NOTICE OF ADOPTED AMENDMENT

09/16/2013

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 007-13

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: Tuesday, October 01, 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: Jennifer Wells, City of Hillsboro
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA
Notice of Adoption

Jurisdiction: HILLSBORO
Date of Adoption: 9/3/2013
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☑ Yes ☐ No
Comprehensive Plan Text Amendment ☐
Comprehensive Plan Map Amendment ☑
Land Use Regulation Amendment ☐
Zoning Map Amendment ☑
New Land Use Regulation ☐

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

Owner initiated zone change from R-7 SF Residential to A-1 Duplex Residential. The current zoning for these properties is out of compliance w/ the current Comprehensive Plan designation: RM Medium Density Residential as it does not implement the RM density range of 8-16 units/net acre. The proposed application of A-1 zoning with minimum density of 11 units/net acre and a maximum density of 16 units/net acre would bring these properties into compliance with the RM Comprehensive Plan Designation.

Does the Adoption differ from proposal? No, no explanation is necessary.

Plan Map Changed from: N/A to: N/A
Zone Map Changed from: R-7 SINGLE FAMILY RES to: A-1 DUPLEX RESIDENTIAL
Location: 1N231BB01900, 2000, 2200, 2300 and 2400
Acres Involved: 3
Specify Density: Previous: 5 – 6.25/net acre
New: 11 – 16/net acre

Applicable statewide planning goals:

Was an Exception Adopted? ☐ YES ☑ NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 007-13 (19841) [17601]
35-days prior to first evidentiary hearing?  
If no, do the statewide planning goals apply?  
If no, did Emergency Circumstances require immediate adoption?

☑ Yes ☐ No
☑ Yes ☐ No
☑ Yes ☐ No

DLCD file No.__________________________________________
Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Washington County

Local Contact: RUTH KLEIN  Phone: (503) 681-6465  Extension: 
Address: 150 E MAIN STREET  Fax Number: 503-681-6245
City: HILLSBORO Zip: 97123-  
RUTH.KLEIN@HILLSBORO-OREGON.GOV  E-mail Address:

AUDITION 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.
ORDINANCE NO. 6060

ZONE CHANGE 4-13: HOMESTEAD DEVELOPMENT

AN ORDINANCE CHANGING THE ZONING FROM HILLSBORO R-7 SINGLE FAMILY RESIDENTIAL TO A-1 DUPLEX RESIDENTIAL, FOR FIVE PARCELS TOTALING 3.98 ACRES.

WHEREAS, Homestead Development filed an application for zone change for five lots identified as Tax Lots 1900, 2000, 2200, 2300, and 2400 on Washington County Assessor’s Tax Map 1N2-31BB. The purpose of the zone change is to implement the City’s Comprehensive Plan Designation of Medium Density Residential with an appropriate City zone; and

WHEREAS, the property is designated RM Medium Density Residential on the City’s Comprehensive Plan Map. The City has two zones that implement the RM Comprehensive Plan designation in this area: A-1 Duplex Residential and R-4.5 Single Family Residential. The A-1 zone has a minimum density of 11 dwelling units per net acre and a maximum density of 16; and

WHEREAS, the Planning and Zoning Hearings Board (the “Board”) received the Planning Department Staff Report and supporting documentation, dated June 19, 2013; and

WHEREAS, the Board, consisting of Ken Helm, Walter Hellman, and Drake Hood, held a duly-noticed public hearing on the application on June 27, 2013, to take testimony and evidence and consider the application, at which time the Board received testimony from the applicant only, after which the Board closed the record and rendered a tentative oral decision to approve the proposal.

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

Section 1. The following properties are hereby rezoned from City R-7 Single Family Residential to City A-1 Duplex Residential:

| Tax Lots 1900, 2000, 2200, 2300, and 2400 on Washington County Assessor’s Tax Map 1N2-31BB, Section 31, Township 1 North, Range 2 West, Willamette Meridian |

A copy of the tax map 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. Approval of this zone change is conditioned upon the applicant’s satisfactory completion or compliance with the conditions set forth in Exhibit B.
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 shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 20th day of August 2013.

Second approval and adoption by the Council on this 3rd day of September 2013.

Approved by the Mayor this 3rd day of September 2013.

Jerry Wilsey, Mayor

ATTEST: Amber Arnes, 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 June 19, 2013 Staff Report. In addition, the City Council adopts the following findings written by the Planning and Zoning Hearings Board (Board):

1. The City complied with all required notice and hearing procedures for the Board’s June 27, 2013 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 June 27, 2013 hearing, Planner Ruth Klein provided a verbal summary of the June 19, 2013 Staff Report, described the proposal, and generally discussed the significant issues relative to the approval criteria. The applicant provided a presentation in support of the application.

3. Responding to questions from the Board, Ms. Klein explained that the total number of dwelling units for the five tax lots would be capped at 34. Board member Hood asked how those 34 dwelling units would be allocated among the five tax lots and whether the Board’s decision could reflect that distribution. Ms. Klein referred to the Staff Report and explained that the distribution had been memorialized in a 2008 Development Agreement between the owners of the tax lots and the City of Hillsboro. Board members Hellman and Hood both asked whether the Development Agreement had been recorded as required by Ordinance 5866 which amended the Comprehensive Plan to approve RM, Medium Density designation for the five tax lots. The applicant responded that the agreement had not yet been recorded, but that all the documentation was ready for recording.

4. The above explanation led to a discussion of imposing a condition(s) to require the applicant to record the Development Agreement and to bring forward the allocation of dwelling units identified in the Development Agreement. The applicant stated that such conditions would be accepted. Thereafter, a motion was made to approve the application with two additional conditions which are set forth below.
EXHIBIT B
(Conditions of Approval)

The City Council's decision is expressly based upon the requirement that the applicant fully comply with the following conditions of approval:

1. Prior to issuance of permits for any new development, the owner of each parcel that is subject to this zone change decision shall provide to the City a Clean Water Services Service Provider Letter, and any new development shall comply with any conditions set forth in the Letter. The CWS letter is one component of a complete development application.

2. The maximum density for all future residential development on Tax Lots 1900, 2000, 2200, 2300, and 2400 of Washington County Assessor's Tax Map 1N2-31BB, as attached, shall be 34 units. The units shall be allocated as follows: Tax Lots 1900 & 2000 = 18 units, Tax Lot 2200 = 8 units, Tax Lot 2300 = 4 units, and Tax Lot 2400 = 4 units.

3. The applicant shall record the Development Agreement demonstrating compliance with Case File No. Hillsboro Comprehensive Plan 4-08, which is part of the applicant's zone change application, within 30 days of the date of this decision.
DEPT OF
SEP 11 2013
LAND CONSERVATION AND DEVELOPMENT

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

Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540