



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

Phone: 503-373-0050

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: December 18, 2015

Jurisdiction: City of Hillsboro

Local file no.: ZC 007-15

DLCD file no.: 016-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/18/2015. 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 36 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](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
File No.: 016-15 {24070}  
Received: 12/18/2015

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-007-15**

Date of adoption: 12/15/15

Date sent: 12/17/2015

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): 9/30/15

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:

Local contact (name and title): Ruth Klein, Senior Planner

Phone: 503-681-6465

E-mail: [planningtechs@hillsboro-oregon.gov](mailto: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

**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 County FD-20	to SFR-4.5	Acres: 19
Change from County FD-20	to SFR-6	Acres: 21
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:
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Location of affected property (T, R, Sec., TL and address): 1S210DD00100

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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.

Hillsboro Ordinance No. 6148 with Exhibits



December 18, 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 007-15

I, Lisa Califf, submitted on this date, December 18, 2015, the DLCD Form 2 and attached Ordinance No. 6148 with exhibits via the DLCD FTP site for the above referenced Case File No., which was adopted by the Hillsboro City Council on December 15, 2015.

If you have any questions regarding this transmittal, please contact me at 503-681-5257. For questions regarding the amendments, please contact the case file Planner, Ruth Klein at 503-681-6465.

**ORDINANCE NO. 6148**

**ZONE CHANGE 007-15: HILLSBORO SCHOOL DISTRICT SOUTH HILLSBORO**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF THE COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, AS AMENDED, BY A ZONE CHANGE FROM COUNTY FD-20, FUTURE DEVELOPMENT – 20 ACRES, TO CITY SFR-4.5 AND SFR-6 SINGLE FAMILY RESIDENTIAL FOR A 40-ACRE PARCEL WITHIN THE CITY OF HILLSBORO.

WHEREAS, the Hillsboro School District, represented by Bill Horning, applied for a zone change for a 40 acre parcel, generally located north of SW McInnis Lane, south of SE Tualatin Valley Highway, and east of SE 67th Avenue. (Tax Lot 100 on Washington County Assessor's Tax Map 1S2-10DD). The application requests a rezone of the property from its current designation of County FD-20 Future Development – 20 acres to City SFR-4.5 Single Family Residential (minimum lot size 4,500 square feet) and SFR-6 Single Family Residential (minimum lot size 6,000 square feet) on 40 acres, in accordance with the South Hillsboro Community Plan; and

WHEREAS, the application was scheduled and duly noticed for a public hearing on November 4, 2015 before the Planning and Zoning Hearings Board, consisting of Joe Turner, John Kinsky and Brenda McCoy (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 October 28, 2015 and testimony from the applicant's representative, Bill Horning of Western Planning Associates, Inc., explaining the background and requesting approval of the zone change request. Mr. Horning indicated the School District plans to hold the property subject to the application for future school development; and

WHEREAS, at the conclusion of the November 4, 2015 hearing, the Board closed the record and tentatively voted to recommend the City Council approve the rezoning request as proposed by the applicant and recommended in the October 28, 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 and SFR-6 Single Family Residential zones are the best suited for the subject site and will implement the RM Medium Density and RL Low Density Residential Comprehensive Plan designations 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 County FD-20 Future Development – 20 Acres to SFR-4.5 Single Family

Residential and SFR-6 Single Family Residential in accordance with the South Hillsboro Community Plan:

Tax Lot 100 on Washington County Assessor's Tax Map 1S2-10DD  
on record as of February 13, 2013

A copy of the tax map is attached hereto as Exhibit B and a copy of the site plan is attached hereto as Exhibit C 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.

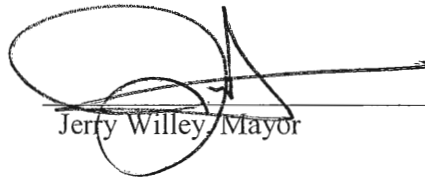
Section 4. Except as herein amended, Community Development Code Ordinance No. 6094, as amended shall remain in full force and effect.

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 1<sup>st</sup> day of December 2015.

Second approval and adoption by the Council on this 15<sup>th</sup> day of December 2015.

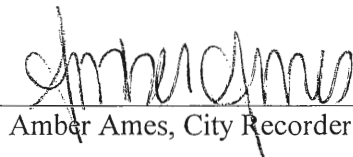
Approved by the Mayor this 15<sup>th</sup> day of December 2015.



\_\_\_\_\_

Jerfy 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 October 28, 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 November 4, 2015 hearing in this matter. At the commencement of the hearing, the Hearings Officer and planning staff 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, and no one requested a continuance or that the record be kept open.
2. At the hearing, Senior Planner Ruth Klein provided a verbal summary of the October 28, 2015 staff report. The applicant’s representative, Bill Horning, appeared through the written application materials and provided oral testimony at the hearing in support of the application. No public testimony was received prior to or at the public hearing.
3. No one else requested the opportunity to testify, and the Board closed the record at the conclusion of the November 4<sup>th</sup> hearing. The Board then deliberated and reached a tentative decision to recommend approval of the rezoning request as 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.
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 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;*

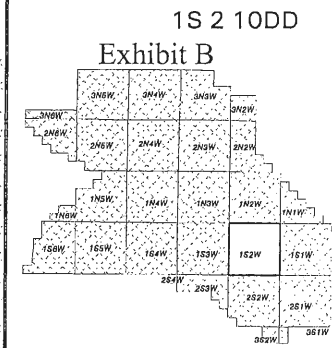
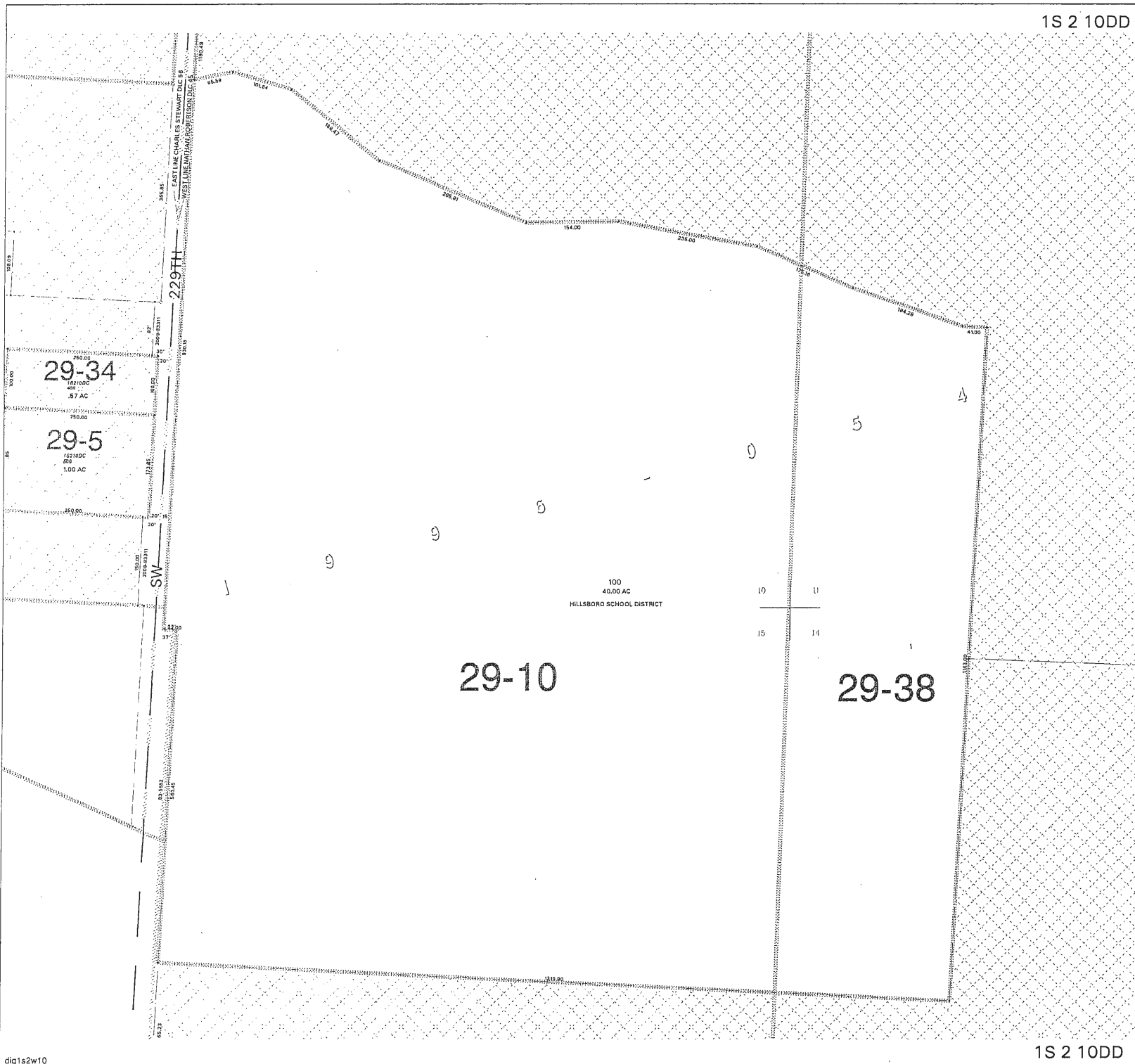
- d) *Existing or planned public infrastructure services (water, wastewater, stormwater, police and fire protection) are adequate or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zone;*
  - e) *Pursuant to Section 12.70.230, the Transportation Planning 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.*
5. 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 31 South Hillsboro Community Plan – Implementation Measure (III)(E)(1) Zoning Concept and Implementation Measures.

Staff concluded, and no party disagrees, that the proposed SFR-4.5 and SFR-6 Single Family Residential Zones satisfy or are 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 with the Zoning Concept Map within the South Hillsboro Community Plan.

6. 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 parcel's Comprehensive Plan designation is LDR, Low Density Residential, on the west and MDR, Medium Density Residential, on the east portion of the site. The proposed zones are consistent with the Comprehensive Plan Land Use Map designations for the site and consistent with the Zoning Concept Map within the South Hillsboro Community Plan. From this the Board concludes that the first criterion is met.



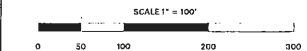
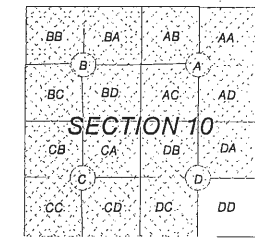
- b) Although there are multiple zones that could implement multiple Comprehensive Plan designations on the property, it would be inappropriate to implement zones which are contrary to the Comprehensive Plan's South Hillsboro Community Plan Zoning Concept Map and Table and Implementation Measures. The proposed zones are consistent with the direction provided by the Comprehensive Plan Section 31 South Hillsboro Community Plan – Implementation Measure (III)(E)(1) Zoning Concept and Implementation Measures. Therefore, the Board concludes that the second criterion is met.
  - c) This property is part of a South Hillsboro sub-area identified as Reed's Crossing. Reed's Crossing is further divided into a large sub-area (422.55 acre) and a small sub-area (40 acre). The City has completed the annexation and zone changes for the large sub-area of Reed's Crossing and this application is to apply zoning to the remaining 40 acres within the smaller sub-area. During coordination for the annexation of the large sub-area, the property owner prepared a traffic impact analysis (TIA) that also included this 40 acres along with the 422.55 acres. The TIA establishes a development pattern that will maintain adequate capacity for the existing and planned transportation facilities and will maintain compliance with the Transportation Planning Rule analysis incorporated into the South Hillsboro Community Plan. Therefore, the Board concludes that this proposal complies with the Rule and the third zone change criterion.
  - d) City Departments were routed the proposed Zone Change, with none responding that existing or planned public infrastructure services would be compromised by the proposed Zone Change on this site. Infrastructure services was extensively pre-planned during the development of the South Hillsboro Community Plan. Specifics regarding these services will need to be addressed to the satisfaction of the City and service districts during future land use applications for development. The Board concludes that the fourth criterion is met.
  - e) The City has coordinated with the property owners regarding preparation of an associated Traffic Impact Analysis to establish a development pattern that will maintain adequate capacity for the existing and planned transportation facilities and will maintain compliance with the Transportation Planning Rule analysis incorporated into the South Hillsboro Community Plan. The Board concludes that the fifth criterion is met.
  - f) The subject property does not contain Goal 5 Significant Natural Resource or Floodplain overlay. At the time of development, other potential impacts would be identified during the review and appropriate restrictions and mitigation would be applied.
7. 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 October 28, 2015 staff report.



WASHINGTON COUNTY OREGON  
SE1/4 SE1/4 SECTION 10 T1S R2W W.M.  
SCALE 1" = 100'

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

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)



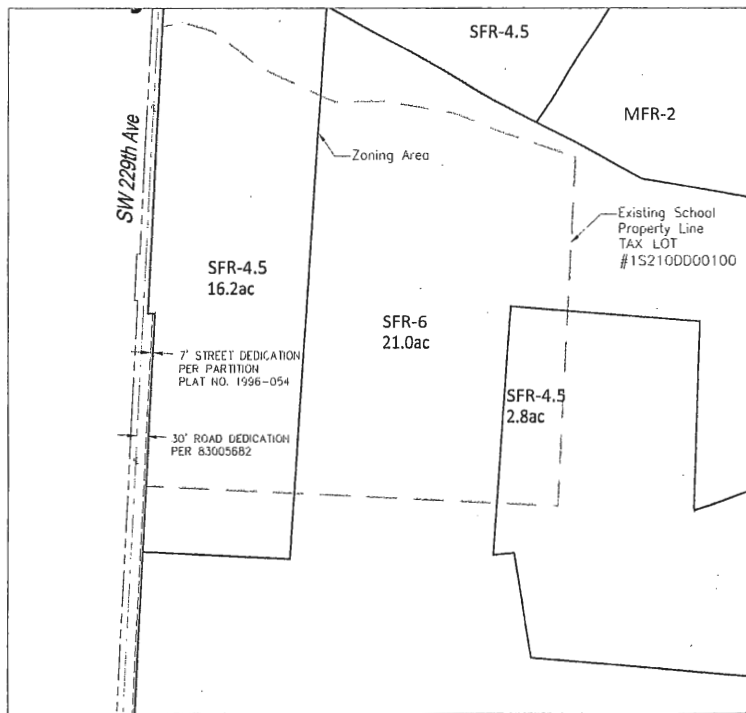
PLOT DATE: February 13, 2013  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

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.

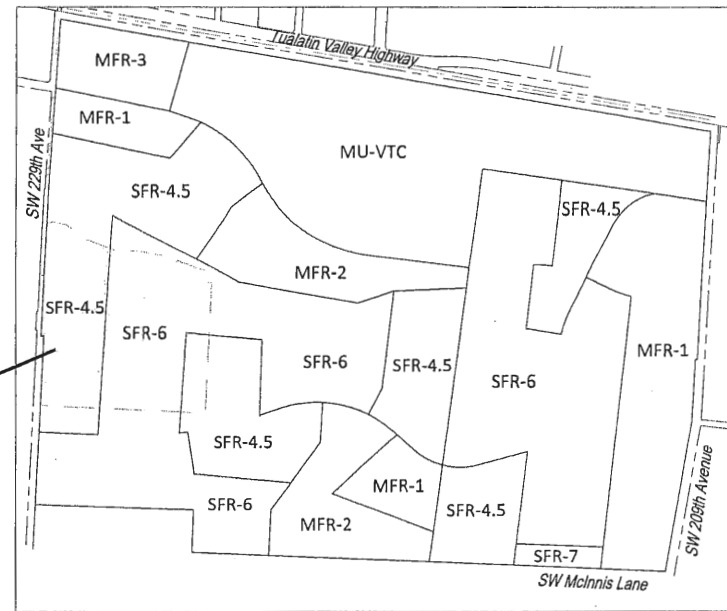
HILLSBORO  
1S 2 10DD

# SCHOOL ZONING MAP

Exhibit C



LEGEND	
SFR-4.5	Single Family Residential
SFR-6	Single Family Residential
MFR-2	Multi-Family Residential



LEGEND	
MU-VTC	Mixed Use - Village/Town Center
MFR-3	Multi Family Residential
MFR-2	Multi-Family Residential
MFR-1	Duplex Residential
SFR-4.5	Single Family Residential
SFR-6	Single Family Residential
SFR-7	Single Family Residential



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