



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 10, 2008



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 004-08

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: September 23, 2008

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
Meg Fernekees, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Genny Bond, City of Hillsboro

<paa> ya/

FORM 2

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**



Jurisdiction: **Hillsboro**

Local file number: **ZOA 1-08**

Date of Adoption: **8/19/2008**

Date Mailed: **8/21/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **9/2/08**

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".

Adopted amendment is to Section 140.111.C.4 of the Zoning Ordinance No. 1945 to remove a requirement for a private alley through a block in Historic Orenco and remove a restriction on access onto NW 231st Avenue.

Does the Adoption differ from proposal? Please select one

No

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

to: **N/A**

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

to: **N/A**

Location: **S of NW Dogwood St. btwn NW 231st Ave & NW 67 Ave**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals: **N/A**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 004-08 (16717)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **GENNY BOND**

Phone: (503) 681-6246 Extension:

Address: **150 E MAIN STREET**

Fax Number: **503-681-6245**

City: **HILLSBORO**

Zip: **97123-**

E-mail Address: **gennyb@ci.hillsboro.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF HILLSBORO



August 21, 2008

TO: Interested Parties

FROM: Planning Department

RE: **NOTICE OF DECISION – City Council Action**
Case File No. ZOA 1-08: Orenco Alley

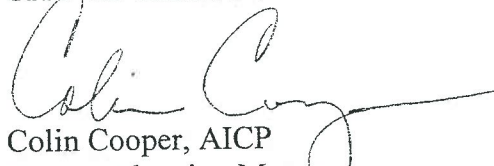
At their regular meeting on August 19, 2008, the Hillsboro City Council adopted Ordinance No. 5872 which amends Zoning Ordinance No. 1945 Section 140.III.C.4 pertaining to lots 1, 2, 3, 4, 5 and 6 of Block 10 of the Historic Orenco Townsite plat, to delete subsection D which requires provision of public alley easements connecting to NW 230th Avenue, and which restricts access to NW 231st Avenue; and to amend Figure 5.2 to remove depiction of the alley as future right-of-way. The Ordinance is attached for your review. This action confirms the action of the Planning Commission (Resolution No. 1655-P).

Persons who participated either orally or in writing in the Planning Commission or City Council proceedings on this matter may appeal the decision to the Land Use Board of Appeals under the provisions of 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



Colin Cooper, AICP
Current Planning Manager

Attachment: Ordinance No. 5872

ORDINANCE NO. 5872

ZOA 1-08: HISTORIC ORENCO BLOCK 10 ALLEY

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 1945, AS AMENDED, SECTION 140.III.C.4 PERTAINING TO LOTS 1, 2, 3, 4, 5 AND 6 OF BLOCK 10 OF THE HISTORIC ORENCO TOWNSITE PLAT, TO DELETE SUBSECTION d WHICH REQUIRES PROVISION OF PUBLIC ALLEY EASEMENTS CONNECTING TO NW 230TH AVENUE, AND WHICH RESTRICTS ACCESS TO NW 231ST AVENUE; AND TO AMEND FIGURE 5.2 TO REMOVE DEPICTION OF THE ALLEY AS FUTURE RIGHT-OF-WAY.

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

WHEREAS, Zoning Ordinance Sections 140.II.D and 140.III.C contain specific standards for Block 10 of the historic Orenco Townsite Plat, reflecting its location and status as a transition area at the edge of the historic neighborhood; and,

WHEREAS, Zoning Ordinance Section 140.III.C.4.d. requires that development of Lots 1, 2, 3, 4, 5 and 6 of Block 10 provide for public access easements for an east-west alley connecting to NW 230th Avenue (now NE 67th Avenue), and prohibiting connection to NW 231st Avenue except for emergency service vehicles; and,

WHEREAS, Zoning Ordinance Section 140, Figure 5.2 identifies a “Network Expansion (Future Right-of-way)” at the location of said alley; and,

WHEREAS, the City issued development approvals for the properties in Block 10 which did not properly create the public access easements for an east-west alley pursuant to the requirements of Section 140.III.C.4.d.; and,

WHEREAS, as a result of the townhouse development patterns on the former Lots 1 through 4 of Block 10 there is a need for lawful access to allow for further development of Lots 5 and 6 of Block 10 in accordance with the provision of Section 140.III.C.4; and,

WHEREAS, such lawful access could be provided from a private residential access easement connecting to the west edge of NW 231st Avenue and extending eastward, with such connection currently being prohibited under Section 140.III.C.4.d.; and,

WHEREAS, through adoption of Resolution No. 1655-P on February 13, 2008, the Hillsboro Planning Commission initiated an amendment to the Zoning Ordinance to delete Zoning Ordinance Section 140.III.C.4.d.; and,

WHEREAS, the Planning Commission held a public hearing on the proposed amendment on March 26, April 9, May 14, and June 11, 2008, and received testimony in support of and in opposition to said amendment; and,

WHEREAS, the Planning Commission adopted Resolution No. 1673-P on July 9, 2008, recommending to the City Council approval of the proposed amendments, the findings attached hereto as Exhibit A and the exhibit attached hereto as Exhibit B; and,

WHEREAS, the City Council considered the Planning Commission's recommendation on August 5, 2008, and voted to adopt the findings of the Planning Commission as their own with regard to the Zoning Ordinance amendments.

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

Section 1. Zoning Ordinance No. 1945, as amended, Section 140.III.C.4. is hereby amended to delete subsection d, as follows:

4. Lots 1, 2, 3, 4, 5 and 6 of Block 10, of the Orenco Townsite Plat, located south of Dogwood Street and between 230th and 231st Avenues, are included in the SCR-OTC District but shall be subject to the following special provisions. Further variance to these special provisions is prohibited. The named lots shall be:
 - a. Exempt from the demolition provisions of Section 138.XIII., Standards For Protection Within Historic and Cultural Conservation Districts;
 - b. Allowed to construct up to fourteen (14) attached rowhouse or townhouse dwelling units or up to twelve (12) detached single family dwelling units per acre over the combined lots. In order to carry out the provisions of this paragraph, the minimum lot size shall be 2,000 square feet, the minimum lot width shall be 25 feet, and the minimum lot depth shall be 75 feet;
 - c. Prohibited from adding an ancillary unit to any of the named lots if a townhouse or rowhouse dwelling is constructed on that particular lot under b., above;
 - ~~d. Required to construct and dedicate or provide a permanent public easement for an east-west alley connecting to 230th avenue in order to access the southern tier of lots. Such an alley shall not connect to 231st Avenue, except to permit egress by fire and emergency service vehicles;~~
 - e-d. Exempt from the buffer described in Section 137.V.B.10.; and

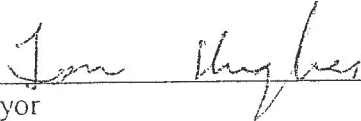
f.e. Subject to the applicable development regulations and design standards of the SCR-OTC District contained in Section 140, and the applicable standards of Sections 137 and 138, except that the restrictions of Section 140 that limit new residential construction to single family type dwellings shall not apply.

Section 2. Zoning Ordinance No. 1945, as amended, Section 140, Figure 5.2, is hereby amended to delete the depiction of the alley area in question as "Network Expansion (Future Right-of-way)," as shown in Exhibit B attached hereto.

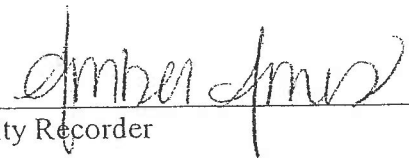
Section 3. Except as therein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

Passed by the Council this 19th day of August 2008.

Approved by the Mayor this 19th day of August 2008.



Mayor

ATTEST: 

City Recorder

EXHIBIT A

ZOA 1-08 HISTORIC ORENCO BLOCK 10 PRIVATE ALLEY

Findings in Support of Zoning Ordinance Amendment

1. The City of Hillsboro Planning Department requests an amendment to the Hillsboro Zoning Ordinance No. 1945, Volume II, Section 140.III.C.4, to delete subsection d. This portion of the Zoning Ordinance reads as follows:

4. *Lots 1, 2, 3, 4, 5 and 6 of Block 10, of the Orenco Townsite Plat, located south of Dogwood Street and between 230th and 231st Avenues, are included in the SCR-OTC District but shall be subject to the following special provisions. Further variance to these special provisions is prohibited. The named lots shall be:*

d. Required to construct and dedicate or provide a permanent public easement for an east-west alley connecting to 230th avenue in order to access the southern tier of lots. Such an alley shall not connect to 231st Avenue, except to permit egress by fire and emergency service vehicles;

The Planning Department staff proposes deletion of subsection d.

2. The Planning Department also requests amendment to Figure 5.2 of Section 140. This figure indicates the location of the alley described in this text, as "Network Expansion (Future R.O.W.)." Staff proposes a revision to remove the depiction of the alley from this figure. The proposed revised version of Figure 5.2 is attached as Exhibit B.
3. The Lots 1 through 6 of Block 10 referenced in the text of this section lie south of NW Dogwood Street, between NW 230th and 231st Avenues. In 2001-02, Lots 1 through 4 were each partitioned. At this time, the former Lots 1 through 4 now exist as tax lots 16800, 16900, 17000, 17100, 17200, 17300, 17400, 17500 of Washington County Assessor's Tax Map 1N2 34AC. Lots 5 and 6 are still intact and are identified as tax lots 1701 and 1700.
4. The distance between NW 231st Avenue and NW 230th Avenue is approximately 300 feet. The alley called for in subsection d and in Figure 5.2 would have created a connection to 230th Avenue to serve development on the southern portions of Lots 1 through 6.
5. The required public access alley was not created at the time Lots 1 through 4 were divided and transformed into tax lots 16800, 16900, 17000, 17100, 17200, 17300, 17400, and 17500, nor was it created during the subsequent development of duplex townhomes on these parcels.
6. Staff from the City Planning and Engineering Departments and the City's Public Affairs Manager met with the owners of tax lots 16800 through 17500 in January of 2008 to discuss the possibility of creating the public access alley, but consensus to create the alley was not reached.
7. Lots 5 and 6 of Block 10 have one existing single-family detached home each. Each lot has potential for construction of one additional home in its southern portion, pursuant to the standards of Section 140.III.C.4. However, the lack of the public access easement connecting to 230th Avenue; and the prohibition on residential access to 231st Avenue specified in subsection d, prevents the construction of an additional home on each of these two lots.

8. The City Public Works Director has determined that residential access onto NW 231st Avenue is permissible, provided it serves no more than two homes.
9. On February 13, 2008, the Hillsboro Planning Commission adopted Resolution No. 1655-P, initiating the amendment to the Zoning Ordinance. On March 26, 2008, the Planning Commission opened the hearing for Case File No. ZOA 1-08, accepted testimony, and continued the hearing to April 9, 2008, in order to allow the City to produce written documentation of the Public Works Director's approval for residential access onto NW 231st Avenue.
10. On March 26, 2008, Mitchell & Angela Denham, owners of tax lot 1701 (Lot 5) submitted an application for a two-parcel minor land partition (Case File No. MLP 3-08).
11. On April 9, 2008, the Planning Commission accepted further testimony regarding Case File ZOA 1-08, but continued the hearing a second time, to May 14, 2008 to allow time for the Planning Department to process the minor land partition application and to generate a formal decision with conditions which would document the City's approval for residential access onto NW 231st Avenue.
12. On May 12, 2008, Case File No. MLP 3-08 was granted preliminary plat approval and the notice of decision was mailed. The approval included conditions specifying approval for access onto NW 231st Avenue for no more than two homes.
13. On May 14, 2008, the Planning Commission again accepted public testimony, but continued the hearing a third time, to June 11, 2008. The continuance was deemed appropriate in order to allow completion of the appeal period for Case File MLP 3-08, and to ensure the decision and conditions would be final before proceeding with the Zoning Ordinance Amendment hearing.
14. On May 27, 2008, the appeal period for Case File No. MLP 3-08 expired, with no appeal submitted.
15. On June 11, 2008, the Planning Commission again accepted testimony regarding Case File No. ZOA 1-08. After deliberating, the Commission voted unanimously to forward Case File No. ZOA 1-08 to the City Council with a recommendation for approval.
16. The Hillsboro Planning Commission then directed Planning Department staff to return on June 25, 2008, with a resolution and findings in support of the Zoning Ordinance Amendment, and forwarding the issue to the Hillsboro City Council with a recommendation for approval.
17. On February 21, 2008, the City of Hillsboro sent the Notice of Proposed Amendment 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 public hearing on the matter. A copy of the Notice is included in the official public record.
18. Notice of the proposed amendment was published in the Hillsboro Argus on March 14, 18, and 21, 2008, pursuant to State and City requirements.

EXHIBIT B

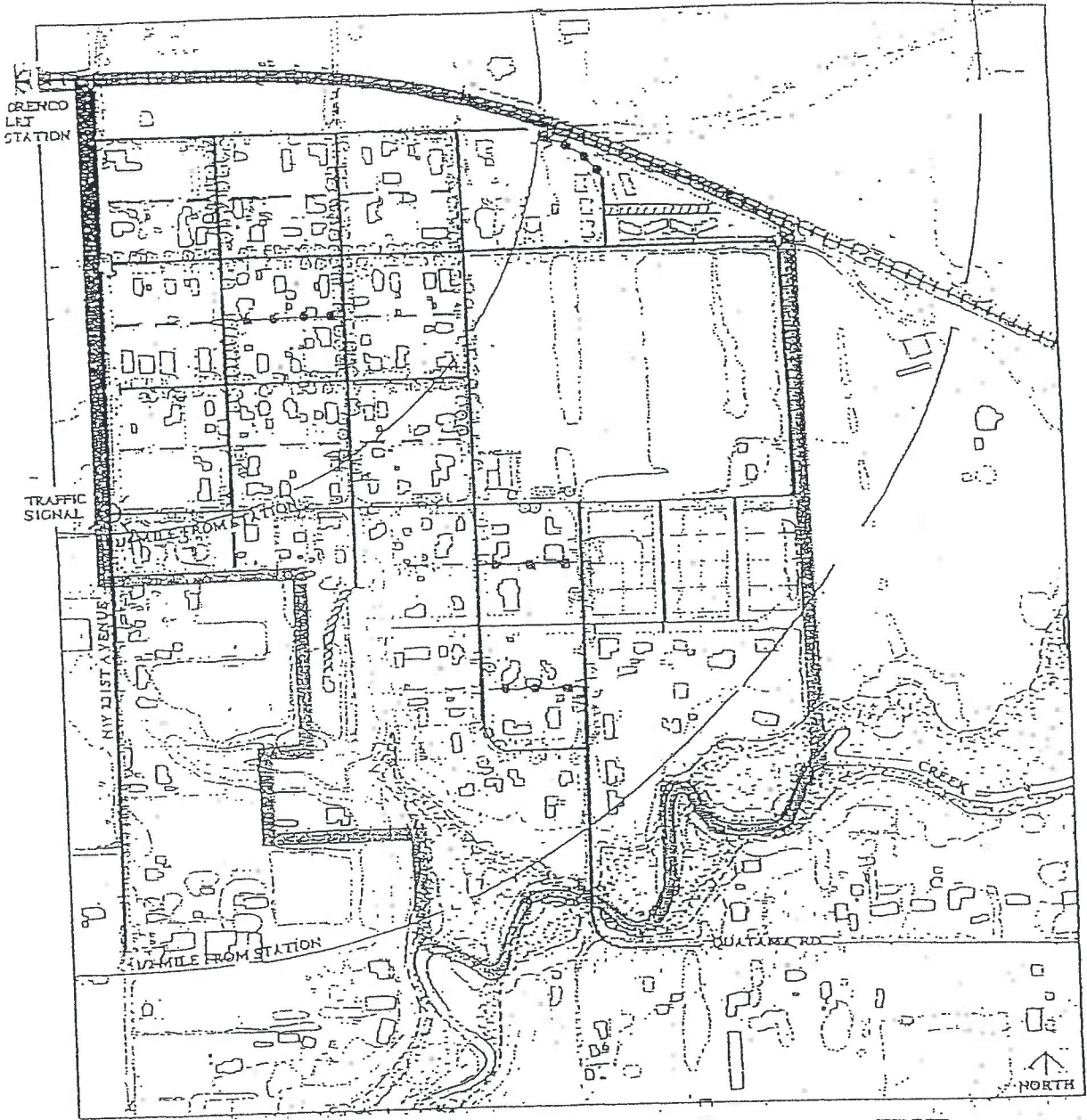
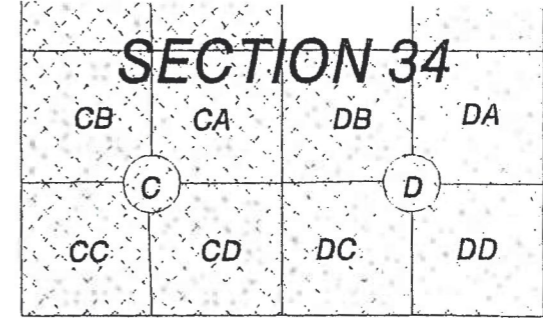
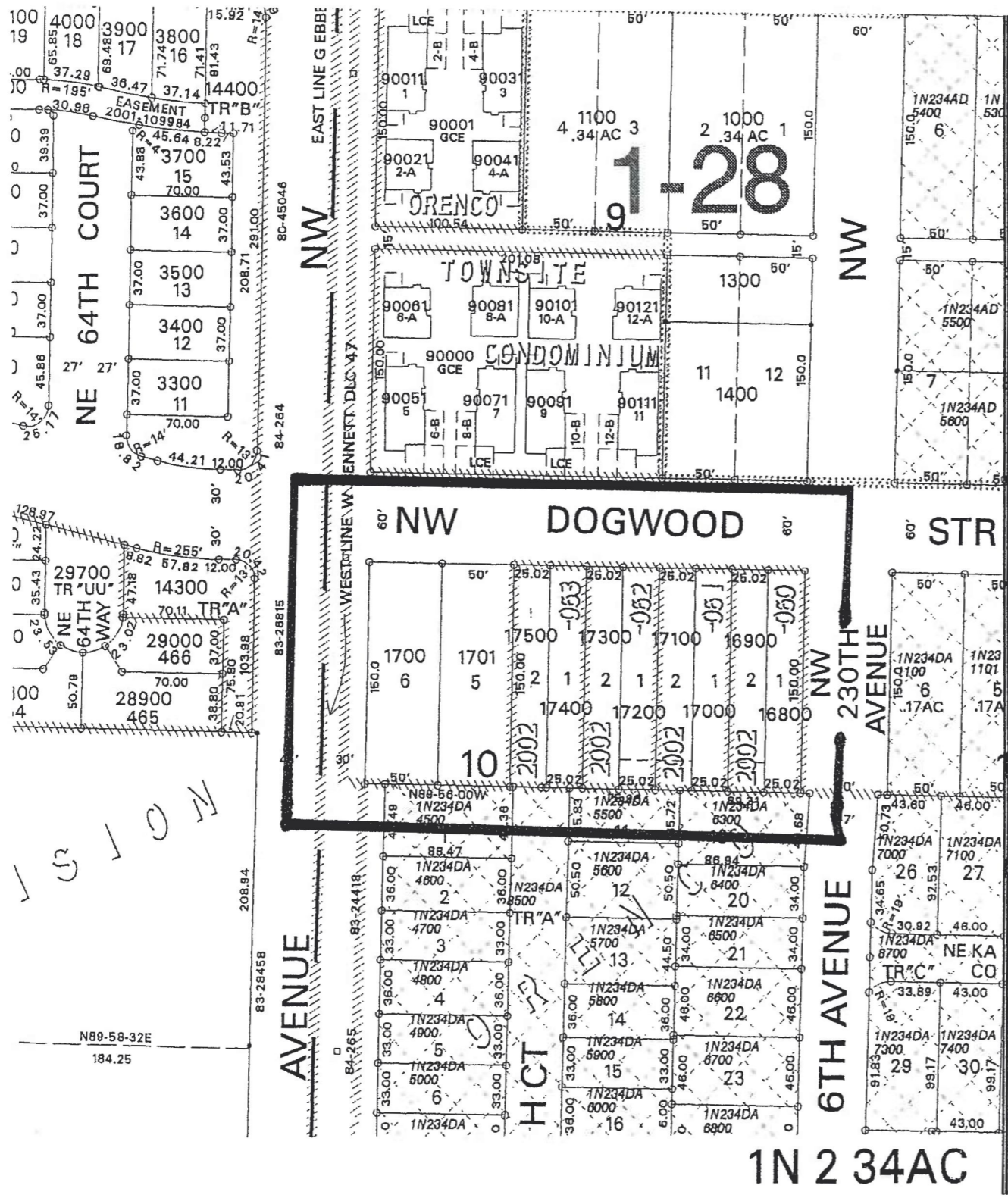


Figure 5.2: Street Network

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


SCR-OTC DISTRICT
 Orenco Station Community Planning Area

(Amended by Ord. No. 5591/1-06 and 5710/1-07)



Cancelled Taxlots For: 1N234AC
 1800,1801,1803,1804,1805,2000,2200,1807,1200,1201,1202,
 1203,1204,1205,1500,1600,1806,1808,

WASHINGTON COUNTY
 DEPARTMENT OF
 ASSESSMENT & TAXATION

JAN 02 2008

FOR ASSESSMENT PURPOSES
 ONLY - DO NOT RELY ON
 FOR OTHER USE

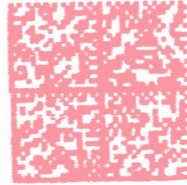
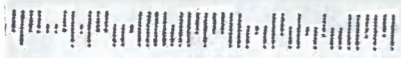


Assessment
 CARTOGRAPHY
 Taxation

PLOT DATE: December 27, 2006
 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
 1N 2 34AC



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\$01.340
 09/02/2008
 Mailed From 97123
US POSTAGE

First Class Mail

Planning Department
 150 E. Main Street, Fourth Floor Hillsboro OR 97123

CITY OF HILLSBORO



Attn: Plan Amendment Specialist
 Dept of Land Conservation &
 Development
 635 Capitol Street NE
 Suite 150
 Salem Oregon 97301

