



**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**

10/05/2011

**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 005-11

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:** Thursday, October 20, 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:** Deborah Raber, City of Hillsboro  
Angela Lazarean, DLCD Urban Planning Specialist

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FORM 2

DLCD

# Notice of Adoption

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

In person  electronic  mailed

DATE  
STAMP

DEPT OF  
SEP 30 2011  
LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

Jurisdiction: **City of Hillsboro**

Local file number: **ZOA 3-11**

Date of Adoption: **9/20/2011**

Date Mailed: **9/29/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **6/24/2011**

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".

Adopted amendment revised multiple sections of Zoning Ordinance to remove specific Municipal Code section numbers, which were revised during a recent update, leaving the cited section numbers incorrect. Generic section numbers were substituted.

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

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **NA**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<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. 005-11 (18871) [16779]

**DLCD file No.** \_\_\_\_\_

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

None.

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Local Contact: **Deborah Raber**

Phone: (503) 681-6155 Extension:

Address: **150 E. Main St., 4<sup>th</sup> Floor**

Fax Number: 503-681-6245

City: **Hillsboro**

Zip: **97123-**

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

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### **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](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

**ORDINANCE NO. 5982**

ZOA 3-11: MUNICIPAL CODE CITATIONS IN THE ZONING ORDINANCE

AN ORDINANCE APPROVING TEXT AMENDMENTS TO MULTIPLE SECTIONS OF THE ZONING ORDINANCE TO REMOVE SPECIFIC MUNICIPAL CODE SECTION NUMBERS.

WHEREAS, the new City Charter became effective in January 2008, and

WHEREAS, following adoption of the new City Charter, the City Recorder's office and the City Attorney's office initiated a Municipal Code review, culminating in City Council adoption of a revised Municipal Code in February 2011, and

WHEREAS, the Zoning Ordinance contains several specific citations to standards or requirements in the previous Municipal Code, and these numeric citations are now invalid, and

WHEREAS, Zoning Ordinance Section 112 authorizes the Planning Commission to initiate and hold public hearings on Zoning Ordinance text amendments, and

WHEREAS, the Planning Commission believed it appropriate to remove the specific numeric Municipal Code section citations, leaving a more generic reference to the Municipal Code as a whole, and therefore initiated the proposed amendments on June 22, 2011 through adoption of Order No. 8043, and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on August 10, 2011, received no testimony in opposition, and adopted Order No. 8051 recommending City Council approval of the proposed amendments, with the Planning Department staff report dated August 3 as findings in support, and

WHEREAS, the City Council considered the Planning Commission's recommendation at its regular meeting on September 6, 2011, and

WHEREAS, the City Council adopts the 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 28 (4) is amended to read as follows, with language to be deleted shown in overstrike typeface:

(4) Mobile businesses, in compliance with ~~Section 5.06~~ of the Municipal Code.

Section 2. Zoning Ordinance Section 34A (6) is amended to read as follows, with language to be deleted shown in overstrike typeface:

(6) Mobile businesses, in compliance with ~~Section 5.06~~ of the Municipal Code.

Section 3. Zoning Ordinance Sections 128A II (B) (1) and VII A are recommended for amendment by the City Council to read as follows, with language to be deleted shown in overstrike typeface and language to be added in ***bold italic*** typeface:

(1) Garage sales as allowed by ~~Chapter 5.40~~ of the Hillsboro Municipal Code;

A. Grounds for Revocation. A business license for a permitted home occupation is subject to revocation at any time by the City Council for cause pursuant to ***the*** Hillsboro Municipal Code ~~5.04.090~~ under the following circumstances:

Section 4. Zoning Ordinance Section 140 III K 4 (c) is amend to read as follows, with language to be deleted shown in overstrike typeface and language to be added in ***bold italic*** typeface:

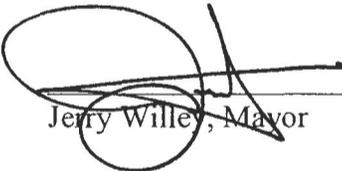
c) To comply with the requirements of ***the*** Hillsboro Municipal Code ~~Section 8.20.010~~ regarding trimming limbs projecting into or over streets or sidewalks which may obstruct vision or interfere with the use or maintenance of the street or sidewalk.

Section 5. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

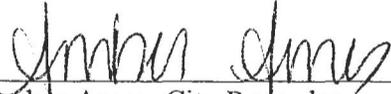
First approval of the Council on this 6<sup>th</sup> day of September 2011.

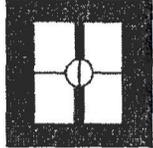
Second approval and adoption by the Council on this 20<sup>th</sup> day of September 2011.

Approved by the Mayor this 20<sup>th</sup> day of September 2011.

  
Jerry Willey, Mayor

ATTEST:

  
Amber Ames, City Recorder



August 3, 2011

**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Planning Department

**RE:** Proposed Zoning Ordinance text amendments - Case File No. ZOA 3-11: Removing Municipal Code section citations in the Zoning Ordinance

**REQUEST**

Planning staff requests that the Planning Commission adopt the attached Order recommending approval of text amendments to the Hillsboro Zoning Ordinance (HZO) to remove citations to specific Municipal Code section citations. The proposed text amendments would make the Zoning Ordinance consistent with the revised Municipal Code, adopted by City Council in February 2011.

The Planning Commission initiated the proposed amendments through adoption of Order No. 8043 on June 22, 2011.

**BACKGROUND**

The Zoning Ordinance contains several references to standards or requirements in the Municipal Code. Following the adoption of the new voter-approved City Charter in January 2008, the City Recorder's office coordinated a two-year effort to streamline and update the Municipal Code. The significantly revised Municipal Code was adopted by Council in February 2011. As a result, many Municipal Code section numbers were revised, and the specific citations in the Zoning Ordinance are now invalid.

**TEXT OF PROPOSED ZONING ORDINANCE AMENDMENTS**

The proposed Zoning Ordinance text amendments are listed in the attached draft Order. The amendments would delete the specific numeric references, leaving a more generic reference to the Municipal Code as a whole.

**PROCEDURE FOR INITIATION AND PROCESSING OF A ZONING ORDINANCE  
TEXT AMENDMENT**

The procedures for initiating and processing a Zoning Ordinance text amendment are found in HZO Sections 112 and 116 as shown below. Sections not relevant are omitted for brevity.

**Section 112. Authorization to Initiate Amendments.** 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 shall be by the Planning Commission.

**Section 116. Public Hearing on an Amendment.** Before taking action on a proposed *[text]* amendment to this Ordinance, the Planning Commission shall hold a public hearing thereon within 40 calendar days after receiving the application.

- (1) Notice of hearing. Notice of time, place, and purpose of the public hearing before the Planning Commission, on a proposed amendment shall be given by the City Recorder in the following manner:
  - a. If an amendment to the text of this Ordinance is proposed, notice shall be by three publications in a newspaper of general circulation in the City, the first to be not more than 30 calendar days and the last not more than 10 calendar days prior to the date of hearing.
- (2) Recess of hearing. The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Planning Commission shall announce the time and date when the hearing will be resumed or other manner, such as written evidence, in which additional information will be considered.
- (3) Action of the Planning Commission. A decision by the Planning Commission to deny an amendment shall be final unless appealed to the City Council according to the provisions of this ordinance. An action favoring an amendment shall be in the form of a recommendation to the City Council. The City Council may, on its own initiative or upon appeal, hold such hearing as it deems appropriate upon proposed amendments. The City Council may pass an ordinance amending the Zoning Ordinance text based upon the recommendation of the Planning Commission or based on findings of the City Council.

As required by HZO Section 114 and state statute, notice of the proposed amendments has been published three times in the Hillsboro Argus and has been sent to DLCD.

**RECOMMENDATION**

Planning staff believes ZOA 3-11 is a self-explanatory “housekeeping” amendment having no significant impact on the application of zones, standards, or procedures in the HZO. Planning staff therefore requests that the Planning Commission open the public hearing on August 10<sup>th</sup>, receive any testimony, close the hearing and recommend City Council approval of the amendments by adopting the attached draft Order.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



Deborah A. Raber, AICP  
Planning Project Manager

Attachment: Draft Order

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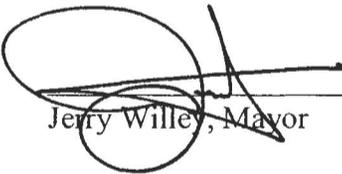
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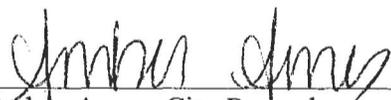
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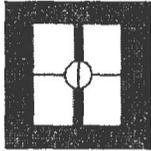
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August 3, 2011

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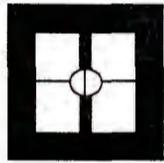
Deborah A. Raber, AICP  
Planning Project Manager

Attachment: Draft Order

# First Class Mail

Planning Department  
150 E. Main Street, Fourth Floor Hillsboro OR 97123  
**CITY OF HILLSBORO**

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

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