



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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

Date: 08/12/2014  
Jurisdiction: City of Hillsboro  
Local file no.: HCP 002-14  
DLCD file no.: 006-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/07/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



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

<b>FOR DLCD USE</b>	006-14
<b>File No.:</b>	(20390)
	[17963]
<b>Received:</b>	8/7/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Hillsboro

Local file no.: **HCP 002-14**

Date of adoption: 08/05/2014 Date sent: 8/7/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 06/03/014  
 No

Is the adopted change different from what was described in the Notice of Proposed Change?  Yes  No  
 If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Debbie Raber, Planning Project Manager

Phone: (503) 681-6155 E-mail: [debbie.raber@hillsboro-oregon.gov](mailto:debbie.raber@hillsboro-oregon.gov)

Street address: 150 East Main Street, 4<sup>th</sup> Floor City: Hillsboro Zip: 97123

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

See Exhibit A to Ordinance No. 6096, attached.

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from \_\_\_\_\_ to \_\_\_\_\_ . \_\_\_\_\_ acres.  A goal exception was required for this change.  
 Change from \_\_\_\_\_ to \_\_\_\_\_ . \_\_\_\_\_ acres.  A goal exception was required for this change.  
 Change from \_\_\_\_\_ to \_\_\_\_\_ . \_\_\_\_\_ acres.  A goal exception was required for this change.  
 Change from \_\_\_\_\_ to \_\_\_\_\_ . \_\_\_\_\_ acres.  A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): \_\_\_\_\_ .

- The subject property is entirely within an urban growth boundary  
 The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: Metro

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Supplemental information includes supporting findings adopted with Ordinances No. 6096, attached.

# NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

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1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

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

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

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**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## **Notice checklist. Include all that apply:**

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
  - A map showing the area changed and applicable designations, and
  - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

**ORDINANCE NO. 6096**

**COMPREHENSIVE PLAN AMENDMENT 002-14:  
COMMUNITY DEVELOPMENT CODE TEXT UPDATES**

AN ORDINANCE AMENDING COMPREHENSIVE PLAN ORDINANCE NO. 2793, AS AMENDED, TO REPLACE REFERENCES TO THE ZONING AND SUBDIVISION ORDINANCES AND TO UPDATE CERTAIN PROVISIONS TO MAKE THEM CONSISTENT WITH THE NEW COMMUNITY DEVELOPMENT CODE.

WHEREAS, the City's land use regulations have been replaced by a new Community Development Code, and

WHEREAS, the Community Development Code updated, reformatted, and consolidated the previously extant four sets of City land use regulations, and combined them to become Hillsboro Municipal Code Chapter 12, and

WHEREAS, both the Zoning Ordinance and the Subdivision Ordinance are referenced by name throughout the Comprehensive Plan text, which references are now outdated, and

WHEREAS, two sections of the Comprehensive Plan are inconsistent with the more recent provisions of the Community Development Code, and

WHEREAS, the Planning Commission therefore initiated amendments to the text of the Comprehensive Plan to replace the references to the Zoning and Subdivision Ordinances and to revise the two sections to make them consistent with the CDC, and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on July 9, 2014, received testimony in support from the staff and received no testimony in opposition, and

WHEREAS, the Planning Commission therefore adopted Order No. 8120, recommending City Council approval of the Comprehensive Plan text amendments, and adopted the staff report dated July 2, 2014 as findings in support of its decision, and

WHEREAS, the City Council received the Planning Commission's recommendation on this matter on July 15, 2014, and accepts the Planning Commission's recommendation, and

WHEREAS, the City Council further determined that it would adopt the Planning Commission's findings in support of the proposed Comprehensive Plan text amendments.

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

Section 1. The Hillsboro Comprehensive Plan Ordinance No. 2793 as amended, is hereby further amended with the changes shown on Exhibit A.

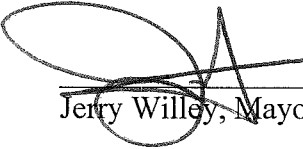
Section 2. The revisions to the Hillsboro Comprehensive Plan text adopted by this ordinance shall take effect immediately following the effective date of the City Council's adoption of the new Community Development Code

Section 3. 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 15<sup>th</sup> day of July 2014.

Second approval and adoption by the Council on this 5<sup>th</sup> day of August 2014.

Approved by the Mayor this 5<sup>th</sup> day of August 2014.

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

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

## Exhibit A:

Language proposed for deletion ~~overstruck~~;  
language proposed for addition *in bold italic*.

### Section 2 Urbanization, Policy (J):

- (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~~ *Community Development Code* and other rules and policies regulating development in the City.

### Section 3 Housing Implementation Measure (A), (C), (E) and (G):

- (A) Developers of tracts of land which are sufficiently large to allow for comprehensive planning shall be encouraged to use the Planned Unit Development (PUD) process in order to permit the application of new technology, greater freedom of design, land development and ownership patterns, greater population densities and economy of land use, thereby promoting a harmonious variety of uses, a more efficient use of public facilities, and the creation of attractive, healthful and stable environments for living, shopping or working. The Planned Unit Development shall be a superimposed zone applied over the existing zone designation(s).

The procedural requirements for processing an application shall be that minimum necessary to adequately review the proposed development, and shall be coordinated with all other required reviews (i.e. Development Review). The PUD provisions of the ~~Zoning Ordinance~~ *Community Development Code* shall include clear and objective standards consistent with Section 2(III)(C)(6) herein.

- (C) Manufactured home parks provide a needed housing alternative for the citizens of Hillsboro and shall be permitted outright in those areas of the City designated Medium Density Residential on the Comprehensive Plan Land Use Map. The ~~Zoning Ordinance~~ *Community Development Code* shall contain specific requirements to assure the manufactured home park developments will be well planned, internally consistent and harmonious with surrounding land uses.

- (E) Duplex units shall be encouraged in new single-family subdivisions as a means of providing increased density and a needed housing option in a manner which melds with the existing community and is energy and cost efficient.

The ~~Zoning Ordinance~~ shall *Community Development Code* shall allow new ~~R-10, R-8.5, R-7, or R-6~~ *SFR-10, SFR-8.5, SFR-7, SFR-6* subdivision proposals to designate a maximum of 20% of the lots as duplex lots. Duplex lots shall allow duplex or single-family dwellings and the lot designations shall be reviewed by the Planning Commission concurrently with review of the tentative plats. After final subdivision approval, lots designated for duplexes will be considered fixed and may be changed only upon approval of the Planning Commission after adequate notification of surrounding property owners.

- (G) In order to provide greater flexibility and economy of land use, the ~~Zoning and Subdivision Ordinance(s)~~ shall require *Community Development Code may allow* variable lot sizes and setbacks in single-family residential subdivisions *or Planned Unit Developments* of eight lots or larger. ~~At least 30%~~ *Up to 20%* of the lots in a new subdivision shall *may* contain less than the average lot area allowed in the applicable zone, but the average of the lot sizes must be that specified for the zone. In addition, the minimum lot size approved in a subdivision or Planned Unit Development shall not be less than 75% of the average lot size established for each applicable zone. The ~~Subdivision Ordinance~~ *Community Development Code* shall provide clear and objective standards for variations in lot dimensions and structural setbacks, which may also be applied in residential Planned Unit Developments and through the Development Review process.

Section 6 Natural Resources, Open Space, Scenic and Historical Sites Policies (B) (2) and (D)

(5)

- (2) In order to provide for efficient urban development within the urban growth boundary, minor areas of cut and fill and certain uses involving structures may be necessary within the floodplain. Such cut and fill activity and structures shall be regulated so as to minimize the land area affected and to prevent significant deterioration of the floodplain resource. All floodplain alterations and permanent structures, except those allowed as permitted uses, shall be subject to review by the Planning Commission.

Certain open space, utility, transportation, and environmental mitigation uses may also be allowed as permitted uses in the floodplain, subject to administrative review, as specifically allowed in ~~Zoning Ordinance~~ *Community Development Code Section 12.27.100*.

- (5) Development projects located in or partially within the overlay area for the Natural Resources Management Program Ordinance map shall address preservation of wildlife habitat, natural vegetation, wetlands, water quality, open space and other natural resources important to the ecosystem in the vicinity of the proposed development site. During the Development Review process, development projects and subdivision



applications in Station Community Planning Areas shall address the potential impacts of proposed projects on these resources, shall address provisions of ~~Zoning Ordinance No. 1945 Section 127.III.L and Section 127 IV.B.3.e through h~~ **Community Development Code Section 12.27.200**, and shall incorporate measures to mitigate any impacts that result from the proposed development.

Section 11 Energy Implementation Measure (4):

- (4) To minimize conflicts between industrial and residential land uses, the City shall require ~~M-P~~ **I-P** Industrial Park zoning on any Industrial-designated parcel zoned or rezoned following the effective date of this measure, if that parcel is subject to one or both of the following criteria: (a) the parcel is located in a Specially-Regulated Area (SRA); and/or (b) the parcel is located adjacent to an area designated Residential.

Section 10 Economy Implementation Measures 3 and 4

- (3) Prior to the next major plan update, the allowance of general commercial uses in the ~~M-2~~ **I-G** Industrial **General** zone of the ~~Zoning Ordinance~~ **Community Development Code** shall be studied to determine its effect on the City economy, the compatibility of commercial uses in industrial areas, and the effect on land availability.
- (4) To minimize conflicts between industrial and residential land uses, the City shall require ~~M-P~~ **I-P** Industrial Park zoning on any Industrial-designated parcel zoned or rezoned following the effective date of this measure, if that parcel is subject to one or both of the following criteria: (a) the parcel is located in a Specially-Regulated Area (SRA); and/or (b) the parcel is located adjacent to an area designated Residential.

Section 12 Public Facilities Policy (F) (2)

- (2) Prior to the first major Comprehensive Plan revision, the City shall review the ~~Zoning Ordinance~~ **Community Development Code** and determine if the existing zones adequately address the location of such public facilities as: churches, schools, utilities, and government agencies.

Section 13 Transportation Implementation Measures (C), (D), (H) and (Q)

- (C) The ~~Zoning Ordinance~~ **Community Development Code** shall include increased setback requirements along inadequate or substandard street right-of-way. This will help assure that structures will not be built in areas projected to be needed for future street right-of-way.

- (D) The transportation maps shall show both the widening of 10th Avenue and the 9th Avenue/10th Avenue one-way couplet alternatives. The ~~Zoning Ordinance~~ **Community Development Code** shall contain additional setback requirements to assure that structures will not be built in the potential right-of-way areas of either alternative. A decision as to which alternative will be implemented shall be made upon more detailed analysis of the impacts of each.
- (H) Access limitations shall minimize driveway conflicts and maximize street capacity. The ~~Development Review (Section 133) and Planned Unit Development (Section 127) sections in the Zoning Ordinance and the Subdivision Ordinance~~ **Design and Construction Standards** shall include restrictions for single family residential access on arterial or collector streets. If traffic volumes are forecast to be in excess of 5,000 vehicles per day, new developments should access side streets or parallel roads, and/or driveways should be aggregated to serve more than one development.
- (Q) The City may request, but shall not require more parking than the minimum parking requirements established by the ~~Zoning Ordinance~~ **Community Development Code**, *unless the City Engineer finds that additional parking is necessary to avoid adverse impact to traffic flow on surrounding streets*. Parking minimums and maximums shall be identified within the ~~Zoning Ordinance~~ **Community Development Code** as may be required for compliance with the Regional Parking Ratios Table in Title 2 4 of the Metro Urban Growth Management **Regional Transportation** Functional Plan and shall be applied throughout the City in accordance with the parking requirement zones shown on the ~~advisory City Parking Maximum Map~~ **Maximum Parking Zones Map** contained in the ~~Zoning Ordinance~~ **Community Development Code**. The ~~Parking Maximum~~ **Maximum Parking Zones Map** shall be reviewed at least every three years from the date of its adoption in order to reflect changes that may occur regarding the provision of peak hour transit service.

Section 17 NE 28<sup>th</sup> Avenue / East Main Street Plan Area Policy A

- (A) The general development concept for the NE 28<sup>th</sup> Avenue/East Main Street Plan Area is shown on the NE 28<sup>th</sup> Avenue/East Main Street Plan Area Development Concept Map (Figure 17-2). The general development concept includes: Mixed-Use which consists of neighborhood commercial (retail and office) and residential uses and Multifamily Residential which consists of moderate-density residential development including attached single family dwellings, duplexes, attached duplexes, townhouses and rowhouses, garden apartments and multifamily dwellings. Detailed land uses for the Main Street Area shall be governed by the ~~Zoning Ordinance~~ **Community Development Code**. However, any use permitted by zoning shall be required to be generally consistent with the development concept illustrated in the NE 28<sup>th</sup> Avenue/East Main Street Plan Area Development Concept Map.

Section 18 Tanasbourne Community Plan Implementation Measure A:

- (A) Development of land within properties designated on the Tanasbourne Town Center General Land Use Plan Map as non Mixed-Use areas shall be encouraged to use the Planned Unit Development (PUD) process established in ~~Hillsboro Zoning Ordinance No. 1945, as amended~~ *the Community Development Code*.

Section 22 Witch Hazel Community Plan Policy (H) and Implementation Measure (B):

- (H) Design guidelines and standards for new developments within the area shall be prescribed in ~~Zoning Ordinance~~ *Community Development Code* amendments implementing the Community Plan.
- (B) All development within the Witch Hazel Village Community Plan General Land Use Plan Map area is required to use the Planned Unit Development (PUD) process established in ~~Section 127 of the Hillsboro Zoning Ordinance No. 1945, as amended~~ *Community Development Code Section 12.80.120*. The open space requirement (~~Section 127, III H~~) may be waived based on the provision of parks and open space in the Plan.

Section 31 South Hillsboro Community Plan Implementation Measures C and D

- (C) Land division (partitions and subdivisions) within the South Hillsboro Community Plan area will be processed in accordance with ~~Subdivision Ordinance No. 2808 or future land division regulations of the City~~ *the Community Development Code*. In a situation where an applicant submits a subdivision application on property with multiple residential zoning designations, the City will allow the applicant to blend those residential densities and uses over the project site through a Planned Unit Development process. Blended residential densities and uses may require transitional buffering at the project edges to provide compatibility with dissimilar adjoining uses or plan designations. Non-residential uses should occur only at the location and intensity identified in the South Hillsboro Community Plan.
- (D) Large scale development within the South Hillsboro Community Plan General Land Use Plan Map area shall be developed using the Planned Unit Development (PUD) entitlement process established in ~~Section 127 of the Hillsboro Zoning Ordinance No. 1945, as amended, or future planned unit regulations of the City~~ *Community Development Code Section 12.80.120*. Notwithstanding ~~Section 127~~ *Community Development Code Section 12.50.210* requirements, open space provided through individual entitlement actions shall be based on parks and open space parameters established in the South Hillsboro Community Plan.