



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-002-16
DLCD file no.: 004-16

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 40 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.: 004-16 {24357}

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-002-16**

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): 3/24/16

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): 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 County FD-20	to MFR-1 Multi-Family Residential	Acres: 1.96
Change from Couty FD-20	to SFR-7 Single Family Resident	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): 1S210CD00900

List affected state or federal agencies, local governments and special districts: Washington County, Metro, Washington County Rural Fire Protection District #2.

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 1.96-acre property being annexed into the city. Proposed zone change is from County zone FD-20 Future Development - 20 acres to City zones MFR-1 Multi-Family Residential (237 ft. south from north property line) and SFR-7 Single Family Residential (remaining 231 ft. to south property line) to comply with the Comprehensive Plan designations.

Ordinance Nos. 6167 & 6168 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. ZC-002-16

I, Lisa Califf, submitted on this date, May 23, 2016, the DLCD Form 2 and attached Ordinance Nos. 6167 and 6168 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 Ruth Klein at 503-681-6465.



May 19, 2016

TO: Interested Parties

FROM: Planning Department

**RE: NOTICE OF DECISION – Request for Annexation and Zone Change Approval
Case File Nos.: Annexation 002-16 and Zone Change 002-16: Borain**

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. 6167 approving a request from the property owner for annexation of property identified as Tax Lot 900 on Washington County Assessor's Tax Map 1S2-10CD. At the same meeting, the City Council adopted Ordinance No. 6168 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-7 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 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. 6167 and 6168

cc: File

ORDINANCE NO. 6167

ANNEXATION 002-16: BORAIN

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND 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 tract 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 within the Hillsboro Urban Service Area identified in the Hillsboro Urban Service Agreement (September, 2006) between and among the City of Hillsboro, Washington County, the City of Beaverton, Metro and several special service districts and is contemplated by the Agreement ultimately to become a part of the City of Hillsboro by eventual annexation of the tract of land to the City of Hillsboro; 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 "B;" 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 tract of land described in Exhibits "A" and "C" is 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.

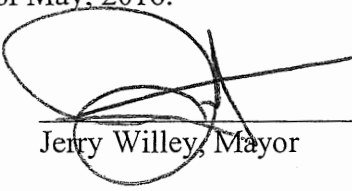
Section 3. The findings attached as Exhibit "B" are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(f) and ORS 222.005. The annexation and withdrawal shall become effective upon filing of the annexation 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.

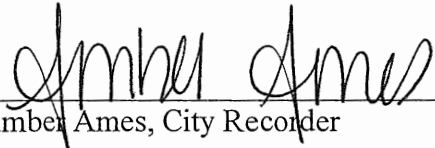
Second approval and adoption by the Council on this 17th day of May, 2016.

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



Jerry Willey, Mayor

ATTEST:



Amber Ames, City Recorder

EXHIBIT A

AN 002-16: Borain
Proposed legal description
MF April 6, 2016

A tract of land located in Township 1 South, Range 2 West, Section 10, Willamette Meridian, Washington County, Oregon, located in Lot 57, Witch Hazel Little Farms, being that tract of land described in deed to Paul Gabrilis and Angela Gabrilis, recorded September 1, 2000 as document number 2000070958, more particularly described as follows:

Commencing at the northeast corner of Lot 57, Witch Hazel Little Farms;

thence South $89^{\circ}41'46''$ West, along the north line of said lot a distance of 196.12 to the point of beginning;

thence South $1^{\circ}00'$ East, along the west boundary of said Gabrilis tract a distance of 450.00 feet to the southwest corner thereof;

thence North $89^{\circ}41'46''$ East, along the south boundary of said Tract, a distance of 196.12 feet to the southerly south east corner thereof;

thence North $1^{\circ}00'$ West, along the southerly east boundary of said tract, a distance of 154.84 feet to an angle point therein;

thence South $89^{\circ}41'46''$ West, tracing the boundary of said tract, a distance of 10.0 feet to an angle point therein;

thence North $1^{\circ}00'$ West, along the northerly east boundary of said tract, a distance of 295.16 feet to the north boundary of said Lot 57;

thence South $89^{\circ}41'46''$ West, along the north boundary of said lot, a distance of 186.12 feet to the point of beginning.

EXHIBIT B

FINDINGS IN SUPPORT CASE FILE NO. ANNEXATION 002-16 BORAIN GROUP

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

The property under consideration for annexation and rezoning is located generally south of SE Davis Road, west of SW 234th Avenue and east of SE Davis Court. The property can be more specifically identified as Tax Lot 900 on Washington County Assessor's Tax Map 1S2-10CD. The total Taxable Assessed Value for the property is \$225,530, and the Market Total Value is \$276,500.

The property has a single family house with several large outbuildings. The southeast corner of the site has Goal 5 Significant Natural Resource and is within the FEMA 100 year flood plain.

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 May 3, 2016.

III. APPLICABLE APPROVAL CRITERIA

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

E. Approval Criteria. The City may approve an annexation application if the City determines the following criteria are met:

1. *These criteria are set forth in Metro Code 3.09.*

Findings: Findings have been made demonstrating that the annexation is in compliance with the criteria within Metro Code 3.09. This criteria is met.

2. *In the South Hillsboro Plan District, that the annexation is consistent with the requirements of an applicable annexation agreement.*

Findings: This project is not within the South Hillsboro Plan District. This criteria is not applicable.

3. *The annexation is in the City's best interest.*

Findings: Findings have been made demonstrating that this annexation is in alignment with City Comprehensive Plan policies and implementation measures as well as Metro Code Section 3.09. This criteria is met.

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 Hillsboro Urban Service Agreement was adopted April 2, 2003 between the City of Hillsboro and Washington County. The subject property is part of the Hillsboro Urban Service Area and is thus subject to the terms and conditions that are contained in the Urban Service Agreement. Approval of this Petition for Annexation would be consistent with the intent and stated objectives of the Agreement. Section I.B. and I.D. designate the City as the “appropriate” and “ultimate service provider” for those areas within the Hillsboro Urban Service Boundary. Section I.G.1 states that the “City, County and Special Service Districts will develop a program for the eventual annexation of all unincorporated properties into the cities.” As an unincorporated area, annexation of the subject property would be consistent with this provision. The Witch Hazel Village Community Plan establishes the program and conditions for annexation of the site. Finally, annexation of the subject property would bring about the transition of services from County to City as specified in Section V.A. and B and Exhibits A through G.

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

FINDING: The annexation would be consistent with the applicable Comprehensive Plan policies and implementation measures listed on pages 2 and 3. In particular, the annexation would be consistent with Section 23. General Development Policies (II)(I), supporting annexation phasing for land within the Witch Hazel Village Community Plan area, represented by Witch Hazel Village Figure 16: Composite Phasing Plan.

The *Hillsboro Urban Service Agreement* adopted in April, 2003 pursuant to ORS 195.065, automatically covers this site as shown on map A-1 of the Agreement. The Agreement establishes a common boundary between the Hillsboro and Beaverton Urban Service Areas called the *Beaverton/Hillsboro Urban Service Boundary* (“Boundary”). For the majority of its length the boundary follows the common school district boundary of the Beaverton and Hillsboro School Districts or the existing city limits that are east of the school district boundary. Section IV of the Agreement clearly demarcates this Boundary as the ultimate divide between the Cities of Hillsboro and Beaverton wherein land west of the Boundary

is generally acknowledged under the Agreement as ultimately coming into Hillsboro while lands east of the Boundary ultimately would come into Beaverton.

Approval of the annexation would be consistent with, and carry out the intent and stated purposes and objectives of the entire *Hillsboro Urban Service Agreement*. Specifically, it fulfills Sections IV.A and IV.B of the Agreement which generally declare that areas west of the Beaverton/Hillsboro Urban Service Boundary and shown on Map Exhibit A-1 to the Agreement would become part of the City of Hillsboro Urban Service Area upon its addition to the UGB.

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

FINDING: The annexation would be consistent with regional framework and functional plans. Annexation approval would bring the site into Hillsboro's planning and land use regulatory jurisdiction. On February 5, 2004, the City Council approved Hillsboro Comprehensive Plan amendment, Case File No. HCP 5-03, incorporating goals, policies and implementation measures, along with the Witch Hazel Community Plan document in its entirety, to guide future urbanization of the area.

In addition, 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 (II)(A) Development within the Plan area shall conform substantially to the general land uses and development pattern prescribed by the Witch Hazel Village Community Plan as shown in the Witch Hazel Village Community Plan Map.

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: The applicant intends to develop the site and at the time of development they would extend utilities/services to the site.

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 district 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 districts:

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 and Metro Service Districts.

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.

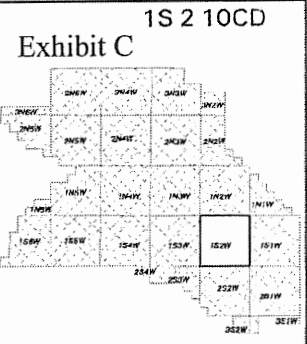
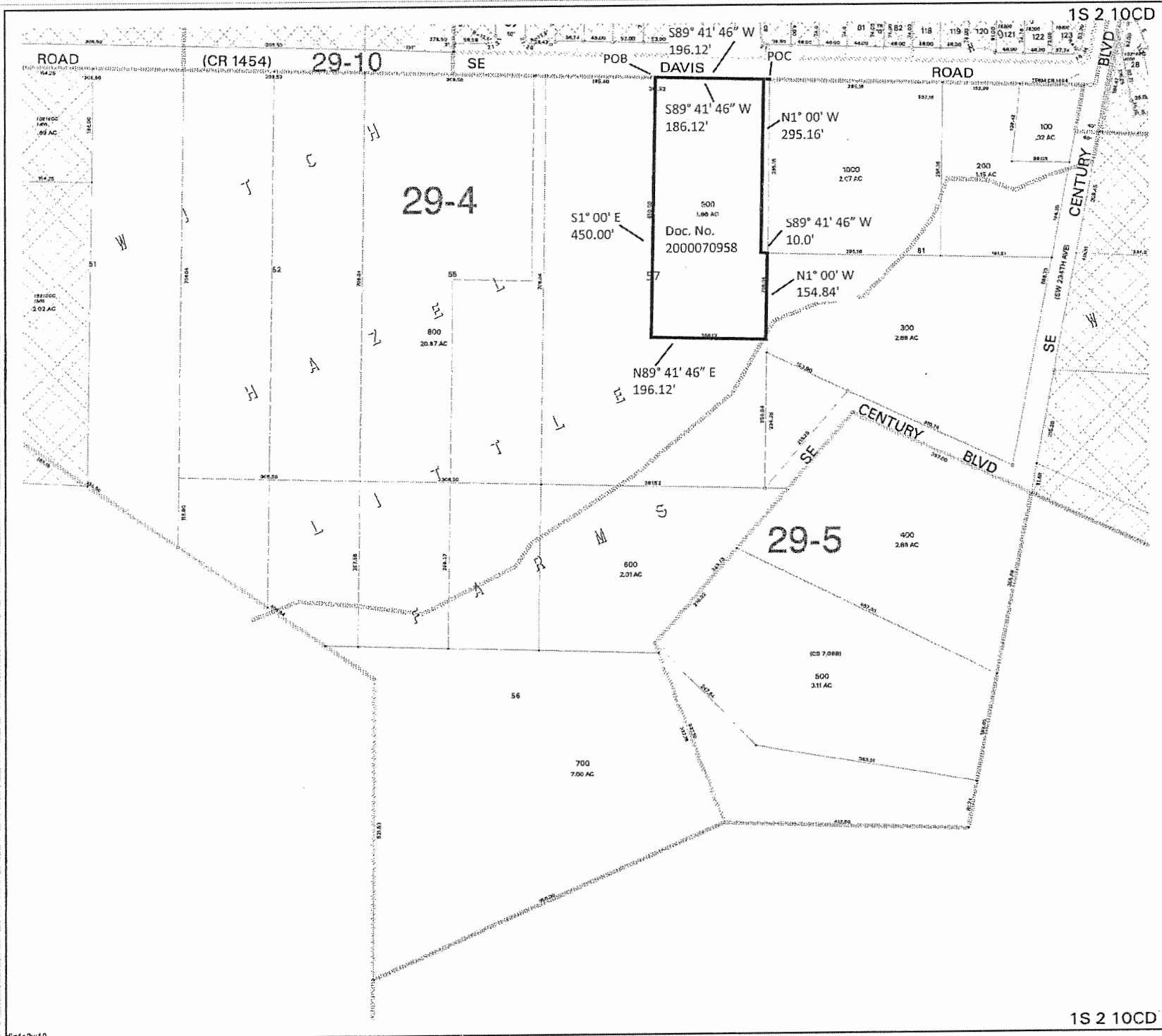
FINDING: The subject property that is being annexed is entirely within the UGB.

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

The Staff Report dated May 3, 2016 was available 15 days prior on April 11, 2016 in accordance with Metro Code processing requirements. The May 3rd date is an artifact resulting from City template requirements.



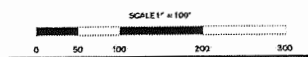
WASHINGTON COUNTY OREGON
SE 1/4 SW 1/4 SECTION 10 T1S R2W W.M.
SCALE 1" = 100'

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	18	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	B	A	A
BC	BD	AC	AD
CB	CA	DB	DA
C	C	D	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 other agencies shall be a cross-hatched pattern and are for reference only and may not include the most current property boundaries. Please consult the appropriate map for the most current information.

1S 2 10CD

1S 2 10CD

ORDINANCE NO. 6168

ZONE CHANGE 002-16: BORAIN GROUP

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, AS AMENDED, BY CHANGING THE ZONING OF A TRACT OF LAND FROM COUNTY FD-20 FUTURE DEVELOPMENT, 20-ACRE MINIMUM LOT SIZE, TO CITY MFR-1 MULTI-FAMILY RESIDENTIAL AND SFR-7 SINGLE FAMILY RESIDENTIAL.

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

WHEREAS, the comprehensive Plan Land Use Map designates the northern portion of the site as RM Medium Density Residential and the southern portion of the site as RL Low Density Residential, and

WHEREAS, the property is entirely within the Witch Hazel Village Community Plan, as noted in Section 22 of the Hillsboro Comprehensive Plan, and

WHEREAS, the City of Hillsboro Planning Commission approved Order No. 8174 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 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, Witch Hazel Village Community Plan and Community Development Code, 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 tract of land, also shown on the notated Exhibit B, is hereby rezoned from Washington County FD-20 Future Development, 20 acre minimum lot size to City MFR-1 Multi Family Residential and SFR-7 Single Family Residential as defined in the City of Hillsboro Community Development Code Ordinance No. 6094:

Tax Lot 900 on Washington County Tax Map 1S2-10CD
Section 10, Township 1 South, Range 2 West, Willamette Meridian
Plot date 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 002-16.

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

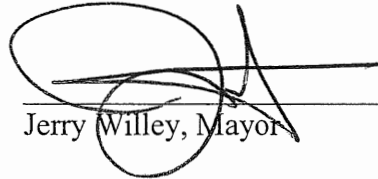
Section 4. The zone change shall become effective upon filing of the associated annexation records of Case File No. Annexation 002-16 with the Secretary of State as provided by ORS 222.180.

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

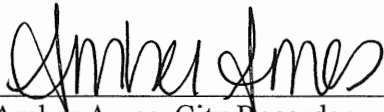
First approval of the Council on this 3rd day of May 2016.

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 A
(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 May 3, 2016 staff report. In addition, the Council adopts the following findings:

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;

The SFR-7 Single Family Residential zone is one of three zones that implement the RL Low Density Residential Comprehensive Plan Map designation in this area, the others being the SFR-10 Single Family Residential and the SFR-8.5 Single Family Residential zones. The MFR-1 Multi Family Residential zone is one of two zones that implement the RM Medium Density Residential Comprehensive Plan Map designation in this area, the other being the SFR-4.5 Single Family Residential zone. Therefore, both the SFR-7 zone and the MFR-1 zone are consistent with the Comprehensive Plan and Witch Hazel Village 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;

The SFR-7 zone has been applied to all other sites within the Witch Hazel Village Community Plan area that are designated RL, therefore the SFR-7 zone is more appropriate for the subject site than the SFR-10 or SFR-8.5 zones. The MFR-1 zone has been applied to all other sites within the Witch Hazel Community Plan area that are designated RM, therefore the MFR-1 zone is more appropriate for the subject site than the SFR-4.5 zone. 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;*

The City has conducted analysis of necessary transportation facilities as part of the Witch Hazel Village Community Plan in order to comply with the Transportation Planning Rule. Specific uses proposed as part of a land use application would require a traffic study, with mitigation measures to be conditioned upon the approval if identified as being necessary. 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;*

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 Witch Hazel Village Area 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*

The SFR-7 and MFR-1 zones were contemplated as part of the Witch Hazel Village Area Community Plan. Therefore, applying this zone would be consistent with what was contemplated for zoning in the Community Plan and its associated Transportation Planning Rule compliance analysis. Staff finds that the proposed zone change will not significantly affect a transportation facility for the purposes of the State of Oregon's Transportation Planning Rule. 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.*

The subject property includes 100-year floodplain and Goal 5 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:

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 RESPONSE: Staff anticipates future conditions of approval which are specific to the plans reviewed and approved with 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, Hillsboro City Council approves this Zone Change.

