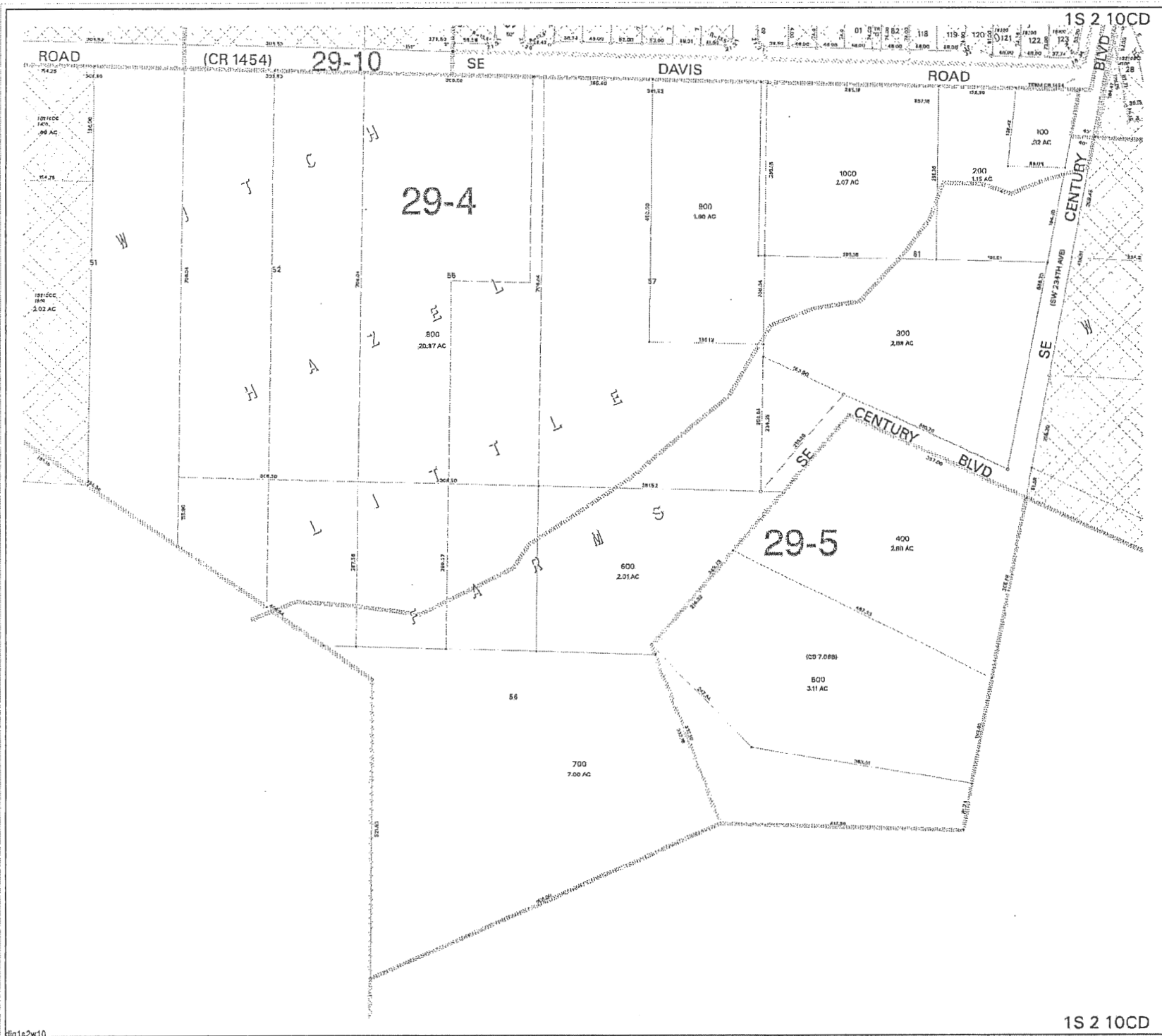
Section 12.80.160.F of the Community Development Code identifies the findings which must be adopted by the Review Authority to impose conditions on the approval of a Zone Change. These findings must show that:

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.*

In this case, there is no identified need or justification for addition of conditions to this Zone Change. Development requirements are applied as conditions of approval specific to development applications, and thus would not be appropriate for adoption with this Zone Change.

3. From the foregoing and based on the preponderance of credible evidence in the record, the Council concludes that this Zone Change request meets all six of the Zone Change approval criteria in Community Development Code Section 12.80.160(E), without the need for conditions of approval. Therefore, the City Council approves this zone change.



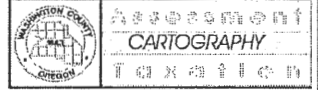
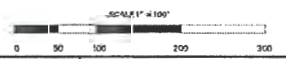
WASHINGTON COUNTY OREGON
SE 1/4 SW 1/4 SECTION 10 T1S R2W W.M.
SCALE 1" = 100'

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
GB	CA	DB	DA
C			D
CC	CD	DC	DD

SECTION 10

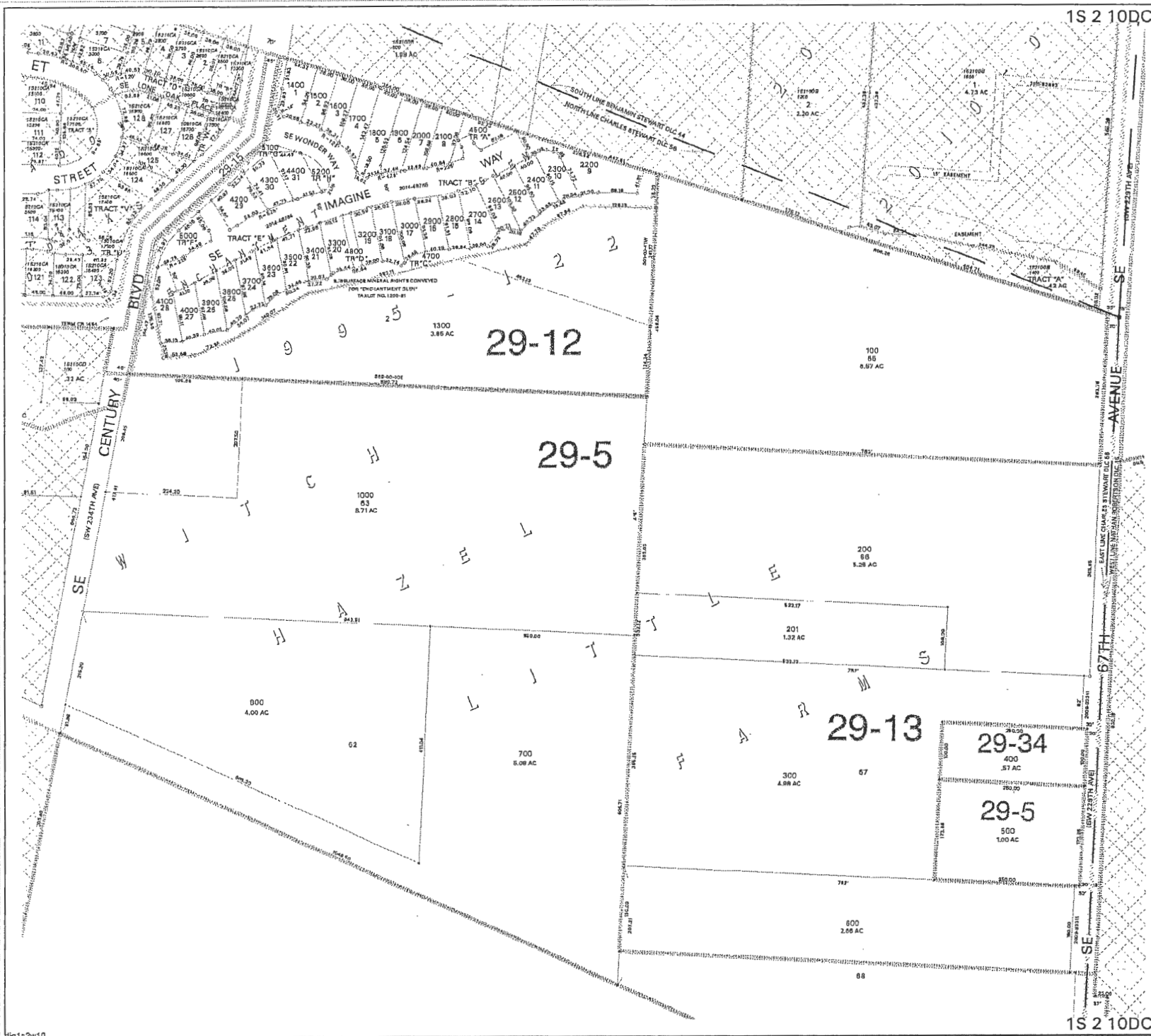


PLOT DATE: August 19, 2015
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

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

1S 2 10CD

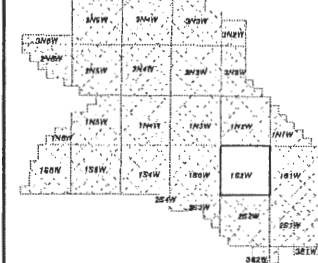
1S 2 10CD



1S 2 10DC

1S 2 10DC

Exhibit C



WASHINGTON COUNTY OREGON
 SW 1/4 SE 1/4 SECTION 10 T1S R2W W.M.
 SCALE 1" = 100'

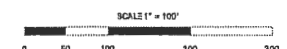
36	31	32	33	34	35	36	31
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24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

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

SECTION 10

Cancelled Taxlots For: 1S210DC
 900,1200,4600,4900.



PLOT DATE: August 19, 2015
FOR ASSESSMENT PURPOSES
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FOR OTHER USE

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HILLSBORO
1S 2 10DC

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City of Hillsboro – Planning
Rockne Stites

City of Hillsboro – GIS

Washington County – A & T
MS#8A

City of Hillsboro – Engineering
Brad Albert

City of Hillsboro – Planning
Andrew Crampton