



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: October 09, 2015

Jurisdiction: City of Hillsboro

Local file no.: ZC 006-15

DLCD file no.: 012-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/08/2015. 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



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

FOR DLCD USE
012-15
File No.: { 23894 }
Received: 10/8/2015

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.: **Zone Change 006-15**

Date of adoption: 10/6/15

Date sent: 10/8/2015

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): 7/2/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

NO

Local contact (name and title): John Boren

Phone: 503-681-5292

E-mail: PlanningTechs@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



October 8, 2015

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

FROM: Lisa Califf, Planning Technician

RE: Transmittal of DLCD Form 2 Notice of Adoption
Hillsboro Case File No. Zone Change 006-15

I, Lisa Califf, submitted on this date, October 8, 2015, the DLCD Form 2 and attached Ordinance No. 6137 with exhibits via email for the above referenced Case File No., which was adopted by the Hillsboro City Council on October 6, 2015.

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



October 7, 2015

TO: Interested Parties

FROM: Planning Department

**RE: NOTICE OF DECISION – City Council – Zone Change Request
Case File No. Zone Change 006-15: Newville**

This letter is to inform you of the decision of the City Council concerning a request for a zone change on one parcel approximately 0.27 acres in size. The subject property can be specifically identified as Tax Lot 4504 on Washington County Assessor's Tax Map 1S2-05BB. On October 6, 2015, the City Council adopted Ordinance No. 6137 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. 6137 will be effective as of November 5, 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 October 28, 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

A handwritten signature in blue ink, appearing to read 'Daniel L. Dias', is written over the typed name.

⁴⁵ Daniel L. Dias
Development Services Manager

Attachment: Ordinance No. 6137

cc: File

ORDINANCE NO. 6137

ZONE CHANGE 006-15: NEWVILLE

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 FOR A 0.27-ACRE PARCEL WITHIN THE CITY OF HILLSBORO.

WHEREAS, Doug Whitman, on behalf of the owner, Chandler and Newville, Inc., applied for a zone change from SFR-7 to SFR-4.5 for a 0.27-acre parcel located south of SE Oak Street, west of SE 18th Avenue, north of SE Walnut Street and east of SE 16th Avenue (Tax Lot 4504 on Washington County Assessor's Tax Map 1S2-05BB) to implement the site's underlying RM Residential Medium Density Comprehensive Plan designation; and

WHEREAS, this application was scheduled and duly noticed for a public hearing on August 5, 2015, at which time the Planning and Zoning Hearings Board, consisting of Daniel Kearns, John Kinsky and Wil Fuentes (the "Board"), convened the public hearing to take testimony and evidence and to consider the application; and

WHEREAS, the Board received the Planning Department staff report dated July 29, 2015 and testimony from the applicant's representative, Doug Whitman, explaining the background and context for the zone change request and the applicant's plan to partition the lot in half – one lot with the existing home and the other for the development of a new home. He further explained that the present zone (SFR-7) does not implement the underlying RM Comprehensive Plan designation, but that MFR-1 and SFR-4.5 both do; and

WHEREAS, several neighbors to the site (Lisa Cook, Kathleen Erickson, John Dollard and Eric Jacobsen) testified in opposition to the proposal based on their desire to keep the neighborhood with the largest lot size and lowest density possible, and to prevent multi-family dwelling developments; and

WHEREAS, at the conclusion of the August 5th hearing, the Board closed the record and tentatively voted to approve the rezoning request as proposed by the applicant and recommended in the July 29, 2015 staff report.

WHEREAS, based on those findings, the City Council hereby determines that the proposed zone change is in conformance with the Hillsboro Comprehensive Plan and Community Development Code and all other applicable criteria, and that the 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:

Section 1. 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:

Tax Lot 4504 on Washington County Assessor's Tax Map 1S2-05BB
on record as of July 7, 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.

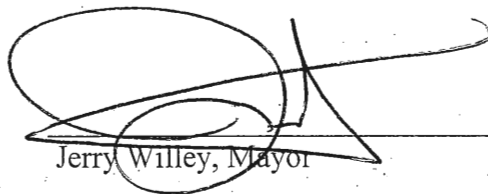
Section 4. Except as herein amended, Community Development Code Ordinance No. 6094, as amended shall remain in full force and effect.

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 15th day of September 2015.

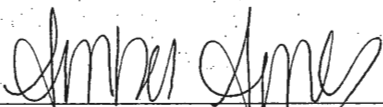
Second approval and adoption by the Council on this 6th day of October 2015.

Approved by the Mayor this 6th day of October 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 29, 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 August 5, 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. No one objected to the Hearings Officer’s participation by telephone, with which everyone present in the hearing room could hear the Hearings Officer and the Hearings Officer could hear all discussion and testimony. 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 29, 2015 staff report. The applicant, Chandler and Newville, Inc. appeared through the written application materials and its representative, Doug Whitman.
3. Testifying in opposition to the proposal were several neighbors (Lisa Cook, Kathleen Erickson, John Dollard and Eric Jacobsen) who expressed the underlying objective of keeping lot sizes as large as possible, density as low as possible and to prevent the development of multi-family buildings. These issues are addressed in specific findings set forth below.
4. No one else requested the opportunity to testify, and the Board closed the record at the conclusion of the August 5th hearing. The Board then deliberated and reached a tentative decision to recommend approval of the rezoning request proposed in the applicant’s zone change application. Zone changes such as this are not final until adopted by the City Council, so the decision of the Board in this matter is a recommendation to the Council.
5. This zone change shall be allowed if there is a preponderance of credible evidence in the record demonstrating that all of the following criteria in CDC§12.80.160(E) are or can be met:
 - a. *The proposed zone implements and is consistent with the Comprehensive Plan Land Use Map designation for the site. A zone change to a zone not consistent with the Comprehensive Plan Map designation cannot be approved prior to approval of an amendment to the Comprehensive Plan Land Use Map to change the designation to one which is implemented by the requested zone;*
 - b. *Where the Comprehensive Plan Map designation has more than one implementing zone, the proposed zone is the most appropriate for the subject site, based on the purposes of each zone and the zoning pattern of surrounding land;*

- c. *Existing or planned transportation facilities are adequate or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zone*
 - d. *Existing or planned public infrastructure services (water, wastewater, stormwater, police and fire protection) are adequate or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zone;*
 - e. *Pursuant to Section 12.70.230, the Transportation Planning Rule Compliance analysis demonstrates that traffic impacts can be reasonably mitigated at the time of development. As an alternative to providing a Transportation Planning Rule Compliance analysis, the applicant may provide evidence that the potential traffic impacts from development under the proposed zoning are no greater than potential impacts from development under existing zoning; and*
 - f. *Any potential impacts on any designated significant natural resources, cultural resources or areas within the 100-year floodplain as a result of the proposed zone change are minimal or can be reasonably mitigated at the time of development.*
6. Staff concluded, and no party to the proceeding disputes, that the following Comprehensive Plan provisions apply to this request:
- a) Section 2 Urbanization Implementation Measure (IV) (A).
 - b) Section 2 Urbanization Implementation Measure (IV) (I).
 - c) Section 2 Urbanization Implementation Measure (IV)(J).
 - d) Section 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 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 and adopts staff’s analysis and conclusions with regard to each of the above-mentioned Comprehensive Plan provisions.

- 7. The applicant proposes to rezone the subject parcel to a zone that implements the underlying 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)
- 8. The proposed zone of SFR-4.5 is comparable to single-family residential parcels that surround the site and dominate this neighborhood. All of the affected neighbors who participated at the

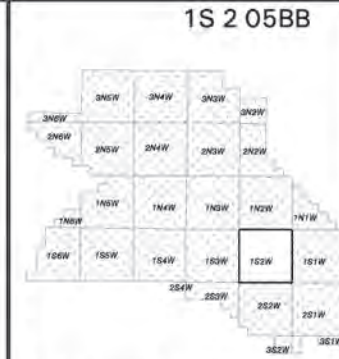
August 5th hearing testified that they wanted the current neighborhood density and design to remain as close to unchanged as possible. In particular, they testified that they wanted the lowest density allowable and the largest lot size possible, and the prohibition of multi-family developments on this site. While they recognized the limited size of this site, they also understood that the majority of the immediate neighborhood has a RM Plan designation and all of the surrounding SFR-7 lots could be rezoned to either SFR-4.5 or MFR-1. In this light, all of the neighbors conceded that the proposed SFR-4.5 zone was as the zone most consistent with their stated objectives.

9. With regard to each of the above-mentioned approval criteria, the Board specifically finds as follows:

- a) Consistency with the Comprehensive Plan Designation: The SFR-4.5 Single-Family Residential zone is one of the two zones that implement the RM Medium Density Residential Comprehensive Plan designation, the other being MFR-1 Multi-Family Residential. The current zone (SFR-7) does not implement the RM Plan designation, so the development of this parcel requires a rezone to a compliant zone. In response to the neighbors' objections, SFR-4.5 does not allow multi-family developments and represents the lowest density (largest lot size) zone that implements the RM Plan designation. The Board finds that this criterion is met.
- b) The proposed zone is the most appropriate. As already stated in response to the neighbors' testimony, of the two zones that implement the RM plan designation, the one most consistent with the surrounding parcels and status quo is SFR-4.5. The Board concludes that SFR-4.5 is the most appropriate zone for this parcel (as opposed to the other alternative of MFR-1) 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. Given the parcel's small size at 0.27 acres, only one additional dwelling is possible from this rezone proposal, which translates into, at most, one additional PM peak trip at full development. The Board finds that a change to SFR-4.5 will not result in a significant change in trip generation and there is no evidence in the record that indicates any inadequacies in the surrounding transportation system. 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 by the addition of one new dwelling unit. 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. This is not a significant change and the Board concludes that this proposal will not significantly affect

any transportation facilities. On this basis, the Board concludes that the fifth criterion is met.

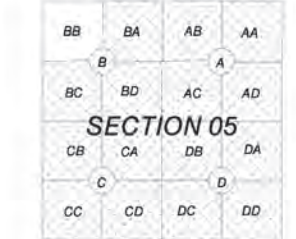
- f) Impacts to designated Significant Natural Resources, Cultural Resources or areas within the 100-year floodplain are minimal or can be mitigated. There are no designated significant natural resources, cultural resources or areas within the 100-year floodplain on the subject site; therefore, there will be no impacts to those resources. The Board concludes that this criterion is satisfied to the extent it applies.
10. CDC §12.80.160(F) provides express authority to impose conditions to ensure that a variety of adverse circumstances do not result from the proposed zone change. Based on the circumstances of this proposal, the specific parcel involved and its location, and staff's recommendation, the Board concludes that no additional conditions are warranted to address any of the circumstances listed in the code.
11. From the foregoing and based on the preponderance of credible evidence in the record, the Board concludes that this zone change application meets all of the approval criteria in CDC§12.80.160(E). Therefore, the Board recommends this parcel for zone change approval by the City Council as requested and as portrayed in the July 29th staff report, subject to no conditions of approval.



WASHINGTON COUNTY OREGON
NW 1/4 NW 1/4 SECTION 05 T1S R2W W.M.
SCALE 1" = 100'

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
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25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

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



Cancelled Taxlots For: 1S205BB
203,204,1901,5200,5215,5000,5227,5228,4701,4802,1503,
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9983,9984,9985,9986,9987,9988,9989,9990,9991,
9992,9993,9994,9995,9996,9997,9998,9999,10000



PLOT DATE: July 07, 2014
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
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