



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/14/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment
DLCD File Number 008-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, July 28, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Genny Bond, City of Hillsboro
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



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

FOR DLCD USE 008-14
(20428)
File No.: [17931]
Received: 7/7/2014

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-003-14**

Date of adoption: 07/01/2014 Date sent: 07/07/2014

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): 05/12/2014
 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:

Note: FORM 1 did not include that a portion of the site was zoned County INST Institutional, & that a portion of the site is designated as OS Open Space on the Comprehensive Plan, in addition to RM Res. Medium Density. The properties were re-zoned City A-1 Residential Duplex as originally proposed.

Local contact (name and title): Genny Bond, Urban Planner III

Phone: 503-681-6246 E-mail: genny.bond@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

ORDINANCE NO. 6088

ZONE CHANGE 003-14: RIVER ROAD

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF HILLSBORO ZONING ORDINANCE NO. 1945, AS AMENDED, BY CHANGING THE ZONING OF A TRACT OF LAND FROM COUNTY FD-20 FUTURE DEVELOPMENT, 20-ACRE MINIMUM LOT SIZE, AND COUNTY INST INSTITUTIONAL, TO CITY A-1 DUPLEX 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 City of Hillsboro Planning Commission approved Order No. 8114 on May 28, 2014, initiating the zone change on the annexed property described below; and

WHEREAS, the City Council hereby adopts the staff report, attached hereto as Exhibit A, as findings in support of this decision; and

WHEREAS, based on those findings, the City Council hereby determines that the zone change conforms with the Hillsboro Comprehensive Plan and Zoning Ordinance, and the particular 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 B, are hereby rezoned from Washington County FD-20 Future Development, 20 acre minimum lot size, and County INST Institutional, to City A-1 Duplex Residential as defined in the City of Hillsboro Zoning Ordinance No. 1945:

Tax Lots 200, 600 and 700 in the southwest quadrant of Section 09, Township 1 South, Range 2 West, Willamette Meridian; and

Tax Lot 803 in the northwest quadrant of Section 16, Township 1 South, Range 2 West, Willamette Meridian.

Section 2. The City Planning Director is hereby instructed to cause the official zoning map, a part of Ordinance No. 1945, to be amended to include the zone change set forth in Section 1 hereof, upon the effective date of associated Case File No. Annexation 003-14.

Section 3. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

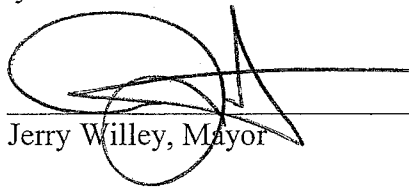
Section 4. The zone change shall become effective upon filing of the associated annexation records of Case File No. Annexation 003-14 with the Secretary of State as provided by ORS 222.180.

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 17th day of June 2014.

Second approval and adoption by the Council on this 1st day of July 2014.

Approved by the Mayor this 1st day of July 2014.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder



EXHIBIT A

STAFF REPORT

To: City Council
From: Planning Department
Date: May 30, 2014
Subject: Request for Approval of Zone Change
Case File No. Zone Change 003-14: River Road

Requested City Council Action:

Staff requests that the City Council hold a public hearing at its June 17, 2014 meeting to receive public testimony for a proposed zone change from the County designations of FD-20 Future Development, 20 acre minimum lot size, and INST Institutional, to City A-1 Duplex Residential. The subject properties consist of four tax lots totaling approximately 11.24 acres. After receipt of public testimony, staff requests that the City Council consider adoption of the attached ordinance.

Background:

The City of Hillsboro, acting as applicant, requests a zone change from the County designations of FD-20 Future Development, 20 acre minimum lot size, and INST Institutional, to City A-1 Duplex Residential on four properties totaling approximately 11.24 acres. The purpose of the zone change request is to implement the RM Residential Medium Density and the OS Open Space Comprehensive Plan designations on the properties following annexation. The property owners are Robert and Claudia Hale, and Huey and Jodean Long, represented by Zeto Homes.

This zone change is in conjunction with an annexation application for the same properties (Case File No. Annexation 003-14), which will also be reviewed by the City Council at their June 17, 2014 meeting. Pursuant to Zoning Ordinance Section 97, the Planning Commission approved Order No. 8114 on May 28, 2014, initiating this zone change request.

Site Description:

The properties under consideration for annexation and rezoning are located generally west of SW River Road, south of its intersection with SE Davis Road, and south of the Clean Water Services (CWS) River Road Pump Station. To the west the properties border on vacant land largely consisting of riparian zone associated with Witch Hazel Creek, and beyond which is the City's Rood Bridge Park. The subject properties can be specifically identified as Tax Lots 200, 600, and 700 on Washington County Assessor's Tax Map 1S2-09CD, and Tax Lot 803 on Washington County Assessor's Tax Map 1S2-16A. The total Taxable Assessed Value for the four properties is \$752,350 and the Market Total Value is \$1,344,170. The properties have a Washington County plan designation of FD-20 Future Development, 20 acre minimum lot size,

with a small area designated as INST Institutional at the northwest corner of tax lot 200. The properties all have frontage on SW River Road.

Each of the properties is improved with a single-family home and outbuildings, with the exception of tax lot 803 which is vacant. The eastern areas of each lot tend to be essentially flat and roughly equal in elevation to River Road, and are generally maintained as lawn or cultivated as grass hay. The western portions are sparsely to heavily wooded and slope downward toward Witch Hazel Creek; these areas are within the Significant Natural Resource Overlay (SNRO) associated with the creek. The northwest corner of tax lot 200 also includes 100-year floodplain of the creek.

Description of Surrounding Area:

Area	Plan	Zoning	Land Uses
North	RM Residential Medium Density OS Open Space	Washington County FD-20 Future Development, 20-acre minimum lot size, and Washington County INST Institutional	Clean Water Services pump station
East	RM Residential Medium Density RL Residential Low Density	A-1 PUD Duplex Residential Planner Unit Development R-7 PUD Single-family Residential Planned Unit Development	Single-family detached residential
South	RM Residential Medium Density, OS Open Space	Washington County FD-20 Future Development, 20-acre minimum lot size	Single-family home and outbuildings
West	OS Open Space	Washington County INST Institutional	Vacant

Public Utilities:

Service	Provider	Size	Location	Distance from site
Water	City	10"	SW River Road	Adjacent to east
Sanitary Sewer	City	8"	SW River Road	100-1000 feet northeast
Storm Sewer	City	12"	SW River Road	Adjacent to east

Transportation Facilities:

Streets	Existing		Plan Designated	
	R-O-W	Improvement	R-O-W	Improvement
SW River Road	30'-45'	+/-18'	37'	24'-26'
Sidewalk Improvements	Existing		Plan Designated	
None adjacent	N/A		5'	
Bus/Light Rail Transit	Route		Distance to Site	
Not available	N/A		N/A	
Bicycle Lane	Existing		Plan Designated	
SW River Road	6'		6'	

Applicable Plan Policies and Implementation Measures:

Section 2. Urbanization Implementation Measure (IV)(A)(5) The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.

Section 2.IV Urbanization Implementation Measure (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 2.IV Urbanization Implementation Measure (J) Land uses identified by the Comprehensive Plan Land Use Map have been determined to be the most suitable needed by the City. To meet the burden of proof for a proposed zone change, it is both necessary and sufficient to show that the proposed zone change is consistent with and represents the highest land use allowed by the Comprehensive Plan Land Use Map, and in the case of zone changes in the residential areas, the proposed zone shall allow development of housing at a density within the range designated by the Land Use Map. In addition, the City may attach clear and objective conditions to the zone change provided such conditions are consistent with the Comprehensive Plan, the Zoning Ordinance and other rules and policies regulating development in the City.

Approval Criteria:

Zoning Ordinance No. 1945, Section 114 (2) specifies the approval criteria for a proposed zone change as follows:

- a) The request must conform with the Hillsboro Comprehensive Plan and this Ordinance; (and)
- b) Where more than one designation is available to implement the Comprehensive Plan designation (e.g. R-7 vs. R-10), the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.

Section 114(1) of the Zoning Ordinance lists conditions, stipulations or limitations that may be attached to a zone change approval:

- a. Street improvements abutting/within the development area;
- b. Street dedication abutting/within the development area;
- c. Joint use/access agreement;
- d. Improvement agreements for the installation of necessary on-site public facilities;
- e. Utility easements;
- f. Landscaping;
- g. Off-street parking;
- h. Storm drainage easements;
- i. Off-site public improvements when the rezoning and subsequent development will contribute significantly to the need for such off-site improvements;

- j. Development Review approval by the Planning Commission; for projects in zones or locations for which development requirements and design standards are specified in the Zoning Ordinance;
- k. Screening, fencing;
- l. Limiting access;
- m. Surety/performance bond;
- n. Non-remonstrance clause.

Testimony Received:

No written comments or testimony have been received to date either from private or public entities.

Discussion:

The City Comprehensive Plan designation is RM Residential Medium Density for the eastern portions of all four properties, and OS Open Space for the western portions. There are two zones which implement the RM plan designation: R-4.5 Single Family Residential, and A-1 Duplex Residential. The OS Open Space designation has no specific implementing zone. The properties lie between the existing Clean Water Services River Road Pump Station to the north, and undeveloped property to the south. The properties surround two existing A-1 zoned properties (tax lots 300 and 400). The properties are framed by the Witch Hazel Creek drainage to the west.

To the north, SE Davis Road and SW River Road meet in a signalized three-leg intersection bordering on the CWS pump station property. The Witch Hazel Village addendum to the Comprehensive Plan indicates a future public street extending north-south through the proposed annexation site, connecting at its north end with SW River Road to form the fourth leg of the intersection with SE Davis Road, and at the south connecting to River Road opposite SE Oakhurst Street, with a cul de sac extension into property further south. The north end of the indicated public street would lie within the Clean Water Services pump station property north of the proposed annexation property, but the connection opposite SE Oakhurst Street would lie primarily within tax lot 600 of the proposed annexation properties. This public street is intended to provide access for residential development on the west side of River Road. This public street would be required to be constructed as part of future development approval for the properties; development applications cannot be submitted until annexation has been approved by the City and formally acknowledged by the State of Oregon.

The Witch Hazel Community Plan includes findings which state the area was designated for medium-density housing in order "to permit the widest range of housing types and income levels to be accommodated in the community." Elsewhere in the plan, the text states that the purpose of the medium-density designation in the plan area is to provide flexibility for detached single-family housing, attach single-family housing, and multi-family housing. Staff notes that the only housing type allowed by the R-4.5 zone is single-family detached. The A-1 zone, however, allows single-family detached housing, attached single-family housing, and multi-family housing. Thus, the A-1 zone is more consistent with the provisions from the community plan than is the R-4.5 zone and thus is the more suitable zone for the subject properties.

The community plan discusses the area identified as OS Open Space, in terms of potential future use as part of a trail corridor on the fringes of the riparian and floodplain area. The OS designation was not placed based on any formal delineation of the resource areas and therefore is considered more as a general designation, with the resource areas to be delineated at the time development is actually proposed. At that point, the Hillsboro Zoning Ordinance standards pertaining to development/alteration of Significant Natural Resource Overlay areas and flood plain would apply. The Significant Natural Resource Overlay and flood plain areas are overlays which are not based on zoning boundaries and do not require any specific zone. Thus, the same A-1 zone can be applied to the entire property.

During the zone change initiation process the Planning Commission agreed with this assessment and adopted Order No. 8114 recommending the A-1 zone as the most appropriate zone for the site.

Cost:

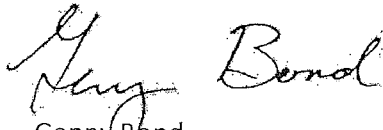
The only associated cost with this proposal is staff time.

Recommendation:

Should the City Council choose to approve the requested zone change, Planning staff recommends that no conditions be placed on the property.

Respectfully submitted,

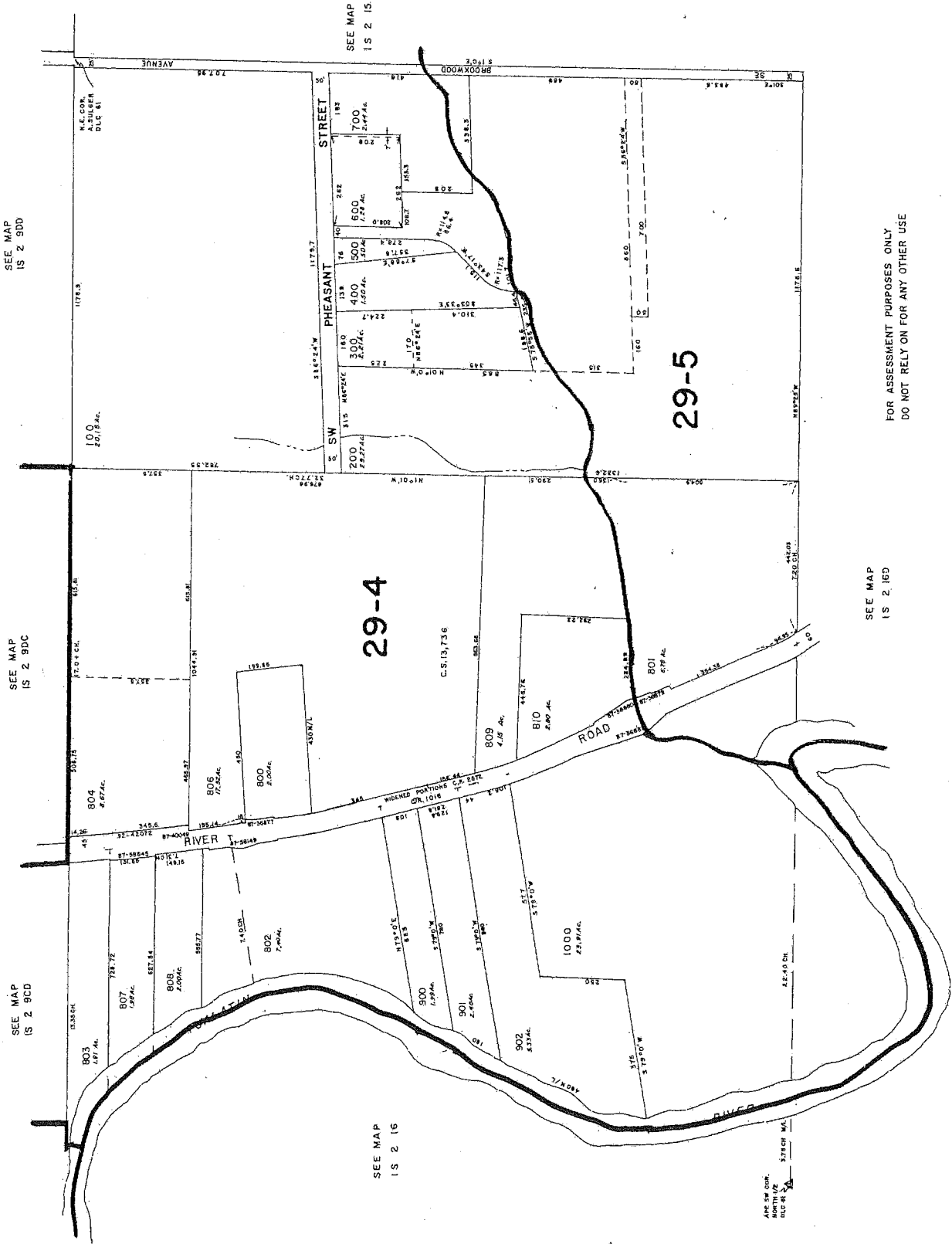
CITY OF HILLSBORO PLANNING DEPARTMENT



Genny Bond
Urban Planner III

Attachment: Draft Ordinance and Exhibits
Comprehensive Plan and Zoning Vicinity Maps
Clean Water Services Sensitive Areas Pre-Screen Map
Planning Commission Order No. 8114

CANCELLED TAX LOTS
803, 800



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

IS 2 16A

EXHIBIT B

ORDER NO. 8114

ZONE CHANGE 003-14 RIVER ROAD

AN ORDER INITIATING A ZONE CHANGE UPON CERTAIN TRACTS OF LAND WHICH HAVE BEEN PROPOSED FOR ANNEXATION INTO THE CITY OF HILLSBORO

WHEREAS, the owners of certain tracts of land, which are contiguous to the City of Hillsboro, filed with the City written consent and a request that the real property be annexed to the City, and

WHEREAS, Section 97 of the City of Hillsboro Zoning Ordinance No. 1945 states that the Planning Commission shall recommend a zone classification for areas which are being considered for concurrent annexation and zone change, and

WHEREAS, the Witch Hazel Village addendum to the Comprehensive Plan Land Use Map designates the subject property as RM Residential Medium Density and OS Open Space, and

WHEREAS, the Planning Commission has determined that the zone which most appropriately implements the RM Residential Medium Density and the OS Open Space designation of the City is A-1 Duplex Residential.

NOW THEREFORE, THE CITY OF HILLSBORO PLANNING COMMISSION ORDERS AS FOLLOWS:

Section 1. Based on the testimony and record, the Commission recommends the rezoning of the tracts of land described below, and attached as Exhibit A, from County FD-20 Future Development, 20-acre minimum lot size, and County INST Institutional, to City A-1 Duplex Residential as defined in the City of Hillsboro Zoning Ordinance No. 1945:

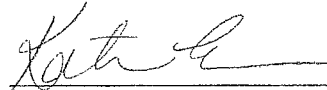
Tax Lots 200, 600 and 700 in the southwest quadrant of Section 09, Township 1 South, Range 2 West, Willamette Meridian; and

Tax Lot 803 in the northwest quadrant of Section 16, Township 1 South, Range 2 West, Willamette Meridian.


Section 2. Pursuant to Zoning Ordinance Section 97, that the Planning Commission's recommendation be forwarded to City Council for a public hearing on the proposed zone change, at a time the Council deems appropriate, upon the question of rezoning the above described tracts to A-1 Duplex Residential.

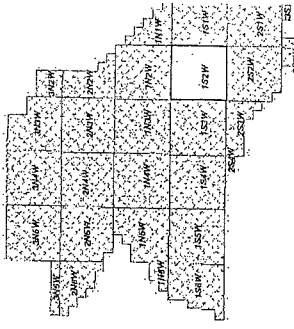
Section 3. This order takes effect immediately upon approval.

Approved this 28th day of May 2014.


Katie Eyre, President

ATTEST:

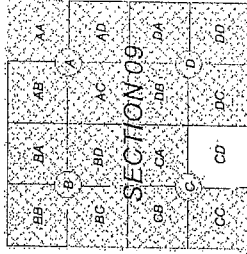

Gretchen Olson, Secretary



WASHINGTON COUNTY OREGON
 SE 1/4 SW 1/4 SECTION 09 T1S R2W W.M.
 SCALE 1" = 100'

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

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



SCALE 1" = 100'

0 50 100 200 300

AERIAL PHOTO
 CARTOGRAPHY
 TERRITORY

PLOT DATE: August 13, 2010
 FOR ASSESSMENT PURPOSES
 ONLY - DO NOT RELY ON
 FOR OTHER USE

Map files delineated by white lines showing a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the latest cartographic information.

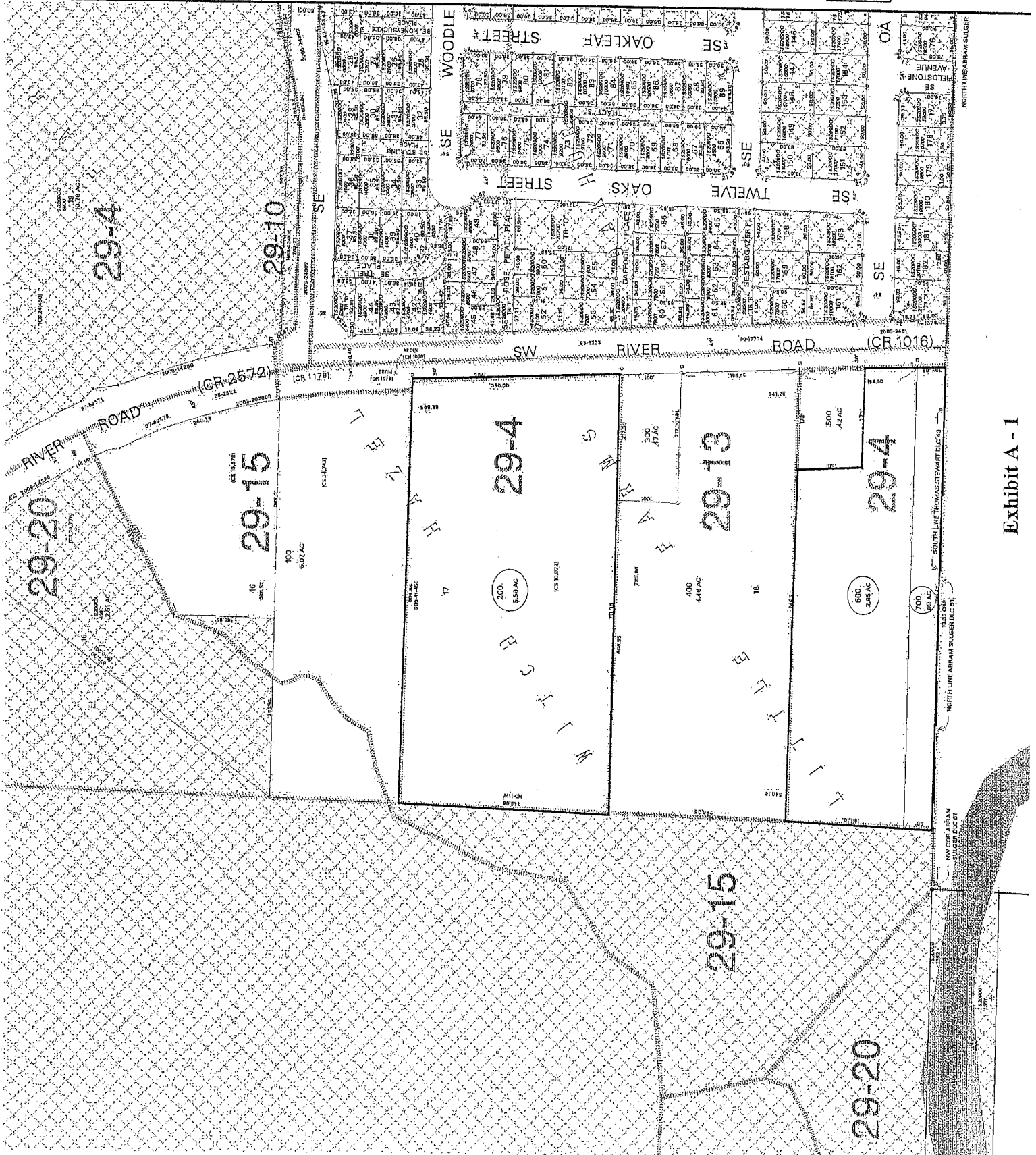
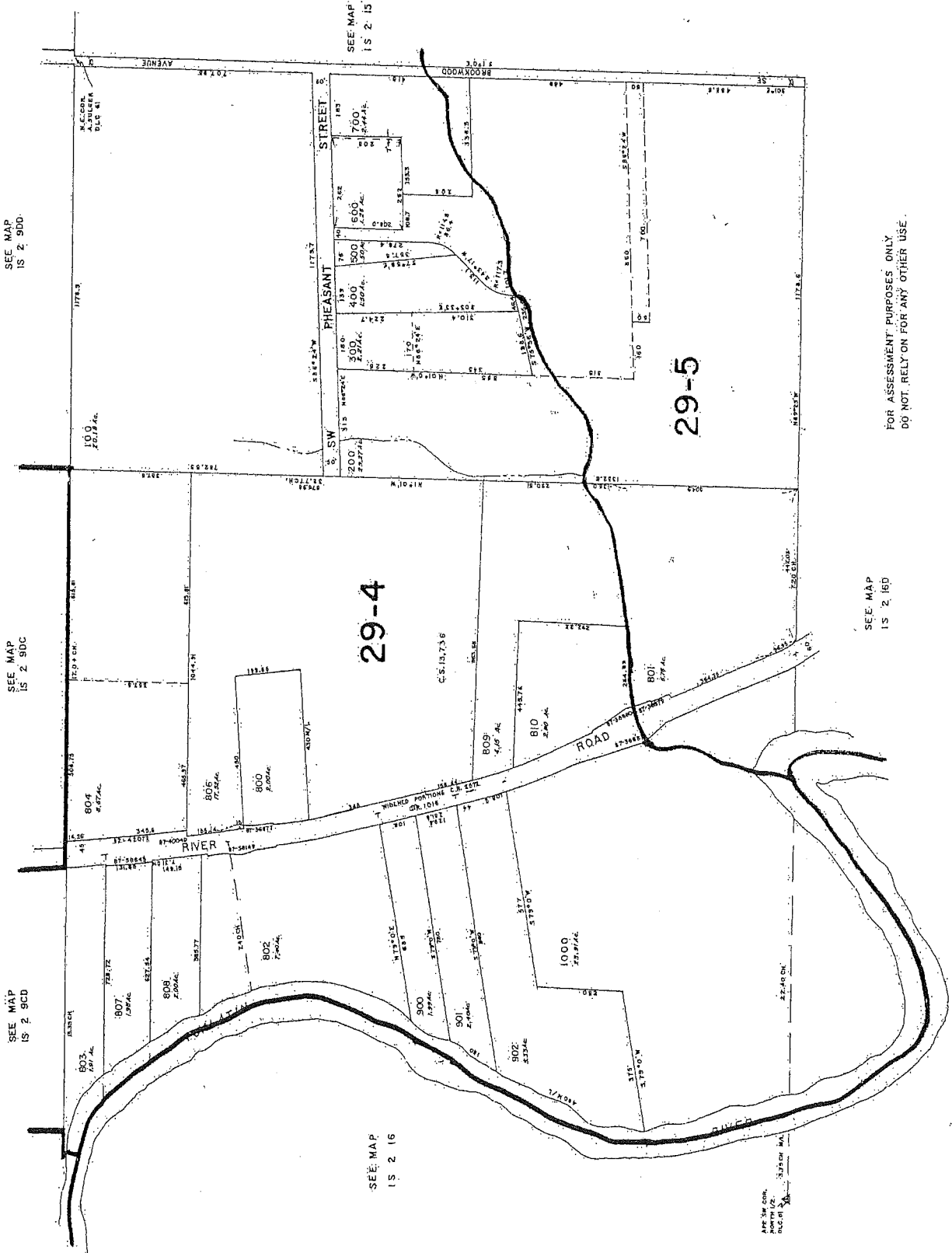


Exhibit A - 1

CANCELLED TAX LOTS,
803, 900



SEE MAP
IS 2 90D.

SEE MAP
IS 2 90C

SEE MAP
IS 2 90C

SEE MAP
IS 2 16

29-4

29-5

SEE MAP
IS 2 16D

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