



# 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: May 28, 2015  
Jurisdiction: City of Hillsboro  
Local file no.: HCP-001-15  
DLCD file no.: 006-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/22/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 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

FOR DLCD USE
File No.: 006-15 {23696}
Received: 5/22/2015

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-001-15

Date of adoption: 5/19/2015

Date sent: 5/20/2015

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): 3/18/15

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:

NO

Local contact (name and title): John Boren, Planner

Phone: 503-681-5292

E-mail: john.boren@hillsboro-oregon.gov

Street address: 150 E Main Street

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:

Change the Comprehensive Plan Map designation from RL Residential Low Density to RM Residential Medium Density on a portion of one property approximately 0.69 acres in size to eliminate the current split designation and to facilitate future residential development.

For a change to a comprehensive plan map:

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

Change from RL-Residential Low Density to RM-Residential Medium Density 0.69 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): 1S209AD04100; 24720 SE Witch Hazel Road

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:
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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: Washington County, 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.



May 22, 2015

TO: Plan Amendment Specialist  
State of Oregon Department of Land Conservation and Development

FROM: Lisa Califf, Planning Technician

RE: Transmittal of DLCD Form 2 Notice of Adoption  
Hillsboro Case File No. Hillsboro Comprehensive Plan 001-15

I, Lisa Califf, submitted on this date, May 22, 2015, the DLCD Form 2 and attached Ordinance No. 6119 with exhibits via the DLCD FTP site for the above referenced Case File No., which was adopted by the Hillsboro City Council on May 19, 2015.

If you have any questions regarding this transmittal, please contact me at 503-681-5257. Should you have any questions in regards to the amendments, please contact John Boren at 503-681-5292.

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

**ORDINANCE NO. 6119**

**COMPREHENSIVE PLAN AMENDMENT 001-15: GARNER**

AN ORDINANCE AMENDING COMPREHENSIVE PLAN ORDINANCE NO. 2793, AS AMENDED, SECTION 14 COMPREHENSIVE PLAN MAPS, APPROVING A MINOR AMENDMENT TO THE LAND USE MAP TO CHANGE THE DESIGNATION ON A PORTION OF ONE PROPERTY FROM RL LOW DENSITY RESIDENTIAL TO RM MEDIUM DENSITY RESIDENTIAL.

WHEREAS, Comprehensive Plan Section 1 Planning and Citizen Involvement subsection (IV) (B) sets forth the procedures and criteria for a property owner to request a minor Comprehensive Plan Land Use Map change; and

WHEREAS, the applicant submitted a request on behalf of the property owner to change the Comprehensive Plan Map designation on the southern portion of the subject property from RL Residential Low Density (3-7 dwelling units per net acre) to RM Residential Medium Density (8-16 dwelling units per net acre); and

WHEREAS, Comprehensive Plan Section 1 (IV) sets forth the procedures and criteria for consideration of Minor Comprehensive Plan changes; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendment on April 22, 2015, and after receiving public testimony, closed the record, deliberated, and voted to approve the application; and

WHEREAS, the recommendation for approval by the Planning Commission was finalized via Order No. 8153, issued April 22, 2015; and

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

Section 1. Based on the testimony and the record, the following property is hereby re-designated from RL Low Density Residential to RM Medium Density Residential:

Tax Lot 4100 on Washington County Assessor's Tax Map 1S2-09AD, on record as of July 24, 2013.

A copy of the tax map is attached hereto as Exhibit B 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. The City Planning Director is hereby instructed to cause the official Comprehensive Plan map, a part of Ordinance No. 2793, to be amended to include the minor plan map change set forth in Section 1 hereof, upon the effective date of this ordinance.

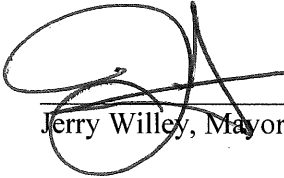
Section 4. Except as herein amended, Comprehensive Plan Ordinance No. 2793, as amended shall remain in full force and effect.

Section 5. 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 5<sup>th</sup> day of May 2015.

Second approval and adoption by the Council on this 19<sup>th</sup> day of May 2015.


Approved by the Mayor this 19<sup>th</sup> day of May 2015.



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Jerry Willey, Mayor

ATTEST:



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Amber Ames, City Recorder

EXHIBIT A

BEFORE THE CITY COUNCIL  
OF THE  
CITY OF HILLSBORO

A REQUEST TO CHANGE THE  
COMPREHENSIVE PLAN  
DESIGNATION OF A PORTION OF  
ONE PROPERTY FROM RL LOW  
DENSITY RESIDENTIAL TO RM  
MEDIUM DENSITY RESIDENTIAL.  
COLLECTOR.

CITY OF HILLSBORO  
CASE FILE NO. HCP 001-15  
FINDINGS OF FACT

NATURE OF AMENDMENT

This is an applicant requested amendment, on behalf of the property owner, to the Hillsboro Comprehensive Plan Map designation on the southern portion of their property from RL Residential Low Density (3-7 dwelling units per net acre) to RM Residential Medium Density (8-16 dwelling units per net acre). The subject property is approximately 0.69 acres in size. The purpose of the requested map amendment is to remove the current split designation on the property and to allow for future zone change and residential development. A future request to change the zoning on the property is anticipated.

HEARINGS

The Planning Commission held a public hearing and considered this amendment at its meeting on April 22, 2015 and recommended approval via Order No. 8153.

**Minor Comprehensive Plan Amendment Procedures**

Pursuant to the Hillsboro Comprehensive Plan, Section 1 (IV) (B), a Minor Plan Amendment: Plan Map amendment request shall be processed by quasi-judicial notice and procedures and may be requested at any by time by a property owner(s), a person(s) purchasing property under contract, or a person(s) who has the written consent of the property owner. The approval criteria and Council's findings to the application's compliance are as follows:

- (2) Approval of a minor Plan Map amendment shall be based on demonstration that all of the following criteria are satisfied:
  - (a) The property is better suited for uses proposed than for the uses for which the property is currently designated by the Plan;

Response:                   The current Comprehensive Plan and Zoning designation splits on this relatively small parcel, 0.69 acres, would result



in a development consisting of one single family home and several attached townhouses in order to meet the standards of both existing designations. The Council finds that a consistent plan designation for the entirety of the property of this size would allow for a more cohesive and efficient development. This criterion is met.

- (b) A need exists for the proposed Plan Map designation that is not already met by existing Plan Map designations in the general area; and

Response: The application asserts the continued need for infill development in Hillsboro as justification for the higher density plan designation. The Council concurs that while the change will only result in one additional dwelling unit, that there are few remaining infill sites within City limits that are not constrained by environmental overlays or irregular lotting patterns and that the proposal would help meet the need for additional housing. This criterion is met.

- (c) The proposed designation is consistent with relevant goals and policies of the Hillsboro Comprehensive Plan.

Response: There are several relevant goals and policies as noted in the Applicable Hillsboro Comprehensive Plan Policies section discussed in the Planning Commission staff report dated April 15, 2015 and adopted with these findings. The MFR-1 zone, which the applicant ultimately intends to apply to the entirety of the site, in recent projects is predominantly used for small lot detached single family housing, rather than attached single family housing or multi-family housing. By changing the Plan designation to RM, the applicant would be able to develop all attached housing, thereby better achieving the 50% detached/50% attached housing as called for in Comprehensive Plan Section 3 Housing – Policies (III)(B). Furthermore, developments with a mix of housing types, as would be required by the current Comprehensive Plan and zoning designations, are most effectively delivered in larger master planned areas where lot sizes and housing types can transition more gradually. Therefore, the Council finds that extending the RM plan designation to the southern half of the site is consistent with the relevant goals and policies of the Hillsboro Comprehensive Plan, and that this criterion is met.

### **Transportation Planning Rule Compliance**

Pursuant to Oregon Administrative rule 660-012-0060, Comprehensive Plan and land use map amendments require Oregon Transportation Planning Rule (TPR) compliance analysis. In this case, the trip generation memorandum provided by the applicant shows that the traffic change would be an increase of one trip in the PM peak hour. Based upon the memorandum, the City Traffic Analyst has determined that the proposed Comprehensive Plan designation change for the subject site will not significantly affect a transportation facility for the purposes of the TPR, therefore no additional analysis is required.

### **CONCLUSION**

For the reasons set forth above, the City Council finds that the Comprehensive Plan map amendment to the southern portion of their property from RL Residential Low Density (3-7 dwelling units per net acre) to RM Residential Medium Density (8-16 dwelling units per net acre). The City Council hereby approves HCP 001-15 as supported by these findings.

