



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

01/27/2012

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

FROM: Plan Amendment Program Specialis

SUBJECT: City of Hillsboro Plan Amendment
DLCD File Number 004-11

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: Friday, February 10, 2012

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
Thomas Hogue, DLCD Economic Development Policy Analyst

Amanda Punton, DLCD Natural Resources 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

JAN 23 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Hillsboro**

Local file number: **ZOA 2-11**

Date of Adoption: **1/17/2012**

Date Mailed: **1/20/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5/6/2011

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 combines and consolidates existing HZO Sections 134 West Union Special Industrial District (SID), Section 134A Shute Road SID, Section 134B Evergreen SID, and Section 135C Helvetia SID into a single Section 134D I-S Industrial Sanctuary zone. Proposed zone would broaden permissible industrial uses, but retain revised restrictions on commercial development and division of large lots.

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

Changes on Figure 134D-A to separate Shute Road into separate sub-area; changes in subsection 6 Limited Uses and Subsection 10 Lot Reconfiguration and Division Standards to insert separate standards for Shute Road sub-area

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:

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 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"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD File No. 004-11 (18756) [16909]

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, Washington County, Tualatin Valley Water District, Clean Water Services

Local Contact: **Debbie Raber**

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

Address: **150 E. Main Street, 4th Floor**

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. 5978

ZOA 2-11: INDUSTRIAL SANCTUARY ZONE TEXT AMENDMENT

AN ORDINANCE AMENDING THE ZONING ORDINANCE, ADDING A NEW SECTION 134D I-S INDUSTRIAL SANCTUARY ZONE AND DELETING SECTION 134 SPECIAL INDUSTRIAL DISTRICT OVERLAY, SECTION 134A SHUTE ROAD SITE SPECIAL INDUSTRIAL DISTRICT, SECTION 134B EVERGREEN SPECIAL INDUSTRIAL DISTRICT AND SECTION 134C HELVETIA SPECIAL INDUSTRIAL DISTRICT.

WHEREAS, Hillsboro Zoning Ordinance Section 134 Special Industrial District Overlay was added to the Zoning Ordinance in 1987, Section 134A Shute Road Site Special Industrial District in 2004; Section 134B Evergreen Area Special Industrial District in 2008 and Section 134C Helvetia Special Industrial District also in 2008, following the additions of these lands into the Urban Growth Boundary in 1986, 2002, 2004, and 2005 respectively, and

WHEREAS, these four Special Industrial District (SID) zones or overlay zones include several specific provisions limiting types of industrial development, land division, and lot sizes, largely based on policies and implementation measures in Sections 20, 24 and 25 of the Comprehensive Plan, which were in turn abased on conditions placed on the additions of these areas into the Urban Growth Boundary, and

WHEREAS, the differences among the zones has created a patchwork of narrow use lists and restrictive, complicated lot division requirements in these areas, and

WHEREAS, during the recent regional Urban/Rural Reserves process, emphasis has been placed on reviewing regulatory systems within the Urban Growth Boundary to encourage the most effective possible use of lands already inside the Boundary, and

WHEREAS, growing consensus among regional economic development experts indicates that the narrow use lists and restrictive, complicated lot division requirements in the SIDs have dissuaded several other major industrial users from siting in Hillsboro, and

WHEREAS, Zoning Ordinance Section 112 authorized the Planning Commission to initiate Zoning Ordinance text amendments, and

WHEREAS, the Planning Commission believed it appropriate to consider amending the Zoning Ordinance to remove the implementation discrepancies among Sections 134, 134A, 134B, and 134C, and therefore adopted Order No. 8040 on March 9, 2011, thereby initiating the proposed amendments, and

WHEREAS, the Planning Commission conducted a public hearing on the proposed amendments on June 15, 2011 and subsequently recommended City Council approval of the initiated Zoning Ordinance amendments through adoption of Order No. 8046 on July 13, 2011, including as supporting findings the Planning Department Staff Report dated June 15, 2011

attached hereto as Exhibit A and the supplementary evidence submitted into the Record on June 15, 2011 attached hereto as Exhibit B, and

WHEREAS, the City Council considered the Planning Commission's recommendation at its regular meeting on August 16, 2011, and approved the first reading of this Ordinance on that date, and

WHEREAS, the City Council held a public hearing on changes to the proposed ordinance on January 17, 2012, and approved the changes as described in the Planning Department staff report dated January 10, 2012, and

WHEREAS, the City Council adopts the findings attached hereto as Exhibits A and B in support of their decision.

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

Section 1. Zoning Ordinance No. 1945, as amended, is further amended to add new Section 134D I-S Industrial Sanctuary Zone as shown on Exhibit C.

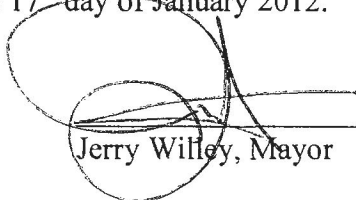
Section 2. Zoning Ordinance No. 1945, as amended, is further amended to delete Section 134 Special Industrial District Overlay, Section 134A Shute Road Site Special Industrial District, Section 134B Evergreen Special Industrial District and Section 134C Helvetia Special Industrial District.

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 16th day of August 2011.

Second approval and adoption by the Council on this 17th day of January 2012.

Approved by the Mayor on this 17th day of January 2012.

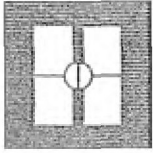


Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder

CITY OF HILLSBORO



June 15, 2011

STAFF REPORT

TO: Planning Commission
FROM: Planning Department

RE: Proposed Comprehensive Plan and Zoning Ordinance text amendments creating the North Hillsboro Industrial Area Community Plan and the I-S Industrial Sanctuary zone: Case Files HCP 2-11 and ZOA 2-11

REQUEST

At the regular meeting on June 22, 2011, the Planning Commission will hold a public hearing on proposed text amendments to the Hillsboro Comprehensive Plan (HCP) and the Hillsboro Zoning Ordinance (HZO). The proposed HCP amendments would consolidate the existing Shute Road, Evergreen and Helvetia Community Plans into a single North Hillsboro Industrial Area Community Plan. The HZO amendment would consolidate the original Special Industrial District zone, and the Shute Road, Evergreen and Helvetia Special Industrial District zones into a single I-S Industrial Sanctuary zone.

The Commission initiated these amendments in March 2011.

BACKGROUND

Present Status of Comprehensive Plan language:

HCP Section 20 Shute Road Industrial Site was added to the Comprehensive Plan in 2004; Section 24 Evergreen Area Industrial Plan in 2008; and Section 25 Helvetia Area Industrial Plan also in 2008. The lands covered by these Plans were added to the UGB in 2002, 2004, and 2005 respectively. Conditions were placed on each of the UGB additions, limiting types of industrial development, lot sizes, or both. The Community Plans also include these specific provisions, largely based on the Metro conditions. Each of the Industrial Plans is therefore different, creating a policy patchwork.

Present Status of Zoning Ordinance language:

The HZO presently has two industrial base zones: M-2 Industrial and M-P Industrial Park. The M-2 zone now functions as a mixed use commercial-industrial zone in many locations, and the M-P zone allows office uses as well as industrial uses. The M-P zone also serves as the basis for four Special Industrial Districts (SIDs) which have applied to areas added to the Urban Growth

Boundary since the late 1980s. These SIDs are: West Union (HZO Section 134); Shute Road (HZO Section 134A); Evergreen (HZO Section 134B); and Helvetia (HZO Section 134C). The Evergreen SID further has two sub-areas A and B: this division effectively creates a fifth SID.

The “five” SIDs reflect the specificity of the three Community Plans: Shute Road; Evergreen; and Helvetia. Among the “five” SIDs, there are three distinct permitted use lists, all of which are very specific and narrow and implement the restrictions in the Industrial Community Plans. Commercial uses are tightly restricted, as appropriate for regionally-significant industrial areas. The “five” SIDS also have four separate “regimes” for lot division, to encourage retention of existing large lots and creation of new large lots: these provisions are also entirely appropriate and necessary in these regionally-significant industrial areas.

With the exception of Genentech and several smaller companies in West Union, the SIDs have remained undeveloped. Growing consensus among regional economic development experts indicates that the narrow use lists and restrictive, complicated lot division requirements in the SIDs have dissuaded several other major industrial users from siting in Hillsboro.

PROPOSED COMPREHENSIVE PLAN AMENDMENTS

Attachment A is the proposed Comprehensive text amendment language: this language has been slightly revised from the initiation in March to correct typographic errors in the figure citations in Sections G and H, and to remove an erroneous reference to alternative concept plans. The eight figures cited are also included in the attachment. The draft consolidates HCP Section 20, 24 and 25 into a new Section 30 North Hillsboro Industrial Area Community Plan, which would replace the patchwork specificity of the existing plans with more general language. Policies regarding retention of large lots and restrictions on commercial development would be retained and in some cases strengthened. The concepts in the North Hillsboro Community Plan were developed during the Urban and Rural Reserves process, with the intent that this Plan could be applied both inside the current UGB and on industrial lands in future UGB additions.

The primary elements of the North Hillsboro Community Plan are:

- Consolidation of three community plans into one set of policies and standards
- Consolidation of Implementation Measures :
 - Annexation
 - Commercial nodes
 - Compatibility with agricultural uses
 - Natural resources management
 - Compliance with Metro Functional Plan and UGB expansion conditions
 - Public infrastructure (water, sanitary sewer, and storm drainage) plans
 - Transportation system plans
- Retention of emphasis on industrial development but broadening allowable industrial uses
- Continue focusing commercial support uses in logical locations internal to industrial areas
- Establishing policy basis for more flexible land division while retaining large lots
- Establishing a planning foundation for possible future UGB expansions

PROPOSED ZONING ORDINANCE AMENDMENTS

Attachment B is the proposed Hillsboro Zoning Ordinance (HZO) text amendment language that would consolidate HZO Sections 134, 134A, 134B, and 134C into a single new Section 134D I-S Industrial Sanctuary zone. This language has been slightly revised from the initiation in March for clarification and correction of typographic errors and omissions. The I-S zone was originally drafted in the Community Development Code (CDC) format, relying on the Use Categories concept rather than a specific permitted use list as is used in the present HZO. To facilitate planning for the new Urban Reserve areas and possible UGB expansions, the new zone was reformatted to allow its insertion into the present HZO in 2011. The concepts in the new I-S zone were developed in conjunction with the North Hillsboro Community Plan, to remove the ineffectiveness of the SIDs, their patchwork differences and restrictive specificity.

The primary elements of the I-S Industrial Sanctuary zone are:

- Consolidation of five existing Special Industrial Districts (SIDs) into one new Section, to be applied (in a separate process) to five mapped sub-areas
- Emphasis placed on large lot preservation for industrial use through specific citation in Purpose section
- Removal of restrictive language limiting industrial development to specific clusters
- Retention of industrial focus, but replacement of rigid and unresponsive use restrictions
- Reinforcement of improved standards for development of commercial support uses
- Improvement of land division standards to encourage consolidation for large lots and better platting patterns for small and mid-sized industrial uses
- Restriction of retail, office and service support commercial uses to three areas embedded in the industrial area (not on perimeter arterials):
 - Location permitted only where identified on the community plan map
 - Maximum size of any single use < 20,000 sq. ft.
 - Maximum size of any commercial node < 5.0 GA; with < 50,000 gsf total floor area
 - Development allowed only after thresholds met (gsf industrial permits issued):
 - ✓ 500,000 sq. ft. in West Union/Helvetia or Evergreen West
 - ✓ 1,000,000 sq. ft. in Evergreen East/Shute
- Creation of specific development standards:
 - Setbacks, building heights, lot coverage, landscaping and parking consistent with M-P Industrial Park standards
 - Dimensions for new lots: 600 foot minimum depth/width are greater than M-P
 - Lot areas subject to Lot Reconfiguration and Division Standards
 - Certain areas subject to HIO ASCO zones regulating outdoor lighting, reflectivity, steam or particulate emissions and water impoundments
- Creation of tabular lot area standards for lot divisions: West Union/Helvetia and Evergreen West; Evergreen East/Shute (corrects inconsistencies in existing Evergreen and Helvetia SID zoning)
- Serial (sequential) lot reconfigurations or divisions are restricted to every 5 years

COORDINATION WITH METRO

The concepts in the HCP and HZO amendments have been discussed with Metro for over a year. To adopt these amendments, Metro's concurrence will be needed on three major regional factors:

- Revision of the conditions attached to the UGB additions (which were the basis for the current Comprehensive Plan policies and Zoning Ordinance standards);
- Revision of the Title 4 map to reflect current non-industrial and non-employment development
- Support for the new NHIA Community Plan and I-S zoning as the better alternative to a “just in time” UGB amendment process in the North Hillsboro Urban Reserves
-

PUBLIC INVOLVEMENT

HCP Section 1 Planning and Citizen Involvement requires Citizen Involvement Advisory Committee (CIAC) endorsement for major Plan amendments and extensive Plan revisions, and encourages CIAC endorsement of public involvement processes in text amendments of more limited scope. The City Council has appointed the Planning Commission as the interim CIAC. During initiation in March, Planning Commission endorsed a public involvement and proposed review schedule which called for an information meeting with the Hillsboro Chamber and other interested parties, an open house for affected property owners, a “Ballot Measure 56” notice, and published notices in the Hillsboro Argus. Although the original schedule was postponed, the elements were retained on the following revised schedule:

- March 15 DLCD notice mailed; text change posted to city web site
- April 19 informational meeting with Chamber and interested parties
- May 6 notice of postponed hearing mailed to DLCD
- May 27 M56 notice of public hearing and open house mailed to affected property owners
- May 31 First Argus notice published
- June 6 informational open house for property owners and interested parties
- June 7 Second Argus notice published
- June 10 Third Argus notice published
- June 22 Planning Commission public hearing opens
- July 13 possible continuation of PC hearing

RECOMMENDATION

Following discussion at the June 22nd meeting, Planning staff recommends that the Commission continue the hearing to allow opportunity to respond to any concerns or comments. If no comments are received, and if the Commissioners find the language acceptable, draft Orders recommending Council approval will be returned to the Commission on July 13th.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



Deborah A. Raber AICP
 Planning Project Manager

Attachments: Attachment A: draft NHIA Community Plan and Figures 30-A to 30-H
 Attachment B: draft I-S Industrial Zone

EXHIBIT B
Fact Sheet
Proposed Zoning and Comprehensive Plan Amendments
for
North Hillsboro Industrial Sanctuary

Over the past few years, it has become clear that some of the standards and requirements -- which became Urban Growth Boundary expansion “**conditions of approval**” for specific industrial areas in Hillsboro -- **created unintended impediments to effective use of large lots to support desired job growth in the Silicon Forest**. So, Hillsboro staff worked closely with the private-sector, Metro staff and other stakeholders to propose changes to the City’s Zoning Ordinance and Comprehensive Plan to address these problems.

A new **Industrial Sanctuary Zone** will enable **more efficient use of UGB industrial capacity** while **supporting the continued market success of the Silicon Forest** as a desirable place to locate and expand industries. A summary of the problems and their solutions is provided below.

Problems with Current Code and Plan

- ◆ Industrial lands brought into the UGB at different times have different and confusing restrictions, requirements and standards
- ◆ Industrial Businesses, Brokers, Site Selectors, Metro staff and Hillsboro have determined that these differing standards are an impediment for location and expansion by many industrial uses
- ◆ The current plan and zoning allow too much discretion and scattering of commercial support areas in this key industrial area, which can negatively impact general industrial areas to the south
- ◆ The current plan and zoning provisions allow opportunities for individual property owners to do “serial” lot partitions, which can undermine the goal of preserving most of these lands for large lot industrial users

Proposed Solutions to Address these Problems

- ◆ Make definition of permitted uses consistent across all existing and future industrial sanctuary lands -- thus eliminating different list of permitted and restricted uses in various subareas (*Evergreen, Helvetia, Shute, West Union*)
- ◆ Establish more stringent location (*nodes*) and use requirements for commercial support areas in the industrial sanctuary – strictly limiting general office and places of assembly
- ◆ Eliminate serial land partition potential to preserve large lots as major employment sites
- ◆ Add land division standards to encourage land assembly and better lot configurations for small and mid-sized industrial suppliers and their facilities

EXHIBIT C:
Findings of Fact and Conclusions of Law
HCP 2-11 North Hillsboro Industrial Area Community Plan
ZOA 2-11 Industrial Sanctuary Zone

The City of Hillsboro is required to comply with Metro's Urban Growth Management Functional Plan (UGMFP) when amending its Comprehensive Plan and Zoning Code. Metro's role in promoting and sustaining a strong, competitive regional economy is partially implemented by cities and counties through compliance with UGMFP Title 4 (Industrial and Other Employment Areas). Title 4 protects a diverse group of industrial and employment lands throughout the region in order to provide for good jobs and enable the efficient movement of goods and freight. The value of large public and private investments in these lands – such as ports and other freight facilities – can be lost if they are converted to other uses.

Metro addresses employment lands in three categories: regionally significant industrial areas, other industrial areas and employment areas. These areas are officially designated on a map approved by the Metro Council and reflected in city and county zoning. Title 4 of Metro's UGMFP, located in Metro Code Chapter 3.07, provides greater detail on Metro's policies relating to the protection of RSIAs, other industrial areas and employment areas.¹

In 2009 Metro reviewed the region's employment and housing needs for the next 20 years, which resulted in an urban growth report indicating that the region already had a sufficient supply of office, retail and light industrial lands within the urban growth boundary to serve future employment needs through 2030. The urban growth report indicated that the region needed to add lands for future industrial employers who might require sites of 50 acres or larger. Such lands are typically designated for regionally significant industrial uses. As a result, in October 2011, the Metro Council added 1,985 acres to the urban growth boundary, of which 330 acres were set aside for future large-lot industrial employment.

City of Hillsboro Urban Growth Management Functional Plan Compliance

The Urban Growth Management Functional Plan requires cities and counties to bring their local development regulations into compliance with the UGMFP within two years of acknowledgement by the Oregon Land Conservation and Development Commission (LCDC) of an amendment to the UGMFP (Section 3.07.810(B)).

Metro amended the Regional Framework Plan and portions of the Urban Growth Management Functional Plan in 2010 and 2011, adopting Ordinance 10-1244B on Dec. 16, 2010, and Ordinance 11-1252A on Jan. 13, 2011. The adopted ordinances identify actions that address housing needs identified in the 2009 Urban Growth Report, state an intent to add large-lot industrial capacity in 2011, amend the Regional Framework Plan relating to Metro Council policies, and amend Metro Code Chapter 3.07 (UGMFP) to implement regional policy. These amendments strengthen protection of industrial land and increase focus on public investments that can serve growth in town and regional centers, employment areas and transportation corridors.

¹ <http://www.oregonmetro.gov/index.cfm/go/by.web/id=5370>

Metro submitted its material to LCDC on March 24, 2011. The Commission will review the material in the coming months and may formally acknowledge the ordinance when it also reviews the Metro Council's October 2011 decision to make adjustments to the urban growth boundary. If LCDC acknowledges Metro's actions in 2012, cities and counties in the region will have two years from the date of acknowledgment to bring their land use regulations into conformance with the UGMFP.

City Response:

The City's existing comprehensive plan and zoning regulations have been deemed by Metro to be in compliance with Title 4 (Sections 3.07.410-3.07.450) as it existed prior to adoption of Metro Ordinance 10-1244B and Ordinance 11-1252A.² **While the City is not yet required to amend its land development regulations to comply with the most recent Title 4 changes, the proposed amendments to the Hillsboro Comprehensive Plan (HCP 2-11) and Zoning Code (ZOA 2-11) substantially comply with Metro's most recent amendments.**

The City has developed the North Hillsboro Industrial Area Community Plan and its implementing I-S zone as a proactive industrial land management tool to facilitate greater industrial development opportunities while complying with Metro Code 3.07 Title 4. The proposed I-S zone will ensure future industrial areas are developed in a cohesive manner that maximizes efficient use of job-creating industrial land. The City staff report dated June 15, 2011 and attached hereto as Exhibit A describes the amendments and public review process in detail. The following sections outline UGMFP Title 4 requirements for regionally significant industrial areas, other industrial areas and employment areas and describe how the City's proposed Comprehensive Plan and Zoning Code amendments comply with those requirements.

Regionally Significant Industrial Areas (RSIAs)

According to Metro, regionally significant industrial areas are those industrial areas near the region's most significant transportation facilities that enable the efficient movement of freight. RSIAs also include other areas most suitable for the movement and storage of goods.

Because of the significance of these areas to the region's overall economy, they are regulated to ensure their continued use and availability as industrial lands. While cities and counties have zoning authority for these areas, Metro's code places limits on the size and location of new buildings for retail commercial uses, such as stores, restaurants, and medical offices, so that these businesses primarily serve the needs of workers in those industrial areas (Section 3.07.420(B)).

Revisions to Title 4 improve protections of significant industrial lands by limiting the development of new parks, schools and places of assembly in those areas.³ Section 3.07.420(D) restricts the placement of schools, places of assembly (20,000 square feet or larger), and parks in RSIAs. Metro also limits the division of lots 50 acres in size or larger in order to maintain an

² See attached letters: June 22, 2009 from Ray Valone to Pat Ribellia; August 17, 2011 from Tim O'Brien to Pat Ribellia.

³ <http://www.oregonmetro.gov/index.cfm/go/by.web/id=34529>

adequate supply of large-lot industrial sites for current and future employment needs (Section 3.07.420(F)).⁴

In Regionally Significant Industrial Areas, non-industrial uses are limited to:

- *Retail and professional service uses less than 20,000 square feet per development project, amounting to no more than 3,000 square feet of sales or service area in a single outlet (Section 3.07.420(B));*
- *Uses necessary to serve the needs of businesses and employees of the Regionally Significant Industrial Area. (Section 3.07.420(B)); and*
- *Uses that will not reduce off-peak road performance on major regional freight network routes. (Section 3.07.420(C))*

City Response:

In accordance with (Section 3.07.420(A)), the City derived “specific plan designation and zoning district boundaries of RSIA within its jurisdiction” from Metro’s Title 4 Employment and Industrial Areas Map, using that map as a basis for the boundaries of the proposed I-S zone. The proposed I-S zone includes lands designated for both RSIA and other Industrial uses, including lands in the Evergreen, Helvetia, Shute Road and West Union Special Industrial Districts (SIDs).

The city’s existing development regulations for the Evergreen, Helvetia, Shute Road and West Union Special Industrial Districts (SIDs) prohibit or severely restrict new commercial retail uses while allowing “commercial office uses that are accessory to and in the same building containing businesses engaged in high-technology product manufacturing.”⁵ Title 4 compliance in the I-S Zone is achieved by limiting the scale and location of “eating and drinking establishments, general office uses, and retail goods and services,” requiring those uses must “serve primarily the needs of the businesses and employees in the industrial area.”

The locational limitations of Metro Code Section 3.07.420(B) are implemented in HCP 2-11 through a commercial support nodes map that strictly limits the location of commercial and independent office uses to the interior of industrial areas. Further, ZOA 2-11 permits commercial uses only after certain thresholds of industrial development are met or exceeded. Since the Shute Road SID has additional restrictions on commercial uses that were part of Metro’s conditions of approval for UGB expansion, the North Hillsboro Industrial Area Community Plan (NHIA) amendment specifically locates future commercial nodes outside the Shute Road UGB expansion area.

The NHIA restricts stand-alone retail, office and service support commercial uses to three areas embedded in the industrial area. These locations are identified on NHIA Community Plan Figure 30-G, which shows an alternative location for a commercial node roughly at the intersection of Huffman Road and 253rd on the boundary of the Shute Road site. Strict compliance with Shute Road Condition #8 was achieved by locating this alternative node to the west side of 253rd on the Community Plan map.

⁴ <http://www.oregonmetro.gov/index.cfm/go/by.web/id=274>

⁵ HZO Sections 134A.D.1b, 134B.D.1d and 134C.D.1d.

Similarly, the 50+ acre land division restrictions of Section 3.07.420(F) are met through lot reconfiguration and division standards that require retention and creation of lots of certain sizes, as shown in Tables 134D-2 and 134D-3 in Subsection B and as required in Subsection C for Shute Road. Tables 134D-2 and 134D-3 retain the emphasis on retention/creation of large industrial parcels while allowing a variety of parcel combinations to accommodate future development needs in these more parcelized UGB expansion areas where land assembly will likely be needed to create large scale industrial development sites. Property line adjustments are also addressed in Subsection 134D.10.E and can be permitted in the Shute Road sub-area. Such property line adjustments will be necessary to accomplish the large parcel land assembly outcomes established in the Shute Road Conditions of UGB Approval. This approach is further supported by Subsection 134D.10.D, which echoes Metro Code sections 3.07.420(4) and 3.07.430(4) provisions for exceptions to minimum lot size standards.

Other Industrial Areas

According to Metro, industrial areas that are not designated as RSIA are important to the region's economy but are not necessarily located near the most important regional transportation connections. Most of the RSIA regional protections against certain types of non-industrial uses also apply in industrial areas to protect freight routes. Many of the limits on creating new industrial lots smaller than 50 acres still apply, though cities and counties have some additional flexibility in zoning.⁶

In Other Industrial Areas, non-industrial uses are limited to:

- *Retail and professional service uses less than 20,000 square feet per development project, amounting to no more than 5,000 square feet of sales or service area in a single outlet (Section 3.07.430(A)); and*
- *Uses that will interfere with the efficient movement of freight on the regional freight network. (Section 3.07.430(B))*

City Response:

In the future, the proposed I-S zone could be applied to lands designated either RSIA or Industrial on Metro's Title 4 Employment and Industrial Areas Map. Those areas include the East and West Evergreen, Helvetia, Shute Road and West Union industrial areas. The proposed North Hillsboro Industrial Area Community Plan amendment and its implementing I-S zone consolidates the existing "patchwork quilt" of policies and standards in the existing Special Industrial Districts (SIDs), which apply to both Title 4 RSIA and Other Industrial lands. Thus, because the I-S zone will implement RSIA restrictions, it also implements the less extensive requirements of the Title 4 Industrial Areas designation (Section 3.07.430). It should also be noted that adoption of the I-S zone ordinance will modify the text of the Hillsboro Zoning Code, but will not apply to any lands within the city until the City Planning and Zoning Hearings Board holds separate public hearing(s) and acts to apply the new zone to specific properties.

Employment Areas

According to Metro, employment areas include a mix of employment uses and may feature higher concentrations of office and retail-oriented businesses. Retail businesses in these areas primarily serve those who work in other businesses within these areas. This distinguishes

⁶ <http://www.oregonmetro.gov/index.cfm/go/by.web/id=274>

employment areas from neighborhood business districts and other commercial areas that cater to nearby residents or other guests.⁷ Metro places some limits on the types of commercial retail uses that cities and counties may allow in employment areas in order to ensure that these commercial retail uses are appropriate in type and size to serve needs of businesses, employees and residents of these areas.

In Employment Areas, retail uses are limited to less than 60,000 square feet. This can be increased if it is demonstrated that transportation facilities are adequate to serve the retail use and to serve other planned uses in the Employment Area.

City Response:

The NHIA comprehensive plan and I-S zoning code amendments will not apply to any UGMFP Title 4 Employment lands. Thus, compliance with Title 4 requirements for Employment Areas is not required for HCP 2-11 or ZOA 2-11. Similarly, since no zoning map amendments will be adopted as part of HCP 2-11 or ZOA 2-11, Metro Code Section 3.07.450 (Employment and Industrial Areas Map) does not apply to these amendments.

Conclusion:

City and Metro staff worked together as the HCP 2-11/ZOA 2-11 text amendments were being drafted. Hillsboro mailed notice of the proposed plan and zoning code amendments to Metro staff on May 6, 2011, 47 days prior to the first evidentiary hearing on this matter on June 22, 2011. At that hearing the Planning Commission recommended approval of the proposed amendments to City Council. A Council work session, followed by first reading of the ordinance, occurred on August 16, 2011.

As documented in City staff reports, Metro and city staff met on March 3, 2010 and July 2, 2010 prior to formal City review of the plan and zoning code amendments. Alternative land regulation approaches were discussed that would meet the various conditions of approval for UGB expansion areas while creating a unified industrial area regulation system to facilitate land assembly and efficient use of regionally significant industrial areas.

A third meeting with Metro staff was held on August 12, 2011 following the city Planning Commission's recommendation for approval to the City Council. The proposed I-S zone was reviewed for compliance with Metro's Shute Road conditions of approval. Final comments were reviewed and incorporated into Exhibit D, attached.

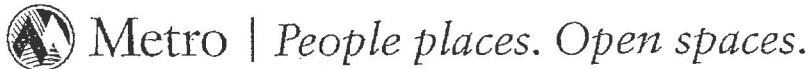
On January 5, 2012 the City received the attached letter from Tim O'Brien, Metro Principal Regional Planner stating "I am confident that the proposed text amendments meet the conditions of approval for the Shute Road addition to the Urban Growth Boundary as outlined in Metro Ordinance No. 02-983B."

⁷ <http://www.oregonmetro.gov/index.cfm/go/by.web/id=274>

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www.oregonmetro.gov

FILE



June 22, 2009

Pat Ribellia
Planning Director
City of Hillsboro
150 E. Main Street
Hillsboro, OR 97123

RECEIVED

JUN 24 2009

CITY OF HILLSBORO
PLANNING DEPARTMENT

RE: **METRO TITLE 4 COMPLIANCE**

Dear Mr. Ribellia:

Metro staff recently re-reviewed current City of Hillsboro land use standards as they apply to designated Title 4 lands. Based on our review, and subsequent discussions regarding elements of Title 4 compliance, Metro finds that the City of Hillsboro meets the test of "substantial compliance" with Title 4 of Metro's Urban Growth Management Functional Plan (UGMFP). We apologize for the delay in reaching our conclusion. The unique manner in which the City has applied Title 4 standards has required extended discussion within our planning department and between Metro and City of Hillsboro staff.

It should be noted that, should the City of Hillsboro in the future work with Metro to add Industrial or Employment land to the Urban Growth Boundary, the newly added land will be subject to the requirements of the UGMFP. Consequently, any newly added lands would need to comply with Title 4 in their entirety.

Also, Section 3.07.450 of the UGMFP sets out a process and criteria for changes to Metro's Employment and Industrial Areas map. While this process does not have to be included in the City's comprehensive plan or implementing codes, we want you to be aware of this should the City contemplate changes to areas designated as Regionally Significant Industrial Area, Industrial Area or Employment Area.

Title 4 was amended by the Metro Council in June 2004 in conjunction with the UGB expansion to fulfill the region's need for industrial land. The purpose of the code change was to protect the supply of employment sites by limiting the types and scale of non-industrial uses in areas designated as Industrial or Regionally Significant Industrial. The change also sought to provide the benefits of 'clustering' to industries that operate more productively and efficiently in proximity to one another, and to protect the capacity and efficiency of the region's transportation system for the movement of goods and services.

We believe the steps the City has taken since the June 2004 changes to Title 4 will help the region achieve these goals, and for industrial areas in particular. Please do not hesitate to contact me if you have any questions.

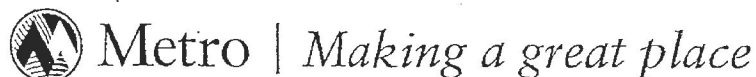
Sincerely,

Ray Valone
Principal Regional Planner

cc: David Bragdon, Metro Council President
Councilor Kathryn Harrington, District 3
Chris Deffebach, Land Use Planning

600 NE Grand Ave.
Portland, OR 97232-2736

www.oregonmetro.gov



08-18-11A10:45 RCVD

August 17, 2011

Pat Ribellia
Director, Planning Department
City of Hillsboro
150 Main Street, 4th Floor
Hillsboro, OR 97123

Dear Pat:

Thank you for the opportunity to meet with you and your staff on August 12, 2011 regarding the city's proposed Comprehensive Plan and Zoning Ordinance text amendments creating the North Hillsboro Industrial Area Community Plan and the I-S Industrial Sanctuary zone (Case Files HCP 2-11 and ZOA 2-11). We realize that Hillsboro staff has found it complicated to implement the various conditions that were applied to the three different industrial expansion areas and support the city's effort to create a consistent development process for this significant job producing area.

As noted in our discussion, it is unclear to Metro staff as to how the Lot Division or Assembly Reconfiguration Calculations in Table 134D-3 of Exhibit C to ZOA 2-11 meet the lot/parcel reconfiguration requirements for the Shute Road addition to the Urban Growth Boundary as outlined in Condition 7 of Exhibit B to Metro Ordinance No. 02-983B. Please provide Metro with an explanation as to how the proposed lot division or assembly reconfiguration calculations meet condition 7 of the Shute Road urban growth boundary expansion ordinance. Also, please explain how the plan and zoning ordinance changes address the limitations on non-industrial uses in condition 8 of the ordinance. We ask for this information pursuant to Metro Code 3.07.820A.

We look forward to continue working with you on this proposal to consolidate the existing Shute Road, Evergreen and Helvetia Community Plans into a single North Hillsboro Industrial Area Community Plan that will eliminate some of the unintended impediments that have occurred over the last few years related to the efficient use of large industrial sites.

Sincerely,

Tim O'Brien, AICP
Principal Regional Planner

c: Deborah Raber, Project Manager, Hillsboro Planning Dept.
Alwin Turiel, Supervisor, Hillsboro Planning Dept.
Councilor Kathryn Harrington, District No. 4
Richard Benner, Senior Attorney
John Williams, Interim Director, Planning and Development

600 NE Grand Ave.
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01-07-12A04:55 RCVD

January 5, 2012

Pat Ribellia
Planning Director
City of Hillsboro
150 Main Street, 4th Floor
Hillsboro, OR 97123

Dear Pat:

I am in receipt of your letter dated December 8, 2011 regarding the proposed text amendments to create the North Hillsboro Industrial Community Plan & Industrial Sanctuary Zone (HCP 2-11 & ZOA 2-11). After reviewing the attachments you included with the letter and discussing the issue with Alwin Turiel of your staff, I am confident that the proposed text amendments meet the conditions of approval for the Shute Road addition to the Urban Growth Boundary as outlined in Metro Ordinance No. 02-983B.

Please include this letter in the packet for the Hillsboro City Council work session on January 17, 2012. Again, we recognize all of the hard work the City has done to develop the North Hillsboro Industrial Area Community Plan and we look forward to continuing to work with you in the future to ensure the efficient use of large industrial sites in Hillsboro.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim O'Brien'.

Tim O'Brien, AICP
Principal Regional Planner

c: Deborah Raber, Project Manager, Hillsboro Planning Dept.
Alwin Turiel, Supervisor, Hillsboro Planning Dept.
Councilor Kathryn Harrington, District No. 4
John Williams, Deputy Director, Planning and Development

EXHIBIT D:

**ZOA 2-11: I-S INDUSTRIAL SANCTUARY ZONE
(ZONING ORDINANCE SECTION 134D)**

Section 134D. Industrial Sanctuary zone (I-S)

1. **Purpose.** The purposes of the I-S Zone are as follows:
 - A. To provide a full range of industrial uses and limited support services in areas brought into the Regional Urban Growth Boundary (UGB) for industrial development, in order to support the goals and policies of Section 10 (Economy) of the City's Comprehensive Plan and Statewide Planning Goal 9 (Economy of the State); and
 - B. To accommodate the region-wide need to create and preserve large lots for industrial use, as set forth in Title 4 of the Metro 2040 Urban Growth Management Functional Plan.
2. **Applicability.** The provisions of this zone shall generally apply to properties, north of NW Evergreen Road or NW Jacobsen Road, and west of NW Cornelius Pass Road. The zone contains three Sub-areas as shown on Figure 134D-A: West Union / Helvetia; Shute Road; Evergreen East; and Evergreen West.
3. **Use Categories.** For the purposes of this Zone, permitted uses are categorized as follows:

Aviation Uses include landing, take-off, servicing and storage of aircraft including airplanes, jets, helicopters and gliders, and activities related to or using aircraft or aviation services. Example of aviation uses include but are not limited to: aviation-related activities, including taxiing, take-offs and landings; air passenger and air freight services and facilities; emergency medical flight services; flight instruction; aircraft service, maintenance and training; aircraft rental and supporting facilities; aircraft and aeronautic equipment and supplies sales; indoor or outdoor storage of aircraft; crop-dusting activities; commercial supporting uses and at terminal buildings; and aeronautic educational, recreational and sporting activities.

Eating and Drinking Establishments sell food and/or beverages to the general public as the primary use, for on-site consumption and/or take-away service. Examples of eating and drinking establishments include cafes, coffee shops and delicatessens; dine-in restaurants with or without take-out facilities; drive-up or drive-through restaurants with or without seating; and taverns, brew pubs, bars and night clubs.

Industrial Services uses are engaged in repair and/or servicing of industrial, business or consumer machinery, equipment, products or by-products or in training or instruction of such repair or servicing. Contractors and building maintenance firms and similar uses perform services on- or off-site. Examples of industrial services uses include but are not limited to: information technology centers; building, heating, plumbing and electrical contractors;

laundry, dry-cleaning and carpet cleaning plants; extermination services; fuel oil distribution and solid fuel yards; heavy truck servicing and repair; janitorial and building maintenance services; printing, publishing and lithography shops; research and development facilities; bulk sales of building materials and landscaping materials; repair and servicing of heavy construction or farm equipment; tire retreading or recapping; tool, electric motor and scientific or professional instrument repair; trade schools where industrial vehicles and equipment are operated; welding and machine shops; and contracting firms with on-site storage of equipment and materials.

Manufacturing and Production uses involve the manufacturing, processing, fabrication, packaging and/or assembly of products on-site, using natural, man-made, raw, secondary or partially-completed materials. Products are generally not displayed or sold on site, but if so, sales and displays are accessory to the primary use. Examples of manufacturing and production uses include but are not limited to: breweries, distilleries and wineries; concrete batching and asphalt mixing plants; manufacture of solar, wind-power or other energy production devices; food, beverage, and related product processing; manufacture or assembly of machinery, equipment and instruments; manufacture of micro-processors and computer components; production of artwork and toys; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; production of prefabricated structures, including manufactured dwellings; production or fabrication of metals or metal products including enameling and galvanizing; sign making; weaving or production of textiles or apparel; woodworking, including cabinet makers; and printing, publishing, and lithography shops.

Office uses provide professional services in an office setting including but not limited to: computer system design and programming; data processing; engineering, architectural, planning, and similar services; graphic and industrial design; medical, dental and allied health clinics and offices; financial, insurance, and real estate services; scientific and technical services; software and internet content development and publishing; and telecommunication service providers.

Major Assembly Facilities are uses that attract a large number of people who participate as a group in a specific activity or event that may be religious, cultural, educational, social or recreational. An assembly facility is a Major Assembly Facility use when the maximum Building Code occupancy within the primary assembly area is equal to or greater than 250 persons. Examples of Major Assembly Facilities include churches, synagogues, mosques or temples; auditoriums; coliseums, stadiums and sports arenas; convention and conference centers; fairgrounds; race tracks; and outdoor amphitheaters.

Parks and Open Areas are primarily publicly-owned or non-profit facilities featuring natural or cultivated landscaping; active and passive outdoor recreation including playing fields, basketball and tennis courts, swimming pools and trails; community gardens and public squares. Examples of parks and open spaces include botanical gardens, cemeteries, community gardens, nature preserves, parks, public squares and plazas, and recreational trails

Public Safety Facilities provide police, fire, ambulance and emergency services to the community. With the exception of ambulance services, these facilities are typically publicly-

owned and -operated. Examples of public safety facilities include: emergency communications centers; police and fire stations; publicly- and privately-operated ambulance facilities; and public agency or private utility operations centers.

Retail Products and Services sell, lease, rent and/or repair new or used products and provide personal services. These services typically are provided directly to consumers, as opposed to wholesale products and services provided to industrial, institutional, or commercial users. Activities associated with this use classification include but are not limited to: sales, leasing or rental of products and equipment; repair or servicing of products or equipment generally performed on-site; processing of products or equipment; personal services; and catering or food preparation without on-site consumption.

Schools are public and private educational facilities providing state-mandated basic education. Schools may serve any ages of students from kindergarten through 12th grade. Examples of schools include public and private elementary, middle and high schools, with or without kindergartens, and boarding schools and military academies that have residential facilities for students.

Telecommunication Facilities include all devices, equipment, machinery, structures and supporting structures necessary to produce or transfer a signal or message. Only free-standing towers are classified as Telecommunication Facilities. Examples include: AM and FM radio and television towers; wireless transmission towers; point-to-point microwave towers; two-way radio towers; and receive only antennas.

Warehousing and Distribution uses are involved in the storage, repackaging, delivery and movement of products. Examples of warehouse and distribution uses include but are not limited to: centralized warehouses; cold storage plants, including frozen food lockers; general freight storage; household and business moving operations; major wholesale distribution centers; parcel or postal distribution facilities; storage and stockpiling of sand, gravel, or other aggregate or raw materials; freight terminals and yards; mail-order merchandise warehouses; and heavy rail facilities; transfer and storage facilities without individual units.

Wholesale Sales are firms involved in the sale, lease and/or rental of products primarily to businesses. On-site sales to the general public are limited. Examples of wholesale sales include but are not limited to: mail order houses; sale and/or rental of construction and farm machinery, equipment, and vehicles, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; wholesalers of food, clothing, auto parts, building hardware and office supplies; and suppliers of test equipment, uniforms and linens, lab supplies, sub-components and circuit boards, and packaging materials.

Utility Facilities are local and regional infrastructure facilities which must be located in or near the area to which the infrastructure is provided. Utilities may be publicly or privately owned and operated. Most facilities have few or no on-site employees, although treatment plants may be staffed continuously. Examples of utility facilities include but are not limited to: electrical substations; high tension electrical power lines; sewage disposal and conveyance systems; telephone exchange equipment; water or sewage pump stations; water

towers and reservoirs; water quality and flow control facilities; and water or sewage treatment plants.

4. **Permitted Uses.** In the I-S Zone, the following uses and their accessory uses are allowed outright:

- A. Industrial services
- B. Manufacturing and production
- C. Public safety facilities
- D. Warehousing and distribution
- E. Wholesale sales
- F. Utility facilities

5. **Conditional Uses Permitted.** In the I-S Zone, the following uses and their accessory uses are permitted with Conditional Use approval according to the requirements contained in Sections 78-83:

- A. Automobile service stations, subject to additional requirements in Section 128.
- B. Telecommunications facilities
- C. Major Assembly uses, Schools, and Parks and Open Space where not otherwise prohibited by Metro Code.
- D. Corporate or company headquarters offices for firms allowed in the I-S zone as permitted or conditional uses. Such headquarters offices are not subject to the limitations in Subsection 134D 6 so long as they remain in use by the original occupant.

6. **Limited Uses.** In the I-S Zone, the following uses and their accessory uses are allowed subject to the limitations listed below:

- A. Aviation uses are limited to locations within the boundaries of a public-use airport.
- B. Community colleges or trade schools are limited to those with offerings that provide basic skills and vocational training to employees in the industrial area.
- C. Eating and drinking establishments, general office uses, and retail goods and services are limited in scale and location to serve primarily the needs of the businesses and employees in the industrial area. Such uses are subject to the following limitations in location and size:
 - 1. Location only in those commercial support nodes identified in Comprehensive Plan Section 30 North Hillsboro Industrial Area Community Plan. The node between the Shute Road and Evergreen East sub-areas shall be located in the Evergreen East sub-area;
 - 2. within any commercial support node, no single use shall exceed 20,000 square feet;

3. no single commercial node shall occupy more than five gross acres of developed land; with not more than 50,000 gross square feet of total structural or building floor area per node; and
4. Development of a commercial support node in an identified sub-area is permitted only after certain thresholds of industrial development are met or exceeded. These thresholds are considered met when the city has issued building permits for permitted manufacturing and production and industrial services development as defined in Section 134D 3) within the sub-area at the cumulative levels established in Table 134D-1:

**TABLE 134D-1: COMMERCIAL SUPPORT THRESHOLDS
IN THE I-S ZONE BY SUB-AREA**

Sub-Area	Industrial Development Threshold for Commercial Support Nodes
West Union/Helvetia	500,000 total gross square feet of permitted building space
Shute Road and Evergreen East	1,000,000 total gross square feet of permitted building space within both sub-areas
Evergreen West	500,000 total gross square feet of permitted building space

5. **Prohibited Uses.** Any use not contained explicitly in Section 134D is prohibited in the I-S zone. In addition, the following uses are prohibited:

A. Manufacturing and production uses:

- Concrete and asphalt batch plants
- Animal slaughtering and processing
- Fossil fuel products manufacturing
- Production of soil amendments (fertilizers, pesticides, fungicides, etc.)

B. Industrial Services uses:

- Building, heating, plumbing and electrical contractors
- Extermination services
- Fuel oil distribution and solid fuel yards
- Heavy truck servicing and repair
- Bulk sales of building materials and landscaping materials
- Repair and servicing of heavy construction or farm equipment
- Tire retreading or recapping
- Truck driving schools
- Truck stops

C. Major Assembly Facilities Uses:

- Auditoriums
- Coliseums, stadiums and sports arenas
- Convention and conference centers
- Outdoor amphitheaters

6. **Accessory Uses.** Accessory uses to permitted uses listed in Subsection 4 and conditional uses listed in Subsection 5, include but are not limited to: administrative offices; conference rooms/conference facilities; food service such as cafeterias, delicatessens and coffee shops; personal retail services, exercise facilities; and child care. Such accessory uses are subject to the following standards:

- A. The accessory uses are intended to serve only the primary use's employees and visitors; and
- B. The uses are located entirely within the building containing the primary permitted use, or if the primary use has a multiple building campus, in a free-standing building within the campus perimeter.

7. **Pre-Existing Uses or Structures.** Any land use, building, structure or site improvement permitted by right prior to January 17, 2012 is deemed pre-existing and can continue to operate and expand subject to the standards and requirements of Sections 98-105 regarding Non-Conforming Uses and Structures.

8. **Development Standards.** The following development standards apply to all proposed development within the I-S zone except where the applicant has obtained a Variance(s) as governed by Sections 106 – 109.

A. Minimum lot dimensions:

- 1. Width: 600 feet for newly created lots smaller than 10 acres; otherwise none.
- 2. Depth: 600 feet for newly created lots smaller than 10 acres; otherwise none.
- 3. Area: subject to Section 134D 10 Land Division Regulations.

B. Minimum front setbacks:

- 1. Buildings up to 45 feet in height: 35 feet
- 2. Buildings taller than 45 feet in height: 35 feet plus 1 foot for each additional foot of height over 45 feet.

C. Minimum side and rear setbacks:

- 1. Buildings up to 45 feet in height: 10 feet
- 2. Buildings taller than 45 feet in height: 10 feet plus 1 foot for each additional foot of height over 45 feet.

D. Maximum setbacks: none.

E. Maximum lot coverage: 50%

F. Maximum building height:

1. High profile industrial buildings: 150 feet
2. All other buildings: 45 feet

G. Landscaping and parking:

1. Minimum landscaping: 15% of lot area, including all minimum setbacks;
2. Parking: permitted within the minimum front setback only if a 20-foot wide landscaped buffer is maintained at the front property line.

9. **Performance Standards.** All development in the I-S zone is subject to the following performance standards:

- A. the standards of the M-P Industrial Park zone as specified in Section 72; and
- B. where applicable, the Airport Safety and Compatibility Overlay zone standards as specified in Section 134B regarding outdoor lighting, reflectivity, steam or particulate emissions and water impoundments.

10. **Lot Reconfiguration and Division Standards**

- A. **Intent of lot reconfiguration and division requirements.** Land in the I-S zone was added to the regional Urban Growth Boundary with the expressed purpose of maintaining and creating large lots for industrial use. To accomplish this purpose, lot reconfiguration and division approvals shall require retention and creation of lots of certain sizes, as described in subsections B and C below.
- B. **Development on lots of record.** Lots of record or contiguous lots of record, existing on or after January 17, 2012 in common ownership may be developed in compliance with Tables 134D-2 and 134D-3 below:

TABLE 134D-2: WEST UNION / HELVETIA AND EVERGREEN WEST
LOT DIVISION, ASSEMBLY AND/OR RECONFIGURATION CALCULATIONS

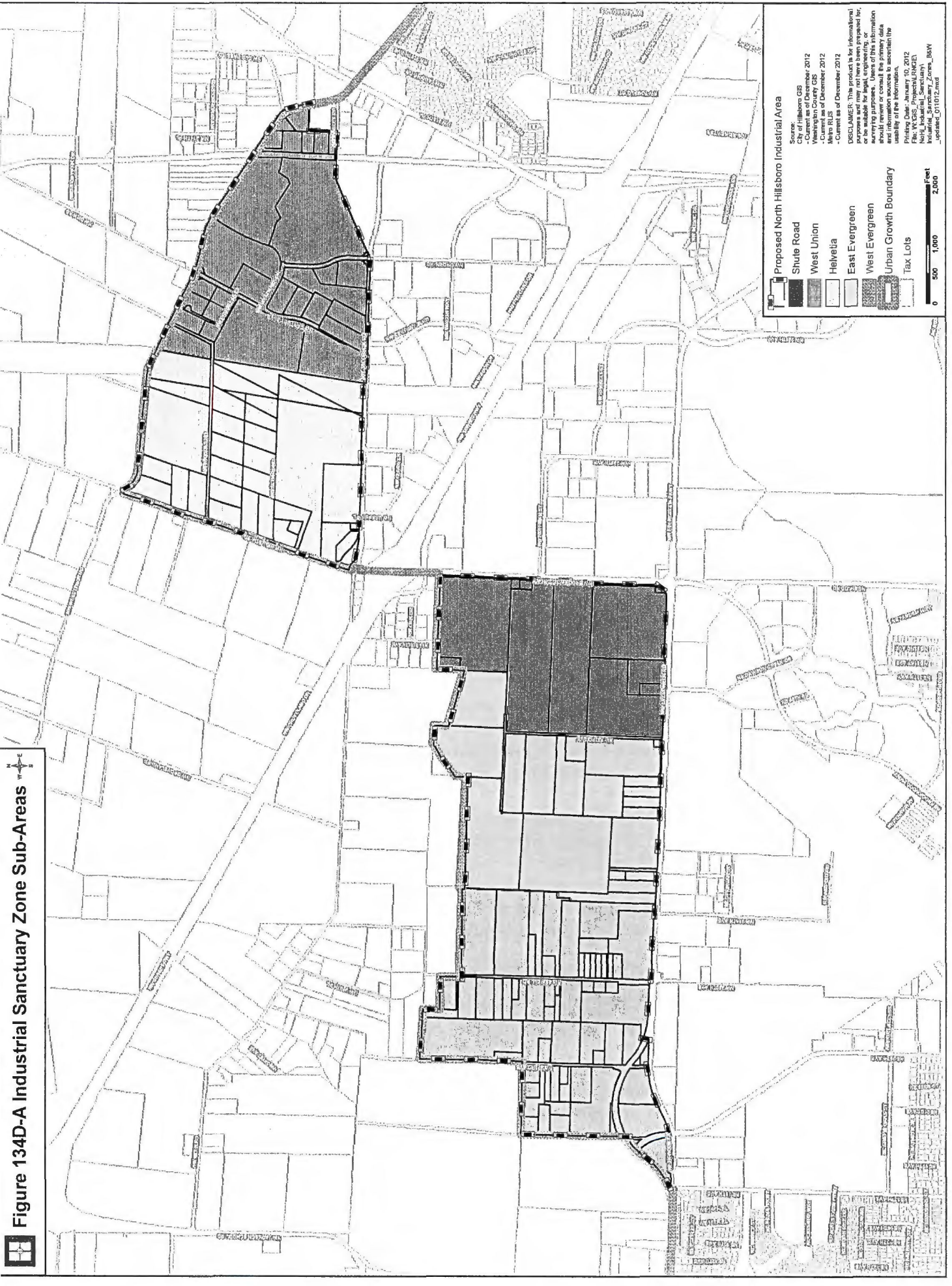
Lot of Record or Assembly area	number of required lots larger than 20 acres	number of required lots 10 to 20 acres	number of allowable lots 5 to 10 acres
Less than 16 acres	none	none	up to 2
16 to 30.99 acres	none	at least 1	up to 2
31 to 35.99 acres	at least 1	none	up to 2
36 to 49.99 acres	at least 1	at least 1	up to 2
over 50 acres	at least 2	none	up to 2

TABLE 134D-3: EVERGREEN EAST
 LOT DIVISION OR ASSEMBLY AND RECONFIGURATION CALCULATIONS

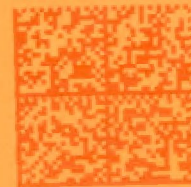
Lot of Record or Assembly area	number of required lots larger than 50 acres	number of required lots 25 to 50 acres	number of allowable lots 5 to 25 acres
Less than 36 acres	none	none	up to 2
36 to 55.99 acres	none	at least 1	up to 2
56 to 65.99 acres	none	at least 2	up to 2
66 to 85.99 acres	at least 1	none	up to 2
over 86 acres	at least 1	at least 1	up to 2

- C. Lot reconfiguration and division requirements in Shute Road sub-area. Prior to development, properties shall be aggregated into parcels at least 50 gross acres in area; with the exception of the area north of the Waibel Creek drainage, which may be reconfigured as a separate lot less than 50 gross acres in area.
- D. Exceptions to minimum lot sizes. Lot sizes in any sub-area may be reduced below the standards listed in subsections B and C above to allow:
1. Provision of public facilities and services;
 2. Dedication and/or construction of public collector or arterial streets necessary to implement Comprehensive Plan Section 13 Transportation;
 3. To separate common or public ownership of natural areas or flood hazard areas; or
 4. To separate an existing non-conforming use from the remainder of the lot.
- E. Property line adjustments. Property line adjustments between lots of record individually smaller than 5 acres are exempt from the standards listed Subsections B and C. If an applicant proposes to reconfigure two lots of record in common or varied ownership, such reconfiguration may be approved as a Property Line Adjustment under Subdivision Ordinance Article VI. All other property line adjustments shall result in lots which are in compliance with Subsection B or C as applicable.
- F. Lot division, assembly and/or reconfiguration by partition or subdivision. A land division or reconfiguration of lots may be approved as a Partition under Subdivision Ordinance Article V or as a Subdivision under Articles II and III.
- G. Sequential lot reconfiguration or division restrictions. Lots of record or lot assemblies reconfigured or divided through property line adjustments, partitions or subdivisions under Subsections E or F shall not be reconfigured or redivided for a minimum of five years following the recordation of the deed or plat for such reconfiguration or division. This restriction against reconfiguration or redivision may be waived for purposes described in subsection 10 D above.

Figure 134D-A Industrial Sanctuary Zone Sub-Areas



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JAN 23 2012

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
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