



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

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## NOTICE OF ADOPTED AMENDMENT

January 16, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment  
DLCD File Number 003-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 31, 2007**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Matthew Crall, DLCD Transportation Planner  
Jennifer Wells, City Of Hillsboro

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FORM 2

DEPT OF

**DLCD NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18.

JAN 10 2007

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: HILLSBORO Local File No.: ZOA 3-06

Date of Adoption: 1/2/07 Date Mailed: 1/9/07

Date the Notice of Proposed Amendment was mailed to DLCD: 10/13/06

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment

Land Use Regulation Amendment  Zoning Map Amendment

New Land Use Regulation  Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amendment is a text amendment to Zoning Ordinance Section 140.III.N, Figure 5.2 to delete the requirement for dedication of future right-of-way for the extension of NW 225<sup>th</sup> Avenue, NW Fir Street and an alley in Historic Orenco.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: N/A To: N/A

Zone Map Changed from: N/A to N/A

Location: Historic Orenco Acres Involved: N/A

Specified Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: Goal 2

Was an Exception Proposed? Yes: \_\_\_\_\_ No: X

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment

**FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes X No \_\_\_\_\_

If no, do the Statewide Planning Goals apply? Yes \_\_\_\_\_ No \_\_\_\_\_

If no, did the Emergency Circumstances Require immediate adoption? Yes \_\_\_\_\_ No \_\_\_\_\_

Affected State or Federal Agencies, Local Governments or Special Districts: NONE

Local Contact: Jennifer K Wells Phone: 503-681-6214

Address: 150 E MAIN STREET City: HILLSBORO Zip Code + 4: 97123-4028

DLCD No. 003-06 (15626)



ORDINANCE NO. 5710

**ZOA 3-06: REMOVAL OF FUTURE STREET AND ALLEY RIGHT-OF-WAY FROM SECTION 140 OF THE HILLSBORO ZONING ORDINANCE**

AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 140.III.N, FIGURE 5.2, TO DELETE THE REQUIREMENT FOR DEDICATION OF FUTURE RIGHT-OF-WAY FOR THE EXTENSION OF NW 225<sup>TH</sup> AVENUE, NW FIR STREET AND AN ALLEY IN HISTORIC ORENCO.

WHEREAS, the Zoning Ordinance includes special development and design standards for the Historic Orenco neighborhood as specified in Section 136.II.I and Section 140, through creation and application of the Station Community Residential – Orenco Townsite Conservation District (SCR-OTC), and

WHEREAS, the purpose of these regulations and standards is to preserve and enhance the historic character of this neighborhood in part, through requirements for dedication of future right-of-way to allow for extension of streets and alleys connecting to the original grid pattern for the Historic Orenco neighborhood, and

WHEREAS, the Planning Commission received a request from the majority of the affected property owners in the area where the dedication of future right-of-way for the extension of NW 225<sup>th</sup> Avenue, NW Fir Street and an alley is applicable, to consider deleting from Figure 5.2 in Section 140 of the Zoning Ordinance the requirement to dedicate future right-of-way for the extension of these streets and alley, and

WHEREAS, based on the unique circumstances of this area, the Planning Commission believed that it was appropriate to consider whether the requirement for dedication of future right-of-way for the extension of these streets and alley is necessary to meet the purpose and intent of the SCR-OTC district, and

WHEREAS, through adoption of Resolution No. 1581-P on October 11, 2006, the Hillsboro Planning Commission therefore initiated the amendments to the Zoning Ordinance to delete the requirement for dedication of future right-of-way for the extension of NW 225<sup>th</sup> Avenue, NW Fir Street and the alley from the area located south of NW Elm Street and east of NW 227<sup>th</sup> Avenue, as illustrated on Figure 5.2 Street Network in Section 140.III.N Street and Alley Standards of the Zoning Ordinance, and

WHEREAS, the Planning Commission held a public hearing on November 29, 2006 on the proposed amendments, and received testimony in support of and no testimony in opposition to the amendments, and

WHEREAS, the Planning Commission adopted Resolution No. 1588-P on December 13, 2006, recommending to the City Council approval of the proposed amendments, with the findings attached hereto as Exhibit A, and

WHEREAS, the City Council considered the Planning Commission's recommendation on January 2, 2007, and voted to adopt the findings of the Planning Commission as their own in regard to the Zoning Ordinance amendments.

NOW THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. Section 140.III.N Street and Alley Standards, Figure 5.2 Street Network, is hereby amended to delete the requirement for dedication of future right-of-way for the extension of NW 225<sup>th</sup> Avenue, NW Fir Street and the alley from the area located south of NW Elm Street and east of NW 227<sup>th</sup> Avenue as show on Exhibit B attached hereto.

Passed by the Council this 2<sup>nd</sup> day of January, 2007.

Approved by the Mayor on this 2<sup>nd</sup> day of January 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
City Recorder

**ZOA 3-06: REMOVAL OF RIGHT-OF-WAY IN SCR-OTC ZONE**

**Findings in Support of Zoning Ordinance Amendments**

1. The affected Rock Creek property owners listed in the September 25, 2006 request letter make up the majority of the properties (6.04 of 7.13 acres of land) affected by the proposed amendments. Specifically, the property owned by the affected Rock Creek property owners consists of Tax Lots 100, 200, 600, 700 and 900 on Washington County Assessor's Tax Map 1N2-35CB. Two affected properties owned by two different property owners make up the minority of the affected properties and consist of Tax Lots 500 and 800 on Washington County Assessor's Tax Map 1N2-35CB. The properties affected by the proposed amendments are generally located south of NW Elm Street, east of NW 227<sup>th</sup> Avenue and north of Rock Creek and NW Dogwood Street. Three of the affected properties consisting of Tax Lots 600, 700 and 900 are currently being annexed into the City of Hillsboro (Case File Nos. AN 17-06 and ZC 23-06); one affected property (Tax Lot 500) is currently within city limits; and the remainder of the affected properties are located within Washington County.
2. The current use of the affected properties is large lot single family residential development on Tax Lots 100, 200, 500 and 700, and duplex residential development on Tax Lots 600, 800 and 900. The 100-year floodplain for Rock Creek and associated wetlands and riparian upland wildlife habitat resources are located mostly on Tax Lot 700, with a portion of these natural resources located on Tax Lots 800 and 900.
3. The dwellings on Tax Lots 600, 700, 800 and 900 currently take their access off of NW 227<sup>th</sup> Avenue via a shared gravel drive, with an access easement over Tax Lot 700, where the drive is located. Tax Lots 600, 800 and 900 which have frontage on NW 227<sup>th</sup> Avenue do not take their access from the street. Tax Lots 100, 200 and 500 currently take their access directly from NW Elm Street and NW 227<sup>th</sup> Avenue on which they have frontage. The house and outbuilding on Tax Lot 200 are located within the area where the right-of-way for NW 225<sup>th</sup> Avenue and the alley is shown on Figure 5.2: Street Network, in Section 140.III.N Street and Alley Standards of the Zoning Ordinance for future extension. The extension of NW Fir Street east and NW 225<sup>th</sup> Avenue south onto Tax Lot 700 where they intersect (as depicted on Figure 5.2) would encroach into the 100-year floodplain for Rock Creek.
4. On September 25, 2006, the affected Rock Creek property owners, represented by Laine Young, Landlinks Consultants, sent a letter/narrative entitled "Request for Text Amendment to Remove a Section of Street Network Expansion from the Hillsboro Zoning Ordinance 1945, Vol. II", with accompanying Figures 1, 2, 3 and 4, as a request that the Hillsboro Planning Commission and Hillsboro City Council remove the requirement for the extension of NW Fir Street and NW 225<sup>th</sup> Avenue from Figure 5.2 of Section 140 of the Zoning Ordinance and allow residents to work with the City planning staff on development of reasonable access plans. This submittal was received by the Planning Department on October 2, 2006 and initiated for processing.



5. A Staff Report dated October 5, 2006, was provided to the Hillsboro Planning Commission for its October 11, 2006 meeting, which set forth the issues and the request from the affected Rock Creek property owners that the Planning Commission initiate amendments to the Zoning Ordinance to allow for removal of the requirement for dedication of future right-of-way for NW 225<sup>th</sup> Avenue, NW Fir Street and an alley within the subject site. Staff noted in the staff report that the affected Rock Creek property owners did not specifically request removal of the requirement for dedication of future right-of-way for the alley, however staff recommended doing so, as the alley would not connect to a public street.
6. At its regular meeting on October 11, 2006, the Hillsboro Planning Commission considered the request from the affected Rock Creek property owners and determined it would proceed by considering a draft resolution initiating the Zoning Ordinance Amendments at its November 29, 2006 meeting. The vote of the Planning Commissioners' present at the meeting was unanimous.
7. On October 13, 2006, the City of Hillsboro sent the Notice of Proposed Amendments to the Hillsboro Zoning Ordinance to the Department of Land Conservation and Development (DLCD), as required. This Notice was required to be sent to DLCD a minimum of 45 days prior to the first evidentiary hearing on the matter. A copy of such notice is included in the official public record.
8. On November 8, 2006, the City of Hillsboro sent a notice to the Hillsboro Argus newspaper for publication three (3) times before the first public hearing on the matter. A copy of such notice is included in the official public record.
9. On November 9, 2006 and November 22, 2006, as applicable, the City of Hillsboro sent written notice to adjacent property owners affected by the proposed amendments to the Hillsboro Zoning Ordinance and to interested parties including the Orenco Neighborhood Organization. Copies of such notices are included in the official public record.
10. A Staff Report dated November 21, 2006, regarding ZOA 3-06 was provided to the Hillsboro Planning Commission for its November 29, 2006 special meeting. This Staff Report contained the pertinent information for the proposed Zoning Ordinance Amendments, including the authority contained in Section 112 of the Hillsboro Zoning Ordinance that authorizes the Hillsboro Planning Commission to initiate such amendments.
11. On November 29, 2006, the Hillsboro Planning Commission held a public hearing on the proposed Zoning Ordinance Amendments, ZOA 3-06, for the purpose of taking testimony and deliberating on the proposal. At that time, Laine Young, Landlinks Consultants, provided verbal testimony supporting the proposed Zoning Ordinance Amendments. Additional testimony was received by the Commission from Dan Bloom and Bonnie Kooker in favor of the proposed amendments. No additional testimony was received either in favor or in opposition to the proposed amendments was received that evening. The public hearing was closed and the Planning Commission deliberated on the matter. A motion was made and seconded to tentatively approve the proposed Zoning Ordinance Amendments and the vote was unanimous by the members present. The vote also directed staff to return to the Planning Commission with a resolution to City Council recommending approval of the proposed Zoning Ordinance Amendments, accompanied by supporting findings prepared by the applicant.

12. On December 13, 2006, the Hillsboro Planning Commission considered the draft resolution to the City Council recommending approval of the proposed Zoning Ordinance Amendments, with accompanying findings. The Planning Commission voted to approve the draft resolution and findings.
13. The case file for these proposed Zoning Ordinance Amendments, including all notices, communications, letters, staff reports, meeting agendas, documents, minutes of the meetings and hearings, and any other items included in the case file as part of the official record, are hereby made part of these findings by reference.

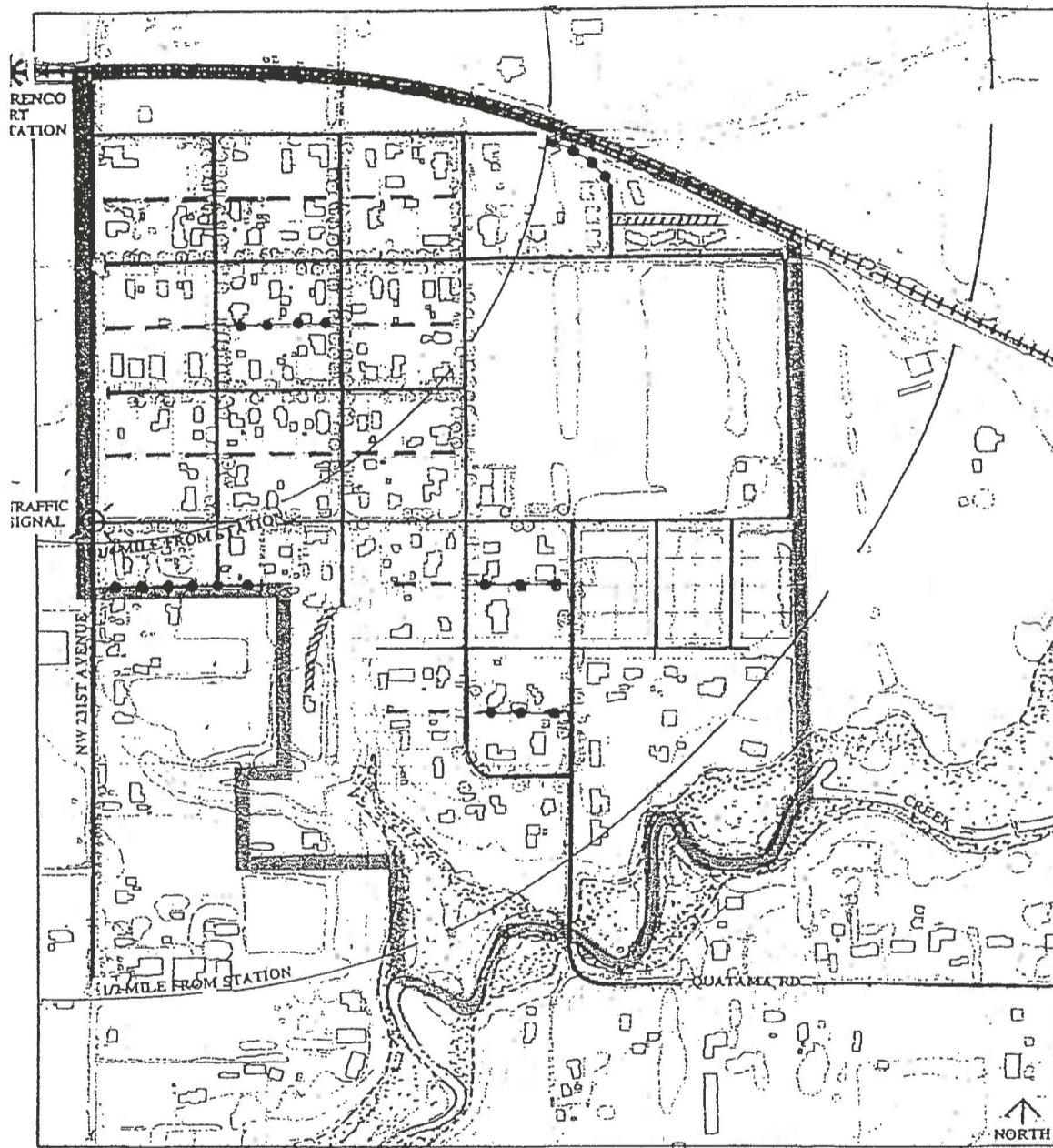


Figure 5.2: Street Network

- STREET (EXISTING R.O.W.)
- - LANE / ALLEY
- //// PRIVATE STREET
- NETWORK EXPANSION (FUTURE R.O.W.)



SCR-OTC DISTRICT

Orenco Station Community Planning Area