



Oregon

Theodore R. Kulongoski, 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

12/19/2011

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 008-11

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: Monday, January 03, 2011

This amendment was submitted to DLCD for review prior to adoption 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: Debbie Raber, City of Hillsboro
Angela Lazarean, DLCD Urban Planner
Anne Debbaut, DLCD Regional Representative

<paa> N



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

DEC 14 2011

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For Office Use Only

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

Jurisdiction: **Hillsboro**

Local file number: **ZOA 5-11**

Date of Adoption: **12/6/2011**

Date Mailed: **12/13/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/13/2011

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".

Amendment to Hillsboro Zoning Ordinance (HZO) Section 112 clarifies Planning Commission authority to conduct concurrent public hearings on Zoning Ordinance Amendments creating new zones and Zone Changes applying the new zones.

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

Proposal included an amendment to HZO Section 116 (to clarify City Council's authority to conduct hearings on ZOAs and as well as on ZCs), which was deleted by Planning Commission. Adopted ordinance also includes as findings a second staff report showing changes in annotations - final language remains the same as originally proposed.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD File No. 008-11 (19013) [16864]

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:

Metro

Local Contact: **Deborah Raber**

Phone: (503) 681-6155 Extension:

Address: 150 E. Main Street

Fax Number: 503-681-6245

City: Hillsboro

Zip: 97123-

E-mail Address: debbier@ci.hillsboro.or.us

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.

ORDINANCE NO. 5998

ZOA 5-11: LEGISLATIVE ZONE CHANGES

AN ORDINANCE AMENDING HILLSBORO ZONING ORDINANCE NO. 1945 SECTION 112, CLARIFYING PROCESSING OF LEGISLATIVE ZONE CHANGES, AND DECLARING AN EMERGENCY.

WHEREAS, Zoning Ordinance Section 112 specifies the processes for initiating legislative Zoning Ordinance text amendments and quasi-judicial Zoning Map amendments (zone changes), and

WHEREAS, Section 112 does not specifically state the City's ability to initiate and process broad-scale legislative zone changes needed following creation of new zones, and

WHEREAS, the Planning Commission believed it appropriate to amend Section 112 to clarify the City's ability to process legislative and quasi-judicial text amendments and map changes concurrently in a single process (legislative zone changes), and

WHEREAS, the Planning Commission therefore initiated the proposed amendments on October 8, 2011 through adoption of Order No. 8057, and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on November 30, 2011, received no testimony, directed staff to delete proposed amendments to Section 116, and adopted Order No. 8058 recommending City Council approval of the proposed amendments, with the Planning Department staff reports dated November 22 and November 30, 2011 as findings in support, and

WHEREAS, the City Council considered the Planning Commission's recommendation at its regular meeting on December 6, 2011, and adopts the Planning Commission's findings attached hereto as Exhibit A in support of their decision.

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

Section 1. Zoning Ordinance Section 112 is amended to read as follows, with added language in *bold italics* and deleted language ~~overstruck~~:

Section 112. Authorization to Initiate Amendments.

(1) Amendment to the text of this Ordinance may be initiated by the City Council or Planning Commission. ~~Consideration of amendments to the text of this Ordinance~~ *Public hearings on text amendments* shall be ~~by~~ *held before* the Planning Commission.

(2) A *Zoning* map amendment may also be initiated by the Planning Commission, City Council, or by application of the property owner or an authorized agent. *Applications Public hearings on owner-initiated Zoning map amendments shall be heard by held before the Planning and Zoning Hearings Board. Consideration of amendments to the text of this Ordinance shall be by the Planning Commission. Public hearings on city-initiated Zoning Map amendments shall be held before the Planning Commission.*

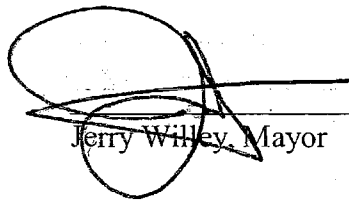
(3) The term "amendment" shall not include, and the procedure for amendment shall not apply to, non-substantive changes in this Ordinance or to any of the following revisions which shall be carried out on a continuing basis by the Planning staff to insure accuracy of the zoning map:

- (a) Addition of recorded subdivision plats, recorded land partitioning, recorded street or alley dedications, public facility locations, new street names;
- (b) Deletion of vacated subdivision plats, vacated streets or alleys, street names which have been changed, subdivision lot numbers where resubdivisions have occurred or where amended plats have been recorded, old city limit lines;
- (c) Inclusion within the city limits of annexed areas and exclusion of areas withdrawn from the city;
- (d) Name changes involving streets or alleys; *or*
- (e) Other similar revisions which do not affect zone boundaries.

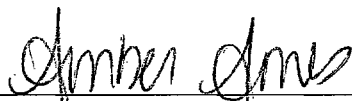
Section 2. This ordinance clarifies existing policy and that clarification would be of immediate benefit to City officers and commissions. An emergency is declared. This ordinance is effective immediately upon its passage and approval by the Mayor.

Approval and adoption by the Council on this 6th day of December 2011.

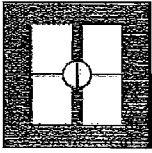
Approved by the Mayor this 6th day of December 2011.


Jerry Willey, Mayor

ATTEST:


Amber Ames, City Recorder

CITY OF HILLSBORO



November 22, 2011

STAFF REPORT

TO: Planning Commission

FROM: Planning Department

RE: Proposed Zoning Ordinance text amendment - Case File No. ZOA 5-11: Legislative Zone Changes

REQUEST

Planning staff requests that the Planning Commission adopt the attached Order recommending City Council approval of text amendments to Zoning Ordinance Sections 112 and 116, to specifically authorize the initiation and processing of “legislative zone changes”.

The Planning Commission initiated the proposed Zoning Ordinance text amendments on October 8th through adoption of Order No. 8057. Notice of the amendments was sent to DLCD and published three times in the Hillsboro Argus as required by HZO Section 116.

BACKGROUND

Zoning Ordinance Section 112 clearly authorizes the City Council or the Planning Commission to initiate Zoning Ordinance text amendments (ZOAs), and states that public hearings on such “legislative” amendments will be held before the Planning Commission. Sections 97 and 112 also authorize the City Council or the Planning Commission to initiate “quasi-judicial” zone changes (ZCs), but states that the public hearings on ZCs will be held before the City Council (in the case of annexations) or the Planning and Zoning Hearings Board (for properties already within the city limits). The Code is less clear on the process for reviewing a broad-scale ZC initiated in conjunction with a ZOA creating a new zone.

In 2010 and 2011 the City processed two broad-scale ZCs in conjunction with ZOAs creating new zones. Two different processes were followed. On the Airport Safety and Compatibility Overlay zoning in 2010, the ZC public hearing was held before the Planning and Zoning Hearings Board after the ZOA was adopted. On the SCC-DT zone in 2011, the ZC hearings were held before the Planning Commission in conjunction with the ZOA creating the new zone. The latter process is supportable legally under Municipal Code Section 2.40, but additional clarity in the Zoning Ordinance is desirable for future amendments such as AmberGlen and South Hillsboro.

To clarify the Planning Commission's authority to conduct public hearings on both ZOAs creating new zones and the broad-scale "legislative ZCs" implementing them, Planning staff proposes revising Zoning Ordinance Section 112 as shown in the attached draft Order. Staff notes that ZOAs and ZCs processes have different notification requirements, all of which must be followed in a concurrent process.

Planning staff also requests that the Commission consider amending HZO Section 116 to clarify City Council's authority to conduct hearings on ZOAs or ZCs. The Council currently holds public hearings on annexation ZCs under HZO 97: the proposed amendment would allow the Council to conduct their own hearings on ZOAs or ZCs as the Council deems appropriate. The recommended changes to Section 116 are also shown in the attached draft Order.

RECOMMENDATION

Planning staff requests that the Planning Commission recommend City Council approval of the amendments to HZO Sections 114 and 116 by adopting the attached draft Order No. 8058.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT

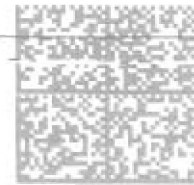
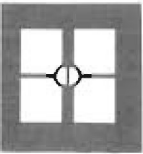


Deborah A. Raber AICP
Planning Project Manager

Attachments: draft Order

CITY OF HILLSBORO

150 E. Main Street, Hillsboro, OR 97123-4028



049J82035275

rec-post

\$00.44

12/13/2011

Mailed From 97123
US POSTAGE

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

9730182540 0007

