



Oregon  
Theodore R. Kubongosi, 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

12/18/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment  
DLCD File Number 010-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, January 03, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Genny Bond, City of Hillsboro  
Gordon Howard, DLCD Urban Planning Specialist  
Anne Debbaut, DLCD Regional Representative

<paa> YA

**FORM 2****DLCD**

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

<b>DATE STAMP</b>	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	<b>DEPT OF</b>
	<b>DEC 14 2012</b>
	<b>LAND CONSERVATION AND DEVELOPMENT</b>
For Office Use Only	

Jurisdiction: **HILLSBORO**Local file number: **ZC 4-12**Date of Adoption: **11/21/2012**Date Mailed: **12/13/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/17/2012☐ 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".

ZONE CHANGE FROM COUNTY R-9 RESIDENTIAL TO CITY R-6 SINGLE FAMILY RESIDENTIAL AND CITY R-7 SINGLE FAMILY RESIDENTIAL. THE PROPERTY WAS ANNEXED INTO THE CITY OF HILLSBORO DURING AN INVOLUNTARY COUNTY ISLAND ANNEXATION PROCESS INITIATED IN DECEMBER, 2009 AND COMPLETED AUGUST 29, 2012.

Does the Adoption differ from proposal? Yes, Please explain below:

THE ORIGINAL REQUEST WAS TO APPLY R-6 SINGLE FAMILY RESIDENTIAL TO THE ENTIRE SITE. THE ADOPTED ORDER APPLIED R-7 SINGLE FAMILY RESIDENTIAL TO THE WESTERN PORTION OF THE SITE AND R-7 SINGLE FAMILY RESIDENTIAL TO THE REMAINDER OF THE SITE.

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **CO R-9 RESIDENTIAL**to: **R-6 AND R-7 SINGLE FAMILY RES.**Location: **1N227DC06600**Acres Involved: **5**Specify Density: Previous: **35-45**New: **29-36**

Applicable statewide planning goals:

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

35-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 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: **97123-4028**

E-mail Address:

## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18\***

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## ORDINANCE NO. 6041

### ZC 4-12: PAHLISCH

AN ORDINANCE CHANGING THE ZONING FOR A PROPERTY TOTALING APPROXIMATELY 5.00 ACRES FROM COUNTY R-9 RESIDENTIAL TO CITY R-7 AND R-6 SINGLE-FAMILY RESIDENTIAL.

WHEREAS, in December 2009 the City Council annexed 189 tax lots through an involuntary island annexation process pursuant to Ordinance No. 5905, and through that process applied a City Comprehensive Plan designation to all properties thus annexed; and

WHEREAS, the new owner of one of the properties involuntarily annexed in 2009 (Tax Lot 6600 on Washington County Assessor's Tax Map 1N2-27DC) recently requested application of City R-7 and R-6 Single-family Residential zoning for this 5.00-acre parcel to implement the underlying RL Low Density Residential City Comprehensive Plan designation; and

WHEREAS, the applicant has filed a separate application for a subdivision (Case File No. Subdivision 2-12, "Orenco Landing"), which also depicts the proposed boundaries for the R-7 and R-6 zones on the site, but allows for flexibility in development of each zone on the site in accordance with the dimensional standards of the applicable zone and not contingent upon approval or implementation of Case File No. Subdivision 2-12; and

WHEREAS, this application was scheduled and duly noticed for public hearing on November 8, 2012, at which time the Planning and Zoning Hearings Board, consisting of Ken Helm, James Maguire, and Brenda McCoy, "the Board," convened the public hearing to take testimony and evidence and to consider the application; and

WHEREAS, at the November 8 hearing, the Board received no written testimony prior to the hearing and only supportive testimony from the applicant's representatives; and

WHEREAS, at the conclusion of the November 8 hearing, the Board voted unanimously to approve the rezoning request as proposed in the City's application and analyzed in the November 1, 2012 staff report; and

WHEREAS, the City Council has reviewed and concurs with the findings of the Planning and Zoning Hearings Board as adopted in Order No. 4048, and adopts those findings attached as Exhibit "A" in regard to this matter; and

WHEREAS, based on those findings, the City Council hereby determines that the zone change conforms to the Hillsboro Comprehensive Plan and Zoning Ordinance and all other applicable criteria, and the particular zones recommended are the best suited for the subject site.



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

Section 1. The following property is hereby rezoned to R-7 and R-6 Single-family Residential in accordance with the concept subdivision plan attached herein within Exhibit A:

Tax Lot 6600 on Washington County Assessor's Tax Map 1N2-27DC  
Section 27, Township 1 North, Range 2 West, Willamette Meridian

Section 2. Approval of this zone change is not subject to conditions.

Section 3. The City Council decision in this matter is based on the findings attached as Exhibit A.


Section 4. The City Planning Director is hereby instructed to cause the official zoning map, a part of Ordinance No. 1945, to be amended to include the zone change set forth in Section 1 hereof, upon the effective date of this ordinance.

Section 5. Except as herein amended, Zoning Ordinance No. 1945, as amended, shall remain in full force and effect.

Section 6. This ordinance applies City zoning to a property which was previously annexed into the City of Hillsboro, and will allow development of the site in accordance with the City Comprehensive Plan. An emergency is declared. This ordinance is effective immediately upon its passage and approval by the Mayor.

Approval and adoption by the Council on this 4<sup>th</sup> day of December 2012.

Approved by the Mayor this 4<sup>th</sup> day of December 2012.

  
\_\_\_\_\_  
Jerry Willey, Mayor

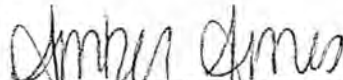
ATTEST:   
\_\_\_\_\_  
Amber Ames, City Recorder

EXHIBIT A

ORDER NO. 4048

ZONE CHANGE 4-12: PAHLISCH

AN ORDER OF THE HILLSBORO PLANNING AND ZONING HEARINGS BOARD  
APPROVING A ZONE CHANGE FROM COUNTY R-9 TO CITY OF HILLSBORO R-7  
AND R-6 ZONING

WHEREAS, Pahlisch Homes filed an application to change the zoning on a 5.00 acre parcel which had previously been annexed to the city but retained county R-9 designation. The application proposes to rezone part of the parcel to R-7 (7,000 square foot minimum average lot size) and the balance of the parcel to R-6 (6,000 square foot minimum average lot size); and

WHEREAS, a house that is on the city's Cultural Resource Inventory, known as the Johnson-Belluschi House, will be retained; and

WHEREAS, the Planning and Zoning Hearings Board (the "Board") received the Planning Department staff report and supporting documentation, dated November 1, 2012; and

WHEREAS, the Board, consisting of Ken Helm, James Maguire and Brenda McCoy, held a duly-noticed public hearing on the application on November 7, 2012, to take testimony and evidence and consider the application, at which time the Board received testimony from the applicant, but no testimony in opposition, after which the Board closed the record and rendered a tentative oral decision to approve the proposal.

THE CITY OF HILLSBORO PLANNING AND ZONING HEARINGS BOARD  
ORDERS AS FOLLOWS:

Section 1. Based on the testimony and evidence in the record, the Planning and Zoning Hearings Board hereby approves the zone change application request of Pahlisch Homes to rezone the subject property from county R-9 designation to city R-7 and R-6 zoning at the following location:

Tax Lot 6600 on Tax Map 1N2-27DC.

Section 2. The Planning and Zoning Hearings Board decision in this matter is based on the findings attached as Exhibit A.

Section 3. This order takes effect immediately upon approval.

Approved this 21<sup>st</sup> day of November, 2012.

By: Kenneth D. Helm  
Kenneth D. Helm, Hearings Officer

Board Member Action:

Agree/Object

Date:

Brenda McCoy  
Brenda McCoy

agree

Nov. 20, 2012

James Maguire  
James Maguire

AGREE

21 NOV 12

EXHIBIT A  
(Findings)

The Planning and Zoning Hearings Board (the "Board") incorporates herein by this reference and adopts as its own, the summary and analysis of the approval criteria set forth in the November 1, 2012 Staff Report. In addition, the Board adopts the following findings:

1. The City complied with all required notice and hearing procedures for the Board's November 7, 2012 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 Genny Bond provided a verbal summary of the November 1, 2012 Staff Report, described the proposal, the history of the subject property, and generally discussed the significant issues relative to the approval criteria. The applicant provided a brief presentation in support of the application. One member of the public requested that large trees located on the subject property be retained. The Board closed the record at the conclusion of the November 7, 2012 hearing, deliberated and reached a tentative decision to recommend approval of the proposed zone change.





November 1, 2012

**STAFF REPORT**

TO: Planning & Zoning Hearings Board  
FROM: Planning Department  
RE: Request for Approval of a Zone Change  
Case File No. Zone Change 4-12: Pahlisch

**REQUEST**

This is a property owner-initiated request to change the zoning on a property from a County designation to City zoning. The purpose of the zone change is to implement the city's Comprehensive Plan designation with city zoning, to allow for development of the property. The applicant originally proposed the R-6 Single-family residential zone for the entire property, which was reflected in the public notice issued for the November 7, 2012 public hearing; however, following issuance of the public notice, the applicant revised the proposal to apply the R-7 Single-family residential zone to the western portion of the site.

**PROPERTY DESCRIPTION**

The site is identified as Tax Lot 6600 on Washington County Assessor's Tax Map 1N227DC, and is addressed as 6091 NE Cornell Road. The subject parcel was annexed into the city limits earlier this year, pursuant to the provisions of Ordinance No. 5905 adopted by City Council in 2009. The subject site was part of the "involuntary island annexation process," undertaken by the City in order to eliminate discrepancies regarding provision of urban services to properties within the city limits boundary. The ordinance specified a mandatory three-year delay for annexation to take effect, but stipulated an immediate effective date upon a change of ownership for any island annexation property. In this case, the property in question changed ownership in 2012, and the new owner requested the completion of the annexation process for the site.

The site is five acres, and is vacant except for a house, in-ground pool, and two outbuildings, all of which are clustered on the west edge of the site, near the stub of NE Stile Drive. The house and its yard areas are framed by rows of mature trees including sequoia and various deciduous species. The entire western property line of the site is lined with mature evergreen and deciduous trees. The site currently has access to NE Cornell Road via an existing driveway across a separate tract to the south, which is not part of the subject property and is under other ownership.

The house on the site is included on the city's Cultural Resource Inventory (CRI). It is known locally as the Johnson-Belluschi House, named for the property owner who originally commissioned the house, and for the architect who designed it. The house was constructed in 1951. According to information in the record, the house and carport were designed by architect Pietro Belluschi, for property owner E.H. Johnson. (Belluschi is a significant figure because he was internationally recognized for his work, including the Northwest Regional style. According to information in the record, Belluschi's later

accomplishments include his term as dean of the MIT School of Architecture, and service on panels, juries, and advisory commissions such as the National Fine Arts Commission.)

The applicant has two other land use applications currently on file with the city:

- Case File No. CRA 3-12 is a proposal for a Cultural Resource Alteration, to remove the carport from the existing house in order to accommodate a draft subdivision lotting pattern. That application is scheduled to be heard by the Historic Landmarks Advisory Committee on November 5, 2012, with a hearing before the Planning Commission to follow at a later date. **NOTE:** As of the time of completion of this staff report, the applicant had revised the application to retain the carport and dispense with construction of the new garage. The revision was in response to findings and recommendations from an historic preservation consultant retained by the City, concluding that removal of the carport and construction of the new garage would significantly compromise the historic character and integrity of the Johnson-Belluschi House. These findings also reflect comments received from a Hillsboro citizen, opposed to the proposed removal of the carport. In response, the applicant revised the proposal, will retain the carport, and has also revised the tentative subdivision plan to reflect preservation of the house and its carport. The revision of the CRA application is in part the reason the applicant has revised the zone change proposal to apply the R-7 zone along the western portion of the site.
- Case File No. Subdivision 2-12 is a proposal for a 28-lot single-family residential subdivision. This application has not yet been deemed complete and additional information has been requested of the applicant. (No public hearing will be scheduled for the subdivision application until it has been deemed complete.) This subdivision plan was drawn based on the original proposal for R-6 zoning across the entire site, and is currently being revised to reflect the change to retain the carport as part of the Johnson-Belluschi House and the application of the R-7 zoning across the western portion of the site. The subdivision plan will be contingent upon approval of the proposed R-7 and R-6 zoning.

No Significant Natural Resource Overlay or 100-year floodplain areas are identified on the subject property, according to the city's resource maps.

#### DESCRIPTION OF SURROUNDING AREA

Area	Plan	Zoning	Land Uses
North	SCPA Station Community Planning Area	SCR-V	Single-family detached residential
South	SCPA Station Community Planning Area	SCR-V	Commercial
West	RL Residential – Low Density	R-10	Single-family detached residential
East	SCPA Station Community Planning Area	SCR-V	Single-family detached residential

#### PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City	6"	NE Stile Drive	Adjacent (W)
Sanitary Sewer	City	8"	NE Stile Drive	Adjacent (W)
Storm Sewer	City	10"	NE Stile Drive	300' (W)



**TRANSPORTATION**

Streets	Existing		Plan Designated	
	R-O-W	Improvement	R-O-W	Improvement
NE Stile Drive	60'	28'	60'	28'
Sidewalk Improvements	Existing		Plan Designated	
NE Stile Drive	5'		5'	
Mass Transit	Bus Route and LRT		Distance to Site	
	#48		700'	
Bicycle Lane	Existing		Plan Designated	
NE Stile Drive	None		None	

**APPLICABLE PLAN POLICIES**

Cited below are the Hillsboro Comprehensive Plan policies most applicable to this request:

*Section 2 - Urbanization, Implementation Measures A(5) - The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.*

*Section 2 – Urbanization, Implementation Measures (I) - Use of services available in the Hillsboro Planning Area will be maximized through the encouragement of new development at maximum densities prescribed by the applicable Comprehensive Plan/land use ordinance, and through the infilling of partially developed areas. The social and aesthetic impact of poorly designed development increases with density. Consequently, development proposals above the minimum prescribed density of the applicable zone must demonstrate outstanding compliance with any applicable objective development standards and design guidelines adopted by the City Council or the Planning Commission.*

*Section 2 – Urbanization, Implementation Measures (J) Land uses identified by the Comprehensive Plan Land Use Map have been determined to be the most suitable needed by the City. To meet the burden of proof for a proposed zone change, it is both necessary and sufficient to show that the proposed zone is consistent with and represents the highest use allowed by the Comprehensive Plan Land Use Map, and in the case of zone changes in residential areas, the proposed zone shall allow development of housing at a density within the range designated by the Land Use Map. In addition, the City may attach clear and objective conditions to the zone change provided such conditions are consistent with the Comprehensive Plan, the Zoning Ordinance and other rules and policies regulating development in the City.*

*In developed areas where existing uses and zoning are not consistent with the highest use under the Comprehensive Plan Land Use Map, an "incremental" zone change, which would allow development opportunity at the highest Plan use, shall be required prior to further redevelopment.*

*Section 2 – Urbanization, Implementation Measures (M) - The land use map shall designate property in the Hillsboro Planning Area as Low, Medium, High, or Mid-Rise Residential, Mixed-Use, Mixed-Use Urban Residential, Mixed-Use Urban Commercial, Mixed-Use Urban Employment, Mixed-Use Institutional, Commercial, Industrial, Open Space, Floodplain, Public Facility or Station Community*



Planning Area. The land use map may also designate the boundaries of Hillsboro “community plan” areas. [...]

*Residential land outside Station Community Planning Areas shall be designated Low, Medium, or High density, or Mid-Rise Residential, so as to provide the opportunity for an overall density of 10 units per net acre, and a 50% detached single family / 50% attached single family or multi-family split on new construction.*

Section 3 – Housing, Policies (B) - A variety of housing units shall be encouraged throughout the planning area for households of all incomes, ages and living patterns. Such housing should include, but not be limited to, single-family residences, accessory dwellings, duplexes, apartments, attached single-family residences, co-op housing, condominiums, townhouses and manufactured housing. Specific locations for each type of housing shall be consistent with the comprehensive plan map and zoning map. Each type of housing should be available at various prices and rents in order to maximize housing choices of the public.

Section 3 – Housing, Policies (C) - Housing in the planning area shall be designed and constructed in a manner that assures safe, healthy and convenient living conditions for the community’s citizens. Residential projects shall be designed to promote a diverse, pedestrian-scale environment; respect surrounding context and enhance community character; consider security and privacy; and provide usable open space. Construction shall be sound, energy-efficient, and of a quality that assures a reasonable structural life and attractive appearance with normal maintenance. To apply this policy, the City may adopt development standards and design guidelines to be used in evaluation of residential projects through the subdivision, planned unit development, or development review process.

Section 3 – Housing, Policies (D) - The provision of housing of various types and prices/rents and developments which provide for an efficient and compatible mix of housing types shall be encouraged. This will increase the choice of housing and will act to disperse housing types throughout the planning area in developments of design and construction consistent with policy (C) of this Section.

Section 3 – Housing, Policies (E) - In order to promote home ownership and to increase efficient land use, developments with lots less than 7,000 square feet shall be allowed when specifically authorized by the Zoning Ordinance. Because the social and aesthetic impact of poorly designed residential developments increases with density, such developments shall be of a quality and design which effectively offsets increases in density and/or smaller lots and through provisions of usable open space as well as other amenities.

Section 3 – Housing, Policies (K) - The development of housing designed to meet the needs of senior citizens shall be encouraged, particularly in areas close to downtown, shopping, public transportation, medical and other similar facilities.

Section 3 – Housing, Policies (L) - New residential areas shall have water, sewers, storm drainage, street lights and underground utilities. In addition, new residential areas shall have paved streets, curbs, and pedestrianways; and where site conditions are favorable to stormwater infiltration, the use of vegetated stormwater management facilities, pervious pavement and similar “green streets” elements is encouraged where technically feasible and appropriate. The provision of such services in older residential areas shall be encouraged. (Amended by Ord. No. 5728/3-07)

Section 3 – Housing, Policies (M) - The development of housing shall allow for the retention of lands for open space and recreation within the planning area, encourage the preservation of trees within developments where possible, and be consistent with goals and policies of this Plan.

Section 3 – Housing, Policies (O) - Residential areas should be designated to avoid incompatible commercial, industrial and other uses, but criteria should not be so restrictive as to create large, exclusively residential areas that deprive their residents of convenient access to necessary commercial, cultural and transportation facilities.

Section 6 – Natural Resources, Open Space, Scenic and Historical Sites, Policies (C) - Identification and management of cultural resources promotes public awareness and appreciation of the community's history; advances community pride and identity; contributes to the community's economy; enhances local property values, identifies conflicts that can arise between preservation of cultural resources and alternative land uses, and provides means through which such conflicts can be mitigated.

Section 6 – Natural Resources, Open Space, Scenic and Historical Sites, Policies (C)(1) - The City shall work closely with the State Historic Preservation Office, the Washington County Museum, Hillsboro Historical Society, property owners and all interested parties to encourage the preservation of cultural resources within the planning area by educating property owners and the public about the appropriate methods of restoration, rehabilitation and reuse of cultural resource sites.

Section 6 – Natural Resources, Open Space, Scenic and Historical Sites, Policies (C)(5) - The City shall endeavor to develop financial and other incentives to encourage property owners to restore, maintain, or adaptively reuse their cultural resource sites.

Section 7 – Air, Water and Land Resource Quality, Policies (A) - The City shall discourage total dependence on auto transportation by promoting and encouraging less polluting transportation including, but not limited to, local transit, bicycling and walking, and by providing for convenience commercial and service centers in or near residential areas.

#### **APPROVAL CRITERIA**

Zoning Ordinance No. 1945, Section 114 (2) specifies the approval criteria for a proposed zone change as follows:

- a. That the request must conform with the Hillsboro Comprehensive Plan and this Ordinance;
- b. That, where more than one designation is available to implement the Comprehensive Plan designation (e.g. R-7 vs. R-10), the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.

Section 114(1) of the Zoning Ordinance lists conditions which may be attached to a zone change approval:

- a. Street improvements within and/or abutting the development;
- b. Street dedication within and/or abutting the development;

- c. Joint use/access agreement;*
- d. Improvement agreements for the installation of necessary on-site public facilities;*
- e. Utility easements;*
- f. Landscaping;*
- g. Off-street parking;*
- h. Storm drainage easements;*
- i. Off-site public improvements when the rezoning and subsequent development will contribute significantly to the need for such off-site improvements;*
- j. Development plan review by the Planning Commission;*
- k. Screening and/or fencing;*
- l. Limiting access;*
- m. Surety or performance bonds;*
- n. non-remonstrance clauses.*

#### **PUBLIC COMMENTS RECEIVED**

No comments were received for this case file prior to completion of this staff report.

#### **KEY ISSUES**

Key issues for this application are the criteria for approval of a zone change stated under HZO Section 114(2). These criteria require that the proposal be in conformance with the comprehensive plan and with the HZO. The comprehensive plan specifies the zones which implement each plan designation, and provides the policies which guide the determination of which zones are best suited to the site.

In this case, the site is designated RL Residential – Low Density on the Comprehensive Plan map. There are four zones which implement the RL designation, all of which are single-family residential:

R-10 Residential Single-family, 10,000 square foot minimum average lot size

Min. density: 3.50 dwelling units/net acre

Max. density: 4.35 dwelling units/net acre

R-8.5 Residential Single-family, 8,500 square foot minimum average lot size

Min. density: 4 dwelling units/net acre

Max. density: 5 dwelling units/net acre

R-7 Residential Single-family, 7,000 square foot minimum average lot size

Min. density: 5 dwelling units/net acre

Max. density: 6.25 dwelling units/net acre

R-6 Residential Single-family, 6,000 square foot minimum average lot size

Min. density: 6 dwelling units/net acre

Max. density: 7.5 dwelling units/net acre

The applicant proposes two zones for the site: the R-7 zone along the western portion bordering the R-10 development to the west; and the R-6 zone for the remainder of the site. Both zones are consistent with the Comprehensive Plan because they are two of the four zones which implement the RL Residential – Low Density plan designation.



HZO Section 20A specifies that the R-6 zone is restricted to the areas identified as Urban Area B and Urban Area C in the Urban Planning Area Agreement between Hillsboro and Washington County, adopted on December 28, 1983. The subject parcel lies inside the western boundary of Urban Area B of the Urban Planning Area Agreement (see attached). Thus, the R-6 zone is consistent with the HZO because the R-6 zone is allowed on the subject site.

With regard to HZO Section 114(2)b, this is the question of whether or not the applicant has justified that the proposed zones are the “best suited for the specific site” compared to the other zones possible under the Comprehensive Plan designation. The Comprehensive Plan policies are numerous and varied, and most are implemented at the time of site development. The policies applicable to zone changes include consideration of compatibility with surrounding property, provision of varieties of housing types, and preservation of trees and open space.

Various factors affect the discussion of whether the R-6 and R-7 zones are the best suited for this site:

- The site borders the SCR-V Station Community Residential – Village zone to the north, south and east. The bordering single-family homes are on relatively small lots (3,300 to 3,800 square feet);
- To the south, the site borders on the parking lot for the nearby retail and condominium developments;
- To the west, the site borders on the Sunset Downs subdivision, zoned R-10, with lots 10,000 square feet and larger;
- The house on the subject site is on Hillsboro’s Cultural Resource Inventory, and the applicant’s proposed development of the site would place the house, carport, and much of its lot within the R-7 zone;
- The site includes attractive stands of large trees, including sequoias, maples, and oaks, at its center and along its west boundary.

In staff’s view there is no single obvious zone which is best suited for this site, because of the above factors. The applicant’s proposal appears to be appropriate because it will result in smaller lots where the site borders on the SCR-V zone and the parking lot, but larger lots along the west edge of the site where it borders on the R-10 zone. The applicant mentions in the addendum dated November 1, 2012, that the R-7 zone is now proposed along the western edge of the site partially in response to staff’s suggestion that this would provide a more suitable transition to the R-10 zone lots to the west, and partially due to the presence of the historic house on the site and the apparent need for the house to be preserved in its entirety on a relatively large lot.

The original application materials include a traffic impact study which focuses on the originally proposed R-6 zoning for the entire site. The study includes findings that the R-6 zone would not significantly affect traffic on the surrounding streets, and would generate less traffic than if the site were developed under the existing County R-9 designation. The site has only one street connection: NE Stile Drive, which stubs to the western edge of the subject site. Unfortunately, no other access options were set in place when properties to the north, east and south were developed. Although there are shared driveways bordering all three edges of the site, none is encumbered with a public access easement which would allow access from future development of the subject site. However, the traffic impact analysis provided by Lancaster Engineering concludes that the R-6 zoning on the site would not result in significant impacts to the operation of area streets.

The applicant's revised proposal to apply the R-7 zone to the western portion of the property does not affect the findings or conclusions of the traffic impact study, as the R-7 zone will result in fewer lots on the site, thus less traffic than projected in the study.

Because of these factors, staff concurs with the applicant's proposal to apply the R-7 zone to the western portion of the property, and the R-6 zone to the remainder of the site.

#### Additional Note About Traffic

NE Brighton Street terminates to the southeast of the subject property. Typically, when a subdivision is proposed on site such as this, the city would require that streets interconnect between neighborhoods, to avoid dead-end streets, improve traffic flows on the neighborhood streets, and reduce the numbers of connections onto the arterial streets. However, in this case, Brighton Street has only a narrow point of contact with the site, so it will not be possible for the applicant to extend the street through to connect with Stile Drive at the west. However, the applicant's consultant, Lancaster Engineering, has provided a memo assessing the potential impacts if it were possible to connect Stile Drive through to the east; the consultant concludes that a through-street would result in more east-bound cut-through traffic from the existing subdivision to the west, using Stile Drive to reach the commercial development in Orenco. Staff agrees with the consultant's conclusion that the result of such a connection would be more traffic on Stile Drive than would be caused by the subdivision alone.

#### FINDINGS

1. The subject property is designated RL (Residential - Low Density) on the city's Comprehensive Plan Map.
2. The subject property was annexed into the city earlier this year. The property was part of the city's "Island Annexation" process which commenced in 2009. An island tax lot is a County property surrounded by City properties, and the process was undertaken in order to remove confusion and conflicts among service providers. On December 15, 2009 the City Council adopted two annexation ordinances for island tax lots, one for those property owners voluntarily participating in the annexation process, and one for those who did not participate voluntarily. The owner of the subject property at that time was part of the latter group.

The involuntary island annexation ordinance annexed 189 island tax lots into the City with an effective date three years from the date of approval, December 15, 2012. The Oregon Revised Statute (ORS) 222.750(5) required the minimum three year delay, however, ORS 222.750(6) also allows the delay to be waived upon transfer of ownership. The new owner of the subject parcel notified the city of the change in ownership earlier this year and requested that the annexation be finalized. The annexation became effective on August 29, 2012.

The owner now proposes city zoning for the property, to accommodate a development plan which is being processed through a separate land use application (Case File No. Subdivision 2-12). City zoning must be adopted for the property before it can be developed, because the City does not have direct authority to administer County zones.

3. The site is designated RL (Residential – Low Density) on the city's Comprehensive Plan. Four zones implement this designation:



R-10 Residential Single-family, 10,000 square foot minimum average lot size

Min. density: 3.50 dwelling units/net acre

Max. density: 4.35 dwelling units/net acre

R-8.5 Residential Single-family, 8,500 square foot minimum average lot size

Min. density: 4 dwelling units/net acre

Max. density: 5 dwelling units/net acre

R-7 Residential Single-family, 7,000 square foot minimum average lot size

Min. density: 5 dwelling units/net acre

Max. density: 6.25 dwelling units/net acre

R-6 Residential Single-family, 6,000 square foot minimum average lot size

Min. density: 6 dwelling units/net acre

Max. density: 7.5 dwelling units/net acre

The applicant proposes the R-7 zone for the western portion of the site, and the R-6 zone for the remainder. The applicant provided findings to address the applicable provisions of the Comprehensive Plan on page 3-17 of the written narrative, and of the Zoning Ordinance on pages 17-19; these findings were specific to the applicant's original proposal for R-6 zoning across the entire site. The applicant has provided an addendum dated October 31, 2012, addressing the proposed revision to apply the R-7 zone to the western portion of the site.

In short, the applicant states the R-6 zone is the best suited for the bulk of the site because it is comparable to the existing County R-9 designation in terms of development type and density it allows, and because it would provide a good transition between the large lot R-10 development to the west and the higher density SCR-V development to the north and east. In the addendum, the applicant adds that the R-7 zone is more appropriate for the western portion of the site in order to accommodate a relatively large lot around the historic Johnson-Belluschi House without modifications to the house or its carport; further, the R-7 zone allows for larger lots adjacent to the Sunset Downs R-10 zoned subdivision to the west.

4. The zone change application includes much reference to the applicant's proposed 28-lot subdivision proposed in a separate application (Case File No. Subdivision 2-12). Staff cautions that the draft subdivision plan should be considered only as an example of how the site might be developed under the proposed zoning. It is emphasized here that the subdivision is not part of this land use review, and must go through a separate review process.
5. The applicant has submitted a revised concept subdivision plan, attached to the memo dated November 1, 2012, entitled "Orenco Landing" (see Exhibit E to this staff report). This concept plan illustrates the applicant's proposed location for the R-7 zone on the site. The plan would allow for the development of lots along the west edge of the site in accordance with the minimum lot depth and width standards of HZO Section 17. This concept plan is an amendment to the plan currently on hold via Case File No. Subdivision 2-12. However, staff agrees that the proposed area for the R-7 zoning on the site does appear to be reasonable because it can allow



for a tier of R-7 lots along the west boundary in accordance with the dimensional standards of the zone, but isn't tied to the applicant's completion of that specific concept plan.

6. As of the date of completion of this staff report, no written comments had been received by the City regarding this proposed zone change.

#### **DEPARTMENTAL AND AGENCY COMMENTS**

The proposed zone change was routed and all departments and agencies responded that conditions would be set at time of development.

#### **RECOMMENDATION**

Should the Hearings Board choose to approve the requested zone changes to the R-6 and R-7 Single-family residential zones on the subject property, Planning staff recommends that the proposed R-7 zone be applied to the westerly portion of the site in accordance with the concept plan submitted by the applicant and attached as Exhibit E to this staff report.

Respectfully,

CITY OF HILLSBORO PLANNING DEPARTMENT

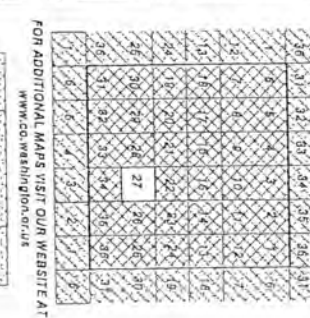
  
Genny Bond, Urban Planner III

#### **EXHIBITS**

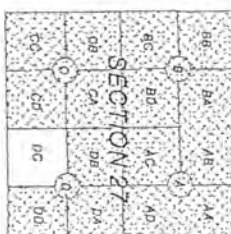
- A. Washington County Assessor's Tax Map
- B. Comprehensive Plan Map
- C. Zoning Map
- D. CWS Sensitive Areas Pre-Screen Map
- E. Applicant's proposed configuration of R-7 and R-6 on the subject site (revised tentative subdivision plan dated 11/1/12, entitled "Orenco Landing")
- F. Aerial Map



WASHINGTON COUNTY OREGON  
SW 1/4 SE 1/4 SECTION 27 T1N R2W W.M.  
SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[WWW.CO.WASHINGTON.GOV.US](http://WWW.CO.WASHINGTON.GOV.US)

[illegible]



**ASCO**  
**CARCINOGRAPHY**  
**T O X I C O L O G Y**

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

**PLOT DATE: May 30, 2006**

May cases observed by active VYR should be a total (matched  
 partners are by substance only and may not indicate the total  
 overall frequency) because of the possibility of multiple exposures  
 for the initial exposure information. Exposures may

HILLSBORO  
IN 227DC

ZONE CHANGE 4-12: PAHLISCH

## COMPREHENSIVE PLAN MAP



CITY OF HILLSBORO COMPREHENSIVE PLAN DESIGNATIONS

C	Commercial	RL	Low Density Residential (3-7 units per acre)	MU	Mixed Use
CO	County	RM	Medium Density Residential (8-16 units per acre)	MU-I	Mixed Use Institutional
FP	Floodplain	RH	High Density Residential (17-23 units per acre)	MU-UC	Mixed Use Urban Commercial
IN	Industrial	RMR	Mid-Rise Residential (24-30 units per acre)	MU-UE	Mixed Use Urban Employment
OS	Open Space	SCPA	Station Community Planning Area	MU-UR	Mixed Use Urban Residential
PF	Public Facility				

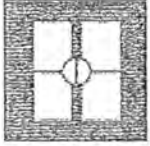
DISCLAIMER: This product is for information purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. SOURCE: Hillberry & Watson Data; Updated Weekly; Micro Data Updated Quarterly\*

City of Hillsboro Planning Department: (503) 681-6153

EXHIBIT B

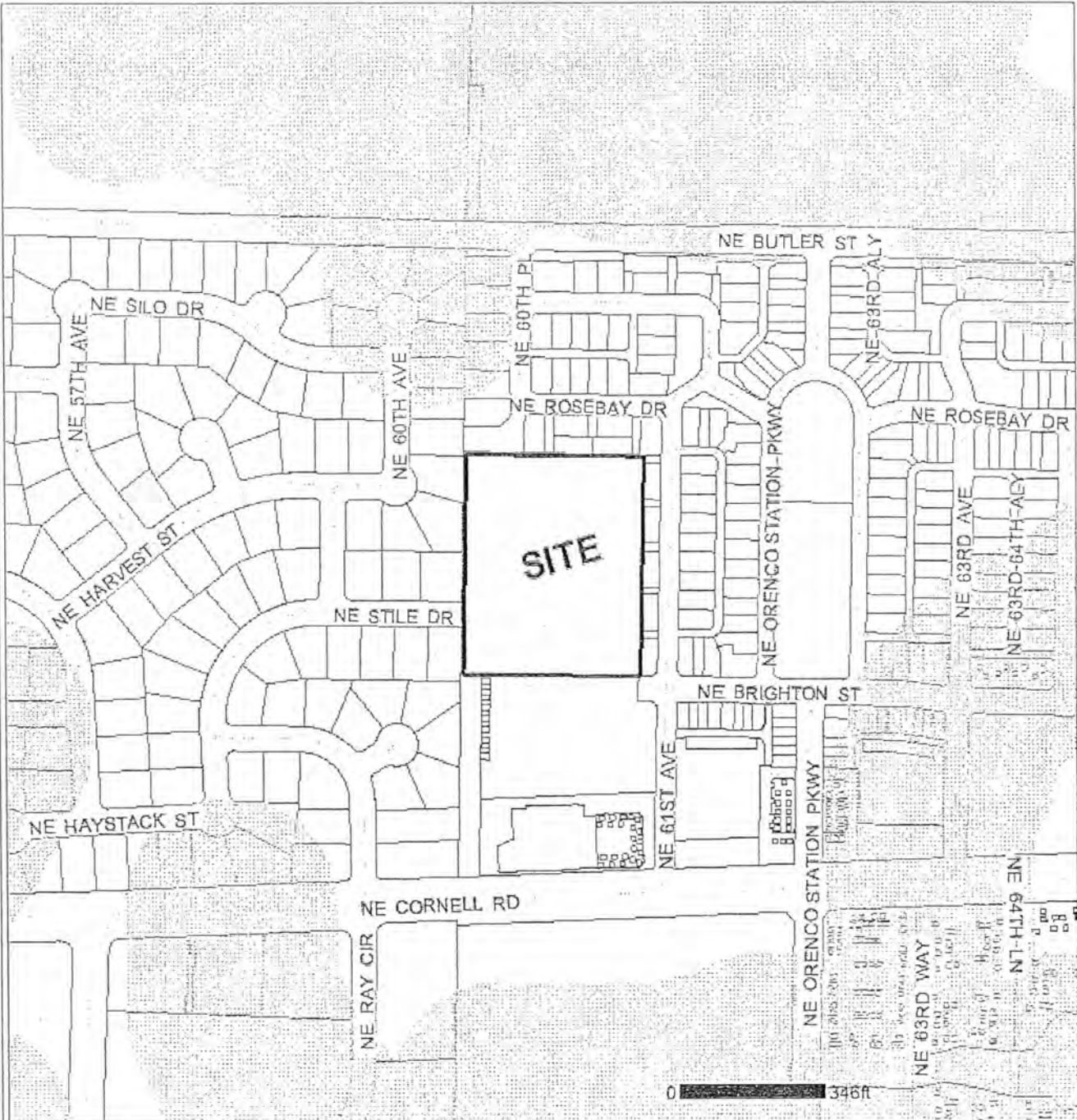






## ZONE CHANGE 4-12: PAHLISCH

CLEAN WATER SERVICES SENSITIVE AREA PRE-SCREEN  
MAP



CLEAN WATER SERVICES SENSITIVE AREA PRE-SCREEN MAP

☐ Taxlots

☐ Stream Buffers

DISCLAIMER: This product is for information purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. SOURCE: Hillsboro & WaCity Data: Updated Weekly, Metro Data Updated Quarterly

City of Hillsboro Planning Department: (503) 681-6153

EXHIBIT D





# ORENCO LANDING

REQUIRED OPEN SPACE:  
0 AC. SITE x 0.5 = 0.5 AC. = 10,890 SF  
ACTUAL OPEN SPACE:  
10,967 SF  
AVERAGE LOT SIZE OF LOTS 1, 18, 19, 20, AND 21 (ZONE 1)  
9,785 SF

RECEIVED

NOV 01 2012

CITY OF HILLSBORO  
PLANNING DEPARTMENT

EMERIO  
Designer

8107 SW MURRAY BLVD, SUITE 147  
BEAVERTON, OREGON 97008  
PH: (503) 515-5528

Revised: Oct 14, 2011 - 4:15pm. P:\100-001\Drawings\100-001-010.dwg

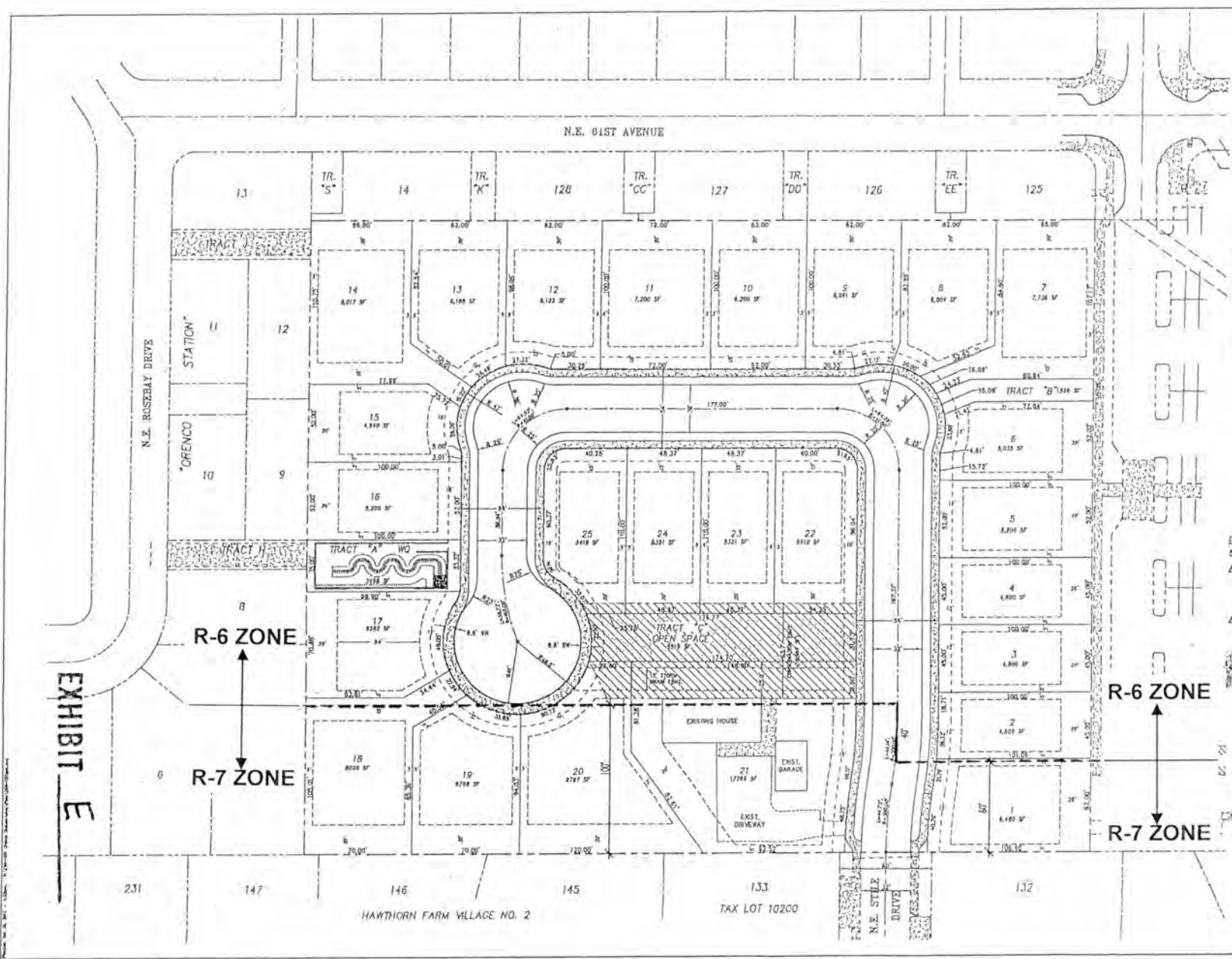
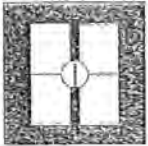


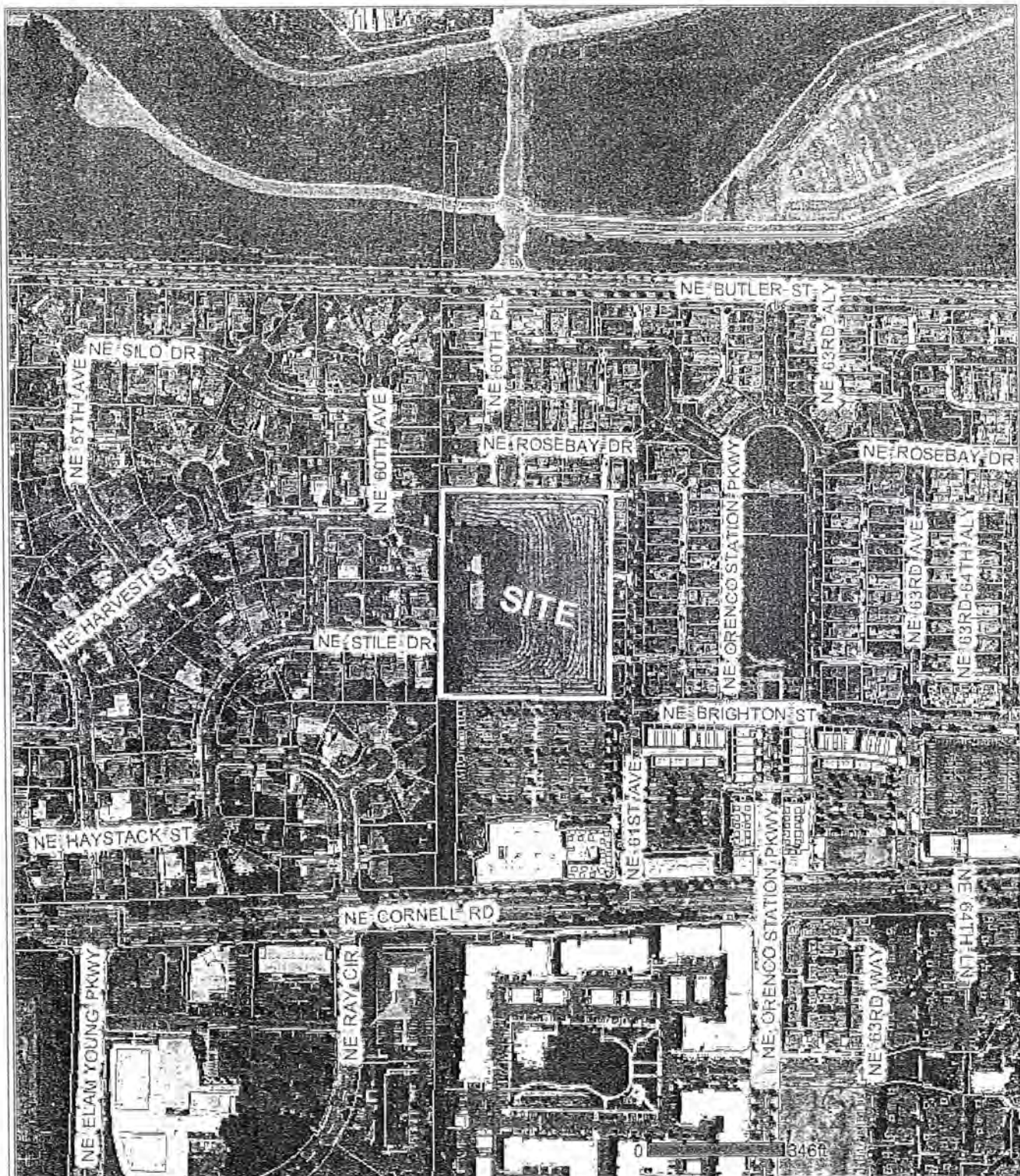
EXHIBIT E





## ZONE CHANGE 4-12: PAHLISCH

AERIAL PHOTOGRAPHY MAP





FIRST • CLASS

FIRST • CLASS

FIRST • CLASS

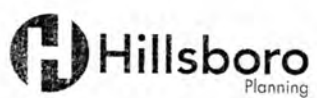
FIRST • CLASS

FIRST • CLASS



049J82035275  
\$01.700  
12/13/2012  
Mailed From 97123  
US POSTAGE

# First Class Mail



Planning Department | 150 E. Main St. | Hillsboro, OR 97123

DEPT OF

DEC 14 2012

LAND CONSERVATION  
AND DEVELOPMENT

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

FIRST • CLASS

FIRST • CLASS

FIRST • CLASS

FIRST • CLASS