

ORDINANCE NO. 6343

ZC-001-20 QTS

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, AS AMENDED, BY CHANGING THE ZONING OF ONE TRACT OF LAND FROM COUNTY FD-20 TO CITY I-S INDUSTRIAL SANCTUARY AND APPLYING THE REGULATORY FLOODPLAIN OVERLAY (RFO) AND SIGNIFICANT NATURAL RESOURCE OVERLAY (SNRO)

WHEREAS, one tract of land described herein in Exhibit "B" have been annexed to the City of Hillsboro; and

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

WHEREAS, the Comprehensive Plan Land Use Map designates the site as IN Industrial, and

WHEREAS, the Planning Commission approved Order No. 8315 on April 8, 2020 initiating the Zone Change on the annexed properties described below to the I-S Industrial Sanctuary zone

WHEREAS, the CDC includes special regulations for "overlay zones," which are part of the Official Zoning Map and are applied through City Council ordinances under procedures that are similar to those for base zones, and

WHEREAS, based on the findings in Exhibit "A", Washington County Tax Maps in Exhibit "B," the City Council hereby determines that the zone change is consistent with the Hillsboro Comprehensive Plan and Community Development Code, and the I-S Industrial Sanctuary zone recommended by the Planning Commission is the zone best suited to the subject site.

WHEREAS, the present updated Zone Change would recommend the application of the Regulatory Floodplain Overlay (RFO) based on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps that identify that the site contains Special Flood Hazard Area (SFHA) and regulatory floodway. A map showing the approximate RFO boundaries is made part of this order as Exhibit C.

WHEREAS, the present updated zone change would recommend apply the Significant Natural Resources Overlay (SNRO) on Tax Lot 2500 of Washington County Assessor's Tax Map 1N2-21 based on the Citywide study of Goal 5 Natural Resources conducted by Fishman and Associates as summarized in the August 2001 City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report is made part of this Order as Exhibit D.

WHEREAS, based on the findings in Exhibit "A", Washington County Tax Maps in Exhibit "B," the City Council hereby determines that the zone change is consistent with the Hillsboro Comprehensive Plan and Community Development Code, and the I-S Industrial Sanctuary zone recommended by the Planning Commission is the zone best suited to the subject site.

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

Section 1. The City Council hereby rezones the tracts of land described below from County FD-20 to City I-S Industrial Sanctuary zone and applies as defined in the City of Hillsboro Community Development Code Ordinance No. 6094, as amended:

Tax Lot 2500 on Washington County Assessor's Tax Map 1N2-21
On record as of November 20, 2019, a copy of which is attached as Exhibit B, and thereby made a part of this ordinance.

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.

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

Section 4. This Ordinance shall be effective from and after 30 days following its passage and approval by the Mayor or from the annexation date of filing with the Secretary of State, whichever is later.


First approval of the Council on the 21st day of April, 2020.

Second approval and adoption by the Council on this 5th day of May, 2020.

Approved by the Mayor this 5th day of May, 2020.



Steve Callaway, Mayor

ATTEST: 

Amber Ames, City Recorder

Exhibit A
Findings of Fact
Case File No.: ZC-001-20 QTS

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

The property under consideration is located generally north of NE Huffman Street, south of NW Meek Road east of NE Starr Boulevard, and west of NE Brookwood Parkway (see Zoning Vicinity Map attachment). The property is specifically identified as Tax Lot 2500 on Washington County Assessor's Tax Map 1N2-21. The property totals approximately 17.59 acres in area and 17.87 acres including applicable right-of-way and is currently zoned Washington County FD-20 Future Development – 20 Acres. The south tributary of Waible Creek flows along the northern property boundary from east to west, and the site contains floodplains and floodways associated with this watercourse.

The vacant site is within the North Hillsboro Industrial Area Community Plan area. The Zone Change would apply the City I-S Industrial Sanctuary zone consistent with its IN Industrial Comprehensive Plan Designation. The Zone Change would also apply the Regulatory Floodplain Overlay (RFO) in the location of the Special Flood Hazard Area and Significant Natural Resources Overlay (SNRO) corresponding to an isolated upland forest (North Hillsboro Assessment Unit "UFO3", the majority of which is located on Tax Lot 3100) that meets City criteria for Significance and its 25-foot Impact Area buffer. When development is proposed in the vicinity, both Overlay boundaries would be verified at the time of the development application using data from site-specific surveys. The site contains a smaller forest in the northwest corner that did not meet City criteria for local Significance. The site does not contain features that would necessitate the Cultural Resources Overlay.

II. PROCEDURAL REQUIREMENTS

This Zone Change to apply the base I-S Industrial Sanctuary zone, the SNRO, and the RFO has been initiated by the City in conjunction with an applicant-initiated Annexation application (Case File No.: AN-001-20). Pursuant to Community Development Code (CDC) Table 12.70.020-1, a City-initiated Zone Change require a recommendation from Planning Commission and a formal decision by the City Council. The final decision is appealable to the Land Use Board of Appeals.

III. APPLICABLE APPROVAL CRITERIA

CDC Section 12.80.160.E specifies the applicable review criteria for a proposed Zone Change. The applicable criteria are as follows:

E. Approval Criteria. To approve a Zone Change, the Review Authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

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 I-S Industrial Sanctuary zone is consistent with the IN Industrial Comprehensive Plan Map designation on this site. The RFO and SNRO would also be applied consistent with the requirements of CDC Section 12.27.100, Regulatory Floodplain Overlay, and CDC Section 12.27.200, Significant Natural Resources Overlay. 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: The term “implementing zone” in this approval criterion refers to the base zone. The I-S Industrial Sanctuary zone is one of six zones that implement the IN Industrial Comprehensive Plan Map designation. The North Hillsboro Industrial Area Community Plan Implementation Measures III.A and III.G stipulate the appropriateness of applying the I-S Industrial Sanctuary zone to this site. Therefore the I-S Industrial Sanctuary zone is more appropriate for the subject site than the other five zones. 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 conducted analysis of necessary transportation facilities as part of the North Hillsboro Industrial Area Community Plan in order to comply with the Transportation Planning Rule (TPR). The Community Plan was added to the City’s Comprehensive Plan through Ordinance No. 5977 in January 2012 (amended in April 2013 by Ordinance No. 6047). Specific uses proposed as part of a Development Review could require 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;

Finding: City Departments were routed the proposed Zone Change, with none responding that existing or planned public infrastructure services would be inadequate for the proposed Zone Change on this site. Infrastructure services was 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. 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 I-S Industrial Sanctuary zone was contemplated as the zone to be applied to the entirety of the East Evergreen Sub-Area as part of the North Hillsboro Industrial Area Community Plan. Therefore, applying this zone would be consistent with what was contemplated for zoning in the Community Plan and its associated TPR 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 TPR. 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; and*

Finding: The subject site contains Special Flood Hazard Area (including floodway) associated with Waible Creek according to Federal Emergency Management Agency Flood Insurance Rate Map Panel 0341, effective October 19, 2018. The Base Flood Elevation at this location (corresponding approximately to Node A on the Flood Insurance Study for the South Tributary of Waible Creek) is approximately 182 feet above sea level in the National Geodetic Vertical Datum of 1929. Development of the subject site will be required to comply with all applicable standards in Section 12.27.100 of the CDC.

According to the City's adopted List of Significant Natural Resources (Comprehensive Plan section 23.5), one of the isolated upland forests on the site and on adjacent Tax Lot 3100, assessment unit "UFO3", meets City criteria for Significance, so application of City SNRO (see Exhibit D) is also warranted. Due to the riparian areas' small size and narrow width, it is not a significant resource. The small isolated upland forest in the northwestern portion of the tax lot did also not meet criteria for Significance.

The City has not yet adopted an evaluation of Goal 5 Economic, Social, Environmental and Energy (ESEE) priorities for the North Hillsboro Technology Park Area; however, the City has received draft analysis from the contractor, Pacific Habitat Services (Draft Goal 5 Economic, Social, ESEE Analyses for the North Hillsboro Industrial Area, dated June 2018), and refined this information to produce an updated site-specific ESEE analysis here. The scoring of ESEE priorities and resulting recommended level of SNRO protection for Significant Upland Forest UFO3 is as follows:

Economic Factors and Consequences: Isolated Upland Forest UFO3 lands designated for industrial development or utility uses are rated Economic Priority “A”. Land areas within UFO3 corresponding to the proposed Crescent Park Greenway are rated Economic Priority “N”, which means “Not likely to develop.”

Social Factors and Consequences: Isolated Upland Forest UFO3 lands designated for industrial development or utility uses are rated Social Priority “C”. Land areas within UFO3 associated with the proposed Crescent Park Greenway trail are rated Social Priority “A”.

Environmental Factors and Consequences: The Isolated Upland Forest UFO3 consists of a mature, multi-layered mixed deciduous and coniferous forest with a diverse shrub understory. Oregon white oak and Oregon ash trees in excess of 30 inches in diameter are common. Other tree species include Douglas fir, black cottonwood, and chokecherry. The understory is predominantly native, but Himalayan blackberry and English ivy are both common. UFO3 rated “High” in two out of five upland habitat functions (wildlife habitat and water quality protection) and “Medium” for ecological integrity, connectivity and uniqueness, resulting in an Environmental Priority rating of “C”

Energy Factors and Consequences: Utility and infrastructure alignments generally receive an Energy score of “A”. As of this writing, no public transportation or utility infrastructure, is planned within Isolated Upland Forest UFO3. An underground PGE distribution line is expected to be installed on Tax Lot 3100 within the southern portion of UFO3; this area receives an Energy Priority of “A”. An Energy Priority of “C” is appropriate for the remainder of UFO3.

Summary of Site-Specific ESEE Priorities and Recommended Protection Levels:

A lesser degree of protection for UFO3 is appropriate for Industrial and Utility land uses, as the economic priority of these land uses outweigh the other priorities. A Protection Level of 1 (i.e., a “Moderately Limit” recommendation, the lowest level of protection) is therefore recommended for industrial and utility land uses within UFO3. According to a supplemental memorandum clarifying the ESEE site scoring methodology (“Clarifying the ESEE ‘Trumping’ Scheme” by Angelo & Eaton, December 3, 2002), sites with the scoring shown above for the Crescent Park Greenway land use receive a Protection Level of 2 (i.e., a “Limit” recommendation) in recognition of the net-neutral ESEE outcome of locating parks in natural areas.

Resource	Land Use	Eco- nomic Priority	Social Priority	Environ- mental Priority	Energy Priority	Recom- mended Protection Level
UFO3	Industrial	A	C	C	C	1
UFO3	Crescent Park Greenway	N	A	C	C	2
UFO3	Energy distribution	A	C	C	A	1

In accordance with CDC Table 12.27.210-1, an Impact Area of 25 feet shall be applied from the edge of the delineated forest (see Exhibit D). Development of the subject site will be required to comply with all applicable standards in Section 12.27.200 of the CDC.

Applying the RFO and SNRO ensures that any potential impacts of future development on the floodplain or Significant Natural Resources will be minimal or can be reasonably mitigated at the time of development. The site also contains additional wetlands and streams that are regulated by Clean Water Services (CWS), the US Army Corps of Engineers, and/or the Department of State Lands. CWS also regulates Vegetated Corridors associated with riparian and wetland resources under their jurisdiction. Regulatory requirements from these agencies will be coordinated through the land use review process (i.e., a Development Review application). This approval criterion is met.

7. *Within the South Hillsboro Plan District (if applicable), the requested zone is consistent with the applicable executed annexation agreement consistent with 12.65.040.*

Finding: The site is not within the South Hillsboro Plan District. This approval criterion is not applicable.

8. *For a parcel with an existing Comprehensive Plan Map designation of Industrial that is located adjacent to an area with an existing Residential or Mixed Use Comprehensive Plan Map designation, the proposed zone minimizes conflicts between industrial and residential land uses, considering such factors as permitted uses and development standards.*

Finding: The site is not located adjacent to an area with an existing Residential or Mixed-Use Comprehensive Plan Map Designation. This criterion does not apply.

IV. TESTIMONY FROM PARTIES

The initiation of a Zone Change application does not require public notice and therefore there is no associated testimony from parties. Interested parties will have an opportunity to provide testimony prior to and during the formal City Council hearing.

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

- Clarifying the ESEE “Trumping” Scheme, Angelo & Eaton, dated December 3, 2002
- Flood Insurance Rate Maps and Flood Insurance Study dated October 19, 2018
- Draft Goal 5 Economic, Social, Environmental and Energy (ESEE) Analyses for the North Hillsboro Industrial Area, Pacific Habitat Services, Inc., dated June 2018



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

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

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

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

Cancelled Tax/ots For: 1N221

Cancelled Taxlots For: 1N221
103 200 300 400 500 600 700 800 900 1000 1100 1200 1300 1401
1302 1303 1304 1502 2301 3101 1503 2602 2900-A2 2900-A1 2650
2651 2601 3000 1550 1551 2603



PLOT DATE: 11/20/2019
Revision: 0
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Also for the first time, the *Journal* has been published in color. You can get the new look by ordering a color proof with your article. It's a little extra, but it's well worth it. To help you decide, we've included a color proof of a recent article.

Exhibit C: Approximate Regulatory Floodplain Overlay Boundaries

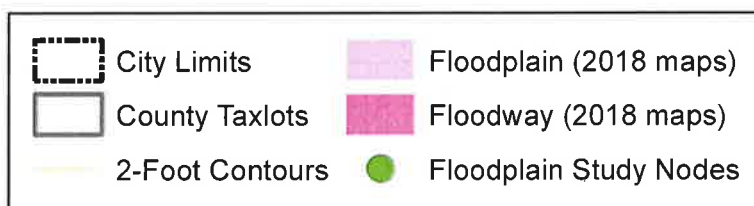
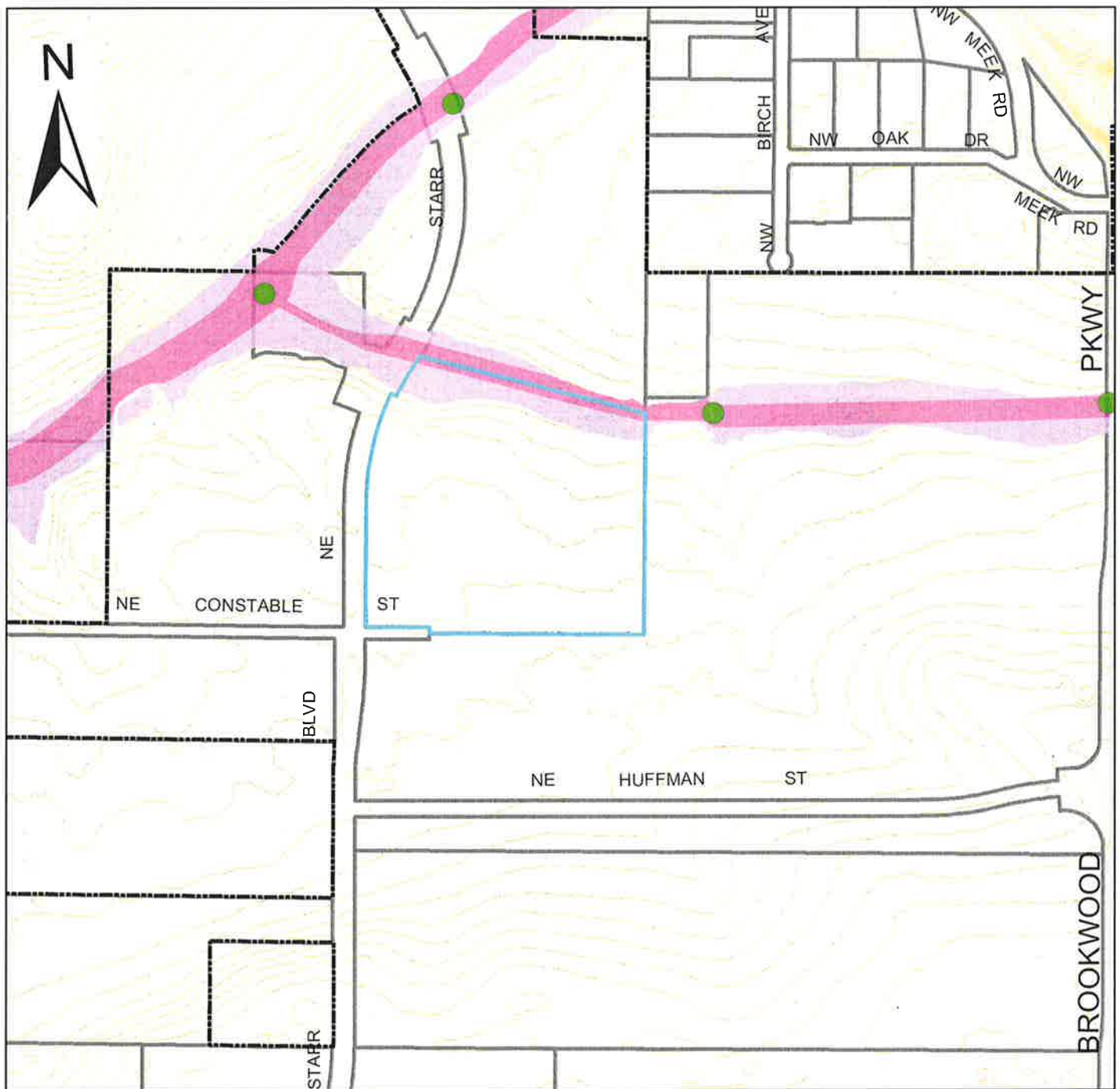


Exhibit D: North Hillsboro

Significant Natural Resources

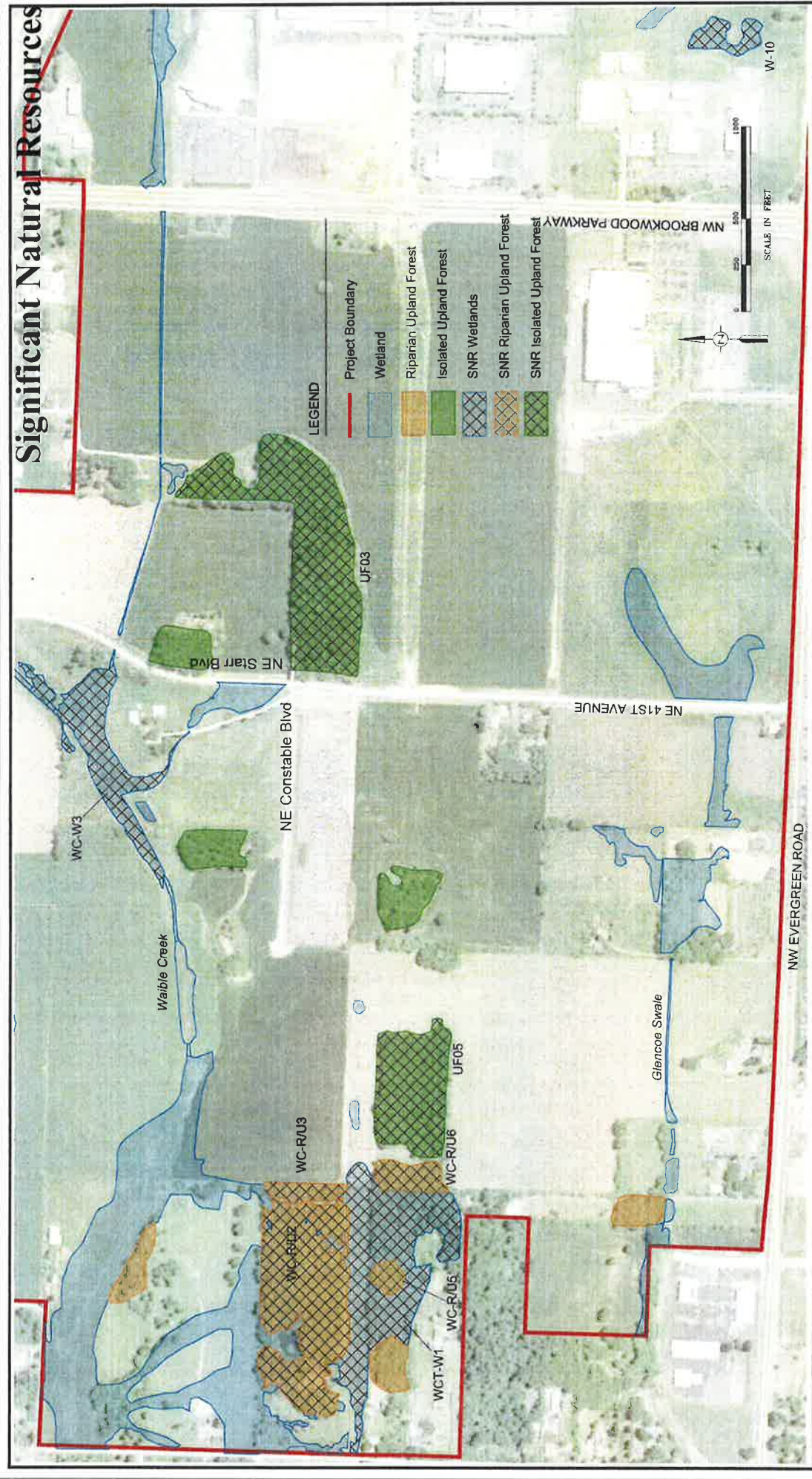


FIGURE 5

Significant Goal 5 Resources
Natural Resources Inventory and Assessment for the Southern Portion of North Hillsboro

10-24-2018