



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: March 09, 2016

Jurisdiction: City of Hillsboro

Local file no.: ZC-010-15

DLCD file no.: 020-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/04/2016. 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 40 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

020-15 {24171}  
File No.:

Received: 3/4/2016

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: Hillsboro

Local file no.: **ZC-010-15**

Date of adoption: 3/1/16      Date sent: 3/2/2016

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): 12/11/15 NoIs 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): Andrew Crampton

Phone: 503-681-6239 E-mail: [planningtechs@hillsboro-oregon.gov](mailto:planningtechs@hillsboro-oregon.gov)

Street address: 150 E Main St 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:

#### **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 SFR-7 to SFR-4.5. Acres: 0.99

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): 1N231BB01800

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

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.

Hillsboro Ordinance No. 6155 with Exhibits



March 4, 2016

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. Zone Change 010-15: Renae Court South

I, Lisa Califf, submitted on this date, March 4, 2016, the DLCD Form 2 and attached Ordinance with exhibits via the DLCD FTP site for the above referenced Case File No., which was adopted by the Hillsboro City Council on March 1, 2016.

If you have any questions regarding this transmittal, please contact me at 503-681-5292. Should you have any questions in regards to the amendments, please contact Andrew Crampton at 503-681-6239.

Sincerely,

CITY OF HILLSBORO PLANNING DEPARTMENT

Lisa Califf  
Planning Technician

**ORDINANCE NO. 6155**

**ZONE CHANGE 010-15: RENAE COURT SOUTH**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, A PORTION OF THE COMMUNITY DEVELOPMENT CODE ORDINANCE NO. 6094, AS AMENDED, BY A ZONE CHANGE FROM SFR-7 SINGLE FAMILY RESIDENTIAL, TO SFR-4.5 SINGLE FAMILY RESIDENTIAL FOR A 0.99-ACRE PARCEL WITHIN THE CITY OF HILLSBORO.

WHEREAS, Ron Guillory applied for a zone change from SFR-7 to SFR-4.5 for a 0.99-acre parcel generally located north of NW Tiffany Lane, south of NW Warren Street, east of NW 2<sup>nd</sup> Avenue and west of N 1<sup>st</sup> Avenue (street address: 1093 N 1<sup>st</sup> Avenue - Tax Lot 1800 on Washington County Assessor's Tax Map 1N2-31BB) to implement the site's underlying RM Residential Medium Density Comprehensive Plan designation; and

WHEREAS, this application was scheduled and duly noticed for a public hearing on January 20, 2016, at which time the Planning and Zoning Hearings Board, consisting of Daniel Kearns, Walter Hellman and John Kinsky (the "Board"), convened the public hearing to take testimony and evidence and to consider the application; and

WHEREAS, the Board received the Planning Department staff report dated January 13, 2016 and testimony from the applicant's representative, Trisha Clark, a design professional from NW Land Planning, and Ron Guillory, who explained the background and context for the zone change request. Ms. Clark expressed the applicant's acceptance of staff's proposed findings of fact with regard to each of the approval criteria; and

WHEREAS, no one else requested the opportunity to testify on this matter and no written communications were received into the record; and

WHEREAS, at the conclusion of the January 20<sup>th</sup> hearing, the Board concluded public testimony, closed the record, deliberated and voted to approve the application as proposed and as recommended in the January 13, 2016 staff report.

WHEREAS, based on those findings, the City Council hereby determines that the proposed zone change is in conformance with the Hillsboro Comprehensive Plan and Community Development Code and all other applicable criteria, and that the SFR-4.5 Single Family Residential zone is the best suited for the subject site and will implement the RM Medium Density Residential Comprehensive Plan designation for the site.

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

Section 1. Based on the application and evidence in the record, the following property is hereby rezoned from SFR-7 Single-Family Residential to SFR-4.5 Single Family Residential:

Tax Lot 1800 on Washington County Assessor's Tax Map 1N2-31BB  
on record as of March 20, 1998

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 zoning map, a part of Ordinance No. 6094, to be amended to include the zone change set forth in Section 1 hereof, upon the effective date of this ordinance.

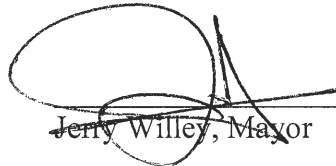
Section 4. Except as herein amended, Community Development Code Ordinance No. 6094, as amended shall remain in full force and effect.

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 16<sup>th</sup> day of February, 2016.

Second approval and adoption by the Council on this 1<sup>st</sup> day of March, 2016.

Approved by the Mayor this 1<sup>st</sup> day of March, 2016.

  
Jerry Willey, Mayor


ATTEST:   
Amber Ames, 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 and the descriptions of the subject parcel set forth in the January 13, 2016 Staff Report. In addition, the Council adopts the following findings which were initially adopted by the Planning and Zoning Hearings Board ("The Board"):

1. The City complied with all required notice and hearing procedures for the Board's January 20, 2016 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. No one requested that the record be left open or that the hearing be continued.
2. At the hearing, Planning Technician Andrew Crampton provided a verbal summary of the January 13, 2016 staff report. The applicant appeared through the written application materials, in person at the hearing and through his design professional Trisha Clark. No one else requested the opportunity to testify, so the Board closed the record at the conclusion of the applicant's testimony.
3. This zone change shall be allowed if there is a preponderance of credible evidence in the record demonstrating that all of the following criteria in CDC §12.80.160(E) are or can be met:
  - a. *The proposed zone implements and is consistent with the Comprehensive Plan Land Use Map designation for the site. A zone change to a zone not consistent with the Comprehensive Plan Map designation cannot be approved prior to approval of an amendment to the Comprehensive Plan Land Use Map to change the designation to one which is implemented by the requested zone;*
  - b. *Where the Comprehensive Plan Map designation has more than one implementing zone, the proposed zone is the most appropriate for the subject site, based on the purposes of each zone and the zoning pattern of surrounding land;*
  - c. *Existing or planned transportation facilities are adequate or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zone*
  - d. *Existing or planned public infrastructure services (water, wastewater, stormwater, police and fire protection) are adequate or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zone;*
  - e. *Pursuant to Section 12.70.230, the Transportation Planning Rule Compliance analysis demonstrates that traffic impacts can be reasonably mitigated at the time of development. As an alternative to providing a Transportation Planning Rule Compliance analysis, the applicant may provide evidence that the potential traffic impacts from development under*

*the proposed zoning are no greater than potential impacts from development under existing zoning; and*

*f. Any potential impacts on any designated significant natural resources, cultural resources or areas within the 100-year floodplain as a result of the proposed zone change are minimal or can be reasonably mitigated at the time of development.*

4. Staff concluded, and no party to the proceeding disputes, that the following Comprehensive Plan provisions apply to this request:
  - a) Section 2 Urbanization Implementation Measure (IV)(A).
  - b) Section 2 Urbanization Implementation Measure (IV)(I).
  - c) Section 2 Urbanization Implementation Measure (IV)(J).
  - d) Section 2 Urbanization Implementation Measure (IV)(M).
  - e) Section 13 Transportation – Implementation Measure (VII)(B).
  - f) Section 13 Transportation – Implementation Measure (VII)(M).
  - g) Section 3 Housing Policy (III)(B).
  - h) Section 3 Housing Policy (III)(E).
  - i) Section 3 Housing Policy (III)(L).
  - j) Section 3 Housing Policy (III)(Y).
  - k) Section 13 Transportation - Implementation Measure (VII)(M).
  - l) Section 13 Transportation - Implementation Measure (VII)(O)(6) Arterial Streets.

Staff concluded, and no party disagrees, that the proposed SFR-4.5 Single Family Residential Zone satisfies or is consistent with all of these Comprehensive Plan provisions. With no opposition to this proposal, the Board agrees that the request is consistent with the applicable provisions of the Comprehensive Plan, and the Board adopts staff's analysis and conclusions with regard to each of the above-mentioned Comprehensive Plan provisions.

5. The applicant proposes to rezone the subject parcel to a zone that implements the underlying RM Comprehensive Plan designation, which is implemented by the following zones in this particular location:
  - a) SFR-4.5 Single Family Residential Zone and
  - b) MFR-1 Multifamily Residential
6. The properties abutting the site to the north received zone change approval from the Planning and Zoning Hearings Board to change the zoning for these two parcels from SFR-7 Single Family Residential to MFR-1 Multifamily Residential on July 15, 2013 (Case File No. Zone Change-004-13; Order No. 4057) and final approval by City Council on September 3, 2013 (Ordinance No. 6060). the proposed zoning of SFR-4.5 in this case will provide a gradual transition between the higher density MFR-1 zoned properties north of this site and the single family residential properties located south of the site in the Glencoe Estates No. 2 Subdivision that were developed at a lower density.
7. With regard to each of the above-mentioned approval criteria, the Board specifically finds as follows:



- a) Consistency with the Comprehensive Plan Designation: The SFR-4.5 Single Family Residential zone is one of the two zones that implement the RM Medium Density Residential Comprehensive Plan designation. The Board finds that this criterion is met.
- b) The proposed zone is the most appropriate. In this area, there are two zones that implement the RM plan designation. The existing zoning around the subject site is MFR-1 to the north, south, and west, and SFR-7 to the east. Although lots to the south are zoned MFR-1, they were developed before adoption of the current zoning standards, and they range in size from 7,010 sf to 13,836 sf. The applicant seeks the SFR-4.5 zone rather than the more intense MFR-1 zone due to his plan of providing a transition between the existing housing on larger lots to the south (Glencoe West No. 2) and the new smaller lots to the north (Renae Court Subdivision). While the MFR-1 zone is the most prevalent of the appropriately zoned properties, SFR-4.5 zoning for this site will provide a density transition and buffer between the higher density development to the north and lower density properties to the south and west. The applicant provided tentative development plans and estimates of the site's net acreage under the proposed SFR-4.5 zone that show how retaining the existing house on its own lot and the creation of five new lots for single-family detached homes will provide that transition and address Comprehensive Plan Policies 3.III.B, 2.IV.M and 2.IV.J. The Board agrees and on this basis concludes this approval criterion is met.
- c) Existing and planned transportation facilities are adequate. The City Traffic Analyst determined that the proposed zone change does not significantly affect a transportation facility for purposes of the Transportation Planning Rule (TPR), and it complies with the TPR's requirements. On this basis, the Board agrees and concludes that the third criterion is met.
- d) Existing and planned public infrastructure and services are adequate. City Departments received notice of the proposed zone change, but none responded that existing or planned public infrastructure services would be compromised by increased density of this site. Sanitary, Storm and Water facilities exist in N 1<sup>st</sup> Avenue and Northwest Warren Street and are available to serve the development of this site. On this basis, the Board concludes that this criterion is satisfied.
- e) Compliance with the Transportation Planning Rule. The City's Traffic Analyst determined that the proposed zone change does not significantly affect a transportation facility. With this, the Board concludes that no mitigation measures are necessary.
- f) Impacts to designated Significant Natural Resources, Cultural Resources or areas within the 100-year floodplain are minimal or can be mitigated. The site contains no designated significant natural resources, cultural resources or areas within the 100-year floodplain; therefore, there will be no impacts to those resources. With this, the Board concludes that this criterion is satisfied.

8. CDC §12.80.160(F) provides express authority to impose conditions to ensure that a variety of adverse circumstances do not result from the proposed zone change. Based on the circumstances of this proposal, the specific parcel involved and its location, and staff's recommendation, the Board concludes that no additional conditions are warranted to address any of the circumstances listed in this code section.
9. From the foregoing and based on the preponderance of credible evidence in the record, the Council concludes that this zone change application meets all of the approval criteria in CDC §12.80.160(E), subject to no conditions of approval.

NW1/4 NW1/4 SECTION 31 TIN R2W W.M.

IN 2 31BB

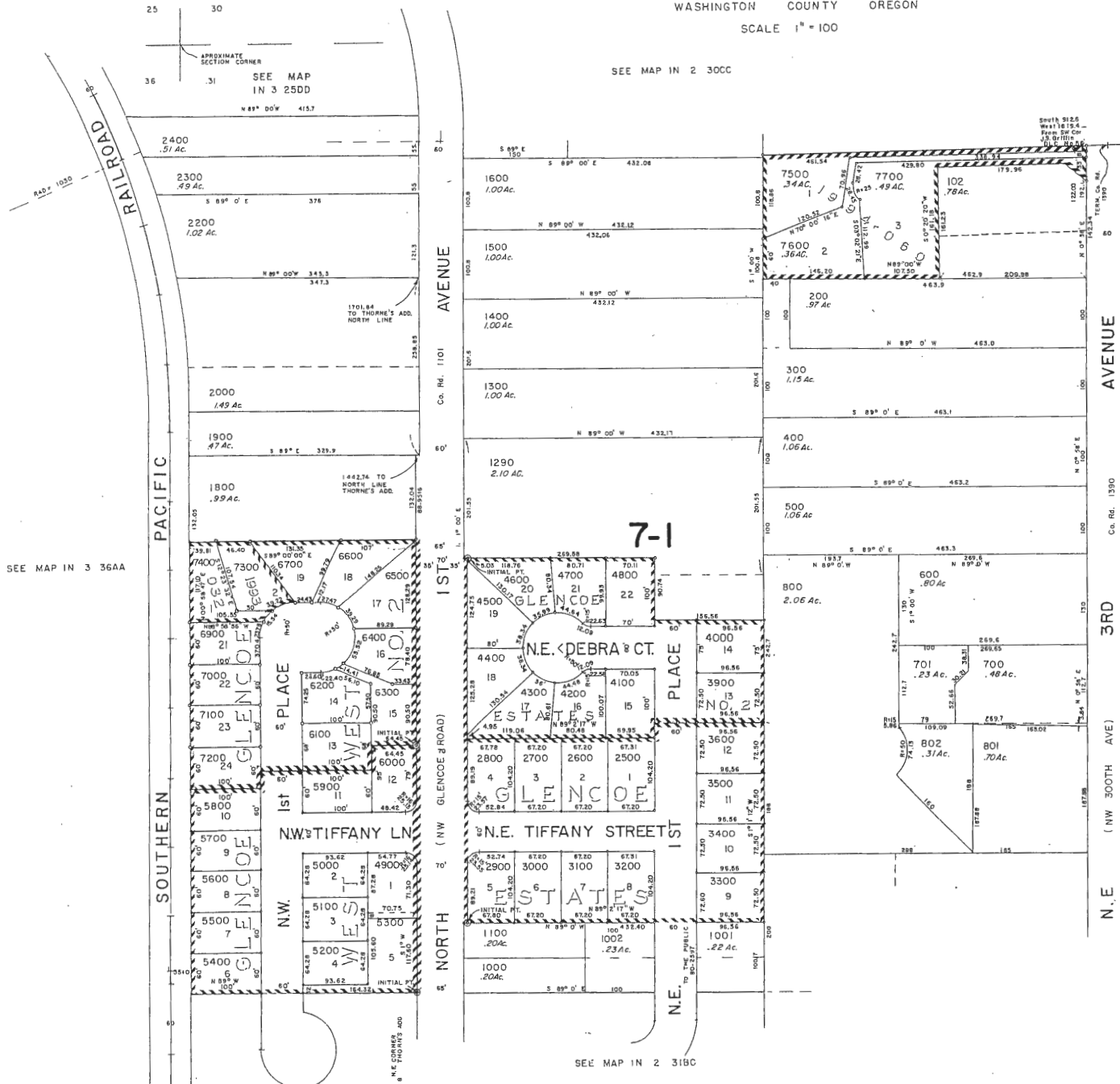
WASHINGTON COUNTY OREGON

SCALE 1" = 100

Exhibit B

SEE MAP IN 2 30CC

CANCELLED TAX LOTS  
2100, 1100, 301, 500, 101,  
1291, 1100, 1292, 3700,  
8600, 100.



SEE MAP IN 3 36AA

SEE MAP IN 2 31BA

SEE MAP IN 2 31BC

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

HILLSBORO  
IN 2 31BB