



# 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](http://www.oregon.gov/LCD)



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

Date: February 26, 2016

Jurisdiction: City of Hillsboro

Local file no.: ZC-009-15

DLCD file no.: 019-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/25/2016. 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 36 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](mailto:plan.amendments@state.or.us)



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

<b>FOR DLCD USE</b>
File No.: 019-15 {24130}
Received: 2/26/2016

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-009-15**

Date of adoption: 2/16/16      Date sent: 2/25/2016

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): 11/10/15  
 No

Is the adopted change different from what was described in the Notice of Proposed Change?  Yes  No  
 If yes, describe how the adoption differs from the proposal:

Local contact (name and title): John Boren

Phone: 503-681-5292 E-mail: [planningtechs@hillsboro-oregon.gov](mailto:planningtechs@hillsboro-oregon.gov)

Street address: 150 E Main St 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 SSID I-P to I-S. Acres: 43

Change from        to        . Acres:

Change from        to        . Acres:

Change from        to        . Acres:

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

Overlay zone designation:        . Acres added:        . Acres removed:

Location of affected property (T, R, Sec., TL and address): 1N2210003100, 1N2210003102

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

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.



February 25, 2016

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

FROM: Dawn Duray, Senior Planning Technician

RE: Transmittal of DLCD Form 2 Notice of Adoption  
Hillsboro Case File No. Zone Change (ZC) 009-15: Berger-Boyles/North of Huffman

I, Dawn Duray, submitted on this date, February 25, 2016, the DLCD Form 2 and attached decision and exhibits via email for the above referenced Case File No., which was adopted by the Hillsboro City Council on February 16, 2016.

If you have any questions regarding this transmittal, please contact me at 503-681-6154. Should you have any questions in regards to the amendments, please contact John Boren at 503-681-5292.

Sincerely,

CITY OF HILLSBORO PLANNING DEPARTMENT

A handwritten signature in black ink that reads 'Dawn Duray' in a cursive script.

Dawn Duray  
Senior Planning Technician

## ORDINANCE NO. 6153

### ZONE CHANGE 009-15: BERGER-BOYLES/NORTH OF HUFFMAN

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF THE COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, AS AMENDED, BY A ZONE CHANGE FROM SSID, SHUTE ROAD SPECIAL INDUSTRIAL DISTRICT, TO I-S INDUSTRIAL SANCTUARY FOR A 43.67-ACRE PARCEL WITHIN THE CITY OF HILLSBORO.

WHEREAS, Howard Larson, on behalf of the individual owners of these two parcels, applied for a zone change from SSID to I-S for a 43.67-acre parcel generally located north of NE Huffman Street, west of NW Brookwood Parkway and south of NW Oak Drive (Tax Lots 3100 & 3102 on Washington County Assessor's Tax Map 1N2-21) to implement the site's underlying IN Industrial Comprehensive Plan designation; and

WHEREAS, this application was scheduled and duly noticed for a public hearing on December 16, 2015, at which time the Planning and Zoning Hearings Board, consisting of Daniel Kearns, Drake Hood and Wil Fuentes (the "Board"), convened the public hearing to take testimony and evidence and to consider the application; and

WHEREAS, the Board received the Planning Department staff report dated December 9, 2015 and testimony from the applicant's representative, Steven W. Abel, explaining the background and context for the zone change request and the applicant's plans for the property. He further explained that the present zone is too limited for large-scale industrial development and that the Shute Road Special Industrial District designation was supposed to serve as an interim zone for larger industrially zoned parcels; and

WHEREAS, one person, Michael Robinson on behalf of Majestic Realty testified in a neutral capacity to request that the record be kept open to allow his client to review the proposal and possibly comment on it; and

WHEREAS, at the conclusion of the December 16<sup>th</sup> hearing, the Board concluded public testimony but kept open the record for the submission of additional comments according to the following schedule:

- December 23, 2015 – Comment on any relevant topic by anyone
- December 30, 2015 – Responses to comments received on December 23<sup>rd</sup>
- January 6, 2016 – Applicant's final rebuttal and closing argument
- January 6, 2016 – The Board reconvenes to deliberate and decide the application

WHEREAS, no written comments were received during the open-record period, and no public testimony was taken at the January 6<sup>th</sup> continuance hearing, at which time the Board voted to recommend approval of the rezoning request as proposed by the applicant and recommended in the December 9, 2015 staff report.

WHEREAS, based on those findings, the City Council hereby determines that the proposed zone change is in conformance with the Hillsboro Comprehensive Plan and Community Development Code and all other applicable criteria, and that the I-S Industrial Sanctuary zone is the best suited for the subject site and will implement the IN Industrial Comprehensive Plan designation for the site.

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

Section 1. Based on the application and evidence in the record, the following properties are hereby rezoned from SSID Shute Road Special Industrial District to I-S Industrial Sanctuary:

Tax Lots 3100 and 3102 on Washington County Assessor's Tax Map 1N2-21  
on record as of July 31, 2015

A copy of the tax map is attached hereto as Exhibit B and thereby made a part of this Ordinance.

Section 2. The City Council decision in this matter is based on the findings attached as Exhibit A.

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

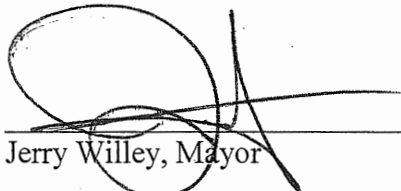
Section 4. Except as herein amended, Community Development Code Ordinance No. 6094, as amended shall remain in full force and effect.

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

First approval of the Council on this 2<sup>nd</sup> day of February, 2016.

Second approval and adoption by the Council on this 16<sup>th</sup> day of February, 2016.

Approved by the Mayor this 16<sup>h</sup> day of February, 2016.

  
\_\_\_\_\_  
Jerry Willey, Mayor

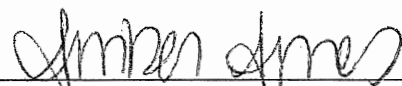
ATTEST:   
\_\_\_\_\_  
Amber Ames, City Recorder

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 December 9, 2015 Staff Report. In addition, the Council adopts the following findings which were initially adopted by the Planning and Zoning Hearings Board ("the Board"):

1. The City complied with all required notice and hearing procedures for the Board's December 16, 2015 hearing in this matter. At the commencement of the hearing, the Hearings Officer made the disclosures and announcements required by ORS 197.763 (5) and (6) and 197.796. No member of the Board had any ex parte contacts, conflicts of interest or biases to report. There were no procedural objections or objections to the participation of any member of the Board in this matter. Michael Robinson requested that the record be left open for possible submission of comment on behalf of his client Majestic Realty.
2. At the hearing, Planner John Boren provided a verbal summary of the December 9, 2015 staff report. The applicant appeared through the written application materials and its representative Howard Larson.
3. Testifying in a neutral capacity was Michael Robinson on behalf of Majestic Realty. Mr. Robinson requested that the record be left open to allow him time to review the application and possibly to submit written comments on the proposal. The applicant's attorney asked that, if any such comments were submitted, he be given an opportunity to review and rebut them.
4. No one else requested the opportunity to testify. At the conclusion of the December 16<sup>th</sup> hearing, the Board concluded public testimony but kept open the record for the submission of additional comments according to the following schedule:
  - December 23, 2015 – Comment on any relevant topic by anyone
  - December 30, 2015 – Responses to comments received on December 23<sup>rd</sup>
  - January 6, 2016 – Applicant's final rebuttal and closing argument
  - January 6, 2016 – The Board reconvenes to deliberate and decide the application

The Board received no written comments during the open-record period, and no public testimony was taken at the January 6<sup>th</sup> continuance hearing, at which time the Board deliberated and reached a tentative decision to recommend approval of the rezoning request as proposed in the application. Zone changes such as this are not final until adopted by the City Council, so the Boards' decision in this matter is a recommendation to the Council.

5. This zone change shall be allowed if there is a preponderance of credible evidence in the record demonstrating that all of the following criteria in CDC §12.80.160(E) are or can be met:
  - a. *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;*

- b. 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;*
  - c. 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*
  - d. 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;*
  - e. 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*
  - f. 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.*
6. Staff concluded, and no party to the proceeding disputes, that the following Comprehensive Plan provisions apply to this request:
- a) Section 2 Urbanization Implementation Measure (IV)(A).
  - b) Section 2 Urbanization Implementation Measure (IV)(I).
  - c) Section 2 Urbanization Implementation Measure (IV)(J).
  - d) Section 13 Transportation – Implementation Measure (VII)(B).
  - e) Section 13 Transportation – Implementation Measure (VII)(M).
  - f) Section 30 North Hillsboro Industrial Area Community Plan – Implementation Measure (III)(D).
  - g) Section 30 North Hillsboro Industrial Area Community Plan – Implementation Measure (III)(G).

Staff concluded, and no party disagrees, that the proposed I-S Industrial Sanctuary Zone satisfies or is consistent with all of these Comprehensive Plan provisions. With no opposition to this proposal, the Board agrees that the request is consistent with the applicable provisions of the Comprehensive Plan, and the Board adopts staff's analysis and conclusions with regard to each of the above-mentioned Comprehensive Plan provisions.

7. The applicant proposes to rezone the subject parcel to a zone that implements the underlying IN Comprehensive Plan designation, which is implemented by the following zones in this particular location:



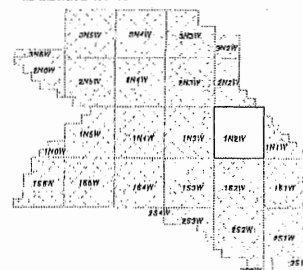
- a) SSID Shute Road Special Industrial District and
  - b) I-S Industrial Sanctuary
8. The I-S zone was added to the CDC with the intent that the I-S zone would eventually replace the special industrial districts, including the SSID. The City concluded that it was appropriate to eventually replace the SSID zone with the I-S zone because the differences among the special industrial district zones had “created a patchwork of narrow use lists and restrictive, complicated lot division requirements.” Thus, to encourage the most effective use of lands and persuade major industrial users to site facilities in areas designated for industrial use, the City developed the I-S zone to effectively consolidate the special industrial zones into a single zone that would retain the industrial focus but replace rigid and unresponsive use restrictions in the North Hillsboro Industrial Area.
9. With regard to each of the above-mentioned approval criteria, the Board specifically finds as follows:
- a) Consistency with the Comprehensive Plan Designation: The I-S Industrial Sanctuary zone is one of two zones that implement the IN Industrial Comprehensive Plan Map designation in this area, the other being the existing SSID zone. The North Hillsboro Industrial Area Community Plan Implementation Measure (III)(G) stipulates the appropriateness of applying the I-S zone to this site. Therefore the I-S zone is more appropriate for the subject sites than the existing SSID zone. The Board finds that this criterion is met.
  - b) The proposed zone is the most appropriate. In this area, there are two zones that implement the IN Industrial Comprehensive Plan Map designation: the proposed I-S Industrial Sanctuary, and existing SSID Shute Road Special Industrial District. The City of Hillsboro created the I-S zone with the intent to supersede the multitude of special industrial district zones that had been created, of which include the SSID zone and to better implement the North Hillsboro Industrial Area Community Plan. South of the subject site there remain properties with the SSID zone; those properties would be encouraged or required to change to the I-S zone prior to development provided that a zone change had not already been applied legislatively by a City-led effort. As the I-S zone is the intended successor of the SSID zone, it is the most appropriate zone to use for the subject site. The Board concludes this approval criterion is met.
  - c) Existing and planned transportation facilities are adequate. The City Traffic Analyst determined that, based on the small trip generation differences between the SSID and I-S zones, the proposed zone change will not significantly affect a transportation facility for the purposes of the Transportation Planning Rule. Specific uses proposed as part of a Development Review application would require a traffic study, with mitigation measures to be conditioned upon the approval if identified as being necessary. On this basis, the Board agrees and concludes that the third criterion is met.
  - d) Existing and planned public infrastructure and services are adequate. City Departments were asked to comment on the proposed Zone Change, and none responded that existing

or planned public infrastructure services would be compromised by the proposed Zone Change on this site. Infrastructure services were extensively pre-planned during the development of the North Hillsboro Industrial 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. From this, the Board concludes that this criterion is satisfied.

- e) Compliance with the Transportation Planning Rule. The City Traffic Analyst determined that based on the small trip generation differences between the SSID and I-S zones, that the proposed zone change will not significantly affect a transportation facility for the purposes of the Transportation Planning Rule. On this basis, the Board concludes that the fifth criterion is met.
- f) Impacts to designated Significant Natural Resources, Cultural Resources or areas within the 100-year floodplain are minimal or can be mitigated. The subject site contains Level 1 Upland Forest Goal 5 Significant Natural Resources and areas within the 100-year floodplain. At the time of development, the applicant will be required to comply with the standards of CDC §12.27.200 to mitigate or enhance for proposed activity within the Significant Natural Resource Overlay. Any future development proposed within the 100-year floodplain will be required to comply with the requirements of CDC §12.27.100. With this, the Board concludes that this criterion is satisfied.

- 10. CDC §12.80.160(F) provides express authority to impose conditions to ensure that a variety of adverse circumstances do not result from the proposed zone change. Based on the circumstances of this proposal, the specific parcel involved and its location, and staff's recommendation, the Board concludes that no additional conditions are warranted to address any of the circumstances listed in the code.
- 11. From the foregoing and based on the preponderance of credible evidence in the record, the Board concludes that this zone change application meets all of the approval criteria in CDC §12.80.160(E). Therefore, the Board recommends this parcel for zone change approval by the City Council as requested and as portrayed in the December 9<sup>th</sup> staff report, subject to no conditions of approval.

Exhibit B



WASHINGTON COUNTY OREGON  
SECTION 21 T1N R2W W.M.  
SCALE 1" = 400'

26	31	32	33	34	35	36	31
1	6	6	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
7	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)

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

Cancelled Taxlots For: 1N221  
100,200,200,400,600,700,800,900,1000,1100,1200,1300,  
1301,1302,1303,1304,1305,2301,2101,1503,2802,2900-A2,  
2900-A1,2901.

SCALE 1" = 400'



PLOT DATE: July 31, 2015  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

Map users should be advised by other geographic information system data sources and references only and may not include the most current property boundaries. Please contact the appropriate map for the most current information.

