



Oregon

Theodore R. Kubongoski, 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

05/04/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Hillsboro Plan Amendment
DLCD File Number 001-09

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: Friday, May 15, 2009

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).

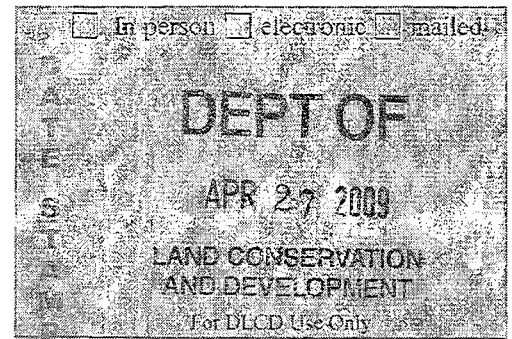
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Genny Bond, City of Hillsboro
Gloria Gardiner, DLCD Urban Planning Specialist

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Notice of Adoption



**THIS FORM MUST BE MAILED TO DLCD
 WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **Hillsboro**

Local file number: **ZOA 1-09**

Date of Adoption: **4/21/2009**

Date Mailed: **4/24/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/14/2009

- 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".

Zoning Ordinance text amendment to broaden the variety of uses permitted within the C-4 Neighborhood Commercial zone, to include commercial schools (dance, martial arts, fitness) with a 2,500 square foot maximum size, and restaurants with a 1,500 square foot maximum size limit and with no drive-thru; and expand the list of conditionally permitted uses to allow churches with a 3,000 square foot size limit, and restaurants with seating capacity of 50 or fewer to serve beer and wine.

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

No

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

to: **N/A**

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

to: **N/A**

Location:

Acres Involved: **0**

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

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. See First Page

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **GENNY BOND**

Phone: (503) 681-6246 Extension:

Address: **150 E MAIN STREET**

Fax Number: 503-681-6245

City: **HILLSBORO**

Zip: **97123-**

E-mail Address: **gennyb@ci.hillsboro.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 5903

ZOA 1-09 C-4 NEIGHBORHOOD COMMERCIAL ZONE

AN ORDINANCE AMENDING THE TEXT OF ZONING ORDINANCE NO. 1945, NEIGHBORHOOD COMMERCIAL ZONE C-4, SECTIONS 41 AND 42, TO AMEND THE LISTS OF "USES PERMITTED OUTRIGHT" AND "CONDITIONAL USES PERMITTED."

WHEREAS, Zoning Ordinance Sections 41 through 48 comprise the Neighborhood Commercial Zone C-4 standards; and

WHEREAS, Zoning Ordinance Section 41 lists specific uses as "Uses Permitted Outright;" and Section 42 lists specific uses as "Conditional Uses Permitted;" and

WHEREAS, the Planning Commission initiated the proposed amendments on January 14, 2009, via adoption of Order No. 8001; with the goal of increasing the range of neighborhood-appropriate commercial uses possible for C-4 zoned sites; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on March 11, 2009, at which time they received public testimony in favor of the proposed amendments, and at the end of which they adopted the findings provided within the staff report dated March 4, 2009 and adopted Order No. 8003 forwarding the proposed amendments to the City Council with a recommendation for approval; and

WHEREAS, the City Council considered the Planning Commission's recommendation at the regular meeting on April 7, 2009, and adopted the findings of the Planning Commission as its own in regard to this matter; and

WHEREAS, the City Council finds it appropriate to amend Sections 41 and 42 of the Hillsboro Zoning Ordinance to expand the lists of uses which may be permitted outright or conditionally in the C-4 Zone.

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

Section 1. Based on the testimony, record, and the findings provided within the staff report, the City Council approves the following amendments to Section 41 of Zoning Ordinance No. 1945 [added text shown by bold italic typeface and deleted text by overstrike typeface]:

Section 41. Uses Permitted Outright. In a C-4 zone the following uses and their accessory uses are permitted outright:

- (1) (Deleted by Ord. No. 3029/8-79.)
- (2) (Deleted by Ord. No. 2526/8-72.)
- (3) Bakery.

- (4) Barber shop.
- (5) Beauty shop.
- (6) Clothes cleaning or laundry pick-up agency, including pressing.
- (7) *Commercial school – such as dance, sports, martial arts, and physical fitness center, with a maximum floor area not exceeding 2,500 square feet.*
- (78) Confectionery.
- (89) Drug store, including fountain.
- (910) Florist shop.
- (1011) Frozen food locker, excluding wholesale storage.
- (1112) Garden store.
- (1213) Grocery store, including meat market.
- (1314) Hardware store.
- (1415) Laundry and cleaning, self-service.
- (1516) Office or clinic for the following:
 - (a) Accountant.
 - (b) Architect or designer.
 - (c) Attorney at law.
 - (d) Dentist.
 - (e) Doctor or other practitioner of the healing arts.
 - (f) Engineer or surveyor.
 - (g) Insurance agent.
 - (h) Real estate agent.
- (1617) (Deleted by Ord. No. 2595/8-73.)

~~(1718)~~ (Deleted by Ord. No. 2595/8-73.)

(19) Restaurant, including carry-out (no drive-thru), with limited seating, not exceeding a maximum floor area of 1,500 square feet.

~~(1820)~~ Variety or dry goods store.

~~(1921)~~ Light Rail Facility. (Added by Ord. No. 4300/12-94.)

~~(2022)~~ Residential activity on the second floor of a commercial building. (Added by Ord. No. 5150/6-02.)

~~(2123)~~ Commercial activity on the second floor of property designated as MU – Mixed Use on the City’s Comprehensive Plan Land Use Map. (Added by Ord. No. 5150/6-02)

~~(2224)~~ Residential homes and facilities. (Added by Ord. No. 5667/9-06.)

Section 2. Based on the testimony, record, and the findings provided within the staff report, the City Council approves the following amendments to Section 42 of Zoning Ordinance No. 1945 [added text shown by bold italic typeface and deleted text by overstrike typeface]:

Section 42. Conditional Uses Permitted. A use permitted as a conditional use in an adjacent residential zone is permitted as a conditional use in a C-4 zone.

(1) Automobile service station. (Added by Ord. No. 2526/8-72.)

(2) Church with a maximum floor area not exceeding 3,000 square feet.

~~(23)~~ Repair or service shops to accommodate the following: (Added by Ord. No. 2595/8-73.)

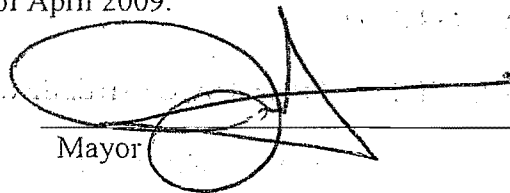
- (a) Appliance sales and service.
- (b) Bicycle sales and service.
- (c) Catering service.
- (d) Radio or television sales and service.
- (e) Sewing machine sales and service.
- (f) Shoe repair.
- (g) Typewriter sales and service.

- (h) Upholstery, automobile, and furniture.
- (i) Other uses found similar to (Subparts) (a) through (h)
- (j) Eating establishment, which meets all of the following limitations:
(Added by Ord. No. 3701/6-87.)
 - (1) has a maximum seating capacity of 50 or fewer persons, and
 - (2) excludes provision of drive-in service, and
 - (3) excludes the serving of alcoholic beverages *distilled liquor (beer and wine allowed)*.
- (34) Radio transmission facilities. (Added by Ord. No. 3194/12-80.)
- (45) Mixed Use Commercial/Residential Development, on sites smaller than two acres, within the Station Area Interim Protection District. (Added by Ord. No. 4223/4-94.)
- (56) Light Rail Construction Area. (Added by Ord. No. 4300/12-94.)
- (67) Transit Park and Ride (Added by Ord. No. 4300/12-94.)
- (78) Commercial activity on the second floor of property designated other than MU – Mixed Use on the City's Comprehensive Plan Land Use Map. (Added by Ord. No. 5150/6-02.)

First approval of the Council on this 7th day of April 2009.

Second approval and adoption by the Council on this 21st day of April 2009.

Approved by the Mayor this 21st day of April 2009.

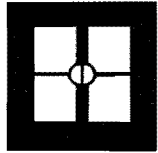


Mayor

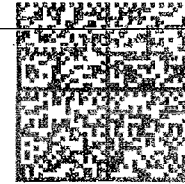
ATTEST: 

City Recorder

CITY OF HILLSBORO



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



POSTNET

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04/24/2009

Mailed From 97123

US POSTAGE

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

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