



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

03/14/2011

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 002-10

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, March 25, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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.

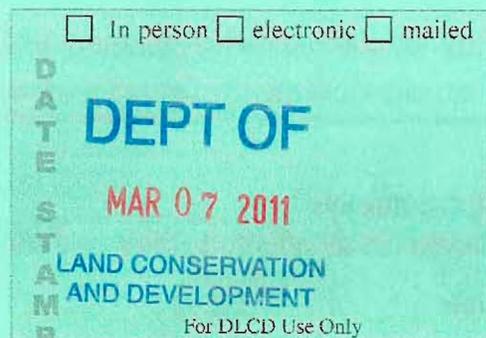
*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Debbie Raber, City of Hillsboro
Gloria Gardiner, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA

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: **City of Hillsboro**

Local file number: **ZOA 1-10**

Date of Adoption: **3/1/2011**

Date Mailed: **3/4/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/9/2010

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 amendments regarding "Animal Services Facilities:" replacing the existing definition of "kennel" with a new definition for "animal service facilities; amending permitted and conditional uses in commercial and industrial zones to allow this use; and adding standards for approval and operation of animal services facilities.

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

Initiated language concerned only the M-P Industrial Park zone and contained generic standards. Adopted language addresses all commercial and industrial zones, including specific standards, and revises standards under which any conditional use may be reconsidered by the Planning Commission.

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
<input type="checkbox"/>	<input checked="" 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. _____

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

none.

Local Contact: **Debbie Raber**

Phone: **(503) 681-6155** Extension:

Address: **150 East Main St., 4th Floor**

Fax Number: **503-681-6245**

City: **Hillsboro**

Zip: **97123-**

E-mail Address: **debbier@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

ORDINANCE NO. 5960

ZOA 1-10: ANIMAL SERVICES FACILITIES

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF ZONING ORDINANCE NO. 1945, REGARDING ANIMAL SERVICES FACILITIES.

WHEREAS, animal services facilities including pet care, grooming and overnight boarding are becoming an expanding business sector in Hillsboro, and provide popular and desired services for many residents and employees in the City, and

WHEREAS, the Zoning Ordinance does not include any reference to animal services facilities, a use which includes services outside the definition of kennel currently included in Section 3, and

WHEREAS, location of several existing pet day care facilities is based on Planning Commission interpretations under Zoning Ordinance Section 89, which interpretations are no longer adequate to address the nature, scale, or frequency of this type of use, and

WHEREAS, Zoning Ordinance Section 112 authorizes the Planning Commission to initiate Zoning Ordinance text amendments, and the Planning Commission believed it was appropriate to consider amending the Zoning Ordinance to allow animal service facilities in one or more zones throughout the City, and

WHEREAS, the Planning Commission therefore adopted Order No. 8029 on August 23, 2010, initiating amendments to Zoning Ordinance Sections 3, 65A, and 83, and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on September 22, October 13, November 10, and December 8, 2010 and on January 12, 2011, and heard testimony in support and in opposition to the proposed amendments, and adopted Order No. 8036 on January 26, 2011, recommending approval of the proposed amendments, with the Planning Department staff reports dated September 15, September 22, October 6, November 4 and December 1, 2010, January 5, 2011 and January 20, 2011 as supporting findings in this matter, and

WHEREAS, the City Council considered the Planning Commission's recommendation at its regular meetings on February 15 and March 1, 2011.

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

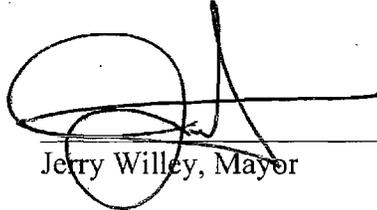
Section 1. Zoning Ordinance No. 1945 is amended as described in Exhibit A attached hereto, with language to be added in ***bold italic*** typeface and language to be deleted on ~~overstrike~~ typeface.

Section 2. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

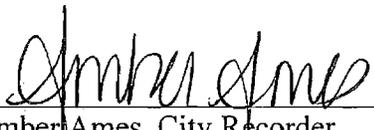
First approval of the Council on this 15th day of February 2011.

Second approval and adoption by the Council on this 1st day of March 2011.

Approved by the Mayor this 1st day of March 2011.



Jerry Willey, Mayor

ATTEST: 
Amber Ames, City Recorder

Section 48A II Permitted and Conditional Uses, Table 48A-1 (MU-C and MU-N zones):

Amendment of the indicated lines in Table 48A-1 as shown below, with unchanged footnoted lines included only for formatting consistency:

Table 48A-1 Land Uses		
Use	Mixed Use Districts	
	MU-C Commercial	MU-N Neighborhood
Commercial Uses²		
Neighborhood Commercial and Cottage Industry ³	P	P
Commercial Uses	P / C ⁶	P / C ⁶
Automobile Sales	N	N
Hotels and Residential Hotels	P	N
Drive Through Facilities	P ⁴	N
General Office	P	P
Retail	P	P
Automobile Service Station	N	N
Motor Vehicle Servicing or Repair ⁵	N	N
Small Appliance Repair and Service Shops	P	P

P: Use Permitted Outright C: Conditional Use N: Not permitted

¹ Subject to Density Ranges in Table 48A-2

² Subject to Maximum Occupant on First Floor provisions in Table 48A-2

³ Subject to Definition in 48A.VI.Y

⁴ Drive through facilities are only permitted within 100 feet of a roadway designated an Arterial on the City TSP and are subject to the standards contained in Section 48A.IV.C.5

⁵ New uses are prohibited. Existing uses are subject to the non-conforming uses requirements in Sections 98 to 105.

⁶ *Accessory overnight pet boarding permitted outright at veterinary clinics; permitted elsewhere only with Conditional Use approval. Outdoor exercise areas not permitted in the MU-N or MU-C zones.*

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Section 48A VI (F) Definitions (MU-C and MU-N zones):

F. Commercial Uses. Uses and activities involving the sale, lease or rent of new or used products to the general public; the provision of personal, consumer and business services (including daycare for children and the elderly) and entertainment; the provision of product repair or services for consumer and business goods; and office facilities for business, government, professional, medical (including free-standing medical, dental and veterinarian clinics), and financial services. Commercial Uses do not include hospitals and those which are specifically identified as not permitted in Table 48A-1. *Animal Services Facilities as defined in Section 3 are considered Commercial Uses; accessory overnight pet boarding if permitted may be subject to conditional use approval under Section 89.*

Section 54 Uses Permitted Outright (in a C-1 zone): Addition of a new subsection 27:

(27) Animal Services Facility including overnight boarding, but excluding outdoor exercise areas except as provided in Section 55.

Section 55 Conditional Uses Permitted (in a C-1 zone): Addition of a new subsection 15:

(15) Outdoor exercise areas accessory to animal services facilities.

Section 60 Uses Permitted Outright (in an M-2 zone): Addition of a new subsection 9:

(9) Animal Services Facility including overnight boarding, but excluding outdoor exercise areas except as provided in Section 61.

Section 61 Conditional Uses Permitted (in an M-2 zone): Addition of a new subsection 11:

(11) Outdoor exercise areas accessory to animal services facilities.

Section 65A Conditional Uses Permitted (in an M-P zone): Addition of a new subsection 13:

(13) Animal Services Facility, with or without overnight boarding and/or outdoor exercise area.

Section 83 Standards Governing Conditional Uses: Addition of a new Subsection (9); renumbering subsequent subsections; and amendment of renumbered Subsection (13) [formerly Section 12]:

(9) Animal Service Facility or Accessory Outdoor Area.

a) An application for an animal services facility or for accessory outdoor exercise areas shall specify the following operational conditions of the facility or area:

i) Average number of animals kept during a 24-hour period, weekdays and weekends, and maximum number of animals kept during peak periods;

ii) On-site pick-up / drop-off vehicle circulation patterns;

- iii) interior and exterior noise attenuation materials to be used, including but not limited to solid exterior noise barriers and enhanced interior building insulation;*
 - iv) visual screening of outdoor exercise areas or runs.*
 - v) sanitation measures for outdoor exercise areas;*
 - vi) staffing levels during all hours of operation; and*
 - vii) schedule and scale of training, competition, or show activities generating additional vehicular traffic or on-site activities.*
- b) Accessory outdoor exercise areas shall comply with the following standards:*
- i) Not more than 10 animals per 1000 square feet of outdoor exercise area shall be permitted in the area at any given time;*
 - ii) Outdoor exercise areas shall be fully screened from adjacent properties and from public right-of-way;*
 - iii) Noise attenuation measures shall be provided on the walls or fences of outdoor exercise areas, to mitigate animal generated noise. This standard will be considered met if the applicant provides documentation from a qualified sound engineer that the sound attenuation measures will ensure compliance with the following standards:*
 - a) Animal-generated noise at any property line of the site does not exceed 60 dBA at any time except as provided in subsection b).*
 - b) Animal-generated noise above 60 dBA shall be allowed on an "infrequent" basis within the 12-hour period between 7:00 a.m. and 7:00 p.m. of the same day. In applying this standard "infrequent" is defined as either:*
 - 1) continuous animal-generated noise of up to 70 dBA at a property line for no more than ten (10) minutes of the 12-hour period; or*
 - 2) intermittent animal-generated noise of up to 70 dBA at a property line for no more than thirty (30) minutes of the 12-hour period.*

For purposes of measuring “infrequent” sound levels from approved outdoor exercise areas, Hillsboro Municipal Code Section 8.08.025 shall not apply.

iv) The effectiveness of these standards may be reevaluated at any time at the discretion of the Planning Commission.

~~(12)~~ (13) *Upon a determination that there are sufficient grounds, the Planning Commission may at any time initiate a review of the operation of any Conditional Use. A review shall be initiated if the Planning Director receives three documented and unresolved complaints within six months that a conditional use has not complied with the applicable conditions of approval or the applicable standards of this section. If a review is initiated, the Commission shall hold a public hearing to determine whether the use is in compliance with applicable standards and conditions. Notice of the public hearing shall be sent to surrounding property owners as prescribed in Section 80. At the conclusion of the hearing, the Planning Commission shall adopt findings of compliance or non-compliance for the conditional use. Upon adoption of findings of non-compliance, the property owner(s) shall submit a compliance schedule documenting that compliance will be achieved within forty-five (45) days or a shorter period of time if the Commission determines there is a cause for emergency action. Receipt of further documented and unresolved complaints will result in revocation of the conditional use permit.*

Section 136 III Definitions: Amendment of Subsection (I):

I. **Commercial Uses.** Uses and activities involving the sale, lease or rent of new or used products to the general public; the provision of personal, consumer and business services (including child care facilities and adult daycare for the elderly) and entertainment; the provision of product repair or services for consumer and business goods; and office facilities for business, government, professional, medical (including free-standing medical, dental and veterinarian clinics), and financial services. Commercial uses do not include “restricted uses” except as allowed under the provisions of Section 136.VI., hospitals, geriatric care facilities, hotels, residential hotels or recreational facilities. *Animal Services Facilities as defined in Section 3 are considered Commercial or Neighborhood Commercial Uses; accessory outdoor exercise areas and/or overnight pet boarding if permitted may be subject to conditional use approval under Section 89.*

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Section 136 IV Table 1 Permitted Uses in Station Community Commercial Districts: Amendment of the indicated lines in Table 1as shown on the following page, with unchanged footnoted lines included only for formatting consistency:

Table 1: Permitted Uses in Station Community Commercial Districts

Use	SCC-CBD	SCC-HOD	SCC-SC	SCC-MM
Commercial Uses¹	<i>P/C^{2,3}</i>	<i>P/C^{2,3}</i>	N	<i>P/C^{2,3}</i>
Neighborhood Commercial¹	P	N	<i>P/C^{2,3}</i>	P
Community Service ⁴	P	P	P	P
Pedestrian-Oriented Accessory Uses and Outdoor Seating for Restaurants ⁵	P	P	P	P
Major Institutions ⁶	N	P	P	P
Drive-through Facilities	N/P ⁷	N/P ⁷	N	P
Motor Vehicle Service, Maintenance or Repair Facilities	N	N/P ⁸	N	P
Automobile Sales	N	C ⁹	N	N

¹ To clarify commercial/neighborhood commercial use restrictions, see "Neighborhood Commercial" definition.

² *Outdoor exercise areas for animal services facilities permitted only with conditional use approval.*

³ *Overnight pet boarding permitted outright at veterinary clinics; elsewhere only with conditional use approval.*

⁴ Excluding religious institutions.

⁵ Pedestrian-oriented accessory uses (such as sidewalk flower, food and drink stands) and outdoor seating for restaurants are subject to City permit requirements.

⁶ A Major Institution relates to a particular type of use, but a variety of use types can be a Major Institution (governmental, educational, medical, etc.) See definition.

⁷ New uses are prohibited. Existing use are exempt from the provisions of Section 102 as specified in Section 136 (VI)(A)(9) and (VI)(A)(11).

⁸ New uses are prohibited except as provided in Section 139.III. Expansion of existing uses beyond 400 feet from a light rail station is allowed in accordance with the provisions of Section 136.VI.

⁹ Conditional Use approvals for Automobile Sales in the SCC-HOD District are limited to seven years duration.

Section 136 IV Table 2 Permitted Uses in Station Community Residential Districts: Amendment of the indicated lines in Table 2 below, with unchanged footnoted lines included only for formatting consistency:

Table 2: Permitted Uses in Station Community Residential Districts

Use	SCR-HD	SCR-MD	SCR-LD	SCR-V	SCR-DNC	SCR-OTC
Multi-Family Dwellings and Garden Apartments	P	P	N	P	P ¹	N
Indoor Recreational Facilities	P/C ²	N	N	P	N	N
Commercial Uses In Mid-Rise Apartments ³	P	N	N	P	N	N
Hotels and Residential Hotels	C ⁴	N	N	P	N	N
Neighborhood Commercial	P / C⁵	C^{5,6}	N	P / C⁵	P/C/N⁷	P^{8,9}
General Office Uses	N	N	N	P	P / C^{7,8,10}	N
Pedestrian-Oriented Accessory Uses & Outdoor Seating for Restaurants ¹¹	P	C	N	P	N	P ⁵

¹ Subject to minimum and maximum density requirements.

² Indoor recreational facilities are permitted outright within residential buildings and conditionally as free-standing uses.

³ Commercial uses may occupy up to 15,000 sq. ft. of gross floor area on the ground floor of mid-rise multi-family apartment buildings.

⁴ Conditionally permitted as free-standing uses.

⁵ **Overnight pet boarding permitted outright at veterinary clinics; elsewhere only with conditional use approval. Outdoor exercise areas not permitted.**

⁶ A single story neighborhood commercial use proposed at the intersection of two arterial streets or an arterial intersection with a collector within an SCR-MD, is allowed outright.

⁷ Certain Neighborhood Commercial Uses are permitted outright or conditionally within the Arterial Exception area pursuant to Section 139(III)C

⁸ **Overnight pet boarding permitted outright at veterinary clinics; elsewhere only with conditional use approval. Outdoor exercise areas not permitted.**

⁹ Permitted only along Alder Street between 231st and 228th Avenues.

¹⁰ Certain office uses are permitted outright or conditionally within the Arterial Exception area pursuant to Section 139(III)C

¹¹ Pedestrian-oriented accessory uses (such as sidewalk flower, food and drink stands) and outdoor seating for restaurants are subject to City permit requirements

Section 136 IV Table 3 Permitted Uses in Station Community Industrial and Institutional Districts:
 Amendment of the indicated lines in Table 3 below, with unchanged footnoted lines included only for formatting consistency::

Table 3: Permitted Uses in Station Community Industrial and Institutional Districts

Use (P Permitted Use, C Conditional Use, N Not Permitted)	SCI	SCBP	SCR ¹	SCFI ²
Flex Space Uses	P	P	P ³	N
Medical and Dental Offices, Outpatient and Clinical Facilities ⁴	N	P ⁵	P	N
<i>Commercial Uses Primarily Serving the Permitted Uses of the District</i>	<i>P/C⁶</i>	<i>P/C⁶</i>	<i>P/C⁶</i>	<i>P/C⁶</i>
Pedestrian-Oriented Accessory Uses and Outdoor Seating for Restaurants ⁷	N	P	P	P
Community Service ⁸	N	P	P	P
Residential Uses	N/C ⁹	N/C ⁹	P ¹⁰	P ¹¹
Radio and Telephone Transmission Facilities	C	C	C	C
Utility Substation	P	C	C	C
Light Rail Facilities, other than park-and-ride-lots	P	P	P	P
Transit Park-and-Ride	C	C	C	C
Helicopter Landing Pads	C	C	C	C
Permanent Open Space	P	P	P	P
Public Parks and Recreational Facilities	C	C	C	C

¹ See also "Permitted, Restricted and Specially Regulated Land Uses" and the "compatibility" tables associated with a specific research park for additional and/or more specific use provisions; for example Tables 141.1 and 141.2 for STAR Park.

² All development within this District shall comply with applicable provisions of the state "Airport Planning Rule" (OAR 660 Division 13).

³ Light industrial and Flex Space industrial uses are allowed within an SCR¹ District, but only when qualified as a compatible accessory or non-accessory industrial use and sited in accord with an approved Concept Development Plan.

⁴ This use does not include emergency care facilities which provide treatment without appointment and/or treatment outside normal business hours.

⁵ See Section 142 (III) (A).

⁶ *Animal services facilities (with or without outdoor exercise areas and/or overnight pet boarding) permitted only with conditional use approval.*

⁷ Pedestrian-oriented accessory uses (such as sidewalk flower, food and drink stands) and outdoor seating for restaurants are subject to City permit requirements.

⁸ Excluding religious institutions.

⁹ A residence for an on-site security guard is allowed in the District as a Conditional Use.

¹⁰ Residential use must be approved as part of the Concept Development Plan, and is restricted to housing functionally integrated with and serving the needs of one or more major institutions located in the district. However, on Tax Lots 1N2 36 3490, 3700, 3701, on that portion of Tax Lot 1N2 36 3400 located east of Tax Lot 1N2 36 3701, and on the property located north of the Quatama LRT Station between 206th Avenue and 205th/Amberglen Parkway currently owned by ORPRC, high density residential uses may be developed without the need to demonstrate a functional relationship with any major institution in the district and without the need for a separate Concept Development Plan if developed by parties other than ORPRC as part of their campus pursuant to ORPRC's approved Concept Development Plan.

¹¹ Residential and mixed use residential uses shall not occupy more than 25% of the District, including any trailer/recreational vehicle spaces with hook-ups to accommodate vendors and visitors attending Fair Complex activities that may be allowed as part of the approved Concept Development Plan.



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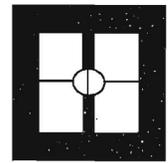
03/04/2011

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Planning Department
150 E. Main Street, Fourth Floor Hillsboro OR 97123

CITY OF HILLSBORO



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

DEPT
MAR 07 2011
LAND CONSERVATION
& DEVELOPMENT