

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 Salem, Oregon 97301-2540 Phone: (503) 373-0050 Fax: (503) 378-5518

www.oregon.gov/LCD



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

Date: May 01, 2015

Jurisdiction: City of Hillsboro

Local file no.: ZC-001-15

DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/29/2015. 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 less than 35 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

DLCD FORM 2



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

FOR DLCD USE

File No.: 002-15 {22631}

Received: 4/29/2015

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: Hillsbo	ro		
Local file no.: ZC-0 0	01-15		
Date of adoption: 4	/21/201	.5 Date	sent: 4/29/2015
		•	Form 1) submitted to DLCD? vision if a revised Form 1 was submitted): 01/15/2015
			what was described in the Notice of Proposed Change? Yes No Fers from the proposal:
Local contact (name Phone: 503-681-529		<i>'</i>	Boren, Planner oren@hillsboro-oregon.gov
Street address: 150	E Main S	St City: H	lillsboro Zip: 97123-
PLEASE COMPL	ETE AI	LL OF T	THE FOLLOWING SECTIONS THAT APPLY
For a change to co Identify the sections implement, if any:			an text: were added or amended and which statewide planning goals those sections
For a change to a condition Identify the former			olan map: signations 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	d propert	y (T, R,	Sec., TL and address):
☐ The subject prop	perty is e	ntirely w	vithin an urban growth boundary
☐ The subject prop	perty is p	artially v	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 SFR-7 to SFR-4.5. Acres: 0.46

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): 1540 SE Sunrise Ln; 1N229CC07800

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.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

- 1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in ORS 197.615 and OAR 660-018-0040.
- 2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.
- 3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist Dept. of Land Conservation and Development 635 Capitol Street NE, Suite 150 Salem, OR 97301-2540

This form is available here: http://www.oregon.gov/LCD/forms.shtml

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to <u>plan.amendments@ state.or.us</u> with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

- 5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or. mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.
- 6. **Content:** An administrative rule lists required content of a submittal of an adopted change (OAR 660-018-0040(3)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. (ORS 197.615)

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail <u>plan.amendments@state.or.us</u>.

Notice checklist. Include all that apply:
Completed Form 2
A copy of the final decision (including the signed ordinance(s)). This must include city <i>and</i> county decisions for UGB and urban reserve adoptions
The findings and the text of the change to the comprehensive plan or land use regulation
 If a comprehensive plan map or zoning map is created or altered by the proposed change:
Electronic files containing geospatial data showing the area changed, as specified in OAR 660-018-0040(5), if applicable
Any supplemental information that may be useful to inform DLCD or members of the public of the effect of
the actual change



April 29, 2015

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) 001-15

I, Dawn Duray, submitted on this date, April 29, 2015, 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 April 21, 2015.

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

Dawn Duray

Senior Planning Technician



April 23, 2015

TO:

Interested Parties

FROM:

Planning Department

RE:

NOTICE OF DECISION - City Council - Zone Change Request

Case File No. Zone Change 001-15: Sunrise Lane

This letter is to inform you of the decision of the City Council concerning a request for a zone change on one parcel approximately 0.46 acres in size. The subject property can be specifically identified as Tax Lot 7800 on Washington County Assessor's Tax Map 1N2-29CC. On April 21, 2015, the City Council adopted Ordinance No. 6115 affirming the recommendation of the Planning and Zoning Hearings Board to approve the zone change from SFR-7 Single Family Residential to SFR-4.5 Single Family Residential.

Ordinance No. 6115 will be effective as of May 21, 2015, and a copy is attached for your information.

Pursuant to ORS 197.620, persons who participated either orally or in writing in the Planning and Zoning Hearings Board or City Council proceedings may appeal the decision by filing a notice of intent to appeal the City Council's approval of this Ordinance with the State Land use Board of Appeals within 21 days of the date of mailing of this Decision, which is May 14, 2015, and by complying with all other applicable provisions in ORS 197.830 to 197.845.

If you have any questions, please call the Planning Department at (503) 681-6153.

Sincerely,

CITY OF HILLSBORO PLANNING DEPARTMENT

Daniel L. Dias

Development Services Manager

Attachment: Ordinance No. 6115

cc: File

ORDINANCE NO. 6115

ZONE CHANGE 001-15: SUNRISE LANE

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF THE COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, AS AMENDED, BY A ZONE CHANGE FROM SFR-7 SINGLE FAMILY RESIDENTIAL TO SFR-4.5 SINGLE FAMILY RESIDENTIAL ON A PROPERTY WITHIN THE HILLSBORO CITY LIMITS.

WHEREAS, Tai Dang, on behalf of himself and Mai Trieu as owners, applied for a zone change for their 0.46-acre parcel, generally located north of NE Jessica Loop, south of NE Sunrise Lane and east of NE 15th Avenue and west of NE 17th Avenue (Tax Lot 7800 on Washington County Assessors Map 1N2-29CC). The application requests a rezone of the property from its current designation of SFR-7, Single-Family Residential, to SFR-4.5, Single-Family Residential to facilitate a subsequent three lot residential partition; and

WHEREAS, this application was scheduled and duly noticed for a public hearing on February 18, 2015, at which time the Planning and Zoning Hearings Board, consisting of Daniel Kearns, John Kinsky and Drake Hood (the "Board"), convened a public hearing to take testimony and evidence and to consider the application; and

WHEREAS, the Board received the Planning Department staff report dated February 11, 2015 and testimony from the applicant Tai Dang, explaining the background and requesting approval of the zone change request. Mr. Dang indicated his plan to retain the existing home on the property and to partition it into two or three lots with an ultimate development potential of one or two additional dwellings; and

WHEREAS, at the conclusion of deliberations the Board voted unanimously to recommend approval of the zone change; and

WHEREAS, the recommendation for approval by the Board was finalized via Order No. 4082, issued March 9, 2014; and

WHEREAS, the City Council has reviewed and concurs with the findings of the Board in regard to this matter; and

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 SFR-4.5 Single Family Residential zone is the best suited for the subject site and will implement the RM Medium Density Residential Comprehensive Plan designation for the site.

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

<u>Section 1.</u> Based on the application and evidence in the record, the following property is hereby rezoned from SFR-7 Single-Family Residential to SFR-4.5 Single Family Residential zone:

Tax Lot 7800 on Washington County Assessor's Tax Map 1N2-29CC Section 29, Township 1 North, Range 2 West, Willamette Meridian, on record as of July 28, 2014

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.

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

<u>Section 5.</u> 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 7th day of April 2015.

Second approval and adoption by the Council on this 21st day of April 2015.

Approved by the Mayor this 21st day of April 2015.

Jerry Willey, Mayor

ATTEST:

for 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 February 11, 2015 Staff Report. In addition, the Council adopts the following findings which were initially adopted by the Planning and Zoning Hearings Board ("the Board"):

- 18. The City complied with all required notice and hearing procedures for the Board's February 18, 2015 hearing in this matter. The Hearings Officer appeared by audio telephone conference, by which he could hear all testimony and discussion in the hearing and everyone in the hearing could hear the Hearings Officer. 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, no objections to the participation of any member of the Board in this matter, no objections to the Hearings Officer's participation by telephone conference call, and no one requested a continuance or that the record be kept open.
- 2. At the hearing, Urban Planner John Boren provided a verbal summary of the February 11, 2015 staff report. The applicant, Tai Dang, appeared through the written application materials and provided oral testimony at the hearing in support of the application. One letter in opposition was received on February 12, 2015 from Helene Kluge generally objecting to increased density and increased demand on public services. Staff issued a February 18th supplemental report stating that the arguments raised by Ms. Kluge did not warrant a change in staff's recommendation of approval.
- 4. No one else requested the opportunity to testify, and the Board closed the record at the conclusion of the February 18th hearing. The Board then deliberated and reached a tentative decision to recommend approval of the rezoning requestas proposed in the applicants' application with no conditions of approval. Zone changes such as this are not final until adopted by the City Council, so the Board's 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 from Community Development Code Section 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;

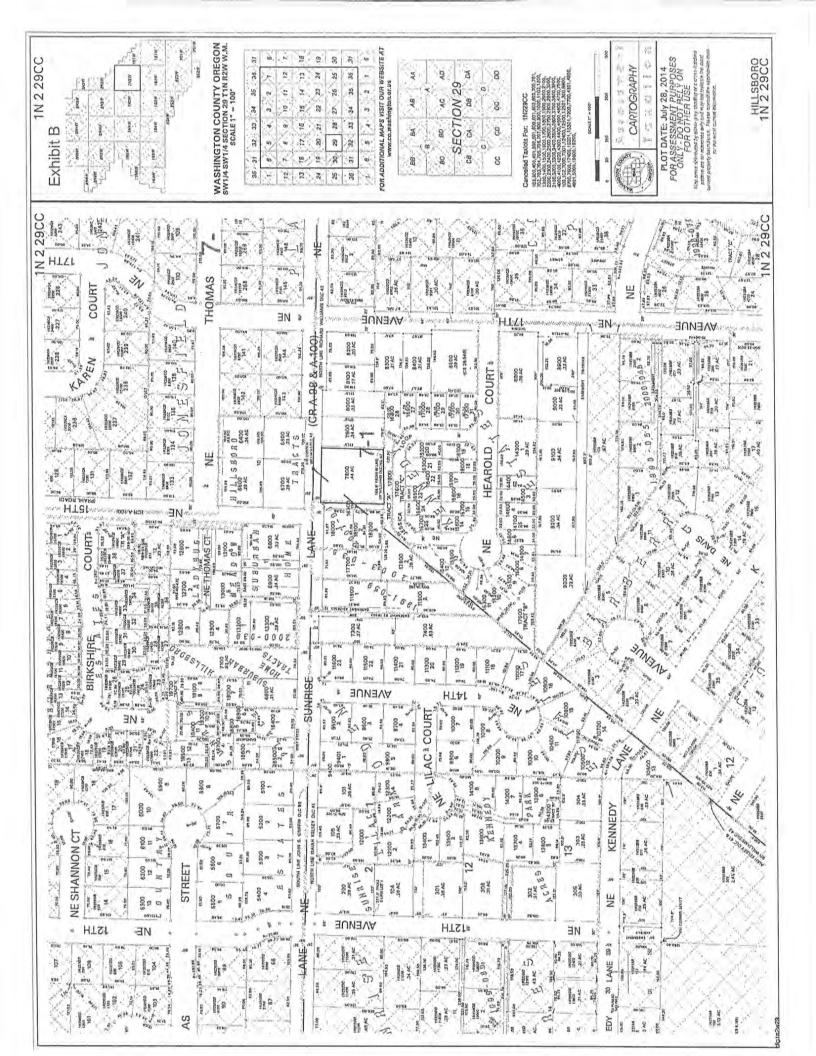
- b) Where the Comprehensive Plan Map designation has more than one implementing zone, the proposed zone is the most appropriate for the subject site, based on the purposes of each zone and the zoning pattern of surrounding land;
- c) Existing or planned transportation facilities are adequate or can 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 this 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 2, Urbanization Implementation Measure IV.M
 - e) Section 3, Housing Policy III.B
 - f) Section 3, Housing Policy III.E
 - g) Section 3, Housing Policy III.L
 - h) Section 3, Housing Policy III.Y
 - i) Section 13, Transportation Implementation Measure VII.B
 - j) Section 13, Transportation Implementation Measure VII.M
 - k) Section 13, Transportation Implementation Measure VII.O.5 (Collector Streets)

Staff concluded, and no party disagrees, that the proposed SFR-4.5 Single Family Residential Zone satisfies or is consistent with all of these Comprehensive Plan provisions. On this basis, the Board agrees that the request is consistent with the applicable provisions of the Comprehensive Plan.

- 7. The parcel's Comprehensive Plan designation is RM Medium Density Residential, which in this location is implemented by the following zones:
 - a) SFR-4.5 Single Family Residential
 - b) MFR-1 Duplex Residential

- 8. The proposed zone of SFR-4.5 is comparable to the surrounding properties on the north and east (SFR-7) because the minimum lot size is comparable (4,500 square feet versus 7,000 square feet), and it allows a comparable housing style, i.e., single-family detached. While there are MFR-1 (Duplex Residential) zoned parcels to the south and west, the lower density provided by the SFR-4.5 provides a better transition zone density and comparable housing type between the two zones, i.e., single-family detached and not multi-family. In that light, the Board concludes that, on balance, SFR-4.5 zoning is more appropriate for this site than MFR-1 Duplex Residential in this context.
- With regard to each of the six zone change approval criteria in Community Development Code Section 12.80.160(E) set forth above, the Board specifically finds as follows:
 - a) The SFR-4.5 Single Family Residential zone is one of the two zones that implement the RM Medium Density Residential Comprehensive Plan designation. From this the Board concludes that the first criterion is met.
 - b) Two zones implement the RM plan designation: SFR-4.5 and MFR-1. Surrounding properties north and east of the site are currently zoned SRF-7; properties south and immediately west are zoned MFR-1, the properties to the northwest are zoned SFR-10. The properties adjacent to the subject site also within the RM plan designation are zoned MFR-1 and SFR-7. While the MFR-1 zone is the most prevalent of the appropriately zoned properties, the designation of this site to SFR-4.5 will provide a density buffer between properties to the north and further west with the lower density zoning. The applicants requested the SFR-4.5 zone rather than the MFR-1 zone due to their plan to partition the property into three lots, rather than the 5-7 lots that would be required to meet the density standards of the MFR-1 zone. This development plan and its density are consistent with this parcel's role as a buffer between the detached single-family SFR-7 zoning and the more dense multi-family MFR-1 zoning. Therefore, the Board concludes that SFR-4.5 is the most appropriate of the two possible zones, and therefore meets the second criterion.
 - c) The City Traffic Analyst determined that the proposed zone change does not significantly affect a transportation facility for purposes of the Oregon Transportation Planning Rule. Therefore, the Board concludes that this proposal complies with the Rule and the third zone change criterion.
 - d) City departments received copies of the zone change proposal. None responded that existing or planned public infrastructure or services would be compromised by increased density at this site. The Board concludes that the fourth criterion is met.
 - e) Because the traffic analyst determined that the proposed zone change does not significantly affect a transportation facility, the Board also concludes that no mitigation measures are necessary.

- f) There are no designated significant natural resources, cultural resources or areas within the 100-year floodplain on the subject site. Therefore, no impacts to those resources are anticipated, and the sixth criterion is met.
- 10. From the foregoing and based on the preponderance of credible evidence in the record, the Board concludes that this zone change application meets all six of the zone change approval criteria in Community Development Code Section 12.80.160(E), without the need for conditions of approval. Therefore, the Board recommends this parcel for zone change approval by the City Council as requested and as portrayed in the February 11th staff report.





ZONE CHANGE 001-15 SUNRISE LANE



ZONING MAP (PRIOR TO ZONE CHANGE)



			ZONING DESIGNATION	NS		
ANX	ANX Recent Annexation		Planned Unit Development	SC: Station	on Community	
co	County			SCBP	Business Park	
		C-G	Commercial - General	SCI	Industrial	
SFR-4.5	Single Family Residential	C-N	Commercial - Neighborhood	SCFI	Fair Complex Station	
SFR-6	Single Family Residential	1-2	Industrial - General			
SFR-7	Single Family Residential	I-P	Industrial Park	SCC: Station Community Commercial		
SFR-8.5	Single Family Residential	I-S	Industrial Sanctuary	SCC-SC	Station Commercial	
SFR-10	Single Family Residential	MU-C	Mixed Use - Commercial	SCC-MM	Multi-Modal	
		MU-N	Mixed Use - Neighborhood	SCC-DT	Downtown District	
MFR-1	Multi-Family Residential					
MFR-2 Multi-Family Residential		UC: Urban Center		SCR: Station Community Residential		
MFR-3	Multi-Family Residential	UC-RM	Residential Medium Density	SCR-HD	High Density	
		UC-OR	Office/Research	SCR-MD	Medium Density	
SID: Special Industrial District		UC-AC	Activity Center	SCR-LD	Low Density	
SSID	Shute Road SID	UC-NC	Neighborhood Center	SCR-V	Village	
ESID	Evergreen Area SID	UC-MU	Mixed-Use Urban Density	SCR-OTC	Orenco Townsite Conservation	
HSID	Helvetia SID	UC-RP	Research Park	SCR-DNC	Downtown Neighborhood Conservation	

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or survey purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. SOURCE: Hillsboro & WaCnty Data; updated weekly, Metro Data updated quarterly.



ZONE CHANGE 001-15 SUNRISE LANE



COMPREHENSIVE PLAN MAP



			COMPREHENSIVE PLAN DESIGNATIONS		
ANX	Recent Annexation	PF	Public Facility	MU	Mixed Use
C	Commercial	RL	Low Density Residential (3-7 units per acre)	MU-I	Mixed Use Institutional
co	County	RM	Medium Density Residential (8-16 units per acre)	MU-UC	Mixed Use Urban Commercial
FP	Floodplain	RH	High Density Residential (17-23 units per acre)	MU-UE	Mixed Use Urban Employment
IN	Industrial	RMR	Mid-Rise Residential (24-30 units per acre)	MU-UR	Mixed Use Urban Residential
OS	Open Space	SCPA	Station Community Planning Area		

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or survey purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. SOURCE: Hillsboro & WaCnty Data; updated weekly, Metro Data updated quarterly.