



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

09/29/2011

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 006-11

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 13, 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: Ruth Klein, City of Hillsboro
Angela Lazarean, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA

FORM 2

DLCD

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 4-11**

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

Date Mailed: **9/22/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** 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".

Amendment to Hillsboro Zoning Ordinance Section 134A to revise the definition of the term "high-technology product manufacturing" use for clarification and consistency of intent between the City and Metro.

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

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

to: **N/A**

Zone Map Changed from:

to:

Location: **North of Cornell Road West of Cornelius Pass Rd**

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"/>	<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"/>	<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. 006-11 (18872) [16774]

DLCD file No. _____

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

Metro, Washington County, City of Hillsboro

Local Contact: **Ruth Klein**

Phone: (503) 681-6465 Extension:

Address: **150 E. Main St. 4th Floor**

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

City: **Hillsboro**

Zip: **97123-**

E-mail Address: **ruthk@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. 5983

ZOA 4-11: CORRECTION OF DEFINITION IN SECTION 134A

AN ORDINANCE APPROVING A TEXT AMENDMENT TO A DEFINITION WITHIN ZONING ORDINANCE SECTION 134A SHUTE ROAD SPECIAL INDUSTRIAL DISTRICT.

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 held a public hearing on the proposed amendments on August 10, 2011, received no testimony in opposition, and adopted Order No. 8052 recommending City Council approval of the proposed amendments, with the Planning Department staff report dated August 3, 2011 as findings in support, and

WHEREAS, the Planning Commission believed it appropriate to make the City Hillsboro Zoning ordinance precisely the same as the corresponding Metro UGB conditions of approval that are attached to the Shute Road Industrial Area, based on the Staff Report dated August 3, 2011 attached hereto as Exhibit A, 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 134A is amended to read as follows, with language to be deleted shown in overstrike typeface:

1. A "high-technology product manufacturing" use means and includes any high technology enterprise engaged in the business of manufacturing high-technology-related products, either as the main on-site activity or in conjunction with on-site experimental product research, testing or prototype production; or, any other high-technology industrial use that needs to use a dependable and uninterruptible supply of specialized dual-feed electric power or nitrogen gas ~~in order to engage in the manufacture of its products.~~

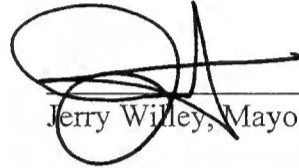
Section 2. The City Council adopts the staff report dated August 3, 2011 and attached as Exhibit A as findings.

Section 3. 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 6th day of September 2011.

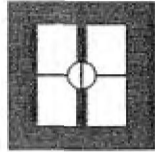
Second approval and adoption by the Council on this 20th day of September 2011.

Approved by the Mayor this 20th day of September 2011.



Jerry Willey, Mayor

ATTEST: 
Amber Ames, City Recorder



August 3, 2011

STAFF REPORT

TO: Planning Commission

FROM: Planning Department

RE: Request to Initiate Zoning Ordinance Text Amendment to Section 134A of the Shute Road Special Industrial District

REQUEST

Planning staff requests that the Planning Commission adopt the attached draft order recommending City Council approval of a housekeeping text amendment to the Hillsboro Zoning Ordinance. The proposed zoning ordinance amendment would clarify the definition of “high-technology product manufacturing” in Section 134A of the Zoning Ordinance to be precisely the same as a corresponding UGB condition of approval that is attached to the Shute Road Industrial Area.

BACKGROUND

When the Shute Road site was added to the Metro Urban Growth Boundary (UGB), the Metro Ordinance required that Hillsboro adopt regulations to implement conditions that would apply to development of the site. In 2004, the City adopted Zoning Ordinance Section 134A, a copy of which is attached, in compliance with Metro’s requirements.

As a result of recent development inquiries, and work on proposed industrial sanctuary regulations to address anticipated additions to the UGB to accommodate industrial uses, City and Metro staff and their respective legal counsels identified minor wording differences between the City’s Section 134A regulations and the Metro condition they were to implement. Therefore, a housekeeping amendment is proposed to make the City’s Zoning Ordinance fully consistent with the Metro requirements.

PROPOSED COMPREHENSIVE PLAN AMENDMENT

The attached draft order recommends Council approval of a modification to the Zoning Ordinance text and would revise the definition of the term “high-technology product manufacturing use” found in Section 134A.C.1. That definition currently reads as follows:

1. A “high-technology product manufacturing” use means and includes any high technology enterprise engaged in the business of manufacturing high-technology-related products, either as the main on-site activity or in conjunction with on-site experimental product research, testing or prototype production; or, any other high-technology industrial use that needs to use a dependable and uninterruptible supply of specialized dual-feed electric power or nitrogen gas in order to engage in the manufacture of its products.

As written, the definition adds words not used in the Metro condition, and creates ambiguity in how it is to be interpreted. These additional words – not required by the Metro condition – should be deleted in order to clarify the meaning of the definition.

Staff has therefore attached a draft order with the following minor modification. Text proposed for deletion is shown as ~~striketrough~~:

1. A “high-technology product manufacturing” use means and includes any high technology enterprise engaged in the business of manufacturing high-technology-related products, either as the main on-site activity or in conjunction with on-site experimental product research, testing or prototype production; or, any other high-technology industrial use that needs to use a dependable and uninterruptible supply of specialized dual-feed electric power or nitrogen gas ~~in order to engage in the manufacture of its products.~~

PUBLIC TESTIMONY

Zoning Ordinance amendments require a 45 day notice to the Oregon Department of Land Conservation and Development (DLCD). The DLCD notice for this amendment was delivered on June 24th and stated that the City’s first evidentiary hearing was scheduled for August 10, 2011. As of the date of this staff report no comments have been received from DLCD or any other interested parties.

RECOMMENDATION

Following the August 10th public hearing, Planning staff recommends that the Commission adopt the proposed draft order recommending approval to the City Council.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



Ruth Klein
Urban Planner III

Attachments: Zoning Ordinance Section 134A
Draft Order and Exhibits

Section 134A. Shute Road Site Special Industrial District (SSID)

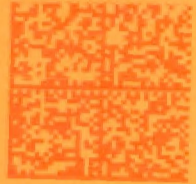
(Added by Ord. No. 5331/1-04)

- A. **Purpose.** The Shute Road Site Special Industrial District (SSID) is an overlay zone intended to supplement most of the provisions of the underlying M-P, Industrial Park Zone for the Shute Road Site. If any provision of this District conflicts with a provision in the underlying M-P Industrial Park Zone as applied to the Site, the provisions of this District shall control. The purposes of this District are:
1. To provide and enhance within planned campus industrial park settings development opportunities within the Shute Road Industrial Site for businesses engaged in “high technology product manufacturing” that may require large sites, and for supporting industrial uses and accessory commercial businesses that may also locate within the same large sites.
 2. To provide the opportunity for smaller, compatible industrial uses and accessory commercial uses that can support the businesses engaged in high-technology product manufacturing uses and may require small and medium size sites in a planned campus industrial park setting.
 3. To provide large lots within the Shute Road Industrial Site for businesses engaged in high technology product manufacturing uses.
 4. To provide for aesthetically attractive, well designed industrial development within every development site whether large, medium or small within the Shute Road Industrial Site.
- B. **Applicability.** The provisions of this District shall apply only to the Shute Road Industrial Site shown on Figure 134A – 1, which is a part of this ordinance. Upon annexation to the City of properties within the Shute Road Industrial Site, the Official Zoning Map of the City of Hillsboro shall be amended to apply the M-P Industrial Park zone and the SSID overlay zone to each of the properties included within the boundaries of the Shute Road Industrial Site as shown on Figure 134A-1.
- C. **Definitions.** For the purposes of this District:
1. A “high-technology product manufacturing” use means and includes any high technology enterprise engaged in the business of manufacturing high-technology-related products, either as the main on-site activity or in conjunction with on-site experimental product research, testing or prototype production; or, any other high-technology industrial use that needs to use a dependable and uninterruptible supply of specialized dual-feed electric power or nitrogen gas in order to engage in the manufacture of its products.

2. A "lot of record" means any lot or parcel of property described on Washington County Tax Maps on the date of annexation of the lot or parcel of land to the City of Hillsboro.
3. "Contiguous lots of record in common ownership" means all contiguous lots or parcels which are either owned by a single individual or entity at the time land is placed in this district or which are thereafter acquired by a single individual or entity.

D. **Standards.** All land uses, development and lot size requirements within the Shute Road Site Special Industrial District (SSID) shall comply with the following standards:

1. **Land Use.** Development within the SSID shall be allowed in accordance with the following requirements:
 - a. Land uses within the SSID shall be limited to:
 - (1) Businesses engaged in high-technology product manufacturing;
 - (2) Businesses and other land uses that support high-technology product manufacturing; and
 - (3) Commercial office uses that are accessory to and in the same building containing businesses engaged in high-technology product manufacturing or businesses and other land uses that support high-technology product manufacturing.
 - b. New commercial retail uses shall not be permitted within the SSID.
2. **Required 100-Acre or 50-Acre Lots.** The land area of any lot of record or contiguous lots of record in common ownership required to be developed only with high-technology product manufacturing uses defined in Section 134A, C.(1) of this ordinance shall not be reduced in size without prior approval by the Portland Metropolitan Service District and the City of Hillsboro.
 - a. Development within the SSID shall provide at least one (1) 100-acre lot of record or contiguous lots of record in common ownership, or three (3) 50-acre lots of record or sets of contiguous lots of record in common ownership on which development shall be limited to businesses engaged in high technology product manufacturing as defined in Section 134A,C.(1) of this ordinance. All other lots of record or contiguous lots of record in common ownership within the SSID may be smaller than 50-acres in size and may contain any business or use described in Section 134A.A.(1)–(3) of this ordinance.
 - b. **Implementing the Transportation Plan.** The required 100-acre lot or 50-acre lots may be reduced in size to the extent necessary to allow the dedication and/or construction of public collector or arterial roadways



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09/22/2011

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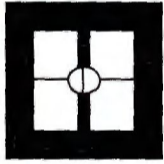
DEPT OF

SEP 26 2011

LAND CONSERVATION
AND DEVELOPMENT

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