



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



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

Date: September 11, 2015

Jurisdiction: City of Hillsboro

Local file no.: ZC-004-15

DLCD file no.: 011-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/10/2015. 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 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



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

FOR DLCD USE

File No.: 011-15 {23850}

Received: 9/10/2015

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: Hillsboro

Local file no.: **ZC-004-15**

Date of adoption: 9/1/2015 Date sent: 9/10/2015

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): 6/10/2015 NoIs 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, Planner

Phone: 503-681-5292 E-mail: 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 SFR-7 to MFR-1. Acres: 0.69

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): 1S209AD04100

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 plan.amendments@state.or.us 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 plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* 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:
 - A map showing the area changed and applicable designations, and
 - 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



September 10, 2015

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

FROM: Dawn Duray, Planning Technician

RE: Transmittal of DLCD Form 2 Notice of Adoption
Hillsboro Case File No. Zone Change 004-15

I, Dawn Duray, submitted on this date, September 10, 2015, the DLCD Form 2 and attached Ordinance No. 6136 with exhibits via email for the above referenced Case File No., which was adopted by the Hillsboro City Council on September 1, 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.

ORDINANCE NO. 6136

ZONE CHANGE 004-15: GARNER

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 MFR-1 MULTI-FAMILY RESIDENTIAL FOR A 0.71-ACRE PORTION OF A SPLIT-ZONED PARCEL WITHIN THE CITY OF HILLSBORO.

WHEREAS, Charles Garner is the owner of an existing split-zoned parcel, located north of SE Alexander Street, south of SW Witch Hazel Road, east of SE 49th Avenue and west of SE Brookwood Avenue (Tax Lot 4100 on Washington County Assessors Map 1S2-09AD), with a street address of 24720 SE Witch Hazel Road. Mr. Garner applied to rezone the 0.71-acre southern one-third of the property from its current designation of SFR-7, Single-Family Residential to MFR-1, Multi-Family Residential to give the entire parcel the same MFR-1 zoning, consistent with its RM Residential Medium Density Comprehensive Plan designation; and

WHEREAS, this application was scheduled and duly noticed for a public hearing on July 15, 2015, at which time the Planning and Zoning Hearings Board, consisting of Daniel Kearns, Drake Hood and Brenda McCoy (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 July 8, 2015 and testimony from the applicant's representative, Matthew Newman of NW Engineers, explaining the background and context for the zone change request and the applicant's ultimate development plans for the lot once it has uniform zoning that is consistent with its RM Residential Medium Density Comprehensive Plan designation. No one else testified, either in favor or against, the proposal; and

WHEREAS, at the conclusion of the July 15th hearing, the Board closed the record and tentatively voted to approve the rezoning request as proposed by the applicant and recommended in the July 8, 2015 staff report; 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 MFR-1 Multi-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:

Section 1. Based on the application and evidence in the record, the following property is hereby rezoned from SFR-7 Single-Family Residential to MFR-1 Multi-Family Residential zone:

Tax Lot 4100 on Washington County Assessor's Tax Map 1S2-09AD
on record as of June 19, 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.

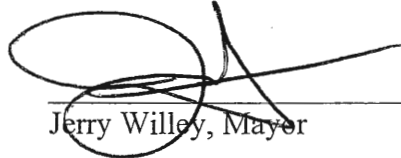
Section 4. Except as herein amended, Community Development Code Ordinance No. 6094, as amended shall remain in full force and effect.

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 18th day of August 2015.

Second approval and adoption by the Council on this 1st day of September 2015.

Approved by the Mayor this 1st day of September 2015.



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 July 8, 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 July 15, 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, 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 July 8, 2015 staff report. The applicant appeared through the written application materials and his representative Matthew Newman.
3. No one else requested the opportunity to testify, and the Board closed the record at the conclusion of the July 15th hearing. The Board then deliberated and reached a tentative decision to recommend approval of the rezoning request as proposed in the applicant’s zone change 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.
4. 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.*

5. 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 2 Urbanization – Implementation Measure (IV)(M).
 - e) Section 3 Housing – Policies (III)(B).
 - f) Section 3 Housing – Policies (III)(E).
 - g) Section 3 Housing – Policies (III)(L).
 - h) Section 3 Housing – Policies (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:

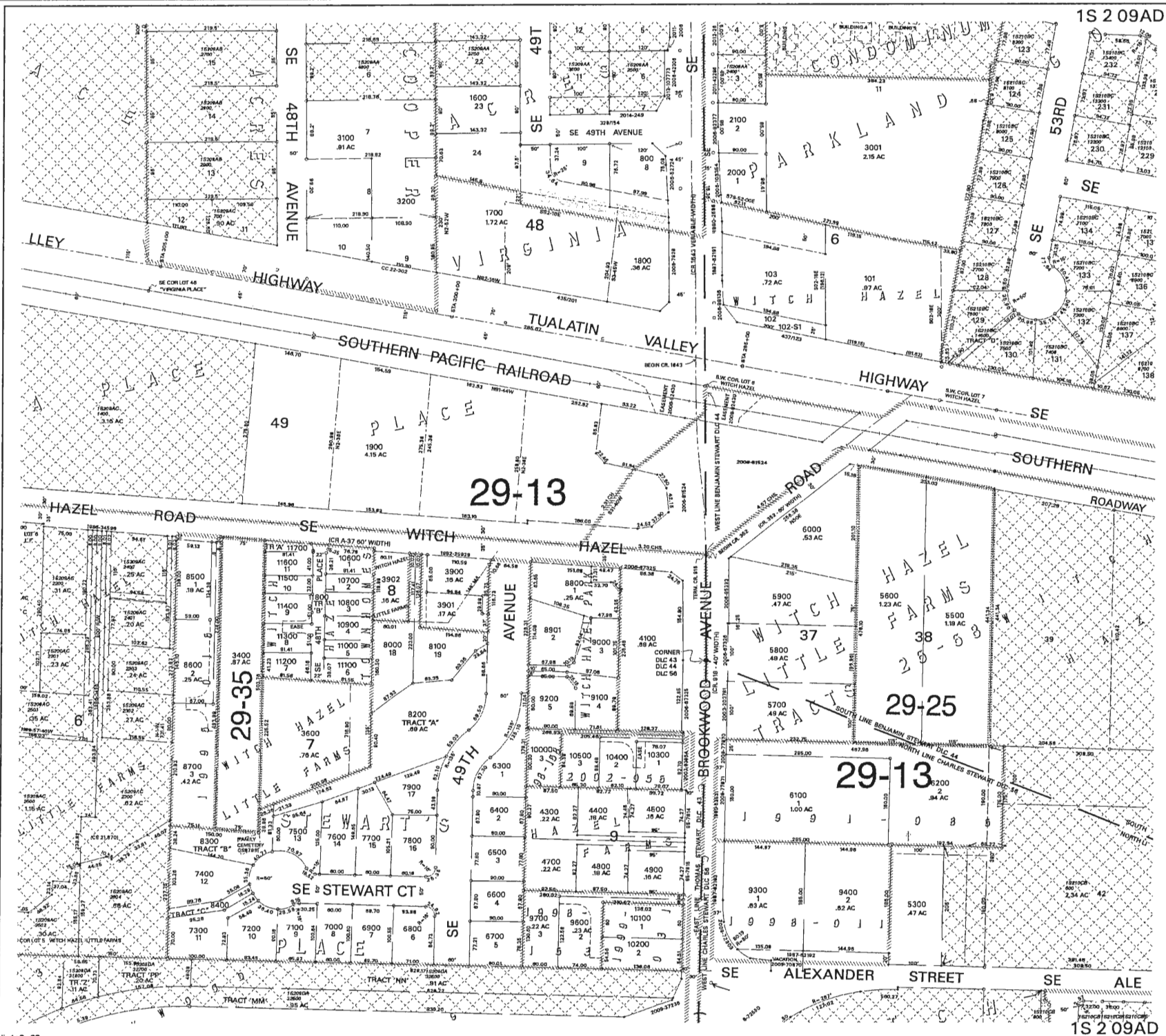
Staff concluded, and no party disagrees, that the proposed MFR-1 Multi-Family Residential Zone satisfies or is consistent with all of these Comprehensive Plan provisions. On this basis, the Board agrees that the request is consistent with the applicable provisions of the Comprehensive Plan and adopts staff's analysis and conclusions with regard to each of the above-mentioned Comprehensive Plan provisions.

6. The applicant proposes to rezone the southern one-third of this parcel (Tax Lot 4100) to make it the same as the balance of the lot (MFR-1) and consistent with the underlying RM Comprehensive Plan designation, which is implemented by the following zones:
- a) SFR-4.5 Zone (min 8 dwellings per net acre, max 10 dwellings per net acre) and
 - b) MFR-1 Zone (min 11 dwellings per net acre, max 16 dwellings per net acre)
7. The proposed zone of MFR-1 is comparable to adjacent parcels to the west. South of the parcel the land is zoned SFR-7 and on the east side of Brookwood Avenue there is a mix of MFR-1 and I-G zoning. The Board finds that the proposed zone, especially since it will provide the entire parcel with consistent zoning that that implements the underlying Comprehensive Plan designation, is consistent and compatible with the surrounding zone designations. The Board received no testimony or written comment objecting to this proposal.

8. With regard to each of the above-mentioned approval criteria, the Board specifically finds as follows:
- a) Consistency with the Comprehensive Plan Designation: The MFR-1 Multi-Family Residential zone is one of the two zones which implement the RM Medium Density Residential Comprehensive Plan designation. The Board finds that this criterion is met.
 - b) The proposed zone is the most appropriate. Two zones implement the RM plan designation. To the west properties are zoned MFR-1. To the south, there are properties zoned SFR-7. On the east side of SE Brookwood Avenue, there is a mix of MFR-1, I-P, and I-G zoning. The properties adjacent to the site also have the RM plan designation and are zoned MFR-1. The MFR-1 zone is the most prevalent of the appropriately zoned properties. The applicant requested the MFR-1 zone rather than the SFR-4.5 zone due to his plan to develop a townhome project. The Board concludes that MFR-1 is the most appropriate zone for this parcel based on the zoning pattern of the surrounding land. The Board concludes this approval criterion is met.
 - c) Existing and planned transportation facilities are adequate. The applicant included a memorandum from Charbonneau Engineering that documented only one additional PM peak trip that would be attributable to new development allowed by the new zone. The City Traffic Analyst concurred with this analysis and conclusion and determined that the proposed zone change does not significantly affect a transportation facility for purposes of the Transportation Planning Rule and that it complies with the Rule. 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 provided with a copy of the zone change proposal, and none responded that existing or planned public infrastructure services would be compromised by increased density of this site. From this, the Board concludes that this criterion is satisfied.
 - e) Compliance with the Transportation Planning Rule. As discussed under the third zone change criterion, this proposed zone change will affect the maximum potential trip generation by only one vehicle trip per day above the current zoning. The City's Traffic Analyst concluded this was not a significant change and that the proposal would not significantly affect any transportation facilities. 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. There are no designated significant natural resources, cultural resources or areas within the 100-year floodplain on the subject site; therefore, there will be no impacts to those resources. The Board concludes that this criterion is satisfied to the extent it applies.
9. 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

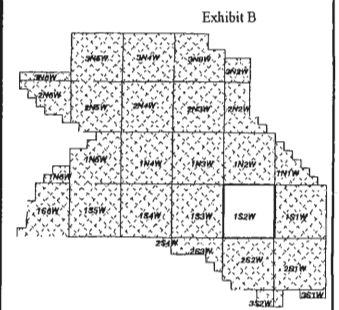
recommendation, the Board concludes that no additional conditions are warranted to address any of the circumstances listed in the code.

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 of the approval criteria in CDC§12.80.160(E). Therefore, the City Council approves the zone change for this parcel based upon the recommendation of the Board and facts portrayed in the July 8th staff report, subject to no conditions of approval.

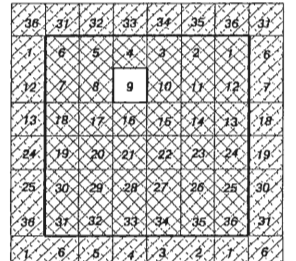


1S 2 09AD

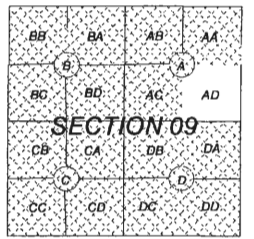
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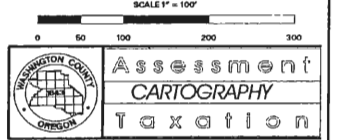
WASHINGTON COUNTY OREGON
SE 1/4 NE 1/4 SECTION 09 1S R2W W.M.
SCALE 1" = 100'



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



Cancelled Taxlots For: 1S209AD
2601,3090,200,300,400,500,600,700,900,901,1000,1001,1002,
1100,1200,1290,1300,1400,1500,1600,1601,2200,2300,2400,2500,
2600,2802,2700,2900,2900,3000,3011,2,3021,2,3011,4,3021,4,
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9025,901,06,9026,901,07,9027,901,08,9028,901,09,9029,
9011,90210,90111,90211,5400,3700,3800,3300,4000,5200,
100,5100,4200,3500,8900,9800,9500,3500,3100-A1,6200-C1,
3000-A1,4600,5000.



PLOT DATE: June 19, 2015
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

HILLSBORO
1S 2 09AD