CITY OF HILLSBORO

ZONING ORDINANCE

ORDINANCE NO. 1945, as amended

VOLUME II: SECTIONS 136 through 142 STATION COMMUNITY PLANNING AREAS (SCPA) and SECTION 143 URBAN CENTER ZONES

Volume II, Sections 136-142, contains regulations governing development within light rail Station Community Planning Areas (SCPA), and Section 143 contains regulations governing Urban Center zones. However, Volume I, Sections 1-135 includes definitions and procedural requirements that may apply or be related to the requirements stated in Volume II Sections 136-143. For complete Zoning regulations applicable to property located within Station Community Planning Areas (SCPA) and Urban Center zones, both Volumes I and II are required.

Passed by the Council and Approved by the Mayor September 3, 1963

Amended through August 2013

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HILLSBORO ZONING ORDINANCE No. 1945
Volume II, Sections 136 through 142
Station Community Planning Areas
and Section 143
Urban Center Zones

TABLE OF CONTENTS

Section Number **Page Number**

Section 136: Station Community Planning Areas (SCPA)

I. Purpose 1

II. Land Use Districts 2
A. Station Community Commercial-Downtown District (SCC-DT) 2
B. SCC-HOD Deleted by Ord. No. 5973/7-11 .....
C. Station Community Commercial-Station Commercial (SCC-SC) 2
D. Station Community Commercial-Multi-Modal (SCC-MM) 2
E. Station Community Residential-High Density (SCR-HD) 3
F. Station Community Residential-Medium Density (SCR-MD) 3
G. Station Community Residential-Low Density (SCR-LD) 3
H. Station Community Residential-Village (SCR-V) 4
I. Station Community Residential-Orenco Townsite Conservation (SCR-OTC) 4
J. Station Community Residential-Downtown Neighborhood Conservation (SCR-DNC) 5
K. Station Community Industrial (SCI) 5
L. Station Community Business Park (SCBP) 5
M. SCRP Deleted by Ord. No. 6018/6-12 6
N. Station Community Fair Complex Institutional (SCFI) 6

III. Definitions 6

IV. Permitted Land Uses 22
Table 1: Station Community Commercial District 23
Table 2: Station Community Residential District 24
Table 3: Station Community Industrial and Institutional Districts 25

V. Destruction or Expansion of Existing Uses or Structures 26

VI. Restricted and Specially Regulated Land Uses 28
A. Within 2,600 feet of a light rail station site 28
B. Destruction of Restricted Uses 30
C. Expansion of Restricted Uses 30
D. Specially Regulated Land Uses 31
1. Purpose 31
2. Uses Under High Voltage Power Lines 31

HILLSBORO ZONING ORDINANCE No. 1945
Volume II, Sections 136 through 142
Station Community Planning Areas
and Section 143
Urban Center Zones

TABLE OF CONTENTS

Section Number **Page Number**

Section 136: Station Community Planning Areas (SCPA)

I. Purpose 1

II. Land Use Districts 2
A. Station Community Commercial-Downtown District (SCC-DT) 2
B. SCC-HOD Deleted by Ord. No. 5973/7-11 .....
C. Station Community Commercial-Station Commercial (SCC-SC) 2
D. Station Community Commercial-Multi-Modal (SCC-MM) 2
E. Station Community Residential-High Density (SCR-HD) 3
F. Station Community Residential-Medium Density (SCR-MD) 3
G. Station Community Residential-Low Density (SCR-LD) 3
H. Station Community Residential-Village (SCR-V) 4
I. Station Community Residential-Orenco Townsite Conservation (SCR-OTC) 4
J. Station Community Residential-Downtown Neighborhood Conservation (SCR-DNC) 5
K. Station Community Industrial (SCI) 5
L. Station Community Business Park (SCBP) 5
M. SCRP Deleted by Ord. No. 6018/6-12 6
N. Station Community Fair Complex Institutional (SCFI) 6

III. Definitions 6

IV. Permitted Land Uses 22
Table 1: Station Community Commercial District 23
Table 2: Station Community Residential District 24
Table 3: Station Community Industrial and Institutional Districts 25

V. Destruction or Expansion of Existing Uses or Structures 26

VI. Restricted and Specially Regulated Land Uses 28
A. Within 2,600 feet of a light rail station site 28
B. Destruction of Restricted Uses 30
C. Expansion of Restricted Uses 30
D. Specially Regulated Land Uses 31
1. Purpose 31
2. Uses Under High Voltage Power Lines 31

3. Uses Involving Hazardous Materials 32
a. Definitions 32
b. Regulated Materials and Standards 32
c. Requirements for Establishing the Hazardous Materials Permit Process 35
d. Requirements for Establishing the Hazardous Materials Permit Standards 43

VII. Development Review and Related City Development Code 46
A. Development Review Provisions Applicable to all Development within Station Community Planning Areas 46
B. Development Review-SCR-V District, and Phased Developments within a SCPA 47
1. Purpose 47
2. General Provisions 48
3. Concept Development Plan Review Procedures 51
4. Concept Development Plan Submittal: Development Information 53
5. Concept Development Plan Submittal: Narrative Statement 55
6. Concept Development Plan Approval 57
7. Concept Development Plan Modification 59
8. Review Standards for Detailed Development Plan Approval 59
9. Detailed Development Plan Submittal: Existing Conditions 61
10. Detailed Development Plan Submittal: Development Information 62
11. Development Review 64
12. Final Development Plan 64
13. Filing and Recording of Final Development Plan 65
14. Development improvement Prohibited Pending Compliance 65
15. Performance Bond or Security 65
16. Expiration of Planned Development 65
C. Other Development Code Provisions 66

VIII. Calculations 66

IX. Conflicts 66

X. Variances 66
A. Purpose 66
B. Standards 67

Section 137: Development Regulations For Station Community Planning Areas

I. Scope 72
II. Development Criteria 72
Table 1.a: Station Community Commercial-Downtown District (SCC-DT) 73
Table 1.b: Station Community Commercial-Highway Oriented District (Deleted by Ord. No. 5973/7-11) 74
Table 1.c: Station Community Commercial-Station Commercial (SCC-SC) 75
Table 1.d: Station Community Commercial-Multi-Modal (SCC-MM) 76
Table 1.e: Station Community Residential-High Density (SCR-HD) 77
Table 1.f: Station Community Residential-Medium Density (SCR-MD) 78

Table 1.g: Station Community Residential-Low Density (SCC-LD) 79
Table 1.h: Station Community Residential-Village (SCR-V) 80
Table 1.i: Station Community Residential-Orenco Townsite Conservation (SCR-OTC) 81
Table 1.j: Station Community Residential-Downtown Neighborhood Conservation (SCR-DNC) 82
Table 1.k: Station Community Industrial (SCI) 83
Table 1.l: Station Community Business Park (SCBP) 84
Table 1.m: Station Community Research Park (Deleted by Ord. No. 6018/6-12) 85
Table 1.n: Station Community Fair Complex Institutional (SCFI) 86

III. Minimum Lot Size 87

IV. Minimum Lot Width and Depth 87

V. Minimum and Maximum Residential Densities and Ancillary Dwelling Units ... 88

VI. Minimum Floor Area Ratios 92

VII. Minimum Non-Residential Density Objectives 95

VIII. Minimum and Maximum Setbacks from Streets and Alleys 96

IX. Vision Clearance 99

X. Minimum and Maximum Building Height Requirements 100

XI. Minimum and Maximum Off-Street Parking Requirements 102
Table 2: Maximum Non-Residential Parking Standards in Station Community Districts 105
Table 3: Residential Parking Standards in Station Community Districts 107

XII. Minimum Usable Open Space Requirements 108

XIII. Minimum Landscaping, Natural Resource and Mature Tree Preservation 111

XIV. Mixed Use Buildings and Mid-Rise Apartments 113

XV. Sidewalks 115

XVI. Street and Alley Standards 117
A. Purpose 117
B. Standards 117
a. Local and Minor Collector Streets 118
b. Collector and Arterial Streets 119
C. Street Improvement Review and Requirements 120
Table 137.4: Level of Service Standards Within Station Communities 122
D. Alley Improvement Review and Requirements 126

XVII. Lot Access 127

Figure 1 – Downtown SCPA Sidewalk Requirements
Figure 2 – Fair Complex Sidewalk Standards
Figure 3 – Orenco SCPA Sidewalk Standards
Figure 4 – Quatama/185th Sidewalk Standards
Figure 5 – Approved Downtown Alley Improvements

Section 138: General Design Standards For Station Community Planning Areas

I. Scope 129

II. Purpose 129

III. Process 129

IV. Improvements Between Streets and Buildings 130

V. Building Entries and Orientation 132

VI. Ground Floor Windows and Building Facades 134

VII. Building Step-Back Requirements 135

VIII. Location and Design of Off-Street Parking 136
A. Purpose 136
B. Applicability 137
C. Location of Off-Street Parking 137
D. Off-Street Parking Design 140
E. Curb Cuts 142

IX. Drive-Through Uses 143

X. Outdoor Display and Storage 144

XI. Alleys 145

XII. Streetscape and Site Design Standards and Guideline 145
A. Purpose 145
B. Applicability 146
C. Design Standards 146
D. Design Guidelines 148

XIII. Standards for Protection within Historic and Cultural Conservation Districts 152

Section 139: Downtown Stations Community Planning Area Supplemental Development and Design Standards

I. Scope 155

II. Purpose 155

III. Modification to Section 136 Station Community Planning Area Provisions 156

IV. Development Regulations 158
A. Minimum Lot Size 158
B. Minimum Lot Width and Depth 158
C. Minimum and Maximum Residential Densities and Ancillary Dwelling Units 158
D. Minimum Floor Area Ratios 159
E. Minimum Non-Residential Density 159
F. Minimum and Maximum Setbacks from Streets and Alleys 159
G. Vision Clearance 160
H. Minimum and Maximum Building Height Requirements 160
I. Minimum and Maximum Off-Street Parking Requirements 161
J. Minimum Usable Open Space Requirements 161
K. Minimum Landscaping, Natural Resource and Mature Tree Preservation 161
L. Mixed Use Buildings and Mid-Rise Apartments 161
M. Sidewalks 163
N. Street and Alley Standards and Lot Access 163

V. Design Standards 163
A. Improvements Between Streets and Building 163
B. Building Entries and Orientation 163
C. Ground Floor Windows and Building Facades 163
D. Building Step-Back Requirements 164
E. Location and Design of Off-Street Parking 164
F. Drive-Through Uses 165
G. Outdoor Display and Storage 165
H. Alleys 165
I. Streetscape Design Standards and Guidelines 165
J. Downtown Conservation Overlay District Special Standards 166
Figures 139.1 – 139.4 ..... after page 169

Section 140: Orenco Station Community Planning Area Development Regulation and Design Standards

I. Scope 170

II. Purpose 170

III. Development Regulations 172

A. Minimum Lot Size 172
B. Minimum Lot Width and Depth 172
C. Minimum and Maximum Residential Densities 173
D. Minimum Floor Area Ratios 174
E. Minimum Non-Residential Density Objectives 174
F. Minimum and Maximum Setbacks from Streets and Alleys 174
G. Vision Clearance 175
H. Minimum and Maximum Building Height Requirements 175
I. Minimum and Maximum Off-Street Parking Requirements 175
J. Minimum Usable Open Space Requirements 175
K. Minimum Landscaping, Natural Resource and Mature Tree Preservation 176
L. Mixed Use Buildings and Mid-Rise Apartments 177
M. Sidewalks 177
N. Street and Alley Standards 177
O. Lot Access 179

IV. Design Standards 179
A. Improvements Between Streets and Buildings 179
B. Building Entries and Orientation 180
C. Ground Floor Windows and Building Facades 180
D. Building Step-Back Requirements 180
E. Location and Design of Off-Street Parking 180
F. Drive-Through Uses 180
G. Outdoor Display and Storage 180
H. Alleys 180
I. Streetscape and Site Design Standards and Guidelines 181
J. Orenco Townsite Conservation Standards 181

Figure 1: Street Tree Plan (1908 Platted Townsite Area) 184
Figure 2: Plant List 185
Figure 3: Pedestrian Circulation Plan 188
Figure 4: Orenco Townsite Plat: 1908, 1911 189
Figure 5.1: Station Community Street Types 190
Figure 5.2: Street Network 191
Figure 5.3: On Street Parking 192
Figure 5.4: Street Standard Type "A" 193
Figure 5.5: Street Standard Type "B" 194
Figure 5.6: Street Standard Type "C" 195
Figure 5.7: Street Standard Type "D" 196
Figure 5.8: Street Standard Type "E" 197

Section 141: 185th/Quatama Stations Community Planning Area Supplemental Development and Design Standards

I. Scope 198

II. Purpose 198

III. (Deleted by Ord. No. 6018/6-12) .....

IV. Development Regulations 198
A. Minimum Lot Size 198
B. Minimum Lot Width and Depth 198
C. Minimum and Maximum Residential Densities and Ancillary Dwelling Units 198
D. Minimum Floor Area Ratios 199
E. Minimum Non-Residential Density Objectives 199
F. Minimum and Maximum Setbacks from Streets and Alleys 199
G. Vision Clearance 199
H. Minimum and Maximum Building Height Requirements 199
I. Minimum and Maximum Off-Street Parking Requirements 199
J. Minimum Usable Open Space Requirements 199
K. Minimum Landscaping Requirements 199
L. Mixed Use Buildings and Mid-Rise Apartments 200
M. Sidewalks 200
N. Street and Alley Standards 200
O. Lot Access 202

V. Design Standards 202
A. Improvements Between Streets and Buildings 202
B. Building Entries and Orientation 202
C. Ground Floor Windows and Building Facades 202
D. Building Step-Back Requirements 202
E. Location and Design of Off-Street Parking 202
F. Drive-Through Uses 202
G. Outdoor Display, Storage and Signs 202
H. Alleys 203
I. Streetscape and Site Design Standards and Guidelines 203
J. Standards for Protection within Historic and Cultural Conservation Districts 203

Section 142: Hawthorn Farm/Fair Complex Stations Community Planning Area Supplemental Standards

I. Scope 205

II. Purpose 205

III. Modifications To Section 136 Station Community Planning Area Provisions 206

A. Permitted, Restricted and Specially Regulated Uses 206
B. Minimum Lot Width, Depth and Coverage 206

IV. Development Regulations 206
A. Minimum Lot Size 206
B. Minimum Lot Width, Depth and Coverage 206
C. Minimum and Maximum Residential Densities and Ancillary Dwelling Units 206
D. Minimum Floor Area Ratios 206
E. Minimum Non-Residential Density Objectives 206
F. Minimum and Maximum Setbacks from Streets and Alleys 206
G. Vision Clearance 206
H. Minimum and Maximum Building Height Requirements 206
I. Minimum and Maximum Off-Street Parking Requirements 207
J. Minimum Usable Open Space Requirements 207
K. Minimum Landscaping Requirements 207
L. Mixed Use Buildings and Mixed Use Mid-Rise Apartments 207
M. Sidewalks 207
N. Alley and Street Standards 207
O. Lot Access 207

V. Design Standards 207
A. Improvements Between Streets and Buildings 207
B. Building Entries and Orientation 207
C. Ground Floor Windows and Building Facades 208
D. Building Step-Back Requirement 208
E. Location and Design of Off-Street Parking 208
F. Drive-Through Uses 208
G. Outdoor Display, Storage and Signs 208
H. Alleys 208
I. Streetscape and Site Design Standards and Guidelines 208
J. Standards for Protection within Historic and Cultural Conservation Districts 208

Section 143: Urban Center Zones

I. Purpose and Applicability 209
A. Purpose 209
B. Applicability 209

II. Land Use Zones .....
A. Urban Center – Residential Medium Density (UC-RM) 210
B. Urban Center – Mixed Use Urban Density (UC-MU) 210
C. Urban Center – Activity Center (UC-AC) 210
D. Urban Center – Neighborhood Center (UC-NC) 211
E. Urban Center – Office/Research (UC-OR) 211
F. Urban Center – Research Park (UC-RP) 211

III. Housing Types 211
A. Available Housing Types 212

B. Housing Type Standards 212

IV. Use Regulations 212
A. Available Uses 212
B. Accessory Structures and Uses 213
C. Use Specific Standards 213
D. Pedestrian-Active Use Requirements 218

V. Base Development Standards 218
A. Development Standard Tables 218
B. Exceptions to Development Standards 230

VI. Parking and Loading 232
A. General Provisions 232
B. Parking Requirements Table 233
C. Adjustments to Parking Requirements Table 235
D. Accessible Parking Requirements 237
E. Parking Space and Aisle Dimensions 237
F. Off-Site Parking 237
G. Bicycle Parking Type and Installation 237
H. Loading Spaces 238

VII. Adjustments in Return for Public Benefit 238
A. Purpose 238
B. General Provisions 238
C. Vertical Mixed Use 240
D. Mixed Income Housing 240
E. Green Buildings 240
F. Public Art 241

VIII. Site Planning Standards 241
A. Purpose 241
B. Applicability 242
C. Connectivity and Circulation 242
D. Street Design and Character 246
E. Tree Preservation 269
F. Usable Open Space 271
G. Stormwater Management 274
H. Landscaping 276
I. Fencing and Walls 282
J. Exterior Lighting 282
K. Recycling and trash enclosure 284
L. Drive-Through Facilities 285
M. Outdoor Display and Storage 285
N. Outdoor Dining and Sales Areas 285

IX. Building Design Standards 285
A. Purpose 285

B. Applicability 285
C. Massing and Form 286
D. Design and Character 287
E. Materials 289
F. Structured Parking 290
G. Green Construction Requirements 291

X. Application and Review Procedures 291
A. Purpose and Organization 291
B. Summary of Review Procedures 292
C. Summary Table 293
D. Type I Procedure 294
E. Type II Procedure 296
F. Type III Procedure 299
G. Type IV Procedure 303
H. General Procedures 307
I. Public Hearings 317
J. Pre-existing Development 324

XI. Definitions 325
A. Use Categories 325
B. Other Definitions 348
C. Acronyms and Abbreviations 363

Section 136: STATION COMMUNITY PLANNING AREAS

(Added by Ord. No. 4455/8-96.)

I. PURPOSE

A. Station Community Planning Areas (SCPA) are established to promote transit-supportive and pedestrian sensitive mixed use developments in areas near light rail transit stations. The purpose of this Section is to describe the characteristics of Station Community Planning Areas and set forth clear and objective standards with which all applications for development shall comply.

B. Station Community Planning Areas consist of zoning districts which share a number of qualities and characteristics but are distinguished by differences in emphasis on primary uses and intensity of development. The land use districts are designed to work together to result in a lively, prosperous mixed-use neighborhood providing an attractive place to live, work, shop and recreate with less reliance on the automobile than is typical elsewhere in the community. Predominant characteristics shared by Station Community Planning Areas include:

1. A balanced pedestrian orientation featuring buildings, streets and public spaces oriented towards the pedestrian while not excluding the automobile.

2. Concentration of housing and/or jobs in centers which encourage transit users to live and work near transit stations.

3. Public amenities, including parks, plazas and other community facilities.

4. A multi-modal circulation system that links uses of bus, bicycle, van pool, auto and light rail with pedestrians.

5. A development and circulation plan that provides convenient access to light rail stations while minimizing and overcoming physical and psychological barriers.

6. Placement of automobile intensive uses in locations where the existing road and street system will support such uses and where such uses do not adversely impact other transit-oriented uses.

II. LAND USE DISTRICTS

A Station Community Planning Area shall include one or more of the following zoning designations[1]:

A. Station Community Commercial—Downtown District (SCC-DT)

The SCC-DT District shall apply to property located within downtown Hillsboro which is identified for mixed use commercial development. The purpose of the SCC-DT zone is to implement the Downtown Core Vision Statement from the Downtown Framework Plan to create a downtown core that is a vibrant and active place with shopping and dining, entertainment venues, arts and cultural experiences, civic activities and spaces and public gathering places supported by existing and new residents, employees, and students living and working in and around the historic core. (Amended by Ord. No. 5973/7-11, formerly SCC-CBD)

B. Station Community Commercial—Highway Oriented District (SCC-HOD)

(Deleted by Ord. No. 5973/7-11)

C. Station Community Commercial—Station Commercial (SCC-SC)

The SCC-SC District may be applied to property generally located within 1,300 feet of a light rail station site that is identified for mixed use neighborhood commercial development. The SCC-SC District is intended to assure a mix of transit supportive retail, service, professional, community service, child care facilities, recreational and similar uses near, and within easy walking distance of, the light rail stations outside the CBD. More intense uses such as high density housing (both free-standing and in mixed use buildings), hotels and residential hotels are encouraged near the station. Neighborhood commercial uses in the District are intended to be pedestrian-sensitive and compatible with the scale of surrounding residential development. However, where a District is adjacent to or bisected by an arterial street, neighborhood commercial uses may be auto-accommodating provided that the auto-accommodating uses are clustered in a node, as opposed to being extended along the arterial, and provided the amount and intensity of such development is limited so as not to adversely impact the nearby residential areas or take on the look of strip development. (Amended by Ord. No. 5168/7-02.)

D. Station Community Commercial—Multi-Modal (SCC-MM)

The SCC-MM District may be applied to property abutting an arterial street where the property is identified for commercial use and is generally located more than 2,600 feet from a light rail station site. The SCC-MM District is intended to serve both transit and auto users by placing automobile intensive uses at locations where the existing and planned street system will support such uses and will not adversely impact nearby transit-supportive developments, while still being accessible destinations for transit riders.

The emphasis of the SCC-MM District is on uses that will provide a broader array and scope of goods, services and employment opportunities than in the SCC-SC or SCR-V Districts, for nearby residential areas and employment centers within

[1] SCPA district boundaries are mapped designations and distances cited herein serve as general guidelines rather than specific measurements.

and without the Station Community Planning Area, as well as residents from the vicinity. The site design of developments within the SCC-MM District shall accommodate a free flow of pedestrians and bicyclists traveling to the destination from the nearby neighborhoods and from within the SCPA, but the District is expected to be predominantly auto-oriented. Commercial uses are allowed without restriction[1] in the District; as are office and flex space uses, community service, hospital, hotel, indoor recreational, and child care facilities. Residential uses are permitted in free-standing residential structures and on or above the second story of commercial buildings throughout the District. There is no minimum floor area ratio within the District.

(Amended by Ord. No. 5168/7-02.)

E. Station Community Residential—High Density (SCR-HD)

The SCR-HD District may be applied to property identified for residential use located generally within 1,300 feet from a light rail station site in downtown Hillsboro, and within 2,600 feet from a light rail station outside the Downtown SCPA. The SCR-HD District is intended to assure high density multi-family and single family attached residential development near LRT stations. Mid-rise residential buildings may include non-residential uses of a size and scale to serve the needs of building residents and the immediate neighborhood, but shall not include additional off-street parking to accommodate the customers of such shops and activities, nor shall the minimum residential density otherwise required be reduced to accommodate location of non-residential uses. (Amended by Ord. No. 4930/7-00.)

F. Station Community Residential—Medium Density (SCR-MD)

The SCR-MD District may be applied to property identified for residential use located generally within 2,600 feet from a light rail station site, but it may apply to property located up to 3,900 feet of a light rail station site. The SCR-MD District is intended to assure medium density multi-family, attached and detached single family residential development and ancillary dwellings. The District may be applied as a transition zone between higher density residential and commercial activities nearer than 2,600 feet of a light rail station site, and may also be applied to property at the outside edge of a higher density SCPA District in order to buffer a less dense existing residential community outside the SCPA.

G. Station Community Residential—Low Density (SCR-LD)

The SCR-LD District may be applied to property identified for residential use generally located greater than 2,600 feet from a light rail station site. The SCR-LD District may also be applied to in-fill areas predominantly surrounded by low density single family development where higher density development is inconsistent with the character of the established neighborhood and where the neighborhood is unlikely to redevelop. The SCR-LD District is specifically intended to assure quality detached and attached single family dwellings, ancillary dwelling units and duplexes within reasonable proximity to an LRT station and, where necessary, to transition between the edges of the SCPA and very low density residential neighborhoods beyond the SCPA.

[1] Refers to restricted uses cited in subsection V. of this section.

H. Station Community Residential—Village (SCR-V)

The SCR-V District may be applied to property containing at least thirty (30) acres in single ownership or control located within approximately 3,900 feet of a light rail station site. The SCR-V District is intended to assure the development of a pedestrian-sensitive, yet auto-accommodating, community containing a range of residential housing types, mixed use residential, free-standing neighborhood commercial uses and employment opportunities. A residential village project may be developed in one or more phases. A residential village incorporates a number of design, development and infrastructure features indicative of a self-reliant neighborhood; including, but not limited to: multi-purpose streets linking residential areas with neighborhood activity and commercial centers and the light rail station; horizontal and vertical integration through continuity of urban design befitting a growing major metropolitan area; quality and craftsmanship in the built environment; a lively mix of neighborhood shopping and community services; advantageous and sensitive use of natural resource features and open space; and innovative and imaginative site planning in order to develop a sense of place where the amenities, facilities, features, and overall urban design and architectural integration could not be achieved through application of any other individual or abutting combination of districts or zones.

I. Station Community Residential—Orenco Townsite Conservation (SCR-OTC)

The SCR-OTC District shall apply to property located within or near the originally platted Orenco Townsite. The SCR-OTC District is intended to conserve and enhance the historic, open space and architectural qualities of the Townsite while providing opportunities for rehabilitation of existing buildings, in-fill residential, and new development. Within the District, single family detached residential development is permitted on 50' by 150' lots replicating the platting, street and alley pattern of the original Townsite. Ancillary dwelling units are permitted on the rear one-third of conforming lots. Community service uses and schools also are permitted in the District, as are neighborhood commercial uses along Alder Street. New street, alley, infrastructure, street lighting and pedestrian circulation standards note the area as a special district reminiscent of the turn of the century community which thrived in this location. All development within the SCR-OTC District shall comply with specific design standards contained in Section 140, aimed at rebuilding the historic and architectural character and qualities of the area, in addition to the general standards in Sections 137 and 138 of this Ordinance.

J. Station Community Residential—Downtown Neighborhood Conservation (SCR-DNC)

The SCR-DNC District may be applied to neighborhoods Downtown SCPA characterized bytraditional lotting patterns, concentrations of designated and contributing cultural resources, or by unique development characteristics such as boulevard setbacks and mature street trees. The SCR-DNC District is intended to conserve and enhance the historic, open space and architectural qualities of these traditional "small town" neighborhoods while providing opportunity for intensified development through rehabilitation of existing buildings, new development, infill development, and mixed use development where appropriate. Within the District, infill and new developmentshall be permitted subject to additional design requirements intended to preserve and enhance the pedestrian-scale, residential character of the District. New street and alley infrastructure, landscaping, and street lighting shall be consistent with SCR-DNC standards to enhance the traditional streetscape of the overlay district. (Amended by Ord. No. 4930/7-00.)

K. Station Community Industrial (SCI)

The SCI District may be applied to property developed or planned for light industrial, manufacturing, and associated office uses is located within approximately 3,900 feet of a light rail station site. The SCI District is intended to assure land use designations affording the opportunity to create and retain manufacturing employment opportunities within walking distance of light rail stations and near feeder bus or shuttle lines between the stations and nearby employment centers. The SCI District encourages campus development that is transit-supportive in design. Commercial uses directly related to or primarily serving the owners, tenants and employees of permitted uses are allowed on a limited basis. A residence for a security guard or caretaker is allowed as a conditional accessory use in the District. (Amended by Ord. No. 4545/4-97.)

L. Station Community Business Park (SCBP)

The SCBP District may be applied to property identified for development of high quality, business environments in areas generally within 5,200 feet of a LRT station. Business parks in the SCBP District may incorporate light industrial, flex space, research and development, and office uses. Retail and service commercial uses are permitted in the District but are limited in size and scope to those primarily serving the permitted uses of the District and the nearby community so these activities do not become a dominant use in the business park. In executing the campus plan of the business park, individual projects will incorporate development and design elements to create a visually pleasing, transit-supportive and pedestrian-sensitive, yet auto-accommodating environment. Development regulations within the District recognize that as the distance between the LRT station and an individual project increases beyond one-half mile, the degree to which a pedestrian-oriented environment is required is lessened. Nonetheless, streets and their related rights-of-way throughout the District will be functionally designed to accommodate vehicular, transit, bicycle, and pedestrian demands. A residence for a security guard or caretaker is allowed as a conditional accessory use in the District. (Amended by Ord. No. 4545/4-97.)

M. Station Community Research Park (SCRP)

(Deleted by Ord. No. 6018/6-12)

N. Station Community Fair Complex Institutional (SCFI)

The SCFI District may be applied to property containing at least thirty (30) acres owned by one or more public entities and/or private parties and assembled into a mixed use development centered around public entertainment, amusement, and sports participation. The focus of development in the District is on facilities accommodating activities including, but not limited to, the Washington County Fair, conferences, conventions, expositions and trade shows, in a variety of open-air facilities and enclosed buildings. Hotels, restaurants, and specialty retail establishments are encouraged in the District. Sports and entertainment facilities including, but not limited to, arenas, rinks, aquatics centers, cinemas, theaters, and usable open space designed to accommodate sports fields and outdoor athletic activities are also allowed. Up to twenty-five percent (25%) of the District may be used for high density residential, mixed use residential and live-work units, as identified in the Concept Development Plan required for the phased development of the District.

Development in the District shall be designed to take advantage of the unique multi-modal opportunity provided by the adjacent LRT and bus transfer station, park-and-ride facility, and pedestrian and bicycle linkages to nearby neighborhoods. The Concept Development Plan shall emphasize the following features: compact, high density mixed use development; multi-story structures where compatible with the intended use and the constraints of the nearby airport; buildings and internal circulation oriented to the adjacent light rail station site; a strong focus on pedestrian-sensitive design of buildings, facilities and linkages; and a reduction in surface parking in favor of parking structures, except in the airport clear zone where well landscaped surface parking for large events and facilities for travel trailers and recreational vehicles to accommodate event vendors and visitors (and other low density uses) are allowed. (Amended by Ord. No. 4545/4-97.)

III. DEFINITIONS

(Section III amended by Ord. No. 4545/4-97, 4930/7-00 and 6018/6-12.)

Except as expressly modified below, the definitions set forth in Section 3 of City of Hillsboro Ordinance No. 1945 shall apply. The following additional definitions shall apply only within Station Community Planning Areas.

A. Access. An unobstructed means of ingress and egress from a lot or parcel to a public street, alley or a City-approved private street or tract, either through private ownership or permanent easement over an improved private street, alley or driveway of sufficient width and structural cross-section to meet or exceed the standards for emergency vehicle approach to the use on said lot or parcel. Also applicable to "flag lots," where there is no frontage on an existing or proposed alley, or public or private street.

B. Accessory Industrial Use

1. Light industrial uses functionally integrated with, substantively related to, and compatible with a major institution. Such industries require continual or recurrent application of research knowledge and/or development and testing capabilities of the major institution as an integral part of the manufacturing process. Such uses may occupy up to thirty percent (30%) of the net site area of a major institution's campus development, provided industrial use is permitted within the applicable SCPA District and the accessory industrial use is specifically allowed by the Planning Commission or Planning Director. However, an accessory industrial use occupying less than twenty-five percent (25%) of a building, the remainder of which is entirely occupied by uses or functions wholly attributable to the related major institution, shall not be counted in the thirty percent cap on industrial land within the institution's campus.

2. An accessory industrial use is functionally integrated with and substantively related to a major institution if a reasonable person would so conclude considering the following factors, no single one of which is determinative:

   a) Functional contractual association;
   b) Programmatic integration or relationship between the research, development or testing being undertaken by the major institutional use and the proposed product, equipment or process produced by the accessory industrial use;
   c) Direct physical circulation /access connections;
   d) Shared facilities/animal colonies, staff and/or management;
   e) Degree of interdependence;
   f) Similar or common functions, services or products;
   g) Vertical or horizontal economic integration within the same SIC Major Group or general industry.

3. An accessory industrial use is compatible with a major institution and the applicable Station Community if it meets the standards of the particular Station Community Planning Area as described and/or listed in Zoning Ordinance Sections 139 through 142, or as specifically described and listed within the Narrative Statement of the Concept Development Plan submitted by the major institution and established to the satisfaction of and approved by the Planning Commission as a part of the Concept Development Plan. Compatible industrial establishments shall be identified by their U.S. Office of Management And Budget four digit Standard Industrial Classification ("SIC") code as well as by a narrative description of the functions and activities of the industry.

4. Regardless of compatibility with the major institution, accessory industrial uses shall not include the following:

   a) General industrial uses;

   b) Establishments exhibiting noticeable effluents, emissions, dust, odors, or noxious or offensive off-site environmental impacts;

c) Establishments that require bulk storage or warehousing where the footprint of the storage facility or warehouse is in excess of 40,000 square feet;

d) Establishments primarily engaged in metal fabrication, stamping, casting or forging; or

e) Uses involving hazardous materials as described in Section 136.V.D.3., except as permitted under that subsection.

5. Accessory industrial uses may also include: incubator developments for compatible establishments; small-scale production and restoration facilities for specialty items such as custom machining, glassware, test media, optics, electronic equipment; and similar uses associated with the research, development and testing laboratories of an adjacent institution or accessory industry.

C. **Adjacent**. A building or use is adjacent to a transit trunk route, major pedestrian route, transit station or point of interest if the building or use is sited on a parcel or lot abutting the route, station or point of interest, and is not separated from the route, station or point of interest by an existing or planned intervening building as shown on an approved master plan. Intervention of a street or alley does not interrupt adjacency.

D. **Auto-Accommodating**. A use, area or district which is primarily pedestrian-sensitive but includes facilities where access by automobiles is allowed without giving preference to autos or allowing auto-oriented services such as drive-through windows or services.

E. **Bulk Retail Use**. A retail or wholesale commercial operation, occupying a warehouse-style building of 40,000 gross square feet or more, selling primarily institutional sized or multi-pack products in bulk quantities.

F. **Campus Development**. An industrial, office, business or research park; hospital; or major institution development containing the following characteristics:

1. Location on a lot, contiguous lots or site at least:
   a. thirty (30) acres in size within a SCC-MM, SCI, SCBP, or SCFI District or combination thereof; or
   b. five (5) acres in size within a SCC-CBD, SCC-HOD, SCC-SC or SCR-V District or combination thereof; and
2. Inclusion of multiple buildings which are interrelated through similar or compatible business or educational activity or process, and/or share a common infrastructure such as pedestrian ways, pedestrian spaces, parking and vehicular accessways; and
3. Design giving the appearance of continuity which incorporates elements creating a transit- and pedestrian-sensitive, yet auto-accommodating, environment for those working in the District.

(Amended by Ord. No. 6018/6-12)

G. **Commercial Parking Facility**. A parking structure, surface or below grade parking lot for which a charge or fee is assessed for parking. This term does not include a parking facility owned and/or operated by or on behalf of any unit of state, county, or local government or metropolitan area transit agency.

H. **Commercial Support Services**. Business activities intended primarily to provide retail sales and services to other nearby businesses and the employees of those businesses, as opposed to the community at large and the general public. Does not include wholesale distribution, custom manufacturing or fabrication, or other large commercial operations or industrial type activities. Examples include, but are not limited to, branch banks, small scale office supply stores, restaurants and coffee shops, quick print and copy centers, child care facilities, convenience stores, dry cleaners, small scale physical fitness centers, etc. (Amended by Ord. No. 5168/7-02.)

I. **Commercial Uses**. Uses and activities involving the sale, lease or rent of new or used products to the general public; the provision of personal, consumer and business services (including child care facilities and adult daycare for the elderly) and entertainment; the provision of product repair or services for consumer and business goods; and office facilities for business, government, professional, medical (including free-standing medical, dental and veterinarian clinics), and financial services. Commercial uses do not include "restricted uses" except as allowed under the provisions of Section 136.VI., hospitals, geriatric care facilities, hotels, residential hotels or recreational facilities. Animal Services Facilities as defined in Section 3 are considered Commercial or Neighborhood Commercial Uses; accessory outdoor exercise areas and/or overnight pet boarding if permitted may be subject to conditional use approval under Section 89. (Amended by Ord. No. 5168/7-02 and 5960/3-11.)

J. **Community Service**. Activities and uses of a public, non-profit or charitable nature generally providing a local service to people of the community on site or through employees on the site on a regular basis. Examples include libraries, museums, senior centers, community centers, indoor public recreation facilities, religious institutions, corrections facilities, emergency services and similar facilities. Community services do not include schools, hospitals, or geriatric care facilities. (Amended by Ord. No. 5201/11-02.)

K. **Conservation**. As applied to buildings and residential structures within Conservation Districts (SCR-DNC and SCR-OTC), the act or process of applying measures to safeguard or restore the historic character or cultural significance of real property, buildings, dwellings or public facilities within a designated area by restricting further loss of significant historic or cultural resources and by establishing standards to enhance the area by ensuring that restoration, rehabilitation or remodeling of existing structures and the construction of new structures or facilities conform to or are compatible with the period, architectural style and overall character of the designated area. "Conservation" is differentiated from "restoration" or "preservation" in that new development is allowed to replace deteriorated or marginal structures and existing structures may be rehabilitated or remodeled within the Conservation District provided that the new development or reconstruction meets the applicable standards of Sections 137 through 142. Conservation shall not be construed to limit increases in overall density of an area provided the increased development density satisfies the development regulations and design standards of the Conservation District.

L. **Contiguous**. Parcels, lots and tracts of land, projects, and expansions of existing uses are considered contiguous regardless of interruptions by streets, alleys, public easements or rights-of-way provided that the parcels would otherwise abut.

M. **Density**. A measurement of the number of residential dwelling units or people per net acre of developable land. For residential development the standard for expressing density is dwelling units per net acre. For non-residential development the measure is people per net acre and by floor area ratio. The measurement of people per net acre is calculated based on the average number of employees on the largest eight-hour shift of businesses located within any such development. The average number of full-time equivalent ("FTE") day students in any educational or research institution may also be added. (Amended by Ord. No. 6018/6-12)

N. **Drive-Through Facilities**. Facilities allowing transactions for goods or services without leaving a motor vehicle, but excluding car washes, and motor vehicle service, maintenance or repair facilities. Also known as "drive-in" facilities.

O. **Emergency Service Facilities**. Facilities housing police, fire or ambulance services; excluding jails.

P. **Establishment**. A term used to describe business activity. For purposes of this code, businesses shall be defined and described at the four digit Standard Industrial Classification ("SIC") level set forth in the most recent edition of the *Standard Industrial Classification Manual*, published by the U.S. Office of Management and Budget.

Q. **Expansion**. Enlargement of an existing multi-family residential, commercial, industrial, research park or institutional use increasing the overall density or intensity of the use. The expansion may be an addition attached to an existing structure or service facility, an additional structure or service facility on the same parcel, or additional structures or facilities constructed on land contiguous with the existing parcel. Construction of new facilities on parcels which are not contiguous are considered new uses, not expansions of an existing use. Except as applied to commercial parking facilities, the term is not applicable to enlargement of existing parking lots and structures.

R. **Flex Space**. A building constructed to accommodate a variety of commercial, office and/or light industrial uses, including: administration, direct and telephone sales, back-office operations, product assembly, component and inventory warehousing, shipping, and related or similar activities.

S. **Floor Area Ratio**. The ratio of the total amount of enclosed gross floor area within a structure to the amount of net acreage. For example, a single story building constructed on one-quarter of the net developable site would have a FAR of 0.25. If a second story were added, the FAR would increase to 0.50, etc. For purposes of calculation, both floor area and net acres shall be converted to square feet. Total gross floor area is measured from the exterior faces of a building or structure, and does not include basement or semi-subterranean areas used for storage or parking. Floor area for automobile service stations shall include the entirety of service area under canopy coverage; and floor area for above-grade parking structures shall include all space within the exterior faces of the structure or combination of structures be it devoted to automobile parking stalls, ramps and aisles, equipment rooms, stairwells or commercial space.

T. **General Industrial**. Manufacturing, compounding, extracting, processing, grinding, milling, and assembly uses involving heavy industrial techniques or

which may exhibit visible external elements or impacts of the manufacturing process; including, but not limited to, upright outside gas or chemical storage tanks; outside storage yards or detached storage buildings; noticeable stacks or exhaust pipes and visible emissions (other than water vapor, steam and the normal products of office building type HVAC systems); airborne dust, ash or other particulate resulting from industrial activity; manufacturing process or other industrial noise audible on adjacent properties; heavy truck traffic impacts typically associated with a manufacturing plant; and other external impacts indicative of the manufacturing process or industrial use.

U. **Hardscape**. Hard-surfaced areas improved in lieu of landscaping. Such areas include specially treated or textured concrete designed as a plaza, courtyard or building entrance and contain pedestrian-sensitive amenities such as benches, drinking fountains, planters, trees in grated wells, street furniture, lighting, public art, water features or other design features integrated into the overall design of a building or portion of the site.

V. **Historic and Cultural Resources**. Any building, structure, site, or object identified and mapped in the City's Cultural Resource Inventory as authorized by the Comprehensive Plan.

W. **Hospital**. An institution which provides clinical, diagnostic and treatment services to patients on an inpatient, outpatient and emergency basis. A hospital may also include accessory uses or facilities directly associated with its clinical, diagnostic and treatment services provided such uses or facilities are under the same ownership or control, or the ownership or control of a parent or affiliated entity. Permitted accessory uses or facilities include, but are not limited to, laboratories, laundries, pharmacies, gift shops, food services and cafeterias, offices for hospital personnel and/or physicians admitted to practice within the hospital, and other similar small-scale uses primarily serving patients, hospital visitors, employees and physicians on the premises. A "Hospital" does not include free-standing related uses not owned or controlled by the hospital or by a parent or affiliated entity of the hospital. However, due to the cumulative size and impact of a hospital and those uses congregated around it, the Planning Commission may find that a hospital and those free-standing related uses gathered around it, by default and definition, constitute a "Major Institution" subject to the development regulations of such an institution.

X. **Hotel**. A building with a common entrance consisting of individual sleeping quarters for rental to transients, and in which no provision is made for cooking in the lodging room. A "residential hotel" is a hotel typically providing for longer term stays and which may allow in-room cooking.

Y. **Incubator Development**. Facilities that accommodate new business establishments spun-off from the research, development and testing laboratories of a major institution, a related institution, or larger high- or bio-technology industry. If on-site manufacturing or production capabilities are included within an incubator development, the establishment shall be classified as an industrial use.

Z. **Joint Use Parking**. A parking facility shared by two or more uses, or a parking facility that is shared by one or more uses and a unit of general purpose government or a public agency.

AA. Light Industrial. Low- to moderate-impact industrial, manufacturing, processing, and assembly uses that exhibit benign external characteristics compatible with the character and overall design of a campus development or Residential Village environment. This definition excludes General Industrial uses and any other type, classification, designation or sort of industrial use or process where the industrial establishment may exhibit visible external elements or impacts of manufacturing as listed in the definition of General Industrial or any other noxious or offensive environmental impact. This definition also excludes any use containing hazardous materials subject to Section 136.V.D.3 unless exempt from or granted a Specially Regulated Use Permit. Landscape or other visual screening of external tanks, chillers or other mechanical or process-related devices shall not suffice to mitigate their external presence such that the industrial use may be classified as "light industrial."

BB. Light Rail Station Site. Land currently or eventually to be owned, leased or held through permanent easement by Tri-Met, on which facilities will be located related to a light rail transit ("LRT") stop, such as a station platform, a park and ride lot, bus stop, and other similar facilities. Station sites are those designated on the Final Engineering drawings and contained in the Final Environmental Impact Statement for the Hillsboro Extension of the Westside Corridor Project.

CC. Major Institution.

1. An entity or combination of entities engaged in business activities for:

   a) the advanced study, research, instruction and/or application of science, engineering and/or technology;
   b) the study and/or practice of medicine;
   c) educational purposes; or
   d) governmental purposes.

   Such entities and their facilities include, but are not limited to: medical, laboratory or engineering research, development and testing facilities, whether or not associated with a college or university; hospitals, clinics, diagnostic facilities, medical office buildings and related facilities; public or private colleges, universities, or scholarly, academic or technical institutes (excluding local public schools at or below the high school level); governmental centers encompassing one or more governmental entities; and similar organizations qualified as described below.

2. A Major Institution, by nature of its function and size, dominates and has the potential to change the character of the surrounding area and/or create significant impacts on the area through construction of buildings and facilities, lease or occupancy of buildings and land in the vicinity, generation of traffic and parking demands in a neighborhood, and the activities of its day-to-day business.

3. A Major Institution includes all entities controlled, in whole or part, by the Major Institution or by a parent or affiliate entity of the Major Institution. Partnerships, corporations of all types, foundations and other forms of business organizations which include or comprise the Major Institution, its parent, or affiliated entity shall be considered a part of the Major Institution. In addition, all uses that are functionally integrated with and substantively related to the Major Institution or that primarily and directly

serve the users of the institution, or jointly or individually provide the same type of service, whether or not those uses are owned or operated by the Major Institution or a single entity, are also considered Major Institution uses.

4. A use is functionally integrated with and substantively related to a major institution if a reasonable person would so conclude considering the following factors, no single one of which is determinative:

   a) Functional contractual association;
   b) Programmatic integration or relationship between the research, development or testing being undertaken by the major institutional use and the proposed product, equipment or process produced by the accessory industrial use;
   c) Direct physical circulation/access connections;
   d) Shared facilities/animal colonies, staff and/or management;
   e) Degree of interdependence;
   f) Similar or common functions, services or products;
   g) Vertical or horizontal economic integration within the same SIC Major Group or general industry.

5. To qualify as a Major Institution, a use or group of functionally integrated and substantively related uses must have an identifiable land use presence in a location. Such a presence need not be within a campus development. The requisite physical presence may be demonstrated by owning or controlling through long-term lease a large structure and/or a number of smaller structures in close proximity. Ownership or control need not be by just one or only a few organizations or entities to meet this requirement. Examples of such a physical presence include, but are not limited to:

   a) in any district within the Downtown SCPA, a site including one or more buildings of at least two hundred thousand (200,000) square feet with a minimum site size of sixty thousand (60,000) square feet;

   b) in any SCPA , an institution and/or functionally integrated and substantively related use(s) occupying several buildings within a three-quarter mile (3/4 mile) radius where the combined site or floor area is equal to or greater than two hundred thousand (200,000) gross square feet;

   c) a building or buildings regardless of size within a Station Community Research Park District or Station Community Business Park District, where the organization(s) demonstrate the intent to carry out the purposes and mission of a Major Institution either alone or in association with other institutions or organizations within the District; or

   d) other uses or groups of uses that the Planning Commission deem as substantially or materially meeting any of the above criteria but for a matter of inconsequential or unimportant measurement differences, where such differences do not significantly reduce the impacts of the facility or activity on the community or surrounding neighborhood.

6. In addition, the Planning Commission may classify a use or group of uses as a Major Institution upon finding the above criteria apply or that a use is functionally integrated with and substantively related to a Major Institution.

7. A Major Institution within a campus development located in the SCBP District may devote up to thirty percent (30%) of the net developable acreage of its campus for use by compatible accessory industries provided such industries are allowed within the District, sited in accord with its approved Concept Development Plan, and approved by the Planning Commission or Planning Director. If approved in the Concept Development Plan, up to ten percent (10%) of the net developable acreage of the campus land may be occupied by compatible non-accessory industries meeting the above criteria; however, such land is included within the 30% industrial land allocation. (Amended by Ord. No. 6018/6-12)

DD. **Major Pedestrian Route**. Any pedestrian route located along an arterial or collector street, a transit trunk route, or light rail transit route. A major pedestrian route also includes any local street or street segment within 1,300 feet of a light rail station or Transit Center where the street or street segment provides reasonably direct connection to the station or center.

EE. **Master Plan**. A development plan for a project to be built in two or more phases. A master plan may involve multiple blocks, provided the blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian ways or space, designated open space, park space or protected natural areas, or surface water treatment facilities. May provide the basis for a Concept Development Plan in Development Review.

FF. **Mixed Use Building or Development**. A building or development characterized by either a vertical or horizontal physical integration of uses. A mixed use building is a structure at least two stories in height which includes a mix of uses such as retail and office uses, live/work units, residential and commercial uses, or commercial and light industrial uses. A mixed use development includes multiple buildings, usually of multiple stories, designed to assure a diversity of compatible land uses which may include a mixture of residential, office, retail, services, recreational, live/work units, flex space uses, and other miscellaneous uses allowed in a district. A campus development is considered a mixed use development. However, within a mixed use development, a mix of residential and industrial uses is prohibited in a single building or on immediately adjoining land. (Amended by Ord. No. 6005/3-12.)

GG. **Motor Vehicle Service, Maintenance or Repair Facilities**. Facilities servicing motor vehicles, including gasoline stations, oil and lubrication services, tire and muffler installation and service, body shops, car washes, and other motor vehicle services.

HH. **Neighborhood Commercial**. Neighborhood commercial includes live/work units in the SCC-SC district and "commercial uses" as defined in this subsection, provided they are small scale retail and service uses primarily serving nearby residential areas and neighborhood businesses and their employees. General office and other commercial uses which are not retail or service in nature are

allowed on and above the second floor of a neighborhood commercial building. This term applies to the size and scale of a commercial use and is different from the C-4 Zone of the same name.

Neighborhood commercial uses are limited in size and intensity to promote a local orientation and to limit adverse impacts on nearby residential areas. The footprint of a single story, single tenant neighborhood commercial building shall not exceed 10,000 gross square feet. The building footprint of multi-storied single tenant neighborhood commercial buildings shall not exceed 20,000 gross square feet. A mixed use building with neighborhood commercial use(s) has no limit on building footprint if containing at least two (2) stories of residential uses above the first floor, or containing at least three (3) stories of residential uses if residential uses are incorporated into a portion of the first floor. Neighborhood commercial uses may be auto-accommodating and provide off-street parking behind the building, but the overall development is intended to be predominantly pedestrian-sensitive and compatible with the scale of surrounding residential development. (Amended by Ord. No. 4930/7-00 and 6005/3-12.)

II. **Net Acre**. Net Acre. One acre of developable land. Net acreage is calculated by adjusting the gross acreage of a parcel or lot by deducting the amount of "undeveloped" land. Net acreage equals the gross square footage of a site minus undeveloped land divided by 43,560. Undeveloped land is defined as, and limited to, that which is:

1. Required for dedications of public and private rights-of-way and access easements, and for internal streets required for fire access;

2. Areas necessary to accommodate truck loading docks, along with the minimum amount of maneuvering area necessary to safely utilize such a loading dock;

3. Required stormwater treatment and detention facilities;

4. Required usable open space land whether included on the subject site or as a prorated share of aggregated usable open space or commons areas applied to and credited towards the subject site, and any land dedicated to the City for parks or greenways;

5. Optional open space within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resource structures;

6. Delineated wetlands and vegetated corridors as required by Clean Water Services;

7. Any area or facility where occupancy is prohibited for safety reasons, such as electrical transformer platforms, industrial chemical and/or gas storage areas, or other similar hazardous facility or area; and

8. Any land with slopes of twenty-five percent (25%) or greater or within the mapped 100-year floodplain, unless used for building or parking purposes.

(Amended by Ord. No. 5779/8-07 and 5893/12-08.)

JJ. **Parking Structure**. A parking garage located above or underground consisting of two or more levels.

KK. **Pedestrian-Related Office or Service Use**. Commercial uses, excluding the sale, lease or rental of new or used durable goods, whose primary business relies on face-to-face customer contact or walk-in trade.

LL. **Pedestrian-Sensitive**. Development designed and oriented with an emphasis on pedestrian access to and use of the site, and the buildings and dwellings within the site; rather than being designed and/or sited so as to give preference to auto access and parking areas. Buildings and dwellings meeting the basic provisions of Sections 137 and 138 without application or employment of any variance or exception to those basic provisions are, by definition, pedestrian-sensitive. Buildings or dwellings utilizing exceptions or Variances, may still be pedestrian-sensitive, but must be evaluated on a case-by-case basis taking into account the combination of exceptions and variances employed to determine whether, on the whole, the building or dwelling is still pedestrian- sensitive.

MM. **Pedestrian Space**. An area or plaza on public or private property which is directly accessible to pedestrians and which includes two or more of the following features covering the entire area or disbursed throughout the entire pedestrian space: Hardscaped areas; lawn areas with trees and seating; awnings or other weather protection; water features incorporating, or with nearby, seating areas, public art or kiosks; outdoor eating areas with seating, and street-side vendor carts or stands selling flowers, food or other small consumer goods. Interior corridors within a building, used primarily as access among rooms within the building, are not considered pedestrian space, but an atrium or interior court containing the above named features and is accessible from common hallways by the public shall qualify. A space otherwise meeting the definition of a pedestrian space which is located within a secured area on private property but is accessible, used and useful to employees, residents, and other authorized visitors to the site, qualifies under this definition.

NN. **Pedestrian Way**. Any paved public or private travel route intended for pedestrian use, whether shared with other transportation modes such as a bicycle/pedestrian accessway or intended solely for pedestrian use.

OO. **Permanent Open Space**. A parcel, lot, or tract of land identified on a recorded plat or by deed designation as intended to provide natural area preserves or environmental, scenic or recreational benefits to an adjacent development. Such a parcel, lot, or tract may, at the discretion of the applicant, be considered a part of an abutting lot for purposes of calculating lot setback, open space and similar requirements, provided that the open space is not double counted in the process.

PP. **Project**. Sometimes referred to as a "development project" or "development." A residential, non-residential or mixed use development to be built in one or more phases. A project may involve single or multiple buildings and single or multiple blocks, provided the multiple blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian connections or spaces, designated open space, park spaces or protected natural areas, or stormwater treatment or detention facilities. The construction of one single family, duplex or ancillary

dwelling built on or added to a single lot is not a project unless constructed as part of a larger residential development project of ten or more dwellings.

QQ. **Public Parks and Recreational Facilities**. Indoor and outdoor space and facilities intended to serve the needs of the general public, and include but are not limited to nature parks, ball fields, specialty facilities, aquatic centers, open space, and spaces in which community services are provided. (Added by Ord. No. 5201/11-02.)

RR. **Recreational Facilities**. Indoor and outdoor facilities, excluding usable open space, intended to serve the recreational needs of the general public. Indoor and outdoor "land-extensive recreational facilities" are generally discouraged within the SCPA and include such activities as golf courses, driving ranges, polo fields, shooting ranges, and similar uses. (Amended by Ord. No. 5201/11-02.)

SS. **Redevelopable Land**. Land on which development has already occurred but on which, due to present or expected market forces, existing development is likely to be converted or replaced with a more intensive use.

TT. **Rehabilitation**. As applied to buildings and residential structures within Conservation Districts, rehabilitation includes routine maintenance and corrective measures intended to bring the structure closer to compliance with the existing building code. Rehabilitation maintains the overall structural and decorative characteristics and the visual integrity of the original architecture but may include additions, new elements and technologies to meet current building codes and incorporate modern lifestyles or business needs, provided such modern elements are introduced only where necessary and are accomplished in a manner sympathetic to the original design. Rehabilitation does not require the technical or historic replication called for in restoration and may include compatible elements not found in the original structure or dwelling.

UU. **Remodel**. As applied to buildings and residential structures within Conservation Districts: 1) to remodel a building or residential structure for the same or similar use is to redesign a building or dwelling so the generic features of the original architecture or design are obliterated and the basic character destroyed; 2) to remodel a building or residential structure for a different use is to redesign a building or dwelling so the generic features of the original architecture or design are, in the main, sustained and those elements which facilitate the new use are accomplished so as to replicate or be sympathetic with the structural and decorative characteristics and visual integrity of the original architecture and design.

VV. **Research, Development and Testing Laboratories**. Commercial and non-profit establishments primarily engaged in performing laboratory or other physical or biological primary, basic, or applied research, development and testing. This definition does not include manufacturing.

WW. **Residential Business.** A mixed use building on a residentially zoned property, either single or multiple story, occupied by both residential and commercial uses. Residential businesses may vary in size and intensity with the intensity of the underlying residential zone, and may be subject to additional standards applied through the Conditional Use process. (Added by Ord. No. 4930/7-00.)

XX. Residential Structures.

1. Single Family Detached Dwelling. A detached dwelling unit, constructed on-site or elsewhere, situated on its own lot or parcel.

2. Single Family Attached Dwelling. A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units.

3. Duplex. A structure that contains two primary dwelling units on one lot.

4. Attached Duplex. A duplex, located on its own lot, which shares one or more common or abutting walls with one other duplex, thereby totaling four dwelling units.

5. Multi-Family Dwelling. A structure on a single lot or parcel containing three or more units which share common walls or floor/ceilings with the adjacent unit(s). Multi-family dwellings include condominium and apartment units without regard to ownership status, and includes congregate (or independent) care and assisted care facilities for the elderly, but excludes all types of nursing home, convalescent care and institutional type living arrangements.

6. Garden Apartment. A two- or three-story multi-family dwelling with increased landscaping or open space, typically not including elevators and built to 15 to 24 units per acre.

7. Mid-Rise Apartment. A three- to six-story multi-family dwelling with reduced landscaping, generally built at 25 or more units per acre.

8. Rowhouse. An attached dwelling of two or more stories that has the appearance of a townhouse but not located on individual lots.

9. Townhouse. A single family attached dwelling of two or more stories, in a building of two or more units, with each dwelling unit and its underlying lot platted to allow separate ownership.

10. Ancillary Dwelling Unit. An additional dwelling unit located on the same lot as a single family dwelling or duplex.

YY. Residential Village. As used in conjunction with the Station Community Residential Village District of this ordinance, a residential village is a self-contained community where residents can live, work and recreate on a day-to-day basis without an over-reliance on the larger community or region, as opposed to being a euphemism for a quaint or intentionally picturesque housing project. A residential village project includes all of the following: a range of housing types to fully integrate the community without a feeling of exclusivity; a variety of commercial and public services, parks and natural areas, employment opportunities, and other amenities found in a small community; an integrated pedestrian-sensitive, multi-modal street and alley system to make it easy to walk and travel to, from and throughout the community; and an organized site plan that facilitates neighborhood self-sufficiency and a sense of community.

ZZ. **Restoration**. As applied to buildings and residential structures within Conservation Districts, to restore is to return a building or dwelling to its original condition in precise detail. It may include the removal of extraneous elements as well as the recreation of original features which may have been destroyed or are deteriorated. Also known as "preservation."

AAA. **Retail Sales and Service**. Activities relating to the sale, lease or rent of new or used products to the public. These activities include personal services, entertainment and the provision of product repair or services for consumer and business goods.

BBB. **SCPA**. The acronym for Station Community Planning Area.

CCC. **Seasonal Uses**. Temporary uses of less than 30 days duration where the use is centered around a holiday or occasion; including fireworks stands, Christmas tree lots, and other similar types of uses but excluding temporary uses for which a Special Events Permit has been granted by the City Council.

DDD. **Senior Housing**. Includes independent and assisted living housing types, but excludes all types of nursing, convalescent and institutional type living arrangements.

EEE. **Site Area**. The total net acres or square footage of a serviced lot or contiguous lots ready and proposed for development.

FFF. **Stabilization**. Construction methods and techniques to re-establish the stability of a building or dwelling through reinforcement or by arresting material deterioration leading to structural or environmental failure.

GGG. **Third Place**. A commonly accessible location within a neighborhood, which is neither "home" nor "work", which functions as a gathering place for social interaction among residents and visitors. Alternatively, a commonly accessible location within a business district or a campus development which fulfills the same function for employees and customers. Such locations are characterized by planned or spontaneously occurring amenities such as hardscaped or landscaped group seating areas and activities equipment. Third places can be either indoors or outdoors, and either publicly or privately owned. (Added by Ord. No. 5779/8-07.)

HHH. **Traffic Calming Measures**. Physical elements within or adjacent to the roadway which work to slow traffic, increase driver awareness of the pedestrian environment, and increase pedestrian comfort when crossing an intersection or street. Measures include, but are not limited to, pedestrian bulb-outs at and/or between street intersections on streets which incorporate on-street parking, over-sized median strips which can be accommodated within dedicated right-of-way, traffic circle intersections, intersection remoras, traffic islands, and on-street parking. Traffic calming measures shall not include speed bumps, speed humps or other roadway undulations.

III. **Transit Street**. A public arterial or collector street designated as a bus or LRT route on the Comprehensive Transportation Plan Map.

JJJ. Transit-Supportive. A use or development which supports increased mobility, particularly by transit, walking and bicycling and is sited in a pedestrian-sensitive manner. Transit-supportive developments are designed to enhance pedestrian and bicycle mobility and access, and to reduce conflicts with motor vehicles through a system of streets, pedestrian ways and bicycle facilities designed for multimodal access and circulation for cars and commercial vehicles, transit vehicles, bicycles, and pedestrians. Also known as "transit-oriented development," "transit-oriented use" and "TODs."

KKK. Truck Stop. Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, which includes as a primary function the dispensing of motor fuel or other petroleum products directly into motor vehicles and which may include the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities for the use of truck crews.

LLL. Usable Open Space. Planned and improved open space or outdoor facilities, required as part of new development, that provide active or passive recreational or relaxation opportunities, or community interaction. Such areas may include, but not limited to, any one or more of the following: parks; play areas; improved playing fields; publicly accessible natural or wildlife viewing areas, arboretums and gardens, ponds and water features; maintained and landscaped lawn with trees and seating areas; natural or landscaped walking paths and running trails; public and private pedestrian spaces; and other similar environments. (Amended by Ord. No. 5201/11-02.)

In residential developments and mixed use residential/commercial buildings, easily accessible decks, patios, courtyards and roof surfaces open and available to the public or for the common use of building tenants that contain seating areas and/or recreation facilities, and provide appropriate landscaping, qualify under this definition unless such areas are within or exclusively associated with the operation of a commercial establishment.

Usable open space shall not include: landscape strips or inconsequential enlargements or enhancements of landscaping adjacent to the sidewalk even if equipped with a bench; shrubs, flowers and other low profile landscaping around buildings, sidewalks and parking areas; required minimum building setback areas; yards associated with private dwellings; or open, unimproved fields or vacant land unless part of a publicly accessible natural or wildlife viewing area.

Usable open space also shall not include wetlands, natural areas, wildlife habitat, streams or stream banks, and riparian and wetland upland areas <u>where access or improvements are prohibited</u> under Federal or State law or regulation (including OAR 660-23, DLCD Goal 5 regulations as they may from time-to-time be amended), under provisions of the City of Hillsboro Municipal Code or Zoning Ordinance, or under applicable regulations of the Washington County Clean Water Services. However, if such Significant Natural Resource Area Resource Levels 1, 2, or 3 areas are publicly accessible; if covered viewing areas and improvements are allowed and made at the periphery of the area to enhance access to and viewing of the wildlife and/or natural areas; and if the area is enhanced pursuant to applicable standards; then all of the improvements, including pathways to the viewing areas, and that portion of the natural area

within sight of the improvements may count as usable open space, provided the same restricted area has not already been counted as usable open space in a previously approved project or development. However, such improvements and viewable natural areas may not be counted as more than 25 percent of the required usable open space area. A viewing area that would otherwise qualify under this provision that is located on private property within a secured area but that is accessible, used and useful to employees, residents, and other authorized visitors to the site, qualifies under this exception. (Amended by Ord. No. 5779/8-07.)

MMM. Warehouse. A structure primarily used for storing or wholesaling goods, wares or merchandise.

(Amended by Ord. No. 4545/4-97, 4930/7-00, 5201/11-02, 5779/8-07, 6005/3-12 and 6018/6-12.)

IV. PERMITTED LAND USES

A. Land uses listed on Tables 1, 2 and 3 shall be allowed, conditionally allowed or not permitted in the Station Community Planning Areas shown. The listed uses must be consistent with the description of the relevant district as set forth in subsection II of this Section, and may be further restricted by subsection V. of this Section and the standards of Sections 136 through 142. Uses listed as being subject to a Conditional Use Permit ("C") shall require findings of fact that the proposed use is, where practicable, transit-supportive. The tables are organized by major types of district along with appropriate use categories for that type of district listed. Use categories vary by table. (Amended by Ord. No. 4930/7-00.)

B. Where a particular use within a broader category (e.g., "indoor cinema" as a "commercial" use) is cited in Tables 1, 2, and 3, it is intended to signify that the use is either not allowed in one or more of the districts, or is an unusual use to be permitted in one or more of the districts and is, therefore, due special recognition of its suitability to be in the district. (Amended by Ord. No. 4930/7-00.)

Table 1: Permitted Uses in Station Community Commercial Districts

Use	SCC-DT	SCC-SC	SCC-MM
Commercial Uses[1]	P/C [2, 3, 9]	N	P/C [2, 3]
Neighborhood Commercial[1]	P	P/C [2, 3]	P
Community Service[4]	P/C [9]	P	P
Hotels and Residential Hotels	P	P	P
Indoor Recreational Facilities	P	P	P
Outdoor and Land-Extensive Recreational Facilities	N	N	P
Home Occupations	P	P	P
Pedestrian-Oriented Accessory Uses and Outdoor Seating for Restaurants[5]	P	P	P
Light Rail Facilities, other than park and ride lots	P	P	P
Religious Institutions	P/C [9]	C	C
Schools: Middle, Junior High, Senior High	C	C	C
Schools: Colleges or Universities (Other than Major Institutions)	C	C	C
Hospitals	P [6]	N	C
Major Institutions[6]	P	P	P
Geriatric Care Facilities	C	C	C
Utility Substation or Pumping Station	C	C	C
Radio and Telephone Transmission Facilities	C	N	C
Transit Park-and-Ride	C	C	C
Drive-through Facilities	N/C [7]	N	P
Motor Vehicle Service, Maintenance or Repair Facilities	N/C [7]	N	P
Office Uses	P	P	P
Flex Space Uses	C	P	P
Mid-Rise Apartments	P	P	P
Multi-Family Dwellings	P	P	P
Garden Apartments	N	P	P
Townhouses and Rowhouses	P [8]	P	P
Permanent Open Space	P	P	P
Automobile Sales	N	N	N
Public Parks and Recreational Facilities	C	C	C
Residential Facilities	P	P	P

P Permitted Use **C** Conditional Use **N** Not Permitted

(Amended by Ord. No. 4545/4-97, 4737/1-99, 4930/7-00, 5020/4-01, 5201/11-02, 5667/9-06, 5960/3-11 and 5973/7-11.)

[1] To clarify commercial/neighborhood commercial use restrictions, see "Neighborhood Commercial" definition.
[2] Outdoor exercise areas for animal services facilities permitted only with conditional use approval. (Added by Ord. No. 5960/3-11.)
[3] Overnight pet boarding permitted outright at veterinary clinics; elsewhere only with conditional use approval. (Added by Ord. No. 5960/3-11.)
[4] Excluding religious institutions.
[5] Pedestrian-oriented accessory uses (such as sidewalk flower, food and drink stands) and outdoor seating for restaurants are subject to City permit requirements.
[6] Concept Development Plan approval is required for this use. A Major Institution relates to a particular type of use, but a variety of use types can be a Major Institution (governmental, educational, medical, etc.) See definition. (Amended by Ord. No. 5973/7-11.)
[7] Drive-through Facilities are subject to conditional use and the standards of 136(VI)(A)(11). New Motor Vehicle Service, Maintenance or Repair Facilities are prohibited, expansion of existing use subject to conditional use. Existing use are exempt from the provisions of Section 102. (Amended by Ord. No. 5973/7-11.)
[8] New duplexes, townhouses, and rowhouses are only permitted within Residential Compatibility Areas as shown on Figure 139-3 and are subject to minimum densities in Table 1a. (Amended by Ord. No. 5973/7-11.)
[9] Assembly uses (e.g., religious, institution, auditoriums, and theatres) over 250 persons occupancy require conditional use approval. (Amended by Ord. No. 5973/7-11.)

Table 2: Permitted Uses in Station Community Residential Districts

Use	SCR-HD	SCR-MD	SCR-LD	SCR-V	SCR-DNC	SCR-OTC
Mid-Rise Apartments	P	C	N	P	N	N
Multi-Family Dwellings and Garden Apartments	P	P	N	P	P[1]	N
Townhouses and Rowhouses	P	P	P	P	P	N
Single Family Attached Housing	P	P	P	P	P	N
Duplexes	N	P	P	P	P	N
Attached Duplexes	N	P	N	P	P	N
Single Family Detached	N	P	P	P	P	P
Ancillary Dwelling Units	N	P	P	P	P	P
Home Occupations	P	P	P	P	P	P
Indoor Recreational Facilities	P/C[2]	N	N	P	N	N
Outdoor Recreational Facilities	N	N	N	N	N	N
Light Rail Facilities, other than park and ride lots	P	P	N	P	P	P
Commercial Uses In Mid-Rise Apartments[3]	P	N	N	P	N	N
Emergency Services Facilities	C	C	C	C	N	C
Hotels and Residential Hotels	C[4]	N	N	P	N	N
Neighborhood Commercial	P/C[5]	C[5, 6]	N	P/C[5]	P/C/N[7]	P[5, 8]
Geriatric Care Facilities	P	C	C	P	C	C
General Office Uses	N	N	N	P	P[9]/C[5]	N
Flex Space Uses	N	N	N	C	N	N
Pedestrian-Oriented Accessory Uses & Outdoor Seating for Restaurants[10]	P	C	N	P	N	P[9]
Schools	C	C	C	C	C	C
Community Service	C	C	C	C	C	C
Conference Center	N	N	N	P	N	C
Utility Substations	C	C	C	C	C	C
Transit Park-and-Ride	C	C	N	C	N	N
Radio and Telephone Transmission Facilities	N	N	N	N	N	N
Permanent Open Space	P	P	P	P	P	P
Residential Businesses	P	C	N	P	C	N
Residential Homes			P			P
Residential Facilities	P					
Residential Homes and Facilities		P		P	P	
Public Parks and Recreational Facilities	C	C	C	C	C	C
Mobile Businesses, in compliance with the Municipal Code	P	P	N	N	N	N

P Permitted Use **C** Conditional Use **N** Not Permitted

(Amended by Ord. No. 4545/4-97, 4930/7-00, 5201/11-02, 5293/6-03, 5540/8-05, 5667/9-06 and 5960/3-11.)

[1] Subject to minimum and maximum density requirements.
[2] Indoor recreational facilities are permitted outright within residential buildings and conditionally as free-standing uses.
[3] Commercial uses may occupy up to 15,000 sq. ft. of gross floor area on the ground floor of mid-rise multi-family apartment buildings.
[4] Conditionally permitted as free-standing uses.
[5] Overnight pet boarding permitted outright at veterinary clinics; elsewhere only with conditional use approval. Outdoor exercise areas not permitted. (Added by Ord. No. 5960/3-11.)
[6] A single story neighborhood commercial use proposed at the intersection of two arterial streets or an arterial intersection with a collector within an SCR-MD, is allowed outright.
[7] Certain Neighborhood Commercial Uses are permitted outright or conditionally within the Arterial Exception area pursuant to Section 139(III)C
[8] Permitted only along Alder Street between 231st and 228th Avenues.
[9] Certain office uses are permitted outright or conditionally within the Arterial Exception area pursuant to Section 139(III)C
[10] Pedestrian-oriented accessory uses (such as sidewalk flower, food and drink stands) and outdoor seating for restaurants are subject to City permit requirements

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

Use (P Permitted Use, C Conditional Use, N Not Permitted)	SCI	SCBP	SCFI[2]
General Industrial Uses	P	N	N
Light Industrial Uses	P	P	N
Research, Development, and Testing Laboratories	P	P	N
Flex Space Uses	P	P	N
General Office	N	P	P
Office related to Primary Use	P	P	P
Hospitals	N	N	N
Medical and Dental Offices, Outpatient and Clinical Facilities[4]	N	P[5]	N
Geriatric Care Facilities	N	N	N
Trade and Technical Schools, Colleges and Universities other than Major Institutions	C	C	N
Major Institutions	N	P	N
Commercial Uses Primarily Serving the Permitted Uses of the District	P/C[6]	P/C[6]	P/C[6]
Pedestrian-Oriented Accessory Uses and Outdoor Seating for Restaurants[7]	N	P	P
Auditorium, Exhibition Hall, Convention or Conference Center or other Public Assembly Room	N	P	P
Hotels and Residential Hotels	N	C	P
Indoor Recreation Facilities	N	P	P
Outdoor Recreational Facilities	N	N	N
Fairgrounds and Related Structures	N	N	P
Commercial Indoor Cinema	N	N	P
Community Service[8]	N	P	P
Dormitories Accessory to Primary Use	N	N	P[9]
Residential Uses	N/C[10]	N/C[10]	P[9]
Radio and Telephone Transmission Facilities	C	C	C
Utility Substation	P	C	C
Light Rail Facilities, other than park-and ride-lots	P	P	P
Transit Park-and-Ride	C	C	C
Helicopter Landing Pads	C	C	C
Permanent Open Space	P	P	P
Public Parks and Recreational Facilities	C	C	C

(Amended by Ord. No. 4545/4-97, 5201/11-02, 5960/3-11 and 6018/6-12.)

[1] (Deleted by Ord. No. 6018/6-12)
[2] All development within this District shall comply with applicable provisions of the state "Airport Planning Rule" (OAR 660 Division 13).
[3] (Deleted by Ord. No. 6018/6-12)
[4] This use does not include emergency care facilities which provide treatment without appointment and/or treatment outside normal business hours.
[5] See Section 142 (III) (A).
[6] Animal services facilities (with or without outdoor exercise areas and/or overnight pet boarding) permitted only with conditional use approval. (Added by Ord. No. 5960/3-11.)
[7] Pedestrian-oriented accessory uses (such as sidewalk flower, food and drink stands) and outdoor seating for restaurants are subject to City permit requirements.
[8] Excluding religious institutions.
[9] Residential and mixed use residential uses shall not occupy more than 25% of the District; including any trailer/recreational vehicle spaces with hook-ups to accommodate vendors and visitors attending Fair Complex activities that may be allowed as part of the approved Concept Development Plan.
[10] A residence for an on-site security guard is allowed in the District as a Conditional Use.
[11] Residential use must be approved as part of the Concept Development Plan, and is restricted to housing functionally integrated with and serving the needs of one or more major institutions located in the district. However, on Tax Lots 1N2 36 3490, 3700, 3701, on that portion of Tax Lot 1N2 36 3400 located east of Tax Lot 1N2 36 3701, and on the property located north of the Quatama LRT Station between 206th Avenue and 205th/Amberglen Parkway currently owned by ORPRC, high density residential uses may be developed without the need to demonstrate a functional relationship with any major institution in the district and without the need for a separate Concept Development Plan if developed by parties other than ORPRC as part of their campus pursuant to ORPRC's approved Concept Development Plan.

V. DESTRUCTION OR EXPANSION OF EXISTING USES OR STRUCTURES

A. Single family residences lawfully in existence as of the effective date of this Ordinance, which would otherwise be considered non-conforming uses, shall be exempt from the provisions of Section 104 Destruction of Non-Conforming Uses with regard to unintentional destruction. Such single family residences may be rebuilt if unintentionally destroyed, provided the reconstruction of the residence complies with the following standards:

1. the residence is rebuilt on the same location on the lot, or in compliance with the setback standards for the underlying zone; and

2. the square footage of the replacement structure does not exceed the square footage of the original structure by more than twenty percent (20%); and

3. if the property is within an area subject to the architectural standards of the SCR-DNC or SCR-OTC district, the construction style of the replacement structure complies with those architectural standards.

(Amended by Ord. No. 4930/7-00 and 5304/9-03.)

B. Except as provided in subsection VI., Restricted Land Uses and designated Cultural Resources which are governed under Section 132 Cultural Resource Management Ordinance, expansion of all other uses lawfully in existence as of the effective date of this Ordinance shall be allowed to expand or be altered without limit as to the size of contiguous expansion; subject to compliance with:

1. The provisions of this subsection;

2. The requirements of Section 133, Development Review; and

3. The development regulations and design standards contained in Sections 137 through 142 as they apply to that portion of the use or structure being expanded or to that portion of the lot on which the expansion will occur.

4. Notwithstanding the maximum setback regulations contained in Section 137 (VIII), additions to structures lawfully in existence as of the effective date of this Ordinance may be approved without regard to the maximum setback requirements, provided the following criteria are met:

   a. the front façade of the addition is set back no further from the front property line than the front façade of the existing structure;

   b. no additional parking is proposed between the addition and the front property line;

   c. the addition increases the Floor Area Ratio of the project, as required by subsections (B) through (F) of this section;

   d. the applicant can demonstrate that the construction of the addition does not preclude further additions and increases to the Floor Area Ratio of the project.

(Amended by Ord. No. 4930/7-00 and 5973/7-11.)

C. Expansion of existing uses by addition to or reconstruction of the existing structure or facility on the same lot, or parcel, or by constructing new, unattached structures or facilities on the same lot, or parcel is allowed without regard to FAR standards of the district, provided the resulting FAR of the enlarged, reconstructed or combined structures or facilities is greater than the original FAR and the combination of new and old structures or facilities are sited so as not to preclude further intensification of the use on the lot or parcel.

D. Expansion of existing uses by addition to or reconstruction of the existing structure or facility where all or a portion of the expanded structure or facility is sited on an adjacent lot or parcel[1] or where the new structure or facility is unattached to the existing structure or facility but constructed on or over a lot line so as to bridge the two properties[1], shall meet the FAR requirements of the district for that portion of the reconstructed, combined or new structure or facility situated on the adjacent land if the gross floor area of the structure or facility sited on the adjacent land is equal to or greater than 40 percent (40%) of the net acreage of the adjacent lot, parcel or tract. If the portion on the adjacent property is less than forty percent (40%) of the net acreage, the expansion is exempt from the FAR requirements provided the new combination of buildings is sited so as not to preclude further intensification of the use on the combined property.

E. Expansion of existing uses by construction of a new structure or facility wholly on an adjacent lot, parcel or tract where the new structure or facility is not functionally attached to the existing structure or facility is subject to the FAR requirements of the district.

F. Interior alterations of lawfully existing structures are not expansions of existing structures and are exempt from the requirements of Sections 137 through 142.

G. Expansion of existing parking lots and facilities, other than commercial parking facilities, is only permitted as it relates to the expansion of affiliated uses and only at or below the ratios allowed in Tables 2 and 3 of subsection XI of Section 137.

[1] Construction bridging a lot line may require either adherence to special provisions of the Uniform Building Code for common wall structures, or may be achieved through a lot line adjustment. The provision here does not negate the need to do one of these two actions; but rather, only speaks to how the floor area ratio of such a building expansion would be treated by SCPA provisions.

VI. RESTRICTED AND SPECIALLY REGULATED LAND USES

A. **Within 2,600 feet of a light rail station site,** except as otherwise provided below, the following uses are not transit-supportive and shall not be established as new uses, nor may existing uses or structures be converted to the following uses:

1. Book bindery, except in a SCI or SCBP District.

2. Building materials sales and supplies, excluding hardware stores not exceeding 10,000 square feet in area.

3. Bulk retail uses.

4. Car washes

5. Cemeteries.

6. Cold storage plants.

7. Commercial or accessory parking structures within 400 feet of a light rail station, excluding parking structures for which the ground floor perimeter adjacent to a street, excluding ramp and pedestrian access to the parking structure, and any required disabled and bicycle parking, is occupied or available for retail or pedestrian-related office or service uses.

8. Commercial or accessory surface parking lots within 850 feet of a light rail station site, unless the lot is located in the center of a block, behind buildings fronting the perimeter of the block face; or similarly situated where grid pattern blocks do not exist.

9. Drive-through and drive-in facilities within 400 feet of a light rail station site, except as provided in subsection 11 below. (Amended by Ord. No. 4737/1-99.)

10. Drive-through and drive-in facilities greater than 401 and less than 850 feet from a light rail station site are allowed provided the drive-through or drive-in component of the operation or service is not the primary method of selling or servicing; unless such uses are prohibited or subject to more restrictive provisions in a particular SCPA District, in which case the more restrictive provisions of the district shall apply.

11. New drive-through and drive-in uses are limited in the SCC-DT District. In all other districts, drive-through and drive-in facilities are allowed beyond 850 feet from a LRT station if the use is permitted in the district. (Amended by Ord. No. 4737/1-99, 4930/7-00, 5006/3-01 and 5973/7-11.)

    Throughout the SCC-DT, new drive-through and drive-in facilities are allowed only in compliance with the following criertia:

    a. a maximum of one single drive-through lane or window is proposed;

b. the applicant can demonstrate that the drive-through lane is not the primary method of selling or servicing:

c. the development meets all other requirements of Sections 137 through 142, including but not limited to maximum setbacks, minimum floor area ratio, and percentage of front-wall glass;

d. the drive-through lane or window and the associated access drive(s) are designed to minimize disruption of on- and off-site pedestrian and bicycle traffic.

(Amended by Ord. No. 4930/7-00, Ord. No. 5006/-01 and 5973/7-11).

12. Electrical power generators.

13. Farm machinery, equipment or implement sales or service.

14. Fuel dealerships and storage yards (including card locks).

15. Furniture and appliance stores, excluding stores not exceeding 10,000 square feet in area which provide home delivery.

16. Junk yards and motor vehicle wrecking yards.

17. Kennels, excluding those accessory to veterinary clinics or medical research facilities.

18. Land-extensive recreational facilities, except in the SCFI District.

19. Manufactured home sales lots.

20. Mini-warehouses and/or mini-storage units.

21. Motels.

22. Motor vehicle service, maintenance or repair facilities within 400 feet of a light rail station site boundary, excluding retail or wholesale outlets selling motor vehicle parts and accessories without provision for on-site installation. (Amended by Ord. 4930/7-00.)

23. Motor vehicle, recreational vehicle, boat and travel trailer sales, leasing, rental or storage, except rentals where the rental vehicles are not stored on a site within 2,600 feet of a light rail station site. (Amended by Ord. No. 4930/7-00 and 5973/7-11.)

24. Movie theaters with four or more screens, unless structured or joint use parking is available within 800 feet to accommodate eighty percent (80%) of theater patrons. Within the SCC-DT movie theaters with up to eight screens are permitted without complying with the parking restriction noted above. (Amended by Ord. No. 5973/7-11.)

25. Nurseries and greenhouses, retail and wholesale, except that in the SCC-DT District retail nurseries and retail greenhouses less than 5,000 square feet in size are permitted. (Amended by Ord. No. 5973/7-11.)

26. Recreational vehicle parks and campgrounds.

27. Seasonal uses, excluding seasonal uses in the SCC-DT District. (Amended by Ord. No. 5973/7-11.)

28. Solid waste transfer stations.

29. Truck stops.

30. Warehouses storing materials or products not primarily manufactured or assembled on site or used in the on-site process, or used in the maintenance or operation of on-site facilities, excluding the following:

    a. Buildings constructed prior to the effective date of this Ordinance that were originally designed to be used primarily for warehouse use.

    b. Buildings storing materials ancillary to the product manufactured on-site and to be marketed in conjunction therewith.

B. Destruction of Restricted Uses

Lawfully existing restricted land uses located within a Station Community Planning Area shall be exempt from the provisions of Zoning Ordinance Section 104, Destruction of a Non-Conforming Use, and the structures occupied by such uses may be rebuilt if destroyed, provided replacement construction complies with the development and design standards in Sections 137 through 142, application for development approval is filed within six months and construction commences not more than one year after destruction of the original structure.

C. Expansion of Restricted Uses

1. Except for drive-through facilities within 400 feet of a light rail station site and surface parking lots adjacent to light rail transit station sites, a restricted land use lawfully in existence as of the effective date of this Ordinance shall be allowed to increase its size through contiguous expansion up to a maximum of 20 percent (20%) of the gross floor area existing as of the effective date of this ordinance provided the requirements of Section 99, Enlargement or Expansion of Non-Conforming Uses, the requirements Section 133, Development Review/Approval of Plans, and the standards of Sections 137 through 142 are met.

2. Notwithstanding the provisions of paragraph 1, above, and subject to the provisions of Section 133, Development Review/Approval of Plans, and the standards of Sections 137 through 142, the following restricted land uses lawfully in existence as of the effective date of this Ordinance and doing business within the SCC-DT District shall be allowed to expand without limit as to the size of contiguous expansion:

a. Car washes.

b. Drive-through facilities greater than 400 feet from a light rail station site.

c. Furniture and appliance stores.

d. Motels.

e. Motor vehicle service, maintenance and repair facilities.

(Amended by Ord. No. 5973/7-11.)

D. Specially Regulated Uses

1. Purpose.

Station Communities are intended to be dense and compact developments. Toward that end, the Station Community Planning provisions of Sections 136 through 142 require developments to adhere to principles that promote density and land uses that fit those characteristics. Provision has been made in Section 136 for variances from applicable development standards excluding allowing a change in use. However, in certain limited circumstances a change in use may be in the public interest. Special attention should also be given to certain economic activities and uses involving processes and/or materials that are hazardous or inappropriate for use in a densely populated area like Station Communities or only if extraordinary precautions are employed. Consequently, it is warranted to create a classification of Specially Regulated Land Uses to account for extraordinary circumstances within Station Communities. Notwithstanding the provisions of Section 136.IV *Permitted Use Tables 1-3*, Specially Regulated Land Uses shall not be deemed a "Permitted Use" as that term applies within Station Community Planning Areas. Except as provided in this subsection, Specially Regulated Land Uses shall be processed as and considered Conditional Uses under the Zoning Ordinance.

The following Specially Regulated Land Uses may be permitted within Station Community Planning Areas, subject to the standards, restrictions and circumstances described below:

(Added by Ord. No. 4545/4-97.)

2. Uses Under High Voltage Power Lines.

Lands subject to power line restrictions are lands under or within the right-of-way or easement of electric power transmission lines owned or operated by the Bonneville Power Administration ("BPA") or other electric utility high voltage power lines of substantially similar width, voltage and hazard, subject to the specific approval and conditions of BPA or the other utility. Notwithstanding any use or density requirement of the otherwise applicable SCPA provisions, such lands may be used for

parking, storage, water quality facilities, maintained lawn area, or other low height, low intensity use acceptable to BPA or the other utility. This provision does not permit a major shift in land use category (e.g., from residential to commercial, or commercial to industrial uses), but does allow an otherwise restricted or low-intensity use to occur, within the limits of the BPA or other utility right-of-way or easement area. Such restricted areas shall be excluded from the gross acreage of the site for purpose of calculating density and floor area ratio requirements for the site as a whole. However, if allowed by BPA or other utility, and if appropriate improvements are made, the area may, at the discretion of the applicant, apply towards the usable open space requirements of the project.

(Added by Ord. No. 4545/4-97.)

3. Uses Involving Hazardous Materials

a. Definitions. As used in this subsection, the following terms shall have meaning as defined below:

(1) **Regulated materials**: Any chemical or biological material, substance, or agent, classified as hazardous under the provisions of paragraph 3.1.A of this subsection or as listed in the rules and standards required by this subsection.

(2) **Release:** Any spill, discharge, venting, radiation, or escape of a regulated material from its normal, intended, or appropriate containment vessel, piping, storage space, or other container, such that the regulated material has entered the outside environment or areas within the building in question outside the approved interior containment area. A release may also occur through the normal operation or design of the proposed process or procedures of using one or more regulated materials.

(3) **Use or used:** Within the context of the sentence and as it relates to regulated materials (as opposed to being related to the land use or facility in question) the terms "use" or "used" shall include utilization, employment, application, handling, storage and/or transport of the regulated material in question.

(Added by Ord. No. 4564/6-97.)

b. Regulated Materials and Standards

(1) Following adoption of administrative rules required by this subsection, and except as provided in paragraph (2) of this subsection, any use, project or establishment shall require a Hazardous Materials Permit if the use, project or establishment includes or proposes to include or allow any:

(a) "Type H Occupancy" as defined and regulated by the State Structural Specialty Code with Oregon Amendments;

(b) Outside storage of flammable, combustible, explosive or regulated materials as governed by the Uniform Fire Code or the Fire Code Ordinance of the City of Hillsboro; or

(c) Use or release of biological agents requiring biosafety containment precautions as determined by the National Institutes of Health or the U.S. Center for Disease Control; or

(d) Use or release of an "extremely hazardous substance," or a "hazardous chemical," or a "toxic chemical" in quantities requiring reporting under, and as such terms are defined in, the Emergency Planning and Community Right-To-Know Act of 1986 [Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C.A. Sec. 55.11001 to 55.11050)] and its associated Federal and Oregon State regulations.

(e) Use or release of any materials classified as regulated materials under administrative rules adopted under this subsection.

(2) Any use, project or establishment shall be exempt and shall not require a Hazardous Materials Permit if the applicant's use of regulated materials:

(a) Is limited to regulated materials specifically exempt from the Hazardous Materials Permit process; or

(b) Is below the established minimum threshold(s) established by administrative rules for requiring a Hazardous Materials Permit; and

(c) Precludes combinations that are known to produce chemical or synergistic reactions that are more hazardous than the individual components of the reaction.

Exemption from the need for a Hazardous Materials Permit does not exempt a use, project or establishment from reporting any and all regulated materials contained on site to the City as required by the administrative rules and procedures adopted pursuant to this subsection.

(3) If a use, project or establishment is not exempt under the provisions of paragraph (2), above, a Hazardous Materials Permit shall be issued only upon demonstration that all of the following criteria, as applicable, are met:

(a) The use, project or establishment proposes to use regulated materials in such quantities, combinations, and under such manner of use, conditions and precautions that a leak, explosion, fire or accident at the building or site containing or proposed to contain the regulated material(s) is unlikely to:

1) Release such regulated materials at levels greater than one-half (½) the recognized level deemed to be "Immediately Dangerous to Life and Health" ("IDLH") as defined and determined by the Structural Specialty Code and/or the Uniform Fire Code for the material, substance or agent in question; or

2) Release such regulated materials at levels the National Institutes of Health and/or the U.S. Center for Disease Control have determined to be hazardous to the life or health of those coming into contact with the material, substance or agent.

(b) Flammable and combustible liquids shall be stored such that any release is able to be controlled or contained within an approved containment area.

(c) The proposed regulated material is not prohibited by rule.

(d) The proposed combination of regulated material is not prohibited by rule.

(4) An application for any Building or Engineering Permit shall not be deemed complete unless the application submittal includes one of the completed documents listed below. Any application for a land use action or permit shall either include one of the completed documents or the applicant shall simultaneously apply for an exemption or Hazardous Materials Permit along with, but separate from, the land use application:

(a) A signed and binding affidavit by the applicant stating the proposed use, project or establishment is exempt from the Hazardous Materials Permit process by virtue of the fact that the proposed use, project or establishment shall not contain any regulated materials;

(b) An Exemption Certificate; or

(c) A Hazardous Materials Permit.

(5) The City Manager, or designee, shall develop, adopt and publish administrative rules stating the procedures, regulations and standards necessary or appropriate to achieving the purposes and requirements of this subsection. The City Manager shall appoint a Hazardous Materials Review Committee to assist in developing, administering and implementing these rules, procedures and standards. The rules shall be adopted after providing notice and opportunity to be heard to interested persons. The Hazardous Materials Review Committee shall obtain public comment and recommend adoption of any rule to the City Council. In developing and implementing the rules, procedures and standards the following provisions shall apply:

(a) The rules may be approved and become effective in more than one phase. The first phase shall include, at a minimum, the administrative procedures, a list of regulated and exempt materials, minimum regulatory thresholds, and conditions or containment standards for commonly used regulated materials. Objective standards for more complex situations or exotic materials, may be established in one or more subsequent phases of rule-making and adoption.

(b) Except as provided in paragraph (c), below, administrative rules developed pursuant to this subsection shall be adopted by the City Council.

(c) Provision shall be made in the administrative rules for periodic and technical update of standards without the need for further City Council action. An interested party may appeal such rule changes or amendments to the City Council.

(Added by Ord. No. 4564/6-97.)

c. Requirements for Establishing the Hazardous Materials Permit Process.

The administrative rules and procedures allowed in subsection 3.b. shall generally follow the following guidelines:

(1) The administrative rules shall allow for a two level hazardous materials screening and permitting process:

(a) A Type I ministerial review to determine whether a Hazardous Materials Permit is required; and if required, whether certain predetermined conditions of approval customarily applied to the regulated materials in question is acceptable to the applicant without the need for a full Hazardous Materials Containment and Mitigation Review. The Type I,

"Hazardous Materials Screening" process shall be based on clear and objective technical standards developed by the Hazardous Materials Review Committee and adopted by City Council. The "Hazardous Materials Screening" process is applicable where:

1) The Planning Director, or designee, can ministerially determine that a given use, project or establishment is exempt from the requirement for a Hazardous Materials Permit because it does not, nor does the applicant propose in the future to, use hazardous materials, substance or agents above the minimum regulatory threshold established in administrative rules; or

2) The Planning Director, or designee, can ministerially determine that a given use, project or establishment requires a Hazardous Materials Permit, but need not apply for a Hazardous Materials Containment and Mitigation Review because clear and objective conditions of approval have been established by administrative rules for the particular regulated material and use; or

3) The Planning Director, or designee, can ministerially determine that a given use, project or establishment is prohibited because the applicant proposes to (1) use regulated materials in hazardous combinations, or (2) use specific regulated materials that have been prohibited from use within densely populated areas such as, but not limited to, Station Communities. In this case the application for exemption shall be denied. However, upon filing of an appropriate application and payment of the appropriate fee, an applicant may appeal the decision to the Hazardous Materials Review Committee for a Hazardous Materials Containment and Mitigation Review.

(b) A Type II administrative process for a "Hazardous Materials Containment and Mitigation Review" and determination by the Hazardous Materials Review Committee on whether to approve a Hazardous Materials Permit. A Review under these procedures shall be required when:

1) The applicant proposes to use regulated materials in such quantities or in such combinations that the established minimum threshold(s) for regulation is, or may be, exceeded but pre-approved conditions of approval have not been established; or

2) The applicant has appealed a ministerial decision made during the Hazardous Materials Screening process based on one or more of the following grounds:

(i) The applicant objects to employment of the pre-approved conditions of approval and proposes to apply available alternative measures based on substantial evidence that clearly and objectively demonstrates that alternative control technologies and/or mitigating measures are available for approval and will meet the criteria for approval set forth in subsection 3.b.(3) shall be met; or

(ii) The applicant contends that the ministerial process misapplied the relevant criteria or conditions of approval, or alleges the decision includes conditions not supported by substantial evidence in the record; or

3) The applicant has appealed the denial of an exemption or prohibited use determination under the Hazardous Materials Screening process.

(c) If an applicant appeals the ministerial decision made during he Hazardous Materials Screening process, any such appeal shall be filed within seven (7) days of the date the Notice of Decision was mailed. If no appeal is filed within seven days, the Planning Director's decision on the Screening shall become final on the eighth day after the Notice of Decision was mailed. (Added by Ord. No. 4930/7-00.)

(2) An application for Hazardous Materials Screening, together with the appropriate fee, shall be filed requesting an exemption from the need for a Hazardous Materials Permit. An application may be made simultaneous with most required land use actions (e.g., the first two stages of the Concept/Detailed Development Plan process, Design Review, Conditional Use Permit, etc.), but shall be

accomplished in advance of applying for Final Development Plan approval or any Building or Engineering Permit where a land use action is not required. Where an application is initiated concurrently with a land use action, each application process shall be considered separately with the outcome, or appeal, of one having no bearing on the process, timing or decision of the other.

(3) The applicant for Hazardous Materials Screening shall provide the following information:

(a) An inventory of regulated materials to be used on the applicant's premises;

(b) An estimate of the maximum quantity of such regulated materials to be used on the premises at any given time;

(c) A statement of how and in what manner the regulated materials are to be used; and

(d) A statement describing the specific methods and technology to be employed to ensure the safe use and containment of the regulated materials.

(4) Upon receipt of the application for Hazardous Materials Screening, together with the required fee, the Planning Director, or designee, shall review the application for completeness and compliance with subsection (3) above, and shall advise the applicant regarding submittal of any additional materials necessary to comply with subsection (3). If the Planning Director determines that additional material must be submitted, the applicant may submit such material within 180 days of receipt of the original application. If the Planning Director, or designee, determines the submittal to be complete, the Planning Director, or designee, shall review the Hazardous Materials Screening submittal and issue a determination within ten (10) business days. (Amended by Ord. No. 4930/7-00.)

(5) If a Hazardous Materials Containment and Mitigation Review is required, the applicant shall file an application for a Review and pay a deposit sufficient to offset the actual cost including any consultant's report(s) ordered by the Hazardous Materials Review Committee. The amount of the deposit shall be based on a schedule that takes into account the size, scope and nature of the project, as well as the number, type and amount(s) of regulated materials in question. The City shall keep an accurate record of the direct, indirect and overhead costs of the Hazardous Materials Containment and Mitigation Review. Any unexpended portion of the deposit shall be refunded to the applicant. Any additional cost in excess of the deposit

shall be due to the City upon completion of the Committee's final report and paid before its release. Upon receipt of the application for Hazardous Materials Containment and Mitigation Review, together with the required fee, the Hazardous Materials Review Committee shall review the application for completeness and compliance with subsection (3) above, and shall advise the applicant regarding submittal of any additional materials necessary to comply with subsection (8). If the Committee determines that additional material must be submitted, the applicant may submit such material within 180 days of receipt of the original application. (Amended by Ord. No. 4930/7-00.)

(6) Except as otherwise herein provided, the application for a Hazardous Materials Permit shall be reviewed and a decision rendered by the Hazardous Materials Review Committee. The Committee shall be comprised of the following individuals or their designees:

(a) The Fire Marshal;

(b) The Building Code Official;

(c) The Public Works Director;

(d) The Planning Director; and

(e) A Hillsboro resident appointed by the City Manager based on the individual's technical knowledge and professional interest in one or more aspect of the subject.

The City's Technical and Legal Consultants on Hazardous Materials matters, and the City Attorney may serve from time-to-time as non-voting ex-officio members of the Committee on an as needed basis. The City Manager may also assign staff resources for coordination and operation of Committee which are funded by a portion of the fees from the Hazardous Materials Screening and Hazardous Materials Containment and Mitigation Review processes.

(7) The Hazardous Materials Containment and Mitigation Review shall determine if the proposed use, project or establishment meets, or can be modified or mitigated to meet, the criteria set forth in subsection 3.b. paragraph (3), above.

(8) At the direction of the Committee, the applicant shall supplement the information required for the Hazardous Materials Screening process by providing:

(a) Any applicable statement, standards or specifications describing the industry standards for the safe use and containment of the regulated material in question. Industry standards as used here include applicable governmental regulations as well as standards developed by industry trade, technical, and scientific societies, associations, groups and institutes.

(b) A statement from the applicant demonstrating how the applicant's specific methods and technology to be employed for the safe use and containment of the regulated materials fits with or deviates from the industry standards.

(c) Additional technical, engineering and/or scientific information necessary to the Committee's decision.

(d) If the proposed project has already entered the design phase or if it is a replication of an existing development using the same or substantially similar technology as being proposed, the Committee may request detailed drawings and specifications that show proposed plans and measures designed to ensure that the proposed use, project or establishment will achieve the criteria and meet all pertinent aspects of the Structural Specialty Code, the Uniform Fire Code, the City of Hillsboro Fire Code Ordinance, and any other pertinent City Ordinance related to the permitting, siting and/or regulation of such uses, projects or establishments; and

An application may be denied if the Committee finds that the information, data, plans or drawings required in the decision-making process are inadequate, incomplete or have not been provided in a timely fashion.

(9) The Hazardous Materials Containment and Mitigation Review process shall include a specific notice to potentially affected property owners within an appropriate distance of the applicant's site to achieve the intent of the Community Right-To-Know Act and any applicable state law or administrative rule. Alternatively, if allowed by state law or administrative rule, the notice may be published in the Newspaper of Record at least fourteen (14) days prior to the hearing.

(10) A public hearing on the Hazardous Materials Containment and Mitigation application shall be held within thirty (30) days after the information required in subparagraph 3.c.(8) is submitted and deemed complete, but not less than fourteen (14) days after notice has been issued. The hearing shall be open to the public and shall be conducted

on the record of material and testimony submitted by the applicant, any consultant's report requested by the Committee, and any other testimony received at the hearing. At the discretion of the Committee, the hearing may be continued, but in no case may the hearing be continue beyond fifty (50) days after the initial filing has been deemed complete unless the applicant voluntarily waives state statutory rights to a final decision within a particular period of time. A decision shall be rendered by the Committee not more than 10 business days after the last evidentiary session.

(11) Pursuant to the Hazardous Materials Containment and Mitigation Review, the Committee may find that the use, project or establishment includes or proposes to include use of regulated materials, that:

(a) Are, in fact, below the established minimum thresholds of concern and require no other regulatory action;

(b) Are deemed too dangerous, either alone or in combination with other materials either proposed for use by the applicant or preexisting in the proximate area, to allow the proposed use in a densely populated area, such as a Station Community, thereby requiring denial of a Hazardous Materials Permit;

(c) Are above the established minimum threshold(s) or in combinations so as to be of concern, and are proposed for use in such manner that the best available technology and/or mitigation measures for that particular application has not been clearly demonstrated to be capable of meeting the criteria for approval, thereby requiring denial of a Hazardous Materials Permit; or

(d) Are above the established minimum threshold(s) or contained in combinations so as to be of concern, but may be granted a Hazardous Materials Permit subject to certain conditions.

Such conditions of approval may include, but are not limited to, restrictions on the quantity of regulated materials allowed to be on site; prohibitions against certain combinations of regulated materials being on site or within certain proximity of each other; special conditions for storage; the application of best technology; additional buffering or containment controls; provisions for regular and/or spot compliance inspections, reporting and inventory requirements, and/or periodic updating of emergency response plans; notice to the Fire Department when materials are brought on site; or other mitigation

measures as determined by the Committee to be appropriate to the specific application and circumstances such that upon implementing and maintaining the conditions of approval the risk that a proposed use, project or establishment will be a danger to public health or safety is significantly reduced and the criteria cited in subsection 3.b. paragraph (3) are met.

(12) If the Committee finds the applicant fails to meet the criteria in subparagraph 3.b.(3) and denies issuance of a Hazardous Materials Permit, the denial shall not have bearing on other aspects of the use, project or establishment or on the use of other regulated materials for which a Permit has or may be issued; nor shall denial of the Hazardous Materials Permit preclude approval of any land use action, Building or Engineering Permit.

(13) If the Committee denies the application for a Hazardous Materials Permit, the applicant may, upon proper application and payment of the appropriate fee, appeal to the Hillsboro Planning and Zoning Hearings Board. Any such appeal shall be filed within seven (7) days of the date the Notice of Decision was mailed. If no appeal is filed within ten days, the City's decision on the permit shall become final on the eighth day after the Notice of Decision was mailed. A hearing before the Board shall be based on the record compiled during the Hazardous Materials Containment and Mitigation Review. Notice of Appeal shall be provided to all participants in the Hazardous Materials Containment and Mitigation Review process. The criteria for decisions by the Board shall be those listed in subparagraph 3.b.(3) of this subsection. Unless waived by the applicant, any decision of the Board shall be rendered within 120 days of the date when the original application was deemed complete. Notwithstanding any other provision of the Zoning Code, the decision of the Board is final. (Amended by Ord. No. 4930/7-00.)

(14) Because the above procedure is not necessarily a full engineering and Structural or Fire Code review of the construction plans and specifications, participation in this process does not preclude further investigation, analysis and requirements at the Building Permit stage of development. However, an applicant may submit the materials and information developed for the Hazardous Materials Screening or Containment and Mitigation Review towards satisfaction of those requirements.

(15) If the Committee finds the applicant fails to meet the criteria in subparagraph 3.b.(3) and denies issuance of a Hazardous Materials Permit, but the applicant changes the process, procedures or use of the regulated material in question and prepares detailed plans and specifications clearly demonstrating that the approval criteria can be met,

the applicant may, upon proper application and payment of appropriate fees, file for reconsideration by the Committee.

(16) Except as provided herein, any affidavit, exemption certificate or Hazardous Materials Permit presented to the City pursuant to the requirements of subparagraph 3.b.(4), above, shall apply only to the specific use, project or establishment in question, shall remain valid throughout the permit period and shall be transferable to subsequent owners of the facility. However, if any variable important to the decision making process is altered or if there is a change of occupancy type, a change in process, a change in the type, quantity or combination of regulated materials used at the site, or any other consequential change that would materially affect the determination as to whether the use, project or establishment is permitted, the affidavit, exemption certificate or Hazardous Materials Permit shall be deemed null and void and a new application required. If not deemed exempt or granted a new Hazardous Materials Permit within 60 days of such change, such operations at the establishment shall be prohibited and shall cease. A continuing violation of prohibited operations shall be a violation for each such day of operation, shall be subject to the maximum fine as provided in the Hillsboro Municipal Code for each violation, and may be subject to other legal action.

(Added by Ord. No. 4564/6-97.)

d. Requirements for Establishing the Hazardous Materials Permit Standards.

(1) The Hazardous Materials Review Committee shall hold public hearings and accept testimony in order to develop administrative rules to accomplish the purpose and requirements of this subsection. In establishing the rules, the Committee may also incorporate by reference, in whole or in part any rules, regulations, standards, guidelines and model regulations adopted or developed by Federal, state or local governments, public agencies, public interest groups or industry trade associations which the Committee deems germane and of value to the City.

(2) In developing and implementing the Hazardous Materials Permit process, the administrative rules may be approved and become effective in more than one phase. The first phase shall, at a minimum, establish:

(a) An "Exemption List" of regulated materials that are required to be periodically reported to the City, but that are exempt from the need for a Hazardous Materials Permit;

(b) A "Regulated Materials List" of hazardous materials, substances and agents that may require a Hazardous Materials Permit;

(c) A "Prohibited Materials List" of regulated materials that, by their nature and action, are deemed to be too potentially dangerous to the public health and safety, regardless of concentration or amount, to be allowed within densely populated areas such as, but not limited to, Station Communities;

(d) A procedure for updating the lists.

(3) The Committee shall then develop and recommend for City Council consideration and adoption objective standards for each listed regulated material which may require a Hazardous Materials Permit in order to establish:

(a) The minimum threshold level of concern (concentration, volume, weight, etc.) that will trigger a Hazardous Materials Permit process;

(b) Impermissible combinations of selected regulated materials that may, due to chemical or synergistic reaction, trigger hazardous conditions beyond those caused absent the possibility of such combination or reaction;

(c) A standard set of conditions of approval (control technology, mitigating measures, etc.) to be applied where a given regulated material is beyond the minimum threshold of concern but where, if such conditions of approval are implemented and maintained, the regulated materials may be permitted;

(d) Minimum periodic reporting standards and procedures; and

(e) Other objective standards deemed necessary to help preserve the health and safety of those within the area of concern.

(4) Whether or not a Hazardous Materials Permit is required under this subsection, if a use, project or establishment contains regulated materials, it shall also comply with the requirements of the Department of Environmental Quality concerning these matters. Unless specifically preempted by state or federal law in these matters, if there is a conflict between state or federal regulations and this subsection, the provisions of this subsection shall supersede and prevail.

(5) If a use, project or establishment contains or plans to contain or allow regulated materials, and if the Building, Fire or other pertinent Code, ordinance or policies requires building property line setbacks or clearances between adjacent buildings for safety or public health purposes such that the required density or floor area ratio of the applicable SCPA District cannot be met, the use shall be prohibited unless the applicant agrees to and demonstrates the capability to accept land use conditions that transfer the lost density to another portion of the same property owned or controlled by the applicant and within the same SCPA District. (Amended by Ord. No. 6018/6-12.)

(Added by Ord. No. 4564/6-97.)

VII. DEVELOPMENT REVIEW AND RELATED CITY DEVELOPMENT CODE

A. Development Review Provisions Applicable to all Development within Station Community Planning Areas

1. Section 133, Development Review, or any amendment thereof, and the provisions of this subsection shall apply to all uses permitted in a Station Community Planning Area except construction of detached single family, dwellings built on single lots in any district other than the SCR-OTC and SCR-DNC Districts. All development within the SCR-OTC and SCR-DNC Districts is subject to Development Review. Provisions of Ordinance No. 2808, Subdivisions, applies to all project proposals involving the subdivision or partitioning of existing properties. (Amended by Ord. No. 5893/12-08)

2. Plans, reports and materials submitted by an applicant for any development project in a SCPA as a part of Development Review shall specify whether any streets, alleys, open spaces, greenways, parks and other common areas are to be dedicated to the City or retained in private ownership. Where such areas are to remain privately owned, the applicant shall provide direct internal pedestrian connections to light rail transit stations, transit stops, commercial and residential areas, parks and other public facilities; and shall either provide easements for public use of all such internal pedestrian connections, or perimeter public sidewalks to allow reasonably direct pedestrian access from one side of the development to the other in order to access public areas and transit facilities in the vicinity.

3. The City shall require that the developer provide for and establish one or more property owner associations, or similar mechanism acceptable to the City Attorney, for the ownership and maintenance of any common open space, private streets or alleys, or other appropriate lands and improvements which are of a public nature and are not dedicated to and accepted by the City.

   Further, the City shall require any such association be incorporated, or otherwise legally organized such that the association is legally capable of, and shall adopt and file by-laws, restrictive covenants, and/or other binding agreements that provide an enforceable mechanism to raise the revenue required to maintain such property, and which include provisions that prohibit the association from disposing of or abandoning any common open space, private street or alley without the permission of the City, in which case the association shall first offer to dedicate the property to the City and shall provide for its long-term maintenance in a manner satisfactory to the City. Nothing in this provision shall obligate or be construed to imply any obligation by the City to accept any street, alley, park, greenway, open space, or other common lot, parcel or tract of land or improvement proposed to be dedicated by an applicant, owner or developer of a project, or by any owner's association.

4. Nothing in Sections 136 through 142 is intended to prevent the sale of all or a portion of a phased development project of any type to another party. In that event, the parties shall enter into binding legal agreements,

to be submitted to Washington County for recording, that assure that the new owner recognizes that the development densities and other material characteristics of any approved project, project phase, or covenants executed pursuant to Sections 137.V.B.5. and 137.VI.B.4. which transfer density requirements from one phase of the project to another phase shall run with the land and shall continue to be requirements of the purchaser.

5. Applications for Development Review approval for projects within a Station Community Planning Area shall include preliminary plans and drawings, and other pertinent materials and reports illustrating and documenting the following:

   a. Site plans, housing types, proposed commercial and industrial uses, elevation sketches, exterior building material/color boards and floor plans for all typical multi-family and attached single family dwellings, mixed use and non-residential buildings within the project;

   b. Residential and non-residential densities;

   c. Usable open space, landscaping, and natural resource and tree preservation plan;

   d. Planned streets and alleys, public rights-of-way, pedestrian and bicycle system plan, and off- and on-street parking;

   e. Stormwater management and grading plans, underground utility service plan and easement dedications, including infrastructure location, sizing, and system connections;

   f. A traffic analysis documenting the on- and off-site traffic impacts, mitigation and safety improvement requirements of the project; and

   g. A phasing plan, where appropriate, for all aspects of the project.

   Applications for Development Review approval for projects within a Station Community Planning Area shall include the application fees specified in Zoning Ordinance Section 129 Application Fees. However, Development Review applications for single family, duplex, and ancillary dwellings, and accessory structures, in the SCR-DNC and SCR-OTC districts shall be subject to application fees equaling fifty percent (50%) of the fees listed in Section 129. (Added by Ord. No. 4930/7-00.)

B. Development Review - SCR-V District, and Phased Developments within a SCPA Commercial, Industrial or Institutional District

1. **Purpose**. It is the intent of this subsection to establish application and review procedures to permit flexibility in development review of all projects within the SCR-V District; and for the review of commercial, industrial or institutional projects of at least thirty (30) acres within any SCPA District so larger scale projects can be reviewed efficiently and

developed in a phased manner. Specifically, these review procedures are intended to:

a. Promote flexibility in design and permit diversification in location of structures and infrastructure improvements consistent with the intent of the applicable SCPA district;

b. Promote efficient use of land and energy, and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve to the greatest extent possible existing landscape features and natural resources, and utilize such features and resources in a harmonious fashion;

d. Provide for more usable and suitably located public and common facilities while maintaining flexibility in siting uses;

e. Provide the applicant with reasonable assurance of ultimate approval before expenditure of final design costs, while providing the City with assurances that the project will retain the character envisioned at the time of approval;

f. Provide greater compatibility with surrounding land uses than may occur with a conventional project; and

g. In the SCR-V District, assure a range of residential housing types and mixed use or free standing neighborhood commercial development and other opportunities for employment in a manner that achieves the intent and purpose of the District.

2. General provisions.

a. Development Review shall be accomplished through the Concept Development process as provided in this subsection if:

1) the project or development is within the SCR-V District;
2) The project is a non-residential phased development over thirty (30)acres within any Station Community Planning Area; or
3) The applicant:

i. Proposes to construct a commercial or industrial development project of any size over time and in more than one phase (a "phased project");
ii. Proposes to develop land for the creation or expansion of a campus development; or
iii. Proposes to develop or expand a major institution or major institutional use.

If any of the above apply, the applicant shall file an application for Concept Development Plan approval for the entire area identified for development. The Plan shall encompass the entire parcel or contiguous parcel(s) proposed or available for current or ultimate

development by the applicant or any entities that are controlled, in whole or part, by the applicant or by a parent or affiliate entity of the applicant; including, but not limited to, partnerships, corporations of all types, foundations and other forms of business organization that includes the applicant, its parent or affiliates, or if the applicant is a representative or agent of the owner or purchaser of the parcel(s) of interest, the owner or purchaser.

b. An applicant for a single phase commercial, industrial or institutional project of any size, excluding those listed in paragraph 2.a.(3), above, may:

i. Chose to take advantage of the Concept Development Plan procedure in order to ensure an efficient processing of the application, or

ii. File applications for Detailed Development Plan and Final Development Plan review as provided in this subsection.

c. Following Concept Development Plan approval, the applicant shall file applications for Detailed Development Plan and Final Development Plan approvals for each phase of the project in accordance with the approved Concept Development Plan and any conditions attached thereto; except that an applicant proposing a multi-phase project may request Detailed Development Plan approval for the initial phase or phases of the project concurrent with the application for Concept Development Plan approval.

d. Where an application for Development Review is for a project within a PUD approved prior to August 6, 1996, and the PUD has not been deemed to be an approved Concept Development Plan, the applicant has the option and is encouraged to convert the PUD into a Concept Development Plan as described in this subsection. If the PUD is consistent with the development regulations and design standards of Sections 137 through 142 and is consistent with the provisions of Section 136, the conversion shall be accomplished through an administrative process under the provisions for processing a Limited Land Use Action.

Where a PUD approved prior to August 6, 1996 has been deemed an approved Concept Development Plan, all further development of the PUD shall, at the option of the applicant, then proceed in phases under the Development Review process provided in paragraph 10 of this section or under the Detailed and Final Development Plan process provided below.

Where a previously approved PUD is not deemed by this Ordinance as an approved Concept Development Plan, and where amendments are required in the existing PUD to bring the plan into conformance with the provisions of Sections 136 through 142, or in either case where changes in the Conditions of Approval of the existing PUD are requested, the applicant may apply for a PUD amendment that shall result in a Concept

Development Plan that may then be processed in phases under the Detailed and Final Development Process provided below.

Information previously provided as part of the PUD approval shall be acceptable for either conversion option, but may require supplementing to make the submittal consistent with the requirements of a Concept Development Plan.

e. Except as provided in paragraph (f), below, an applicant for Concept Development Plan approval may propose one or more alternative development or design elements for all and/or specific areas within the plan boundaries which supersede corresponding development regulations or design standards set forth in Sections 137 through 142. Such alternative elements shall be clearly and specifically identified within the plan submittals, and shall include an explanation and/or drawings justifying and substantiating the need for a variance from the standards of Sections 137 through 142.

f. Notwithstanding paragraph (e), above, no alternative development or design element shall be allowed to replace the development regulations and design standards of Sections 137 through 142 that would propose to vary or make an exception from:

(1) The minimum floor area ratio;

(2) The minimum or maximum residential density;

(3) The minimum usable open space;

(4) The street and alley performance standards contained in Section 137.XVI;

(5) Any provision that would eliminate or effectively eliminate the required mix of residential, commercial and employment uses within the SCR-V District;

(6) To allow surface parking or loading areas between a major pedestrian route and an adjacent building, except as specifically provided in Sections 137 through 142;

(7) To allow off-street surface parking lots, or commercial service or loading areas outside the public right-of-way to be located or temporarily located or expanded adjacent to, cater-cornered or across the street from a light rail station site;

(8) The requirement for pedestrian-related office, service or retail uses on the ground floor of parking structures;

(9) The minimum access requirements; and

(10) The requirements of Section 138.XII.C., Streetscape Design Standards.

(Amended by Ord. No. 6018/6-12.)

g. The Planning Commission may authorize a proposed alternative development or design provision only if it finds that the proposed standard meets the criteria set forth in Section 136.X.B.3., Variances and the intent of the district.

h. Subsequent to Concept Development Plan approval, an applicant may request additional Variances under the provisions of Section 136.X., Variances, except that the provisions of subparagraph (f) of this section shall apply; and no Variance to any condition of approval imposed by the Planning Commission shall be allowed except by action of the Planning Commission.

(Amended by Ord. No. 4545/4-97.)

3. Concept Development Plan Review Procedures

a. **Initiation of Concept Development Review**. An application for Concept Development Plan review may be initiated only upon application by the record owner of the property, a contract or earnest money purchaser, or an agent authorized by the property owner in writing. Where there is more than one owner, the application shall be filed and signed by all owners having a record interest in the property within which the project is proposed. Submittal of an application for Concept Development Plan review shall be accompanied by payment of a fee equal to that fee established in Section 129 for a Planned Unit Development application. Submittal of an application for Concept Development Plan review shall also be accompanied by documentation that a neighborhood meeting has been held, in accordance with and as specified in Section 129A. If the development involves the subdivision or partitioning of land, the applicant may request review of its subdivision or partitioning application concurrent with Concept Development Plan review or defer such review until the time of Detailed Development Plan review. (Amended by Ord. No. 4725/10-98 and 5893/12-08.)

b. **Concept Development Plan Submittal: Existing Conditions.**

A Concept Development Plan shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. The Concept Development Plan shall be drawn at a minimum scale of one inch equals one hundred feet (1"=100') and may include multiple sheets, provided a single sheet depicting the entire plan area at greater scale is included with the submittal.

(1) Proposed name of the development, and the names and addresses of the property owner(s), any contract or earnest money purchaser(s), the authorized agent and the applicant's professional consultants.

(2) Date, north point and scale of drawing.

(3) Appropriate identification of the drawing as a Concept Development Plan.

(4) A vicinity map showing the location of the planned development sufficient to define its location and boundaries and Washington County Tax Assessor's map numbers of the tract boundaries. The vicinity map shall clearly identify the nearest cross streets.

(5) An aerial photograph of the proposed site and properties within 250 feet of the site.

(6) The size, dimensions, and zoning, including dimensions and gross area of each lot or parcel tax lot and Tax Assessor's map designations for the proposed site and properties within 100 feet of the site.

(7) The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 250 feet of the perimeter of the property, together with the location and dimensions of existing and planned easements, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian or bicycle ways, transit streets and facilities, neighborhood activity centers, and the location of other important features such as section lines, section corners, City boundary lines and monuments.

(8) Contour lines related to some established bench mark or other datum approved by the City Engineer and having minimum intervals as follows:

(a) For slopes of less than ten percent (10%), two feet (2').

(b) For slopes of ten percent (10%) to twenty percent (20%), five feet (5'). For slopes of over 20 percent, 10 feet.

(c) For slopes of over twenty percent (20%), ten feet (10').

(d) Where lots are to be created on slopes in excess of twenty-five percent (25%), cross sections of those lots shall be provided.

(9) The location of natural resource areas on and within 100 feet of the site, including fish and wildlife habitat, natural areas, wooded areas, areas of significant trees or vegetation, wetlands and other water resources, and significant features such as large rock outcroppings and scenic views.

(10) The location of inventoried historic and cultural resources on and within 100 feet of the boundaries of the site.

(11) The location, dimensions and setback distances of all existing permanent structures, improvements and utilities on and within twenty-five feet (25') of the site, and the current or proposed uses of the structures.

4. **Concept Development Plan Submittal: Development Information**. The following information also shall be shown on the Concept Development Plan at a minimum scale of one inch equals one hundred feet (1"=100') and may include multiple sheets provided a single sheet depicting the entire plan area at greater scale is included with the submittal:

a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during Detailed Development Plan review.

b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian accessways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within 250 feet of the site. The map shall identify existing subdivisions and development and un-subdivided or un-partitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle accessways and utilities within 250 feet may be extended to and/or through the proposed development.

c. The approximate projected location, acreage, type and density of the proposed development.

For all projects within a SCR-V District, this information shall be provided so as to identify these factors for all residential and non-residential development, by type. For purposes of residential phases of development, the applicant shall identify for each phase (1) the minimum and maximum number of housing units to be provided, by housing type; (2) the overall minimum number of housing units to be provided; and (3) the minimum and maximum lot sizes by housing type. (Amended by Ord. No. 6018/6-12)

d. Conceptual drawings, illustrations and building elevations for all proposed attached single family and multi-family dwellings and all non-residential and mixed use buildings; typical multi-family and attached single family residential floor plans; and proposed exterior building materials and color boards typifying each of the listed housing products and typical non-residential and mixed use buildings to be constructed within the development.

At the option of the applicant, submittal of detailed plans may be reviewed either administratively or by the Planning Commission.

1. If the applicant chooses administrative Detailed Development Plan review, the Concept Development Plan application must include sufficiently detailed building locations, dimensions, elevations, and building and landscaping materials palettes to clearly establish the standards by which the Detailed Development Plan will be reviewed administratively under Sections 7, 8 and 9. The Planning Commission may impose conditions on approval of the Concept Development Plan regarding changes in the detailed site plans or elevations as necessary to insure compliance with Sections 137 and 138.

2. If the applicant chooses Detailed Development Plan review by the Planning Commission, either concurrent with or subsequent to Planning Commission review of the Concept Development Plan, the Planning Commission shall give public notice of and shall hold a public hearing on the Detailed Development Plan submittal. (Amended by Ord. No. 5779/8-07 and 5893/12-08.)

e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

f. Applicants seeking to initiate, develop or expand a campus development or major institution where an approved Concept Development Plan or Planned Unit Development did not previously exist, may differentiate between development phases with definite construction plans and future phases for which plans are less definitive. If the applicant makes such a differentiation, lands with less definition ("inactive") shall not be included within the Concept Development Plan except to size and locate internal streets and infrastructure, and to estimate maximum traffic impacts on the local road system. For these purposes, the applicant shall assume that future development on the inactive lands will contain at least 45 employees per acre plus typical visitor/customer/student use for the anticipated land use, or the maximum development intensity documented by industry experience for the use or uses intended for the campus or institution, whichever is greater.

Prior to development on the inactive lands, approval of an amended Concept Development Plan under then current regulations shall be required in order to activate the land for inclusion in future phases. In the amended Concept Development Plan, any improvements or development previously constructed within the development shall be treated as an existing condition, and any impacts associated with the newly activated phases shall

be attributed to the development as a whole. (Added by Ord. No. 4545/4-97.)

5. **Concept Development Plan: Narrative Statement**. A Concept Development Plan shall include a narrative statement addressing the following:

a. A description, approximate location and timing of each proposed phase of development. Unless otherwise authorized by the Planning Commission, a phased development may not exceed five (5) years between commencement of development on the first and final phases. If this time expires before completion of the project, the project is subject to reauthorization under the procedures then in place for similar development projects within SCPAs. However:

1) provided at least one phase of the approved Concept Development Plan proceeds into final construction and is completed at least every eighteen (18) months, the expiration date shall automatically be extended for another eighteen (18) months.

2) an approved Concept Development Plan shall vest for a period of two (2) years even if no activity takes place to move a project forward to the Detailed Development Plan stage. The vesting period for an approved Concept Development Plan of a Major Institution shall be five (5) years. Upon approval of the Planning Director, and payment of the appropriate fees, the vesting period may be extended one time for a period not to exceed one (1) year. Notwithstanding this vesting provision, any traffic analysis done as a part of the original Concept Development Plan approval process does not vest and a new or revised Traffic Impact Report shall be required during Detailed Concept Plan review if the Planning Director or the City Engineer finds that traffic or the transportation system characteristics in the vicinity of the project have changed during the interim.

(Amended by Ord. No 4545/4-97.)

b. An explanation of how the proposed development is consistent with the purposes of this Section and the intent of the appropriate SCPA district.

c. A summary statement describing the anticipated traffic impacts of the proposed development.

1) The summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips and the maximum parking demand associated with buildout of the entire development.

2) In addition to this basic information, an applicant either shall:

a) include a copy of the full traffic impact report specified in Section 137.XVI.C.1 for the full development of all phases of the Concept Development Plan; or

b) with the City Engineer's concurrence, request the full analysis called for in Section 137.XVI.C.1 be limited to the specific phases under review. The Planning Commission may approve this request upon a determination that detailed traffic analysis for the remaining phases is not necessary to properly evaluate the Concept Development Plan.

3) If an applicant chooses to pursue option 2(a), the applicant may choose among three options for implementing required traffic capacity and safety improvements:

a) The Concept Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site traffic capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the traffic phasing plan shall be binding on the applicant. This option may be executed at any time after approval of the Concept Development Plan, but if exercised or executed more than eighteen (18) months following initial approval, another traffic impact report shall be required.

b) The applicant may choose to immediately implement all required traffic safety and capacity improvements associated with the fully executed Concept Development Plan. If this option is selected, no further traffic improvements will be required from the applicant. However, if a Concept Development Plan is later amended in a manner so as to cause the projected average daily trips or the total parking demand of the development to increase over original projections, an additional traffic impact report shall be required to be submitted during the Detailed Development Plan review process for all future phases of the development project and additional improvements may be required.

c) The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the Final Development Plan stage. If this option is selected, the applicant shall submit a

supplemental traffic report along with the other materials required for Detailed Development Plan review of that phase.

4) Any traffic impact report done in conjunction with a future development phase is subject to review either through a public hearing or administrative process which includes the opportunity for review by affected agencies and interested parties, and the future development proposal is subject to imposition of appropriate conditions on that phase of the development project to mitigate identified traffic impacts of the proposed development.

(Amended by Ord. No. 4545/4-97.)

d. A statement describing the impacts of the proposed development on natural resources and on any resources contained in the City's Inventory of Cultural Resources, that is within the proposed site.

e. In addition to the submittal requirements of the Narrative Statement listed above, Concept Development Plan submittals by a major institution shall include an analysis of the institution's impacts and affects upon the surrounding community and neighborhood within one-half mile of the major institution. Where two or more major institutions exist within a single SCPA District or where a major institution is within one-half mile of another major institution, each impact analysis shall identify and analyze the cumulative land use, traffic and circulation, parking, environmental and other impacts on the neighborhood and the community. A marketing organization, land owners' association, or similar organization completely or nearly encompassing a major institutional campus or research park is exempt from filing a Concept Development Plan if it does not own or control real property within the District. However, if such an agent takes on a role analogous to a developer of an industrial or business park with the ability to site establishments within a research park or institutional campus and make other arrangements necessary to the development of property or construction of buildings or tenant improvements, then the City will, like the industrial park developer, require the agent to prepare and gain approval of a comprehensive Concept Development Plan for the entire area under the agent's control. (Added by Ord. No. 4545/4-97.)

6. Concept Development Plan Approval.

a. Notice of the public hearing on the Concept Development Plan before the Planning Commission shall be made in accordance with the procedures contained in Zoning Ordinance Section 116 (1).

b. The Planning Commission shall approve an application for Concept Development Plan approval only upon finding the following approval criteria are met:

(1) That the proposed Concept Development Plan is consistent with the purposes identified in this section and the intent of the applicable SCPA district;

(2) The phasing schedule is reasonable and does not exceed five (5) years between commencement of development on the first and last phases unless otherwise authorized by the Planning Commission; and

(3) That the proposed Concept Development Plan complies with minimum residential density, minimum floor area ratio and minimum usable open space requirements of Sections 137 and 138.

c. The Planning Commission may authorize and impose some or all of an applicant's proposed alternative development or design elements pursuant to the provisions of subsection VII.B.2.e. of this section.

d. The Planning Commission may impose such conditions as it deems necessary to ensure compliance with these elements and other applicable standards in Sections 137 through 142.

e. If an applicant represents to the Planning Commission, either verbally, in writing as part of a submittal, the applicant's intention to impose restrictions beyond the minimum requirements of the applicable development code(s), including but not limited to Zoning Code Sections 136-142, or represents that certain actions or conditions, through the use of private Deed Covenants, Conditions and Restrictions ("CC&Rs") or otherwise, will occur, the Planning Commission may include such representations and/or CC&R provisions in its Concept Development Plan Approval Order. (Added by Ord. No. 4545/4-97.)

f. Concept Development Plan approval shall constitute approval in principle for the proposed phased development; provided, however, that Concept Development Plan approval shall be binding as to the following particulars:

(1) Minimum residential density, minimum floor area ratio and minimum usable open space for the project as a whole;

(2) Approximate location and type of permitted uses, and

(3) Consistency with the purposes identified in this section.

g. Concept Development Plan approval shall give the applicant the right to proceed with the filing of applications for Detailed Development Plan approval in a manner consistent with the approved Concept Development Plan, subject to compliance with the provisions of this subsection, all applicable requirements in Sections 136 through 142 of this Ordinance, all other applicable City ordinances and regulations, and such conditions of approval as the Planning Commission has attached to the Concept

Development Plan approval. An application for Detailed Development Plan approval of the first phase of the Concept Development Plan shall be filed not more than eighteen (18) months following the date of a final decision approving the Concept Development Plan.

h. If a Concept Development Plan was approved by the Planning Commission between August 6, 1996 and City Council approval of amendments to Sections 136-142 on April 15, 1997, at the option of the applicant, the provisions relating to the process and requirements for submittals for Concept, Detailed and Final Development Plans, and the binding requirements of subsection (f), above, in effect at the time of the application, shall remain applicable to that application. (Added by Ord. No. 4545/4-97.)

7. Concept Development Plan Modification

Applications for substantial modifications to an approved Concept Development Plan shall require a public hearing before and shall be reviewed by the Planning Commission pursuant to the procedures and standards specified in Sections 136.VII B 3, 4, 5, and 6 of this Ordinance. The Planning Commission may approve a proposed modified Concept Plan of an approved concept development plan only upon finding that the proposed Concept Development Plan as modified equally or better complies with the concept development plan approval criteria listed in Section 136 VII B 6 (b). The Commission may impose approval conditions on the Concept Development Plan as modified as necessary to assure compliance with those criteria. The Commission may deny the proposed modification upon finding that the Concept Plan as modified does not equally or better comply with the criteria in Section 136.VII.B.6 (b). The applicant must pay a fee as established by the City Council to defray costs to the City of a public hearing held for this purpose. (Added by Ord. No. 5893/12-08.)

8. Review Standards for Detailed Development Plan Approval.

a. Subject to applicable limited land use requirements for public notice and opportunity to submit testimony, the Planning Director shall review an application for Detailed Development Plan approval in the same manner the Director reviews an application for Development Review under Section 133 of the Zoning Ordinance. Submittal of an application for Detailed Development Plan review shall be accompanied by payment of a fee equal to that fee established in Section 129 for a Development Review application. (Amended by Ord. No. 4725/10-98.)

b. If any provision or element of the Concept Development Plan that requires a public hearing before the Planning Commission was deferred, the Planning Director shall refer the Detailed Development Plan to the Planning Commission for public hearing and disposition.

c. Where a project submitted for Detailed Development Plan approval also involves the subdivision or partition of land, an

applicant shall submit an application for a preliminary subdivision plat approval together with the application for Detailed Development Plan approval. The two applications may be combined for public notice and public hearing purposes.

d. The Planning Director shall approve an application for Detailed Development Plan approval only upon findings that:

(1) The Detailed Development Plan complies with all applicable requirements of Sections 136 through 142 of this Ordinance and other applicable provisions, including the provisions of applicable overlay zones; and

(2) If a Concept Development Plan has been approved, the Detailed Development Plan conforms with the Concept Development Plan, including conditions of approval attached thereto.

e. If the Planning Director finds that the Detailed Development Plan does not conform with an approved Concept Development Plan, approval shall be denied unless the Planning Director places conditions on the proposed Detailed Development Plan to achieve conformance with the Concept Development Plan. Minor changes from the Concept Development Plan shall not be deemed inconsistent or nonconforming if the changes meet all of the following criteria:

(1) The proposed change does not relate to any specific condition of approval or requirement placed on the Concept Development Plan by the Planning Commission;

(2) The proposed change is not prohibited by or require a variance from any provision of Sections 136 through 142 of the Zoning Ordinance;

(3) The proposed change does not involve a change in use;

(4) The proposed change involves only a minor or inconsequential shift in elements (buildings, streets, parking lot configuration, landscaping, usable open space, etc.) internal to the development and does not have impacts outside the development (roadway or driveway alignments, utility connections, increased traffic impacts, etc.);

(5) Any proposed change in the timing or phasing of the development does not adversely impact or delay construction of related infrastructure or transportation system elements, or preclude the timely and efficient provision of services to adjacent property, or adversely impact the existing infrastructure or transportation systems in the vicinity;

(6) The change does not increase the average daily auto; trips associated with the approved plan by more than one-hundred (100) trips;

(7) The change does not decrease overall density of the development; and

(8) The proposed changed does not increase the overall residential density of the development by more than five percent (5%).

f. If the Planning Director denies Detailed Development Plan approval or places conditions on the approval which the applicant opposes, the applicant may apply to the Planning Commission for an amendment to the Concept Development Plan under the applicable provisions of Section 136.VII.B.3-6.

(Amended by Ord. No. 4545/4-97.)

9. **Detailed Development Plan Submittal: Existing Conditions**. The applicant shall submit a Detailed Development Plan to the Planning Director for approval. The Detailed Development Plan shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments to depict existing conditions. An applicant with an approved Concept Development Plan or a converted PUD, shall be deemed in compliance with information required by this subsection and need not re-file the information. However, if the application is based on a PUD approved prior to the effective date of this Ordinance which has not been converted to, or approved by this Ordinance as, a Concept Development Plan and if the information required below was not part of the submittals during the PUD process, the Planning Director or Planning Commission shall require any such supplemental information and any other information necessary to demonstrate compliance with the applicable provisions of Sections 136 through 142 as part of the Development Review submittals:

a. Proposed name of the development, and the names and addresses of the property owner(s), any contract or earnest money purchaser(s), the authorized agent and the applicant's professional consultants.

b. Date, north point and scale of drawing. Minimum scale for all drawings shall be one inch equals one hundred feet (1"=100').

c. A vicinity map showing the location of the development sufficient to define its location and boundaries and Washington County Tax Assessor's map numbers of the tract boundaries. The vicinity shall clearly identify the nearest cross streets.

d. An aerial photograph of the proposed site and properties within 250 feet of the site.

e. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and Tax Assessor's

map designations for the proposed site and properties within 100 feet of the site.

f. The location, dimensions and names, as appropriate, of existing and platted streets and alleys on and within 250 feet of the perimeter of the property, together with the location and dimensions of existing easements, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian or bicycle ways, transit streets and facilities, neighborhood activity centers, and the location of other important features such as section lines, section corners, City boundary lines and monuments.

g. Contour lines related to some established bench mark or other datum approved by the City Engineer and having minimum intervals as follows:

(1) For slopes of less than ten percent (10%), two feet (2').

(2) For slopes of ten percent (10%) to twenty percent (20%), five feet (5').

(3) For slopes of over twenty percent (20%), ten feet (10').

(4) Where lots are to be created on slopes in excess of twenty-five percent (25%), cross sections of those lots shall be provided.

h. The location of natural resource areas on or within 100 feet of the site, including fish and wildlife habitat, natural areas, wooded areas, areas of significant trees or vegetation, wetlands and other water resources, and significant features such as large rock outcroppings and scenic views.

i. The location of inventoried historic and cultural resources on and within 100 feet of the boundaries of the site.

j. The location, dimensions and setback distances of all existing permanent structures, improvements and utilities on and within twenty-five feet (25') of the site, and the current or proposed uses of the structures.

10. <u>Detailed Development Plan Submittal: Development Information</u>. The following information also shall be shown to scale on the plan.

a. A detailed site development plan showing the location, building envelopes, dimensions, and setback distances of all proposed structures, improvements, utilities and land uses on the site, and the proposed uses and orientation of the structures. The site development plan shall show the building envelopes in relation to existing trees and natural resource areas on and adjacent to the site boundaries and show how the proposed layout of structures is consistent with the preservation of those trees and natural resource areas to the extent practicable. As used in this

subsection, "trees" means trees of eight inch (8") caliper or greater measured four feet (4') above ground level.

b. A detailed site circulation plan showing proposed vehicular, bicycle and pedestrian access points and circulation patterns, parking and loading areas for commercial or multi-family uses, and a specific layout of the uses proposed within the development. The site circulation plan shall include the location, arrangement, number and dimension of automobile garages, parking spaces, aisles and bays and, if applicable, truck-loading areas.

c. A traffic analysis documenting the on- and off-site traffic impacts, as specified in Section 137.XVI.C.1. If such an analysis was submitted as part of the Concept Development Plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within 250 feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or un-partitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle accessways and utilities within 250 feet may be extended to and/or through the proposed development.

d. The approximate street location, grades and radii of curves of all proposed streets on the site.

e. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

f. If areas are to be graded, a grading and erosion control plan showing the nature of cuts and fills, information on the character of the soils, and a narrative explaining how the plan is consistent with the protection of trees and natural resource areas on and adjacent to the site to the extent practicable.

g. The location of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural areas or features proposed for preservation. The plan shall identify the location of all areas proposed to be dedicated or otherwise reserved for public use and those open areas to be

maintained and controlled by the owners of the property and their successors in interest for their recreational and leisure use.

h. A street and exterior lighting plan, drawn to scale, showing type, height, and area of illumination along streets and in multi-family and non-residential areas.

i. The proposed ownership pattern and detailed phasing plans, if applicable.

11. **Development Review.** Development projects under this process shall also comply with the Development Review requirements set forth in Section 133. An applicant shall demonstrate compliance with those provisions and standards during Detailed Development Plan review. Where a provision of Section 133 conflicts with the provisions, requirements and standards of Sections 137 through 142, the provision, requirement and standard of Sections 137 through 142 shall prevail.

12. **Final Development Plan.** Within twenty-four months following the approval of a Detailed Development Plan, the applicant shall file with the Planning Director a Final Development Plan containing in final form the information required in the Detailed Development Plan and construction drawings for the project. The application shall include the detailed and technical information required to demonstrate compliance with City standards and any conditions of Detailed Development Plan approval. The construction drawings shall be the same as proposed to be submitted to the Building Department for Final Plan Check.

Upon the timely filing of a written request by the applicant and payment of the required fee, the Planning Director may, on a one-time basis, extend the period for filing of the Final Development Plan for an additional twelve (12) months. Failure to request an extension within twenty-four (24) months following the approval of a Detailed Development Plan shall result in the expiration of the Detailed Development Plan approval and require a new application. Failure to file final plans and construction drawings within the allowed or extended time period shall also result in the expiration of the Detailed Development Plan approval and require a new application.

Where a project submitted for Final Development Plan approval also involves the subdivision or partition of land, an applicant shall submit an application for a final subdivision plat approval along with the application for Final Development Plan approval. The final subdivision plat approval process shall be combined with the Final Development Plan approval process.

Except where an application involves the final platting of a subdivision, in which case Planning Commission approval is required, review of a Final Development Plan is administrative. The Planning Director shall inspect the Final Development Plan for consistency with this Section, other applicable Sections, and the Detailed Development Plan, including any conditions attached thereto. If the Planning Director finds the Final

Development Plan is fully conforming, the Planning Director shall approve the Final Development Plan and issue a Final Notice of Decision.

(Amended by Ord. No. 4545/4-97.)

13. Filing and Recording of Final Development Plan.

a. Following approval of the Final Development Plan but prior to its execution, the applicant shall file with the Planning Director the conformed and approved Final Development Plan together with all pertinent documents.

b. Each owner of property approved for a Final Development Plan shall execute a notice prepared by the City which acknowledges the Final Development Plan approved by the City. Such notice shall contain a legal description of the property and reference to the certified copy of the Final Development Plan filed with the Planning Director. The notices and the Final Development Plan shall be submitted to Washington County for recording as necessary.

c. If the Final Development Plan also involves the subdivision or partition of land, the Planning Commission President or the Planning Director, as appropriate, shall be authorized to sign the final subdivision or partition plat.

(Amended by Ord. No. 4545/4-97.)

14. Development Improvement Prohibited Pending Compliance. No Building Permit shall be issued within the project until all provisions of this subsection, including execution, filing and recording of required documents; all requirements of the subdivision ordinance; and all necessary preconditions to development identified in the decision of the Planning Commission have been met. For purposes of this subsection, building permits do not include grading and erosion control permits, or private streets and infrastructure permits.

15. Performance Bond or Security. In approving any development project, the Planning Commission may require adequate financial guarantees of compliance with the Final Development Plan

16. Expiration of Planned Development. If, within two (2) years following Final Development Plan approval, substantial construction or development has not occurred in compliance with the approved Final Development Plan and any schedule for phased completion, the authorization shall expire. The Planning Commission may authorize one (1) additional year extension, but only upon determination that substantial construction or development is likely to occur within the time period granted by the extension. No additional extensions may be granted. If no extension is granted, the authorization shall expire.

(Section B renumbered by Ord. No. 5893/12-08.)

C. Other Development Code Provisions. (Deleted by Ord. No. 5676/10-06. See Municipal Code Chapter 11.32)

VIII. CALCULATIONS

A. The product of formulas and calculations used to determine requirements, averages and standards called for in Sections 136 through 142 shall be rounded to the nearest whole number.

B. Where residential uses are part of a mixed use building, project or development, all hallways, common space, mechanical rooms and other elements of the development specifically attributable to the residential aspect of the project shall be included when calculating the percentage of a project devoted to residential use.

C. Unless otherwise provided in this Ordinance, when determining distance from a light rail station site, measurement shall be made from the nearest LRT station platform to the point of interest (building, parking lot, pedestrian space, etc.) to which measurement is being made. Distances shall be measured using a radius method unless and until a convenient, accurate method is adopted by the Planning Commission to accurately measure actual walking distance along existing or planned pedestrian ways from the light rail station site to the point of interest.

D. For purposes of measuring distances from a LRT Station, areas within a given distance radius where pedestrian access between the station and the point of interest is not practicable due to a natural barrier, the area between the barrier and the radius line is excluded from applicable requirements or standards specifically subject to the measurement, as appropriate and consistent with the purposes of Sections 136 through 138.

IX. CONFLICTS

In the event of conflict between the provisions of Sections 136 through 142 of this Ordinance and other provisions of City of Hillsboro Ordinance No. 1945 as amended, Ordinance No. 2808 as amended, or other implementing regulations, the provisions of Sections 136 through 142 of this Ordinance shall supersede and control. Existing developments which do not meet the standards specified for a particular Station Community Planning Area District may continue in existence and be altered, subject to provisions of Section 136.VI.

X. VARIANCES

A. Purpose

The development and design standards in Sections 137 through 142 are intended to achieve the purposes of Section 136 and implement the goals and policies of the Comprehensive Plan. Variances to these standards are discouraged. However, some sites may be difficult to develop in compliance with these regulations. In those instances, the Variance process provides relief where the proposed development continues to meet the intended purpose of these regulations. Due to the heightened impacts of development and design in the higher intensity Station Community Planning Areas, requests for Variances from the provisions of Section 137 through 142 shall be reviewed by the Planning Commission, rather than by the Planning and Zoning Hearings Board. (Amended by Ord. No. 5779/8-07.)

B. Standards

1. Variances to the requirements of Sections 137 through 142 need not comply with the criteria in Sections 106 and 107 of this Code, but shall follow the procedure of Sections 108 through 111. Variances to the provisions of Sections 137 through 142 shall be subject to the criteria listed below. The Planning Commission may authorize Variances from the requirements of Sections 137 through 142 and may attach conditions which it finds necessary in order to carry out the purpose and intention of those Code sections.

2. Variance requests by an applicant that has an approved Concept Development Plan as provided in Section 136.VII.B., shall be subject to the provisions of Sections 136.VII.B.2.e. and B.7.b.

3. A Variance may be granted to any development regulation or design standard contained in Sections 137 through 142, excluding those regulations listed in paragraph 5. below, provided the Planning Commission finds that by granting the Variance: (Amended by Ord. No. 4930/7-00.)

   a. The adjustment will equally or better meet the purposes of the Station Community Planning Area and of the regulation to be modified;

   b. The Variance or cumulative Variance adjustments results in a project which is still consistent with the overall purpose and intent of the district; and

   c. The Variance will not result in significant detrimental impacts to the environment or the natural, historic, cultural or scenic resources of the City.

4. The Planning Commission may approve a Variance from the standards listed below if, in addition to the criteria listed in subsection (B) (3), the proposal meets the following criteria:

(Amended by Ord. No. 4930/7-00 and 5779/8-07.)

   a. Minimum floor area ratio, minimum residential density, maximum building setback, minimum usable open space, and sidewalk and roadway width requirements. Variances may be permitted to preserve inventoried significant natural, historic and cultural resources, and natural resource areas designated by appropriate State or Federal agencies concerned with wetland and natural resource issues.

   b. Maximum height requirements. Variances to the height limit cited in Tables 1 of Section 137 may be permitted as provided in Section 136.X.B.3., upon a finding that the overall density of the project will increase, or is required to site a permitted use, and the increased height does not conflict with the height limitations of the

FAA or with specific height limits contained in Sections 139 through 142.

c. Street and alley grid system layout and maximum block perimeter length. Variances may be granted upon finding that the proposed alternative layout and perimeter length provides for connectivity, is of pedestrian scale and affords equal or better access to and throughout the SCPA.

d. Destruction of an existing use. Variances to the development regulations of Sections 137 and the design standards of Section 138 may be granted where an existing dwelling is destroyed by fire or natural disaster upon a finding that the application for Variance pertains solely to those regulations and standards that would otherwise prohibit the reconstruction, in substantial form, of the dwelling at the same location on the lot.

e. Multiple main building entrances required to be oriented to the street by Section 138.V.3. Variances may be granted to allow a single secured entrance to an establishment upon a finding that the internal security measures which are standard operating procedures of the applicant would be irreparably harmed by this requirement; except in no case shall there be less than one main entrance oriented to the street unless otherwise authorized by an exception contained in Sections 137 through 142.

f. Ground floor windows. A variance to the percentage of window area required for ground floor windows in building facades adjacent to Major Pedestrian Routes may be allowed upon findings that:

1) such windows would unavoidably compromise necessary personal privacy or security within the building (for example, privacy in a clinic examination room, security in a pharmacy storeroom, or security and privacy in a research and development laboratory);

2) due to the design of the structure or other demonstrable restrictions or constraints, the required personal privacy or security cannot otherwise be provided; and

3) the loss of the window area cannot be recaptured elsewhere on the facade.

g. Maximum residential densities. Variances to the maximum residential densities specified in Tables 137.1. may be granted upon finding that the existing traffic and infrastructure are adequate to support the increased density, and that the project demonstrates outstanding compliance with the design guidelines of Sections 138, 139, 140, 141, and/or 142, as applicable. (Added by Ord. No. 4930/7-00.)

(Amended by Ord. No. 4545/4-97 and Ord. No. 4930/7-00.)

5. Variances under the following circumstances or from the specific development regulations and design standards cited shall not be granted:

   a. To allow a development project where the proposed residential density or floor area ratio is less than 90% of the minimum density of the district;

   b. To allow residential densities greater than specified for the district;

   c. (Deleted by Ord. No. 6018/6-12.)

   d. To allow a development project with less than 85% of the minimum required usable open space;

   e. To the street and alley performance standards contained in Sections 137.XVI.B.1.;

   f. To allow surface parking or loading areas between a major pedestrian route and an adjacent building, except as specifically provided in Sections 137 through 142;

   g. To allow off-street surface parking lots, or commercial service or loading areas outside the public right-of-way to be located or temporarily located or expanded adjacent to, cater-cornered or across the street from a light rail station site;

   h. To the requirement for pedestrian-related office, service or retail uses on the ground floor of parking structures;

   i. To the minimum access requirements; and

   j. To the requirements of Section 138.XII.C., Streetscape Design Standards.

   k. To increase the maximum building height with Residential Compatibility Areas as shown on Figure 139-3.

(Amended by Ord. No. 4545/4-97, 5973/7-11 and 6018/6-12.)

RESERVED FOR FUTURE SECTIONS

RESERVED FOR FUTURE SECTIONS

Section 137: DEVELOPMENT REGULATIONS FOR STATION COMMUNITY PLANNING AREAS

(Added by Ord. No. 4455/8-96.)

I. SCOPE

This Section establishes clear and objective development standards with which all uses permitted in Station Community Planning Areas shall comply.

II. DEVELOPMENT CRITERIA

Tables 1.a through 1.n contain the development criteria which shall apply within each Station Community Planning District. Criteria may vary depending on the distance of the project from a light rail station site. These differences, if any, are shown in the applicable table as requirements applying to development within 1,300 feet of a station site, between 1,301 and 2,599 feet of the station site, and development 2,600 or more feet from a light rail station site. The development criteria for a particular district or use consists of the combined requirements of Tables 1.a through 1.n and subsections III. through XI.

Table 1.a: Development Criteria, Station Community Commercial - Downtown District (SCC-DT)

DEVELOPMENT CRITERIA		REQUIREMENTS
1.	MINIMUM LOT SIZE	None
2.	MINIMUM LOT WIDTH	None
3.	MINIMUM LOT DEPTH	None
4.	MINIMUM RESIDENTIAL DENSITY	Within Residential Compatibility Areas shown on Figure 139-3: Free-standing residential buildings are allowed at a minimum density of 18 dwelling units per acre. Outside of Residential Compatibility Areas shown on Figure 139-3: Free-standing multi-family buildings are allowed at a minimum density of 30 dwelling units per acre.
5.	MAXIMUM RESIDENTIAL DENSITY	Within Residential Compatibility Areas shown on Figure 139-3: 36 units per acre, either in free-standing residential buildings or in mixed use buildings. Outside of Residential Compatibility Areas shown on Figure 139-3: 90 units per acre, either in free-standing multi-family buildings or in mixed-use buildings. Densities are included in the calculation of the minimum floor area ratio of 0.75 for all buildings in the District. Higher maximum density with discretionary approval.
6.	ANCILLARY DWELLING UNITS	Not allowed
7.	MINIMUM FLOOR AREA RATIO	0.75; minimum; .50 in first phase
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 60 persons per acre.
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS	Properties subject to a minimum front setbacks of 10 feet are shown on Figure 139-1. For all other properties no minimum setbacks required except as necessary to accommodate building code, public utility easement or public open space requirements.
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: (see Section 139) Side: (see Section 139)
11.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.
12.	MINIMUM BUILDING HEIGHT	1 to 2 stories (see Section 139.IV.H)
13.	MAXIMUM BUILDING HEIGHT	5 stories; except as follows: Reduced building heights apply in Residential Compatibility Areas as shown on Figure 139-3. Except in Residential Compatibility Areas, increased height may be allowed with discretionary approval – See Section 137.X.B.3.
14.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
15.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
16.	MINIMUM USABLE OPEN SPACE	See Section 139.IV.J
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.
18.	MIXED USE BUILDINGS	See Section 137.XIV.
19.	SIDEWALKS	See Section 137.XV.
20.	MINIMUM LOT FRONTAGE	None
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	See Section 139

(Amended by Ord. No. 4930/7-00 and 5973/7-11.)

Table 1.b: Development Criteria, Station Community Commercial - Highway Oriented District (SCC-HOD)

(Deleted by Ord. No. 5973/7-11.)

Table 1.c: Development Criteria, Station Community Commercial - Station Commercial (SCC-SC)
This District is not applicable to properties more than 2600 feet from a LRT Station.

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION
1.	MINIMUM LOT SIZE	None	
2.	MINIMUM LOT WIDTH	25 feet	
3.	MINIMUM LOT DEPTH	25 feet	
4.	MINIMUM RESIDENTIAL DENSITY:		
a.	MIXED USE COMMERCIAL	None	
b.	FREE STANDING	30 dwelling units per net acre (18 adjacent to SCR-DNC)	24 dwelling units per net acre
5.	MAXIMUM RESIDENTIAL DENSITY:		
a.	MIXED USE BUILDING	If housing is a part of a mixed use building with neighborhood commercial uses, dwellings consistent with Section 137.XIV are permitted with no minimum or maximum density.	
b.	FREE STANDING	36 dwelling units per acre Higher with discretionary approval. (24 adjacent to SCR-DNC)	30 dwelling units per net acre Higher with discretionary approval.
6.	ANCILLARY DWELLING UNITS	Not allowed	
7.	MINIMUM FLOOR AREA RATIO	0.50 0.75 for hotels or residential hotels within 800 feet of an LRT station	0.40 0.50 for hotels or residential hotels
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 45 persons per net acre outside the downtown SCPA; 60 persons per net acre within the Downtown SCPA.	
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS	No minimum setbacks except as necessary to accommodate building code, public utility easement or public open space requirements.	
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: 10 feet for non-residential development, 15 feet for residential development Side: None for non-residential or attached dwellings; 5 feet all others (none on alleys) Exceptions of up to ten feet additional setback adjacent to a public street shall be granted administratively upon determination by the Planning Director that 100% of the additional setback would be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or other such usable pedestrian space as a feature of the development.	
11.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.	
12.	MINIMUM BUILDING HEIGHT	2 stories within 800 feet of a LRT station, otherwise 1 story	1 story
13.	MAXIMUM BUILDING HEIGHT	75 feet See also Section 137.X.B	
14.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3	
15.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3	
16.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.	
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.	
18.	MIXED USE BUILDINGS AND MID-RISE APARTMENTS	See Section 137.XIV.B. on how to combine uses in mixed use buildings and mid-rise apartments.	
19.	SIDEWALKS	See Section 137.XV.	
20.	MINIMUM LOT FRONTAGE	25 feet	
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	At least 20% (up to 15,000 square feet) of the ground floor of mid-rise apartments located within 100 feet of a LRT station site shall be commercial retail uses.	

(Amended by Ord. No. 4930/7-00 and 6005/3-12.)

Table 1.d: Development Criteria, Station Community Commercial – Multi-Modal (SCC-MM)
This District is generally not applicable to properties less than 2600 feet from a LRT station

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
1.	MINIMUM LOT SIZE	None
2.	MINIMUM LOT WIDTH	None
3.	MINIMUM LOT DEPTH	None
4.	MINIMUM RESIDENTIAL DENSITY:	
a.	MIXED USE COMMERCIAL	None
b.	FREE STANDING	15 dwelling units per net acre
5.	MAXIMUM RESIDENTIAL DENSITY:	
a.	MIXED USE BUILDING	If housing is a part of a mixed use building/development with neighborhood commercial uses, dwellings consistent with Section 137.XIV are permitted with no maximum.
b.	FREE STANDING	None
6.	ANCILLARY DWELLING UNITS	Not allowed
7.	MINIMUM FLOOR AREA RATIO	None
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 45 employees per acre.
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS	No minimum setbacks except as necessary to accommodate building code, public utility easement or public open space requirements.
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: 20 feet for commercial development and 15 feet for residential development for any building or structure constructed within fifty feet of the property line adjacent to a transit trunk route or major pedestrian route. Elsewhere in the District, None, unless otherwise required by Section 133. Side: None Exceptions of up to ten feet additional setback adjacent to a public street shall be granted administratively upon determination by the Planning Director that 100% of the additional setback would be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or other such usable pedestrian space as a feature of the development.
11.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.
12	MINIMUM BUILDING HEIGHT	1 story
13.	MAXIMUM BUILDING HEIGHT	4 stories See also Section 137.X.B.3.
14.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
15.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
16.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.
18.	MIXED USE BUILDINGS AND MID-RISE APARTMENTS	See Section 137.XIV.B on how to combine uses in mixed use buildings and mid-rise apartments.
19.	SIDEWALKS	See Section 137.XV.
20.	MINIMUM LOT FRONTAGE	25 feet
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	

(Amended by Ord. No. 4930/7-00 and 6005/3-12.)

Table 1.e: Development Criteria, Station Community Residential - High Density (SCR-HD)
This District is not applicable to properties more than 2600 feet from an LRT Station.

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION
1.	MINIMUM LOT SIZE	None if lots approved through subdivision or partition, otherwise 1,800 square feet	
2.	MINIMUM LOT WIDTH	18 feet for rear-loaded lots; 22 feet for front loaded lots	
3.	MINIMUM LOT DEPTH	None if lots approved through subdivision or partition, otherwise 85 feet	
4.	MINIMUM RESIDENTIAL DENSITY	24 dwelling units per net acre	
5.	MAXIMUM RESIDENTIAL DENSITY	30 dwelling units per net acre. Up to 45 units per acre may be approved under discretionary approvals.	
6.	ANCILLARY DWELLING UNITS	Not allowed	
7.	MINIMUM FLOOR AREA RATIO	0.50; 0.75 for hotels, residential hotels and indoor recreational facilities in free standing buildings.	0.4; 0.5 for hotels and residential hotels
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	None.	
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS	5 feet, or additional as necessary to accommodate building code, public utility easement or public open space requirements.	
9b.	MINIMUM SETBACK, ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 5 feet or less, or 19 feet or more, measured to the garage door.	
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: Mid-Rise Apartments: 15 Feet Front: Multi-Family And Garden Apartments: 15 Feet Front: Rowhouses And Townhouses: 13 Feet Side (All Housing Types): 5 Feet; none on alleys	
11.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.	
12.	MINIMUM BUILDING HEIGHT	2 stories	
13.	MAXIMUM BUILDING HEIGHT	5 stories	
14.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3	
15.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3	
16.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.	
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.	
18.	MIXED USE BUILDINGS	Allowed on a limited basis. See Section136 Table 2.	
19.	SIDEWALKS	See Section 137.XV.	
20.	MINIMUM LOT FRONTAGE	equivalent to minimum lot width	
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT		

(Amended by Ord. No. 4930/7-00, 5779/8-07 and 5893/12-08.)

Table 1.f: Development Criteria, Station Community Residential - Medium Density (SCR-MD)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
1.	MINIMUM LOT SIZE	None if lots approved through subdivision or partition, otherwise 2,000 square feet for a single family dwelling without an ancillary dwelling unit; 4,500 square feet for a duplex or a single family detached dwelling with a detached ancillary dwelling unit, or 3,200 square feet for a dwelling with an attached ancillary unit. None for other use types.		
2.	MINIMUM LOT WIDTH	18 feet for rear-loaded lots; 22 feet for front loaded lots		
3.	MINIMUM LOT DEPTH	None if lots approved through subdivision or partition, otherwise 85 feet		
4.	RESIDENTIAL DENSITY:			
a.	MINIMUM/MAXIMUM ADJACENT TO ESTABLISHED RESIDENTIAL NEIGHBORHOODS	See Section 137.V.		
b.	MINIMUM ELSEWHERE	18 dwelling units per net acre		
c.	MAXIMUM ELSEWHERE	23 Dwelling Units Per Net Acre; Up to 36 units per acre may be approved under discretionary approvals.		
5.	ANCILLARY DWELLING UNITS	Allowed See Section 137		
6.	MINIMUM FLOOR AREA RATIO	0.5	0.4	
7.	NON-RESIDENTIAL DENSITY OBJECTIVE	None.		
8.	MINIMUM SETBACK FROM STREETS AND ALLEYS (SEE ALSO SECTION 139)	5 feet, or additional as necessary to accommodate building code, public utility easement or public open space requirements.		
8b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 5 feet or less, or 19 feet or more, measured to the garage door.		
9.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: Mid-Rise Apartments: 15 feet Front: Multi-Family And Garden Apartments: 15 feet Front: Rowhouses And Townhouses: 13 feet Front: Single family Detached And Duplexes: 13 feet Side (All Housing Types): 5 feet; none on alleys		
10.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.		
11.	MINIMUM BUILDING HEIGHT	Single Family Detached: 2 story; Multi-family: 2 story		
12.	MAXIMUM BUILDING HEIGHT	3 stories		
13.	MINIMUM OFF-STREET PARKING	See Table 3		
14.	MAXIMUM OFF-STREET PARKING	See Table 3		
15.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.		
16.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.		
17.	MIXED USE BUILDINGS	Allowed on a limited basis. See Section136 Table 2		
18.	SIDEWALKS	See Section 137.XV.		
19.	MINIMUM LOT FRONTAGE	equivalent to minimum lot width		
20.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT			

(Amended by Ord. No. 4545/4-97, 4930/7-00, 5779/8-07 and 5893/12-08.)

Table 1.g: Development Criteria, Station Community Residential - Low Density (SCR-LD)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
1.	MINIMUM LOT SIZE	None if lots approved through subdivision/partition, otherwise 3,600 square feet for a single family detached dwelling without an ancillary dwelling unit; 6,000 square feet for a duplex or a single family detached dwelling with an ancillary dwelling unit.		
2.	MINIMUM LOT WIDTH	30 feet		
3.	MINIMUM LOT DEPTH	None if lots approved through subdivision or partition, otherwise 85 feet		
4.	RESIDENTIAL DENSITY:			
a.	MINIMUM/MAXIMUM ADJACENT TO ESTABLISHED RESIDENTIAL NEIGHBORHOODS	See Section 137.V		
b.	MINIMUM ELSEWHERE	9 dwelling units per net acre		
c.	MAXIMUM ELSEWHERE	14 dwelling units per net acre. Up to 18 units per acre may be approved under discretionary approvals.		
5.	ANCILLARY DWELLING UNITS	Allowed See Section 137		
6.	MINIMUM FLOOR AREA RATIO	0.5	0.4	
7.	NON-RESIDENTIAL DENSITY OBJECTIVE	None		
8.	MINIMUM SETBACK FROM STREETS AND ALLEYS	10 feet, or additional as necessary to accommodate building code, public utility easement or public open space requirements.		
8b.	MINIMUM SETBACK, ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 5 feet or less, or 19 feet or more, measured to the garage door.		
9.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: Rowhouses and townhouses: 13 feet Front: Single family detached and duplexes: 13 feet Side (All housing types): 5 feet; none on alleys		
10.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.		
11.	MINIMUM BUILDING HEIGHT	1 story		
12.	MAXIMUM BUILDING HEIGHT	2 stories		
13.	MINIMUM OFF-STREET PARKING	1.0 space/dwelling unit		
14.	MAXIMUM OFF-STREET PARKING	See Table 3		
15.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.		
16.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.		
17.	MIXED USE BUILDINGS	Not applicable		
18.	SIDEWALKS	See Section 137.XV.		
19	MINIMUM LOT FRONTAGE	equivalent to minimum lot width		
20.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	20 feet		

(Amended by Ord. No. 4545/4-97, 4930/7-00, 5779/8-07 and 5893/12-08.)

Table 1.h: Development Criteria, Station Community Residential – Village (SCR-V)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
1.	MINIMUM LOT SIZE	2,000 square feet for a single family detached dwelling without an ancillary dwelling unit; 4,500 square feet for a duplex or a single family detached dwelling with a detached ancillary dwelling unit; or 3,200 square feet for a detached single family dwelling with an attached ancillary dwelling unit. None for other use types.		
2.	MINIMUM LOT WIDTH	None		
3.	MINIMUM LOT DEPTH	None		
4.	RESIDENTIAL DENSITY:			
a.	MINIMUM	24 dwelling units per net acre	15 dwelling units per net acre	7 dwelling units per net acre
b.	MINIMUM/MAXIMUM ADJACENT TO ESTABLISHED RESIDENTIAL NEIGHBORHOODS	See Section 137.V.		
c.	MAXIMUM	None	60 dwelling units per net acre	45 dwelling units per net acre
5.	ANCILLARY DWELLING UNITS	Allowed See Section 137		
6.	MINIMUM FLOOR AREA RATIO	For non-residential uses, 0.50 within 1,300 feet of a light rail station site; 0.40 elsewhere in the District. 0.50 in all areas for emergency service facilities, hotels, residential hotels and indoor recreational facilities in free standing buildings, except hotels within 800 feet of a LRT station shall be 0.75		
7.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 45 persons per net acre		
8.	MINIMUM SETBACK FROM STREETS AND ALLEYS	No minimum setbacks except as necessary to accommodate building code, public utility easement or public open space requirements.		
8b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units; Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 5 feet or less, or 19 feet or more, measured to the garage door.		
9.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: Mid-Rise Apartments: 15 feet Front: Multi-Family and Garden Apartments: 15 feet Front: Rowhouses and Townhouses: 13 feet Front: Single family detached and duplexes: 19 feet Side (all housing types): None Commercial development in the SCR-V shall comply with the setback requirements for the SCC-SC District.		
10.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.		
11.	MINIMUM BUILDING HEIGHT	2 stories within 800 feet of a LRT station, otherwise 1 story. See also 137.X	1 story	
12.	MAXIMUM BUILDING HEIGHT	3 stories See also Section 137.X.B.3		
13.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3		
14.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3		
15.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.		
16.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.		
17.	MIXED USE BUILDINGS AND MID-RISE APARTMENTS	See Section 137.XIV.B on how to combine uses in mixed use buildings and mid-rise apartments.		
18.	SIDEWALKS	See Section 137.XV.		
19.	MINIMUM LOT FRONTAGE	None. All lots to be served by public or private streets or alleys.		
20.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	At least 50% of the net acreage in a SCR-V project shall be residential. Mixed use residential/commercial buildings may be up to an additional 20%. Up to 10% of net acreage may be neighborhood commercial uses. Up to 20% of net acreage may be other employment uses.		

(Amended by Ord. Nos. 4921/6-00, 4930/7-00, 5779/8-07 5893/12-08 and 6005/3-12.)

Table 1.i: Development Criteria, Station Community Residential – Orenco Townsite Conservation (SCR-OTC)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN THE DISTRICT
1.	MINIMUM LOT SIZE	Residential: 7,500 square feet Commercial: None
2.	MINIMUM LOT WIDTH	Residential: 50 feet Commercial: None
3.	MINIMUM LOT DEPTH	Residential: 150 feet Commercial: None
4.	MINIMUM RESIDENTIAL DENSITY	6 dwelling units per net acre throughout the District
5.	MAXIMUM RESIDENTIAL DENSITY[1]	12 dwelling units per net acre throughout the District See Section 140
6.	ANCILLARY DWELLING UNITS	Allowed throughout the District. See Section 140
7.	MINIMUM FLOOR AREA RATIO	0.40 throughout the District
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 45 persons per net acre
9a.	MINIMUM SETBACK FROM STREETS AND ALLEYS	Residential: See Section 140 ***III D*** See also Section 140 IV J 3 for garage setbacks. Commercial: Same as for SCC-SC District
9b.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; sum of 2 side yards minimum 15 feet Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 5 feet or less, or 19 feet or more, measured to the garage door.
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Residential: See Section 140 III D Commercial: Same as for SCC-SC District
11.	VISION CLEARANCE	See Section 137.IX.B
12.	MINIMUM BUILDING HEIGHT	Residential: 1 story throughout the District Commercial: Same as for SCC-SC District
13.	MAXIMUM BUILDING HEIGHT	Residential: 2 stories throughout the District Commercial: Same as for SCC-SC District
14.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
15.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
16.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., And 138.VIII.C.2. and D.
18.	MIXED USE BUILDINGS	Same as for SCC-SC District | Not applicable
19.	SIDEWALKS	See Section 137.XV. and Section 140
20.	MINIMUM LOT FRONTAGE	Equivalent to minimum lot width. All lots to have frontage on public or private street or alley.
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	See Section 140

(Amended by Ord. No. 4930/7-00, 5779/8-07 and 5893/12-08.)

[1] Maximum may only be achieved through use of ancillary dwellings. No attached housing is allowed within the District, except as provided in Section 140.III.C.4.

Table 1.j: Development Criteria, Station Community Residential – Downtown Neighborhood Conservation (SCR-DNC)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN THE DISTRICT
1.	MINIMUM LOT SIZE	None if approved through subdivision/partition, otherwise 2,000 square feet for a single family dwelling without an ancillary dwelling unit; 4,500 square feet for a duplex or a single family detached dwelling with a detached ancillary dwelling unit, or 3,200 square feet for a dwelling with an attached ancillary unit. 2,000 square feet for other residential uses and commercial uses allowed within the District.
2.	MINIMUM LOT WIDTH	18 feet for rear-loaded lots; 22 feet for front loaded lots
3.	MINIMUM LOT DEPTH	None if approved through subdivision/partition, otherwise 85 feet
4.	MINIMUM RESIDENTIAL DENSITY	15 dwelling units per net acre within 1300 feet of a LRT station; 9 units per net acre from 1301 to 2600 feet from a LRT Station.
5.	MAXIMUM RESIDENTIAL DENSITY	23 dwelling units per net acre within 1300 feet of a LRT station; 14 units per net acre from 1301 to 2600 feet from a LRT Station. ***Additional density possible in Arterial Exception Areas: See Section 139 III.***
6.	ANCILLARY DWELLING UNITS	Allowed throughout the District.
7.	MINIMUM FLOOR AREA RATIO	Not applicable
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	None
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS (SEE ALSO SECTION 139)	Front: 15 feet; 20 feet on East Main Street from 5th to 10th Side: 5 feet; none on alleys. See also Section 139
10.	MINIMUM SETBACK ELSEWHERE	Sides: 5 feet; 0 feet on common wall of attached units Rear: 10 feet for structures with front loaded garages; for structures with rear loaded garages, either 4 feet or less, or 19 feet or more, measured to the garage door. Additional setbacks possibly required in Arterial Exception Areas: see Section 139 III.
11.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: 25 feet, Side: 15 feet Within the Arterial Exception Area as defined in Section 139.III.A., exceptions of up to ten feet additional setback adjacent to a public street shall be granted administratively upon determination by the Planning Director that 100% of the additional setback would be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or other such usable pedestrian space as a feature of the development.
12.	VISION CLEARANCE	See Section 137.IX.B.
13.	MINIMUM BUILDING HEIGHT	1 story
14.	MAXIMUM BUILDING HEIGHT	2 stories or 35 feet, whichever is less. Additional height possible in Arterial Exception Areas: see Section 139 III
15.	MINIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
16.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Residential: See Table 3
17.	MINIMUM USABLE OPEN SPACE	See Section 137 XII.
18.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D. Additional landscaping possibly required in Arterial Exception Areas: see Section 139 III
19.	MIXED USE BUILDINGS	See Section 139
20.	SIDEWALKS	See Section 137.XV
21.	MINIMUM LOT FRONTAGE	Equivalent to minimum lot width. All lots to have frontage on public or private street or alley.
22.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	See Section 139.

(Amended by Ord. Nos. 4930/7-00, 5293/7-03, and 5779/8-07.)

Table 1.k: Development Criteria, Station Community Industrial (SCI)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
1.	MINIMUM LOT SIZE	None		
2.	MINIMUM LOT WIDTH	None		
3.	MINIMUM LOT DEPTH	None		
4.	MINIMUM RESIDENTIAL DENSITY	No residential development allowed In District		
5.	MAXIMUM RESIDENTIAL DENSITY	No residential development allowed In District		
6.	ANCILLARY DWELLING UNITS	No residential development allowed in District		
7.	MINIMUM FLOOR AREA RATIO:			
a.	LIGHT INDUSTRIAL, MANUFACTURING, RELATED OFFICE USES	0.35		
b.	COMMERCIAL USES	0.50 See also Section 136.III.J.		None
c.	EMERGENCY SERVICE FACILITIES	0.50		
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 45 persons per net acre.		
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS	No minimum setbacks except as necessary to accommodate building code, public utility easement or public open space requirements.		
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	None		
11.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.B.		
12.	MINIMUM BUILDING HEIGHT	Commercial buildings within 800' of LRT Station: 2 stories; All other uses: 1 story	1 story	
13.	MAXIMUM BUILDING HEIGHT	4 stories		
14.	MINIMUM OFF-STREET PARKING	See Section 137.XI.B.1		
15.	MAXIMUM OFF-STREET PARKING	See Table 2		
16.	MINIMUM USABLE OPEN SPACE	See Section 137.XII		
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., And 138.VIII.C.2. and D.		
18.	MIXED USE BUILDINGS	Not applicable		
19.	SIDEWALKS	See Section 137.XV.		
20.	MINIMUM LOT FRONTAGE	30 feet		
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT			

(Amended by Ord. No. 4930/7-00.)

Table 1.I: Development Criteria, Station Community Business Park (SCBP)

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION	REQUIREMENTS / ALLOWED 2,600' OR MORE FROM A LRT STATION
1.	MINIMUM LOT SIZE	None		
2.	MINIMUM LOT WIDTH	None		
3.	MINIMUM LOT DEPTH	None		
4.	MINIMUM RESIDENTIAL DENSITY	No residential development allowed In District		
5.	MAXIMUM RESIDENTIAL DENSITY	No residential development allowed In District		
6.	ANCILLARY DWELLING UNITS	No residential development allowed In District		
7.	MINIMUM FLOOR AREA RATIO:			
a.	OFFICE AND LIGHT INDUSTRIAL USES	0.35		None
b.	COMMERCIAL USES	0.50	0.40	None
c.	EMERGENCY SERVICE FACILITIES	0.50		
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	Target employment density within the District is 45 persons per net acre		
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS	No minimum setbacks except as necessary to accommodate building code, public utility easement or public open space requirements.		
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	None		
11.	VISION CLEARANCE (street & alley intersections)	See Section 137.IX.		
12.	MINIMUM BUILDING HEIGHT	Commercial buildings within 800' of LRT station: 2 stories; All other uses: 1 story	1 story	
13.	MAXIMUM BUILDING HEIGHT	5 stories		
14.	MINIMUM OFF-STREET PARKING	See Section 137.XI.B.1		
15.	MAXIMUM OFF-STREET PARKING	See Table 2		
16.	MINIMUM USABLE OPEN SPACE	See Section 137.XII.		
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.		
18.	MIXED USE BUILDINGS	Not applicable		
19.	SIDEWALKS	See Section 137.XV.		
20.	MINIMUM LOT FRONTAGE	30 feet		
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT			

(Amended by Ord. No. 4930/7-00.)

Table 1.m: Development Criteria, Station Community Research Park (SCRP)

(Deleted by Ord. No. 6018/6-12.)

Table 1.n: Development Criteria, Station Community Fair Complex Institutional (SCFI)
This District is not applicable to properties more than 2600 feet from a LRT Station

	DEVELOPMENT CRITERIA	REQUIREMENTS / ALLOWED WITHIN 1,300' OF LRT STATION	REQUIREMENTS / ALLOWED FROM 1,301' TO 2,599' OF LRT STATION
1.	MINIMUM LOT SIZE	None	
2.	MINIMUM LOT WIDTH	None	
3.	MINIMUM LOT DEPTH	None	
4.	MINIMUM RESIDENTIAL DENSITY	If allowed in an approved Concept Development Plan: 24 dwelling units per acre, otherwise no residential development allowed In District	
5.	MAXIMUM RESIDENTIAL DENSITY	None, except in areas restricted by FAA regulations.	
6.	ANCILLARY DWELLING UNITS	Not Allowed In District	
7.	MINIMUM FLOOR AREA RATIO:		
a.	FAIRGROUND OPEN SPACE, ANIMAL BUILDINGS, AND OUTDOOR PUBLIC SPORTS FACILITIES	None	
b.	COMMERCIAL USES, EXHIBIT HALLS, AND CONFERENCE FACILITIES	0.50	0.40
c.	HOTEL AND RESIDENTIAL HOTEL	0.75	0.50
8.	NON-RESIDENTIAL DENSITY OBJECTIVE	Not applicable for publicly owned fair and sports facilities. Target employment density is 45 persons per Net Acre for commercial activity within the District.	
9.	MINIMUM SETBACK FROM STREETS AND ALLEYS	No minimum setbacks except as necessary to accommodate building code, public utility easement or public open space requirements	
10.	MAXIMUM SETBACK FROM STREETS AND ALLEYS	Front: 35 feet Side: None	
11.	VISION CLEARANCE (STREET & ALLEY INTERSECTIONS)	See Section 137.IX.	
12.	MINIMUM BUILDING HEIGHT	Animal Buildings: 1 Story Exhibit Halls, Conference Facilities, Commercial, Mixed Use, Hotel & Office: 2 Stories	
13.	MAXIMUM BUILDING HEIGHT	5 Stories	
14.	MINIMUM OFF-STREET PARKING	See Section 137.XI.B.1	
15.	MAXIMUM OFF-STREET PARKING	Commercial: See Table 2 Fair, Sports & Conference Facilities: 1 Space Per 1,000 sq. ft. of patron serving area	
16.	MINIMUM USABLE OPEN SPACE	Not Applicable	
17.	MINIMUM LANDSCAPING	See Sections 137.XIII., 137.XV.B.1., 137.XVI.B.1.a.(10), 138.IV., and 138.VIII.C.2. and D.	
18.	MIXED USE BUILDINGS	Allowed at 0.75 FAR	
19.	SIDEWALKS	See Section 137.XV.	
20.	MINIMUM LOT FRONTAGE	30 feet	
21.	OTHER REQUIREMENTS UNIQUE TO THE DISTRICT	To accommodate fair, vendor and visitor needs, trailer/recreational vehicle parking spaces with hook-ups shall be allowed east of 34th avenue, as designated in an approved concept development plan.	

(Amended by Ord. No. 4545/4-97 and 4930/7-00.)

III. MINIMUM LOT SIZE

A. Purpose

By providing for flexibility in lot sizes for new lots in certain Districts, created through the subdivision or minor land partition processes, the City recognizes the widely varying parameters, such as irregular shape, presence of existing structures or mature trees, and limitations on access, which may be characteristic of the parent properties. On other lots, minimum sizes ensure development on those lots will be able to comply with all site development standards. (Amended by Ord. No. 4930/7-00.)

B. Standards

1. See Table 1 of this Section. (Amended by Ord. No. 4930/7-00.)

2. Applications for residential subdivisions and minor land partitions within Station Community districts with flexible lot sizes shall include site plans showing how development in the subdivision or partition will comply with applicable standards for building footprints and setbacks, frontage, access and parking for all lots, and Usable Open Space. (Added by Ord. No. 4930/7-00 and 5779/8-07.)

3. Pursuant to the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII, and to ensure that new development in the Station Community Planning Areas includes variety within the allowed flexibility of the standards contained in Section 137 II, tentative plats for detached residential subdivisions of eight lots or more in Station Community Planning Areas shall include a variety of lot areas. At a minimum, the variation in area shall be a minimum of 20% from the smallest to the largest lot. (Added by Ord. No. 5779/8-07.)

4. To ensure that new development is compatible with the historically diverse lotting patterns in the neighborhoods surrounding the downtown, tentative plats for smaller detached residential subdivisions of four lots or more, or two or more adjacent partitions developed by the same applicant, zoned SCR-LD, SCR-MD, or SCR-DNC within the Downtown Station Community Planning Area shall comply with the lot area variation standards in Subsection 3. (Added by Ord. No. 5779/8-07.)

IV. MINIMUM LOT WIDTH AND DEPTH

A. Purpose

By providing for flexibility in lot depth and width for new lots in certain Districts, created through the subdivision or minor land partition processes, the City recognizes the widely varying parameters, such as irregular shape, presence of existing structures or mature trees, and limitations on access, which may be characteristic of the parent properties. On other lots, minimum depth and width ensures development on those lots will be able to comply with all site development standards. (Amended by Ord. No. 4930/7-00.)

B. Standards

1. See Table 1 of this Section. (Amended by Ord. No. 4930/7-00.)

2. Applications for detached residential subdivisions and minor land partitions within Station Community Districts with flexible lot sizes shall include site plans showing how development in the subdivision or partition will comply with applicable standards for building footprints and setbacks, frontage, access and parking for all lots, and Usable Open Space. (Added by Ord. No. 4930/7-00 and Amended by Ord. No. 5779/8-07.)

3. Pursuant to the Lot Dimension and Setback Variation Requirements adopted under Subdivision Ordinance Article VII, and to ensure that new development in the Station Community Planning Areas includes variety within the allowed flexibility of the standards contained in Section 137 II, tentative plats for detached residential subdivisions of eight lots or more in Station Community Planning Areas shall include a variety of lot widths. At a minimum, the variation in width shall be a minimum of 20% from the narrowest lot to the widest lot. (Added by Ord. No. 5779/8-07.)

4. To ensure that new development is compatible with the historically diverse lotting patterns in the neighborhoods surrounding the downtown, tentative plats for smaller detached residential subdivisions of four lots or more, or two or more adjacent partitions developed by the same applicant, zoned SCR-LD, SCR-MD, or SCR-DNC within the Downtown Station Community Planning Area shall comply with the lot width variation standard in Subsection 3. (Added by Ord. No. 5779/8-07.)

V. MINIMUM AND MAXIMUM RESIDENTIAL DENSITIES, AND ANCILLARY DWELLING UNITS

A. Purpose

Identifying minimum and maximum residential density assists in achieving desired intensities of residential development and encouraging increased use of light rail transit by establishing development parameters within which the market may operate for particular housing types. Maximum densities also help ensure the number of dwelling units per net acre can match the availability of public services. Ancillary dwelling units provide a means of increasing residential densities in areas where single family dwellings or duplexes already exist, as well as in newly developed single family and duplex areas. They also allow for a housing option which is convenient and practical for owners of existing single family dwellings in neighborhoods where it is not economically feasible to redevelop the property to more intensive use. The size and placement of ancillary dwelling units must be regulated in order to maintain compatibility with adjacent uses. (Amended by Ord. No. 4930/7-00.)

B. Standards

1. See Table 1 of this Section.

2. Each project shall meet minimum residential density requirements. Ancillary dwelling units are included for purposes of determining minimum density requirements in new development projects, but in an in-fill situation ancillary dwellings shall not be precluded due solely to maximum density provisions of any district. Dwelling units shall qualify for density calculation purposes regardless of whether owner or renter occupied.

3. Notwithstanding the minimum residential density requirements of this Section, one or more dwelling units may be constructed on an existing, serviced lot of record upon the effective date of this Ordinance within a residential district, in compliance with Implementation Measure (N) of the Housing element of Comprehensive Plan Ordinance No. 2793, provided that the design and siting of the dwelling unit or units would allow future development of the remainder of the parcel to at least the minimum density requirement of the applicable SCPA district in which it is located without necessitating demolition or redevelopment of the unit or units so constructed. (Amended by Ord. No. 4930/7-00.)

4. For the purpose of calculating minimum residential density, development proposals may include a reduction in the net acreage on a particular site containing driplines of existing mature trees as defined in Section 136 (XIII) (B) (3). The net acreage on such a parcel may be reduced by subtracting the area within the dripline of the mature trees. However, in no case shall the net acreage subtracted within the dripline exceed 35% of the original net acreage of the site. If a development proposes a reduction in net acreage for the purpose of retaining existing mature trees, the development application shall include a certified arborist's report and tree preservation plan. The approval of the development may be conditioned upon implementation of the recommendations for tree preservation measures. (Added by Ord. No. 4930/7-00.)

5. Residential density within an SCR-V project is determined based on the amount of net developable acres within three distance categories as measured from the light rail station site:

1,300 feet or less	**24 dwelling units per net acre**
1,301 feet - 2,599 feet	**15 dwelling units per net acre**
2,600 feet or more	**7 dwelling units per net acre**

6. Residential density requirements within an SCR-V project are calculated first, without any deductions or exclusions for other types of uses. Net acreage within each of the categories is multiplied by the required residential density to determine (1) the total required residential dwellings and (2) the average residential density per net acre of the project. Once the total dwelling units required for the project is determined, housing types and built density may vary within the residential village project regardless of distance to the station

provided the overall residential density requirement of the project is achieved and at least fifty percent (50%) of net acreage of a project is used for residential development. An additional twenty percent (20%) of the net acreage may be used for mixed use commercial/residential buildings.

7. No phase of a SCR-V project shall be permitted to develop below the per acre average residential minimum density unless: (1) it is the first phase of the development, consisting of no more than ten percent (10%) of the total project; (2) is a phase, when combined with those phases already constructed, achieves the minimum average density requirement of the district; or (3) the approved Concept Development Plan is amended to indicate where the proposed reduction in density will be made up through increased density in another phase of the project. The project shall not depend on redevelopment of early phases to achieve overall minimum density requirements.

   As an alternative to the phasing provisions of the paragraph above, an individual phase of a project shall be permitted to develop below the required minimum residential density upon a demonstration through covenants applied to the remainder of the site or project, or other binding legal mechanism, that the required density for the project will be achieved at project buildout. The increased density allocated to any future phase through such a transfer mechanism shall not increase the previously allocated density of the subsequent phase by more than ten percent (10%). The Planning Commission, as a condition of Concept Development Plan approval, may limit the number and total amount of such transfers.

8. Notwithstanding any other provision of this subsection, the minimum density of residential structures constructed within a Station Community Residential District on properties within Review Area 6, as identified in Figure 7 and in Table 5 of the Hillsboro Airport Compatibility Study (May 1993), shall not be less than 7 dwelling units per net acre and the maximum density shall not exceed 12 dwelling units per net acre.

9. Where proposed residential uses within a district may be incompatible with an adjacent industrial district created by this Ordinance or an industrial use existing prior to the effective date of this Ordinance or prior to any land use action permitting residential development on an affected parcel, the Planning Commission may establish a non-residential buffer of up to 400 feet within the residential district from the property line of the industry. Such a buffer shall be shown on the zoning map for that district. Non-residential buffers under this provision shall be used as open space or contain any nonresidential uses permitted in the district. The minimum required FAR in such an instance shall be 0.35. If the buffer /open space exceeds the calculated amount of usable open space required of the development project, and if such excess open space causes a development project to fail to meet the residential density requirements of the district, then the excess open space shall be deducted from the net acreage.

10. (Deleted by Ord. No. 5973/7-11.)

11. Where a project in the Orenco SCPA includes or abuts the SCR-OTC the density, development and design standards contained in Section 138.XIII and Section 140 shall apply.

12. Except where a proposed residential or mixed use project is part of a phased or on-going development under the same or related ownership, residential development within a SCR-HD, SCR-MD, SCR-LD or SCR-V District located adjacent to a neighborhood of single family detached houses located in a subdivision or development platted before the effective date of the Station Area Interim Protection Ordinance, shall transition the type and density of the abutting new housing to be compatible with the single family character of the previously established neighborhood. Development within 100 feet, including road right-of-way, of an existing single family neighborhood shall not exceed a density of 7 dwelling units per net acre unless the existing neighborhood is zoned at a density exceeding 7 units per net acre in which case the new development shall match the density of the existing neighborhood.

13. Ancillary dwelling units are permitted in the SCR-MD, SCR-LD, SCR-V, SCR-DNC, and SCR-OTC Districts, subject to the requirements of Section 133 Development Review / Approval of Plans, and upon compliance with the following standards: (Amended by Ord. No. 5779/8-07.)

    a. The ancillary dwelling unit shall be located on the same lot as an existing single family dwelling or duplex. No more than one ancillary dwelling unit shall be permitted per lot.

    b. No ancillary dwelling shall be permitted on a lot with less area than specified in Tables 1.

    c. An ancillary unit shall comply with applicable building, fire, and health and safety codes.

    d. Placement of an ancillary unit shall conform to existing requirements for the primary residence, including but not limited to building height, setback and side yard requirements. The ancillary unit need not maintain separation from the primary structure when there is an architectural or structural connection between the dwellings.

    e. The total gross floor area of an ancillary unit shall not exceed 1,000 square feet.

    f. An ancillary dwelling unit shall not be occupied by more than three (3) related or unrelated persons. (Added by Ord. No. 5667/9-06.)

    g. One off-street parking space for an ancillary unit shall be required.

h. The exterior appearance of an ancillary unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, color, exterior building materials, roofing form, other architectural features and landscaping.

14. Where the residential density requirements of any SCPA district conflict or overlap with the adopted residential density requirements of any other zone or district associated with land uses within 1,300 feet of a transit trunk route where peak period service is provided on at least a 20 minute headway basis and service is provided on the route at least every 30 minutes during the off-peak period between the hours of 5:00 a.m. and 1:00 a.m. of the following day, the requirement with the greatest residential density provision that affects the property shall apply, provided such bus service is in place at the time of the Development Review application for the property in question.

15. If a project proposes to meet minimum residential density requirements through or partially through remodeling of and/or additions to an existing dwelling, plans for the additional dwelling units shall be confirmed during the Development Review application process. (Added by Ord. No. 4930/7-00.)

VI. MINIMUM FLOOR AREA RATIOS

A. Purpose

Minimum floor area ratios are a tool for achieving a desired intensity of nonresidential development and encouraging increased use of light rail transit. These provisions are intended to ensure building development will occur at levels supportive of transit in areas identified for commercial, industrial, research park, or institutional uses that are within walking distance of light rail stations.

B. Standards

1. See Table 1 of this Section.

2. Required minimum FARs shall be calculated on a project by project basis and may include multiple contiguous blocks. In mixed use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

3. (Deleted by Ord. No. 5973/7-11.)

4. Within the SCC-DT District, FARs for new construction may be reduced from the ultimate standard for the first phase, as provided in Table 1.a and Table 1.b. Approvals of reduced first phase FARs may be approved only upon demonstration of compliance with the following criteria:

a. the construction of the first phase structure is capable of supporting sufficient additional square footage to achieve the ultimate minimum FAR, either vertically, horizontally, or through a combination of both. Demonstration of compliance with this standard shall include structural specifications for potential vertical additions, or location of building footprint and parking, in the case of horizontal additions;

b. the construction of the first phase structure complies with all applicable standards for minimum building height and maximum setbacks.

(Added by Ord. No. 4930/7-00 and Amended by Ord. No. 5973/7-11.)

5. Except in accord with an approved Concept Development Plan for a SCR-V project, or within a Planned Unit Development ("PUD") approved prior to adoption of this Ordinance, or within a phased commercial, industrial or institutional project in accord with an approved Concept Development Plan, no phase of a SCR-V or any other phased project shall be permitted to develop below the per acre average minimum floor area ratio density of the District unless: (1) it is the first phase of the development, consisting of no more than ten percent (10%)of the total project; (2) is a phase, when combined with those phases already constructed, achieves the minimum average density requirement of the District; or (3) the approved Concept Development Plan or PUD is amended to indicate where the proposed reduction in density will be made up through increased density at another phase of the project. The project shall not depend on redevelopment of early phases to achieve overall minimum density requirements.

   As an alternative to the phasing provisions of the paragraph above, an individual phase of a project shall be permitted to develop below the required minimum floor area ratio density provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project buildout. The increased density allocated to any future phase through such a transfer mechanism shall not increase the previously allocated density of the subsequent phase by more than ten percent (10%). The Planning Commission as a condition of Concept Development Plan approval may limit the number and total amount of such transfers.

6. A bonus exclusion of twenty-five percent (25%) of the employee parking area may be subtracted from the site area in determining floor area ratio, provided the ratio of parking spaces per employee is 0.5 or less as determined based on the average number of employees in any eight-hour work shift.

7. Notwithstanding any other provision of this subsection, the floor area ratio of non-residential structures constructed on properties within Review Area 6, as identified in Figure 7 and in Table 5 of the *Hillsboro Airport Compatibility Study* (May 1993), shall not exceed 0.3.

8. In the SCR-V District, free-standing non-residential development shall not exceed thirty percent (30%) of the net acreage and shall be of neighborhood scale when located more than 1,300 feet from a light rail station site. At least ten percent (10%) of the net acreage may be used for neighborhood commercial uses.

9. Minimum floor area ratios for commercial or mixed use development within the SCR-V District shall be 0.50 within 1,300 feet of a light rail station site and 0.40 beyond 1,300 feet of a light rail station site. Emergency service facilities, hotels, residential hotels and indoor recreational facilities are allowed in the District as free standing uses at a minimum floor area ratio of 0.50; except hotels within 800 feet of a LRT station shall not be less than 0.75 FAR.

10. In the SCI and SCBP Districts, the minimum floor area ratio of commercial uses within 1,300 feet of a light rail station site shall be 0.50 and 0.40 elsewhere in the District. If such commercial uses are not constructed on discrete lots, or if there are multiple buildings on a lot such that it is not practicable to determine the site area[1] of an individual building, and consequently the specific floor area ratio cannot be readily calculated, commercial uses are allowed up to ten percent (10%) of the total built or planned floor space of the development. In either case, no single retail or service commercial use, except when contained in a multi-story multi-tenant building, shall occupy more than 15,000 square feet of the ground floor of any building within the District. (Amended by Ord. No. 6018/6-12.)

11. Within the SCC-MM, SCBP and SCI Districts, commercial uses greater than 2,600 feet from a light rail station shall have no minimum floor area ratio requirement, and shall not be included in calculating the overall FAR density of a phased project unless requested by the applicant. (Amended by Ord. No. 6018/6-12.)

12. In any SCPA commercial, industrial or institutional district where a mixed use building contains uses with different FAR requirements, the FAR requirement of the use with the majority of the gross floor area shall apply.

13. Where the FAR requirements of any SCPA District conflict or overlap with FAR requirements of any subsequently adopted zone or district associated with land uses within 1,300 feet of a transit trunk route,[2] the requirement with the greatest FAR provision which affects the property shall apply, provided such bus service is in place at the time of the Development Review application for the property in question.

14. Expansion of existing ancillary structures or recreational facilities in public parks, and construction of new ancillary structures or recreational facilities in public parks, are exempt from the minimum floor area ratio of the applicable zone. Ancillary structures in public

[1] Applicable in "campus" or "park" situations where the ground is held in common or where the user leases or owns a building without definition of a "lot" or parcel of land which can be discretely measured and its area used for the denominator in the FAR equation.

[2] As used here, "transit trunk route" shall mean a transit route where weekday peak period service is provided on at least a 20-minute headway basis and service is provided on the route at least every 30 minutes during the off-peak period between the hours of 5:00 a.m. and 1:00 a.m. of the following day

parks and recreational facilities may include, but are not limited to: restrooms; weather shelters; equipment storage buildings; and similar structures. (Added by Ord. No. 5201/11-02).

VII. MINIMUM NON-RESIDENTIAL DENSITY OBJECTIVES

A. Purpose

Minimum density objectives are a tool for helping to achieve a desired intensity of development and encouraging increased use of light rail transit. These provisions are intended to help ensure development and employment opportunities will occur at levels supportive of transit in areas identified for non-residential uses which are within walking distance of light rail stations. Data on employment densities also helps the City determine the demand for and size of the roadway and infrastructure system.

In residential districts where non-residential development is a permitted or conditional use, specified minimum non-residential density targets may not be applicable where such targets cannot be achieved by the size of commercial uses permitted in that district. (Added by Ord. No. 4930/7-00.)

B. Guidelines

1. See Table 1 of this Section for target employment objectives for SCPA Districts.

2. At the time an application for Development Review is filed, the applicant shall provide an estimate of the number of employees that will ultimately be working at the facility. This information is advisory only, but is a required element of the Development Review process.

3. Density in non-residential development is measured by people per net acre. Density under this measurement is calculated based on the average number of employees on the largest 8-hour shift of businesses located within the affected development, as measured in paragraph 4., below. If a project includes mixed use buildings with residential uses on upper levels, the residential population may be included in the calculation based on an assumed occupancy of 2.5 people per dwelling unit. (Amended by Ord. No. 6018/6-12.)

4. The number of employees associated with any given business is based on either (1) an average of the number of employees per square foot of building space for that particular Standard Industrial Classification (SIC) as reported by similar businesses through either the Oregon Bureau of Labor and Industries, an appropriate trade organization or by the company itself based on its experience elsewhere; or (2) a calculation of the number of employee work spaces contained within the development as shown in plan drawings, construction specifications or operating plans of the occupant. Where a development, project or building is proposed to be built by a developer on the speculation of lease or sale and the end user and the SIC of the ultimate end user or their number of employees is unknown to the developer at the time of application, the developer should make a good faith effort to attract business or industry to said

development which will meet or exceed the people per net acre target objective of the district in which the development is located.

VIII. MINIMUM AND MAXIMUM SETBACKS FROM STREETS AND ALLEYS

A. Purpose

Required maximum building setbacks are intended to complement applicable standards for building heights and floor area ratios as a means of ensuring the placement of buildings to promote an attractive streetscape and pleasant pedestrian environment. These regulations also assist in achieving a compatibility of building scale through the SCPA. Minimum setbacks are intended to ensure new construction occurs in a manner consistent with applicable building code, public utility easement or public open space requirements.

B. Standards

1. See Table 1 of this Section.

2. Except in the SCC-DT District, front setback standards shall apply to all sides of a building abutting a street or alley. Within the SCC-DT District, the front setback standards in Section 139 shall apply.

3. Required setbacks shall be measured from the street or alley right-of-way, including any landscape strip or sidewalk required to be dedicated or an easement granted under the provisions of this ordinance. Except in the SCC-DT District, conformance with the setback requirement is achieved when at least one main entrance to a commercial, industrial, research park, institutional or commercial/multi-family building located on the facade facing the street or alley is located no farther from the property line than the distance specified in the standard; or where at least seventy-five percent (75%) of the facade (excluding any garage or carport) of a residential dwelling facing the street or alley is located no farther from the property line than the distance specified in the standard.

4. Except in the SCC-DT District, maximum front setback may be exceeded where the following criteria are met:

    (a) In non-residential districts, additional space in excess of the setback requirements of the district is entirely occupied by usable open space or pedestrian space; and

    (b) In all SCPA Districts where:

        (1) the alternative setback is the minimum practicable to achieve the purpose of the exception;

(2) the alternative setback, proposed use within the space, and associated design treatments are approved as a part of the Development Review process; and

(3) the proposed exception meets one or more of the following criteria:

i) A project is situated adjacent to an existing curvilinear street or a curvilinear street approved by the City prior to August 6, 1996; or

ii) A project is within a discrete development, business park or campus development existing prior to August 6, 1996, where the majority of the parcels along the applicable block face or multiple block faces within the same line of sight were developed prior to that date and result in a uniform streetscape and pattern of development which would be disrupted by locating the project according to the setback requirements of the applicable district; or

iii) A project is contained within a Planned Unit Development approved prior to August 6, 1996 where deed covenants or contractual arrangements in place prior to that date would be violated if a building or project were to be sited according to the setback requirements of the applicable district; or

iv) Surface parking, maneuvering or loading areas, or a service dock is approved as part of the project in accordance with Section 138.VIII.C. and D.; or

v) A project is located on a "monument lot" at the entrance to, or at an essential point within, a development where the structure occupying the lot establishes the character of the development and where significant art, water features, plazas, landscaping, architectural treatment or other unique features are included in the project and would otherwise be prohibited by adherence to the setback requirements of the applicable district; or

vi) Where the maximum allowed setback of the use is less than eight feet (8') and

where a public utility easement greater than the maximum setback of the applicable district is required, and it is not practicable to place the utilities under the sidewalk or within an alley, the building may be set back to accommodate the easement for the underground utilities; or

vii) Within SCR-V, SCR-MD and SCR-LD Districts, where topography, wetlands, high voltage transmission lines, adverse parcel configuration, or other demonstrable hardships, not self-imposed, preclude platting the affected portion of a proposed subdivision in a connecting grid street pattern as required in Section 137.XVI.B.5. In order to maximize density on the resulting curvilinear streets and within cul-de-sacs, where lots may be created that are exceptionally narrow, or irregularly shaped, the maximum residential setback on such lots may be exceeded provided that:

a) the setback to the front plane of the dwelling is moved back no farther than necessary in order to obtain a 25 foot wide frontage for a townhouse or rowhouse, or a 48 foot frontage width for a detached house or duplex, and

b) the exemption does not apply to more than five (5) individual lots within a subdivision, unless a variance is granted by the Hearing Board to extend the exemption to not more than ten (10) lots in any given subdivision, and provided the variance criteria of Section 136.X.B.3.b and 3.c are met, and

c) such exemption does not reduce the overall residential density required by the applicable district.

(Amended by Ord. No. 4545/4-97, 5667/9-06 and Ord. No. 5973/7-11.)

5. Where a residential garage or carport is directly accessible from a public or private street or a public alley at the front property line, the setback to the opening of the garage or carport shall be either: (Amended by Ord. No. 4930/7-00.)

   a. equal to the setback of the dwelling unit if the setback is equal to or less than five feet (5'); or

   b. nineteen feet (19'), except:

      (1) where the setback of the dwelling unit is greater than nineteen feet (19'), then the setback to the garage/carport shall be equal to or greater than the dwelling unit; or

      (2) where the garage door or carport entrance is oriented perpendicular or nearly perpendicular to the front property line, and there is sufficient distance to park in front of the garage/carport entrance without extending over the property line or the sidewalk, then the setback shall be equal to or greater than the dwelling.

(Amended by Ord. No. 4545/4-97, renumbered as Section 5 to correct scrivener's error.)

6. Where an alley right-of-way is less than twenty feet (20'), buildings, including carports and garages shall be set back on either side an equal distance from the edge of the right-of-way so as to create an emergency fire access corridor of twenty feet (20') clear of obstructions.

(Amended by Ord. No. 4545/4-97, renumbered as Section 6 to correct scrivener's error.)

7. Expansion of existing ancillary structures or recreational facilities in public parks, and construction of new ancillary structures or recreational facilities in public parks, are exempt from the minimum and maximum setbacks of the applicable zone. Ancillary structures in public parks and recreational facilities may include, but are not limited to: restrooms; weather shelters; equipment storage buildings; and similar structures. (Added by Ord. No. 5201/11-02).

IX. VISION CLEARANCE

A. Purpose

This triangular area at intersections of streets and at intersections of alleys or driveways of commercial uses serves to ensure that the operator of a vehicle or bicyclist has a clear view of crossing traffic and pedestrian activity in order to allow them to safely maneuver through the intersection. To ensure proper vision clearance, certain corner lots or lots on curvilinear streets may have additional setback or architectural requirements, or may take advantage of the opportunity to incorporate pedestrian spaces into site design.

B. Standards

1. Except at signal controlled intersections in the SCC-DT District, projects constructed on corner lots or adjacent to alleys and driveways shall provide intersection sight distance as measured and recommended in accordance with the most recent adopted issue of A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Officials ("AASHTO") unless otherwise approved in writing by the City Engineer. Sight distances shall be based on the 85th percentile speed of the cross street as determined by the traffic engineering study done in conjunction with Development Review. (Amended by Ord. No. 5973/7-11.)

2. Projects within the SCC-DT District are to meet the intent of the AASHTO standard, except that the sight distance triangle may be occupied by a pedestrian space or other pedestrian amenity, and/or the second story and floors above may protrude into the visual sight distance triangle and may provide a structural support for the stories above within the sight distance triangle provided the location and size of such a support element or the objects placed within a pedestrian space do not, in the opinion of the City Engineer, create an unsafe situation. (Amended by Ord. No. 5973/7-11.)

C. Exceptions

At certain intersections on SE Oak Street and SE Baseline Street in the SCC-DT District, vision clearance areas at corners on the downstream side of the traffic flow may be waived at the discretion of the City Engineer. (Added by Ord. No. 4930/7-00 and Amended by Ord. No. 5973/7-11.)

X. MINIMUM AND MAXIMUM BUILDING HEIGHT REQUIREMENTS

A. Purpose

Minimum and maximum building height standards serve several purposes. They promote a reasonable building scale and relationship of one structure to another. They reflect the general building scale of transit-supportive commercial, residential, industrial, research park, and institutional development in the City's neighborhoods. They help to create a harmonious, pedestrian-sensitive visual setting which enhances the livability of a neighborhood. They also help assure an adequate intensity of development that supports the City's and region's substantial investment in light rail transit.

B. Standards

1. See Table 1 of this Section. Within Station Community Planning Areas, building height is measured from native grade, four feet outside the foundation of the structure. For purposes of calculating minimum and maximum height as cited in Tables 1.a through 1.n for any given District and notwithstanding the provisions of the Oregon Uniform Building Code, "story" in a free standing residential building shall be considered to be not greater than ten feet (10'). For all non-residential or mixed-use buildings and parking structures a "story" shall be considered to be not greater than fifteen feet (15'). The maximum height shall not include the roof structure above the ceiling of the top floor of the residential living space or the commercial,

industrial, or institutional occupancy, provided the roof pitch does not exceed 12:12. Where construction of grade level floors includes placement of earth berms above the native grade, such grade level floors are considered stories within this standard. However, a basement is not a story in the finished floor of the basement is at least six feet (6') below native grade. (Amended by Ord. No. 4545/4-97, 4930/7-00 and 6005/3-12.)

2. Private recreation facilities within 800 feet of an LRT station in a SCR-V District may be one (1) story provided the footprint of the building and any outdoor recreation facility does not exceed 7,500 square feet, and such facilities do not abut a major pedestrian route.

3. When requesting a building height variance, the building height is measured in feet, not stories, as set forth in Volume 1, Section 3 and the Exceptions to Building Height Limitations in Volume 1, Section 94. The maximum height allowed by Variance for all building types and uses in all Station Community Planning Area Districts shall be ninety feet (90'); except that industrial uses in the SCI or SCBP Districts may by Variance increase the maximum height for the sole purpose of accommodating manufacturing processes, up to a maximum of ninety-nine feet (99') and mixed use buildings in the SCC-SC District may by Variance increase the maximum height up to a maximum of one hundred twenty (120') feet. The maximum height allowed in the SCC-DT district for Major Institutions shall be one hundred feet (100') if additional building height is approved as part of a Concept Development Plan. After July 5, 2011, in no case shall a variance or Concept Development Plan be approved which would increase the maximum building height within Residential Compatibility Areas above the maximum building heights shown on Figure 139-3. (Amended by Ord. No. 5973/7-11 and 6005/3-12.)

4. In the event a maximum building height permitted by Table 1 or by this subsection as applied to a specific building site conflicts with that specified in the Hillsboro Airport Compatibility Study (May 1993), and the Federal Aviation Administration continues to certify the need for such a height restriction, the Hillsboro Airport Compatibility Study shall supersede and control.

5. A height requirement cited in Tables 1.a through 1.n for any given district does not limit, or require, a specific number of usable floors within a building or structure provided the interior floor-to-ceiling height meets the minimum requirements of the Uniform Building Code. As specified in paragraph 1, above, a story is a numeric measurement used to determine the allowed overall exterior height of a building or structure, including roof-mounted equipment (other than permitted aerials and antennas) and parapet walls or screening materials. However, given the possible variation in usable floor space within a building or structure, the exterior height of a building does not substitute for actual gross square footage of covered floor space when calculating floor area ratio. (Amended by Ord. No. 4545/4-97.)

6. The provisions of Section 94, Exceptions to Building Height Limitations, shall not apply to SCPA Districts except as approved by Variance.

7. Expansion of existing ancillary structures or recreational facilities in public parks, and construction of new ancillary structures or recreational facilities in public parks, are exempt from the minimum and maximum building height requirements of the applicable zone. Ancillary structures in public parks and

recreational facilities may include, but are not limited to: restrooms; weather shelters; equipment storage buildings; and similar structures. (Added by Ord. No. 5201/11-02).

XI. MINIMUM AND MAXIMUM OFF-STREET PARKING REQUIREMENTS

A. Purpose

Maximum off-street parking standards are intended to provide sufficient on-site parking to accommodate the majority of traffic generated by the range of uses which might locate on the site over time, taking into account the nature of those uses and the proximity and availability of light rail and other transit, as well as alternative modes of travel. Off-street parking standards in Station Community Planning Areas are lower than in other areas because of the increased availability of alternative modes of travel and in recognition that increased density of residential and pedestrian-oriented commercial uses makes less space available for parking in these areas. Minimum off-street parking standards in Station Community Planning Areas are applicable to dwelling units and are intended to accommodate the parking needs of local residents throughout the day so that travel by other modes is possible without vehicles parked on the street becoming obstacles to traffic and bicyclists on the local street network.

B. Standards

1. Table 2, below, contains the maximum off-street parking ratio standards for non-residential development within all SCPA Districts. Except where noted otherwise, the minimum non-residential off-street parking requirements of such uses within SCPAs is equal to fifty percent (50%) of the maximum. Table 3 contains the minimum and maximum off-street parking standards for residential and similar uses. Variance to minimum and maximum parking standards is allowed. Pursuant to the results of the Traffic Impact Study required under Section 137.XVI.C.1., the City Engineer may require off-street parking above the minimum standard to mitigate impacts of a use on the street system. (Amended by Ord. No. 5973/7-11.)

2. Off-street surface parking provided by any project or use within a Station Community Planning Area shall be at or below the maximum standards listed in this subsection. Multi-family, student housing and senior housing uses listed in Table 3, Maximum Allowed Parking, includes off-street short-term and guest parking.

3. Parking for free-standing residential structures in the SCC-DT District shall be incorporated within the structure. (Amended by Ord. No. 5973/7-11.)

4. Exceptions:

   a. Single family detached, single family attached, rowhouse/ townhouse, duplex and attached duplex dwellings allowed within any district may have up to two parking spaces per dwelling unit provided the parking is contained within an attached garage or covered carport. Single family detached dwellings may also allow for parking of up to two (2) vehicles

within the driveway provided there is a minimum of nineteen feet (19') between the back of the sidewalk and the front of the garage or carport.

b. Within the SCR-HD or any Station Community commercial, industrial or institutional district, the maximum off-street surface parking allowed by Table 2 of this Subsection may be exceeded by up to 150% by a project, use, or a consortium or aggregation of uses under the same or different ownerships if the parking is contained in a parking structure. If a parking structure is provided, the project or consortium of projects, or aggregated uses or users shall accommodate 100% of the required bicycle parking on the ground floor of the structure. (Amended by Ord. No. 4545/4-97.)

c. The following parking is exempt from the maximum standards of this subsection:

(1) Employee car/vanpool parking spaces;

(2) Dedicated valet parking spaces;

(3) Fleet parking; and

(4) Commercial parking where the fee or charge is equal to or greater than the average market rate within the Metro boundary; as determined and published regularly by Metro.

Where any of the above listed conditions that warranted the exceptions of this paragraph are no longer the case, the maximum allowed parking standards for the use in question shall apply.

d. The maximum amount of allowed parking for a project or use shall be adjusted upward according to the following formula, provided an applicant for increased parking demonstrates an actual or projected single user and/or tenant within one or more buildings within a project or use can or will generate a density of greater than the target population density for the area in question. The target density for the Regional Center within the Downtown SCPA (the SCC-DT District, except for the area northeast of Main and Cornell streets, and the SCR-HD District) is sixty (60) people per acre. In the remainder of the Downtown SCPA, and in all other SCPAs the target density is forty-five (45) people per acre. Provided that the applicant demonstrates such density achievements for a particular building or buildings, the maximum amount of parking, if so limited, shall be increased over that shown in Table 2 by eighty percent (80%) of the proportionate ratio by which the actual or projected density exceeds the target. The twenty percent (20%) discount is proportionate to the assumed number of people who will use modes other than the automobile for home-to-work trips. If in the future the modal split for auto based home-to-work trips falls below eighty

percent (80%) as determined by Metro, the discount percentage shall change accordingly, but in no case shall it increase above eighty percent (80%). (Amended by Ord. No. 4930/7-00 and 5973/7-11.)

The calculation of an increased parking maximum allowance under this provision is illustrated in the following examples. Say an applicant can demonstrate fifty (50) people per acre normally reside or are employed within a project or use boundary outside the downtown area. The target density for the area is forty-five (45) people per acre. In this case the amount of authorized parking would be allowed to increase to 109% of the maximum parking shown in the table. The math in this case is as follows: {[(50-45)/45] x 80%}+1=108.8 or 109% of the maximum parking allowed in the table. If it was shown seventy-five (75) people were at a one acre project or use location on a regular basis, the maximum parking allowed by the table could be multiplied by 153 percent based on the following calculation string: {[(75-45)/45]x0.8}+1=1.533=153%

5. Where a development project includes the construction of new or reconstruction of existing streets, either of which includes the addition of on-street parking, the on-street parking spaces may, at the election of the developer, be included in the calculation of maximum allowable parking, provided the adjacent street width accommodates parking without impinging on travel lane width and the on-street parking does not adversely impact adjacent bicycle or pedestrian facilities or adversely impact the overall traffic flow or safety in the vicinity.

6. Mixed use projects, or parking shared jointly by more than one user, may calculate the allowed maximum parking based on the total and proportional square footage of space within a project, or aggregated among the joint users, by each type of use. This provision also applies to campus developments and major institutions which include a mix of uses, whether the uses are under single or multiple ownership. (Amended by Ord. No. 4545/4-97.)

7. No maximum bicycle parking standards apply, but a minimum of two (2) covered spaces (or one (1) locker) per establishment is required regardless of calculation results. Where a calculation would otherwise result in a required bicycle parking requirement of less than two (2) spaces, owners of one or more adjacent small uses, or a single owner of a commercial building with multiple tenants, may aggregate their respective gross square footage into one calculation and provide the requisite number of common or joint use bicycle parking spaces; in which case the requirement for a minimum of two (2)covered spaces per establishment shall no longer apply provided at least two covered joint use spaces are provided by the consortium of users.

8. Where calculation of maximum residential parking results in fewer parking spaces than the required minimum, the minimum requirement shall apply.

Table 2: Maximum Non-Residential Parking Ratios in Station Community Districts [1]
[Minimum ratios equal to fifty percent (50%) of specified maximum ratios]

Land Use[2]	Maximum Parking Within 1,300[3] Feet (1/4 Mile +/-) Of A LRT Station (per 1000 square feet of gross floor area, unless otherwise specified)	Maximum Parking More Than 1,300 Feet And Less Than 2,600 Feet (1/2 Mile +/-) From A LRT Station (per 1000 square feet of gross floor area, unless otherwise specified)	Minimum Bicycle Parking[4] (greater of two spaces or the following):
Retail and Service Commercial[5,12]	5.1	6.2	0.25[6]
Medical/Dental/Veterinary Clinics, Medical Office Buildings[12]	4.9	5.9	0.25
Office and Similar Uses[7,12]	3.4	4.1	0.125
Eating or Drinking Establishments: Fast Food[12] Casual Dining[8,12] Fine Dining[12]	 5.5 10.0 12.0	 9.0 15.0 12.0	 2.0[9] 0.25 0.125
Theaters, Conference Centers and Assembly Halls	0.4 space per seat	0.5 space per seat	1 space per 20 seats
Health Spa, Gym,[12] Indoor Sport Club	5.4	6.5	1.5
Bowling Center	3.2 spaces per lane	6 spaces per lane	0.5 spaces per lane
Social club, amusement or recreation facility	5.4	6.8	0.125
Library or Reading Room	3.5	4.8	2.0
Hotel or Residential Hotel[10]	1.0 space/ guest room	1.0 space/ guest room, plus 0.6 space per employee[11]	0.125
Hospital	3.0		0.125
College, University, Technical School, or High School	0.3 space per FTE student and employee[11]	0.3 space per FTE student and employee	5% of FTE, day students
Elementary, Middle and Junior High Schools	0.8 spaces per employee	0.8 spaces per employee	10% of FTE, non-bussed day students
Places of Worship, Mortuaries and similar peak-loading facilities	0.3 space per seat	0.5 space per seat	1 space per 40 seats
Mixed-Use Residential	100% of the spaces per dwelling unit allowed in Table 3, plus 75% of the spaces required for the commercial		1 per dwelling plus commercial
Fairgrounds and Outdoor Sports Facilities	1.0 per 1,000 sq. ft. of visitor space	1.0 per 1,000 sq. ft. of visitor space	2.0 per 1,000 sq. ft. of visitor space
Manufacturing, Processing, Compounding, Light Industrial, Predominantly Industrial Flex Space, Campus Industrial And Accessory Industrial Uses	2.5	4.5	0.20
Laboratories and Research Facilities	3.5	5.0	0.20

(Amended by Ord. No. 4545/4-97, 4930/7-00, 5667/9-06, 5893/12-08 and 5973/7-11.)

Note: Footnotes No. 2 -11 for Table 2 are shown on the following page.

[1] Parking standards within this table apply only to property within 2,600 feet of a Light Rail Station. For property outside that distance the City-wide parking standards contained in Zoning Ordinance Section 84 shall apply.

Additional footnotes for Table 2: Maximum Non-Residential Parking Standards in Station Community Districts.

[2] Where a particular use is not listed, approximate based on the most analogous use shown in the table.

[3] Upon the effective date of any City of Hillsboro ordinance to implement Metro legislation adopting Region-wide parking standards for all local jurisdictions within the Metro boundary any maximum parking standards shall be those established by such ordinance.

[4] Except in the case of schools, the first 2 spaces of any required bicycle parking and 10% of those thereafter must be covered or within lockers. Except for schools, at the option of the applicant, required bicycle parking ratios may be reduced by 75% after the first fifty (50) spaces.

[5] Includes automotive service uses in the SCC-DT.

[6] Required bicycle parking at automotive service uses within the SCC-DT is 1 space per 20 employees.

[7] Includes office buildings, flex space and mixed use buildings that are predominantly in office use, governmental uses, and child care facilities.

[8] Examples of this type include Applebee's, Elmer's, Hale's, Shari's, Newport Bay, Reedville Café, etc.

[9] Bicycle parking for all restaurant uses shall be calculated using the dining area space only.

[10] May add additional spaces to accommodate restaurants open to non-guests, at the applicable casual dining ratio.

[11] Where a per employee standard is used in this table, the number of employees on the largest eight-hour working shift is to be used in the calculation; except in the case of a continuous industrial process use with approximately equal shift staffing where a multiplication factor of 1.5 may be applied. Otherwise, no additional parking allowance is made for shift overlap.

[12] No minimum parking is required for commercial development within the SCC-DT District. For residential development or the residential component of a mixed use development, the parking requirement is 0.75 spaces per unit or less as specified in Table 3.

Table 3: Residential Parking Standards in Station Community Districts

Housing Type	Minimum Required Parking (Per Dwelling Unit)	Maximum Allowed Parking (Per Bedroom)	Minimum Required Bicycle Parking[1]
Single Family Detached	1.0	0.90	None
Single Family Attached	1.0	0.90	None
Rowhouse	1.0	0.90	None
Townhouse	1.0	0.90	1.0
Duplex	1.0	0.90	1.0
Attached Duplex	1.0	0.90	1.0
Multi-Family Dwelling	1.5 [2]	0.90	1.0
Garden Apartment	1.25 [2]	0.90	1.0
Mid-rise Multi-family	1.5 [2]	0.90	1.0
Dwelling Unit within a Mixed Use Building	1.0 [2]	0.90	1.0
Live/Work Unit	1.0 [2]	0.90	1.0
Senior Housing	0.25	0.75	None
Residential Homes and Facilities	0.25 per resident plus 1 per caregiver	0.75 per resident	None
Group Living Structure (per Volume 1, Section 3)	2.0	1.0	1.0
Student Housing (Per dormitory type room)	0.25	0.75	1 per room

(Amended by Ord. No. 4930/7-00, 5667/9-06, 5973/7-11 and 6005/3-12.)

[1] Expressed in number of covered bicycle parking spaces per dwelling.
[2] Minimum parking shall be reduced to 0.75 spaces per dwelling within the SCC-DT District

XII. MINIMUM USABLE OPEN SPACE REQUIREMENTS

A. Purpose

Open space requirements are intended to assure opportunities for outdoor relaxation or recreation for residents, employees, and customers in Station Community Districts, and to ensure development proposals avoid unnecessary impacts on natural resources in the vicinity of the project. The standards work to ensure a portion of the site not covered by buildings is of adequate size, shape, improvement and location to be usable for outdoor recreation or relaxation, and to ensure the preservation of inventoried significant natural resources in the vicinity of the project. Required open space benefits the public health and is an important aspect of livability. Open space is particularly important in areas of more intensive residential and commercial development.

B. Standards

1. Non-residential projects on less than one-quarter (1/4) gross acre are not subject to open space requirements unless the project is part of or subsequently becomes a part of a series of projects or phases of a larger development in which case the original project shall be joined with all subsequent projects or phases in order to determine the required open space for the whole. Non-residential projects larger than ¼ gross acre, but smaller than one acre, shall provide minimum usable open space equal to five percent (5%) of the project gross acreage. Usable open space in non-residential projects may be privately accessible to customers and/or employees only, without providing public accessibility. (Amended by Ord. No. 4930/7-00.)

2. Residential projects smaller than one acre shall provide a minimum of 100 square feet of usable open space per unit, which may be private yards, courtyards, decks, or commonly owned tracts. Usable open space within such residential projects may be privately accessible to residents and guests only, without providing public accessibility. (Added by Ord. No. 4930/7-00.)

3. Residential subdivisions, Residential Village, commercial and industrial developments in all districts shall include usable open space within a project based on the gross acreage of the project. (Amended by Ord. No. 4930/7-00.)

   In the SCC-MM District the following provisions apply:

Use or Function of an identifiable Area within the SCC-MM District	Usable Open Space Attributable to the Identified Use & Parking (Percentage of Gross Acres of the Identified Area)	Percent Landscaping* Required in the Identified Area
All Commercial Uses, Offices, Hotels and Flex Space Buildings	5%	15%
Mixed Use Residential Buildings	10	10
Residential	15	5

*The actual area of landscaping installed in and around a parking lot pursuant to Section 138.VII.D. shall count towards meeting this requirement.

In all other Districts the following table shall apply:

Project Gross Acres	Required Usable Open Space
1.01 – 5	5.00%
5.1 – 15	7.50
15.1 – 25	10.0
25.1 – 50	15.00
51 – 69	13.50
70 – 99	12.50
100 –149	11.50
150 or more	10.00

(Amended by Ord. No. 4545/4-97 and 5973/7-11.)

4. In any District where outdoor seating for eating and drinking establishments is a permitted or conditional use, sixty-five percent (65%) of the area of the outdoor seating area may be counted toward the Usable Open Space requirement, even if the area is privately accessible to customers and/or employees only, without providing public accessibility. In addition, thirty-five percent (35%) of the area of the outdoor seating area may be counted toward the applicable Floor Area Ratio requirement. However, in each case, the outdoor seating area may be counted toward the requirement only if the area is fully improved and is located outside the public right-of-way. (Added by Ord. No. 4930/7-00.)

5. In determining where usable open space should be placed within a project, preference shall be given to:

   a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;

   b. Protecting lands where more intense development than an open space use may otherwise have a "downstream" impact on the ecosystem of the vicinity, including stands of mixed species and conifer trees, natural hydrological features, and wildlife feeding areas;

c. Enhancing park sites adjacent to where pedestrian routes converge;

d. Enhancing recreational opportunities near neighborhood commercial activity centers; and

e. Enhancing opportunities for passive relaxation and recreation for employees and/or visitors within a development project.

6. A project within any district containing ten (10) or more gross acres that is to be constructed in more than one phase, may aggregate the usable open space requirements into one or more designated usable open space sites or commons, provided:

a. The total usable open space required is set aside, and

b. The percentage of the total open space requirement that corresponds to the percentage of the development phase as it relates to the total project, is developed prior to, or concurrent with, occupancy of that phase of the first phase project. That is, if the development phase is twenty-five percent (25%) of the entire project, the amount of open space required to be developed is also twenty-five percent (25%) of the total open space requirement.

7. Pursuant to paragraph 4, where a multi-phase project has aggregated usable open space improved to the standards specified in Section 136.III.ccc, a prorated share of the aggregate usable open space may be allocated to a single lot or parcel. The allocated share may then be subtracted from the gross acreage of the subject lot to determine the Net Acreage for purposes of calculating FAR and/or residential density. If a prorated share of aggregated usable open space is not applied to a given lot or parcel, the applicant may request the prorated share be applied to another lot or parcel within the development provided all such open space transfers are accounted for. For purposes of this provision, lands that have been improved to usable open space standards and are subsequently dedicated to the City for park or greenspace purposes shall continue to be counted as part of the project's aggregate usable open space. (Added by Ord. No. 4545/4-97.)

8. To qualify as and meet the definition of usable open space and to be credited towards the requirements of paragraph 2, above, land so designated by an applicant must clearly be planned for that purpose and of sufficient size to serve a legitimate recreational or relaxation opportunity, and not simply be an apparently remnant tract or otherwise unusable or oddly shaped area. Small, odd or remnant parcels may qualify as usable open space provided that an applicant satisfactorily demonstrates special improvements have been made to create a space meeting the purposes and intent of the definition. Examples include: unique landscaping which creates a private contemplative sitting area; a basketball hoop and pavement which creates sufficient area to play a half-court pickup game without traffic or pedestrian safety concerns; a backboard and hard surface which provide a safe all-weather tennis practice area; and a bench and

plantings which provide a pocket wildlife viewing area. Conversely, a bulge of land with grass at a street corner or bulbout in a curbside landscape strip does not qualify just because of a tree and a bench. Vacant land need not be improved unless it is intended to be classified as usable open space. (Added by Ord. No. 4545/4-97.)

9. Usable open space in residential developments shall be sited and improved to provide active recreational and "third place" amenities intended to provide appropriate opportunities for physical activity and interaction among residents within the development. Except where inventoried Resource Level 1, 2, or 3 Significant Natural Resources, 100-year floodplain, or delineated wetlands are present on site, 100% of the required usable open space area shall be improved for active recreational and "third place" use. (Added by Ord. No. 5779/8-07.)

10. Higher density developments nearer light rail stations shall provide usable open space improvements which enhance the pedestrian environment and are appropriate to these higher density urban areas. Such improvements may include, but are not limited to, the following: hardscaped courtyards; weather canopies; water features and drinking fountains; benches or low walls with seating areas; free-standing planters; play structures; public art or other pedestrian space or design features integrated into the overall design of the development. (Added by Ord. No. 5779/8-07.)

XIII. MINIMUM LANDSCAPING, NATURAL RESOURCE AND MATURE TREE PRESERVATION REQUIREMENTS

A. Purpose

Landscaping, natural resource and mature tree preservation requirements are intended to soften the effects of built and paved areas and enhance the overall appearance of development in the City. Landscaping, mature trees and natural resource areas preserve and improve the character and livability of the area and break up large expanses of paved areas and structures. Landscaping and mature trees provide privacy to multifamily residents and to abutting residents. To encourage preservation of mature trees the City has provided elsewhere in this Ordinance for the reduction of net acreage on project sites, for purposes of calculating residential densities and floor area ratios. Landscaping also promotes livability in residential areas by providing buffering between residential and non-residential uses. Landscaping and natural resource areas help in reducing stormwater runoff by providing a permeable surfaces.

B. Standards

1. For all development, any portion of a site not occupied by buildings, parking, improvements, usable open space or protected natural resources shall be landscaped in a manner consistent with the requirements in Section 138. Where practicable, landscaping species and materials shall be selected to correspond in scale with the structures in the project, including selection of taller-sized species adjacent to taller buildings, if not prohibited by overhead utility lines or reduced setbacks. Also where practicable, if specimen trees (as

defined and described in Section B.3) have been removed for project construction, selection of landscaping species and materials shall include replanting of similar species at the largest available size. (Amended by Ord. No. 4930/7-00.)

2. As part of the Development Review process, a project in any SCPA District containing ten (10) or more gross acres, or a project of any size, including residential subdivision projects that would otherwise be exempt from development Review, that proposes to impact any inventoried significant natural resource as defined and set forth in OAR 660-23, DLCD Goal 5 regulations as they may from time-to-time be amended, shall identify and address the preservation of wildlife habitat, natural vegetation, wetlands, water quality, riparian areas and other natural resources and upland buffer areas important to the ecosystem on or in the vicinity of the proposed development site. Such development and subdivision proposals shall also identify specific development alternatives which would avoid or reduce such impacts and recommended measures to mitigate any impacts that result from the selected alternative. Development and subdivision alternatives and measures that mitigate the impact of the project on natural resources may be conditions of approval for any required development, subdivision, or building permit or authorization.

3. Projects, subdivisions and all of their elements in any SCPA district shall be planned, sited and constructed so as to avoid to the maximum practicable extent, the alteration of existing natural resource areas and the destruction or damage of mature, healthy trees on the site. No single Douglas Fir tree greater than twenty-four inch (24") diameter[1], or any type of deciduous tree greater than twenty inches (20") in diameter, or a single Grand Fir, Ponderosa Pine, Western Red Cedar, or hardwood tree with a diameter greater than twelve inches (12"), or a stand of three (3) trees or more trees exceeding twelve inch (12") diameter (or smaller if the species is at full maturity with less than 12") shall be cut, mutilated, destroyed, or damaged[2], nor shall a natural resource area be altered as the result of a project or subdivision unless the impact is identified and specifically approved based on the criteria cited in paragraph 4, below, along with any appropriate mitigation measures, as part of the Development Review process. Such a study shall identify all areas where the potential of windthrow may occur as a result of the proposed development and shall include a determination of the risk and measures recommended by a certified arborist to prevent windthrow as a result of cutting clusters of trees. (Amended by Ord. No. 5779/8-07 and 5893/12-08.)

4. Except where otherwise prohibited by law, an exception to the prohibition of cutting trees or to altering existing natural resource

[1] Tree diameters are to be measured at a point four feet (4') above grade.

[2] "damaged" includes "ringing" or bark removal, "topping" or other generally rejected pruning techniques, and injury to the roots of a tree, either due to cutting of roots or compaction of soil over the root area; where such activity is carried out to the extent that the tree is, in the opinion of a Certified Arborist, likely to die within five years as a result of the inflicted damage. (Ord No. 4455/8-96).

areas identified and protected by the provisions of paragraph 3, above, shall be allowed if:

a. A Certified Arborist determines that:

(1) Removal of a tree is necessary due to a safety hazard to persons or property; or

(2) A tree is irreparably diseased or dying, or is irreparably weakened by age, storm, injury or fire; or

b. A Registered Engineer certifies that:

(1) The area is needed for access to a building site for construction equipment and there is no practicable alternative route; or

(2) The area is needed to accommodate essential grade changes needed to implement storm water management requirements and/or engineering standards required for the integrity of the proposed building, and for which there is no practicable storm water management or grading alternative; or

(3) The location is needed for proposed buildings, streets, driveways, or other permanent improvements and there is no practicable alternative site, location or design option which would achieve the purpose and size of the proposed development within the lot, parcel or tract.

5. All trees and natural resources to be protected or preserved as a result of the above cited study and Development Review process, shall be marked and protected by a construction fence placed at least 5 feet outside the boundary or drip line of the resource or tree. No soil compaction, material or spoils storage or other activity deleterious to the tree or natural resource shall be allowed within the marked area. This provision shall be enforced as a requirement of any Building and Engineering Permits for the project.

6. Violations of this subsection, either intentionally or through negligence, are subject to the penalties authorized in Section 124 of this Ordinance, and construction shall be halted until any violation is rectified and mitigation measures implemented, or a legally binding mitigation plan and agreement is executed.

XIV. MIXED USE BUILDINGS AND MID-RISE APARTMENTS

A. Purpose

These standards are intended to assure an appropriate mix of uses within mixed use buildings and apartments in Station Community commercial districts.

B. Standards

Retail, office and residential uses are permitted in mixed use buildings as follows:

1. In the SCC-SC, SCC-MM, SCR-HD, and SCR-V Districts, residential dwellings may include business activities either on all or a portion of the first floor of a multi-story dwelling, or on the street-side portion of a single story dwelling existing before the effective date of this Ordinance, provided that such activities are in compliance with all applicable fire and life safety, and building codes. New dwellings that are intended for use as a "live-work" unit shall be designed to have the business activities contained on the first floor with living space above. Existing multi-story dwellings within the named districts may be remodeled to accomplish the same objective. In either case, in conformance to Building Code requirements, first floor facilities may serve common use between the business portion and the living portion of the structure. (Amended by Ord. No. 5973/7-11.)

2. In the SCC-MM, SCC-SC and SCR-V Districts:

   a. Where residential use is not provided, a combination of retail and office uses is permitted on all floors with ground floor uses restricted to retail and/or pedestrian-related office or service uses.

   b. Where residential use is provided, neighborhood commercial, office and residential uses are permitted on the ground and second floors, and neighborhood commercial, office and residential uses are permitted on all floors, so long as at least 5,000 gross square feet of neighborhood commercial uses (other than live/work) is located on the ground floor.

   (Amended by Ord. No. 5973/7-11 and 6005/3-12.)

3. In the SCC-DT District: Any combination of permitted uses is permitted on any floor. (Amended by Ord. No. 5973/7-11.)

4. In the SCC-SC and SCR-V Districts: Where mid-rise multi-family apartment buildings are located within 200 feet of a LRT station site, at least ten percent (10%) of the ground floor (up to 5,000 gross sq. ft.) shall be dedicated to neighborhood commercial uses other than live/work. (Amended by Ord. No. 6005/3-12.)

5. Within the Downtown SCPA, in the SCR-DNC and SCR-MD Districts, and in compliance with the requirements of Section 139 IV.L., residential business uses may combine residential dwellings and business activities either on all or a portion of the first floor of a multi-story dwelling, or on the street-side portion of a single story dwelling existing before the effective date of this Ordinance, provided that such activities are in compliance with all applicable fire and life safety, and building codes. New dwellings that are intended for use as a "live-work" unit shall be designed to have the business activities contained on the first floor with living space above. Existing multi-

story dwellings within the named districts may be remodeled to accomplish the same objective. In either case, in conformance to Building Code requirements, first floor facilities may serve common use between the business portion and the living portion of the structure. (Added by Ord. No. 4930/7-00.)

XV. SIDEWALKS

A. Purpose

Pedestrian access to and from residential neighborhoods, commercial activities, employment opportunities and transit stops is critical to the development of a transit-supportive and pedestrian-sensitive environment in Station Communities. Broad walkways connecting key streets directly to transit stops and activity centers will provide a pleasant environment for pedestrians, give visual indication as to the most direct route to transit and key neighborhood activity centers, and help ensure the sidewalk system has the capacity to adequately accommodate peak use. To provide pedestrians access, the whole Station Community should be linked by an integrated network of sidewalks that ensure linkages between the homes, businesses and transit stops within the Station Community. The sidewalks feeding into or running parallel with the broader walkways must be wide enough and must be constructed in a manner to ensure access to all residents of and visitors to the Station Community and, consequently, meet the requirements of the Americans with Disabilities Act and the intent of the Oregon Transportation Planning Rule.

B. Standards[1]

1. All new development or expansion of existing development on properties abutting the major pedestrian routes listed below, leading to light rail stations or to central commercial areas within the SCPAs shall incorporate, construct and dedicate or provide public easements for sidewalks, of the widths specified below. Except in those exception areas listed in Sections (2), (3), (4) and (5) below, sidewalk improvements shall include a landscape strip, located between the back of the curb and the sidewalk, of not less than four feet (4') in width. Within the listed exception areas, sidewalk improvements shall include street trees planted in wells, with grates. If the existing public right-of-way is insufficient to accommodate such sidewalks and landscape strips, necessary dedications or easements shall be provided to the City prior to the issuance of building permits for the development or expansion. This requirement shall not apply to redevelopment or remodeling where the face of the existing building is not moved from its current position in relation to the street, and there is less than thirteen feet (13') from the face of the curb to the face of the existing building, in which case the dedication or easement shall be adjusted accordingly. Projects seeking approval through the Development Review process applicable to SCR-V and phased commercial, industrial and institutional process contained in Section

[1] Where any street within a SCPA is under ODOT or Washington County jurisdiction at the time of development application, the street design is subject to County Standards and the approval of ODOT or the County Engineering Division. However, the components, options and design criteria listed shall constitute the City's comment to ODOT or the County on that aspect of the development application.

136.VII.B., may submit an alternative sidewalk development element during the Concept Development Plan phase of the process. (Amended by Ord. No. 4930/7-00.)

2. Within the Downtown SCPA, sidewalk improvements shall be either a minimum of twelve (12) feet in width, with street trees in wells (no planter strip); or eight (8) feet in width, with a minimum four (4) foot planter strip, on the street frontages illustrated on Figure 1. Sidewalks on streets not specified on Figure 1 shall be five (5) feet in width, with a minimum four (4) foot planter strip. (Amended by Ord. No. 4930/7-00, 5006/3-01 and 5973/7-11.)

3. Within the Fair Complex/Hawthorn Farm SCPA, sidewalk improvements shall be either twelve (12) feet in width, with street trees in wells (no planter strip); or eight (8) feet in width, with a minimum four (4) foot planter strip, on the street frontages illustrated on Figure 2. Sidewalks on streets not specified on Figure 2 shall be five (5) feet in width, with a minimum four (4) foot planter strip. (Amended by Ord. No. 4930/7-00 and 5006/3-01.)

4. Within the Orenco SCPA, sidewalk improvements shall be either twelve (12) feet in width, with street trees in wells (no planter strip); or eight (8) feet in width, with a minimum four (4) foot planter strip, on the street frontages illustrated on Figure 3. Sidewalks on streets not specified on Figure 3 shall be five (5) feet in width, with a minimum four (4) foot planter strip. (Amended by Ord. No. 4930/7-00 and 5006/3-01.)

5. Within the 185th/Quatama SCPA, sidewalk improvements shall be eight (8) feet in width, with a minimum four (4) foot planter strip, on the street frontages illustrated on Figure 4. Sidewalks on streets not specified on Figure 4 shall be five (5) feet in width, with a minimum four (4) foot planter strip. (Amended by Ord. No. 4930-7-00 and 5006/3-01.)

6. Sidewalks on all other streets and pedestrian ways within all SCPA Districts shall be constructed and dedicated or a public easement provided as part of any development and shall be a minimum of five feet (5') in width and shall also include a minimum four foot (4') wide landscape strip between the sidewalk and the back of curb.

7. All sidewalks shall meet and fully comply with the requirements of the Americans with Disabilities Act.

8. Street furniture, street lighting poles, fire hydrants, traffic signals, parking meters, telephone booths, newspaper boxes, building protrusions, public utility access vaults, mailboxes, vending carts and stands, and the like shall not reduce the clear sidewalk width to less than five feet (5') in Station Community Planning Areas. If the location of such an obstacle would otherwise reduce the clear walking space to less than five feet (5') such obstacles shall be placed either

within the landscape strip area, on the property behind the back edge of the sidewalk, or the width of the sidewalk adjusted accordingly to maintain the minimum clear walkway width called for by this subsection. (Amended by Ord. No. 5676/10-06.)

XVI. STREET AND ALLEY STANDARDS

A. Purpose

Street standards within Station Communities provide for pedestrian orientation while ensuring motor vehicle and emergency service access and circulation. Street widths and lane configurations within Station Communities may be narrower, or in some instances wider, than elsewhere in the City to accommodate the design of smaller lot developments and its related density and traffic demands, to provide for traffic calming measures, to provide for landscape strips between the curb and the sidewalk, and to provide for other measures and standards consistent with the overall purpose of transit-oriented development. In addition, to ensure access to residential and commercial development built to higher densities found in Station Communities, alleys are an essential element of the circulation system in certain areas; consequently, Station Community Districts may require alleys. Further, access to lots within Station Communities may be held to a different standard than elsewhere in the City to ensure maximum connectivity between adjacent developments within the Station Community, to optimize the utilization of developable land, and help develop a safe and secure neighborhood where walking and bicycling is a preferred method of travel. Where development occurs in previously undeveloped land or in other areas where possible, streets and alleys should be laid out to create a grid system but in any case shall be laid out with block lengths limited to easily walkable distances.

B. Standards[1]

1. Streets within development projects in Station Community Planning Areas shall be configured to meet the urban design of the development, the traffic volume and characteristics of the density and uses within the development, and the on-street parking demand of the uses. Final street cross-section (number and width of lanes, parking on one or two sides, etc.) and right-of-way widths shall be determined based on the roadway cross sections submitted by the applicant during Development Review; except that individual components shall have the following performance standards and requirements:

[1] Where any street within a SCPA is under Washington County jurisdiction at the time of development application, the street design is subject to County Road Standards and the approval of the County Engineering Division. However, the components, options and design criteria listed shall constitute the City's comment to the County on that aspect of the development application.

a. Local And Minor Collector[1] Streets:

(1)	Maximum Design Speed:	25 MPH
(2)	Minimum Lane Width	10 feet
(3)	Maximum Lane Width	12 feet
(4)	Curb Height (Portland Cement Concrete)	0.5 feet
(5)	Curb Return Radius	15 feet
(6)	Intersection Throat, Minimum, 2-Lane	24 feet
(7)	Intersection Throat, Minimum, 3-Lane	34 feet
(8)	Minimum Clear Fire Lane and Requirements:	12 feet

surfaced travel lane within a clear corridor of twenty feet (20')

(9) Parking Lane or On-Street Bay Minimum Width: 7 feet;

on-street parking on at least one side of the street shall be required in all residential areas except where additional visitor parking associated with multi-family, senior or student housing allowed by Section 137.XI has been incorporated into the development. Where no parking lane has been constructed, a No Parking sign shall be installed as part of the development.

(10)	Minimum Curbside Landscape Strip	4 feet
(11)	Minimum Sidewalk Width and Requirements:	5 feet

on both sides of the street unless adjacent to a park or open space with an internal circulation system approximately parallel to the street and connecting to the sidewalk system at an appropriate intersection or location.

(12)	Bicycle Lane Width and Requirements	6 feet

on both sides of a collector street; none required on local streets. Lanes shall be striped and marked with thermoplastic materials and sign installed as a part of the development.

[1] A "minor collector" is also known as a "residential collector", or a class "D" street; and a "major collector" is also known as a "collector/industrial" or class "C" street.

(13) Minimum Alley Width and Right-of-Way: 16 feet

surfaced travel lane within a right-of-way of twenty feet (20').

(14) Construction Materials: Local streets and minor collectors may be constructed of either Portland Cement Concrete or Asphaltic Concrete with a structural cross section meeting or exceeding the engineering standards of the City. Portland Concrete is the preferred material for local streets and minor collectors is the required material to be used for all curbs and gutters. Alleys shall be constructed of either Portland Cement Concrete or Asphaltic Concrete with a structural cross section meeting or exceeding the engineering standards of the City. All streets and alleys shall include all signs and on-street thermoplastic markings necessary to properly operate the street or alley as designed; including, but not limited to, lane markings, bicycle striping and markings, no parking signs, stop signs, traffic signals, curb markings, parking stall markings, and all other necessary signs and markings. (Amended by Ord. No. 4930/7-00.)

(15) Public Utility Easement Width and Requirements: 8 feet;

Except as provided in Section 138.IV.C.5., all public utility distribution and service connections within a development project shall be placed underground using one of the three location options:

(a) Under the sidewalk; where whole blocks are constructed at the time of development or the maximum setback of the district is less than ten feet (10') for the adjacent type of development.

(b) Back of sidewalk; where the maximum setback of the district is ten feet (10') or more; or

(c) Within the alley right-of-way.

b. Collector and Arterial Streets, Minimum Number, Lane Width and Median Requirements:

(1) The standards and requirements of Local Streets and Minor Collectors shall apply; except that:

(a) Major collector streets shall be constructed using a three (3) lane section with two (2) travel lanes at least ten feet (10') in width, a center median/left turn lane eleven feet (11') in width

and the left turn storage lane length sized to meet the demand as determined by the traffic engineering study.

(b) Collector and arterial streets designated as a transit street or planned transit street shall construct the curbside lane to be twelve (12') wide without reducing the minimum widths of any other component within the right-of-way.

(c) Collector and arterial streets shall provide six foot (6') on-street bicycle lanes in both travel directions.

(d) Traffic calming measures shall be allowed on all streets within SCPAs and shall be required as the result of the Development Review process where warranted by the results of the traffic engineering and pedestrian circulation study.

(e) Major collector and arterial streets shall be constructed of Portland Cement Concrete.

(f) Arterial street travel lane numbers, widths, median and turn lane requirements shall be sized and constructed according to the results of the traffic engineering study and engineering standards required elsewhere in the City except where those standards conflict with specific provisions of this subsection the provisions of this subsection shall prevail.

(g) Major collector and arterial streets controlled by traffic signals shall provide a sidewalk intersection of sufficient size and design to afford, at a minimum, AASHTO Urban Street Pedestrian Queuing Area Level of Service "D" (7 square feet /person), and a pedestrian refuge within the median area of a street of three (3) or more lanes to provide, at a minimum, AASHTO Urban Street Pedestrian Queuing Area Level of Service "C" (10 square feet /person). Queuing area size shall be determined based on the traffic engineering study using these minimum Levels of Service.

C. Street Improvement Review and Requirements

1. An applicant for a project or phase of a multi-phase project that is one or more gross acres in size or which is forecast to generate one hundred (100) or more average daily auto trips, shall complete and file with the City Engineer as a part of the Development Review process a traffic impact report. The report shall analyze the impact of

the project or phase of a project on the City, County and State road and street systems within one (1) mile of the borders of the project or phase of a project, or to such greater distance as necessary until the traffic analysis shows that the impact of the project or phase of a project has dissipated to where it no longer results in an impact of ten percent (10%) or more over current conditions. Such report shall be prepared and certified by a registered traffic engineer. The required report shall comply with the standards listed below:

a) The report methodology shall generally be in accord with the standards and procedures set forth in Washington County Resolution and Order 86-95 and related code provisions. The report shall distinguish between traffic safety improvements found necessary due to the impacts of the project or phase of a project, and roadway capacity improvements necessary because of the traffic volume generated by the project or phase of a project. The engineer shall include an estimate of the rough proportionality of the identified safety improvements to the estimated impact of the project or phase of a project, and may include a cost-effectiveness analysis for all traffic safety problems and potential solutions identified by the study.

b) For development projects within a 2,600-foot radius of an LRT station the applicant shall supplement the traffic impact report with a pedestrian circulation study that:

i) indicates the proposed routing and the various widths of all elements of the pedestrian system;

ii) identifies traffic calming measures which facilitate pedestrian movement into and through the development project or phase of a project; and

iii) uses the AASHTO or Highway Capacity Manual procedures, calculation methodology and pedestrian level of service standards, including any such standard specifically applicable to light rail transit and related development.

c) The general performance standards for transportation facilities (as measured for both intersection and roadway segments) shall be the Level of Service ("LOS") measurements shown in Table 137.4. In determining LOS, the report shall utilize the method prescribed in the latest edition of the Highway Capacity Manual published by the Transportation Research Board.

(Amended by Ord. No. 4545/4-97 and 4930/7-00.)

Table 137.4: Level of Service Standards Within Station Communities

Measurement	Level of Service Thresholds: Preferred	Acceptable	Not to Equal/Exceed[1]
1. REGIONAL FACILITIES: Intersections between: Major Arterial and Major Arterial; Major Arterial and Minor Arterial; Minor Arterial and Minor Arterial; and multi-directional intersections including two or more arterial streets. Intersections between State facilities and all Major or Minor Arterial Streets or Roads. Roadway segments involving State facilities and all major and minor arterial streets and roads.			
Mid-Day One-Hour Standard[2]	C	D	E
One-Hour Peak Use Standard[3]	D	E	F
2. CRITICAL REGIONAL FACILITIES: Intersections and roadway segments of the type described in #1 above, which are located along 185th Avenue from the Sunset Highway (US 26) through Baseline Road; Evergreen Road from 185th Avenue through Glencoe Road; Baseline from 185th through Brookwood; Cornell Road from 185th through Main Street; Cornelius Pass Road from US 26 through Tualatin Valley Highway (Oregon State Highway 8); Tualatin Valley Highway from 185th to Maple; 10th Avenue from Maple Street to Main Street; and Glencoe Road/1st Avenue from Evergreen Road to Walnut Street.			
Mid-Day One Hour Standard[2]	C	D	E[4]
Peak One Hour Standard[3]	D	E	F[4]
Peak 20 Minute Standard[5]	D	E	F[4]
Arterial Sections Peak One Hour Standard[6]			
3. OTHER FACILITIES: Intersections between: Arterial and Collector; Collector and Collector; Local Streets and Arterial or Collector; Local and Local; Intersections between State facilities and collector or local streets and roads. Roadway segments other than listed in 1 or 2 above.			
Mid-Day One Hour Standard	C	D	D[7]
One Hour Peak Use Standard[3]	C	D for one-hour or E for 20 minutes	E[7]

(Amended by Ord. No. 4545/4-97.)

[1] Trigger point for capital improvement requirements.

[2] A one-hour period measured during the peak hour between Noon and 2:00 p.m. (whichever is higher) to assess off-peak congestion.

[3] The one-hour peak period is measured at either the morning or evening peak period, whichever is greater at the location of interest.

[4] A LOS greater than indicated at a Critical Regional Intersection requires additional intersection and arterial system analysis based on the methodology prescribed in the Highway Capacity Manual, Special Report 1994, Chapter 11. The arterial system analysis requires regional travel model (EMME-2) estimates of travel speed for mid-block arterial sections and field study of "Time Travel Runs" as specified in Chapter 11 of the Highway Capacity Manual.

[5] A 20 minute segment within the peak hour measurement where the maximum congestion is reached, and not exceeded in any other 20 minute segment during the peak hour.

[6] Prior to accepting a "system" solution to an excessive LOS, the full cross-section (all lanes) called for in the Comprehensive Transportation Plan's Functional Classification Map shall be constructed.

[7] It is not the intent to degrade the LOS of category 1 or 2 facilities as a result of improvements on category 3 facilities. Installation of traffic signals at category 1 or 2 intersections to achieve the LOS standard on category 3 facilities shall only be allowed with the approval of the City/County/State Engineer, or designee, of the appropriate category 2/3 road authority.

2. The City Engineer shall require appropriate safety, intersection and roadway improvements within or adjacent to the project or phase of a project if the traffic impact report required in paragraph 2 above indicates that:

   a. The project or phase of a project will cause unsafe conditions at site accesses or on the roadways or at intersections within or adjacent to the project or phase of a project; or

   b. The Acceptable Level of Service (LOS) Standard in Table 137.4 will be exceeded for any impacted site access, intersection, or roadway within or adjacent to the project; or

   c. The proposed off-street parking is insufficient and will cause excessive or deleterious spill-over effect on the neighborhood or the adjacent road or street system; or

   d. Traffic calming measures beyond those proposed by the applicant are warranted.

   As used in this subsection, "within" means interior to the entire project proposed or available for current or ultimate development by the applicant or under the applicant's control.

   Notwithstanding the definition contained in Section 136.III, "Adjacent" as used in this subsection means any street, alley, bikeway, intersection, site access, or pedestrian facility which borders on or abuts any portion of the project that may in any way be impacted as a result of the subject project. "Adjacent" as used herein also includes the nearest street and roadway intersections in all directions from the proposed project that may be negatively impacted by more than ten percent (10%) as a result of the project.

(Amended by Ord. No. 4545/4-97.)

3. The City Engineer, during Development Review or at the appropriate phases of the Concept Development Plan or Detailed Development Plan review process (Section 136.VII.B), shall examine the proposed street, alley, sidewalk, bikeway, and intersection improvements to determine: their adequacy to serve the proposed use(s); consistency with applicable standards for roadway or other construction requirements; compliance with adopted road standards; and compliance with the provisions of Paragraph 1 of this subsection. When necessary, the City Engineer may require the applicant to prepare a geotechnical analysis and/or Pavement Design Report in order to determine whether the proposed roadway structural design is sufficient to withstand the projected traffic. The City Engineer shall require additional street, alley, sidewalk, bikeway, and intersection construction and/or improvements beyond those proposed by the applicant if necessary to meet any of these standards. (Amended by Ord. No. 4545/4-97.)

4. In addition to the requirements of paragraphs 3 and 4, if the results of the traffic impact report required in paragraph 2, above, indicate:

   a) the project or phase of a project will contribute toward the need for safety improvements at intersections or on the roadway system other than within or adjacent to the project (known as the "off-site impact area"), or

   b) The Level of Service Standard for any such impacted intersection or roadway segment within the off-site impact area will be degraded to or below the LOS shown in the "Not to Equal or Exceed" column of Table 137.4 as a result of the project or phase of a project,

   then, the City Engineer shall require the applicant to construct, or contribute a proportionate financial share towards construction of, any off-site capacity and/or safety improvements necessary to eliminate the unsafe condition and return the street/roadway segment and/or intersection to an "Acceptable Level of Service." Similar off-site improvements identified by the traffic impact report as affecting the County road and/or State highway system shall be included in the calculations and made a part of the City's conditions for project approval, upon written request by the County Engineer or ODOT Region 1 Engineer, or their designee.

(Added by Ord. No. 4545/4-97.)

5. The requirements for off-site improvements identified in paragraph 5 shall be subject to the following provisions:

   a) The maximum required financial contribution from the applicant for necessary off-site roadway capacity improvements shall not be required to exceed the estimated amount of Traffic Impact Fees ("TIF") associated with the project or phase of a project as calculated under the standard method adopted by the City in Resolution No. 1596 pursuant to Washington County Ordinance 379 as codified in Chapter 3.17 of the Washington County Code as, or as may be, amended.

   b) The maximum required financial contribution, TIF Credits notwithstanding, from the applicant for necessary off-site traffic safety improvements shall not exceed an amount equal to the engineer's estimate of the proportional share of the cost[1] of the identified safety improvement based on the impact of the project or phase of a project as identified in the Traffic Impact Report. However, if an applicant has not received TIF credits equal to or greater than the amount of estimated Traffic Impact Fees to be due before a Building Occupancy Permit is ready for issuance, the applicant shall use the

[1] For purposes of this provision, the proportionate cost of a traffic safety improvement attributable to the applicant shall equal the total cost of the improvement times the ratio (percentage) of: the number of peak hour trips through the intersection or roadway segment in question which are ascribe to the project or phase of a multi-phase project, divided by the number of peak hour trips at the same location before adding the impact of the project or project phase.

remainder of the credit to complete or contribute towards completing the traffic safety improvements. At the request of the City Engineer, an applicant eligible for TIF Credits shall implement identified Traffic Safety improvements before applying credits toward roadway capacity improvements.

c) If the estimated amount of TIF fees available from the project or phase of a project together with the required contribution for traffic safety improvements is insufficient to complete the off-site traffic improvements within the impact area, the City or the County or both may, but shall not be required to, complete the off-site capacity improvements as revenues may become available to their respective TIF Fund or other eligible transportation fund.

(Added by Ord. No. 4545/4-97.)

6. If identified off-site improvements within the impact area are not completed or guaranteed to be completed by the applicant, or by the City and/or the County as provided above, or if there remains a traffic safety hazard, or if the LOS is equal to or greater than shown in the "Not to Equal or Exceed" column of the Table 137.4 on any street or roadway segment or intersection within the impact area as a direct result of the project or phase of a project, the Planning Director or the Planning Commission shall:

a) deny the application, or

b) approve the application in part, with a condition stipulating only the portion or phase(s) of the proposed project which can be constructed without exceeding the acceptable LOS standard and which does not cause a traffic safety hazard may be built. In this event, an applicant may reapply for subsequent portions or phases of the project when traffic and street conditions have changed to the degree where the remainder of the project or phase of a project can meet the safety and LOS standards cited above.

(Added by Ord. No. 4545/4-97.)

7. Notwithstanding paragraph 7, an applicant, on their own initiative, may offer either alone or in consortium with others to complete and/or finance the completion of identified off-site improvements beyond the limits described in paragraph 6 where such improvements mitigate identified traffic safety hazards or achieve an acceptable level of service. Where such a proposal is made by the applicant, the Planning Director or Planning Commission, as appropriate, may approve the application provided the off-site improvements are guaranteed by methods acceptable to the City Attorney and to the City Engineer and are completed prior to any occupancy within the project or identified phase of a project. (Added by Ord. No. 4545/4-97.)

8. Where development occurs on previously undeveloped land containing 3.7 or more gross acres, or where development is on a smaller parcel of land where planned or existing streets and alleys are adjacent, streets and alleys shall be laid out to create a grid system of through, connecting streets and, where possible, shall connect or be planned to connect to existing streets and roadways. The street system shall be reasonably straight and direct, avoid unnecessary curving and exclude cul-de-sacs unless the street terminates at a natural resources area or other obstacle where there is little likelihood of future continuation. Where the development is in the vicinity of a light rail transit station or a transit trunk route bus stop, the streets shall be laid out to provide a direct and continuous route to the transit stop or to such a roadway in an adjacent development. Block perimeter lengths created by the street and alley pattern shall not exceed 1,600 feet.

9. In Station Community residential and commercial districts, blocks created in previously undeveloped areas shall incorporate, where practicable, an alley system consistent with the proposed street grid and block perimeter system to facilitate access to garages and accessory dwelling units located near the rear of lots facing onto a public or private street, and to facilitate utility and garbage service which might otherwise have to be accommodated in or beside the public street at the front of the property.

D. Alley Improvement Review and Requirements

1. Development projects within the Downtown SCPA adjacent to any of the existing or vacated alleys shown on Figure 5 shall dedicate the applicable portion of right-of-way as necessary to complete a 20 foot ultimate right-of-way width. Alley right-of-way rededications shall be required where alley right-of-way was previously vacated, upon redevelopment of the property. Dedication or rededication shall be required even if the alley right-of-way intersects with only one public street and does not extend the full depth of the block. (Added by Ord. No. 4930/7-00.)

2. In addition to dedication of alley right-of-way, development projects within the Downtown SCPA adjacent to any of the existing or vacated alleys shown on Figure 5 shall construct alley improvements sixteen (16) feet in width adjacent to the property within the dedicated right-of-way where the full 20-foot alley right-of-way width is available. Such alley improvements shall be required even if the alley right-of-way intersects with only one public street and does not extend the full depth of the block. Construction of alley improvements shall be required whether or not the project proposes to use the alley for access, unless construction is waived by the City Engineer pursuant to Subsection 5. (Added by Ord. No. 4930/7-00.)

3. In addition to the existing and vacated alleys shown on Figure 5, where the existing configuration of Tax Lots within a standard city block (400 feet by 400 feet) has an identifiable east-west axis at mid-block, alley right-of-way dedication shall be required on all lots abutting the potential east-west alley, as necessary to establish a 20

foot ultimate right-of-way width along the mid-block east-west axis. (Added by Ord. No. 4930/7-00.)

4. Development projects within the Downtown SCPA adjacent to any newly dedicated alleys created in compliance with Subsection 3 shall construct alley improvements sixteen (16) feet in width adjacent to the property within the dedicated right-of-way or perpetual easement, way, where the full 20–foot alley right-of-way is available. Such alley improvements shall be required even if the alley right-of-way intersects with only one public street and does not extend the full depth of the block. Construction of alley improvements shall be required whether or the project proposes to use the alley for access, unless construction is waived by the City Engineer pursuant to Subsection 5. (Added by Ord. No. 4930/7-00.)

5. The City Engineer may waive alley construction requirements adjacent to a development project if the subject site is an interior lot, without frontage on a public street, upon determination that alley construction should be deferred pending alley dedication and construction on intervening properties, between the development site and the nearest public street. If alley construction is deferred under these circumstances, the developer shall pay a fee in-lieu of construction for the alley improvements.

6. In conjunction with the alley improvements required in subsections 2. and 4. above, the City Engineer may require an interim improvement, from the property line to the nearest intersection with a public street. Such interim improvement shall be constructed to accommodate emergency vehicle access standards for weight and width, as approved by the City Engineer and the Fire Marshal. (Added by Ord. No. 4930/7-00.)

7. Alley dedication, construction, and use is the standard for development in the Downtown SCPA outside the SCC-CBD. If a development proposal is eligible for alley dedication and construction under subsections 1 through 6 above, but does not include alleys, the developer must demonstrate why alley construction is not feasible, and the development must comply with all other applicable standards. Economic hardship is not considered proof of unfeasibility. (Added by Ord. No. 4930/7-00.)

XVII. LOT ACCESS

A. Purpose

Requirements for access and minimum lot frontage ensure that newly created lots and parcels, or lots reconfigured through property line adjustments, will have adequate street frontage and area for vehicular access, including emergency vehicle access, and can therefore be developed to the applicable minimum standards. (Amended by Ord. No. 4930/7-00.)

B. Standards

1. See Table 1 of this section, except for flag lots as specified in subsection 4. The specified minimum lot frontage may be on a public street or alley, or platted private street or alley, except in the SCR-OTC District, where alley frontage without street frontage on the same lot, is prohibited. Specified minimum lot frontages apply to full frontage lots. (Added by Ord. No. 4930/7-00.)

2. Property abutting the end of a public or platted private street not terminating in a cul-de-sac shall not be considered as having access. (Added by Ord. No. 4930/7-00.)

3. Creation of flag lots is prohibited in the SCR-OTC District. In any other SCPA district, creation of flag lots through subdivision, partition, or property line adjustment is prohibited unless the applicant can clearly demonstrate that dedication and improvement of a public or private alley is impracticable. Flag lots are also prohibited where the lot in question is on the edge of a block, appropriately located to allow construction of an alley in lieu of the requested flag lot access. (Added by Ord. No. 4930/7-00.)

4. Notwithstanding subsection 3. above, an interim flag lot access may be allowed, provided the remaining right-of-way necessary for the alley is not in public ownership or easement control, and provided the applicant dedicates or provides a permanent public easement over the rear lot for the right-of-way necessary to construct an alley at a future time, and the applicant pays an appropriate in lieu fee to the City for construction of the alley. Such interim flag lot access shall be a uniform minimum of 15 feet in width for one or two dwelling units; 20 feet in width for three to seven dwelling units, and 25 feet in width for all non-residential uses. (Added by Ord. No. 4930/7-00.)

Downtown SCPA Sidewalk Requirements

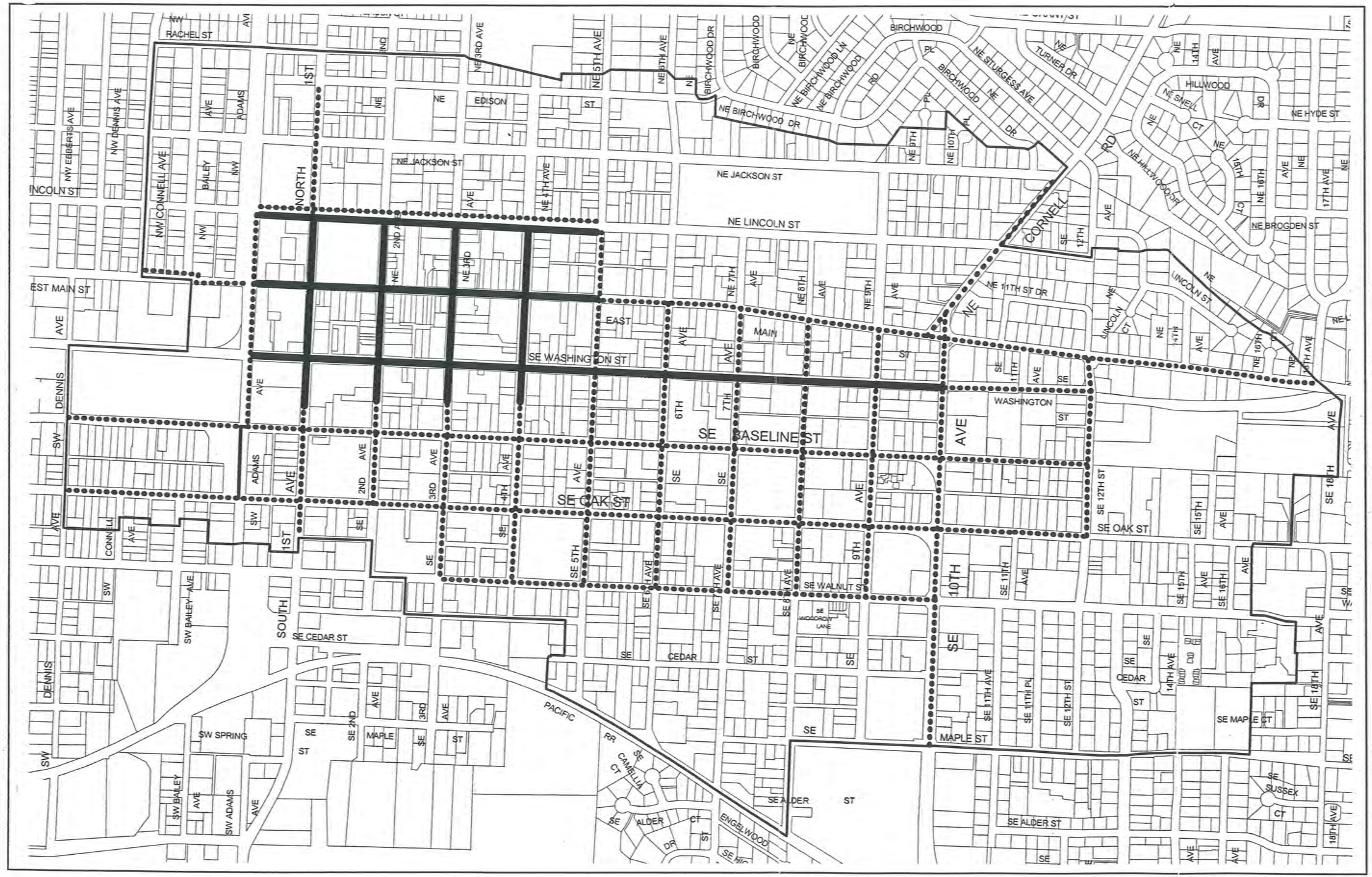

FIGURE 1

12-foot Sidewalks with street trees in wells.

8-foot Sidewalks with street trees in 4-foot planter strip

Fair Complex Sidewalk Standards

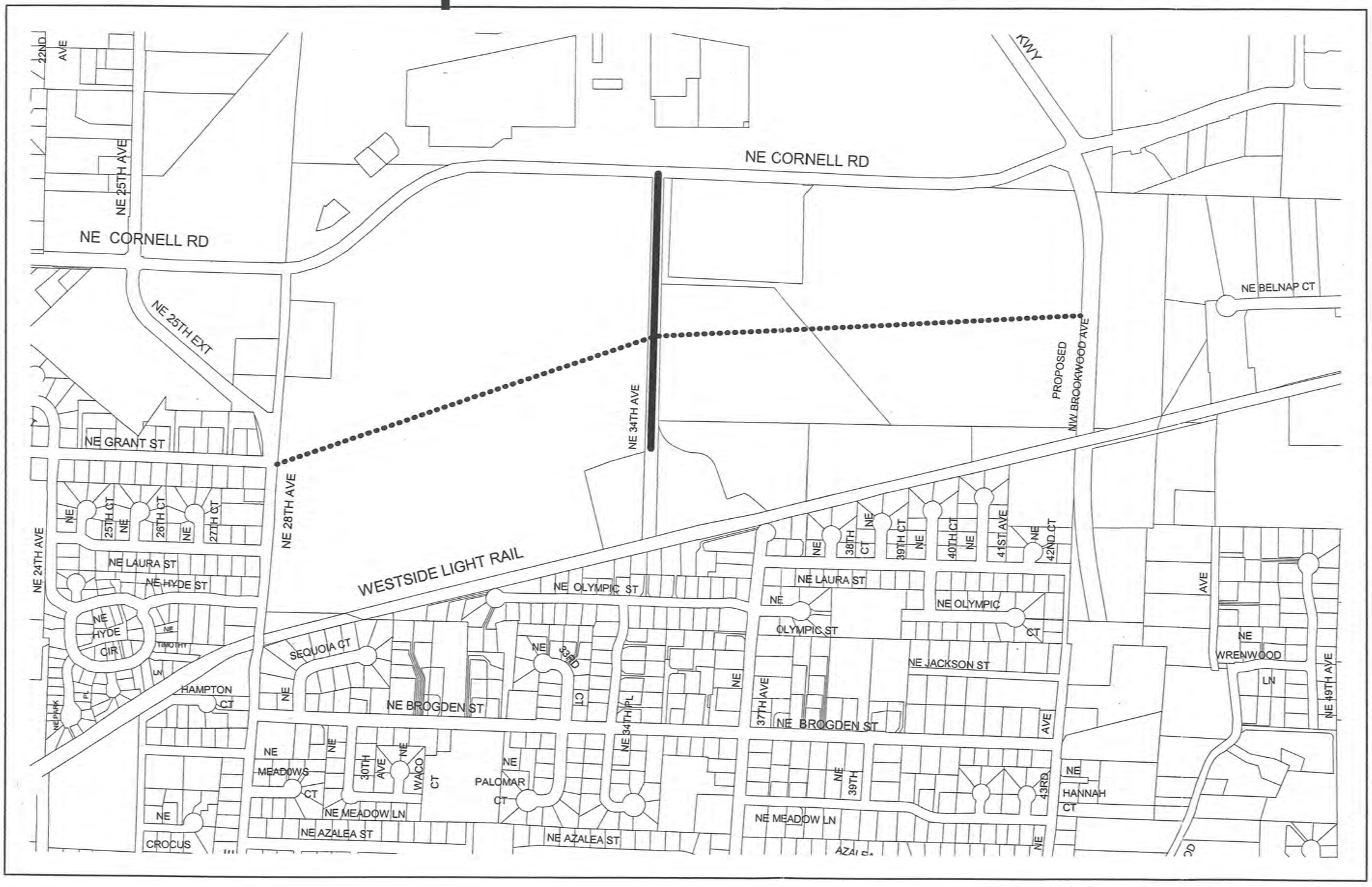

FIGURE 2

12-foot Sidewalks with street trees in wells.

8-foot Sidewalks with street trees in 4-foot planter strip

Orenco SCPA Sidewalk Standards

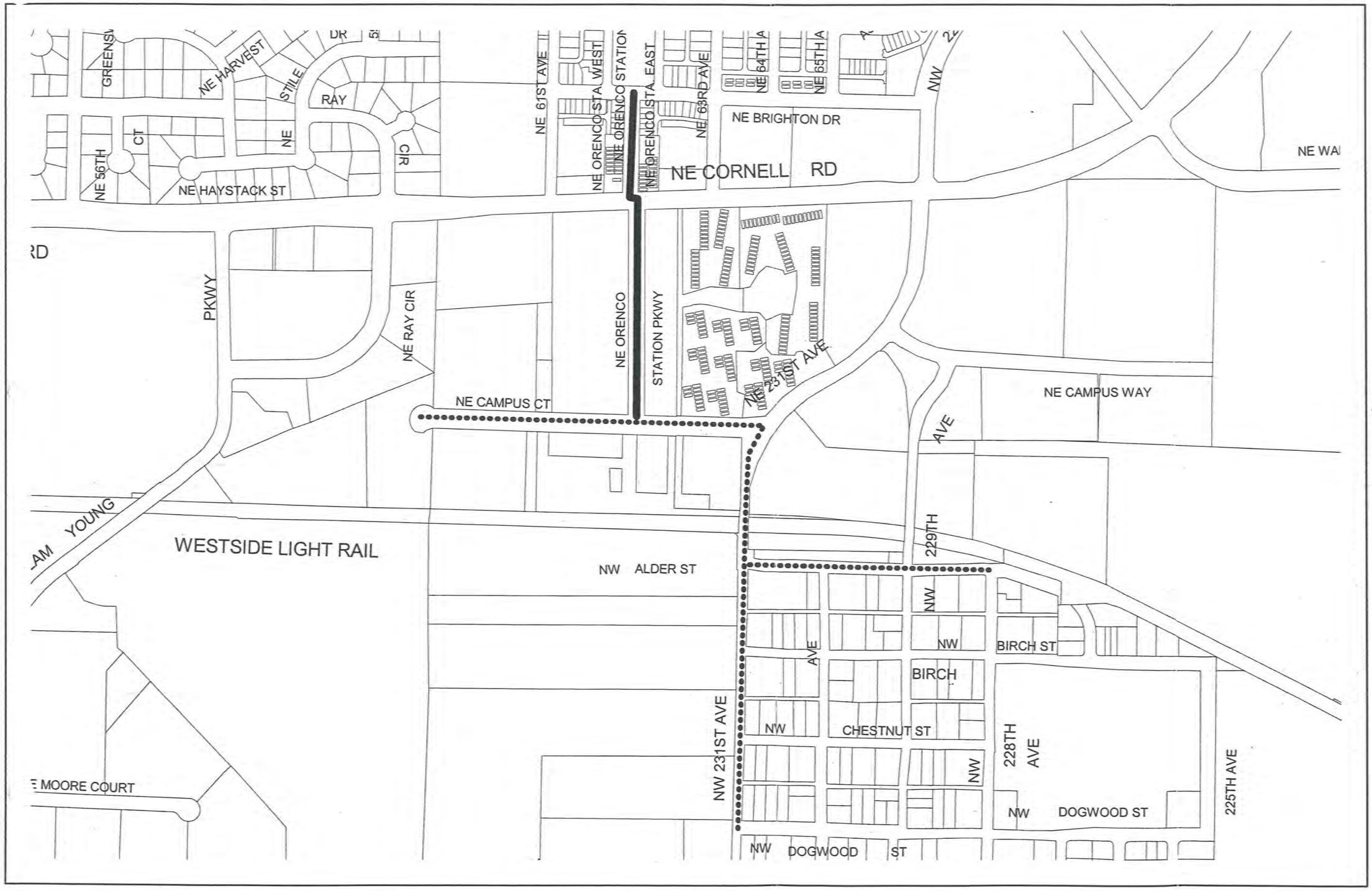

Figure 3

12-foot Sidewalks with street trees in wells.

8-foot Sidewalks with street trees in 4-foot planter strip

N
W E
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Quatama/185th Sidewalk Requirements

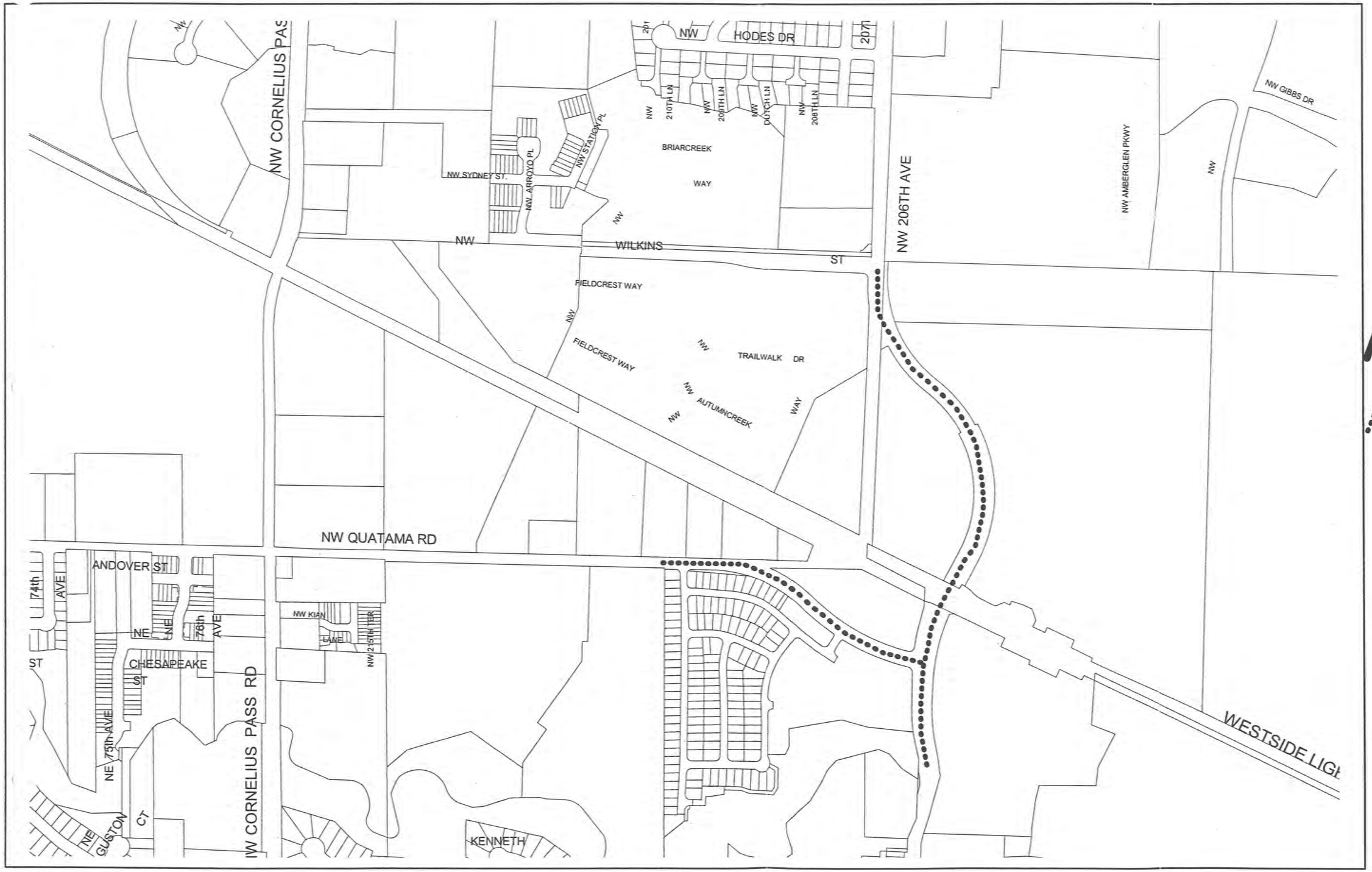

Figure 4

12-foot Sidewalks with street trees in wells.

8-foot Sidewalks with street trees in 4-foot planter strip

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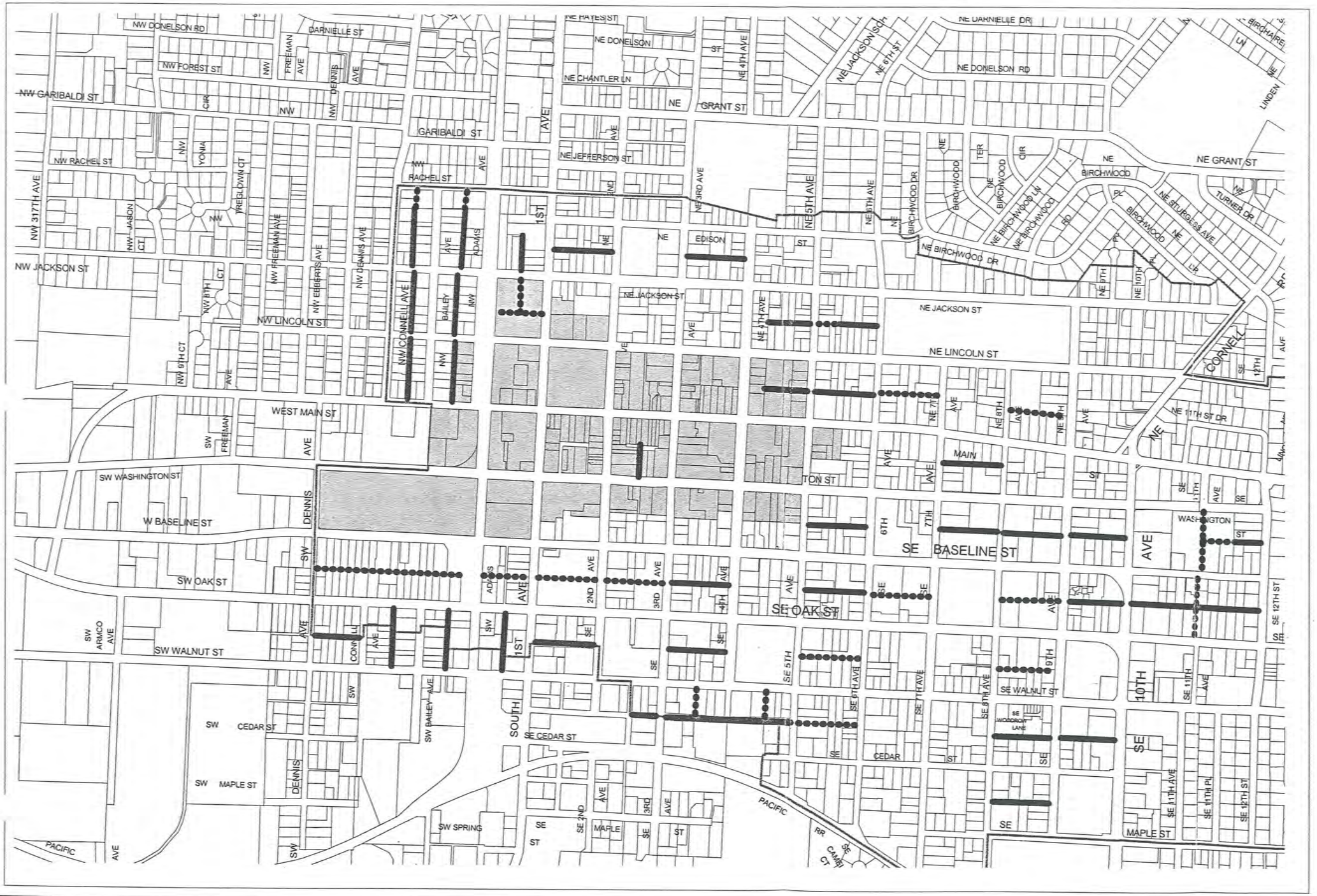
Approved Downtown Alley Improvements



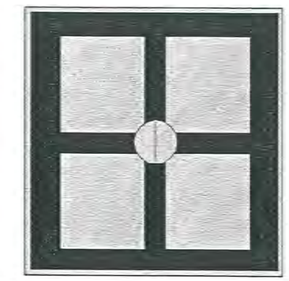
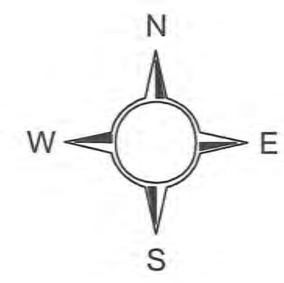


FIGURE 5

- Existing Alley R-O-W
- Previously Vacated R-O-W
- SCC-CBD Boundary
- SCPA Boundary



SECTION 138: GENERAL DESIGN STANDARDS FOR STATION COMMUNITY PLANNING AREAS

(Added by Ord. No. 4455/8-96.)

I. SCOPE

This Section establishes general design standards for development in Station Community Planning Areas. These clear and objective standards shall apply to uses permitted in all districts within a Station Community Planning Area unless superseded by community-specific design standards as set forth in Sections 139 through 142. The general design standards contained in this Section and the community-specific design standards are in addition to and supplement the standards in Section 133, Development Review/Approval of Plans. In the event of conflict, the design standards in Sections 138 through 142 shall control.

II. PURPOSE

The general design standards in Section 138 and the community-specific design standards in Sections 139 through 142 are intended to promote good quality design in site development and new building construction within Station Community Planning Areas. Good design results in buildings and dwellings visually compatible with one another and adjacent neighborhoods, contributing to a district which is attractive, stimulating, active and safe. These qualities contribute to the creation of an environment which facilitates easy pedestrian movement and establishment of a rich mixture of uses. A diversity of architectural styles is encouraged except in campus developments and major institutions where unified architectural and urban design is important to the identity of the campus or functioning of the activities therein. In areas protected by a historic or cultural resource Conservation District or overlay zone in which case architectural consistency with the design standards of the Conservation District or overlay zone shall be required. (Amended by Ord. No 4545/4-97.)

III. PROCESS

The requirements of Sections 138 through 142 shall apply as follows:

A. Except as noted, all new development and expansions of existing uses shall demonstrate compliance with the applicable design standards during Development Review. However, construction of an individual single family detached dwelling, or dwelling units outside the boundaries of a Conservation District is exempt from the Development Review process and shall demonstrate compliance with the applicable design standards during the permitting process. Notwithstanding the exception, if a subdivision or the construction of an individual single family detached dwelling, duplex, or ancillary dwelling unit affects or impacts an inventoried significant natural resources, or if such subdivision or construction is within the boundaries of a Conservation District, the subdivision or individual dwelling shall be subject to the Development Review process and shall be checked for compliance with the applicable design standards at that time. (Amended by Ord. No. 5893/12-08.)

B. When an individual single family attached or detached dwelling, duplex, ancillary dwelling unit, subdivision, or other development project is subject to community-specific or Conservation District design standards, the City shall require the builder or property owner to certify, as part of the Development

Review and Building Permit process, that the community and Conservation District design standards have been met and will be followed in the design and construction of the dwelling or project. In the event subsequent inspection finds the community-specific and Conservation District design standards have not been met in material and substantial part, the City may require changes to the structure in order to bring it into compliance.

IV. IMPROVEMENTS BETWEEN STREETS AND BUILDINGS

A. Purpose

Landscaping or "hardscaping" of property between public sidewalks and buildings promotes and enhances a comfortable pedestrian scale and orientation and encourages pedestrian use of the area.

B. Applicability

These standards apply to single family residential projects, multi-family units, and commercial, industrial, research park, or institutional development in all districts; except in the SCC-MM District these standards apply only along the frontages of arterial streets and along pedestrian ways leading from the arterial street to the commercial activity located within the parcel.

C. Standards

1. Except as provided in Section 138.VIII.C.1, the property between the public sidewalk and an adjacent building shall be landscaped or hardscaped. Landscaping in commercial, industrial, research park, and institutional districts, and in multi-family projects shall be irrigated. (Amended by Ord. No. 4545/4-97.)

2. Except for single family detached dwellings, where a hard-surfaced area, other than a pedestrian connection leading from the sidewalk to a building entrance, is used in lieu of landscaping between the sidewalk and the building, such areas shall contain at least two (2) pedestrian-sensitive amenities. Such amenities include, but are not limited to, benches, low walls with seating or planters atop, drinking fountains, courtyards, free-standing planters, street furniture, public art or other pedestrian space or design features integrated into the overall design of the building or portion of the site in order to enhance the pedestrian environment.

3. Street Trees. Trees selected from the City's approved street tree list or, if on Washington Street in accord with the tree planting pattern associated with the LRT project, shall be required within the back of curb landscaping strip.

    a. Where street trees are required, they may be within tree wells with a minimum planting area, trees may be within tree wells with a minimum planting area of 15 square feet (with standard 3' x 5', 4' x 4' or 4' diameter cast iron grates.)

    b. Street trees shall be planted every thirty feet (30') on center (or, depending on species, at some other distance to ensure

their proper spacing) so as to develop a continuous canopy when mature.

c. Street trees shall be at least 2½ inches in caliper at planting, shall be planted within an approved root barrier, and shall be irrigated and maintained by the property owner along with other landscaping planted within the parking strip.

d. A project may use the alternative street tree spacing standards in subsection (e) where the criteria below are met:

(1) fronts on an existing street in an established commercial area; and

(2) establishments along such street are uniformly built with zero setback from the sidewalk; and

(3) such street is striped at regular twenty-two foot (22') intervals (or other interval conforming with City Standard) for parallel parking, and

(4) such street contains ornamental streetlights uniformly and consistently supplemented with additional decoration (hanging baskets, banners, holiday and festival lighting, etc., maintained on a year-round basis) designed to call special attention to or setoff the commercial neighborhood.

e. Alternative street tree spacing standards. Street trees shall be spaced:

(1) every forty-four feet (44') or otherwise located so as to correspond to the dividing line between every-other parking space; or

(2) at some greater or lesser spacing so as not to block, obscure, or interfere with the operation of traffic signals, or any existing marquee, overhanging sign or awning, provided the adjustment is the minimum required for such avoidance; and

(3) at a greater or lesser distance so as to coordinate with the placement of ornamental streetlighting on the same block face and to fit with the photometric analysis guiding streetlight placement; and

(4) to coordinate with ornamental streetlights with supplemental decoration. However, such coordination is predicated on the capital and perpetual operating and maintenance costs of any extra streetlights (those placed in excess of the number required to adequately light the street as determined by a photometric analysis) and the year-round maintenance of the accompanying

decoration are funded and assured in the future by the applicant and/or a duly authorized business or civic organization. In that case, the number of street trees on a given block face may be reduced and the number of streetlights increased such that a coordinated, uniform design of streetlights and street trees provide an attractive pedestrian environment. However, such design shall contain at least two trees evenly spaced between every pair of streetlights on the same block face, and, if practicable, one street tree between an intersection and the nearest streetlight to the intersection. With the concurrence of the Street Committee, the placement of street trees and decorated ornamental streetlights may be adjusted to take into account the factors described above.

f. Topping, shearing or pollarding of street trees is prohibited.

(Amended by Ord. No. 4545/4-97 and Amended and Renumbered by Ord. No. 5973/7-11.)

4. Except as noted below, all public utility distribution and service connections to new buildings and dwellings within all SCPA Districts shall be underground. Aerial utility service (electricity, telephone, cable, etc.) may be used in new construction where all of the following circumstances apply:

   a. The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aerially rather than underground;

   b. The project is located between other utility users on the same block face;

   c. It would not be practicable to serve the new project underground without also serving the neighboring uses; and

   d. The neighboring uses on the same block face and the utility company are unwilling to pay the additional cost of undergrounding their service;

V. BUILDING ENTRIES AND ORIENTATION

A. Purpose

The purpose of this subsection is to require buildings and entrances to be oriented to the street to the maximum extent practicable to encourage pedestrian access and movement. Requirements for orientation and primary entrances are intended to:

1. Provide for convenient, direct and accessible pedestrian routes to and from public sidewalks and transit facilities;

2. Provide for safe, pleasant and convenient pedestrian circulation by connecting activities within a structure to the adjacent sidewalk and to nearby transit stops; and

3. Promote the use of pedestrian and transit modes of transportation to retail and commercial facilities.

B. Applicability

These standards apply to multi-family residential structures with a common entrance, and to all commercial, mixed use, industrial, research park and institutional development in all districts; except in the SCC-MM District these standards apply only along the frontages of public streets and along pedestrian ways leading from the public street to the commercial activity located within the parcel. Certain standards, as noted in the text, also apply to residential dwellings adjacent to a public or private street.

C. Standards

1. All buildings shall have at least one main building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and except as otherwise provided in Section 138.VIII.C., shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access to the entrance from the street, but the entrance may include architectural features such as arcades, anti-chambers, porticos and the like without being in violation of this provision. If a building has frontage on more than one street, the building shall provide a main building entrance oriented to one of the streets or a single entrance to the corner where both streets intersect. A building may have more than one main building entrance oriented to a major pedestrian route, and may have secondary entrances facing other streets, off-street parking areas and loading areas.

2. Residential dwellings fronting on a public or private street shall have a main entrance to the dwelling opening onto the front of the dwelling at the ground floor level. Such an entrance shall open directly to the outside and shall not require passage through a garage to gain access to the doorway. The doorway may be above final grade where a porch, stoop, portico, anti-chamber, wheelchair ramp or similar architectural feature is included in the design. Ground floor single family attached and row/townhouse residential units fronting on a major pedestrian route shall have separate entries directly from the major pedestrian route. Ground floor and upper story residential units in a multi-family building fronting on a major pedestrian route may share one or more entries accessible directly from the major pedestrian route.

3. In Station Community residential and commercial districts, building facades over 300 feet in length facing a street shall provide two or more main building entrances. In Station Community industrial and institutional districts, building facades over 400 feet in length facing a street shall provide two or more main building entrances.

4. All building entries shall comply with the accessibility standards as specified in the Uniform Building Code.

5. Entryways into mixed use buildings containing residential units shall be clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

6. The minimum lighting level for building entrances shall be 3 foot-candles. Lights shall be three (3') to twelve (12') feet in height and the light source shall be shielded to reduce glare.

7. For non-residential buildings on transit or light rail service streets, main building entrances fronting on such streets shall remain open during the normal business hours for the building.

8. An exception to the requirement of paragraph 1, above, shall be allowed upon finding that:

   a. The slope of the land between the building and the street is greater than 1:12 for more than twenty feet (20') and a more accessible pedestrian route to the building is available from a different side of the building;

   b. The land between the building and the street contains a natural resource which would be unavoidably and irreparably degraded by providing a reasonably direct pedestrian connection and an alternative route without such impacts is available; or

   c. The land between the building and the street contains mature, healthy trees of greater than 8" caliper which would be unavoidably destroyed or damaged by any reasonably direct routing of a pedestrian connection and an alternative route without such impacts is available.

VI. GROUND FLOOR WINDOWS AND BUILDING FACADES

A. Purpose

Long expanses of blank walls facing a street or other public areas detract from the attractiveness of the streetscape and perceived safety of pedestrians using those spaces. The standards of this subsection are intended to enhance street safety and provide a comfortable street environment by providing ground-level features of interest to pedestrians along streets. These standards also have the purpose of encouraging surveillance opportunities where buildings face abutting streets and public areas, preventing fortress-like facades, and avoiding a monotonous pedestrian environment. The standards also help enhance the economic vitality of a neighborhood by providing the opportunity for merchants to display goods and advertise their wares to shoppers. By encouraging "window shopping" in commercial districts the activity on the street is increased along with security.

B. Applicability

These standards apply to commercial, mixed use, industrial, business park, research park, and institutional development in all districts; except in the SCC-MM and SCFI Districts these standards apply only along the frontages adjacent to public streets and along pedestrian ways leading from the public street or light rail station site to the activity located within the parcel.

C. Standards

1. All development shall provide ground floor windows on the building facade facing and adjacent to a public street, major pedestrian route, direct pedestrian way leading from a light rail station site, or facing onto a park, plaza or other public outdoor space. Required windows shall allow views into lobbies or similar areas of activity, pedestrian entrances, or display windows. Required windows shall provide a lower sill no more than three feet (3') above grade; except where interior floor levels prohibit such placement, the sill may be located not less than two feet (2') above the finished floor level to a maximum sill height of five feet (5') above exterior grade.

2. Darkly tinted windows and mirrored windows which block two way visibility are prohibited as ground floor windows required under this provision except where the closest face of the building to the nearest edge of the sidewalk within a public right-of-way or private street parallel and adjacent to the building is greater than fifty feet (50'). (Amended by Ord. No. 4545/4-97.)

3. Building frontages greater than 200 feet in length along streets or major pedestrian routes shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances or other articulation so as to provide pedestrian scale to the first floor. (Amended by Ord. No. 5973/7-11.)

4. (Deleted by Ord. No. 5973/7-11.)

5. (Deleted by Ord. No. 5973/7-11.)

6. Any exterior wall which is within twenty feet (20') of and facing onto a route or space described in paragraph 1., above, and which has an unobstructed view of the route or space, shall contain at least twenty percent (20%) of the ground floor wall area facing the street in display area, windows or doorway. (Amended by Ord. No. 5973/7-11.)

VII. BUILDING STEP-BACK REQUIREMENTS

A. Purpose

Step-back requirements help assure a comfortable street environment by preventing fortress-like facades, providing light and air at the street level, and providing features of interest to pedestrians along streets in commercial districts.

B. Applicability

These standards apply to new development in all Station Community Commercial Districts.

C. Standards

1. Step-back requirements shall be achieved, at the option of the applicant, by one of two methods:

   a. Floors above the second floor shall be stepped back a minimum of five feet (5') for the first story above two, and an additional five feet (5') for floors above three (3). The maximum step-back under this method shall not exceed fifteen feet (15'); or

   b. A building shall be stepped-back by an appropriate amount from the plane of the street so as to maintain an angle not greater than sixty (60) degrees between the top of the building facade fronting on to the street and the back of the sidewalk of the opposite side of the same street.

2. Upon petition of the applicant, the Planning Director may waive the building step-back requirements of this subsection provided that the applicant clearly demonstrates the proposed project:

   a. includes window treatments, entry placement, facade relief and other architectural treatments to provide visual interest and pedestrian-sensitive design at the street level and to maintain a human scale in the streetscape; and

   b. extends the same architectural features described in paragraph (a) above the ground floor level through variations in design, detail, and proportion, and by avoiding designs featuring a monolithic street facade; and

   c. is designed so as not to obstruct sunlight from falling on the back of the sidewalk on the opposite side of the street for more than four hours of any given day between March 21 and September 21.

(Amended by Ord. No. 4545/4-97.)

VIII. LOCATION AND DESIGN OF OFF-STREET PARKING

A. Purpose

Parking should be located and a parking facility designed so as to not only facilitate its major function but also to complement and encourage easy and safe pedestrian movement to, through and around the facility. The scale and orientation of parking areas shall be consistent with their purposes in supporting a mix of commercial and residential uses and shall be consistent with the pedestrian- and transit-oriented community to which they contribute.

B. Applicability

Unless otherwise noted, these standards apply to all new uses and expansions of existing uses in all districts.

C. Location of Off-Street Parking

Surface parking areas shall comply with the following provisions:

1. No surface parking, maneuvering area, service dock or loading area shall be located between the facing facade of an adjacent building (or a line extended from the plane thereof) and a major pedestrian route unless the closest street-side edge of such a surface parking lot, maneuvering area, service dock or loading area is greater than fifty feet (50') from the major pedestrian route, as measured from the back of the curb; except that this provision shall not apply: (Amended by Ord. No. 4545/4-97.)

    a. In the SCC-MM, SCBP, SCI, or SCFI District where it is not practicable to limit the parking space and other facilities to the side of or behind the building, or more than fifty feet (50') from the right of way of a major pedestrian route, and the facilities have been located as far from the major pedestrian route as practicable, and where: (Amended by Ord. No. 6018/6-12.)

        (1) Ingress and egress to such a facility is, where practicable, provided from a side street or alley, or where such access is not practicable from any location other than from the major pedestrian route, driveways shall be limited to no more than one per 150 feet of frontage and shall not be greater than twenty-four (24') feet in width; and

        (2) A landscape buffer at least ten feet (10') in depth is installed between the major pedestrian route and such a facility; and

        (3) Such landscape buffer includes trees complementing those in the street-side landscape strip if necessary to provide a continuous canopy over the sidewalk area, and includes other pedestrian amenities, shrubs and landscaping materials to soften the edge between the sidewalk and the facility; and

        (4) The facility includes no more than one double loaded parking bay, and a single two-way circulation aisle with internal landscaping islands as described in paragraph D., Off Street Parking Design , below; and

        (5) The facility is sited so as not to cause the sidewalk of an adjacent major pedestrian route to be blocked or partially blocked other than during the active ingress or egress of vehicles utilizing the facility; and

(6) A safe and convenient exclusive pedestrian connection meeting the intent and purpose of the Transportation Planning Rule, the provisions of the Americans With Disabilities Act, and the sidewalk width requirements of the district shall be provided and sited so a pedestrian does not have to pass through the parking lot, maneuvering area, service dock or loading area to gain direct access to the building entrance, and if the route of the pedestrian way must unavoidably cross a driveway or circulation aisle, the width of the driveway or aisle shall not exceed twenty-four (24') feet; or

b. In any SCPA District where such areas or facilities are constructed and function wholly within the plane of the building and where, other than the connecting driveway, they are effectively screened from view of the pedestrian route by dense landscaping, art work, operable doors or other approved aesthetically pleasing means and where such screening does not create a public safety hazard. Chain link fence with or without slats does not meet the intent of the screening provision. Examples of a facility that functions "wholly within the plane of the building" include a subterranean or above-grade parking lot or loading dock where the entrance is located on the facing facade of the building but the facility itself is out of sight within or beneath the structure, or an outside loading dock screened by a high parallel false facade with roll-up doors; or

c. (Deleted by Ord. No. 5973/7-11.)

2. Except for Tri-Met park-and-ride lots and the joint-use parking lot located at the Hillsboro Central LRT Station (and other approved joint-use parking lots located adjacent to other LRT stations), no surface parking, maneuvering area, service dock or loading areas shall be located or temporarily located adjacent to, cater-cornered or across the street from a light rail station site.

3. If a major pedestrian route or transit street adjoins a building on two or more sides, or if public or private streets adjoin a building on three or more sides, or if a wetland or natural resource area abuts the parcel, off-street parking between the building and one of the facilities or resource areas shall be allowed in the following order of priority:

1st	**Non-transit street(s)**
2nd	**Transit streets**
3rd	**Wetland or natural resource area**
4th	**Major pedestrian route most directly leading to or adjacent to a LRT station**

In addition, where these circumstances apply, the provisions of Section 138.VIII.C.1.a(4) shall be waived so as to allow additional parking depth between the building and the facility or resource to accommodate the required parking on not more than two sides of the building.

(Amended by Ord. No. 4545/4-97.)

4. Where the combination of the buildings and parking facilities of a project require less than all of the parcel, the parking shall be sited so as to:

   a. Not preclude further development or intensification of the land; and

   b. Afford the opportunity to redevelop the parking, or a portion thereof, to a more intense economic use; and

   c. Not abut a natural resource area.

5. Where a commercial, industrial or institutional use cannot accommodate the allowed parking on-site, the use may locate parking on a surface parking lot or within a parking structure located off-site provided the off-site parking is located and designed in accordance with the requirements of Sections 137 and 138, and provided the off-site location is not greater than eight hundred feet (800') from the use. Where an off-site lot is larger than necessary to accommodate the maximum parking allowed by 137,Table 2, for the use in question, the remainder of the lot may be used for parking purposes provided that the parking in excess of the allowed maximum parking of the original user is acquired or assigned to other uses in the area as a part of the maximum allowed parking of the secondary users; and provided that in combination, the total amount of off-site parking does not exceed the maximum parking allowed by 137,Table 2, for all joint users of the off-site parking.

6. Except for multi-family and multi-building non-residential complexes with linked parking lots interrupted by buildings, dwellings, and major landscaping features, no surface parking lot, including park-and-ride lots, within 800 feet of a LRT station shall exceed two (2) acres. If parking in excess of the amount that can be contained on two (2) acres is required by a use, at the choice of the applicant:

   a. Structured parking may be constructed on-site without regard to provisions within Sections 137 through 142 which would otherwise prohibit the location of a parking structure at that site; or

   b. A second, non-contiguous surface parking lot farther than 800 feet from the LRT station, may be constructed notwithstanding paragraph 5 of this subsection.

7. An off-street parking structure may be sited adjacent to a light rail station site, a major pedestrian route or a transit street if:

   a. The ground floor of the structure fronting on such streets or station incorporates pedestrian-sensitive design, and retail, commercial, pedestrian-related offices or services, educational

uses, or medical outpatient treatment or diagnostic services; or

b. The parking is contained in a separate structure located behind buildings fronting on such streets or station so as to give the appearance and contain the same type of uses as in paragraph a., above; or

c. The parking is contained in a semi-subterranean parking structure provided the height of such structure, or portions thereof within fifty feet (50') of the right-of-way adjacent to such streets or station is not greater than three and one-half feet (3½) above the elevation of the adjoining walkway or sidewalk, and the structure is architecturally and functionally incorporated into the design of the streetscape.

(Amended by Ord. No. 4545/4-97.)

8. Where an LRT station, transit street and/or Major Pedestrian Route adjoin a parking structure on two or more sides, the vehicular entrance/exit(s) to the parking structure shall access the adjacent facilities in the following order of priority:

1st	**Non-transit street(s)**
2nd	**Transit street**
3rd	**Major pedestrian route most directly leading to or adjacent to a LRT Station**
4th	**Street containing the LRT Station**

(Added by Ord. No. 4545/4-97.)

9. Bicycle parking spaces shall be sited so as not to occupy space within, reduce the size of, or impede the use of required sidewalks, pedestrian ways, curbside landscape strips, landscape buffers or usable open spaces. All bicycle parking must be easily accessible and shall be equipped or located so as to allow the bicycle to be conveniently and securely locked to a parking device or within a secured bicycle parking area. Covered bicycle parking shall provide security and protection from the weather. Covered parking may be provided within a parking structure, garage, under a separate roof, within a bicycle locker, or in a designated area within a building or residential complex. Except in single-family detached and duplex dwelling units, allowance for required bicycle parking within an individual residence is not considered to be in compliance with this requirement. (Added by Ord. No. 4545/4-97.)

(Amended by Ord. No. 4930/7-00.)

D. Off-Street Parking Design

Surface parking areas shall comply with the following design standards:

1. **Perimeter Landscape/Screening**. Surface parking areas shall provide perimeter parking lot landscaping adjacent to a street other

than a major pedestrian route which meets one of the following standards:

a. A five foot (5') wide planting strip between the right-of-way and the parking area. The planting strip may be pierced by pedestrian-accessible and vehicular accessways. Planting strips shall be planted with large-scale, high canopy, horizontally-branching street tree species and/or an evergreen hedge. Hedges shall be no less than thirty (30") inches or more than forty-two (42") inches in height. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot to the same standard as described for alleys in Section 137.IX, Visual Clearance; or

b. A decorative wall or fence thirty (30") inches to forty-two (42") inches in height parallel to and not nearer than two feet (2') from the right-of-way line. The area between the wall or fence and the back of the sidewalk shall be landscaped. The required wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.

2. **Interior Parking Area Landscaping and Walkways**. Surface parking areas shall provide interior landscaping which meets the following standards:

a. Angled or perpendicular parking spaces shall provide, where needed, extruded curbs (tire stops) or widened curbs to prevent bumper overhang into landscape areas or walkways.

b. All surface parking facilities shall include landscaping along the perimeter of the lot to a depth of at least four feet (4'). Perimeter landscaping shall not be required where two parking lots using a common driveway are joined by a common circulation aisle or other traffic area, and landscaping may be reduced or eliminated adjacent to landscaped open space in order to transition the open space landscaping into the parking area and afford better access between the two areas. Landscaping shall also be installed within planting bays, and in any other area where parking stalls, circulation aisles, driveways, or pedestrian movements would not be precluded by the landscaping. Except where requested by the applicant, if in following these standards, the amount of interior landscaping would exceed ten percent (10%) of the area devoted to outdoor auto parking facilities, the amount of required landscaping shall be limited to ten percent (10%). All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements. (Amended by Ord. No. 4545/4-97.)

c. A minimum of one 2½" caliper street tree shall be provided in protected planting bays located within the surface parking area at the end of each parking row and at intervals not exceeding 100 feet within the parking rows. Planting bays shall have a minimum width of five feet (5') and a minimum area of 190 square feet for double loaded parking bays and 95 square feet for single loaded parking bays. The remainder of each bay shall be landscaped in a manner consistent with the provisions of this subsection.

d. All parking lot construction, internal walkways, markings and access shall meet and fully comply with the requirements of the Americans with Disabilities Act.

3. **Connection of Parking Areas**. Except in residential areas, parking associated with new development shall be designed to the extent practicable to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the street for parallel movements.

4. **General Landscaping Standards.**

a. The minimum planting size for all required trees shall be 2½ inch caliper as measured by American Association of Nurserymen standards. Trees shall be deciduous shade trees capable of at least thirty-five feet (35') in height and spread at maturity.

b. A minimum of seventy percent (70%) of all required landscaped areas, including required planting strips and planting bays, shall be covered with trees, or shrubs. All areas shall also include continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.

c. Evergreen shrubs shall be not less than two feet (2') higher than finished grade at the time of planting. Evergreen shrubs shall be of the type that grow to be at least thirty-six inches (36") higher than finished grade.

E. Curb Cuts

All curb cuts are subject to approval based on standards to ensure safe pedestrian circulation, traffic flow, access points needed for the proper functioning of the development and the objectives of Sections 136 through 138. To meet these standards, consolidation of curb cuts may be a condition of development approval.

IX. DRIVE-THROUGH USES

A. Purpose

Drive-through uses conflict with the safe and convenient movement of pedestrians and bicycles within Station Community Planning Areas. Drive-through uses are therefore restricted to locations greater than 400 feet from a light rail station site boundary and allowed only where the drive-through component is not the primary method of sale or servicing.

B. Applicability

These standards apply in all districts in which drive-through uses are allowed; except that in the SCC-MM District these standards apply only along the frontages of arterial streets.

C. Standards

Drive-through uses shall comply with the following design standards:

1. A drive-through facility shall be limited to one driveway crossing of a pedestrian route, but shall not be limited in the number of service windows, bays or lanes within the site provided the minimum floor area ratio of the district is met. However, if an applicant can demonstrate that construction of a single joint use driveway is constrained by the size of the parcel, by unusual topographic or other site considerations such that the project as a whole would be uneconomic and would not otherwise be built, or if the return routing to such a joint use driveway would require a drive lane to be constructed parallel to and within fifteen feet (15') of a major pedestrian route that could otherwise be avoided, then a drive-through use may have separate ingress and egress driveways crossing a pedestrian route.

2. The drive-through service window, bay or lane and all queuing lanes shall be located as far as practicable from any transit street, major pedestrian route, or light rail station site.

3. If the drive-through facility is within fifty feet (50') of a major pedestrian route and queuing lanes and service windows, bays or lanes would otherwise be visible from the major pedestrian route, landscaping shall be installed to screen the service windows, bays or lanes from view to the maximum extent practicable.

4. Pedestrian circulation within the site shall be well marked, both for the operator of a vehicle and for the pedestrian, and shall comply with the requirements of the Americans with Disabilities Act.

X. OUTDOOR DISPLAY AND STORAGE

A. Purpose

These standards are intended to assure exterior display, storage and work activities are consistent with the desired character of SCPAs, will not be a detriment to the overall appearance of any SCPA district, and will not adversely impact adjacent properties or the environment.

B. Applicability

These standards apply to all commercial, industrial, research park, and institutional development in all districts; except in the SCC-MM District these standards apply only along the frontages of arterial streets.

C. Standards

1. Except as otherwise specified in this subsection, permanent outdoor display or storage of materials or equipment by commercial uses is prohibited. The term "equipment" as used in this subsection does not apply to motor vehicles licensed for street use and regularly used in the conduct of business. (Amended by Ord. No. 5973/7-11.)

2. In all SCPA commercial districts, in the SCR-V District, and adjacent to commercial uses in the SCBP and SCI Districts, outdoor seating for restaurants, commercial displays and pedestrian-oriented accessory uses (such as flower, food or drink stands, etc.), displayed or located within the area between the back of the curb and the back of the sidewalk, are allowed provided:

   a. Any seating, display or stand is present only during the business hours of the responsible enterprise, unless otherwise permitted through the terms of a Street Vendor License;

   b. The enterprise has obtained a Street Vendor License; and

   c. Placement of any seating, display or stand leaves at least five feet (5') of unimpeded sidewalk width open for pedestrian traffic.

   (Amended by Ord. No. 5676/10-06 and 6018/6-12.)

3. Within the SCI and SCBP Districts, outdoor storage of inventory or equipment shall be permitted adjacent to a transit street, major pedestrian route, or light rail station site, provided that: (Amended by Ord. No. 6018/6-12.)

   a. It is demonstrated there is no other practicable location on-site;

   b. Screening material or dense landscaping sufficient to entirely obscure the storage area is installed; and

c. The screening material is comprised of a fence or wall aesthetically designed and constructed of decorative or architectural materials. A chain link fence with or without colored slats, a plain concrete or wood wall or fence does not, by itself, meet this criteria unless supplemented with substantial landscaping, artistic materials or architectural treatments.

4. (Deleted by Ord. No. 5676/10-06.)

5. (Deleted by Ord. No. 5676/10-06.)

XI. ALLEYS

A. Purpose

The design standards of alleys provide a uniformity of width, depth, crown and materials to ensure they are capable of supporting fire suppression equipment and garbage trucks, provide for adequate turning radius to allow access to rear property line garages, and are compatible with a routine maintenance program.

B. Applicability

These standards shall apply within portions of the Downtown Station Community Planning Area identified in Section 137.XVI, within the SCR-OTC, SCR-DNC and SCR-V Districts, and within applicable portions of other SCPAs where greenfield construction lends itself to the addition of alleys.

C. Standards

Existing alleys in residential districts shall be improved and used for parking access, garbage service and the location of garages where applicable. As redevelopment or new development occurs, alleys shall be improved or constructed to City standards, and new dedications or easements shall be granted, where applicable, to serve these purposes. Alley locations and requirements shall be determined during Development Review and shall incorporate the requirements of Section 137.XVI.

XII. STREETSCAPE DESIGN STANDARDS AND GUIDELINES

A. Purpose

The standards and guidelines contained in this subsection are intended to encourage good quality, pedestrian-sensitive design in new building and residential construction. Good design results in buildings visually compatible with one another and adjacent neighborhoods, contributing to a Station Community Planning Area which is attractive, stimulating, active and safe. These qualities contribute to the creation of a SCPA which facilitates easy pedestrian movement and establishment of a rich mixture of uses. Unless standards expressly indicate otherwise, a diversity of architectural styles is encouraged. Except where the word "shall" is used, the criteria are not to be construed as mandatory approval standards subject to review and approval.

B. Applicability

These standards and guidelines apply to all new development.

C. Design Standards.

1. Buildings shall promote and enhance a pedestrian scale and orientation on the facade facing the public street. Street-side building facades and dwelling units within all SCPA districts, except where required to be in conformance with the design standards of a Conservation District, shall be varied and articulated to provide visual interest to pedestrians and avoid a flat appearance. In addition, development proposals and residential projects shall make provisions and include designs consistent with the following:

   a. Development projects within the SCR-OTC or SCR-DNC Districts, shall be consistent with the design and development provisions of subsection XIII. of this Section and the provisions of the respective district;

   b. All new commercial, industrial, research park, institutional, mixed use, and multi-family residential buildings constructed within a Station Community Planning Area shall demonstrate during the Development Review process that it promotes and enhances a pedestrian scale and orientation on any facade facing a public or private street and it incorporates discernible and architecturally appropriate features; such as, but not limited to, cornices, bases, fenestration, fluted masonry, bays, recesses, arcades, display windows, unique entry areas or other treatments for visual interest, to create community character and to promote a sense of pedestrian scale. The design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat facade, in and of themselves, does not meet the requirements of this subsection; and

   c. All residential dwellings, of any type, constructed within any SCPA district, unless otherwise restricted by the design guidelines of a Conservation District, shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence and durability. Materials such as, and including, masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, authentic vertical board & batten siding, articulated architectural concrete masonry units (CMU), and similar durable architectural materials are allowed. Materials such as, and including, T-111 siding, plain or plain painted plywood and strandboard sheets, concrete or cinder block, smooth surface concrete panels, and similar quality and non-durable material are prohibited.

2. Commercial buildings and sites shall be organized to group the utilitarian functions away from the public view. Delivery and loading

operations, HVAC equipment, trash compacting and collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the landscaping. The visual and acoustic impacts of these functions, along with all wall- or ground-mounted mechanical, electrical and communications equipment shall be out of view from adjacent properties and public streets, and screening materials and landscape screens shall be architecturally compatible with and not inferior to the principal materials of the building and primary landscaping. The visual and acoustic aspects of roof-mounted equipment, vents and chimneys shall be minimized by placing equipment behind parapets, within architectural screening, roof-top landscaping, or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment; and

3. Within 1,300 feet of a light rail station in all SCPA districts, all street furniture, benches, bicycle racks, trash receptacles; tree grates, all streetlight poles and fixtures all street and sidewalk treatments, patterns and materials; all street signs; and all other appropriate design treatments and fixtures installed after the effective date of this Ordinance shall either be:

   a. The same as those installed on Washington Street as a part of the Hillsboro Light Rail Transit Project;

   b. Of the same general design and standard as those used on Washington Street (or in the case of street lighting, the PGE "Option B" equivalent design luminaire with a direct burial fluted fiberglass pole, or better) and that have been approved by the City Council Street Committee for the proposed project or a similarly situated previous project approved by the Street Committee after the effective date of this Ordinance.

      However, where an arterial or major collector street is within such an area and IES street; lighting standards require additional street lighting greater than or different from that available solely through the use of ornamental streetlights, street lighting shall be supplemented by the minimum necessary number of "Cobra-head" luminaires mounted on fluted poles painted or otherwise matching as nearly as possible the treatment used on the ornamental streetlight poles; or

   c. As identified on an adopted streetscape plan. (Added by Ord. No. 5973/7-11.)

4. Stormwater retention, detention and treatment facilities shall be integrated into the site design or placed underground. If constructed on the surface, such facilities shall be treated as a component of the landscaping usable open space or water feature, and shall be constructed so that, at maximum anticipated volume, water depth will not create public safety risks.

However, if the site is constrained such that underground facilities are impractical and development to the maximum density allowed within the applicable SCPA District would be precluded by construction of a shallow stormwater facility, the depth of the facility may be increased if the perimeter is fenced to meet public safety standards for a facility of that depth. In this case, landscaping shall be placed both inside and outside the fence. Fencing shall be of such materials and color so as to blend, to the maximum practicable extent, with the landscaping and surroundings. In addition, to minimize the size and depth of such a deeper facility, the site plan shall be designed to use open space and landscaping for natural detention, retention and biofiltration of stormwater on the site. In no case shall a stormwater facility take on the look or character of a utility element.

Further, in campus developments, SCRV developments and other large tract developments, stormwater facilities shall be consolidated to devote the minimum gross acreage to such use. Developers shall work with adjacent property owners to achieve consolidation wherever large, fenced utilitarian stormwater facilities. Consolidated facilities shall also be naturally integrated into the site design, landscaping and usable open space as described above, or shall be placed underground.

(Added by Ord. No. 4545/4-97.)

D. Design Guidelines

The following guidelines are recommendations that can be used in achieving the requirements of paragraph C, above; but shall not be construed as requirements.

1. Building and site design should be site specific and fit into the context of the area, preserve important view corridors, complement the natural setting and other nearby buildings, relate to adjacent public and private streets, and incorporate special features to make the buildings more prominent and appealing while incorporating facades and details to help them better relate to the scale of pedestrians. A diversity of architectural styles is encouraged to create a rich and visually-stimulating environment. Building design is particularly important at major intersections, where special corner architectural design features should be incorporated.

2. Certain buildings, because of their size, purpose or location, should be given special attention in the form of ornamental building features, such as towers, cupolas or pediments. Examples of these special buildings include theaters, hotels, cultural centers and civic buildings.

3. Edges of development projects should be continuous and designed to delineate and enhance adjoining public and private streets, while also providing visible and safe access to stores and other buildings. Edges adjacent to transit streets and major pedestrian routes should include street furniture such as seating, shelters, ornamental pedestrian scale lighting and an inside row of canopy trees to complement those in the curbside landscape strip.

4. Developments should be designed to encourage informal surveillance of public areas from buildings, public and private streets and from adjacent developments. Sight lines to and from buildings, and within and around the site should maximize pedestrian visibility of store entrances, public areas and transit stops.

5. For buildings designed for occupancy by general retail, office and service commercial businesses, traditional storefront elements are encouraged for any facade facing a major pedestrian route. These elements include:

   a. Front and side building walls placed within 0-10 feet of abutting street right-of-way boundaries.

   b. Clearly delineated upper and lower facades.

   c. A lower facade containing large display windows and a recessed entry or entries.

   d. Smaller, regularly spaced windows in upper stories.

   e. Decorative trim, such as window hoods, surrounding upper floor windows.

   f. A decorative cornice near the top of the facade.

   g. Piers or pilasters, typically of masonry.

6. Upper stories should be articulated with features such as bays and balconies.

7. To balance horizontal features on longer facades, vertical building elements should be emphasized.

8. If sloped roofs are used, they should be compatible with roof lines and slope of adjacent buildings, add interest to and reduce the scale of large buildings, and complement the character of buildings in adjacent developments.

9. Windows allowing views into interior activity areas or displays in non-residential buildings beyond the requirements of Section 138.VI. are encouraged. However, at the pedestrian level, glass curtain walls, reflective glass and painted or darkly tinted glass, smooth faced concrete block, concrete panels, steel panels, and non-durable materials should not be used.

10. Exterior building materials and colors play a significant role in establishing identity and visual interest at the pedestrian scale. As such, materials and colors should be harmonious and compatible with materials and colors in adjacent developments. Soft lighting of the building exterior is permitted, provided the light source is not visible

and it complements the architectural design. The lighting should not draw inordinate attention to the building.

11. Entryways are important to a pedestrian environment and provide a special opportunity to make the building unique while at the same time providing a highly visible customer entrance and identifiable public address. Building entrances should include such features as: canopies, porticoes, overhangs, recessions, projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, hardscaped pedestrian spaces, integral planters or wing walls that incorporate landscaped areas and/or places for sitting, and architectural details such as tile work and moldings which are integrated into the building structure and design.

12. Where masonry is used for exterior finish, decorative patterns should be employed. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile used in conjunction with materials such as concrete or stucco.

13. Ornamental devices, such as molding, entablatures, pediments and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band should be at least eight inches (8") wide.

14. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, planter walls and other architectural elements which define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. Design of these features and outdoor spaces together should (i) enhance buildings and groups of buildings, (ii) relate to a common use area, and (iii) complement the surrounding streetscape.

15. Landscaping should be designed into and thought of as an integral part of the site, streetscape, building design and the parking area. Landscaping should also be used to enhance the pedestrian orientation of Station Communities by creating a sense of enclosure and to reduce the scale of large buildings and paved areas. Arbors or trellises supporting landscape materials should be considered for ornamentation of exterior walls.

16. (Deleted by Ord. No. 5676/10-06.)

17. In all SCC-SC and SCR-V Districts, housing should be arranged around and integrated with community uses, the LRT station, and pedestrian-sensitive shopping and services. Pedestrian-sensitive retail, services, and employment uses should be provided within 1,300 feet of the LRT station and within 1,300 feet of housing. The highest concentration of housing should generally be within 1,300 feet of the LRT station.

18. In SCPA residential and SCC-SC Districts, multi-purpose streets should extend from the LRT station, and provide convenient

pedestrian and bike routes from the station to residential neighborhoods, employment sites and centers, and community retail and service uses. Multi-purpose streets should be designed not only as attractive places to live and work, but also as the location and setting for pedestrian-sensitive shopping and services, and for recreation and social activities.

19. Projects containing residential uses should include a range of housing types and styles to suit a variety of lifestyles and incomes, both on an ownership and rental basis

20. The SCR-V District provides an opportunity to be creative in developing a new, compact community within the City. Application of the Development Regulations and Design Guidelines should result in a residential village designed to achieve:

    a. A balanced multi-modal network of streets and pedestrian ways connecting residential areas with commercial and community activity; with streets laid out in a grid system to facilitate movement within and through the village without being unnecessarily winding or deliberately picturesque.

    b. Housing located intentionally close to the street, but not along a build-to line, with porches and other features to create rhythm and interest along the street.

    c. Groups of small lot houses, condominiums and rowhouses arranged to form architectural spaces, not a variety of different architectural styles. Design decisions should be made for housing and village center buildings based on street orientation, location of front doors, treatments of the space between buildings and streets, pedestrian space lighting and other pedestrian safety and visual enhancements. (Amended by Ord. No. 5676/10-06.)

    d. A network of public and private open spaces, greenways and parks within walking distance of all residents. Choice sites should be set aside for public and neighborhood amenities to encourage use, provide visibility, and to establish a greater sense of community identity.

    e. Neighborhood commercial uses which are varied, complete and of high quality so the need to drive to other shopping areas for routine purchases is minimized. Where practicable, commercial and self-contained light industrial activities should provide employment opportunities for village residents.

21. All commercial, industrial, research park, institutional, mixed use, and multi-family residential buildings constructed in any SCPA district with less than three feet (3') setback between the facade of the building and any parallel public sidewalk or pedestrian way should incorporate features adjacent to and over at least three feet (3') of the public sidewalk or pedestrian way for weather protection. Such features

may include, but are not limited to, canopies, awnings, porticoes, arcades, alcoves, building overhangs and recessed entries, and trellises to protect pedestrians from rain or sun.

XIII. STANDARDS FOR PROTECTION WITHIN HISTORIC AND CULTURAL CONSERVATION DISTRICTS

A. Purpose

The standards and guidelines contained in this subsection are intended to advance the conservation and rehabilitation of historic and cultural resources significant to the development of Hillsboro and the unique character of certain neighborhoods which have strong linkages to the City's past. This subsection will help implement Section 6 (III)(c) of the Comprehensive Plan, Cultural Resources.

B. Applicability

These standards apply to all new development and any undertaking to remodel, reconstruct, renovate, rehabilitate, preserve, expand, dismantle or demolish any existing building or dwelling within the SCR-OTC or SCR-DNC Districts.

C. Design Standards and Guidelines

1. Any undertaking to remodel, reconstruct, renovate, rehabilitate, preserve, expand, dismantle or demolish any existing building or dwelling, and any proposed new project, development, building or dwelling shall conform with the design guidelines and appropriate neighborhood conservation standards of the district or overlay zone. All such work, be it the construction of a new dwelling or building, or re-construction work of any type on the exterior of an existing dwelling or building within the Conservation District, shall be subject to approval through the Development Review process prior to the issuance of any building, demolition, grading and development permit.

2. Prior to the issuance of any such permit, the applicant shall provide the Planning Director or designee with the appropriate number of plans and drawing sets depicting the proposed work. Pursuant to Development Review, the Director or designee shall issue a Notice of Decision acknowledging that the plans for improvements to or demolition of existing buildings or dwellings have been reviewed by the Director or designee and the Director or designee has either found the project exempt from or consistent with the applicable neighborhood conservation standards of the district or overlay zone, or has found the project inconsistent with such standards.

   If the Director or designee finds the property is not exempt from the standards and the plans are not consistent with those standards, the Planning Director or designee shall direct the applicant to amend the plans to meet the standards. In the event of a disagreement between the Director or designee and the applicant over whether the plans meet the appropriate standards, an applicant may appeal through the normal Development Review process.

Where an application for Development Review for a project within such an area has been filed with the City, the Development Review process shall include notification to the appropriate neighborhood organization and the neighborhood organization shall have the opportunity to be an active participant in the Development Review process.

3. In reaching the decision on whether to approve or deny authorization for improvements to or demolition of an existing building or dwelling, the Director or designee shall first determine whether the neighborhood conservation standards apply to the property. The property does not qualify for protection if:

   a. The existing architecture or construction is not of the type, style, or era consistent with the objectives and standards of the Conservation District; or

   b. The structure is deteriorated, damaged, remodeled or vandalized beyond the point where it can be reasonably restored or rehabilitated to meet the conservation standards of the district.

   If either of the above two findings apply, the Notice of Decision shall state that the standards of the Conservation District do not apply to the application and the construction or demolition may proceed.

4. If the Director or designee determines that the neighborhood conservation standards of paragraph 3, above, apply to the property, and the findings of 3.a. and 3.b. do not apply, the Director or designee shall deny a demolition permit, and in the case of a request to improve the structure, shall review the plans and approve or deny the proposal based on the following findings that:

   a. The proposal conforms to the design guidelines and conservation standards of the district or overlay zone;

   b. The proposed improvements to the existing dwelling or structure will conserve, rehabilitate or restore the historic and culturally significant characteristics of the property; will retain the existing form, integrity, materials and character-defining features of the dwelling, building, structure, landscape, and site; and will help prevent further deterioration or damage caused by natural forces or human activity;

   c. Any new additions, exterior alterations, or related new construction attached to or associated with an existing building or dwelling of historical or cultural interest are consistent with the massing, size, scale, and architectural features of the property and its environment;

   d. For buildings or dwellings on the City's Cultural Resource Inventory, the Director or designee finds the improvements to

such structures are consistent with the provisions of Section 132 and that the proposed improvements:

(1) Recognized the dwelling as a physical record of its time, place and use;

(2) Do not create a false sense of historical development, such as adding conjectural features or historic features from other properties;

(3) Retain, preserve or restore distinctive materials, features, finishes, and construction techniques or examples of craftsmanship representative of the period of significance;

(4) Do not use chemical or physical treatments, such as sandblasting, that cause damage to historic materials;

(5) That any deteriorated or threatened historic materials or features which must be removed during the restoration process are to be repaired and reused where practicable, and any distinctive features that cannot be repaired or reused are to be replaced with a new feature that matches the old in design, color, texture, and other visual qualities and, where possible, materials;

(6) That any stabilization will be accomplished in such a manner that it does not cause damage to any character-defining features and in such a way that it does not detract from the property's appearance; and that where reinforcement is required, such work will be concealed wherever possible, except where concealment would result in the alteration or destruction of the materials, features, or spaces that characterize the historic property; and

e. The improvements maintain existing historic plant material and avoid removal of landscapes or vegetation present during the period of significance, unless removal and replacement is essential to maintain the character of the landscape, including the removal of invasive or severely deteriorated plant material. Replacement of historic plant material when necessary to preserve the character of the property, and any new plant material should match the historic appearance, function, and, where possible, species or variety of plant materials originally planted in the district or overlay zone during the era the district or overlay zone is intended to conserve.

Section 139: DOWNTOWN STATIONS COMMUNITY PLANNING AREA SUPPLEMENTAL STANDARDS

(AMENDED BY ORD. NO. 4545/4-97 AND 4930/7-00.)

I. SCOPE

This section establishes design standards specific to the Downtown Station Community Planning Area.

II. PURPOSE

A. The community-specific Downtown development regulations and design standards reflect the City's goals and objectives for the Downtown SCPA. These regulations and standards were developed in two phases: in 1997-2000 during the SCPA adoption process, as reflected in the Downtown Station Community Plan and adopted Comprehensive amendments; and in 2008-2010 during the Downtown Community Plan and Urban Renewal process, as reflected in the Downtown Framework Plan. Except as noted below, the purpose for each development regulation and design standard is as described in Sections 136 through 138. Where the regulations or standards of this Section specifically conflict with those contained in Section 136 through 138, the standards of this Section shall prevail. (Amended by Ord. No. 5973/7-11.)

B. The purpose of the regulations and standards applicable to the Downtown Neighborhood Conservation District (SCR-DNC) is to conserve the historical and cultural significance of the area of the original core of the City of Hillsboro by:

1. preserving and restoring the historic and cultural aspects and small town atmosphere of the community incorporated in 1876 within the site that is now encompassed by the Downtown Station Community Planning Area;

2. preserving, restoring and enhancing the landscape features of the downtown area, especially the large oak and other deciduous trees along the streets;

3. requiring that:

   a) all new residential structures within the District be of compatible character and architectural style with those built during the period 1890's to 1930's; including, but not limited to, residential architectural styles for single-family houses and apartment houses consistent with the period, use of natural appearing materials and paint or finish colors consistent with those in use during the period, and other design and development standards as described in this Section; and

   b) the exterior remodeling or expansion of existing residential structures within the District be consistent with the architectural style of the existing structure, with use of compatible materials and colors;

4. requiring that:

a) all new commercial and institutional structures, including public buildings, within the District be of similar character or compatible with the size, scale and architectural styles and treatments used in small towns like Hillsboro during the period 1890's to 1930's.

b) the exterior remodeling or expansion of existing commercial or institutional structures, including public buildings, within the District, be consistent with the architectural style of the existing structure;

C. Except as noted below, all land within the Downtown SCPA will be developed in accordance with the applicable SCPA District Development Regulations of Section 137 and under the Design Guidelines of Section 138. (Amended by Ord. No. 5973/7-11.)

III. MODIFICATIONS TO SECTION 136 STATION COMMUNITY PLANNING AREA PROVISIONS (Amended and Renumbered by Ord. No. 5293/7-03 and 5973/7-11.)

A. Notwithstanding the provisions of Section 136.IV., Table 2, Permitted Uses in Station Community Residential Districts, certain properties in the SCR-DNC zone may be eligible for more intensive development, due to their location adjacent to North First Avenue, a classified Arterial Street. Such increased intensity of development may include mixed use buildings, increased residential density and structural heights. To transition more intensive development along North First Avenue from adjacent less intensive development in the SCR-DNC zone, increased intensity development shall be limited to those properties within the SCR-DNC zone located within 200 feet of the right-of-way of North First Avenue, north of NE Lincoln Street, south of NE Rachel Street. Approval of mixed use buildings, increased residential density and structural heights in this area (hereinafter referred to as the "Arterial Exception Area) shall comply with the following standards:

1. Maximum structural height shall be three (3) stories in the Arterial Exception Area. To buffer this increased structural height from non-Exception properties to the east, three-story structural height shall be limited to a depth of 100 feet from North First Avenue. Structural height for buildings between 100 feet and 200 feet in depth from North First Avenue shall be a maximum of two stories. Standard sideyard setbacks for two-story Arterial Exception uses shall apply to two-story buildings at the 200 foot depth boundary with non-Exception properties, except as specified under Subsection 2.

2. Mixed use buildings shall be a minimum of two stories in height, with residential uses on the second floor. Commercial uses in mixed use buildings in the Arterial Exception area shall be limited to the first and second story only. If commercial uses are proposed on the first and/or second floor of a mixed use building in the Arterial Exception Area, an increased sideyard setback of 10 feet for three-story Arterial Exception uses shall apply at the 200 foot depth boundary with non-Exception properties. The 10-foot sideyard setback shall be planted with species selected for increased height and visual screening qualities. Landscaping materials shall be planted at a density

designed to achieve the earliest practicable screening of the commercial first floor use.

3. Within the Arterial Exception Area, in order to encourage pedestrian scale development at street level, ground floor areas of commercial uses shall be limited as follows:

   a. Except as allowed under subsection b. below, the maximum ground floor area for a single commercial use shall be 2500 square feet.

   b. A single commercial use may occupy up to 4000 square feet on the ground floor of a single building only if that occupancy is limited to less than 50% of the total ground floor area of the building, and the remaining ground floor area is divided among separate uses occupying less than 2500 square feet each. For purposes of this subsection, unenclosed pedestrian areas outside the walls of the building are not included in the maximum square footage.

   There are no restrictions on maximum square footage for commercial uses on the second floor. Commercial uses are not permitted above the second floor.

4. If mixed uses are proposed in three story buildings in the Arterial Exception Area, residential density in the second and third stories shall be limited to 18 dwelling units per acre

5. Commercial uses permitted outright in mixed use buildings in the Arterial Exception area are as follows:

a) Art Gallery.
b) Bakery.
c) Barber Shop.
d) Beauty shop, including day spa.
e) Confectionary.
f) Delicatessen.
g) Drug store, including fountain.
h) Florist shop.
i) Garden store.
j) Grocery store.
k) Hardware store.
l) Laundry and cleaning, self-service.
m) Office or clinic for the following:
   1) Accountant.
   2) Architect or designer.
   3) Attorney at law.
   4) Dentist.
   5) Doctor or other practitioner of the healing arts.
   6) Engineer or surveyor.
   7) Insurance agent.
   8) Real estate agent.
   9) Travel Agent.
o) Variety or dry good store
p) Restaurant, excluding drive-in facilities

The Planning Commission may interpret additional uses which would be appropriate within the Arterial Exception area pursuant to Zoning Ordinance No. 1945, Section 89 Authorization of Similar Uses.

6. Commercial uses in mixed use buildings in the Arterial Exception Area, except for those uses permitted outright in Subsection 5 above, are allowed only upon approval by the Planning and Zoning Hearings Board, pursuant to the conditional use standards and procedures contained in Sections 78 through 83 of this ordinance.

7. All applications for Development Review shall be reviewed by the Planning Commission. Development Review applications for increased intensity development in the Arterial Exception Area shall include a Traffic Impact Report as required by Section 137.XVI. Subsections 2 through 8, inclusive. To mitigate the impacts of such increased intensity development on adjacent non-Exception properties and public streets and alleys, approval of increased intensity development in the Arterial Exception Area may be subject to any of the conditions specified in Section 137(XVI) C.

IV. DEVELOPMENT REGULATIONS

A. Minimum Lot Size

The Standards of Section 137 shall apply.

B. Minimum Lot Width and Depth

The Standards of Section 137 shall apply.

1. (Deleted by Ord. No. 5973/7-11.)

C. Minimum and Maximum Residential Densities and Ancillary Dwelling Units

The Standards of Section 137 shall apply, except that:

1. If additional dwelling units are proposed on a lot containing an existing residence to be retained, either at the developer's option or as required under Section 138 (XIII) (C), minimum and maximum residential density for the entire parcel shall be determined by applying the minimum and maximum densities specified in Tables 137 (II) 1 to the undeveloped portion of the lot only. Minimum and maximum density calculations shall not include the portion of the lot surrounding the retained house, including minimum required side and rear yard setbacks from the structure. The existing residence shall be included in the overall calculation as a single dwelling unit. (Added by Ord. No. 5206/11-02).

2. In the SCR-DNC zone, a lot containing a main residence and an ancillary dwelling may be partitioned for the purposes of separate ownership provided that:

   a. The overall minimum density for the original parcel can be met after partitioning;

   b. All necessary building codes are met;

c. The parcel containing the ancillary dwelling unit has frontage on, and obtains access, from a public alley.

3. In the SCR-DNC zone, no more than four (4) dwelling units per structure shall be allowed on lots smaller than 22,000 square feet in area.

D. Minimum Floor Area Ratios

The Standards of Section 137 shall apply, except that:

1. Neighborhood and Downtown Commercial uses on properties in the SCR-DNC shall be exempt from minimum Floor Area Ratio requirements, but shall comply with the parking standards of Section 137 Table 2.

2. (Deleted by Ord. No. 5973/7-11.)

E. Minimum Non-Residential Density

The Standards of Section 137 shall apply.

F. Minimum and Maximum Setbacks from Streets, Alleys and Interior Yards (Amended and Renumbered by Ord. No. 5973/7-11.)

The Standards of Section 137 shall apply, except that:

1. Structures built on properties zoned SCC-DT:

   a. Interior Yards. Structures built on properties zoned SCC-DT shall have a minimum setback of 10 feet from any shared property line with parcels zoned SCR-HD, SCR-MD, or SCR-DNC. The 10-foot sideyard setback may be required to be planted with species selected for increased height and visual screening qualities. Landscaping materials may be required to be planted at a density designed to achieve the earliest practicable screening of commercial uses above the first floor. Properties within the SCC-DT District that are subject to a minimum front setback of 10 feet are shown on Figure 139-1.

   b. Street-Facing Yards. Properties within the SCC-DT District that are subject to a minimum front setback of 10 feet are shown on Figure 139-1.

2. Structures built on properties zoned SCR-DNC, SCR-MD, or SCR-HD shall have a minimum setback of 10 feet from any shared property line with parcels zoned SCC-DT. The 10-foot sideyard setback may be required to be planted with species selected for increased height and visual screening qualities. Landscaping materials may be required to be planted at a density designed to achieve the earliest practicable screening of upper story uses. (Amended by. Ord. No. 5973/7-11.)

3. (Deleted by Ord. No. 5973/7-11.)

4. In the SCR-DNC zone, where the average front yard setback of existing residences, along the entire block face containing the project,

exceeds the applicable front yard setback from a public street standard of Section 137 (II) Table 1.j by more than five feet, new construction shall conform to the average setback of all the existing dwellings along that block face.

5. Within the SCC-DT District, required setbacks from Streets and Alleys are shown on Figure 139-1.

   a. Conformance with the setback requirement is achieved when, at a minimum, the percentage of street frontage occupied by the ground level façade of a building(s) is provided as specified in the table below:

Minimum Building Width Required Along Street Frontages

Location as Shown on Figure 139-2	Minimum Street Frontage*
For properties located on an Active Use Street 1	100%
For properties located on an Active Use Street 2	75%
For all other properties	50%
*Minimum street frontage is the ratio of A to B expressed as a percentage where: A equals the width of the portion of the building(s) meeting the required setback, and B equals the length of the front lot line abutting the public right-of-way.	

   b. Exceptions required for pedestrian and vehicular access, emergency services, and utility easements shall be granted administratively upon determination by the Planning Director that the exception is the minimum necessary to accommodate the required access, emergency services, or utility easements. In no case shall parking or vehicular circulation be located between the building and the street.

   c. Exceptions to provide additional setback adjacent to a public street shall be granted administratively upon determination by the Planning Director that 100% of the additional setback would be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or other such usable pedestrian space as a feature of the development.

(Added by Ord. No. 5973/7-11.)

G. Vision Clearance

The Standards of Section 137 shall apply.

H. Minimum and Maximum Building Height Requirements

The Standards of Section 137 shall apply, except that:

1. The maximum height of buildings within Residential Compatibility Area shall be as shown on Figure 139-3. (Amended by Ord. No. 5973/7-11.)

2. The minimum height of buildings shall be as shown on Figure 139-4. Exceptions to the required two story minimum building height may be granted through discretionary review upon determination by the Planning Commission that the proposed single story building meets

the applicable purpose statements in Section 136.I.B and all of the applicable design guidelines in Section 138.XII. (Added by Ord. No. 5973/7-11.)

I. Minimum and Maximum Off-Street Parking Requirements

The Standards of Section 137 shall apply.

J. Minimum Usable Open Space Requirements

1. Non-residential projects on less than one-half (1/2) gross acre are not subject to open space requirements unless the project is part of or subsequently becomes a part of a series of projects or phases of a larger development in which case the original project shall be joined with all subsequent projects or phases in order to determine the required open space for the whole. Mixed use projects with four (4) or fewer dwelling units shall be considered non-residential projects.

2. Non-residential projects ½ gross acre or larger, mixed use projects with more than four (4) dwelling units, and all residential projects shall provide minimum usable open space equal to five percent (5%) of the project gross acreage.

3. Usable open space may include any combination of the following:
   a. Private outdoor space accessible only to an individual resident or tenant (e.g., private porches, decks, balconies, patios, atriums, or other private outdoor areas);
   b. Shared private outdoor recreation space accessible only to customers, employees or residents (e.g., outdoor seating and dining areas, roof decks or gardens, play areas, outdoor recreation facilities, or similar space); or,
   c. Public outdoor space (e.g., public parks, play areas, courtyards, landscaped pedestrian walkways, enhanced extensions to sidewalk depth, or similar space).
   d. Alternative approaches to the provision of open space and recreation facilities (e.g., indoor recreation rooms, fee-in-lieu contributions, etc.) may be allowed with discretionary approval.

(Amended by Ord. No. 5973/7-11.)

K. Minimum Landscaping, Natural Resource and Mature Tree Preservation Requirements

The Standards of Section 137 shall apply.

L. Mixed Use Buildings and Mid-Rise Apartments

The Standards of Section 137 shall apply, except that

1. Home Occupations, as described in Section 128A, Live/Work units, as described in Section 137.XIV.B.1., and Bed and Breakfast Inns, as defined in Section 3 are permitted outright in the SCR-DNC District, except that the number of separate bedroom units in a Bed and Breakfast Inn shall not exceed five in the SCR-DNC District.

2. Residential Business uses for certain properties zoned SCR-DNC are allowed only upon approval by the Planning and Zoning Hearings

Board, pursuant to the conditional use standards and procedures contained in Sections 78 through 83 of this ordinance. Residential business uses are limited to that portion of the SCR-DNC zone located west of NE Fifth Avenue and north of NE Lincoln Street. In addition to the standards contained in Section 83, Residential Business uses in the SCR-DNC zone shall meet the following standards:

a. Any structure proposed for occupancy by a residential business use shall include a residential occupancy by the business owner/operator or other residential tenant;

b. The maximum commercial floor area for a residential business use is not more than 35% of the floor area of all structures on the lot, or 1500 square feet, whichever is less.

c. The maximum height for any structure proposed for occupancy by a residential business use is two stories;

d. Residential business uses shall have no more than three (3) employees, excluding family members of the business owner/operator or other residential tenant;

e. Residential business uses shall have no more than five (5) off-street parking spaces, and all off-street parking shall be located inside, beside or behind the occupied building. Parking is prohibited between the building and the street;

f. New structures proposed for occupancy by residential business uses shall comply with all applicable design standards in effect on new construction.

3. Residential Business uses for properties zoned SCR-MD are allowed only upon approval by the Planning and Zoning Hearings Board, pursuant to the conditional use standards and procedures contained in Sections 78 through 83 of this ordinance. In addition to the standards contained in Section 83, Residential Business uses in the SCR-MD zone shall meet the following standards:

a. Any structure proposed for occupancy by a residential business use shall include a residential occupancy by the business owner/operator or other residential tenant;

b. The maximum commercial floor area for a residential business use is 2500 square feet, with a maximum ground floor area of 1500 square feet;

c. Residential Business uses shall have no more than 5 employees, excluding family members of the business owner/operator or other residential tenant;

d. Residential business uses shall have no more than 10 off-street parking spaces, and all off-street parking shall be located inside, beside or behind the occupied building. Parking is prohibited between the building and the street;

e. New structures proposed for occupancy by residential business uses shall comply with all applicable design standards in effect on new construction.

M. Sidewalks

The Standards of Section 137 shall apply.

N. Street and Alleys, and Lot Access

The Standards of Section 137 shall apply.

V. DESIGN STANDARDS

A. Improvements Between Streets and Buildings

The Standards of Section 138 shall apply.

B. Building Entries and Orientation

The Standards of Section 138 shall apply in addition to the standards below.

1. All Active Use Streets (1 and 2) designated on Figure 139-2 shall be considered Major Pedestrian Routes for the purposes of implementing the Building Entries and Orientation standards within the SCC-DT zone.

2. If a building has frontage on more than one street, the building shall provide a main building entrance oriented to the Active Use Street designated on Figure 139-2 (if applicable) or a single entrance to the corner where both streets intersect. Where two Active Use Streets designated on Figure 139-2 intersect, the building shall have a main entrance at the intersection or within 30 feet of the intersection.

3. Building facades over 200 feet in length facing a street shall provide two or more main building entrances oriented toward the street.

4. Building entrances shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.

(Amended by Ord. No. 5973/7-11.)

C. Ground Floor Windows and Building Facades

The Standards of Section 138 shall apply in addition to the standards below.

1. All Active Use Streets (1 and 2) designated on Figure 139-2 shall be considered Major Pedestrian Routes for the purposes of implementing these standards within the SCC-DT zone.

2. Building facades facing an Active Use Street designated on Figure 139-2, all ground floor windows shall have a Visible Transmittance (VT) of 60% or higher, with the exception of medical / dental offices, which may have tinted windows.

3. All building facades greater than 75 feet in length, which are facing a public street, shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances or other articulation so as to provide pedestrian scale.

4. Within Residential Compatibility Areas designated on Figure 139-3, building facades greater than 50 feet in length, which are facing a public street, shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances, or other articulation so as to provide pedestrian scale.

5. Building facades facing an Active Use Street (1 and 2) designated on Figure 139-2 shall have windows, display areas or doorways for at least seventy percent (70%) of the length and fifty percent (50%) of the ground level wall area. The ground level wall area is the band of wall area above three feet (3') and below twelve feet (12') as measured from finished grade.

6. For all other building facades, exterior walls facing a public street, public open space, pedestrian walkway and/or transit station shall have windows, display areas or doorways for at least fifty percent (50%) of the length and twenty-five percent (25%) of the ground level wall area. The ground level wall area is the band of wall area above three feet (3') and below twelve feet (12') as measured from finished grade.

7. For building facades facing an Active Use Street (1 and 2) designated on Figure 139-2, weather protection for pedestrians may be provided along a facade. This weather protection may take the form of an awning, canopy, arcade, colonnade, or recessed entry (or some combination of these elements). Where provided, there shall be a minimum 10' clearance from the bottom of such an element to the sidewalk. Where provided, awnings and/or canopies shall not obscure transom windows where such windows are present, and shall be constructed of glass or metal, or exterior-grade fabric (or some combination of these materials).

(Amended by Ord. No. 5973/7-11 and Ord. No. 6058/8-13.)

D. Building Step-Back Requirements

The Standards of Section 138 shall not apply. (Amended by Ord. No. 5973/7-11.)

E. Location and Design of Off-Street Parking

The Standards of Section 138 shall apply, except that:

1. In the SCC-DT District:

   a. On-site vehicular circulation areas (including surface parking, maneuvering areas, service docks and loading areas) are only allowed on the side or rear of newly constructed buildings. If located on the side, the on-site vehicular circulation area shall:

      i. Not exceed 50% of the total frontage of the site;

      ii. Provide screening in the form of a six foot (6') wide planting strip between the right-of-way and the parking area is required. The planting strip shall provide screening

in the form of a decorative wall and/or landscaping as described in Section 138.VIII.D.1

b. To accommodate transit-supportive developments and provide adequate off-street parking for mixed use development, required parking may be located up to 800 feet from the development. Such parking shall be designated and signed as belonging to the remote development and shall be part of the legal requirements for occupancy of the development.

c. High-volume, off-peak entertainment uses, such as movie theaters and restaurants, may fulfill all or a portion of their parking requirements by arranging for shared parking in surface or structured parking lots not farther than 800 feet from the designated use.

d. Development located along ODOT facilities shall comply with applicable Oregon Department of Transportation access management requirements. When practicable, highway access for new developments in the District shall be combined.

(Amended and Renumbered by Ord. No. 5973/7-11.)

F. Drive Through Uses

The Standards of Section 138 shall apply.

G. Outdoor Display and Storage

The Standards of Section 138 shall apply.

H. Alleys

The Standards of Section 138 shall apply.

I. Streetscape Design Standards and Guidelines

The Standards of Section 138 shall apply in addition to the standards below.

a. The ground floor of all new buildings shall be articulated through façade design elements so as to provide a "base," "middle," and "top" to the street-facing ground floor. The "base"' extends from the top of the finished sidewalk to the bottom of the window sill, and shall be defined through a masonry or concrete plinth, projecting window sills, and/or bulkhead. The "middle" shall be established through storefront windows, transom windows, awnings or canopies, and /or engaged columns that are part of a series of architectural bays. The "top" shall be established through a projecting cornice. Residential duplexes, townhouses, and rowhouses are exempt from this standard.

b. The front facades of all new buildings two stories or more in height shall have tripartite facades, with distinct ground floors, middles, and tops. The ground floor shall be established through a bulkhead, plinths, projected windowsills, large display windows, and/or the use of distinguishing materials, as described in 139.V.I.a above. The middle shall be established through

vertically-oriented windows that signal a change of use, changes in materials, and/or horizontal bands (string course, soldier courses, etc.). The top shall be distinguished through stepbacks, detailed cornices, projecting parapets, and/or a hipped or gabled roof. Residential duplexes, townhouses and rowhouses are exempt from this standard.

(Amended by Ord. No. 5973/7-11.)

J. Downtown Residential Neighborhood Special Standards

1. **Applicable Standards in the SCR-DNC Zone, in the SCR-MD zone between NE Sixth and NE Ninth Avenues, south of NE Jackson Street, and in the SCC-DT zone north of NE Washington Street from NE Fifth Avenue to NE Tenth Avenue.** The standards contained in Section 137 - 138 shall apply and supplement those contained in this subsection. Where standards contained in this subsection conflict with those of Sections 137-138, the standards contained here shall prevail. For purposes of this subsection, "conservation" is differentiated from "restoration" or "preservation" in that new development is allowed to replace deteriorated or marginal structures. Existing structures may be rehabilitated or remodeled provided that the new development or reconstruction meets the applicable standards of Sections 137-139, and the construction conserves, enhances and maintains the historic and cultural character and predominant architecture of the area as it was during the period of the 1890s –1930s. (Amended by Ord. No. 5973/7-11.)

2. **Residential Construction**. The architectural style of new residential construction in areas cited in Subsection 1 of this Section shall be restricted to those that replicate major design elements characteristic of the 1890s – 1930s architectural styles represented in the District.

   a. **Porches**. Front or wrap-around porches, where consistent with the architectural style of the proposed dwelling, are encouraged on structures along streets. Where provided, porches shall be a minimum of 80 square feet, or 8' X 10', and shall be contained under a roof and separated from the yard by elevation or some form of railing or fence.

   b. **Foundations**. The main floor shall be a minimum of 24 inches to a maximum of 32 inches above finish grade, except where lower elevations are required pursuant to ADA requirements. Plain concrete and plain concrete block may be used as foundation materials when the foundation material does not extend more than three feet above the finished grade level adjacent to the foundation wall.

   c. **Siding**. Siding shall be ship-lap, bevel or other narrow course horizontal material; with Clapboard 3.5" to 6" to the weather and drop-siding less than 10" to the weather. Vertical or diagonal application of siding is prohibited; except that board and batten siding may be applied vertically. Plain concrete, plain concrete block, corrugated metal, plywood, sheet pressboard, T-111, Oriented Strand Board, and aluminum

siding are prohibited, except that plain concrete or plain concrete block may be allowed for foundations as specified under subsection (b) above.

d. **Colors.** Building colors shall be compatible with the surrounding area, and consistent with the color palettes characteristic of architectural styles of the era of the District. Bright primary or fluorescent colors are prohibited on the main body of the structure.

e. **Windows**. Single windows and window pairs should be vertically proportioned and be surrounded by a minimum 3-inch trim. Multi-paned windows are preferable to picture windows for street-facing elevations.

f. **Exterior Lighting**. Entry door and front porch lighting is required on all new dwelling units, and shall be installed so as to not glare or shine onto adjacent property. Exterior lighting on residential dwellings and accessory structures shall be restricted to low-intensity exterior illumination not to exceed 2 lumens.

g. **Roofs**.

(1) **Rooflines**. A variety of rooflines are allowed provided the profile of the new roof is similar in pitch and configuration to those in the area. Gable End, Dutch Gable, Hipped, Gabled, and hipped and shed dormers are the predominating styles in the conservation district. Shed roofs are not allowed as the main roof form for any new dwelling. Flat roofs are allowed on structures having architectural styles such as Italianate or Richardson Romanesque, or similar styles, only on dwellings located within 100 feet of the Central Business District boundaries.

(2) **Roof Pitch and Overhang.** Roof pitch, and overhang at the gable end and eaves, shall be consistent with the selected architectural style.

(3) **Roofing Materials**. Roofing materials shall be 3-tab shingles, architectural style asphalt, shakes, copper, clay tile, slate, simulated slate, or of other ornamental types consistent with the architectural style of the structure. Colors shall be compatible with those in the area.

h. **Exterior Trim and Details**. All new residential units shall incorporate appropriate trim and detail, based on the selected architectural style, including, but not limited to: cornices; pediments; door and window surrounds; pilasters; molding; baseboards; trims; architraves; and lintels. Each new residential structure shall have at least one pediment or dormer, except or flat-roofed structures approved under

subsection (g)(1) above. No exterior fire stairs or fire escapes may be located on a structure's street-facing elevation.

i. **Garage Offset.** The front of a garage shall be setback a minimum of five feet from the front façade of a dwelling.

j. **Multi-family Residential Construction**. In addition to the requirements of this subsection, to emphasize each residential unit, all new multi-family units shall include a roof dormer or bay window on the street-facing elevation, or provide a roof gable that faces the street for each dwelling unit.

k. **Retention of Exterior Features**. Certain building features of an existing structure that are on its street-facing elevation shall be retained as part of any project that is altering the structure. Building features that must be retained are entrances, doors, windows exterior siding and the following projecting features: front porches; balconies; bay windows; dormers; and dormer windows.

3. **Mixed Use or Institutional Construction**. The architectural styles of new mixed use or institutional construction, including public buildings, in areas cited in Subsection 1 of this Section, shall be restricted to those that replicate major design elements characteristic of the 1890s-1930s architectural styles represented in the District.

a. **Building Materials.** Materials for new non-residential construction and other exterior features and facilities shall be selected and designed to replicate material that exhibit characteristics of architectural styles of the era of the District. Materials shall have good architectural character, shall be of durable quality, and shall be selected for harmony of the building with adjoining buildings.

b. **Building Colors.** Building colors shall be compatible with adjacent building colors and the era of the Conservation District.

c. **Roofs**. Flat roofs shall include parapets. Roofing materials shall be 3-tab shingles, architectural style asphalt, shakes, copper, or of other ornamental types consistent with the structure. Roll roofing shall only be used in conjunction with parapets. Colors shall be appropriate to the era of the District and compatible with adjacent buildings.

d. **Building Facades**. The facade facing a major pedestrian route shall have display windows, fenestration and entrances as required in Section 138, but in keeping with the era of the District. The ground level must be distinctly separated visually from upper stories. This may be done through introduction of a cornice above the ground level, establishment of an arcade, changes in material or texture, or development of a band of clerestory windows on the building's street-facing elevation.

e. **Awnings, Marquees and Porches**. All building facades facing a major pedestrian route shall provide weather protection in the form of awnings or marquees along at least 90% of the length of the ground floor building façade. Such weather protection may encroach into the public right-of-way subject to applicable City code, and shall meet the

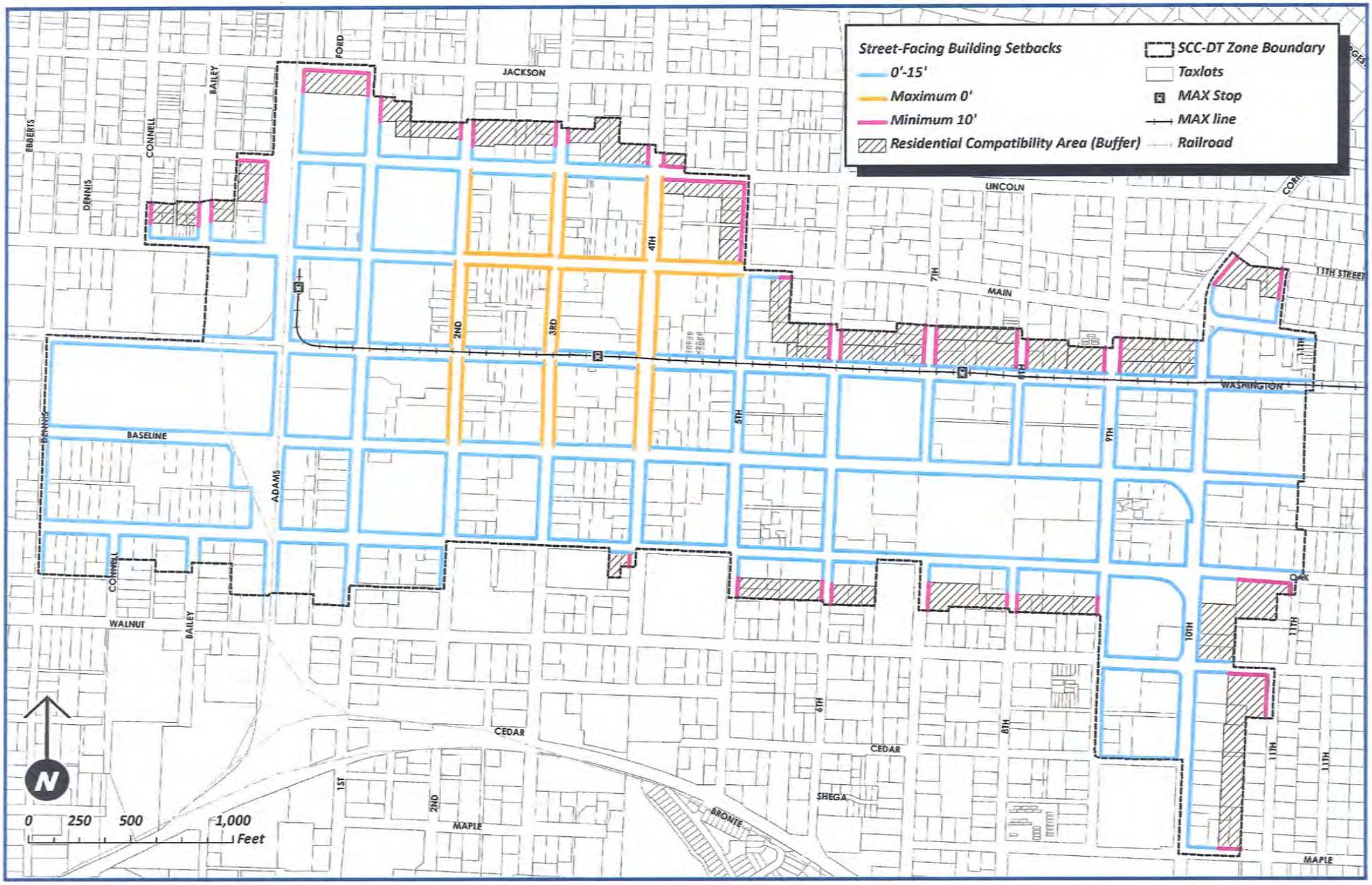
requirements of the Uniform Building Code (Chapter 32, Sections 3205, 3206). Building designs shall include porches and awnings, or other weather protection over the entry and adjacent sidewalk, to be designed and constructed of materials that replicate architectural styles consistent with the era of the District.

f. **Exterior Lighting**. Exterior lighting shall be part of the overall architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with the building design. Lighting shall be restricted to low-intensity on-site illumination that produces no direct spillover onto adjoining residential property. A maximum of 4 lumens is allowed. (Amended by Ord. No. 5676/10-06.)

g. (Deleted by Ord. No. 5676/10-06.)

h. **Mechanical Equipment**. Mechanical equipment or other utility hardware on the roof, ground, or building shall be screened from public view with materials harmonious with the building, or they shall so located as not to be visible from any public right-of-ways.

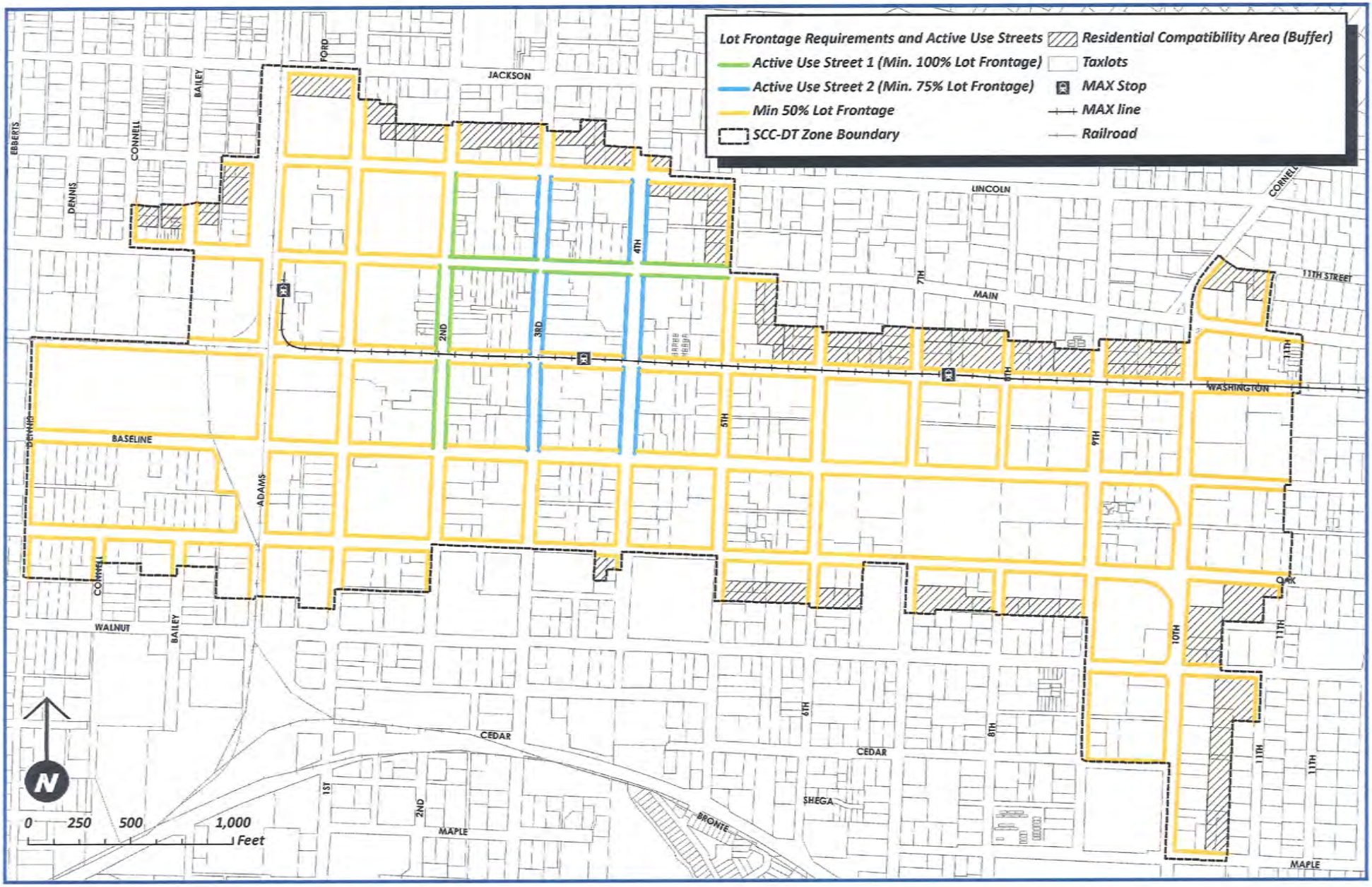
i. **Other Applicable Design Standards**. In addition to the standards specified in this subsection, new mixed use or institutional construction shall also conform to the streetscape design guidelines contained in Section 138 (XII)(D), subsections 1-16, which in the Downtown Neighborhood Conservation District shall be construed as requirements.



CITY OF HILLSBORO

SCC-DT ZONE

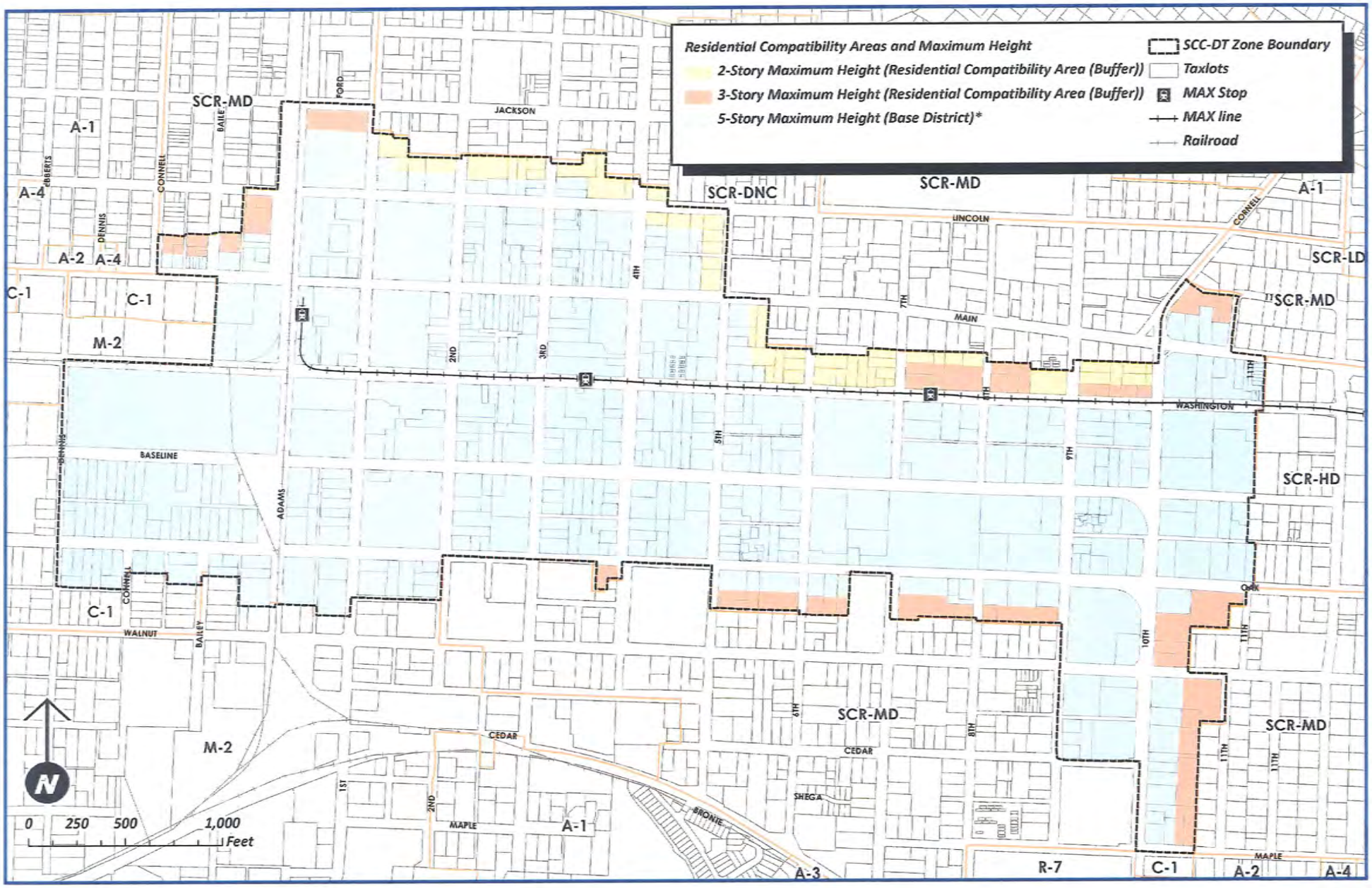
Figure 139-1: Street-Facing Building Setbacks



CITY OF HILLSBORO

SCC-DT ZONE

Figure 139-2: Lot Frontage Requirements and Active Use Streets

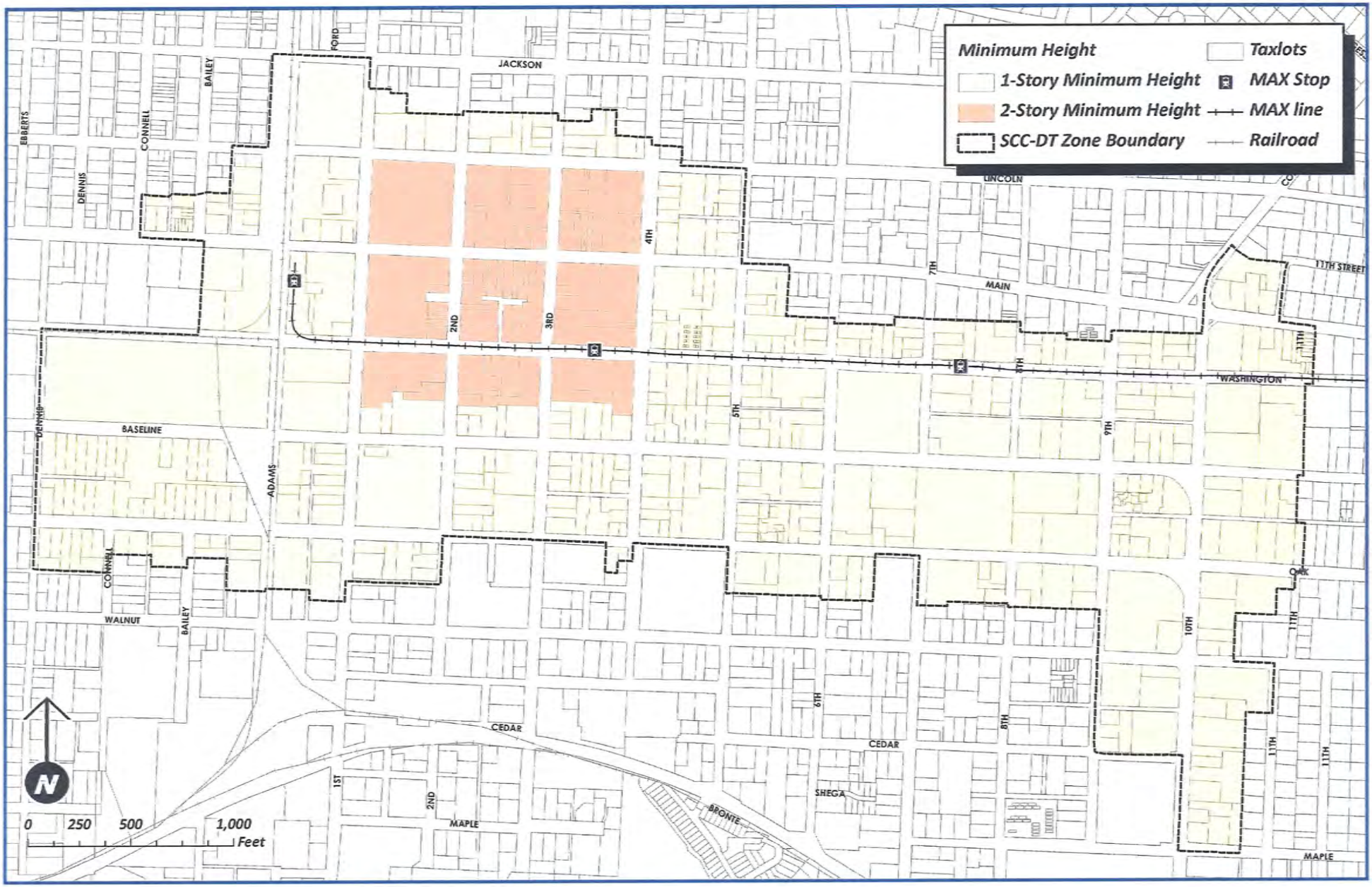


CITY OF HILLSBORO

SCC-DT ZONE

Figure 139-3: Residential Compatibility Areas and Maximum Height

*Except in Residential Compatibility Areas, increased height may be allowed with discretionary approval—See Section 137.X.B.3



CITY OF HILLSBORO

SCC-DT ZONE

Figure 139-4: Minimum Height

Section 140: ORENCO STATION COMMUNITY PLANNING AREA DEVELOPMENT REGULATIONS AND DESIGN STANDARDS

(Added by Ord. No. 4455/8-96.)

I. SCOPE

This Section establishes design standards specific to the Orenco Station Community Planning Area. These standards appear in the text below and in the illustrations shown in Figures 1 through 5.8 attached hereto and incorporated herein. (Amended by Ord. No. 4930/7-00.)

II. PURPOSE

A. These Orenco community-specific development regulations and design standards reflect the City's goals and objectives for the Orenco SCPA as described in the Hillsboro Comprehensive Plan, in the report of the Orenco Station Community Planning Advisory Team, and in the outcome of the workshops held during the SCPA process with members of the community which resulted in the development and endorsement of "Design Concept #3" by the Orenco Neighborhood Association. Except as noted below, the purpose for each development regulation and design standard is as described in Sections 137 and 138. Where the regulations or standards of this Section specifically conflict with those contained in Sections 137 and 138, the standards of this Section shall prevail.

B. The purpose of the regulations and standards applicable to the Orenco Townsite Conservation District is to conserve the historical and cultural significance of the area of the original community of Orenco by:

1. Preserving and restoring the plat plan and site layout of the original 1908 community and its 1911 addition;

2. Preserving, restoring and enhancing the landscape features of the townsite as designed by the Oregon Nursery Company, particularly the original street trees; (Amended by Ord. No. 5779/8-07.)

3. Replicating the streetscape of the original community using modern materials and technology by adopting street and infrastructure standards which call for narrow paved streets with rolled shoulders and grass drainage swales rather than urban curb and gutter standards; dedicating, re-dedicating and enhancing the original and analogous alley system; developing a system of pedestrian ways incorporated into the graveled street shoulders, surfaced alleys and property-line sidewalks rather than a uniform grid system of concrete sidewalks; and adopting a street lighting standard using a combination of twin and single lamp ornamental streetlights which provide for adequate public safety but reflect lower lighting levels befitting the period and character of the neighborhood;

4. Requiring that all new residential structures and remodeling or expansion of existing residential structures within the District be of similar character and architectural style as that built during the period of Orenco Town status including, but not limited to: housing limited to detached single family appearing structures, residential architectural

style consistent with the period, use of natural appearing materials and paint or finish colors consistent with those in use during the period, and other design and development standards as described in this Section; and

5. Requiring that all new commercial and governmental structures and the remodeling or expansion of existing commercial or governmental structures within the District be of similar character or compatible with the size, scale and architectural styles and treatments used in small towns like Orenco during the period 1900 to 1930.

C. The purpose of the regulations and standards applicable to the Residential Village (SCR-V) project located generally north of the Orenco LRT Station is to permit and enhance the opportunity to develop a transit-supportive community of significant size and proportion. The goal of this Section is to set forth regulations and standards which guide development of the residential village; creating a lively, prosperous mixed use neighborhood providing an attractive place to live, work, shop and recreate with increased opportunities to walk or bicycle to destinations throughout the village and enhanced opportunities to walk and use transit for trips outside the village, thus resulting in less reliance on the automobile by:

1. Providing for a mix of dwelling types while ultimately achieving an overall density of at least 1,834 dwelling units within the residential village;

2. Establishing public facility and street design criteria and requirements which allow for compact development through the use of street rights-of-way, street and travel lane widths, alleys, ample sidewalks and pedestrian amenities which fit the needs of a community within the increased density requirements of a SCR-V District;

3. Providing for a mix of uses within the residential village to offer a wide range of services and employment opportunities for village residents;

4. Providing for parks and open spaces to enhance the opportunity to recreate and enjoy the outdoors within walking distance of the residents' homes; and

5. Providing for a strong system of interconnected pedestrian linkages to provide a safe, convenient and attractive environment for walking between homes, shops, parks, bus and light rail transit, and other destinations within and without the village.

D. The purpose of the regulations and standards applicable to Lots 1, 2, 3, 4, 5, and 6 of Block 10 of the Orenco Townsite Plat is to recognize a unique circumstance that, for all practical purposes, foregoes the opportunity to construct single family dwellings meeting the standards of the District. Because the lots abut 231st Avenue and because multi-family housing is adjacent on three (3) sides of the property and because single family homes in this location will probably not be marketable, the Planning Commission has found that an exception to the strict adherence to District development regulation and design standards is warranted. Nonetheless, in allowing construction of attached townhouse or rowhouses on these lots, the Planning

Commission recognizes that the density and design of the dwelling units must be compatible with the remainder of the District. The exception and conditions of the exception is consistent with this purpose. However, should the property owner choose, the opportunity to build single family detached and ancillary dwelling units on the named lots shall remain. (Added by Ord. No. 4457/8-96.)

E. All other land within the Orenco SCPA will be developed, with minor exceptions noted below, in accordance with the applicable SCPA District Development Regulations of Section 137 and under the Design Guidelines of Section 138. (Added by Ord. No. 4457/8-96.)

III. DEVELOPMENT REGULATIONS

A. Minimum Lot Size

In addition to the Standards of Section 137 the following shall apply:

1. Within the SCR-V District adjacent to the Sunset Downs neighborhood, the minimum lot size abutting the existing subdivision shall be 6,800 square feet and shall not be larger than 10,000 square feet.

2. Within the SCR-OTC District, lots of record on the effective date of this Ordinance that are less than 7,500 square feet are lawful building lots and may be used for residential or commercial purposes as prescribed by the regulations and standards of the District.

3. Within the residential portions of the SCR-OTC District, lots of record on the effective date of this Ordinance that are greater than 7,500 square feet shall be partitioned or subdivided only into 7,500 square foot lots measuring fifty feet by one-hundred fifty feet (50'x150'), which shall include any dedication required for alleys but excluding any dedication required for public streets, and shall be platted in such fashion so as to conform with the platting, alley and street pattern of the original Orenco Townsite. Remnant parcels smaller than the District standard 7,500 square feet, 50 feet x 150 feet building lot, are eligible for residential construction only if the lot and dwelling can be accessed from a street or alley laid out in accordance with the platting plan for the District; otherwise, a remnant parcel may remain a part of the adjacent lot without regard to the 50'x150' standard lot size.

4. Lots abutting the right-of-way line of Alder Street between 228th and 231st are considered neighborhood commercial lots and are not subject to the residential 7,500 square feet minimum and shall have no minimum lot area or dimension requirements. (Amended by Ord. No. 4685/6-98.)

5. New campus development within the SCBP District in the Orenco SCPA may be created on parcels 7.5 acres or larger.

B. Minimum Lot Width and Depth

The Standards of Sections 137 and 140.III.A. shall apply.

C. Minimum and Maximum Residential Densities

The Standards of Section 137 shall apply, except that:

1. In the case of the residential village development located generally north of the Orenco LRT Station, the developer, City and Metro have analyzed the property, its constraints and opportunities and have agreed that notwithstanding any other provision of Sections 136 through 138, the minimum overall residential dwelling units to be constructed on the property as shown as SCR-V on the maps of the Orenco District[1], owned by PacTrust and proposed for inclusion in said development on February 26, 1996 is 1,834 dwelling units. The residential density of the village will not necessarily gradate from the Orenco LRT station; but rather, residential density variants will be interspersed throughout the village community and shall be specified in the Concept Development Plan pursuant to Section 136.VII.B.

   The development shall contain a mix of housing product types, densities and other design elements, including a neighborhood commercial component, several parks and usable open space areas, pedestrian amenities, and a complete infrastructure, roadway and pedestrian system which will combine to develop a residential village consistent with the provisions of the SCPA code provisions.

2. (Deleted by Ord. No. 6005/3-12.)

3. Within the Orenco Conservation District (SCR-OTC) ancillary dwelling units are allowed only on lots which meet the full 7,500 square feet area requirements of the District and where such a dwelling unit is constructed on the rear one-third of the lot and access to such an ancillary unit can be gained from a Type D alley.

4. Lots 1, 2, 3, 4, 5 and 6 of Block 10, of the Orenco Townsite Plat, located south of Dogwood Street and between 230th and 231st Avenues, are included in the SCR-OTC District but shall be subject to the following special provisions. Further variance to these special provisions is prohibited. The named lots shall be:

   a. Exempt from the demolition provisions of Section 138.XIII., Standards For Protection Within Historic and Cultural Conservation Districts;

[1] This area does not include the SCR-V District under separate ownership shown east of 229th Avenue extending to near Cornelius Pass Road.

b. Allowed to construct up to fourteen (14) attached rowhouse or townhouse dwelling units or up to twelve (12) detached single family dwelling units per acre over the combined lots. In order to carry out the provisions of this paragraph, the minimum lot size shall be 2,000 square feet, the minimum lot width shall be 25 feet, and the minimum lot depth shall be 75 feet;

c. Prohibited from adding an ancillary unit to any of the named lots if a townhouse or rowhouse dwelling is constructed on that particular lot under b., above;

d. Exempt from the buffer described in Section 137.V.B.11.; and

e. Subject to the applicable development regulations and design standards of the SCR-OTC District contained in Section 140, and the applicable standards of Sections 137 and 138, except that the restrictions of Section 140 that limit new residential construction to single family type dwellings shall not apply.

(Added by Ord. No. 4457/8-96; Amended by Ord. No. 5872/8-08.)

D. Minimum Floor Area Ratios

The Standards of Section 137 shall apply, except that:

The requirement for ten percent (10%)neighborhood commercial in the SCR-V District generally north of the Orenco LRT Station is waived for that portion of the District south of Cornell Road, and is waived for that portion of the SCR-V District north of Cornell Road provided that the Concept Development Plan includes at least two (2) net acres (including parking and circulation) of neighborhood commercial uses at the intersection of Orenco Station Parkway (north of Cornell Road) and/or along 63rd Parkway (north of Cornell Road.) and/or along 63rd Parkway north of Cornell Road.

E. Minimum Non-Residential Density Objectives

The Standards of Section 137 shall apply.

F. Minimum and Maximum Setbacks from Streets and Alleys

The Standards of Section 137 shall apply except that:

1. In the SCR-OTC District the setback requirements shall be as follows:

Minimum Front	**5 feet**
Maximum Front	**20 feet**
Minimum Side	**5 feet; sum of two side yards minimum 15 feet**
Maximum Side	**None**

Setbacks for fences and other obstacles along alleys shall be four feet (4') from each side of the alley right-of-way so as to create a clear corridor of twenty-three feet (23') for emergency access. The minimum building setback from the edge of the alley right-of-way shall be sixteen feet (16'). (Amended by Ord. No. 5779/8-07.)

2. Notwithstanding paragraph 1, above, in the SCR-OTC District, a garage may have a zero side setback so as to construct a shared garage across the property line provided that the garage is built to the specifications of the Uniform Building Code and the Uniform Fire and Life Safety Code, and provided that the garage does not contain nor support a dwelling unit.

3. Setbacks for residential uses in the SCR-V District generally north of the Orenco LRT Station may, at the discretion of the developer and with concurrent approval through the Development Review process, increase the distance from the residential use to Cornell Road, 229th Avenue and Butler Street, be it a front or side setback, to a distance not to exceed forty feet (40'). Additional setback distance shall be granted based on an approved design pursuant to Development Review, to account for the curvilinear nature of 229th Avenue; however, any additional setback in this area shall be improved as usable open space.

G. Vision Clearance

The Standards of Section 137 shall apply.

H. Minimum and Maximum Building Height Requirements

The Standards of Section 137 shall apply, except that:

The maximum height in the SCI District within 100 feet of 231st Avenue from the light rail alignment to 100 feet south of Dogwood and within 100 feet of the light rail alignment from 231st Avenue to 400 feet west of the alignment of 63rd Parkway shall be forty-five feet (45'). The maximum height for structures built within the next 200 feet (from 101 feet to 301 feet) of the aforementioned boundaries shall be sixty feet (60').

I. Minimum and Maximum Off-Street Parking Requirements

The Standards of Section 137 shall apply.

J. Minimum Usable Open Space Requirements

The Standards of Section 137 shall apply, except that:

Within the SCI District preference for the location of open space shall be given to preservation of (1) natural resource areas within the parcel, (2) areas adjacent to the light rail alignment, (3) open space adjacent to natural resource areas which could serve the recreational and relaxation needs of employees, and (4) areas adjacent to the residential districts within the Station Community.

K. Minimum Landscaping, Natural Resource and Mature Tree Preservation Requirements

The Standards of Section 137 shall apply except that:

1. Within the Orenco Conservation District (SCR-OTC), all development shall replant missing or damaged street trees with species found on the block face as planted by or consistent with the Oregon Nursery Company planting plan and in accord with the OTC District Street Tree Plan (Figure 1) and shall install landscaping within the project consistent with the historic plantings within the community as listed on the recommended planting list (Figure 2). Replacement street trees shall be sized at a minimum 2 ½ -inch caliper, grade B or better. Replacement elm trees shall be disease-resistance species only.

2. Within the Orenco Conservation District (SCR-OTC), original mature street trees within the public right-of-way shall be retained unless irrevocably diseased or damaged. Mature street trees shall be removed only with prior permission from the Planning Department based on a report from a registered arborist. Tree removal shall be supervised by a registered arborist or professional tree service.

3. For purposes of this section, "mature street trees" are defined as trees in the public right-of-way at or greater than the following diameters four feet above grade:

   a) Fir, Pine, Cedar, or other evergreen conifer: 24 inches;
   b) Elm, Maple, Walnut, Birch, or other deciduous: 20 inches;
   c) Apple, Pear, Peach, Prune, Plum, or other fruit: 12 inches; or
   d) Ornamental or other species not included above: 12 inches.

   (Amended by Ord. No. 5893/12-08.)

4. Mature street trees may be necessarily pruned by the owner of the adjacent property or by the City of Hillsboro at any time, without permission or arborist supervision, for the following purposes:

   a) to remove dead, diseased, or previously damaged branches;

   b) To maintain adequate sight distance of traffic control devices. Such sight distance shall be determined by the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets, and the latest edition of the Federal Highway Administrations Manual of Uniform Traffic Control Devices (MUTCD).

   c) To comply with the requirements of the Hillsboro Municipal Code 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. (Amended by Ord. No. 5982/9-11.)

5. Mature street trees may be optionally pruned by the owner of the adjacent property, without permission or arborist supervision, subject to the following standards:

   a) Deciduous trees may be optionally pruned to thin or raise the tree crown for purposes of safety or tree health. Optional pruning should not remove more than 10% of the existing crown in a year.

   b) Optional pruning of deciduous and conifer evergreen trees should occur during the dormant season (late fall to early winter);

   c) Optional pruning of fruit and ornamental trees should occur prior to the growing season (late winter to early spring);

   d) Best management practices should be followed regarding equipment, cut angles, branch selection, and other standards.

6. Unhealthy pruning practices, such as crown height reduction, topping, tipping, pollarding, topiary pruning, bark ripping, flush cutting, and stub cuts, should be avoided.

(Subsection K amended by Ord. No. 5779/8-07.)

L. Mixed Use Buildings and Mid-Rise Apartments

The Standards of Section 137 shall apply.

M. Sidewalks

The Standards of Section 137 shall apply except that:

Within the Orenco Townsite Conservation District (SCR-OTC) placement, width and composition of sidewalks shall conform to the provisions of paragraph N., below, and to the Pedestrian Circulation Plan of the District (Figure 3).

N. Street and Alley Standards

The Standards of Section 137 shall apply, except:

1. Within the Residential Village District (SCR-V) north of the Orenco LRT station, the block perimeter requirements of Section 137.XVI. shall be allowed to be up to 2,000 feet for blocks adjacent to parks and open spaces provided that the parks and open spaces have an internal pedestrian circulation system and provided that an alley system is constructed within blocks which exceed 1,600 feet perimeter distance in order to facilitate pedestrian movement in the area;

2. Within the Orenco Townsite Conservation District (SCR-OTC), the network of streets, alleys and block perimeter is restricted to that derived from the original platting in the community (Figure 4). Location of all new streets and alleys shall conform to the pattern and layout contained in the original platting. With the exception of Block 14 in the plat of the First Addition to Orenco, any new development is

alleys and/or expansion of the grid of streets and alleys in order to reestablish and, as appropriate, expand the original network of streets, alleys and block perimeters. (Amended by Ord. No. 5591/1-06).

3. Except for that portion of 231st Avenue adjacent to the SCR-OTC District, and except for the public utility easement provisions contained in Section 137.XVI, the street standards of Section 137.XVI shall not apply within the SCR-OTC District. In order to reestablish the community to its state during the period of Orenco Township status and carry out the purposes of the Conservation District, the street, alley and rights-of-way standards of the SCR-OTC District shall be as specified in Figure 5.1, Station Community Street Types, and Figure 5.2, Street Network, as described below and illustrated in Figures 5.4 through 5.8:

a. **Type "A" streets** (Figure 5.4):

Shall have a 20 foot asphaltic concrete travel surface centered within a 60 foot right-of-way; a 5 foot wide Portland Cement Concrete property-line sidewalk separated from the 3 foot roadway shoulder by a 12 foot wide planting strip and drainage swale. A 7 foot AC paved parking area with a 3 foot shoulder shall be provided adjacent to the roadway where parking requirements are indicated in the SCR-OTC District Parking Plan (Figure 5.3). Property-line sidewalks adjacent to neighborhood commercial uses shall be 8 feet wide. In those areas, the on-street parking and the extra width commercial sidewalk shall reduce the required width of the planting strip. Where indicated within the Pedestrian Circulation Plan (Figure 3), sidewalks shall be allowed only on one side of the street.

b. **Type "B" streets** (Figure 5.5):

Shall have a 20 foot wide asphaltic concrete travel surface centered within a 60 foot right-of-way. The roadway shall have a 3 foot wide shoulder on both sides consisting of compacted ¼ minus unwashed gravel or equivalent material which complies with ADA as an approved soft travel surface. The shoulders shall be posted for no parking. A 17 foot planting strip and drainage swale shall be provided in back of the gravel shoulder. Sidewalks on Type B streets shall be in accord with the Pedestrian Circulation Plan (Figure 3).

c. **Type "C" streets** (Figure 5.6):

Shall have an 18 foot wide asphaltic concrete travel surface centered within a 60 foot right-of-way. The roadway shall have a 3 foot wide shoulder consisting of ¼ minus unwashed gravel or equivalent material which complies with ADA as an approved soft travel surface. The shoulders shall be posted for no parking. An 18 foot planting strip and drainage swale shall be provided on both sides of the roadway. There are no sidewalks on Type C streets.

d. **Type "D" alley** (Figure 5.7):

Shall be a surfaced alley 15 feet in width constructed of Asphaltic Concrete with a structural cross section meeting or exceeding the engineering standards of the City. There shall be a 4 foot fire access easement on both sides of the paved surface prohibiting fences, hedges or other vertical protrusions. Alleys shall be posted for no parking. (Amended by Ord. No. 4930/7-00.)

e. **Type "E" pedestrian way** (Figure 5.8):

A 5 foot accessible soft-path pedestrian-way contained within an existing 60 foot right-of-way may be constructed pending development and upgrading to a higher use street type, or may be used to connect the pedestrian circulation system within the community.

f. **In addition: Drainage swales** shall have a maximum slope of 3:1 so as to be easily mowed by the property owner. The planting strip required in Type "A", "B" and "C" streets may contain the underground public utilities in lieu of an additional public utility easement provided the location of utilities in the planting strip shall not damage existing trees or historic landscape materials within the right-of-way, or interfere with the storm water management function of the swale. Type "D" alleys shall drain to the center of their right-of-way and continue draining to a catch basin before intersecting with Type "A", "B", or "C" streets, or with 231st Avenue. Construction of raised asphalt or concrete curbs are prohibited throughout the District.

O. Lot Access

The Standards of Section 137 shall apply, except that:

1. Flag lot access is prohibited. New lots created pursuant to subsection III.A.3. of this Section shall provide for, dedicate or provide public easement for, and improve any street and alley necessary to accommodate the alley and street pattern required for conformance with the original Townsite.

2. Full sized 50' x 150' lots in the OTC which abut the Rock Creek or other inventoried natural resource area, and are precluded from constructing a rear alley, may gain access to an ancillary unit from the street, and may place the ancillary unit in front of, rather than behind, the main dwelling unit.

IV. DESIGN STANDARDS

A. Improvements between Streets and Buildings

The Standards of Section 138 shall apply, except that:

Street trees within the Orenco Conservation District (SCR-OTC) shall be oak, disease resistant varieties of elm, or other tree species consistent with the plantings of the Oregon Nursery Company contained in the list of approved plants for the Orenco Conservation District, Figure 2.

B. Building Entries and Orientation
The Standards of Section 138 shall apply.

C. Ground Floor Windows and Building Facades
The Standards of Section 138 shall apply.

D. Building Step-Back Requirements
The Standards of Section 138 shall apply.

E. Location and Design of Off-Street Parking
The Standards of Section 138 shall apply except that:

1. Within the Orenco Conservation District (SCR-OTC), off-street parking located between the street and any non-residential structure shall be prohibited.

2. Within the Orenco Conservation District (SCR-OTC), no lot shall be converted exclusively for off-street surface parking use.

3. Within the Orenco Conservation (SCR-OTC) and the SCR-V Districts, loading, docking, dock and truck maneuvering areas located between the street and any non-residential structure shall be prohibited.

4. Within the Orenco Conservation District (SCR-OTC), parking areas shall be planted and maintained with large species, broad canopied deciduous shaded trees consistent with the street tree and planting plan of the District.

F. Drive-Through Uses
The Standards of Section 138 shall apply except that:

Within the Orenco Conservation District (SCR-OTC) and along 231st Avenue adjacent to the District, drive-through uses shall be prohibited.

G. Outdoor Display and Storage
The Standards of Section 138 shall apply. (Amended by Ord. No. 5676/10-06.)

1. (Deleted by Ord. No. 5676/10-06.)

2. (Deleted by Ord. No. 5676/10-06.)

H. Alleys
The Standards of Section 138 shall apply.

I. Streetscape and Site Design Standards and Guidelines

The Standards of Section 138 shall apply, except that:

1. Within the SCR-OTC District, the portion of Section 138.XII.C.3. relating to specific uniform street and sidewalk treatments, patterns, and materials within 1,300 feet of an LRT station shall not apply. Street and sidewalk treatments shall conform to the provisions of Section 140.III.N. All other provisions of Section 138.XII.C.3. shall apply within the District.

2. Within the SCR-OTC District, in applying the standards of Section 138.XII.C.3., twin ornamental street lights shall be placed at two diagonal corners of each street intersection. A single ornamental street light shall be placed on both sides of the street where it intersects with an alley, and along all block faces so there is an ornamental streetlight on each side of the street approximately every 200 feet between street intersections.

3. Within the SCR-OTC District (SCR-OTC), solid wood and cyclone fencing, and concrete and cinder block walls are prohibited at the property or setback line unless planted with landscaping materials which obscures the fence or wall from the street or alley.

4. Within the SCR-OTC District (SCR-OTC), front yards shall be visually open to the street. They may contain a fence not exceeding four feet (4') in height and which is visually open, may contain a landscaped berm not exceeding two feet (2') in height, and/or may contain a hedge or other landscaping material so long as it does not obscure the front yard or entrance to the building or dwelling. For purposes of this provision, where a side yard of a corner lot is adjacent to a street, the side yard is subject to the same standard as a front yard.

J. Orenco Townsite Conservation Standards

1. The standards of this subsection apply throughout the SCR-OTC District, including lots 1, 2, 3, 4, 5 and 6 of Block 10 of the Orenco Townsite Plat. (Added by Ord. No. 4457/8-96.)

2. The standards contained in Section 137 through 138 shall apply and supplement those contained in this subsection. Where standards contained in this subsection conflict with those of Sections 137 and 138, the standards contained here shall prevail.

3. The architectural style of new construction shall be restricted to those which replicate major design elements of the 1900-1930 Craftsman, Bungalow and Shingle architectural style of the original townsite. (See the Orenco Station Community Background Report for examples and illustrations of the appropriate architectural types.) New construction shall include the following features:

   a. Front or wrap-around porches, where consistent with the architectural style of the proposed building.

b. The main floor for residences shall be a minimum of twenty-four inches (24") to a maximum of thirty-two inches (32") above finish grade.

c. Garages for the main residential dwelling shall be either:

1) detached and located behind the dwelling, farther from the street than the primary plane of the rear elevation of the dwelling; or

2) located within the mass of the dwelling, with the garage doors on the rear elevation.

(Amended by Ord. No. 5779/8-07.)

d. Siding shall be ship-lap, bevel or other narrow course horizontal material; with Clapboard 3½ " to 6 " to the weather and drop-siding less than 10" to the weather. Vertical or diagonal application of siding is prohibited; except board and batten siding may be applied vertically. Aluminum, T-111, and Oriented Strand Board siding are prohibited.

e. Building colors shall be compatible with the era of the Conservation District. Bright primary colors are prohibited.

f. Single windows and window pairs should be vertically proportioned and be surrounded by a minimum three inch (3") trim. Multi-paned windows are preferable to picture windows for front elevations.

g. Residential dwellings and accessory structures shall be restricted to low-intensity exterior illumination not to exceed two (2) lumens. Entry door and front porch lighting is required, and shall be installed so as to not glare or shine onto adjacent property.

h. Roof pitch shall be a minimum of six inches (6") rise per foot.

i. Roof overhang shall be a minimum of one foot (1') at the gable end and 18 inches at the eaves.

j. Where consistent with the selected architectural type, roofs shall include gables and hips on the same building, and use of dormers is encouraged.

k. Window, porch, and roof eave-gable detailing is to incorporate appropriate design elements from the selected architectural style.

l. Roofing materials shall be 3-tab shingles, architectural-style asphalt, shakes, slate, cooper or other ornamental types consistent with the structure. Colors shall be appropriate to the era of the District.

(Added by Ord. No. 4930/7-00.)

4. Where attached townhouse-type dwellings permitted under Section 140.III.C.4. are built on the lots named above, the standards of this subsection shall be adopted so as to achieve a similar architectural style and look as single family detached units built under these standards. (Added by Ord. No. 4457/8-96.)

5. Except for the lots named in paragraph 1., above, residential dwellings and non-residential buildings constructed during the incorporated period of the Orenco Township shall be protected from demolition, remodeling or reconstruction which alters or destroys the character of the original structure. New construction on such buildings shall be restricted to the type of work classified and defined as rehabilitation or restoration. Unless exempted through the Development Review Process, restorations and rehabilitations are subject to the following provisions:

   a. Buildings listed in the Washington County or the City of Hillsboro Historic and Cultural Resources Inventory are required to comply with the standards for exterior construction normally required of restoration projects under Historic Registry guidelines.

   b. The architectural integrity of facade elements shall be maintained and restored. This includes entrances, porches, dormers and additions.

   c. Original siding shall be retained wherever possible.

   d. Replacement siding shall duplicate the style, pattern, and if practicable, the materials of the original siding.

   e. Imitative materials such as asphalt siding or artificial stone are prohibited.

   f. Alterations to a roof shall match the existing roof pitch or architectural theme of the structure and roofing materials shall match or be consistent with the original roof.

   g. Skylight locations and sizes shall be installed so as not to detract from the character of the building.

   h. Window and door replacements shall be in keeping with the character and style of the structure.

   i. Historic plantings and landscaping shall be maintained wherever possible, and replacement materials shall be consistent with those of the original. Replacement trees, where necessary, shall be Homestead Elm, Zelcova Serrata ("Village Green" variety), or equivalent species approved by the Planning Director or designee.

(Amended by Ord. No. 4457/8-96 and 4930/7-00.)

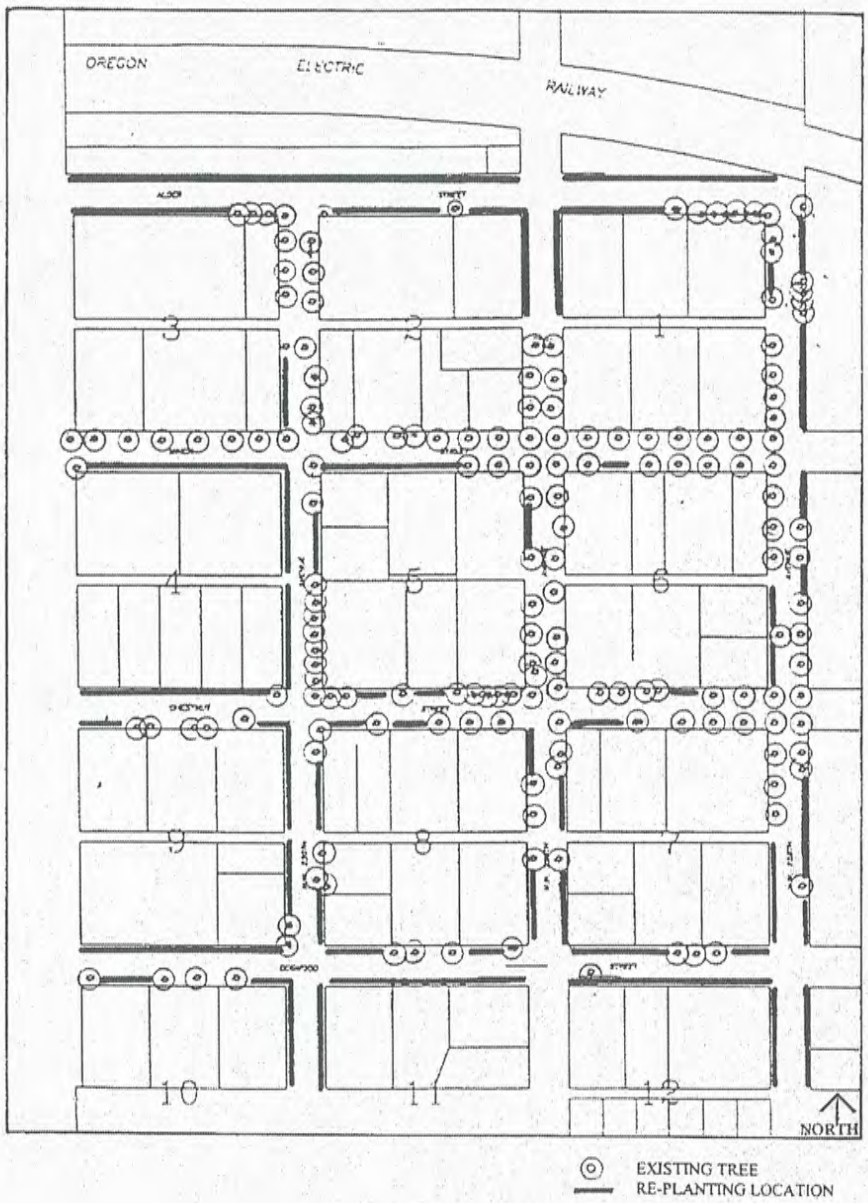


Figure 1: Street Tree Plan (1908 Platted Townsite Area)

SCR-OTC DISTRICT
Orenco Station Community Planning Area

UPRIGHT DECIDUOUS TREES

AILANTHUS - Tree of Heaven
ALDER - Alnus
ARALIA - Angelica Tree or Hercules Club
ASH - Fraxinus
BEECH - Fagus
BIRCH - Betula
CATALPA - Catalpa
CHERRY - Cerasus
CRAB - Pyrus or Pyrus Malus
DOGWOOD - Cornus
ELM - Ulmus
FRINGE - Chionanthus
HONEY LOCUST - Gleditschia
HORSE-CHESTNUT - Æsculus
JUDAS OR RED BUD - Cercis
KENTUCKY COFFEE TREE
LABURNUM - Cytisus
LARCH - Larix
LINDEN - Tilia
LOCUST OR ACACIA - Robinia
MAGNOLIA - Native Sorts
MAGNOLIAS - Chinese and Japanese
MAPLE - Acer
MAPLE - Japanese
MOUNTAIN ASH - Pyrus Sorbus
OAK - Quercus
OSAGE ORANGE - Maclura Aurantiaca
PAULOWNIA - Paulownia
PEACH
POPLAR - Populus
PRUNUS - Plum
SWEET GUM OR BILSTED
SOUR GUM OR TUPELO - Nyssa
SYCAMORE - Platanus
THORN - Cratœgus
TULIP TREE OR WHITEWOOD - Liriodendron
WILLOW - Salix

Figure 2: Plant List

SCR-OTC DISTRICT
Orenco Station Community Planning Area

EVERGREENS (Coniferae)

ARAUCARIA
ARBORVITÆ - Thuya or Thuja
CALIFORNIA BIG TREE
CEDAR - Cedrus
CYPRESS - Cupressus
CRYPTOMERIA - Cedar
FIR - Abies
HEMLOCK - Tsuga
JUNIPER - Juniperus
PINE - Pinus
RETINOSPORA - Japanese Cypress, Japanese Cedar, Retinospora or Chamaecyparis
SPRUCE - Picea
YEW - Taxus
PODOCARPUS

UPRIGHT DECIDUOUS SHRUBS

ALTHÆA - Hibiscus Syriacus
ALMOND - Prunus
AZALEA - Azalea or Rhododendron Sinese
BARBERRY - Berberis
CALYCATHUS - Sweet-Scented Shrub or Carolina Allspice
CAMELLIA
CHERRY - Cerasus
CORCHORUS - Kerriia Japonica
CURRANT - Ribes
DEUTZIA - Deutzia
DOGWOOD - Cornus
ELÆAGNUS
ELDER - Sambucus
EXOCHORDA
FILBERT - Corylus
FORSYTHIA - Golden Bell
HEDYSARUM MULTIJUGUM
HONEYSUCKLE, UPRIGHT - Lonicera
HYDRANGEAS
JUNEBERRY - Amelanchier
LILAC - Syringa
PRIVET - Ligustrum
QUINCE, JAPAN - Cydonia or Pyrus Japonica
SCOTCH BROOM - Genista
SILVER BELL OR SNOWDROP TREE - Halesia
SNOWBALL - Viburnum
SNOWBERRY - Symphoricarpos

Figure 2: Plant List

SCR-OTC DISTRICT
Orenco Station Community Planning Area

HEDGES

EVERGREEN:
- American Arborvitœ
- Siberian Arborvitœ
- Red Cedar
- Norway Spruce
- Ashberry
- Box
- Euonymus
- Laurustinus

DECIDUOUS:
- Honey Locust
- Japan Quince
- Barberry
- Privet
- Spirea

DEFENSIVE HEDGES (Deciduous):
- Honey Locust
- Osage Orange

HARDY CLIMBING VINES

AKEBIA
AMPELOPSIS
BIGNONIA OR TRUMPET FLOWER - Tecoma
CLEMATIS - Virgin's Bower
CINNAMON VINE
CHINESE MATRIMONY VINE
DUTCHMAN'S PIPE
EULALIA
HONEYSUCKLE - Lonicera
IVY - Hedera
JASMINE - Jasminum
SILVERY-SWEET VINE - Actinidia polygama
WISTERIA
PAMPAS GRASS - Gynerium digertium

Figure 2: Plant List

SCR-OTC DISTRICT
Orenco Station Community Planning Area

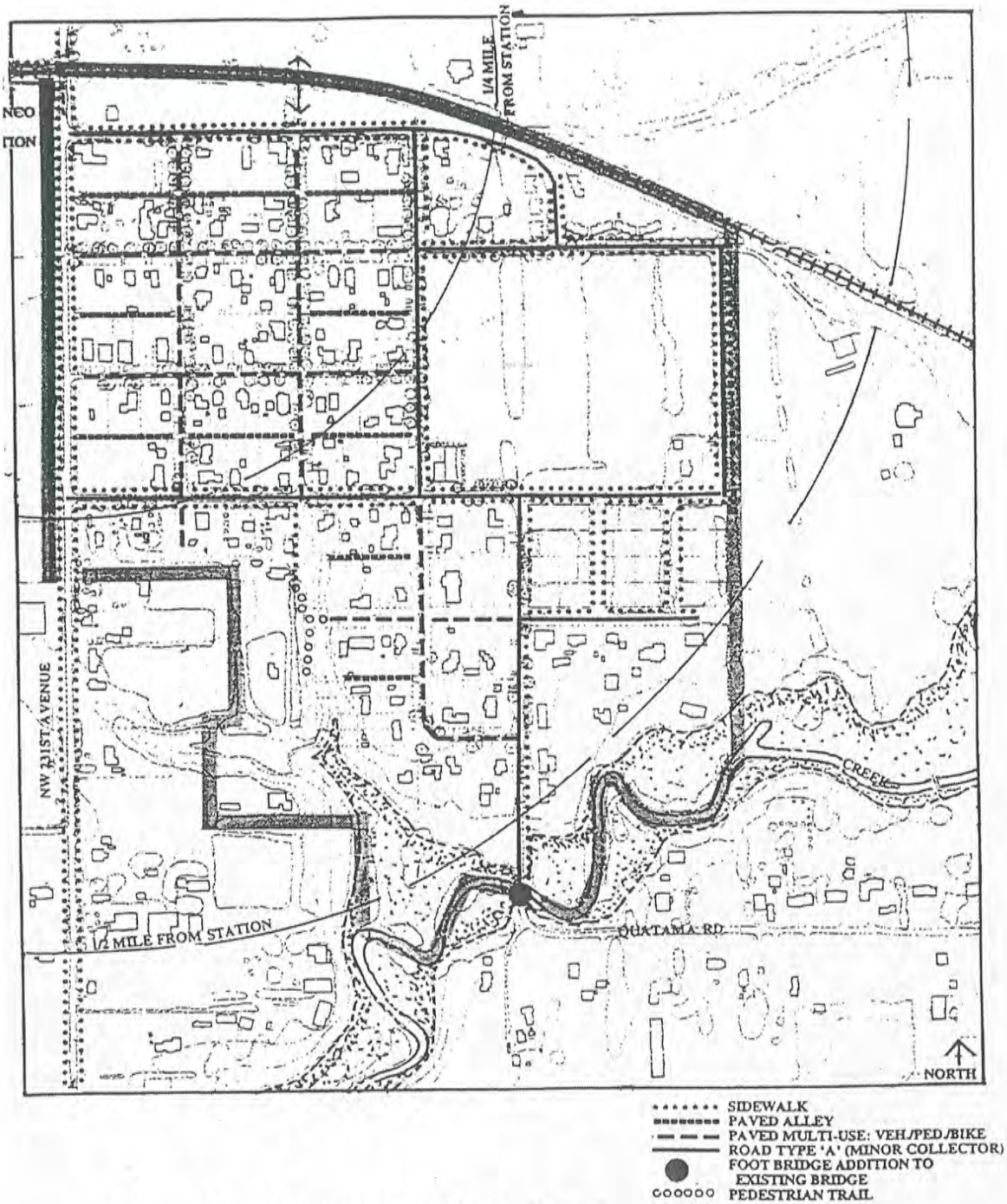


Figure 3: Pedestrian Circulation Plan

SCR-OTC DISTRICT
Orenco Station Community Planning Area

(Amended by Ord. No. 5591/1-06)

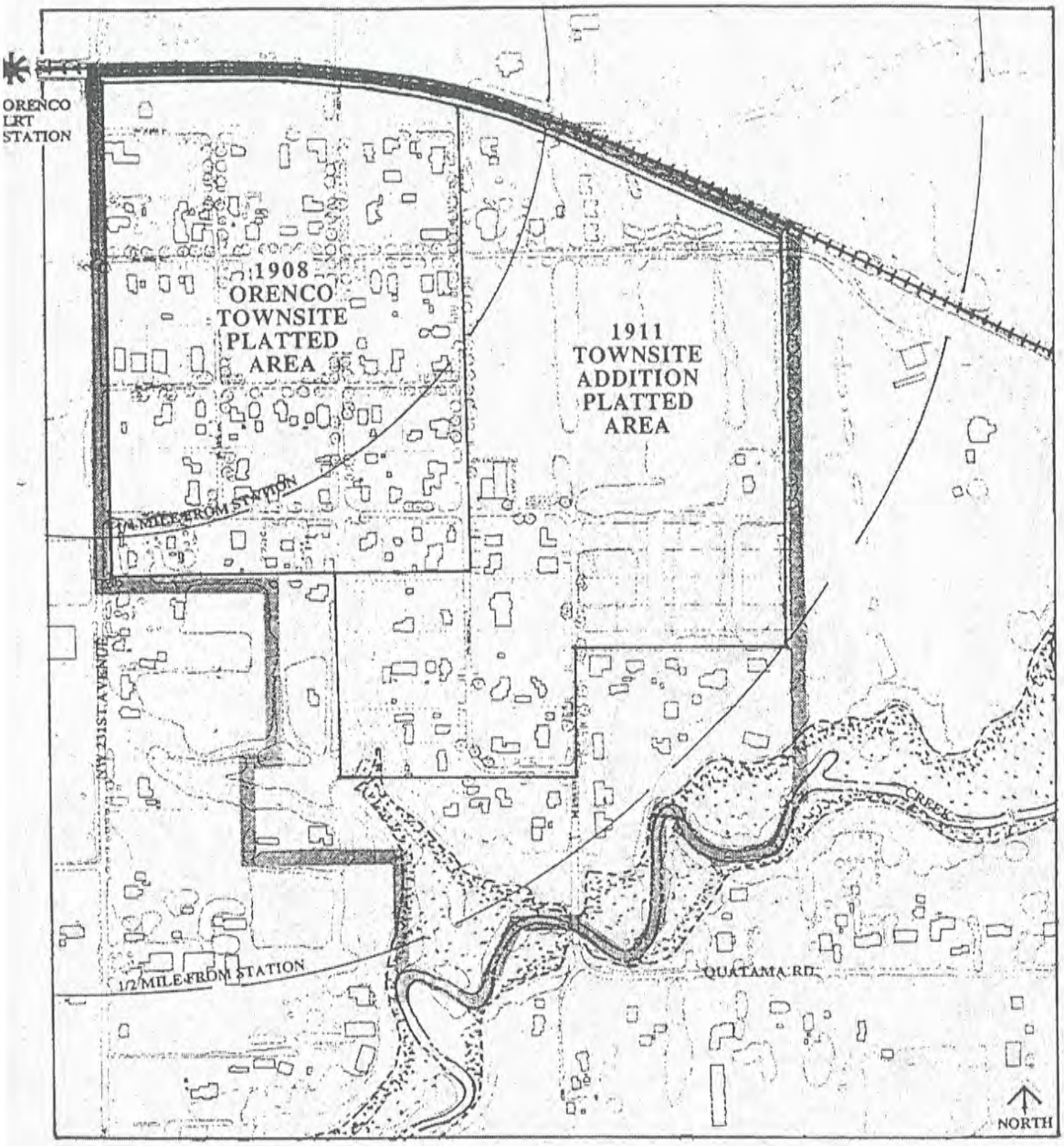


Figure 4: Orenco Townsite Plat: 1908, 1911

SCR-OTC DISTRICT
Orenco Station Community Planning Area

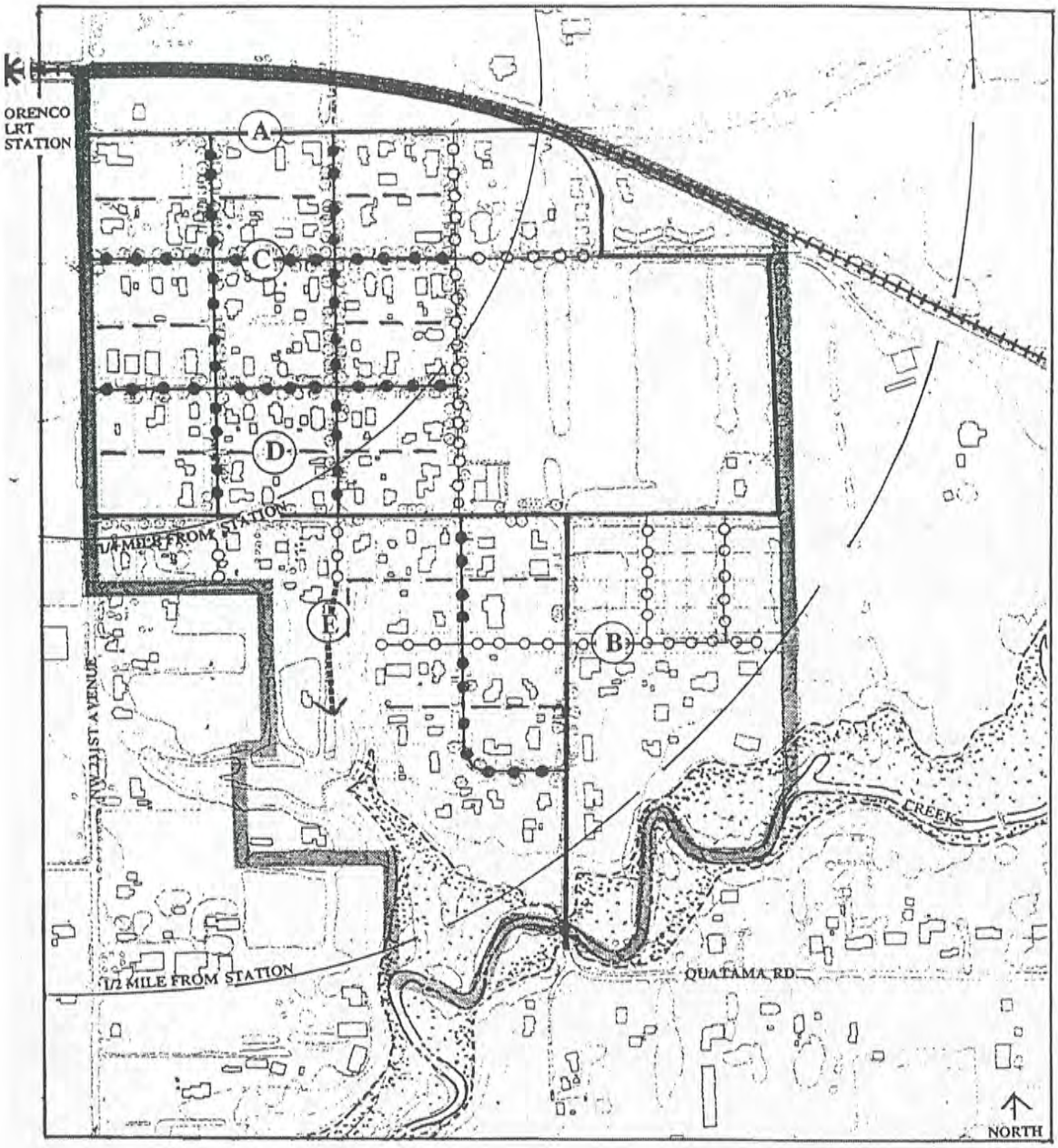
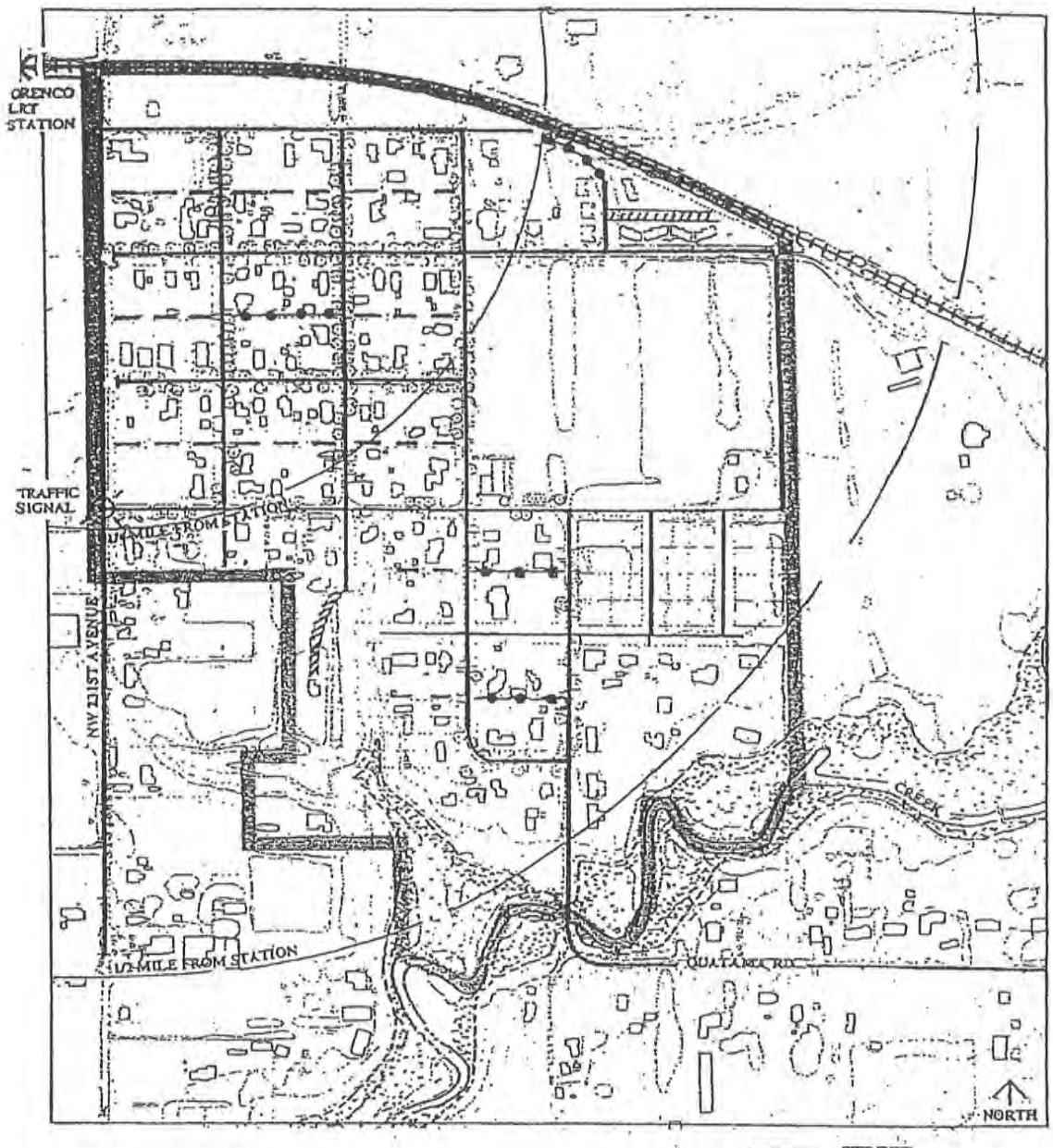


Figure 5.1: Station Community Street Types

SCR-OTC DISTRICT
Orenco Station Community Planning Area

(Amended by Ord. No. 5591/1-06)



STREET (EXISTING R.O.W.)
LANE / ALLEY
PRIVATE STREET
NETWORK EXPANSION (FUTURE R.O.W.)

Figure 5.2: Street Network

SCR-OTC DISTRICT
Orenco Station Community Planning Area

(Amended by Ord. No. 5591/1-06, 5710/1-07, and 5872/8-08.)

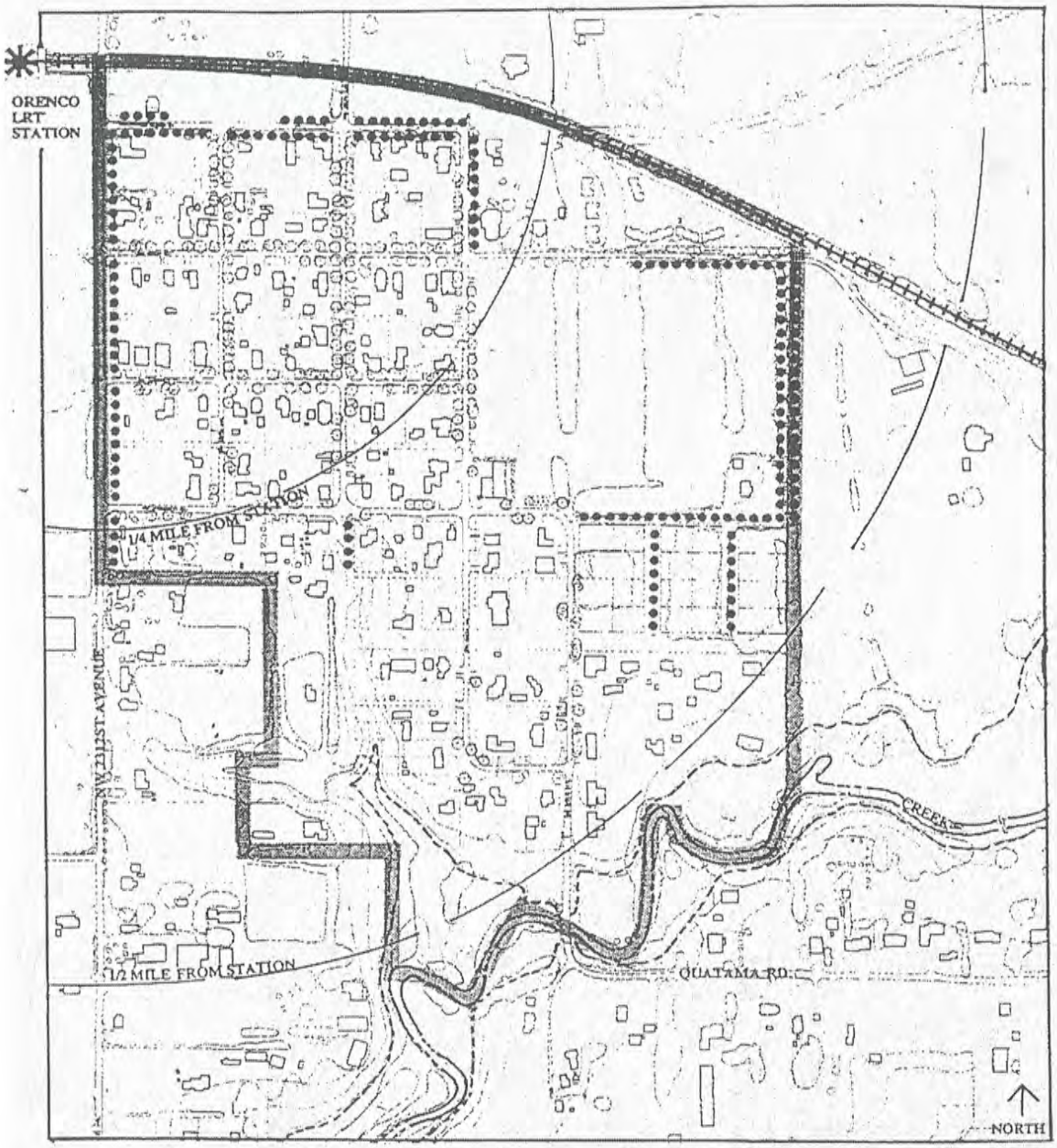
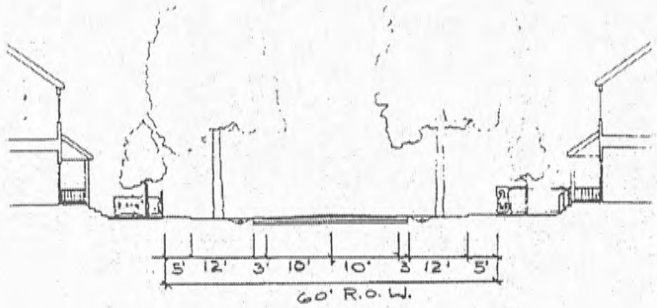
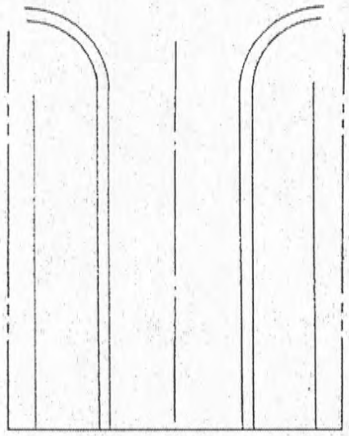


Figure 5.3: On Street Parking

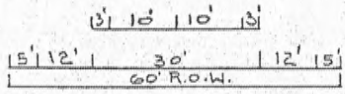
SCR-OTC DISTRICT
Orenco Station Community Planning Area



SECTION



PLAN

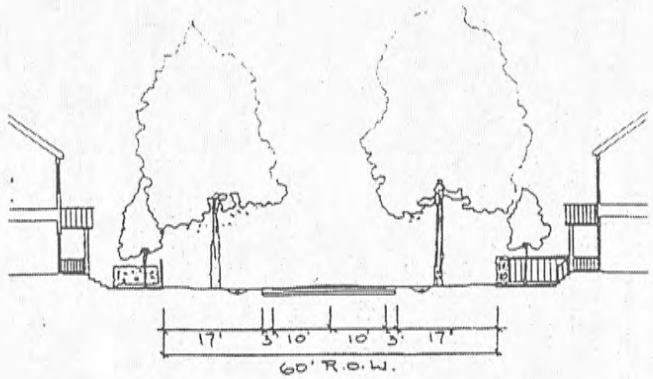


DESIGN SPEED	
PAVEMENT WIDTH	20'
SHOULDER	3'
SIDEWALK	5'
PEDESTRIAN CROSSING	
CURB RADIUS	
DRAINAGE	
MINIMUM CENTERLINE RADIUS	

SPECIFICATIONS

Figure 5.4 Street Standard Type "A"

SCR-OTC DISTRICT
Orenco Station Community Planning Area



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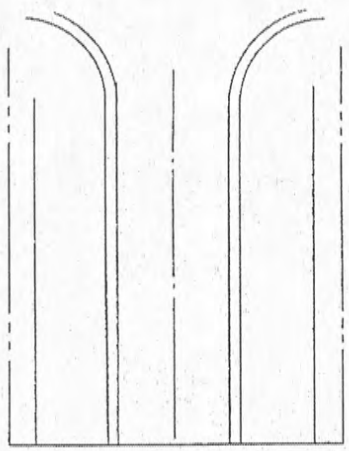
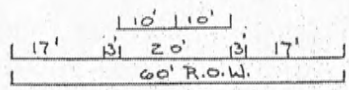


PLAN

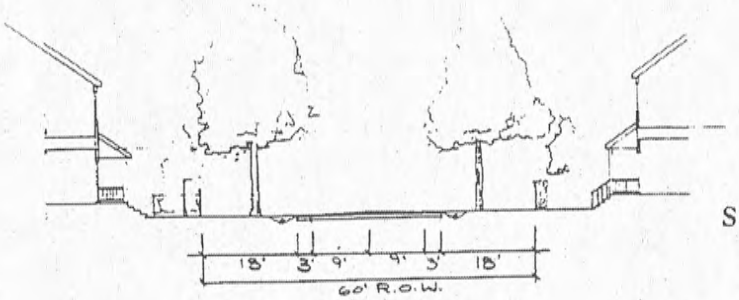


DESIGN SPEED	
PAVEMENT WIDTH	20'
SHOULDER	3'
SIDEWALK	5'
PEDESTRIAN CROSSING	
CURB RADIUS	
DRAINAGE	
MINIMUM CENTERLINE RADIUS	

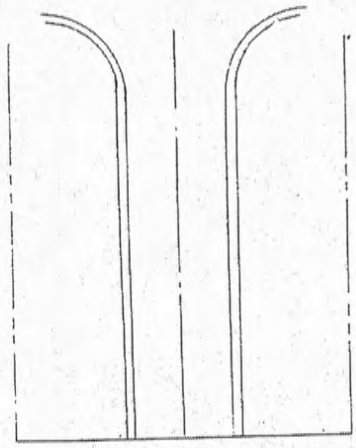
SPECIFICATIONS

Figure 5.5 Street Standard Type "B"

SCR-OTC DISTRICT
Orenco Station Community Planning Area



SECTION



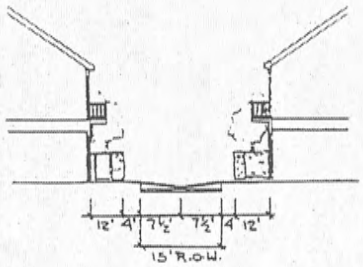
PLAN

DESIGN SPEED	
PAVEMENT WIDTH	18'
SHOULDER	3'
SIDEWALK	
PEDESTRIAN CROSSING	
CURB RADIUS	
DRAINAGE	
MINIMUM CENTERLINE RADIUS	

SPECIFICATIONS

Figure 5.6 Street Standard Type "C"

SCR-OTC DISTRICT
Orenco Station Community Planning Area



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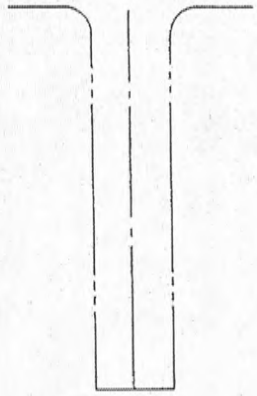


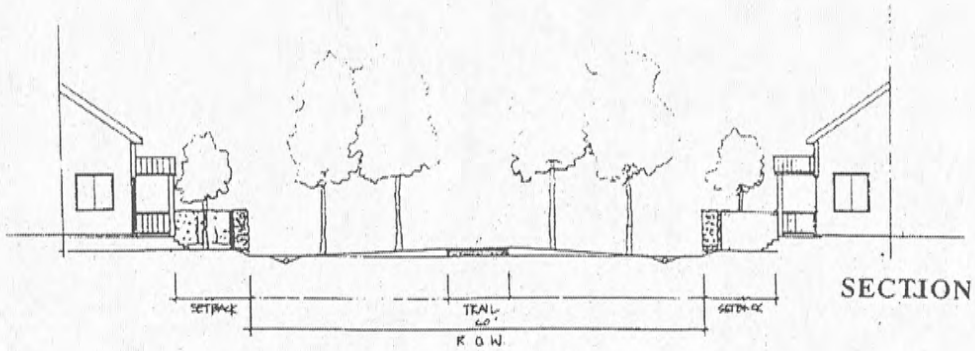
PLAN

DESIGN SPEED	
PAVEMENT WIDTH	15'
SHOULDER	
SIDEWALK	
PEDESTRIAN CROSSING	
CURB RADIUS	
DRAINAGE	
MINIMUM CENTERLINE RADIUS	

SPECIFICATIONS

Figure 5.7 Street Standard Type "D"

SCR-OTC DISTRICT
Orenco Station Community Planning Area



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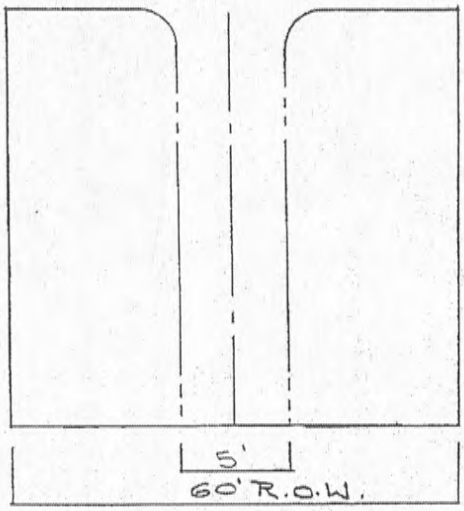


PLAN

DESIGN SPEED _____
PAVEMENT WIDTH _____
SHOULDER _____
SIDEWALK _____
PEDESTRIAN CROSSING _____
CURB RADIUS _____
DRAINAGE _____
MINIMUM CENTERLINE RADIUS _____

SPECIFICATIONS

Figure 5.8 Street Standard Type "E"

SCR-OTC DISTRICT
Orenco Station Community Planning Area

SECTION 141: 185th/QUATAMA STATION COMMUNITY PLANNING AREA SUPPLEMENTAL STANDARDS

(Added by Ord. No. 4545/4-97.)

I. SCOPE

This section establishes clear and objective design standards specific to the 185th/205th/Quatama Station Community Planning Area.

II. PURPOSE

The 185th/Quatama SCPA has ample space for a mix of residential types ranging from high density for-rent products immediately adjacent to the Quatama station, to small lot single family houses farther north. Along 185th Avenue, mixed use commercial/residential development along with office and more auto-oriented uses have the opportunity to grow next to this major north-south regionally significant arterial street.

These community-specific modifications to Sections 136 through 138 and the design standards contained in this Section reflect the City's goals and objectives for the 185th/Quatama SCPA as described in the Hillsboro Comprehensive Plan, in the compiled reports and working papers of the 185th/Quatama Station Planning Advisory Team, and the results of workshops and public meetings held in the Station community Area. Where the standards of this Section specifically conflict with those contained in Sections 136 - 138, the standards of this Section shall prevail.

(Amended by Ord. No. 6018/6-12.)

III. (Deleted by Ord. No. 6018/6-12.)

IV. DEVELOPMENT REGULATIONS

A. Minimum Lot Size
The Standards of Section 137 shall apply.

B. Minimum Lot Width and Depth
The Standards of Section 137 shall apply.

C. Minimum and Maximum Residential Densities and Ancillary Dwelling Units
The Standards of Section 137 shall apply except that:

1. For purposes of calculating net acreage, residential density and floor area ratio:

   a) Within the SCC-SC District, gross acreage deductions shall be allowed to accommodate protection and enhancement of Willow Creek and Beaverton Creek tributaries.

   b) (Deleted by Ord. No. 6018/6-12.)

D. Minimum Floor Area Ratios

The Standards of Section 137 shall apply, except that:

1. A deduction for a riparian buffer up to two hundred feet (200') in width adjacent to Bronson Creek shall be allowed from the gross acreage of the site when calculating Floor Area Ratios for lots or parcels abutting the creek.

E. Minimum Non-Residential Density Objectives

The Standards of Section 137 shall apply.

F. Minimum and Maximum Setbacks from Streets and Alleys

The Standards of Section 137 shall apply.

G. Vision Clearance

The Standards of Section 137 shall apply.

H. Minimum and Maximum Building Height Requirements

The Standards of Section 137 shall apply.

I. Minimum and Maximum Off-Street Parking Requirements

The Standards of Section 137 shall apply.

J. Minimum Usable Open Space Requirements

The Standards of Section 137 shall apply, except that:

1. At the option of the applicant, the whole of the Bronson Creek and Rock Creek, and up to two hundred feet (200') of upland area measured from top of bank may be counted towards fulfillment of the usable open space requirements provided that appropriate viewing areas and pathways make the area accessible to the public.

   Where ORPRC, or a subsequent applicant can demonstrate that public access to a particular section of this open space would unnecessarily compromise the security of its research or animal colony, or, where OGI or a subsequent applicant can demonstrate that public access to any section of this open space would irreparably damage or compromise wetland research conducted by OGI; or a property owner or appropriate public agency can demonstrate that encroachment would damage or interfere with measures being carried out to enhance the area for wildlife or wetland purposes, prohibition of the public from such limited areas shall not preclude the applicant from attributing the area to usable open space under the definitional criteria contained in Section 136.III.

K. Minimum Landscaping Requirements

The Standards of Section 137 shall apply except that

1. Because AmberGlen Business Park was substantially developed prior to the effective date of this ordinance; and because it has a significant and uniform landscape design which includes an established street tree pattern, shrubbery, curb landscape strips and other landscape features, an exception is warranted. Provided the landscaping program remains consistent with the intent of Section 138,

AmberGlen need not disrupt their program in future development projects within the park by having to adhere to the specific placement and plant selection requirements of Section 138. This exception does not reduce the required amount of usable open space.

L. Mixed Use Buildings and Mixed Use Mid-Rise Apartments

The Standards of Section 137 shall apply.

M. Sidewalks

The Standards of Section 137 shall apply except that

1. In recognition of security concerns within the ORPRC campus, certain sidewalks may be restricted to be private pedestrian ways open only to authorized personnel. However, the provisions of Section 136.VII.A.2 regarding pedestrian connections to light rail transit stations and other public facilities and areas shall apply.

N. Street and Alley Standards

The Standards of Section 137 shall apply except:

1. The collector street running east from 206th Avenue generally parallel to the property line between ORPRC and AmberGlen Business Park and continuing on to a connection with Salix Terrace, and running west from 206th generally parallel to the southern property line of AmberView PUD and continuing on the same general line to a connection at Cornelius Pass Road shall:

   (a) Be constructed within a right-of-way at least sixty-six feet (66') in width to accommodate a minimum of:

      i) two eleven foot (11') travel lanes;

      ii) two six foot (6') bicycle lanes;

      iii) two five foot (5') sidewalks each with a back of curb landscape strip at least four feet (4') in width; and

      iv) an eleven foot (11') left turn lane, median strip, or combination thereof as proposed by the applicant, supported by the traffic impact report, and approved by the City Engineer. With the approval of the Planning Director and the City Engineer, where a continuous landscaped median would occupy the center lane for lengths greater than four hundred feet (400'), the width of the planted median strip may be reduced to not less than six feet (6') in those areas.

   (b) be designed so as to narrow to two travel lanes plus two combined AASHTO Standard pedestrian/bikeways on that portion of the roadway approaching and over the bridge spanning the Bronson Creek and wetlands.

   (c) be dedicated with two eight foot (8') public utility easements either side of the right-of-way the requirement of which is dependent on public and private utility design and routing;

(d) be signalized, as warranted, at intersections as shown in the final DKS Traffic Study;

(e) be built generally along the alignment described and mapped in the final DKS Traffic Study, including, with County approval, the outlets shown in the DKS mapping to Walker Road, 185th at Parr Lumber, Holly Street, and Heritage Court before connecting to Salix Terrace adjacent to the 185th/Willow Creek LRT Station. Further, the alignment shall be north of the AmberGlen-ORPRC property line completely on AmberGlen property from 206th Avenue east to AmberGlen Parkway after which point it shall transition to the south side of said property line and continue east completely on ORPRC property. Finally, the alignment from Holly to Salix Terrace prepared by CH2M Hill ("Preferred Option B," CH2M Hill Technical Memorandum 1/29/97) on behalf of ORPRC is an acceptable alternative to the alignment recommended in the DKS study done for the City. Either alignment in this area shall be considered consistent with the Comprehensive Transportation Plan Functional Classification Map without need for further amendment and shall be finalized as part of the ORPRC Concept Development Plan approval process or at the time of Development Review for any project proposed on Tax Lot 1N2 36 3601.

(f) be, at the option of the property owner, a substitute for or supplement to Gibbs Road as shown in the AmberGlen Business Park Master Plan and approved PUD; and

(g) be constructed of Portland Cement Concrete to a sufficient engineering cross-sectional standard to accommodate normal bus loading between the current northerly terminus of Salix Terrace and its connection to the Heritage Street extension from 185th Avenue, and be constructed of either Portland Cement Concrete or Asphaltic Concrete to a sufficient standard in all other areas to withstand frequent use by medium sized shuttle buses and the traffic volumes projected in the DKS Traffic Report.

2. AmberGlen Parkway shall be extended from its intersection with 205th Avenue as a Collector street. The cross-section shall match the existing segment already constructed within the AmberGlen Business Park. This road shall be considered the main north-south bicycle route from the Quatama LRT Station to neighborhoods to the north.

3. 206th Avenue north of its intersection with the realigned 205th Avenue transition, shall be classified a Collector street, with left turn refuges at appropriate intersections as identified in the DKS Traffic Study.

4. Future improvement of 205th Avenue south of Quatama to Baseline Road shall be constructed as a five-lane arterial street except that the cross-section shall eliminate the continuous left turn lane/median and shall combine the bicycle lane and sidewalk on each side to reduce

the width and environmental impact of a new bridge crossing of Beaverton Creek and the adjacent wetland area.

5. Quatama Road west of 205th Avenue shall be constructed as a Collector.

O. Lot Access
The Standards of Section 137 shall apply.

V. DESIGN STANDARDS

A. Improvements Between Streets and Buildings
The Standards of Section 138 shall apply.

B. (Deleted by Ord. No. 6018/6-12.)

C. Ground Floor Windows and Building Facades
The Standards of Section 138 shall apply.

D. Building Step-Back Requirements
The Standards of Section 138 shall apply

E. Location and Design of Off-Street Parking
(Deleted by Ord. No. 6018/6-12.)

F. Drive-Through Uses
The Standards of Section 138 shall apply.

G. Outdoor Display and Storage (Amended by Ord. No. 5676/10-06.)
The Standards of Section 138 shall apply.

1. (Deleted by Ord. No. 5676/10-06.)

H. Alleys
The Standards of Section 138 shall apply.

I. Streetscape Design Standards and Guidelines
The Standards of Section 138 shall apply.

J. Standards for Protection within Historic and Cultural Conservation Districts
The Standards of Section 138 are not applicable in this Station Community Planning Area.

RESERVED FOR FUTURE SECTIONS

RESERVED FOR FUTURE SECTIONS

Section 142: HAWTHORN FARM / FAIR COMPLEX STATIONS COMMUNITY PLANNING AREA SUPPLEMENTAL STANDARDS

(Added by Ord. No. 4545/4-97.)

I. SCOPE

This section establishes clear and objective standards specific to the Hawthorn Farm/Fair Complex Station Community Planning Area.

II. PURPOSE

These community-specific design standards reflect the City's goals and objectives for the Hawthorn Farm/Fair Complex SCPA as described in the Hillsboro Comprehensive Plan. Where the design standards of this Section specifically conflict with those contained in Sections 138, the standards of this Section shall prevail.

Because Hawthorn Farm Business Park is substantially developed with few lots remaining vacant, a major shift in development regulations or design standards would be disruptive to the established design and character of the Park. Consequently, special consideration has been given throughout Sections 136, 137, 138 and 142 to minimize adverse impacts on Hawthorn Farm while maintaining the basic principles of increased density and enhanced pedestrian orientation near the Hawthorn Farm LRT station.

The land south of Elam Young Parkway is within the flight path safety zone of the Hillsboro Airport. Consequently, even though land owners in this area would like to increase density and land use intensity, the City must agree with the Port of Portland and the Federal Aviation Administration that it is in the public interest to maintain the current low density uses and zoning. However, if the Port and the FAA should change airport operations or if technology, safety improvements or other mitigating circumstances arise, the City would welcome the opportunity to rezone the area to a higher density, mixed use residential village befitting its location near the Hawthorn Farm LRT Station.

The Fair Complex, the Washington County Fair Board and the Washington County Fair are institutions in transition. As the County Seat, Hillsboro is proud to be the host community for the Washington County Fair. At the same time, the Fair Board recognizes it must use the land more efficiently and intensely throughout the year. To achieve that objective, the Fair Board, Washington County Board of Commissioners, the City of Hillsboro and the Port of Portland are seeking to develop the land into a year-round conference and entertainment facility. Such a facility would accommodate the Fair, but would also host numerous other indoor and outdoor events, be the site of a convention hotel with exhibit space, and perhaps provide an indoor sports arena and cinema. In order to help finance the program, a portion of the land may be used for residential purposes. The provisions of Sections 136 through 138 and Section 142 accommodate this vision.

III. MODIFICATIONS TO SECTION 136 STATION COMMUNITY PLANNING AREA PROVISIONS

A. Permitted, Restricted and Specially Regulated Uses

The provisions of Section 136.IV, Section 136.V and Land Use Table 136.3 shall apply , with the following exception:

Medical and dental offices, outpatient and clinical facilities shall be considered a permitted use in the SCBP Station Community Business Park zone. Uses of this type shall be limited in size to not more than 15,000 square feet per tax lot. Parking for this type of use shall be provided at the ratios specified for Office and Similar Uses as shown in Section 137 (XI) (B) Table 2. (Added by Ord. No. 4736/1-99.)

B. Minimum Lot Width, Depth and Coverage

The Standards of Section 137 shall apply.

IV. DEVELOPMENT REGULATIONS

A. Minimum Lot Size

The Standards of Section 137 shall apply.

B. Minimum Lot Width, Depth and Coverage

The Standards of Section 137 shall apply.

C. Minimum and Maximum Residential Densities and Ancillary Dwelling Units

The Standards of Section 137 shall apply except that:

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

D. Minimum Floor Area Ratios

The Standards of Section 137 shall apply except that:

1. All non-residential development within this District shall comply with applicable provisions of the State "Airport Planning Rule" (OAR 660 Division 13).

E. Minimum Non-Residential Density Objectives

The Standards of Section 137 shall apply.

F. Minimum and Maximum Setbacks from Streets and Alleys

The Standards of Section 137 shall apply.

G. Vision Clearance

The Standards of Section 137 shall apply.

H. Minimum and Maximum Building Height Requirements

The Standards of Section 137 shall apply except that:

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

I. Minimum and Maximum Off-Street Parking Requirements
The Standards of Section 137 shall apply.

J. Minimum Usable Open Space Requirements
The Standards of Section 137 shall apply except that:

1. At the option of the applicant, lots abutting the Dawson Creek ravine, and up to two hundred feet (200') of upland area from top of bank, may be counted towards fulfillment of the usable open space requirements provided that appropriate viewing areas and pathways make the area accessible to the public.

K. Minimum Landscaping Requirements
The Standards of Section 137 shall apply except that:

1. Because Hawthorn Farm Business Park was substantially developed prior to the effective date of this ordinance; and because it has a significant and uniform landscape design that includes an established street tree pattern, shrubbery, curb landscape strips and other landscape features, an exception is warranted. Provided the landscaping program remains consistent with the intent of Section 138, Hawthorn Farm need not disrupt their program in future development projects within the park by having to adhere to the specific placement and plant selection requirements of Section 138. This exception does not pertain, apply to or reduce the required amount of usable open space.

L. Mixed Use Buildings and Mixed Use Mid-Rise Apartments
The Standards of Section 137 shall apply.

M. Sidewalks
The Standards of Section 137 shall apply.

N. Street and Alley Standards
The Standards of Section 137 shall apply.

O. Lot Access
The Standards of Section 137 shall apply.

V. DESIGN STANDARDS

A. Improvements between Streets and Buildings
The Standards of Section 138 shall apply.

B. Building Entries and Orientation
The Standards of Section 138 shall apply except that:

1. Notwithstanding provisions of Sections 138.V and VIII, within the SCBP District, buildings on lots abutting Dawson Creek shall be allowed, at the option of the applicant, to treat the side of the building facing Dawson Creek as its main public entrance. In order to take advantage of the aesthetic and environmental quality of the creek in the building design, such buildings shall be allowed to reorient off-street parking, entrances,

sidewalks, etc. so as to maintain usable open space or lawn area between the facade of the building and the creek bank.

C. **Ground Floor Windows and Building Facades**
The Standards of Section 138 shall apply.

D. **Building Step-Back Requirements**
The Standards of Section 138 shall apply.

E. **Location and Design of Off-Street Parking**
The Standards of Section 138 shall apply, except that

1. Off-street parking within lots or parcels abutting Dawson Creek may site the parking between the street and the building provided the space between the building and the creek bank is enhanced as usable open space.

F. **Drive-Through Uses**
The Standards of Section 138 shall apply.

G. **Outdoor Display and Storage** (Amended by Ord. No. 5676/10-06.)
The Standards of Section 138 shall apply.

H. **Alleys**
The Standards of Section 138 shall apply.

I. **Streetscape and Site Design Standards and Guidelines**
The Standards of Section 138 shall apply.

J. **Standards for Protection within Historic and Cultural Conservation District**
The Standards of Section 138 are not applicable in this SCPA.

Section 143: URBAN CENTER ZONES

I. PURPOSE AND APPLICABILITY

A. Purpose

The purpose of the Urban Center Zones is to support the implementation of the vision, goals, and policies outlined in the AmberGlen Community Plan and to be available for use in other areas of Hillsboro where plans call for similar forms of development in the future. More specifically, the zones and district standards are intended to:

- Allow for the gradual transition of existing uses in the AmberGlen plan area and other urban centers to higher intensity development over time;
- Support existing office development;
- Promote the implementation of urban center density targets;
- Provide the concentrations of residential and employment necessary to support high capacity transit;
- Increase the range of housing options available in the city's urban centers;
- Support the retention and expansion of institutional uses; and
- Promote innovative, high-quality, sustainable development.

B. Applicability

1. The provisions of this Section 143 apply to all conforming and nonconforming properties within the UC districts as shown in Table 143-I-B-1. All expansions of uses or structures in Table 143-I-B-1 are measured from gross floor area existing on the Section 143 effective date.
2. Except as modified in this Section 143.I.B, all provisions of Section 133 (Development Review) apply to all construction, development, and redevelopment in the UC districts. In cases where Development Review is required and the provisions of Section 133 are inconsistent with the provisions of Section 143, the provisions of Section 143 shall apply.

Table 143-I-B-1
Applicability of Section 143 Standards

	Conforming Uses and Structures	Nonconforming Uses, Structures, or Both
Expansion of existing structure or use by up to 10% of gross floor area	▪ Applicant may choose to comply with Section 143 Standards or Pre-existing Standards ▪ Section 133 Development Review **NOT** required	▪ Applicant may choose to comply with Section 143 Standards or Standards applicable to the property immediately prior to adoption of Section 143 ▪ Section 133 Development Review **NOT** required ▪ Section 99 showing of "practical difficulty or unnecessary hardship" **NOT** required for expansion of nonconforming use
Expansion of existing structure or use by more than 10% but not more than 20% of gross floor area	▪ Applicant may choose to comply with Section 143 Standards or Pre-existing Standards ▪ Section 133 Development Review **IS** required	▪ Applicant may choose to comply with Section 143 Standards or Standards applicable to the property immediately prior to adoption of Section 143 ▪ Section 133 Development Review **IS** required ▪ Showing of "practical difficulty or unnecessary hardship" **NOT** required for expansion of nonconforming use

	Conforming Uses and Structures	Nonconforming Uses, Structures, or Both
Expansion of existing structure or use by more than 20% of gross floor area	Applicant must comply with Section 143 Standards	

3. References to Section 143 standards include all applicable standards, including but not limited to those in Sections 143.IV (Use Regulations), 143.V (Base Development Standards), 143.VI (Parking and Loading), 143.VII (Adjustments in Return for Public Benefits), 143.VIII (Site Planning Standards), and 143.IX (Building Design Standards). Where applicants are given an option to comply with Section 143 Standards or standards that applied to the property immediately prior to the adoption of Section 143 (the Pre-existing Standards), the applicant must comply with all of the Section 143 Standards or all of the Pre-existing Standards.

II. LAND USE ZONES

Each of the six Urban Center (UC) land use zones is described below in terms of its purpose. The UC zones are based on the AmberGlen Community Plan land use concept and corresponding development types. In some instances, proposed land use zones directly correspond to a particular development type; in other instances, multiple development types with similar characteristics are proposed to be combined within a single land use zone.

A. Urban Center – Residential Medium Density (UC-RM)

The purpose of the UC-RM zone is to:

1. Provide opportunities for a mix of townhomes, condominiums and apartments, and other multi-family dwellings within the UC zones; and
2. Provide a transition between higher intensity development desired at the core of the urban center and lower intensity residential development at the periphery of and adjacent to the UC zones (both existing and planned).

B. Urban Center – Mixed Use Urban Density (UC-MU)

The purpose of the UC-MU zone is to:

1. Provide opportunities for a range of medium to high density housing types (townhomes, apartments and condominiums) in development with an urban character constructed at or near the street frontage and sidewalk;
2. Preserve opportunities for the development of retail focus areas over time;
3. Retain access to sunlight and views from individual buildings within the context of high intensity development; and
4. Accommodate complementary office and retail uses with limits on size and location.

C. Urban Center – Activity Center (UC-AC)

The purpose of the UC-AC zone is to:

1. Provide an area of focused activity served by transit;
2. Provide a vibrant mix of retail, restaurants, civic, cultural, entertainment, and recreational uses complemented by secondary office and residential uses; and
3. Create active street frontages along the High Capacity Transit routes that provide visual and physical connections to other activity centers including the Streets of Tanasbourne.

D. Urban Center – Neighborhood Center (UC-NC)

The purpose of the UC-NC zone is to:

1. Provide opportunities for a mix of neighborhood-serving retail, residential, office, and research uses at moderate to high intensities to support primary uses in the urban center area.

E. Urban Center – Office/Research (UC-OR)

The purpose of the UC-OR zone is to:

1. Support the retention of existing office development until the market presents opportunities to redevelop to more intense urban forms;
2. Provide concentrated opportunities for employment to complement residential, retail and commercial services within the urban center area; and
3. Provide limited opportunities for support retail and commercial services and complementary residential uses.

F. Urban Center – Research Park (UC-RP)

The purpose of the UC-RP zone is to:

1. Support a range of research, development and testing laboratory uses; educational uses; medical research and clinical uses; and high-tech and bio-tech research and applied technology uses;
2. Foster and support the development of industries resulting from or associated with the basic and applied research, development and testing laboratories and programs of the institutions and organizations located in the zone by encouraging and allowing incubator establishments within the zone, and by allowing compatible accessory industrial uses;
3. Support development in accordance with one or more approved Concept Development Plan(s) to encourage a transit-supportive, pedestrian-sensitive campus environment, and to prevent conflicts among the mix of uses and activities within the zone; and
4. Support the retention and ongoing expansion of the existing institutional users and address their unique requirements.

III. HOUSING TYPES

Table 143-III-A-1 lists housing types permitted, conditionally permitted, limited, or not permitted in the UC zone zones. Housing types are defined in Section 143. XI. Definitions.

A. Available Housing Types

Table 143-III-A-1
Housing Types in the UC Districts

Housing Type	Districts						Notes
	UC-RM	UC-MU	UC-AC	UC-NC	UC-OR	UC-RP	
Detached single-family dwelling	L	N	N	N	N	L	See §143.III.B.1
Two-dwelling attached townhouses	P	N	N	N	N	N	
Three-dwelling (or more) attached townhouses	P	P	C	P	N	N	
Multiple-dwelling structure	P	P	L	L	L	P	See §143.III.B.2
Live-work dwelling	P	P	P	P	N	N	

(P) Permitted (C) Conditional (L) Limited (N) Not Permitted

B. Housing Type Standards

1. Detached Single-family Dwelling

(a) In the UC-RM zone this use is limited to single-family detached dwellings on lots platted for that use prior to the effective date of this ordinance.

(b) In the UC-RP zones, single-family detached dwellings are only permitted for caretaker use and are not subject to minimum residential density requirements.

2. Multiple-dwelling Structure

In the UC-AC, UC-NC, and UC-OR, multiple-dwelling units may not be located on the ground floor of any primary street frontage entirely or partly within a Retail Focus Frontage area identified in Figure 2 (AmberGlen Street Map) .

IV. USE REGULATIONS

A. Available Uses

Table 143-IV-A-1 lists uses permitted, conditionally permitted, limited, or not permitted in the UC zones. Use types are defined in Section 143. XI. Definitions.

Table 143-IV-A-1
Use Categories in the UC

Use	Zones						Clarifications
	UC-RM	UC-MU	UC-AC	UC-NC	UC-OR	UC-RP	
Residential Use Categories							
Household Living	See Housing Types (Table 143-III-A-1)						
Group Living	C, L	P	C, L	C, L	N	N	See § 143.IV.C.1.(a)
Residential Services	C, L	P	C, L	C, L	N	N	See § 143.IV.C.1.(b)
Residential Business	C	P	L	L	N	N	See § 143.IV.C.1.(c)
Commercial Use Categories							
Commercial Lodging	N	P	P	L	P	N	See § 143.IV.C.1.(d)
Commercial Recreation	N	L	L	L	L	N	See § 143.IV.C.1.(e)
Commercial Parking	N	C, L	C, L	C, L	C, L	N	See § 143.IV.C.1.(f)
Durable Goods Sales	N	C, L	L	L	C, L	N	See § 143.IV.C.1.(g)
Eating and Drinking Establishments	N	P	L	L	P	N	See § 143.IV.C.1.(h)
Educational Services	N	P	L	L	P	P	See § 143.IV.C.1.(i)
Office	L	P	P	P	P	P	See § 143.IV.C.1(j)

Use	Zones						Clarifications
	UC-RM	UC-MU	UC-AC	UC-NC	UC-OR	UC-RP	
Retail Products and Services	N	L	L	L	C	N	See § 143.IV.C.1.(k)
Self-Service Storage	N	L	N	L	L	N	See § 143.IV.C.1.(l)
Vehicle Service and Repair	N	N	N	L	L	N	See § 143.IV.C.1.(m)
Industrial Use Categories							
Industrial Services	N	P	N	L	P	P	See § 143.IV.C.1.(n)
Manufacturing and Production	N	L	N	N	L	N	See § 143.IV.C.1(o)
Solid Waste Recycling	N	N	N	N	N	N	
Vehicle Storage	N	N	N	N	N	N	
Warehouse and Freight Movement	N	N	N	N	N	N	
Wholesale Sales	N	N	N	N	N	N	
Institutional Use Categories							
Colleges and Universities	N	C	N	N	C	P	
Community Services	C	P	L	L	P	C	See § 143.IV.C.1.(p)
Detention Facilities	N	N	N	N	N	N	
Hospitals	N	C, L	N	N	C, L	N	See § 143.IV.C.1.(q)
Major Assembly Facilities	N	L	L	L	L	C	See § 143.IV.C.1.(r)
Schools	C	C	N	N	C	N	
Infrastructure and Utilities Use Categories							
Aviation Facilities	N	N	N	N	N	N	
Parks and Open Space	C	C	C	C	C	C	
Public Safety Facilities	C	C	C	C	C	C	
Surface Alternative Transportation Facilities	P	P	P	P	P	P	
Telecommunication Facilities	C	C	C	C	C	C	
Utility Facilities	P	L	L	P	L	P	See § 143.IV.C.1.(s)

(P) Permitted (C) Conditional (L) Limited (N) Not Permitted

B. Accessory Structures and Uses

Accessory structures and uses, including but not limited to those listed as examples in individual Use Categories in Section 143.XI, are permitted, provided that they:

1. Comply with the definition of accessory structures or use in Section 143.XI Definitions: and
2. Comply with any Use Specific Standards for that accessory use in Section 143.IV.C below; and
3. Do not exist before the primary use on the property begins operation or after the primary use on the property stops operation.

C. Use Specific Standards

1. Primary Uses

(a) Group Living

(1) In the UC-AC and UC-NC zones, no facility shall have a design capacity of more than 150 residents (including caretakers). Larger facilities may be approved as conditional uses through a Type III approval process (see Section 143.X).

(b) Residential Services

(1) In the UC-AC and UC-NC zones, no facility shall have a design capacity of more than 150 residents (excluding required live-in staff). Larger facilities may be approved as conditional uses through a Type III approval process (see Section 143.X).

(c) Residential Business

(1) In the UC-AC and UC-NC zones, the residential use may not be located on the ground floor of the primary street frontage of the structure.

(d) Commercial Lodging

(1) In the UC-NC zone, no facility may contain more than 100 commercial lodging units.

(e) Commercial Recreation

(1) In the UC-MU, UC-AC, UC-NC and UC-OR zones, outdoor commercial recreation uses are not permitted.

(f) Commercial Parking

(1) All commercial parking facilities shall be in structures containing at least one level of parking spaces in a permanent structure constructed above or below grade level.

(2) All commercial parking facilities shall comply with all applicable provisions of Section 143.VI (Parking and Loading).

(3) All commercial parking facilities within the Retail Frontage Focus area shown on Figure 2 (AmberGlen Streets Map) shall comply with all applicable provisions of Section 143.IV.D (Pedestrian-Active Use Requirement).

(g) Durable Goods Sales

(1) In the UC-AC and UC-NC zones, no facility shall contain more than 15,000 sq. ft. of gross floor area.

(2) In the UC-MU and UC-OR zones, no part of the facility shall be located within 800 ft. of an LTR or HCT station.

(h) Eating and Drinking Establishments

(1) In the UC-AC and UC-NC zones, no facility shall contain more than 15,000 sq. ft. of gross floor area.

(i) Educational Services

(1) In the UC-AC and UC-NC zones, no facility shall contain more than 25,000 sq. ft. of gross floor area.

(j) Office

(1) In the UC-RM zone this use is limited to structures occupied by office uses prior to the effective date of this ordinance.

(2) Structures containing office located on land that is indicated for inclusion in the Central Park as shown on the AmberGlen Land Use Concept Map, but not yet included in the park, may continue to be used for office uses until such time as the lands designated for inclusion in the Central Park are acquired or dedicated for that use.

(k) Retail Products and Services

(1) In the UC-MU, UC-AC and UC-NC zones, this use shall not be located on any floor except the ground and second floors of the structure.

(l) Self-Service Storage

(1) In the UC-NC and UC-OR zones, no facility shall contain more than 25,000 sq. ft. of gross floor area.

(2) In the UC-MU and UC-NC zones, no part of the facility shall be located within 800 ft. of an LTR or HCT station.

(3) The self-storage units shall not have individual entrances on any façade of the structure facing a public street, public park, or designated open space.

(m) Vehicle Service and Repair

(1) In the UC-NC and UC-OR zones, no facility shall occupy a site larger than 25,000 sq. ft. including parking and circulation areas.

(n) Industrial Services

(1) In the UC-NC zone, no facility shall contain more than 25,000 sq. ft. of gross floor area.

(o) Manufacturing and Production

(1) This use is limited to operations with an expected employment level of at least one person per 500 sq. ft. of gross floor area in the primary structure.

(2) Truck shipments to or from the property by trucks with a gross vehicle weight of 25,000 lbs. are limited to one per day on average.

(3) Outdoor storage of materials, supplies, inventory, equipment, or other items is not permitted.

(4) Truck loading facilities shall not be located on any façade of the building facing a public street.

(p) Community Services

(1) In the UC-AC and UC-NC zones, no facility shall contain more than 25,000 sq. ft. of gross floor area.

(q) Hospital

(1) In the UC-MU and UC-OR zones, no facility may contain more than 100 inpatient beds.

(r) Major Assembly Facilities

(1) In the UC-AC and UC-NC zones, no facility may contain more than 25,000 sq. ft. of gross floor area.

(2) In the UC-MU and UC-OR zones, no facility may contain more than 50,000 sq. ft. of gross floor area.

(s) Utility Facilities

(1) In the UC-MU, UC-AC and UC-OR zones, no part of the facility shall be located within 800 ft. of an LTR or HCT station.

(2) Outdoor storage of materials, supplies, equipment or other items is not permitted.

2. Accessory Uses

(a) Amateur or 'Ham' Radio Facilities

(1) All required federal, state and local permits must be obtained prior to operation and maintained in good standing while the accessory use continues.

(b) Horticultural Activities

(1) Shall not include commercial buildings or structures.

(c) On-Site Energy Production Facilities

(1) All required federal, state and local permits must be obtained prior to operation and maintained in good standing while the accessory use continues.

(d) Private Community Recreation Facilities

(1) Must be operated solely by residents of a specific development and approved as an amenity of that development during the development review process.

(e) Secondary Dwelling Unit

(1) SDUs are subject to review and approval through a Type II procedure (See Section 143.X).

(2) An SDU cannot be occupied by more than three related or unrelated persons.

(3) An SDU must be located on the same lot as the primary detached or attached single family dwelling. Not more than one SDU is allowed per lot.

(4) One off-street parking space is required for a SDU. The parking space for the SDU must be independently accessible from the parking for the primary dwelling.

(5) SDUs shall be at least 250 square feet but not more 750 square feet in area.

(6) SDUs must comply with applicable building, fire, health and safety codes.

(7) Except as provided in subsection 9 below, an SDU must conform to the standards of the applicable zone regarding building height, lot coverage, and setbacks. If the applicable zone has standards for the placement of SDUs, such standards supersede this section.

(8) A detached SDU meeting the following standards may be located within 5 feet of a side or rear property line:

i. The SDU is 450 square feet or smaller in area;

ii. Outer edges of eaves are at least 2 feet from side and rear property lines;

iii. The SDU is separated from any other structure on the site by at least 6 feet;

iv. The SDU is not more than one story in height (maximum 10 feet measured mid-point between the roof peak and the roof eave; and

v. The SDU is placed behind the front building plane of the primary dwelling.

(9) On interior lots, detached SDUs and attached SDUs attached by a breezeway must be located behind the rear building plane of the primary dwelling. On corner lots SDUs must be located behind the front building plane on both streets.

(10) SDUs cannot be located over any public or private utility or access easement.

(11) A new attached SDU cannot have a ground floor front door entrance on the front elevation of the primary dwelling, unless the primary dwelling had more than one ground floor front door on that elevation before the SDU was created. An attached SDU may have a second floor, front elevation, entrance from a balcony or deck.

(12) Exterior finish materials must visually match, in type, size and placement, the exterior finish of the primary residence.

(13) Roof pitch shall be the same as the predominant roof pitch of the primary residence.

(14) Eaves shall project the same distance as eaves on the primary residence.

(15) Windows shall match those in the primary residence in proportion (relationship of width to height) and orientation (horizontal or vertical).

(16) Trim shall be proportionally the same in type, size and location as the trim used on the primary residence.

D. Pedestrian-Active Use Requirements

1. Purpose

The purpose of these requirements is to ensure that key corridors and nodes within the UC zones that are intended to for more intense pedestrian activity are developed with structures that can accommodate pedestrian-active uses (such as retail and services) in ground floor street frontages.

2. Applicability

The provisions of this Section 143.IV.D shall apply to all primary street frontages within the Retail Focus Frontage areas shown on Figure 2 (AmberGlen Street Map).

3. Requirements

(a) All development shall comply with all other requirements of the Hillsboro Zoning Ordinance that are not inconsistent with the requirements of this Section 143.IV.D. In the event of inconsistency, the provisions of this Section 143.IV.D shall apply.

(b) Within each development parcel, at least 60 percent of each ground floor street frontage of each primary building shall be constructed:

(1) With a floor-to-ceiling height of at least 13 ft.;

(2) With a leasable area extending from the street façade of the building towards the interior of the building at least 30 ft.; and

(3) With at least one pedestrian access from the street to a main building entrance per 100 linear ft. of street frontage, or part thereof, at a level no more than 3 ft. above or below sidewalk grade.

V. BASE DEVELOPMENT STANDARDS

A. Development Standard Tables

1. Compliance Required

All development in the Urban Center Zones shall be subject to the development standards in Tables 143-V-A-1 through 143-V-A-6 below, as applicable to individual zones. These development standards may be further limited or modified by other applicable sections of these Urban Center zones or the City of Hillsboro Zoning Ordinance, as noted.

2. Application of Minimum Density and Intensity Requirements

(a) Mixed use development is not required.

(b) Minimum FAR standards apply to parcels containing only non-residential development.

(c) Minimum dwelling unit per acre standards apply to parcels containing only residential development, and to vertical mixed use development that includes non-residential uses at the ground floor and residential uses at upper floors. In vertical mixed use projects, ground floor non-residential space is not required to meet minimum FAR requirements.

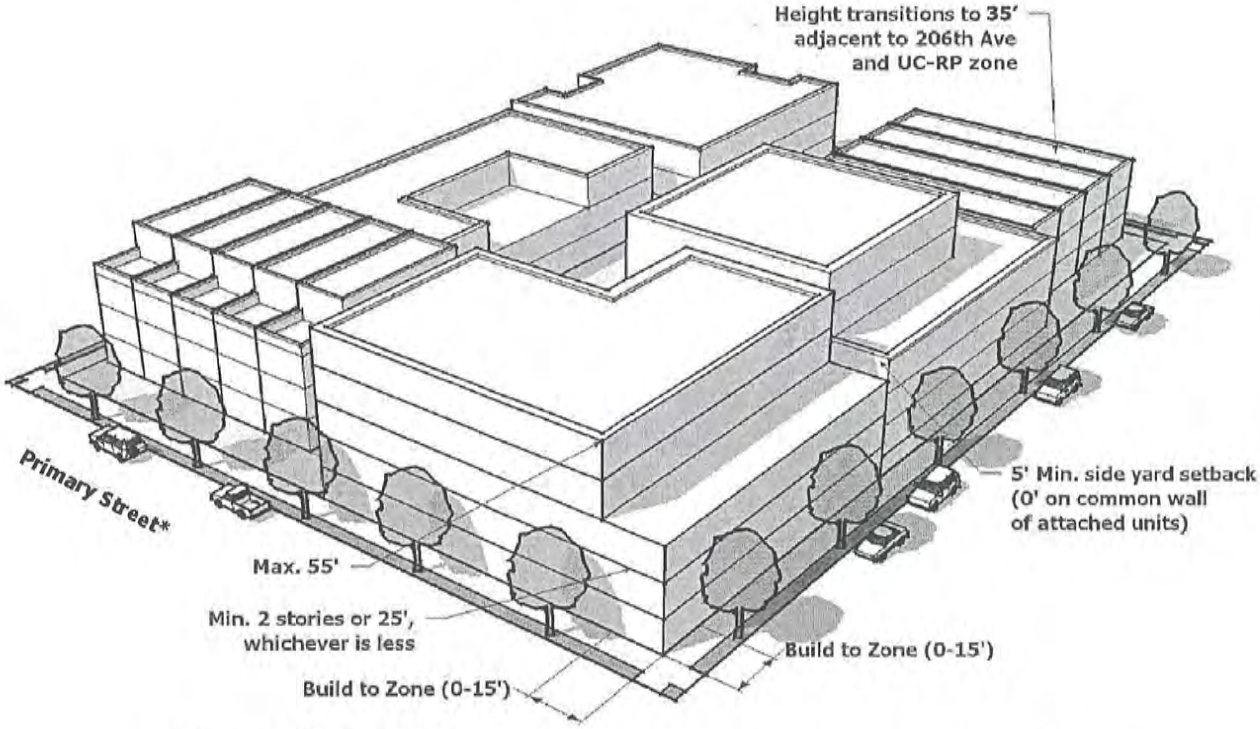
(d) If a single building or a single development parcel contains a mix of residential and non-residential development, and the provisions of subsection (c) do not apply, the minimum required density or intensity shall be based on the percentages of gross floor area devoted to residential and non-residential uses. For example, a single development parcel containing 70 percent residential and 30 percent non-residential area shall meet at least 70 percent of the minimum residential density and 30 percent of the minimum non-residential density.

Table 143-V-A-1
Base Development Standards for Urban Center Residential Medium Density Zone (UC-RM)

Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density ▪ Minimum ▪ Maximum	 ▪ 24 du/na ▪ 43 du/na	
HEIGHT		
Minimum Building Height Maximum Building Height	2 stories or 25 feet, whichever is less 55 feet	Subject to transitional standards in Section 143. IX. (Building Design Standards)
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII (Site Planning Standards)
Minimum Lot Dimensions Width ▪ Detached ▪ Attached Depth	 ▪ 25 feet ▪ 18 feet 50 feet	
Build to Zone	0 – 15 feet	Measured from the front lot line
Front Property Line Coverage	75 percent of the street frontage must be occupied by the first two stories of the front façade. This standard does not apply to 206th Ave. or 185th Ave. street frontage.	All areas within the Build to Zone not occupied by building must contain landscaping or outdoor gathering spaces. Subject to Section 143.VIII. (Site Planning Standards)
Minimum Setback (Side Yard)	5 feet (0 feet on common wall of attached units)	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Minimum Setback (Rear Yard)	Less than 5 feet or more than 18 feet	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII. (Site Planning Standards)	
Minimum Landscaping		

URBAN CENTER RESIDENTIAL MEDIUM DENSITY ZONE (UC-RM)

Examples: Urban Center Residential Medium Density Zone development types.



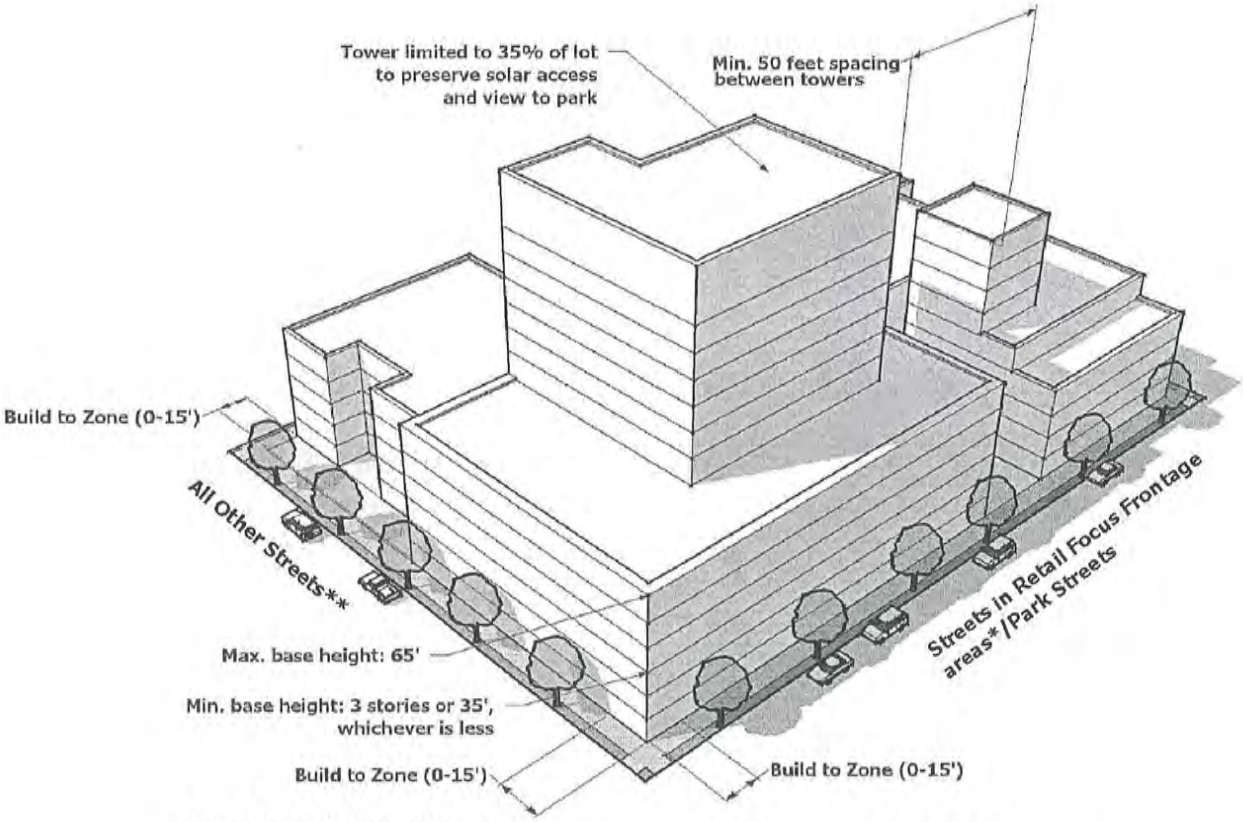
Front property line coverage:
*** 75% of the street frontage must be occupied by the first two stories of the front facade**

Table 143-V-A-2
Base Development Standards for Urban Center Mixed-Use Urban Density Zone (UC-MU)

Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density ▪ Minimum ▪ Maximum	 ▪ 43 du/na ▪ None	See Section 143.V.A.2.
Floor Area Ratio ▪ Minimum ▪ Maximum	 ▪ 1.00 ▪ None	
HEIGHT		
Minimum Base Height Maximum Base Height Maximum Building Height	3 stories or 35 feet, whichever is less. 65 feet None	Subject to transitional standards in Section 143. IX. (Building Design Standards)
Minimum Ground Story Height ▪ Streets in Retail Focus Frontage areas ▪ All other streets	 ▪ 13 feet ▪ 10 feet	Subject to Section 143.IV. (Use Regulations)
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII. (Site Planning Standards)
Minimum Lot Dimensions Width Depth	 None 50 feet	
Build to Zone	0 – 15 feet	Measured from the front lot line
Front Property Line Coverage	▪ *Streets in Retail Focus Frontage areas and Park Streets* 75 percent of the street frontage must be occupied by the first three stories of the front façade. ▪ *All other streets:* 60 percent of the street frontage must be occupied by the first 3 stories of the front façade.	All areas within the Build to Zone not occupied by building must contain landscaping or outdoor gathering spaces. Subject to Section 143.VIII. (Site Planning Standards)
Minimum Setback (Side Yard) Minimum Setback (Rear Yard)	0 (10 feet adjacent to an existing building)	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Maximum Lot Coverage ▪ First 65 feet ▪ Above 65 feet	 None 35 percent	Subject to Section 143.IX. (Building Design Standards)
Minimum Useable Open Space Minimum Landscaping	Subject to Section 143.VIII. (Site Planning Standards)	

URBAN CENTER MIXED-USE URBAN DENSITY ZONE (UC-MU)

Examples: Urban Center Mixed-Use Urban Density Zone development types.



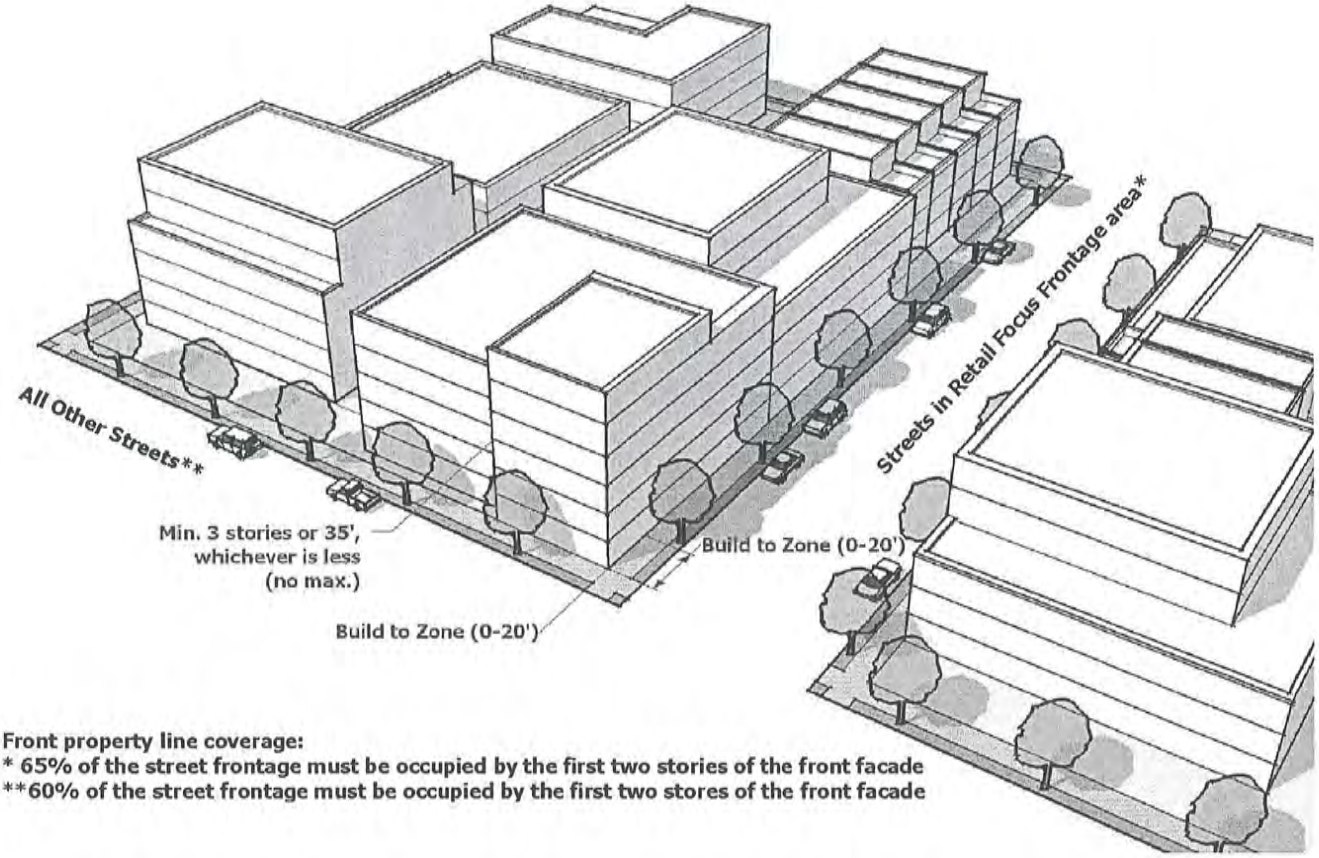
Front property line coverage:
*** 75% of the street frontage must be occupied by the first three stories of the front facade**
****60% of the street frontage must be occupied by the first three stores of the front facade**

Table 143-V-A-3
Base Development Standards for Urban Center Activity Center Zone (UC-AC)

Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density ▪ Minimum ▪ Maximum	▪ 43 du/na ▪ None	See Section 143.V.A.2.
Floor Area Ratio ▪ Minimum ▪ Maximum	▪ 1.00 ▪ None	
HEIGHT		
Minimum Building Height Maximum Building Height	3 stories or 35 feet, whichever is less None	Subject to Section 143.IX. (Building Design Standards)
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII. (Site Planning Standards)
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Dimensions ▪ Width ▪ Depth	▪ None ▪ None	
Build to Zone	0 - 20 feet	Measured from the front lot line
Front Property Line Coverage	▪ *Streets in Retail Focus Frontage areas:* 65 percent of the street frontage must be occupied by the first two stories of the front façade. ▪ *All other streets:* 60 percent of the street frontage must be occupied by the first two stories of the front façade.	All areas within the Build to Zone not occupied by building must contain landscaping or outdoor gathering spaces. Subject to Section 143.VIII. (Site Planning Standards)
Minimum Setback (Side Yard)	None	Except as necessary to accommodate building code, public utility easements, or public open space requirements
Minimum Setback (Rear Yard)	None	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII. (Site Planning Standards)	
Minimum Landscaping		

URBAN CENTER ACTIVITY CENTER ZONE (UC-AC)

Examples: Urban Center Activity Center Zone development types



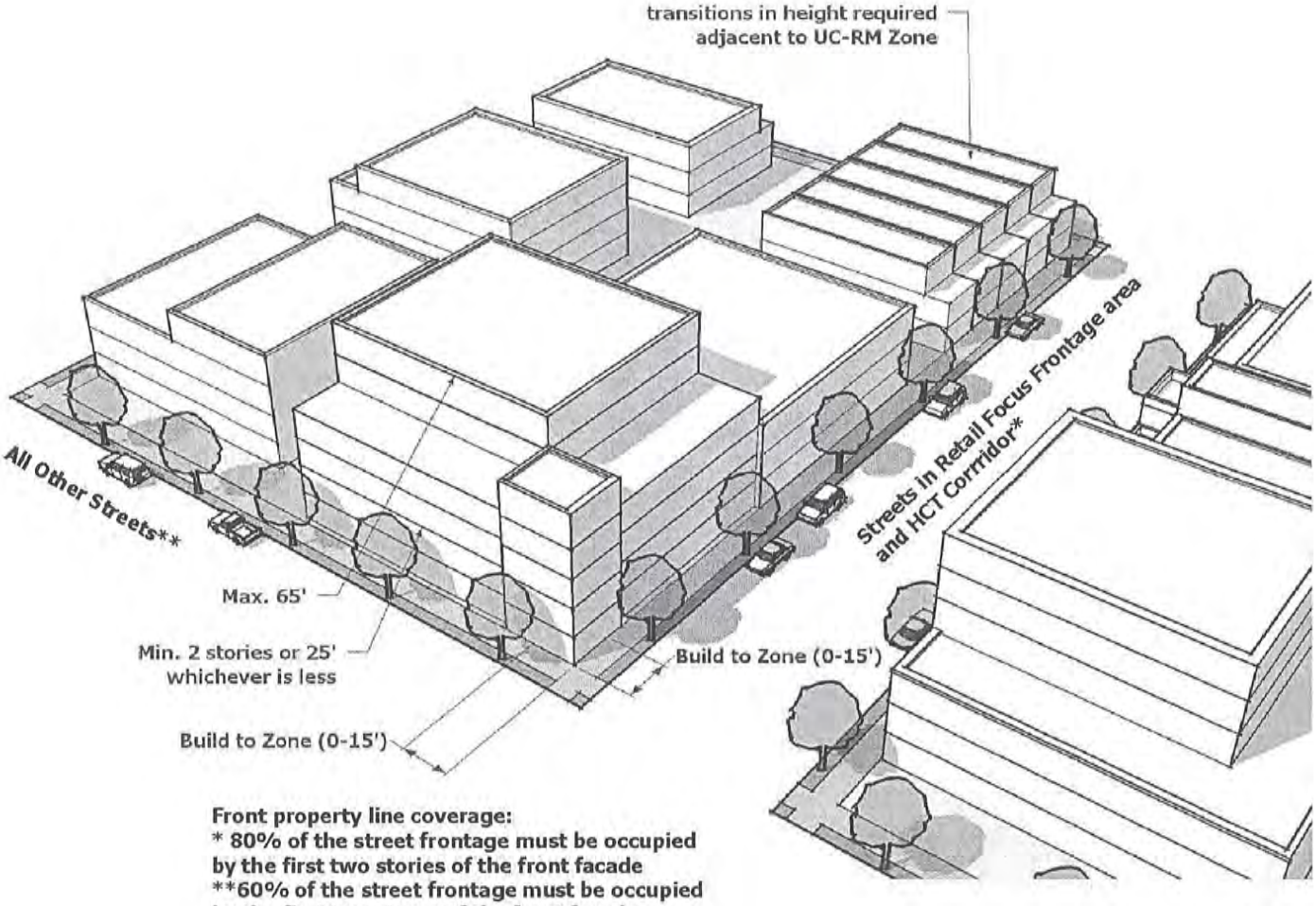
Front property line coverage:
*** 65% of the street frontage must be occupied by the first two stories of the front facade**
****60% of the street frontage must be occupied by the first two stores of the front facade**

Table 143-V-A-4
Base Development Standards for Urban Center Neighborhood Center Zone (UC-NC)

Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density ▪ Minimum ▪ Maximum	 ▪ 30 du/na ▪ None	See Section 143.V.A.2.
Floor Area Ratio ▪ Minimum ▪ Maximum	 ▪ 0.55 ▪ None	
HEIGHT		
Minimum Building Height Maximum Building Height	2 stories or 25 feet 65 feet (Subject to transitional standards)	Subject to Section 143.IX. (Building Design Standards)
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII. (Site Planning Standards)
Minimum Lot Dimensions ▪ Width ▪ Depth	 ▪ None ▪ None	
Build to Zone	0 – 15 feet	Measured from the front lot line
Front Property Line Coverage	▪ Streets in Retail Focus Frontage areas, and HCT Corridor: 80 percent of the street frontage must be occupied by the first 2 stories of the front façade. ▪ All other streets: 60 percent of the street frontage must be occupied by the first two stories of the front façade.	All areas within the Build to Zone not occupied by building must contain landscaping or outdoor gathering spaces. Subject to Section 143.VIII. (Site Planning Standards)
Minimum Setback (Side Yard)	0 (15 minimum along street frontage shared with UC-RM District)	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Minimum Setback (Rear Yard)		
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII. (Site Planning Standards)	
Minimum Landscaping		

URBAN CENTER NEIGHBORHOOD CENTER ZONE (UC-NC)

Example: Urban Center Neighborhood Center Zone development types.



Front property line coverage:
*** 80% of the street frontage must be occupied by the first two stories of the front facade**
****60% of the street frontage must be occupied by the first two stores of the front facade**

Table 143-V-A-5
Base Development Standards for Urban Center Office/Research Zone (UC-OR)

Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density ▪ Minimum ▪ Maximum	 ▪ 30 du/na ▪ None	See Section 143.V.A.2.
Floor Area Ratio ▪ Minimum ▪ Maximum	 ▪ 0.60 ▪ None	
HEIGHT		
Minimum Building Height Maximum Building Height	2 stories or 25 feet, whichever is less 85 feet	
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII. (Site Planning Standards)
Minimum Lot Dimensions ▪ Width ▪ Depth	 ▪ None ▪ None	
Build to Zone	0 – 15 feet	▪ Measured from front lot line.
Front Property Line Coverage	75 percent of the street frontage must be occupied by the first two stories of the front façade.	All areas within the Build to Zone not occupied by building must contain landscaping or outdoor gathering spaces. Subject to Section 143.VIII. (Site Planning Standards)
Minimum Setbacks ▪ Side Yard ▪ Rear Yard	 ▪ None ▪ None	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII. (Site Planning Standards)	
Minimum Landscaping		

URBAN CENTER OFFICE/RESEARCH ZONE (UC-OR)

Examples: Urban Center Office/Research Zone development types.

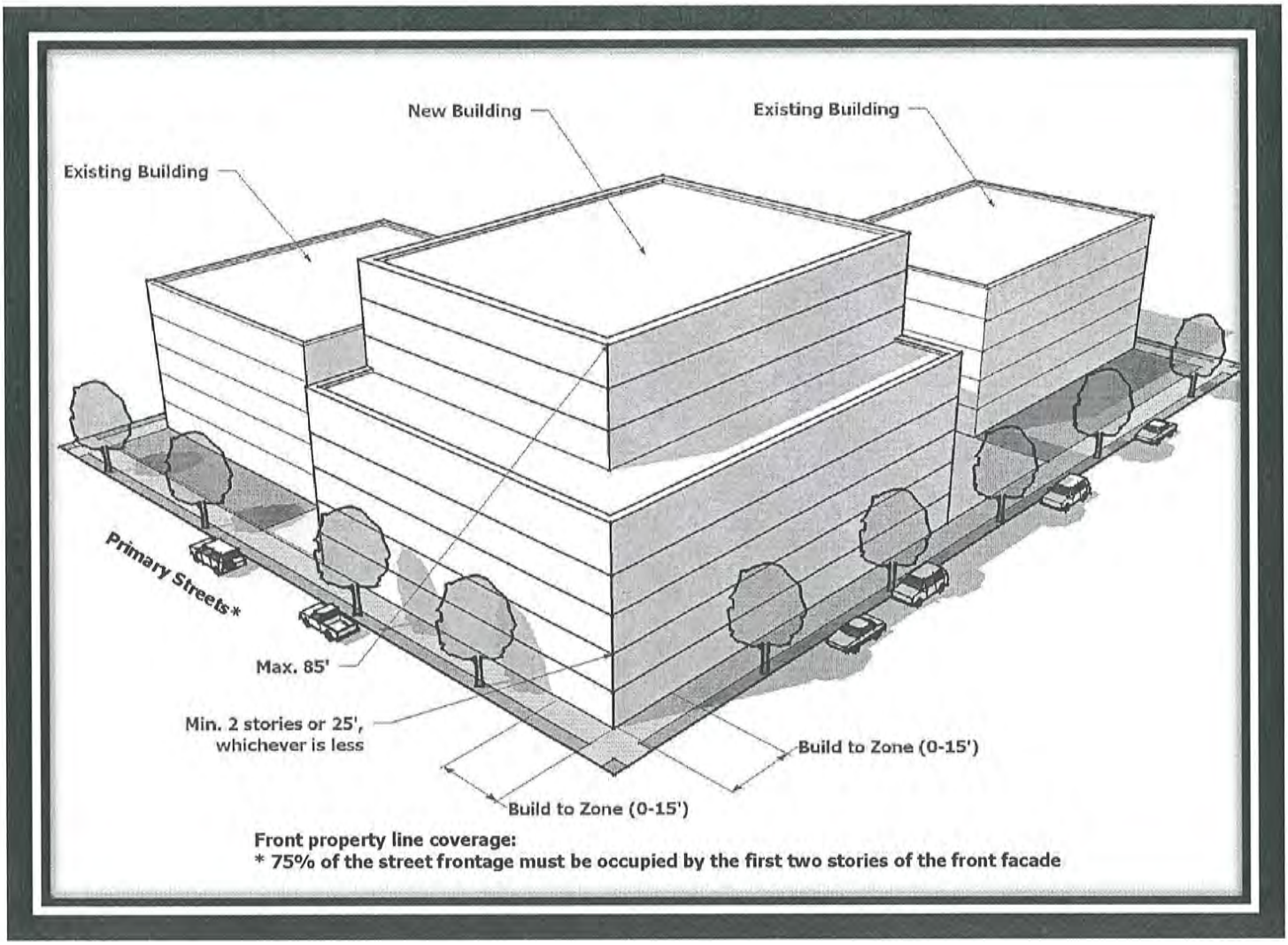


Table 143-V-A-6
Base Development Standards for Urban Center Research Park Zone (UC-RP)

Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Minimum Residential Density	▪ 18 du/na ▪ If dormitories or other single room occupancy facility: 36 rooms/na	See Section 143.V.A.2.
Maximum Residential Density	▪ 65 du per net acre	
Minimum FAR ▪ Research laboratory and animal buildings; industrial flex space; and accessory industrial facilities ▪ Commercial, office, clinic, classroom uses, and mixed-use buildings ▪ Emergency service facilities ▪ Hospitals and related laboratory & outpatient facilities	▪ 0.35 ▪ 0.40 ▪ 0.50 ▪ 1.0	
HEIGHT		
Minimum Building Height Maximum Building Height	2 stories or 25 feet, whichever is less 75' feet	
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	
Minimum Lot Dimensions ▪ Frontage (Width) ▪ Depth	▪ 30 feet ▪ None	
Minimum Setbacks from Streets and Alleys	None	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Maximum Setbacks from Streets and Alleys	▪ Front: 15 feet ▪ Side: None ▪ Rear: None	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII.Site Planning Standards	
Minimum Landscaping		

Note: The Urban Center Research Park zone supports the retention and ongoing expansion of the existing institutional users and is structured to address their unique requirements in accordance with one or more approved Concept Development Plans. No examples or illustrations of Urban Center Research Park development types are provided.

B. Exceptions to Development Standards

1. Exceptions to Required Setbacks and Height Limits

The features and structures listed in Table 143-V-B-1 are exceptions to those required minimum setbacks, maximum setbacks, and maximum heights listed in Section 143.V.A above subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code.

Table 143-V-B-1
Exceptions to Development Standards

Structure or Feature	Conditions or Limits
Exceptions to Minimum Setbacks	
Ancillary structures and recreational facilities in public parks	Exempt from minimum setbacks
Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, porches, decks, pergolas, balconies, stoops, and other similar non-load-bearing architectural features	No more than 4 feet into a required yard or open space
On-site energy production equipment (including but not limited to solar, wind, and geothermal energy equipment)	Permitted in side or rear setback areas, but no closer than 5 ft. to any property line.
Exceptions to Maximum Setbacks	
Ancillary structures and recreational facilities in public parks	Exempt from maximum setbacks.
All structures and features	As necessary to accommodate Public Utility Easements, where the PUE is wider than the required maximum setback.
Exceptions to Building Height Limits	
Chimneys, elevated storage tanks, spires or belfries, domes, monuments and flagpoles, emergency services training towers, observation towers, masts, aerials, radio and television towers, cooling towers, elevator shafts, and electric transmission towers.	Exempt from height limit
On-site solar energy production equipment	Up to 36 in. beyond height limit
On-site wind energy production equipment in the UC-OR and UC-RP zones	Up to 30 ft. beyond height limit

2. Exceptions to Minimum Intensity

(a) Parcels currently developed below minimum non-residential FAR required by Section 143.V.A (Development Standards Tables) where no part of the parcel is located within 800 ft. of an LRT or HCT stop may redevelop without reaching those minimum intensities if both of the following conditions apply:

(1) The subject property is developed with non-residential uses at less than 50 percent of the required minimum non-residential FAR for that zone; and

(2) More than one-half of the adjacent developed parcels (ignoring intervening streets) with non-residential uses are developed below the required minimum non-residential FAR for the subject parcel

(b) If the conditions in subsection (a) above apply, then the subject parcel may be redeveloped with non-residential uses at a non-residential FAR of not less than (a) the current developed non-residential FAR on the subject parcel plus 50 percent of the existing FAR, or (b) the current developed non-residential FAR of the adjacent parcel with the highest non-residential FAR that is below the minimum FAR for the zone plus 50 percent of that FAR, whichever is greater.

(c) If the result of the calculation in subsection (b) above exceeds the minimum FAR that would apply pursuant to Section 143.V.A, then the minimum FAR in Section 143.V.A shall apply.

(d) This provision is illustrated in the following drawing and example.

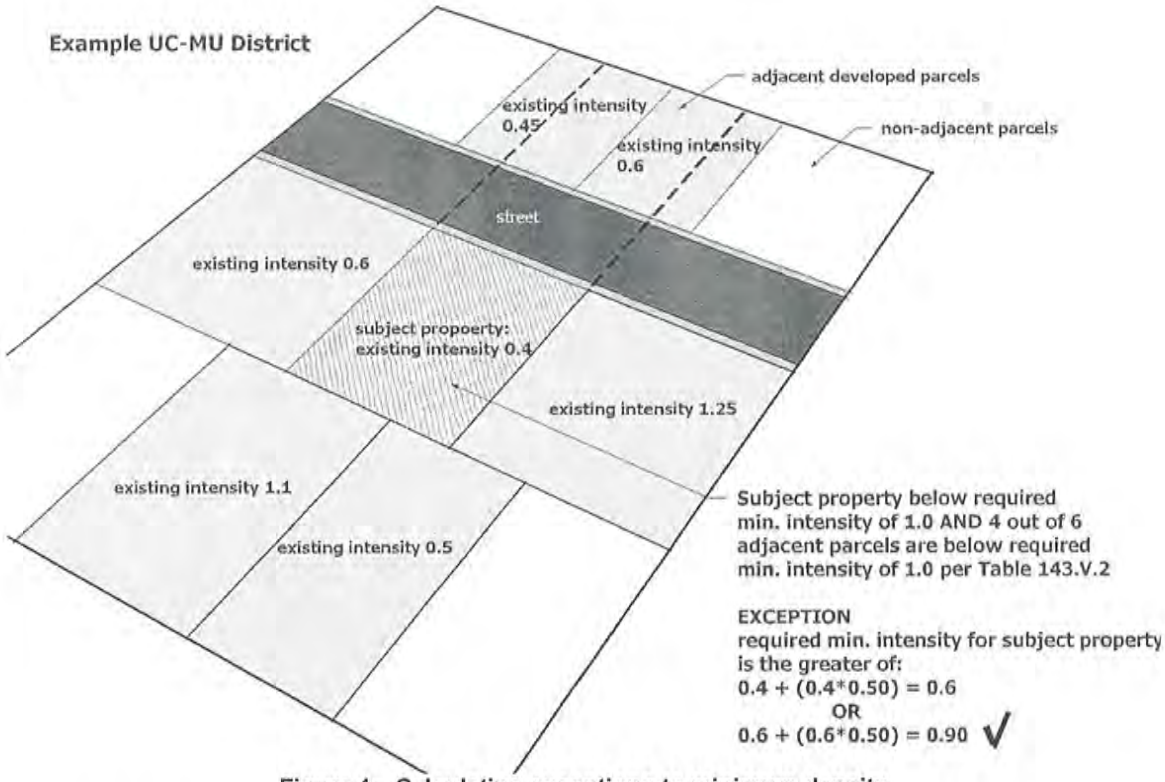


Figure 1—Calculating exceptions to minimum density.

3. Exceptions to the Front Property Line Coverage

In order to provide flexibility for the construction of buildings that meet either the minimum Floor Area Ratio or minimum Residential Density, an applicant may be allowed to reduce the Front Property Line Coverage standards by no greater than 25 percent provided that the applicant shall enter into a phased development plan that is recorded with the land in the form of a Development Agreement demonstrating how the standard can ultimately be met.

VI. PARKING AND LOADING

A. General Provisions

1. The provisions of this Section 143.VI shall apply to:

   (a) All new construction in the Urban Center zones; and

   (b) All redevelopment or expansions of existing structures in the Urban Center zones that increases the gross-floor area of the existing structure by more than 20 percent.

2. The provisions of Sections 84 through 86 (Off-street Parking and Loading) and Section 137.XI (Minimum and Maximum Off-street Parking Requirement) are hereby incorporated into this Section 143.VI unless inconsistent with the provisions of this section, in which case the provisions of this section shall apply. In the event of an inconsistency between Sections 84, 85, 86 and/or 137.XI on a topic not addressed by this Section 143.VI, the provisions of Section 137.XI shall apply.

3. When a new primary structure containing more than 200,000 square feet of gross floor area is constructed after the effective date of this ordinance, no more than 25 percent of the gross area of the lot or parcel may be occupied by surface parking areas, including aisles necessary for circulation within the parking lot, but not including access driveways leading to or from the parking lot.

4. Where more than 100 vehicle parking spaces are provided, at least one electric car charging point within a rated capacity of at least 240 volts shall be provided. At least one additional electric car charging point, with a rated capacity of at least 240 volts or more shall be provided for each 100 vehicle parking spaces or part thereof.

5. Surface parking is prohibited between the street-facing façade line and the street. Where provided, surface parking shall be located either:

   (a) behind the primary building (so that the primary building is located between the surface parking area and the street); or

   (b) beside the primary building, provided:

      (1) that the edge of any surface parking area or driving aisle closest to the street is located at least 50 feet from each street, as measured from back of the curb; and

      (2) access to the surface parking area is not provided from the primary street frontage unless no other access point is available.

6. Lot design (including structure design), lighting, and landscaping shall comply with the requirements of Section.143.VIII. Site Planning Standards.

B. Parking Requirements Table

All development and redevelopment subject to this Section 143.VI shall comply with the minimum parking, maximum parking, and minimum bicycle parking requirements in Table 143-VI-B-1. Maximum parking requirements include short-term and guest parking but do not include designed and restricted to share car, vanpool, handicapped or fleet vehicle parking. Where a land use is not listed in Table 143-VI-B-1, the Director shall determine the minimum, maximum, and bicycle parking requirements based the Director's determination of the most similar use listed in the Table 143-VI-B-1.

Table 143-VI-B-1
Minimum, Maximum, and Bicycle Parking Requirements in the UC Districts

Use	Minimum Required	Maximum Permitted	Minimum Bicycle Parking Required
Residential Use Categories			
Detached single-family dwelling	0.75 per unit	2 per unit	None
Two-dwelling attached	0.75 per unit	2 per unit	1 per unit

Use	Minimum Required	Maximum Permitted	Minimum Bicycle Parking Required
townhouses			
Three-dwelling (or more) attached townhouses	0.75 per unit	2 per unit	1 per unit
Multiple-dwelling structure	0.75 per unit	2 per unit	1 per unit
Live-work dwelling	.5 per unit	2 per unit	1 per unit
Group Living	2 per facility	1 per bedroom	1 per unit
Residential Services	.25 per resident plus 1 per caregiver	.75 per resident	1 per unit
Residential Business	2 per unit	3 per unit	1 per unit
Commercial Use Categories			
Commercial Lodging	.5 space per guest room plus .3 per FTE employee	1 space per guest room plus .6 per FTE employee	.125 per 1,000 sq. ft. gfa
Commercial Recreation	NA	6.5 per 1,000 sq. ft. gfa	1.5 per 1,000 sq. ft. gfa
Commercial Parking	NA	NA	1 per 20 auto spaces
Durable Goods Sales		3.2 per 1,000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa, min 2 spaces
Eating and Drinking Establishments (see below)	--	--	--
Fast food	NA	7 per 1,000 sq. ft. gfa	2 per 1,000 sq. ft. gfa, min 2 spaces
Casual dining	NA	12 per 1,000 sq. ft. gfa	.25 per 1,000 sq. ft. gfa, min 2 spaces
Fine dining	NA	10 per 1000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa, min 2 spaces
Educational Services	.1.5 space per FTE student and employee	.3 space per FTE student and employee	Spaces equal to 5% of FTE student and employee
Office (see below)	--	--	--
General	NA	3.4 per 1,000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa, min 2 spaces
Medical, Dental, Veterinary	NA	4.9 per 1,000 sq. ft. gfa	.25 per 1,000 sq. ft. gfa, min 2 spaces
Retail Products and Services	NA	5 per 1,000 sq. ft. gfa	.25 per 1,000 sq. ft. gfa, min. 2 spaces
Self-Service Storage	NA	1 per 20 storage units	1 per 20 storage units
Vehicle Service and Repair	NA	2 per 1,000 sq. ft. gfa in primary building	1 per 1,000 sq. ft. gfa in primary building
Industrial Use Categories			
Industrial Services	NA	2 per 1,000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa, min 2 spaces
Manufacturing and Production	NA	2 per 1,000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa, min 2 spaces
Solid Waste Recycling	NA	NA	NA
Vehicle Storage	NA	NA	NA
Warehouse and Freight Movement	NA	NA	NA
Wholesale Sales	NA	NA	NA
Institutional Use Categories			
Colleges and Universities	1.5 per 1,000 sq. ft. gfa	3.0 per 1,000 sq. ft. gfa	Spaces equal to 5% of FTE student and employee
Community Services	NA	6.5 per 1,000 sq. ft. gfa	1.5 per 1,000 sq. ft. gfa, min 2 spaces
Detention Facilities	1 per 1,000 sq. ft. gfa	1.5 per 1,000 sq. ft. gfa	
Hospitals	1.5 per 1,000 sq. ft. gfa	3.0 per 1,000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa
Major Assembly Facilities	NA	.5 per seat	1 space per 20 seats
Schools	0.4 per FTE employee	0.8 per FTE employee	Spaces equal to 10% of

Use	Minimum Required	Maximum Permitted	Minimum Bicycle Parking Required
			FTE, non-bussed day students
Infrastructure and Utilities Use Categories			
Aviation Facilities	NA	NA	NA
Parks and Open Space	NA	NA	NA
Public Safety Facilities	NA	.8 per FTE employee	.25 per 1,000 sq. ft. gfa
Surface Alternative Transportation Facilities	NA	NA	NA
Telecommunication Facilities	NA	NA	NA
Utility Facilities	NA	NA	NA

C. Adjustments to Parking Requirements Table

The minimum and maximum parking requirements shown in Section 143.VI.B above shall be adjusted as set forth in this Section 143.VI.C. These adjustments may be approved in any combination through the Development Review (Type II) process (See Section 143.X), but their combined effect shall not result in a reduction of the minimum automobile parking requirements in Section 143.VI.B by more than 50 percent. Any adjustments to minimum parking requirements shall not reduce the maximum parking permitted. Notwithstanding any of the adjustments in this section, the City Engineer may require additional off-street parking that the City Engineer determines is necessary to avoid adverse impacts to traffic flow on surrounding streets.

1. Adjustment for Joint-use Parking

Where two land uses listed in separate use categories in Table 143-IV-A-1 share a parking lot or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 143-VI-C-1. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors for that combination of uses shown in Table 143-VI-C-1. If more than two uses share a parking lot or structure, the required parking shall be calculated by applying Table 143-VI-C-1 to the two uses with the largest parking requirements and then adding the required parking for the additional uses.

Table 143-VI-C-1
Joint-use Parking Reduction Factors

Property Use	Residential	Other Institutional	Commercial Lodging, Eating & Drinking, or Major Assembly	Retail Products and Services	Office
Residential					
Other Institutional	1.1				
Commercial Lodging, Eating and Drinking, or Major Assembly	1.1	1.2			
Retail Products and Services	1.2	1.3	1.3		
Office	1.3	1.5	1.7	1.2	

2. Other Adjustments

(a) On-Street Parking

The minimum parking requirement for a parcel shall be reduced for each on-street parking space located immediately in front of that parcel. On-street

spaces for which credit is given include only those spaces on the side of the street nearest the front lot line where more than one-half the length of the parking space is located between the two side lot lines of the parcel extended outward into the street right-of-way. In the case of a corner lot, credit shall also be given for on-street spaces on the side of the street nearest the side lot line where more than one-half the length of the parking space is located between the front and rear lot lines of the parcel extended outward into the street right-of-way. Credit for on-street parking spaces apply to parking for the primary structure as a whole, and not to any specific use on the parcel.

(b) Age-Restricted Housing

The minimum parking required for residential multi-family or group living uses shall be reduced by 50 percent for each structure where at least 80 percent of the units are restricted to occupancy by those over 60 years of age or where at least 80 percent of the units are restricted to occupancy by those meeting the Federal Housing Administration's definition of "handicapped" individuals.

(c) Share Car and Van Pool Spaces

The minimum parking required for all uses shall be reduced by four spaces for each automobile parking space signed and reserved for use by share car services and by eight spaces for each automobile space signed and reserved for use by a vanpool services. If this credit is used, the property owner shall be responsible for ensuring that the share car and van pool spaces are not occupied by other vehicles.

(d) Transit Proximity

The minimum parking required for all uses shall be reduced by 25 percent for all properties located entirely or partly within 1,300 ft. of a light rail stop or a high capacity transit stop.

(e) Shared Parking Structure

The minimum automobile parking permitted by Table 143-VI-B-1 may be reduced by 25 percent, or the maximum automobile parking permitted by Table 143-VI-B-1 may be increased by 25 percent, at the applicant's option, if at least 80 percent of the required automobile parking for two or more adjacent properties in separate ownership is provided in single parking structure (not surface parking).

(f) Bicycle Parking

Except in the case of schools, if Table 143-VI-B-1 requires more than 50 bicycle parking spaces to be provided, the amount of bicycle parking required above 50 spaces shall be reduced by 75 percent.

(g) Parking Impact Study

The automobile parking minimums and maximums and the bicycle parking minimums required by Table 143-VI-B-1 may be adjusted if the applicant submits a parking impact study supporting the request for adjustment and the Director determines that the study reflects the parking needs of the property more accurately than Table 143-VI-B-1. The applicant shall consult with the City prior to preparing a parking impact study, and the City may require that the applicant use specific assumptions or data sources in the preparation of

that study. The Director need not accept the results of the parking impact study as a whole and need not approve the entire parking adjustment requested by the applicant as a result of the study.

D. Accessible Parking Requirements

Parking spaces located and designed to be accessible to handicapped or disabled individuals shall be provided as required by Chapter 11 of the most current edition of the State of Oregon Structural Specialty Code, as adopted by the City of Hillsboro.

E. Parking Space and Aisle Dimensions

1. All parking provided shall comply with the requirements for parking space dimensions, aisle dimensions, and parking area layout in Section 86 (11) (Parking Table and Diagram).
2. In surface parking lots, parking space dimensions may be reduced to 16 feet x 8.5 feet for 90-degree parking and isle widths may be reduced to 20 feet to reduce surface runoff and to accommodate Low Impact Development Approaches.

F. Off-Site Parking

As an alternative to on-site parking, required auto parking may be provided in a parking structure or surface parking facility located entirely or partly within 600 feet of property, as measured by the most direct walking route between the nearest point on the parking structure or surface parking area and nearest pedestrian entrance to the structure for which the parking is being provided. The applicant shall demonstrate to the City that it has obtained the right to construct or use the required number of spaces in the off-site location for a period of at least 10 years, and that those spaces were not required to meet the minimum parking requirements of any other development. The applicant shall execute an agreement with the City that, if parking in that location becomes unavailable for any reason during that 10 year period the applicant will arrange replacement parking no further from the property for the duration of the 10 year period. If this off-site parking option is used, the property owner shall require individuals employed on the premises to park in the off-site parking area in order to reserve as many on-site parking spaces as possible for patrons and residents.

G. Bicycle Parking Type and Installation

1. The first two bicycle parking spaces required by Table 143-VI-B-1 and 10 percent of the remaining bicycle parking spaces required by that Table shall be covered or in lockers.
2. Installation of all bicycle parking structures shall comply with the dimensional requirements established by the bicycle rack or locker manufacturer and the installation and dimensional recommendations in the latest edition of the Association of Parking and Bicycle Professionals Bicycle Parking Guidelines.
3. In the case of an two-dwelling attached townhouses or three-dwelling (or more) attached townhouses, a bicycle parking areas located within an individual residential unit may be used to satisfy the bicycle parking requirement in Table 143-VI-B-1. Areas located inside individual residential units may not be used to satisfy those bicycle parking requirements.

H. Loading Spaces

1. Applicability

The provisions of this Section 143.VI.H apply only to primary structures containing more than 25,000 sq. ft. of gross floor area where the permitted or approved conditional uses in that primary structure requires the regular or periodic receipt or distribution of materials or merchandise by vehicles with a gross weight over 25,000 pounds.

2. Minimum Number and Dimensions of Loading Spaces Required

Table 143-VI-E-1
Loading Spaces Required

Size of Facility	No. of Spaces	Min. Dimensions
25,001-50,000 sq. ft. gross floor area	1 space	20 ft. x 12 ft. x 15 tall
50,001-100,000 sq. ft. gross floor area	2 spaces	1 space at: 20 ft. x. 12 ft. x 15 tall 1 space at: 40 ft. x. 12 ft. x 15 tall
100-001 sq. ft. or higher	3 spaces	1 space at: 20 ft. x. 12 ft. x 15 tall 2 spaces at: 40 ft. x. 12 ft. x 15 tall

VII. ADJUSTMENTS IN RETURN FOR PUBLIC BENEFIT

A. Purpose

In order to encourage development and redevelopment in the UC zones to achieve densities necessary to support efficient transit development, Section V allows relatively high densities, Section IV allows a wide range and mix of urban uses, and Section VI allows for waiver or reduction of minimum parking requirements. In some cases, however, proposed development may not be able to meet minimum density requirements or may need to exceed maximum parking limits because of the nature of the proposed use or its distance from transit facilities. This Section 143.VII provides for adjustments to the development and parking standards in Sections V and VI respectively in return for the applicant's provision of other benefits consistent with the goals and vision of the Community Plan for the plan area.

B. General Provisions

1. Table 143-VII-B-1 lists types of flexibility in development density, intensity and parking standards available in return for the provision of public benefits that will tend to offset any negative impacts created by allowing lower development densities or intensities or more automobile parking. The provision of vertical mixed use development, mixed income housing, green buildings, and public art pursuant to this Section 143.VII is hereby determined to be a public benefit.

2. The adjustments in Table 143-VII-B-1 are available to both residential and non-residential development, but are not available for any portion of a property located with 800 ft. of an LRT or HCT stop. The adjustments to minimum densities and intensities in Table 143-VII-B-1 are available as an alternative to the adjustments in minimum intensity stated in Section 143.V.B.2 (Exceptions to Minimum Intensity). If an applicant has used the flexibility in Section 143.V.B.2 to obtain a reduced minimum intensity for redevelopment, Table 143-VII-B-1 may not be used to obtain a further reduction in minimum density or intensity. Similarly, an applicant that provides public benefits to obtain a reduction in

minimum density or intensity pursuant to Table 143-VII-B-1 may not obtain a further reduction in minimum intensity by using the provisions in Section 143.V.B.2.

3. An applicant may receive two adjustments (one adjustment to maximum parking requirements, and one adjustment to minimum density requirements) provided that the applicant provides a different type of public benefit for each requested adjustment. For example, an applicant may request a 20% increase in maximum parking allowance in return for providing vertical mixed use pursuant to Section 143.VII.C and a 10% reduction in the minimum density requirement in return for constructing a LEED gold building pursuant to Section 143.VII.E. An applicant may not request more than a 20% adjustment in neither maximum parking nor minimum density or intensity regardless of how many of the listed public benefits are provided or the amount of those benefits provided.

4. The adjustments in Table 143-VII-B-1 shall be approved through the Development Review (Type II) process (see Section 143.X).

Table 143-VII-B-1
Adjustments and Public Benefits

Public Benefit Required	Adjustment Proposed	
	Development Below Minimum Density or Intensity Requirement	Parking Above Maximum Parking Limit
Vertical Mixed Use	10% below minimum permitted for vertical mixed use including uses from 2 categories in Table 143-IV-A-1	10% above maximum permitted for vertical mixed use including uses from 2 categories in Table 143-IV-A-1. Increased parking spaces permitted need not be located in a parking structure.
	20% below minimum permitted for vertical mixed use including uses from 3 categories in Table 143-IV-A-1	20% above maximum permitted for vertical mixed use including uses from 3 categories in Table 143-IV-A-1. Increased parking spaces permitted need not be located in a parking structure.
Mixed Income Housing	20% below residential minimum permitted for housing reserving 10% of units for purchase price affordable to households at 80% AMI or for rental affordable to households at 60% AMI, provided that affordability is assured for at least 30 years.	20% above residential maximum permitted for housing reserving 10% of units for purchase price affordable to households at 80% AMI or for rental affordable to households at 60% AMI, provided that affordability is assured for at least 30 years. , Increased parking spaces permitted need not be located in a parking structure.
Green Buildings	10% below minimum permitted for buildings achieving LEED Gold Certification or equivalent.	10% above maximum permitted for buildings achieving LEED Gold Certification or equivalent. Increased parking spaces permitted need not be located in a parking structure.
	20% below minimum permitted for buildings achieving LEED Platinum Certification or equivalent.	20% above maximum permitted for buildings achieving LEED Platinum Certification or equivalent. Increased parking spaces permitted need not be located in a parking structure.
Public Art	10% below minimum permitted for Installation of public art costing at least 1% of hard construction costs for the project	10% above maximum permitted for Installation of public art costing at least 1% of hard construction costs for the project. Increased parking spaces permitted need not be located in a parking structure.

C. Vertical Mixed Use

1. Rationale

Development or redevelopment below minimum density or intensity requirements reduces support for the new transit facility, which in turn delays the ability to achieve reduced VMT/ emissions and increased. Vertical mixed use can offset those impacts by allowing residents to live and work in the same facility, and by allowing more efficient joint use of parking spaces in return for a higher total amount of parking provided.

2. Requirement

10 percent reductions in minimum density or intensity or 10 percent increases in maximum parking permitted in return for vertical mixed use including both a residential use and one use from the Commercial or Institutional Use Categories in Table 143-IV-A-1. 20 percent reductions in minimum density or intensity or 20 percent increases in maximum parking permitted in return for vertical mixed use including a residential use plus one use from the Commercial category and one use from the Institutional use category in Table 143-IV-A-1.

D. Mixed Income Housing

1. Rationale

Development or redevelopment below minimum residential density requirements reduces support for the new transit facility, and delays the date on which lower income households will be able to purchase or rent housing near transit facilities that reduces their combined housing transportation costs. The inclusion of affordable housing can offset these impacts by making more affordable housing available even though the additional cost benefits of transit proximity have not been achieved. In addition, the provision of additional parking tends to consume land that could otherwise be used to accommodate additional housing that would increase the supply and reduce the cost of individual units. The inclusion of affordable housing can offset these impacts by making more affordable housing available even through potential housing land has been used for parking.

2. Requirement

20 percent reductions in minimum residential density requirements in return for setting aside 10 percent of units for purchase price affordable to households at 80 percent of AMI or for rental affordable to households at 60 percent of AMI, as determined by the Review Authority. Affordability at these levels must be assured for a period of at least 30 years through a development agreement with the applicant.

E. Green Buildings

1. Rationale

Development or redevelopment below minimum density threshold reduces support for the new transit facility, which in turn delays the ability to achieve reduced VMT/emissions. Development of parking above maximum parking limits accommodates more auto travel with associated VMT/emissions. More efficient

"green" buildings can offset those impacts by reducing building energy consumption and emissions.

2. Requirement

10 percent reductions in minimum density or 10 percent increases in maximum parking permitted in return for a building receiving a LEED certification at the gold level 20 percent reductions in minimum density or 20 percent increases in maximum parking permitted in return for a building receiving a LEED certification at the platinum level. In lieu of LEED certification, the applicant may receive the same adjustment by receiving certification under another nationally-recognized or state-recognized program (including but not limited to Energy Star or Earth Advantage) that the City determines provides resource savings or sustainability benefits comparable to LEED gold or platinum certification, as applicable. Applicants must execute a development agreement to pursue post-construction LEED certification and, if the building fails to meet the required level of certification, to make building alterations necessary to meet those thresholds.

F. Public Art

1. Rationale

Development or redevelopment below minimum density thresholds or development of parking above maximum parking limits reduces the dense, walkable urban character desired by the Community Plan. The provision of public art can encourage walking, as opposed to driving, within the Urban Center zones by increasing areas and destinations of pedestrian interest.

2. Requirement

10 percent reductions in minimum density or 10 percent increases in maximum parking permitted in return for the provision of public art costing at least 1 percent of the hard construction costs of the project, as shown on the building permit application. Public Art may be provided on the applicant's site or may be located on a public right-of-way within the AmberGlen Community Plan area.

VIII. SITE PLANNING STANDARDS

A. Purpose

1. Promote a compact, pedestrian and transit-oriented environment in the city's urban centers;
2. Establish a connected framework of streets, pathways, access lanes, parks, plazas, and natural areas to provide access to development, to enhance access to nature, recreation, and social opportunities, and to efficiently manage water;
3. Promote the use of innovative, sustainable, aesthetic, and distinctive approaches to standard site elements as a key character-defining feature of the AmberGlen area; and
4. Enable the use of area-wide approaches and collaborative approaches involving two or more contiguous property to meet site planning requirements.

B. Applicability

The provisions of this Section 143.VIII shall apply to all development and all redevelopment or expansions of existing structures that increase the gross floor area of the existing structure by more than 20 percent in the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones, unless otherwise specified by the provisions in this section. Expansions of gross floor area by less than 20 percent shall comply with either (a) the provisions of this Section 143.IX or (b) the development standards applicable to the structure prior to the adoption of this Section 143.

C. Connectivity and Circulation

1. General

(a) Streets and connectivity elements shall comply with the requirements of this Section 143.VIII and the City of Hillsboro Design and Construction Standards as amended.

(b) Determination of required street and off-site improvements shall be consistent with the requirements of Section 137.XVI.C.

(c) When a traffic impact report is required, the pedestrian circulation study identified in Section 137.XVI.C.1.b shall be required regardless of the distance of the development from an LRT station.

(d) In the case of a conflict between the standards of this Section 143.VIII and other sections of the Hillsboro Zoning Ordinance, the City of Hillsboro Design and Construction Standards, or the development standards of City of Hillsboro Subdivision Ordinance No. 2808, the requirements of this Section 143.VIII shall apply.

2. Street Location and Connectivity

(a) The general location of streets shall be consistent with Figure 2 (AmberGlen Street Map). Flexibility in the alignment of all streets may be approved through a Type II approval process (See Section 143.X).

(b) Streets identified in Figure 2 (AmberGlen Street Map) are not sufficient to meet maximum block size standards in Section 143.VIII.C.3 without providing additional bicycle and pedestrian connections. To provide flexibility for the location and design of local access while ensuring pedestrian and bicycle connectivity, local streets or Green Access Lanes in addition to those identified on Figure 2 (AmberGlen Street Map) shall be provided as necessary to meet the connectivity and circulation standards of this Section 143.VIII.C.3.

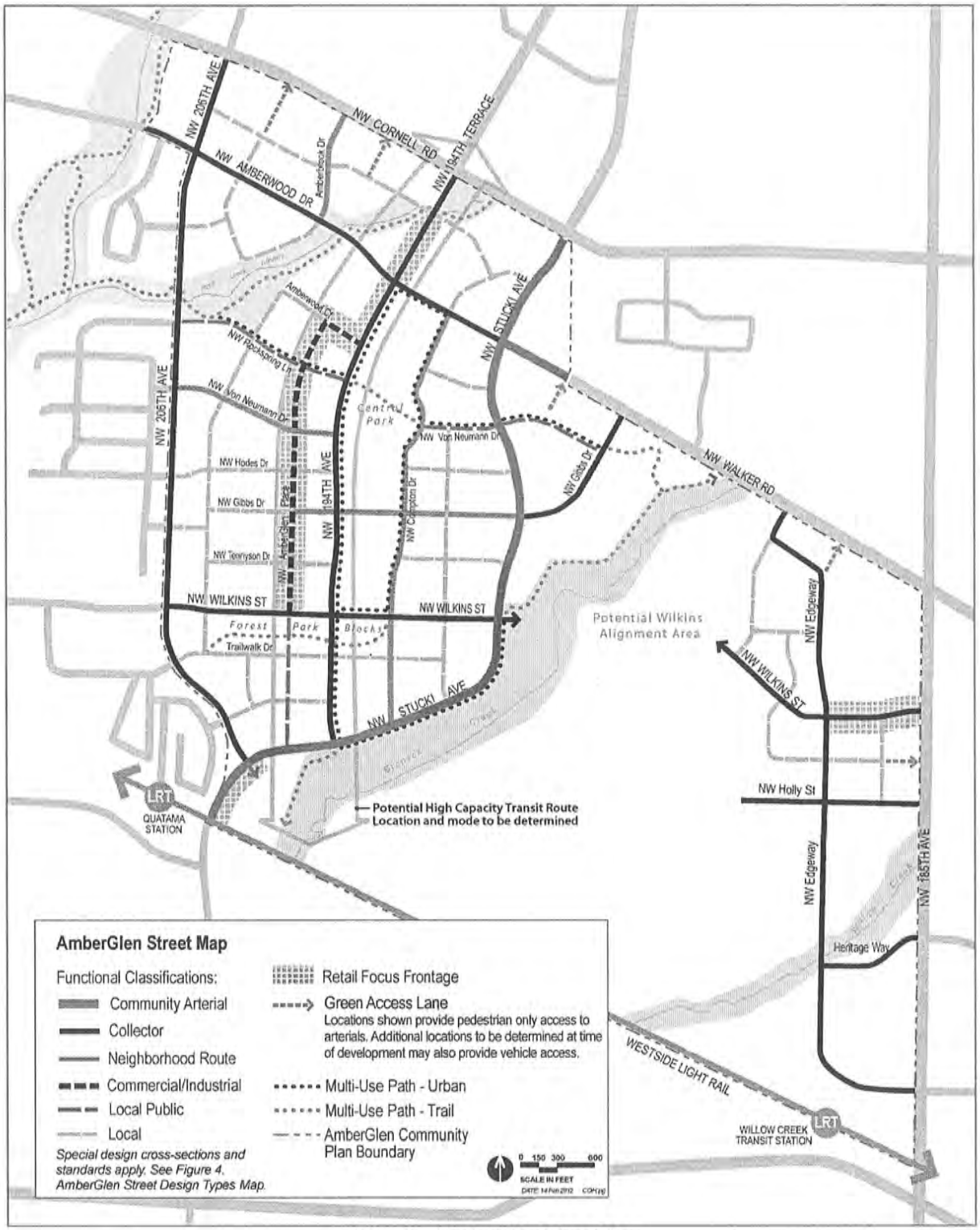


Figure 2—AmberGlen Street Map

3. Lots and Blocks

(a) Block Configuration

(1) Blocks shall generally be square or rectangular, but may vary in shape to protect natural features or respond to site constraints.

(2) To the maximum extent feasible, streets and access lanes shall be oriented to create block and lot configurations with their longest dimension along an east-west axis to facilitate the use of passive solar principles.

(b) Maximum Block Size

(1) The following standards shall apply to all UC zones except the UC-RP zone.

i. Block length shall not exceed 300 feet except as specified below.

ii. Blocks up to 400 feet in length are permitted between a street and an abutting (a) protected natural resource area, or (b) existing or planned greenway or nature park, or (c) barrier as determined by the Planning Director through a Type II approval process (See Section 143.X).

iii. Blocks up to 600 feet in length are permitted if a Green Access Lane or comparable mid-block pedestrian connection is provided, as approved by the Review Authority. Green Access Lanes shall be designed in accordance with Section VIII.D.4 (Street Cross-Sections and Design Standards).

(2) For the purposes of this Section 143.VIII.C.3 (b), blocks shall be measured from curb to curb, regardless of whether the street is public or private.

(c) Lot and Block Access

(1) Blocks may include drives, alleys, driveway entrances, or Green Access Lanes in one of the following configurations:

i. Mid-Block Access. This configuration includes an alley or Green Access Lane running through or near the center of the block;

ii. "H" Configuration. This configuration allows development to front on all four block faces; or

iii. "T" Configuration. This configuration includes two perpendicular alleys or Green Access Lanes within a block, allowing development to front on three block faces.

iv. Variations to these access configurations may be granted for locations where the number of block faces may be limited due to barriers sign as difficult topography, existing or planned natural resource protection areas, rail routes, greenways or nature parks.

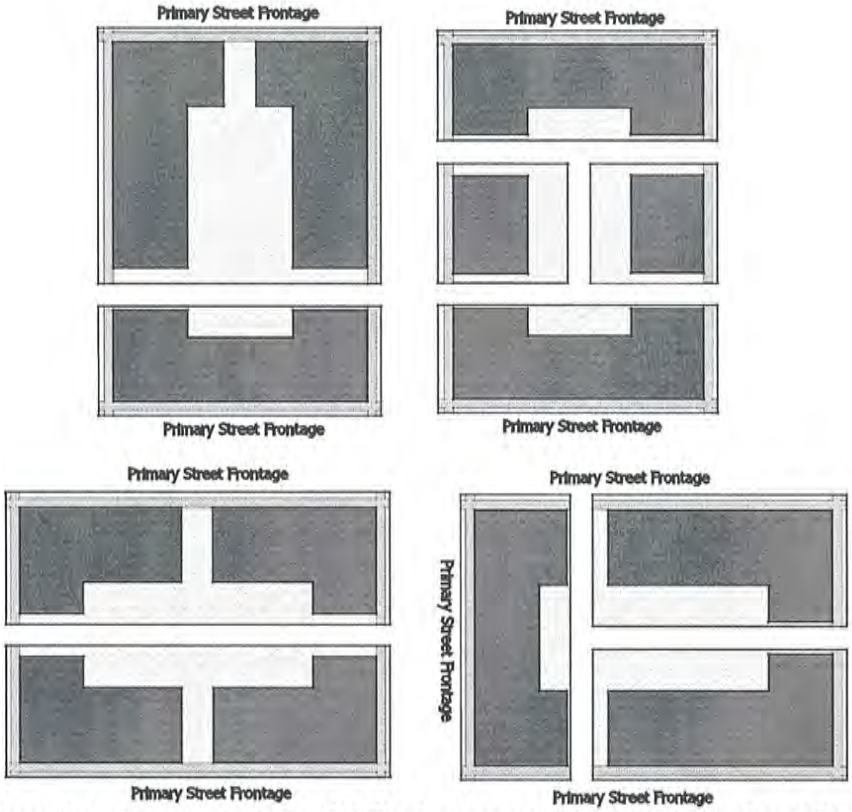


Figure 3—Block configuration alternatives. Top, Mid-Block access option and "H" Configuration. Bottom Alternate Mid-Block access option and "T" Configuration.

(2) Flag lots are prohibited.

4. Pedestrian and Bicycle Connectivity and Circulation

(a) An interconnected network of on-site pedestrian/bicycle access ways shall be provided to allow direct access to and between:

(1) Primary building entrances;

(2) Sidewalks, walkways, and bicycle lanes on adjacent properties and streets that extend to the boundaries shared with the applicant's property;

(3) Adjacent or on-site bus or LRT stops;

(4) Adjacent or on-site parks, trail systems, community gardens, open space areas, greenways, or other public or civic uses;

(5) Existing or planned Green Access Lanes; and

(6) Any existing or planned Greenway Trails.

(b) Wherever practicable, the entry points of required access ways shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

(c) Curb cuts or other features shall be provided to allow direct connections for pedestrian/bicycle movement at locations where curbs or other channelization have been used to control vehicle movements. Examples where curb cuts may be needed include driveway medians, curbs between individual parking areas and curbs/fences that prevent access to pedestrian/bicycle facilities directly from a parking lot.

(d) Where the city or another entity is implementing a program in support of, or funded by, the federal Safe Routes to School program, and that program includes a sidewalk, walkway, or trail adjacent to the boundaries of a development or redevelopment involving residential uses, the project design shall allow project residents to access the designated school route in a convenient and relatively direct manner.

D. Street Design and Character

1. General Design and Improvements

(a) Street design element, including but not limited to lane widths, sidewalks, bike facilities, medians, pavement treatment, street trees, vegetated green street planters, and landscape areas shall be consistent with the standards in Sections 143.VIII.D.2 (Street Cross-Sections and Design Standards) and 143.VIII.D.3 (Streetscape Elements).

(b) Variations to these standards to allow flexibility in accommodating unique site considerations (e.g. terrain, soil, established development, or other site constraints) or to increase street tree coverage, establish multi-function drainage systems, accommodate vegetated roundabouts, or mitigate the impact of stream crossings may be approved through a Type II approval process (See Section 143.X).

(c) Public or Private Streets

(1) Any street or street segment designated on Figure 2 (AmberGlen Street Map) as an Arterial, Community Arterial, Collector, Neighborhood Route, Commercial/Industrial, or Local-Public shall be a public street under the jurisdiction of the City of Hillsboro.

(2) Individual street segments or features for any street designated on Figure 2 (AmberGlen Street Map) as Local may be either publicly or privately owned, as determined during the land use review and approval process.

(3) Individual Green Access Lane segments or features shall be privately owned.

(d) Local street segments or Green Access Lane segments that are being provided to comply with the connectivity and circulation standards in Section 143.VIII.C may only be privately owned if they comply with the following standards:

(1) In the case of a Local street segment, public access for automobiles, bicycles, and pedestrians shall be granted through a recorded easement;

(2) In the case of a Green Access Lane, public access for bicycles and pedestrians shall be granted through a recorded easement;

(3) Design of private Local streets shall comply with standards and cross-sections identified in this Section 143.VIII.D for Mixed Use Commercial Street-Private and Mixed Use Residential Street-Private, as applicable, and shall also comply with the City of Hillsboro Design and Construction Standards for public local streets as determined by the City Engineer.

(4) Design of private Green Access Lanes shall comply with standards and cross-sections in this Section 143.VIII.D.4.h, and shall also comply with the City of Hillsboro Design and Construction Standards for public streets as determined by the City Engineer.

(e) The design and specifications for public streets, street lighting, traffic signals, water lines, storm sewer lines and sanitary sewer lines, including construction materials, traffic control, regulatory signage, street trees, and other elements of constructing public improvements in the public-right-of-way not addressed by this Section 143.VIII.D shall be consistent with the City of Hillsboro Design and Construction Standards, as amended.

(f) Private street segments, Green Access Lane segments, and common driveways requiring fire access shall meet the construction standards for public streets in accordance with the City of Hillsboro Design and Construction Standards Related to fire access and meet the clearance requirements of the City of Hillsboro Fire Marshal.

(g) All public and private streets shall have a minimum 8 foot wide public utility easement adjoining and outside of each side of the public right-of-way or private access easement unless a different standard is applied through the development approval process.

(h) As new private streets and access lanes are constructed, or existing private streets are redeveloped, Low Impact Development Approaches (LIDA) may be constructed in accordance with Section 143.G.5 to provide sustainability benefits, LEED credits, or other development objectives. However, all water quality treatment to meet City stormwater management requirements will be provided in regional water quality facilities identified in the AmberGlen Stormwater Management Plan, and individual LIDA improvements are not required.

(i) Roundabouts shall be considered for any intersection that meets signal warrants. Final intersection design requirements shall be determined by the City Engineer.

2. Street Cross-Sections and Design Standards

Street cross-sections and design standards in this Section 143.VIII.D.2 shall apply as shown on Figure 4 (AmberGlen Street Design Types Map). When the alignment of the High Capacity Transit Route is finalized, one or more of these cross-sections will be revised to accommodate the High Capacity Transit right-of-way. The street cross-sections and design standards apply only to streets and street segments designated with the design types identified in this Section 143.VIII.D.2, or listed in the applicability section for each design type in this Section 143.VIII.D.2. Otherwise, the City of Hillsboro Design and Construction

Standards shall apply based on the functional classifications identified on Figure 3 (AmberGlen Street Map).Variations to the street cross-sections and other requirements of Section 143.VIII.D may be required by the City Engineer at the approach to an intersection or for fire apparatus access. Cross-sections may also be adjusted to be consistent with any approved Safe Routes to Schools plan applicable to that street segment.

(a) Mixed Use Commercial Street

(1) Intent

Mixed Use Commercial Streets are intended to promote an active, pedestrian-friendly environment at the street level. They are typically enclosed by building facades, wide sidewalks, and outdoor seating and dining areas. Landscaped curb extensions soften the street's appearance and allow for additional.

(2) Applicability

Mixed Use Commercial Street Standards apply as shown on Figure 4 (AmberGlen Street Design Types Map):

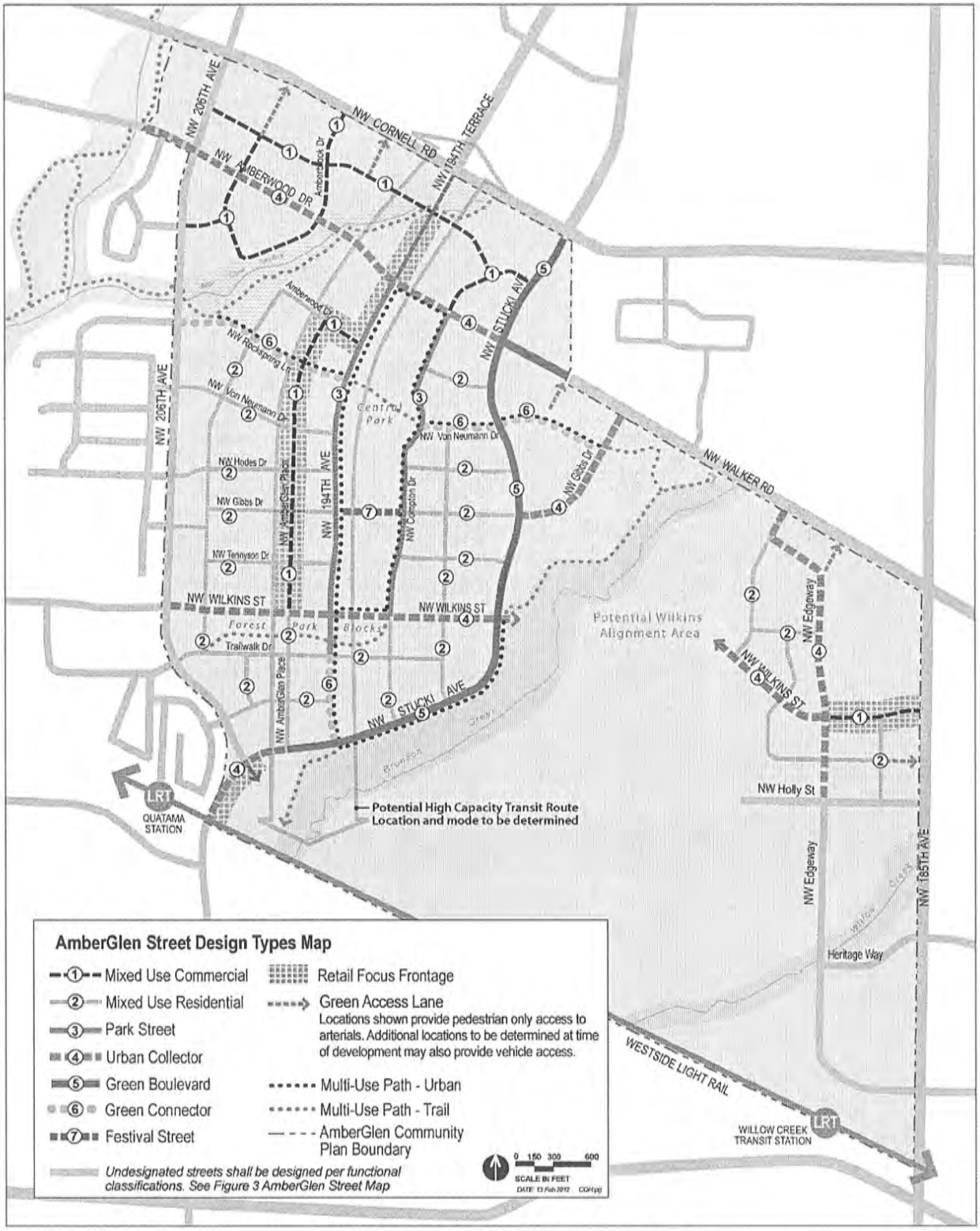


Figure 4: AmberGlen Street Design Types Map

(3) Standards

Design of public streets shall comply with Figure 5 (Typical Mixed Use Commercial Street Cross-Section: Public Street) and design of private streets shall comply with Figure 6 (Typical Mixed Use Commercial Street Cross-Section: Private Street).

(4) Operating Speed

Operating speed is estimated at 20 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane.

(5) Streetscape Standards

The streetscape standards in Figure 17 (Streetscape Plan Detail – Commercial Focus) shall apply unless varied through a Type II approval process (See Section 143.X).

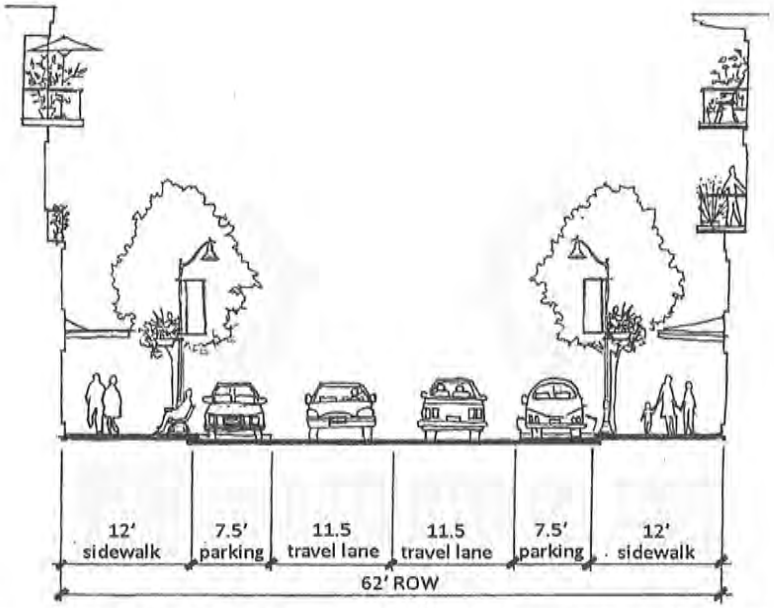


Figure 5—Typical Mixed Use Commercial Street Cross-Section: Public Street

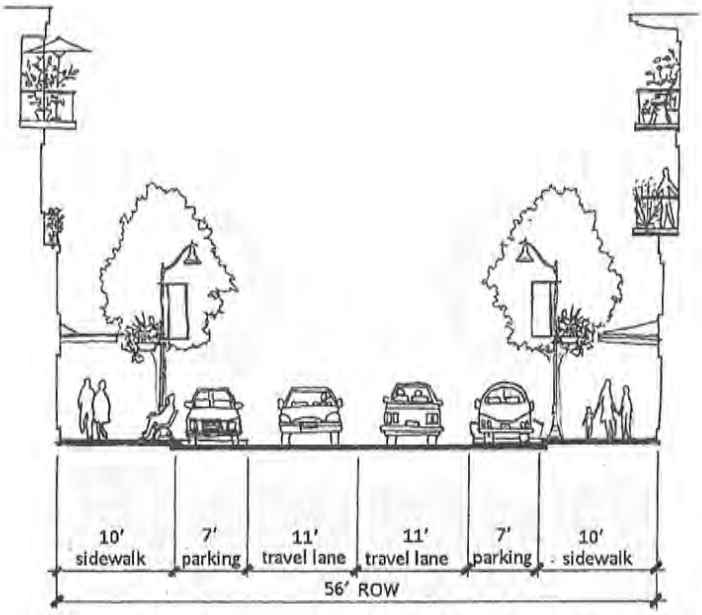


Figure 6—Typical Mixed Use Commercial Street Cross-Section: Private Street

(b) Mixed Use Residential Street

(1) Intent

Mixed Use Residential Streets are intended to promote a quiet and inviting street environment for residents. Raised stoops and outdoor porches and patios provide a more gradual transition between the sidewalk and the building façade, create a more visually open and relaxed character, and provide an area for landscaping within the private realm.

(2) Applicability

Mixed Use Residential Street Standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Design of public streets shall comply with Figure 7 (Typical Mixed Use Residential Street Cross-Section: Public Street) and design of private streets shall comply with Figure 8 (Typical Mixed Use Residential Street Cross-Section: Private Street).

(4) Operating Speed

Operating speed is estimated at 20 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane.

(5) Streetscape Standards

The streetscape standards in Figure 18 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 17 (Streetscape Plan – Commercial Focus) shall apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X).

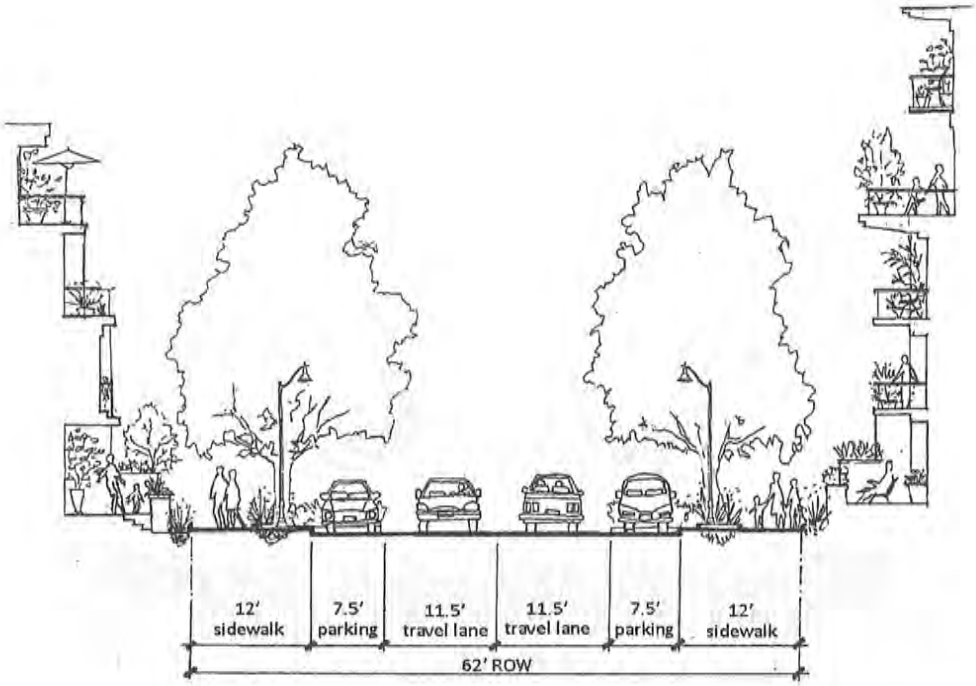


Figure 7—Typical Mixed Use Residential Street Cross-Section: Public Street

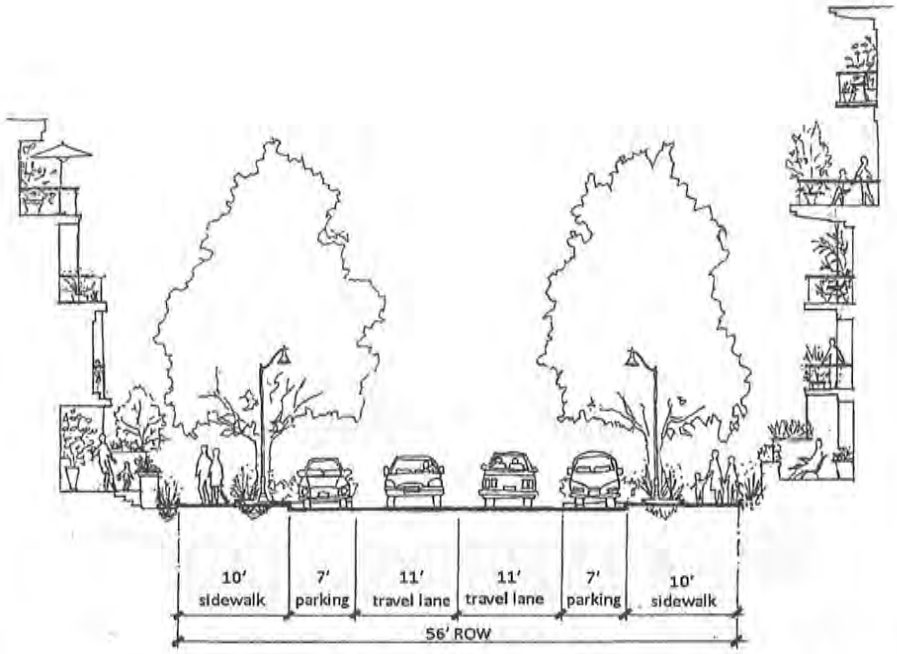


Figure 8—Typical Mixed Use Residential Street Cross-Section: Private Street

(c) Park Street

(1) Intent

Park streets are intended as a transition between the more intense mixed-use development that will line the central park and the park itself. While the development edge incorporates aspects of both Mixed Use Retail and Residential streets, the park edge incorporates a multi-use path for bicycles and pedestrians. A high-capacity transit route may also be incorporated in some locations.

(2) Applicability

Park Street standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Street design shall comply with Figure 9 (Typical Park Street Cross-Section: Public Street).

(4) Operating Speed

Operating speed is estimated at 20-25 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane.

(5) Streetscape Standards

The streetscape standards in Figure 18 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 17 (Streetscape Plan Detail –

Commercial Focus) shall apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X).

(6) Multi-Use Urban Path

Multi-use path requirements apply at NW Amberwood Dr. and NW Wilkins St. Design requirements for multi-use urban path improvements and adjacent landscaping shall be reviewed and approved by the Parks Director.

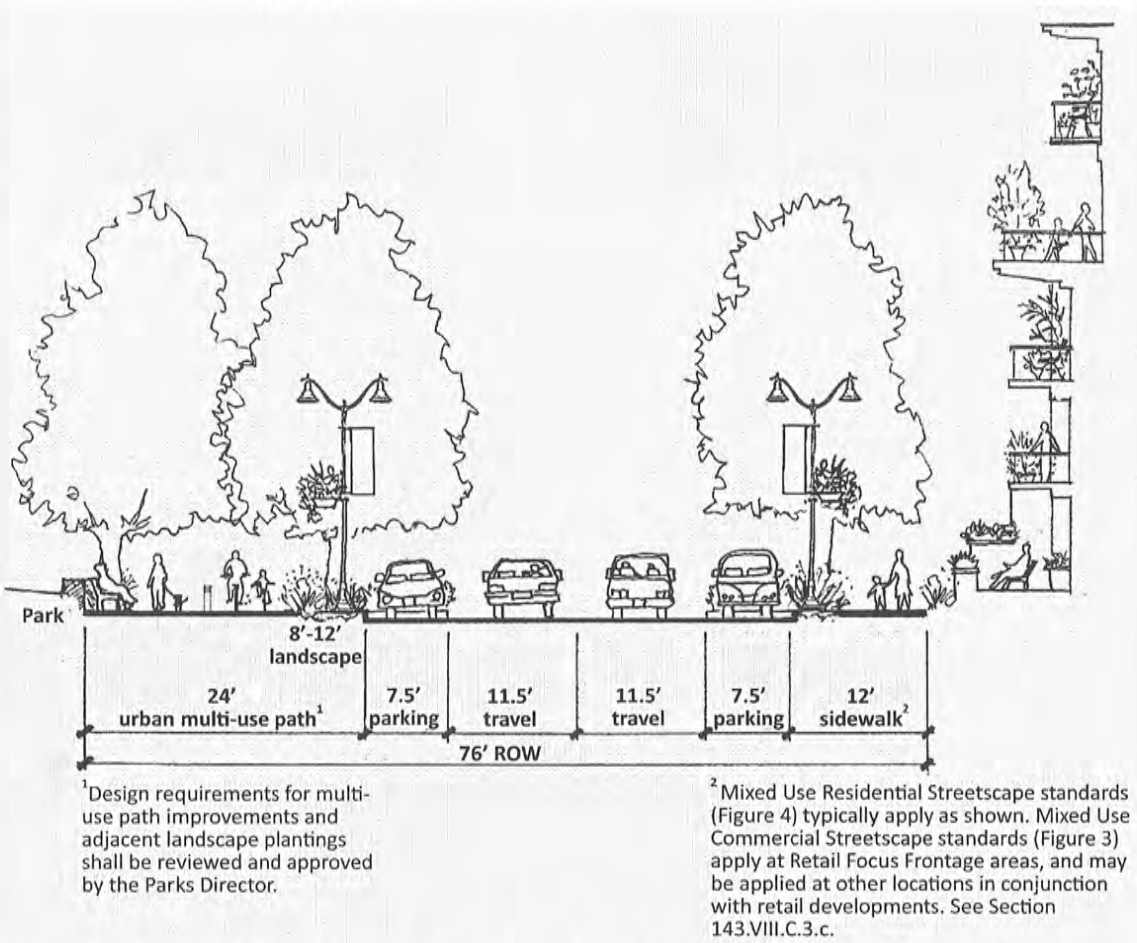


Figure 9—Typical Park Street Cross-Section: Public Street

(d) Urban Collector

(1) Intent

Urban Collectors are intended to provide a safe and inviting environment for walking and biking while accommodating higher volumes of traffic. Landscaped medians, protected bike lanes, and detached sidewalks contribute to the overall character of the street.

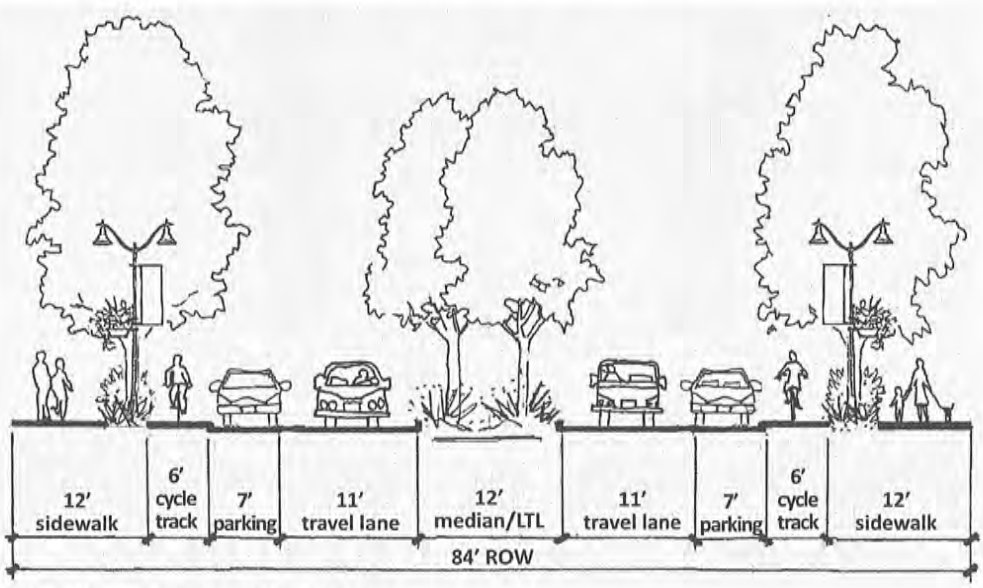
(2) Applicability
Urban Collector Standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards
Street design shall comply with Figure 10 (Typical Urban Collector Cross-Section: Public Street).

(4) Operating Speed
Operating speed is estimated at 25-30 miles per hour. Bicycle access is provided in raised cycle track lanes to provide grade separation from vehicles.

(5) Streetscape Standards
The streetscape standards in Figure 17 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 18 (Streetscape Plan Detail – Commercial Focus) apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X).

(6) Multi-Use Urban Path
A multi-use urban path shall be provided as shown in Figure 2 (AmberGlen Street Map) at two locations: NW Amberwood Dr. between NW 194th Ave and NW Compton Dr.; and NW Wilkins St. between NW 194th Ave and NW Compton Dr. Design requirements for multi-use urban path improvements and adjacent landscaping shall be reviewed and approved by the Parks Director.



Note: Design requirements for multi-use path improvements and adjacent landscape plantings apply at NW Amberwood Dr. adjacent to the Central Park, and at NW Wilkins between NW 194th and NW Compton Dr.

Figure 10—Typical Urban Collector Cross-Section: Public Street

(e) Green Boulevard

(1) Intent

The Green Boulevard is intended to provide the primary vehicular route through the district. Landscaped medians, protected bike lanes, and detached sidewalks contribute to the overall character, width, and grand scale of the street while providing a safe and inviting environment for walking and biking. Double rows of London Plane trees relate to the signature streetscape at AmberGlen Parkway, and provide a unified character for the AmberGlen/Tanasbourne Regional Center.

(2) Applicability

Green Boulevard Standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Street design shall comply with Figure 11 (Typical Green Boulevard Cross-Section, NW Stucki Ave. North of NW Wilkins St., and South of NW 194th Ave. to LRT: Public Street) or Figure 12 (Typical Green Boulevard Cross-Section, NW Stucki Ave. Between NW Wilkins St. and NW 194th Ave.: Public Street) as applicable.

(4) Operating Speed

Operating speed is estimated at 30-35 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane. Bicycle access is provided in raised cycle track lanes to provide grade separation from vehicles.

(5) Streetscape Standards

The streetscape standards in Figure 18 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 17- (Streetscape Plan Detail – Commercial Focus) shall apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X).

(6) Multi-Use Urban Path

A multi-use urban path shall be provided south of NW Wilkins St. to 194th Ave. Design requirements for multi-use urban path improvements and adjacent landscaping shall be reviewed and approved by the Parks Director.

(7) Adjustments for Water Quality Facilities

Cross-section may be adjusted to provide water quality facilities adjacent to Bronson Creek, pending completion of AmberGlen District Stormwater Management Plan.

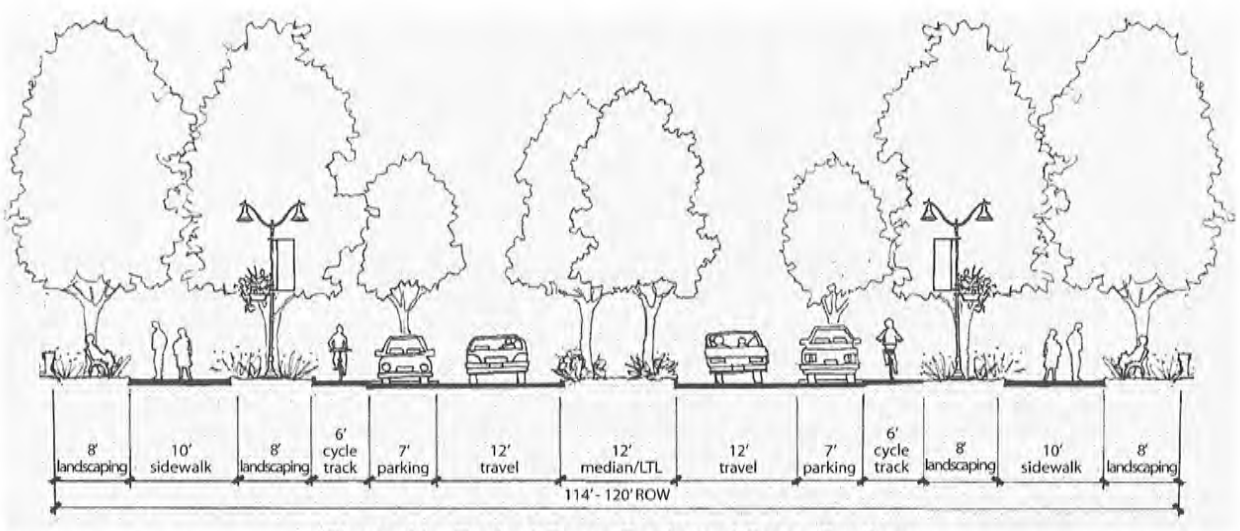


Figure 11—Typical Green Boulevard Cross-Section,
NW Stucki Ave. North of NW Wilkins St to NW Cornell Road, and South of NW 194th Ave. to LRT: Public Street

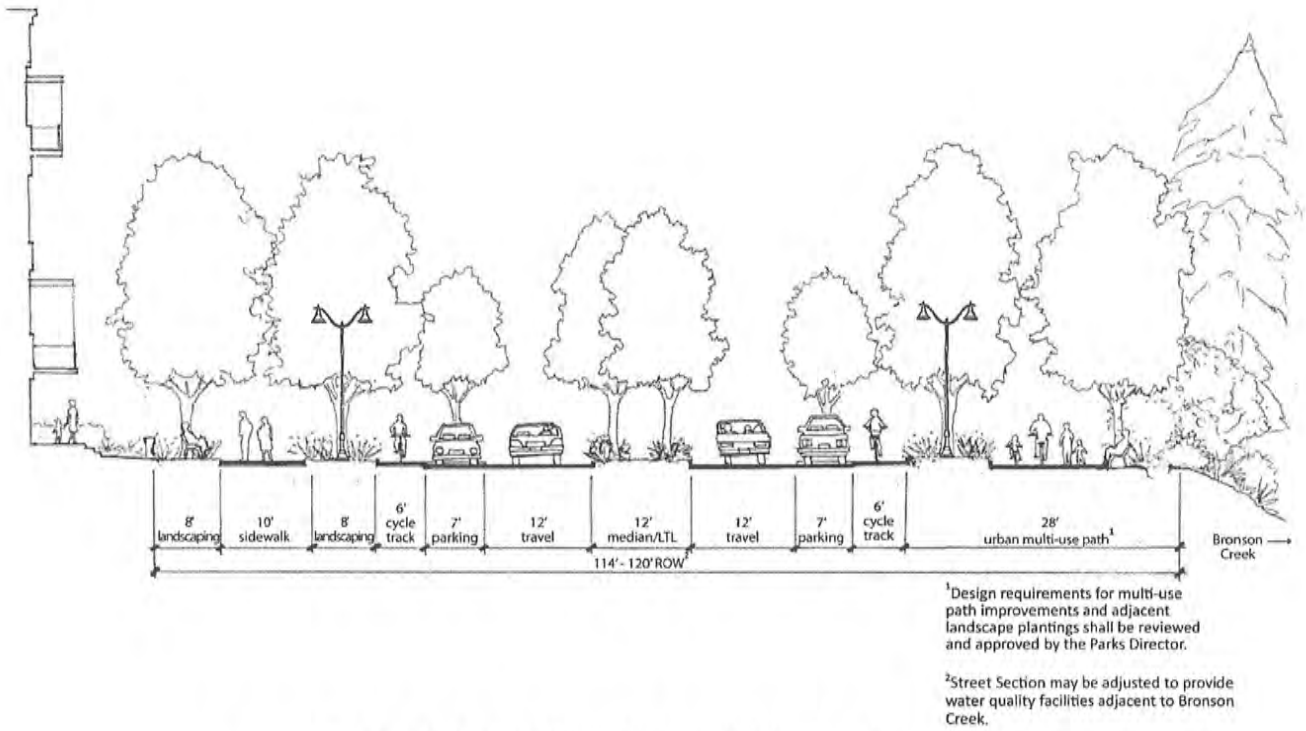


Figure 12—Typical Green Boulevard Cross-Section,
NW Stucki Ave. Between NW Wilkins St. and NW 194th Ave.: Public Street

(f) Green Connector Street

(1) Intent

Green connector streets are intended to provide clear linkages between multi-use pathways, greenway trails and the central park. A broad parkway provides an opportunity to integrate native vegetation and

signature trees as an extension of adjacent greenways both for visual interest and for conveyance of stormwater through swales to regional water quality facilities. The urban multi-use paths connect the central park pathway loop to the future Bronson Creek regional trail to the east, and the Rock Creek Regional Trail to the west.

(2) Applicability
Green Connector Street standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards
Street design shall comply with Figure 13 (Typical Green Connector Street Cross-Section: Public Street).

(4) Operating Speed
Operating speed is estimated at 20 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane.

(5) Streetscape Standards
The streetscape standards in Figure 18 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 17 (Streetscape Plan Detail – Commercial Focus) shall apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X).

(6) Multi-Use Urban Path
A multi-use urban path shall be provided within a parkway. Parkway landscaping shall be primarily native trees and shrubs and shall feature signature conifers to distinguish the parkway routes and assist in wayfinding. Design requirements for parkway landscaping and multi-use urban path improvements shall be reviewed and approved by the Parks Director.

(7) Stormwater Facilities
Where grades allow, stormwater in the parkway areas may be conveyed through landscape swales to regional water quality facilities identified in the AmberGlen Stormwater Management Plan.

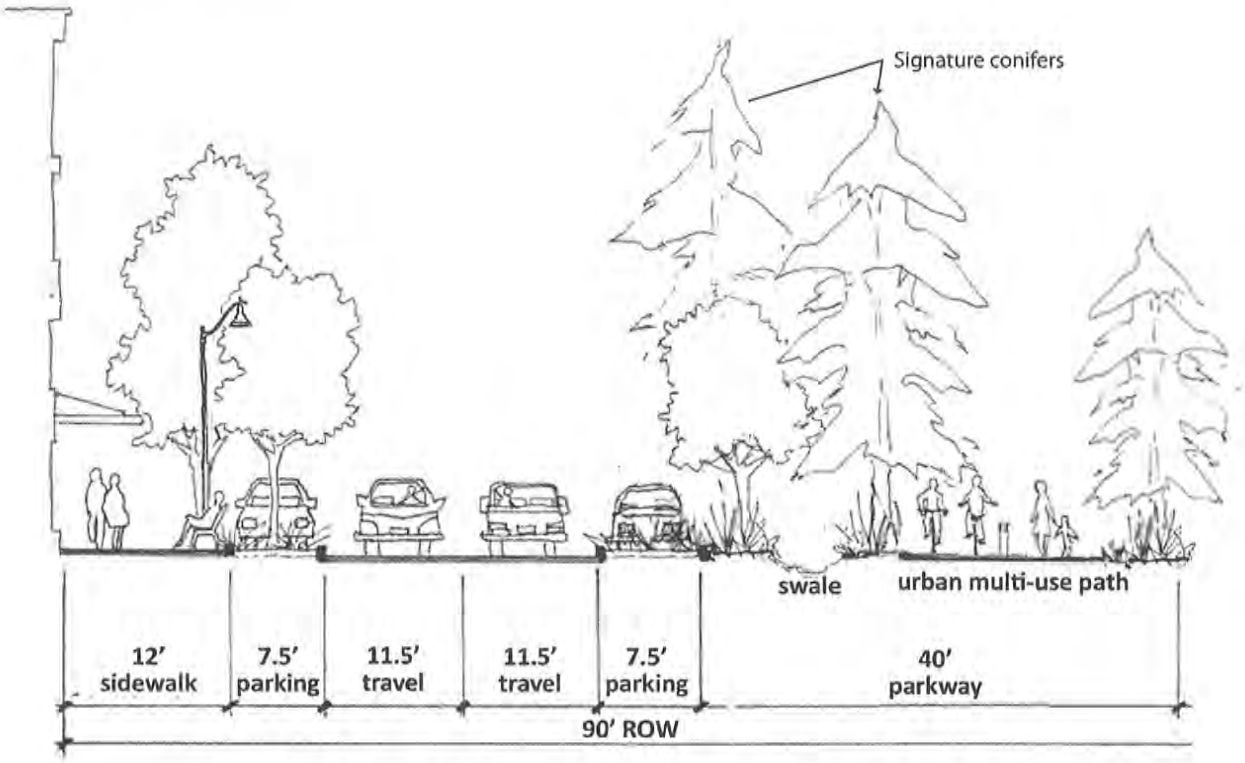


Figure 13—Typical Green Connector Street Cross-Section: Public Street

(g) Festival Street

(1) Intent

The Festival Street is a unique street intended to provide a plaza area at the south end of the Central Park that also accommodates an east/west street connection with limited auto volumes. Traffic may be restricted for special events, allowing the Festival Street to serve as an extension of the Central Park.

(2) Applicability

The Festival Street standard applies as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Street design shall comply with Figure 14 (Typical Festival Street Cross-Section: Public Street).

(4) Operating Speed

Operating speed is estimated at 15 to 20 miles per hour. At this speed, vehicles and bicycles share the travel lane.

(5) Design Elements and Requirements

i. Street lights, street trees, and seating shall be provided.

ii. Curbless travel lanes shall be separated from pedestrian areas by bollards (may be removable), street lights, or other vertical elements.

iii. Scored concrete paving shall extend in a continuous pattern across pedestrian plaza areas and travel lanes.

iv. In addition to those elements listed in subsections i through iii above, elements such as a water feature, landscaped areas, and Green Street planters may be integrated with the plaza area design as determined by the Parks Director.

v. Final location of the travel lanes, and plaza design requirements and specifications shall be determined by the Parks Director.

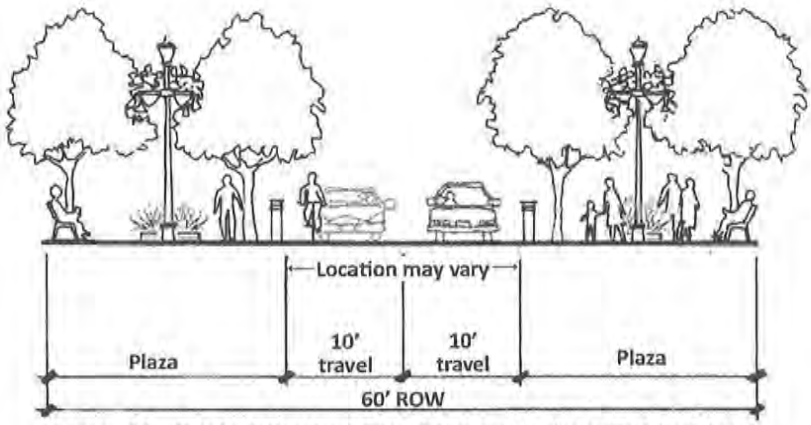


Figure 14—Typical Festival Street Cross-Section: Public Street

(h) Green Access Lane

(1) Intent

Green Access Lanes are intended to provide pedestrian and bicycle connectivity through longer blocks and development sites. They may also accommodate emergency access and vehicle access to adjacent development. Green Access Lanes increase access to sunlight, and may serve as a transition area to private residential patios and entries. Enhanced landscaping and seating gives these spaces a park-like feel. Stormwater quality treatment through bio swales or LIDA facilities is not required; however, there may be opportunities to work these elements into the streetscape should the applicant choose to incorporate these elements to meet LEED requirements or other sustainability and design objectives.

(2) Applicability

i. Green Access Lanes designed in accordance with the standards below may be proposed to satisfy connectivity and circulation requirements of Section 143.VIII.C. The connectivity and circulation requirements shall be satisfied by whether or not vehicle access is provided.

ii. Green Access Lanes are not mapped on Figure 1 (AmberGlen Street Map), except for locations adjacent to arterials under the jurisdiction of Washington County where bike and pedestrian access is required and vehicle access is prohibited.

(3) Standards

Street design shall comply with Figure 15 (Typical Green Access Lane Cross-Section: Private).

(4) Pedestrian and Vehicle Access

i. Green Access Lanes shall provide pedestrian access. Green Access Lanes may provide shared bicycle access, secondary vehicle access to parking facilities associated with adjacent development, and fire access.

ii. Where vehicle access is provided, operating speed is estimated at 15 miles per hour. At this speed, vehicles, pedestrians and bicycles share the road.

iii. Green Access Lanes that do not provide vehicle access and are designed in accordance with Usable Open Space Standards may also satisfy the requirement for usable open space (See Section 143.F.3).

(5) Streetscape Design Standards

Green Access Lane streetscape design requirements shall be approved on a case by case basis. At a minimum, the following design elements are required:

i. Street lights, street trees, and seating shall be provided in accordance with the requirements of this Section 143. Alternative designs of similar quality may be proposed subject to the approval of the Review Authority.

ii. Based on projected pedestrian, bicycle, and automobile traffic volumes and speeds, the Review Authority may require curbless travel lanes to be separated from pedestrian areas by bollards, street lights, or other vertical elements.

iii. Scored concrete paving or unit pavers shall be provided, and shall extend continuously across pedestrian areas and if provided, travel lanes.

iv. Where fire access is provided, the design of the pavements section shall meet the requirements of the City of Hillsboro Design and Construction Standards for driveways that provide fire access.

v. Landscaped areas, trees, and planters shall be provided. Pedestrian access to adjacent development may be incorporated.

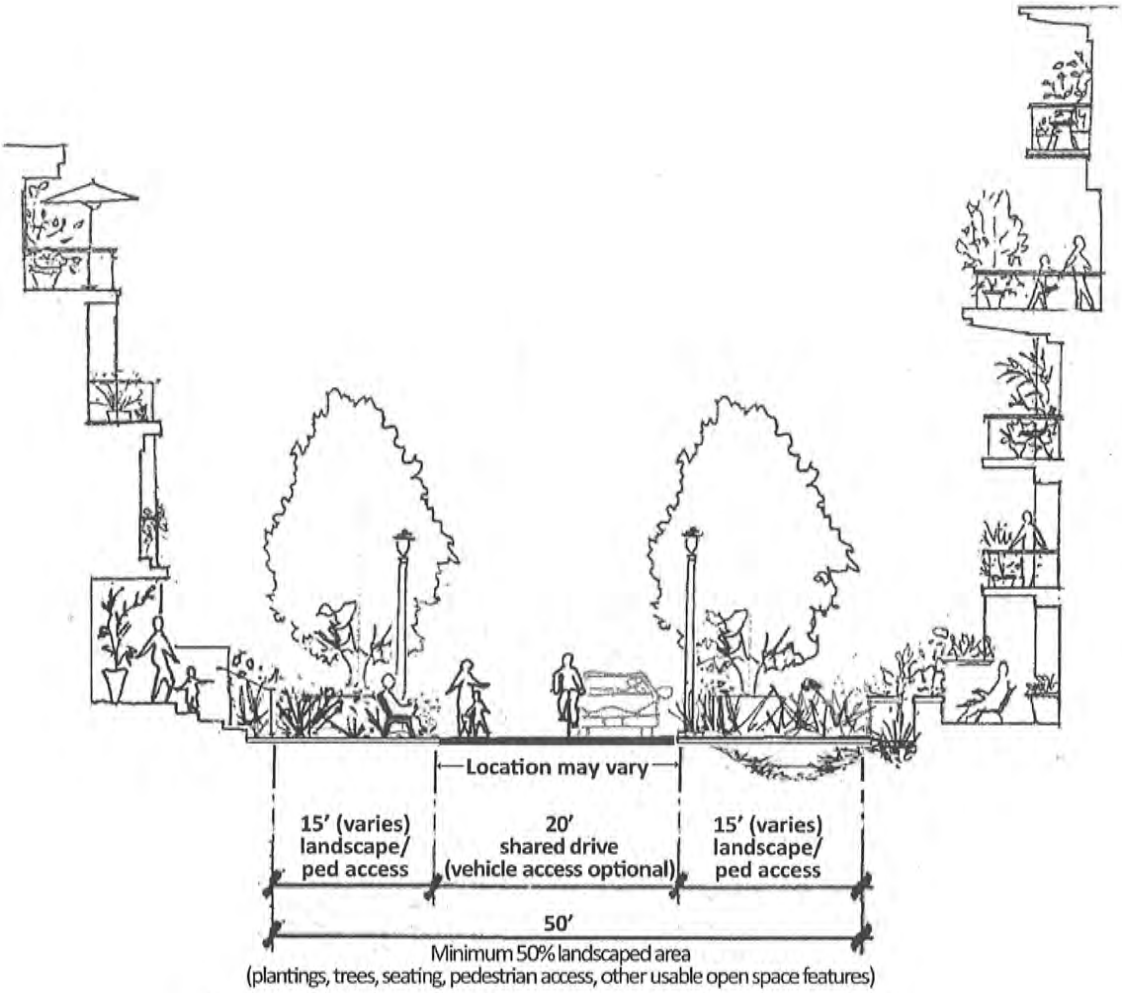


Figure 15—Typical Green Access Lane Cross-Section: Private

Figure 16—Example Green Access Lanes

3. Streetscape Standards

(a) Commercial Focus Streetscape Standards

(1) Streetscape requirements illustrated in Figure 17 (Streetscape Plan Detail – Commercial Focus) apply to the following streets:

i. Streets designated as Retail Focus Frontage areas on Figure 3 (AmberGlen Street Map).

ii. Mixed Use Commercial Streets identified in Figure 43 (AmberGlen Street Design Types Map).

(2) Commercial Focus Streetscape Standards may also be applied at other locations in conjunction with retail development through a Type 2 process (See Section 143.X and Section VIII.D.3.(d)(3) below.

(3) Sidewalk dimensions may be reduced to 10 feet for private streets based on the following minimum widths:

i. Building frontage zones shall be a minimum of 1 foot 6 inches in width;

ii. Through pedestrian zones shall be a minimum of 4 feet in width;

iii. Furnishing zones shall be a minimum of 4 feet in width; and

iv. The curb shall be a minimum of 6 inches in width.

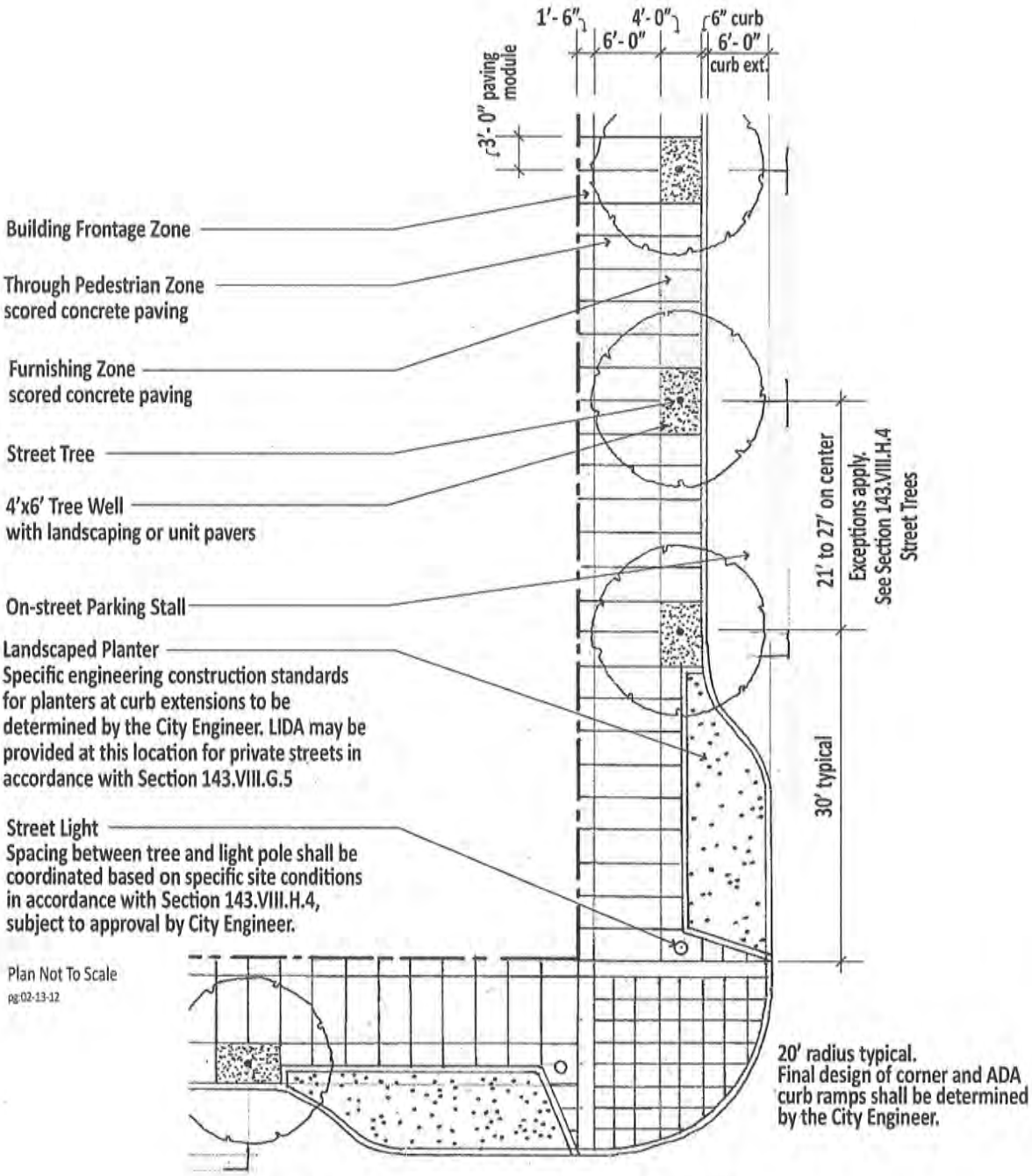


Figure 17: Streetscape Plan Detail -- Commercial Focus

(b) Residential Focus Streetscape Standards

(1) Streetscape requirements illustrated in Figure 18 (Streetscape Plan Detail – Residential Focus) apply to all streets shown on Figure 4 (AmberGlen Street Design Types Map) except:

i. Streets designated as Retail Focus Frontage areas on Figure 3 (AmberGlen Street Map).

ii. Mixed Use Commercial Streets identified in Figure 43 (AmberGlen Street Design Types Map).

(2) Sidewalk dimensions may be reduced to 10 feet for private streets based on the following minimum widths:

i. Building frontage zones shall be a minimum of 1 foot 6 inches in width;

ii. Through pedestrian zones shall be a minimum of 4 feet in width;

iii. Furnishing zones shall be a minimum of 4 feet in width; and

iv. The curb shall be a minimum of 6 inches in width.

(3) Where Residential Focus Streetscape Standards apply and retail uses and services are proposed at the adjacent street frontage, Commercial Focus Streetscape Standard may be applied through a Type II approval process (See Section 143.X).

(c) Sidewalks shall be paved in 3-foot modules and shall define a pedestrian through zone and a sidewalk furnishing zone (located between the curb and pedestrian through zone, except at curb extensions). A building frontage zone shall be defined for all Mixed Use Commercial Streets identified on Figure 4 (AmberGlen Street Design Type Map).

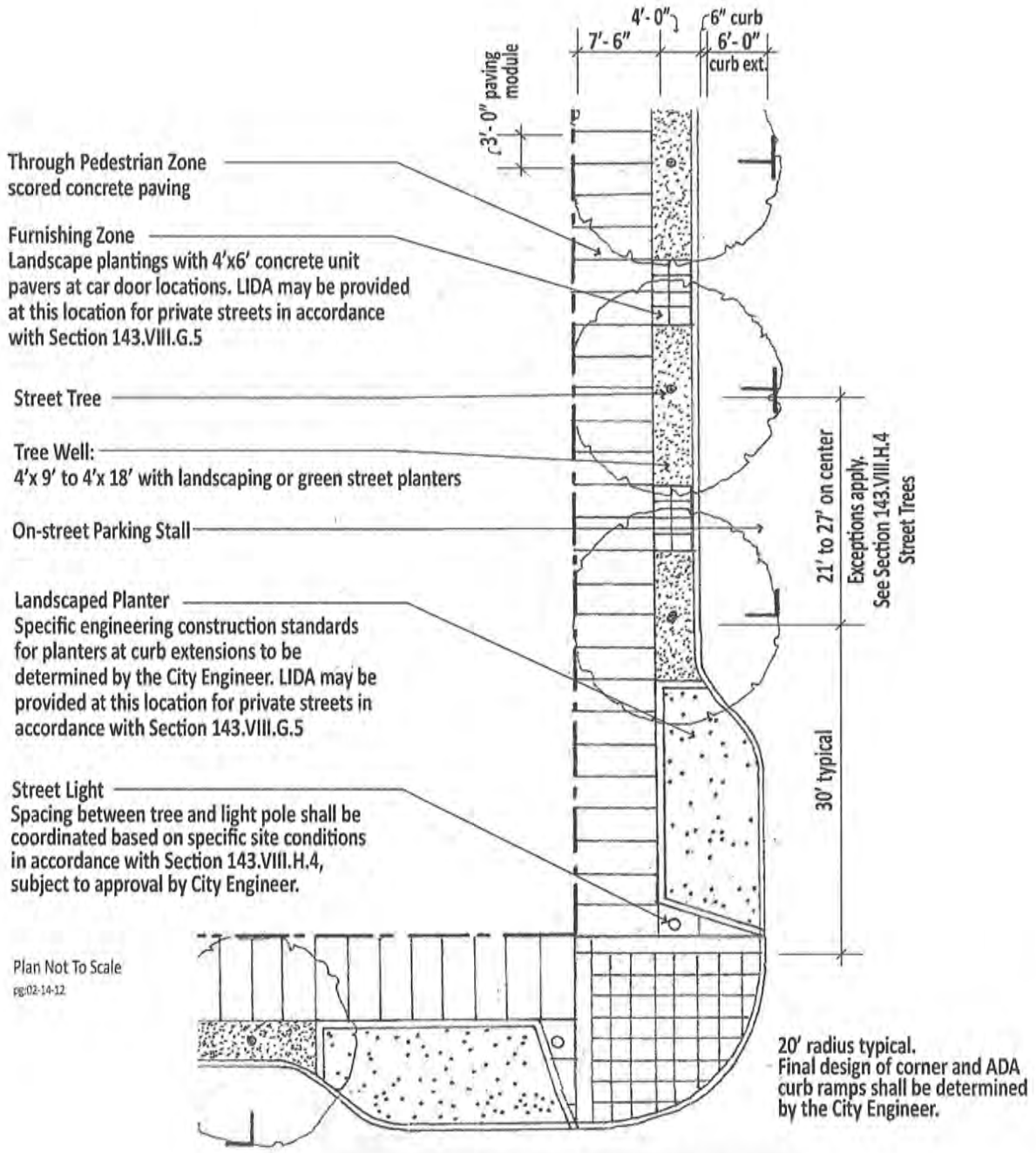


Figure 18: Streetscape Plan Detail – Residential Focus

(d) Street trees, street lights, regulatory signs, bike racks, street furnishings, and landscape plantings shall be located in the sidewalk furnishing zone.

(e) Vegetated stormwater planters may be featured on private streets and Green Access Lanes.

(f) Bulb-outs or curb extensions are required at all full street intersections.

(g) Street Tree Location

(1) The intent of this standard is to maximize the number of street trees per block.

(2) Street tree spacing shall be consistent with the growth and spread of actual species and based on a 3-foot module.

(3) Street tree spacing shall be based on the street lighting layout and no tree shall be planted closer than 20 feet from a street light.

(4) Street trees shall not be planted within the vision clearance triangle of any street intersection.

(5) See Section 143.VIII.H.5 for additional street tree requirements.

(h) Dimensions for tree well openings shall be as follows:

(1) 4 feet by 6 feet at retail and commercial frontages where Commercial Focus Streetscape Standards apply.

(2) For other locations, tree well openings may range in size from 4 feet by 9 feet to 4 feet by 15 feet with landscape plantings. 4 foot by 6 foot concrete unit pavers shall be provided at car door locations.

(i) Ornamental street lights shall be required when public or private street improvements are required as part of a development. Light poles and luminaries shall be from Portland General Electric's approved list of materials for Option B as follows:

(1) Luminaire shall be Hadco Utility Westbrooke, flared, black.

(2) Pole shall be Hadco Westbrooke Pole, fluted, black, with arm bracket and cap.

(j) Benches, trash receptacles, drinking fountains, bollards and other street furniture items shall be of the same general design and quality as those used at the Hillsboro Civic Center. As an alternative, street furniture items of a complementary design may be provided as identified on an adopted streetscape plan approved by the Planning Director and the City Council Street Committee.

4. Multi-use Urban Path

(a) In some cases, the street cross-sections in Section 143.VIII.D.4 include a multi-use urban path primarily intended for use by pedestrians and cyclists as an off-street recreational facility. However, the multi-use urban path also

serves pedestrians and cyclists on the park side of the street and replaces sidewalks and bicycle lanes that would otherwise be required.

(b) Design specifications for multi-use path improvements and adjacent landscape plantings required as part of a development shall be reviewed and approved by the Parks Director to ensure consistency of standards throughout the Urban Center Zones.

5. Cul-de-Sacs

Cul-de-sacs or dead end streets are not permitted, except where topography, pre-existing development, or other site constraints limit connectivity or where regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements limit connectivity. If a street connection cannot be reasonably provided as a result of one or more of the site constraints outlined above, a Green Access Lane shall be provided.

6. Maintenance of Landscaping and Irrigation in Rights-of-Way

Maintenance of all plantings, landscape materials, green street facilities, and irrigation in the right-of-way on public and private streets, including medians, shall be performed by the master tenant association through a maintenance agreement between the City and the owner or owner's tenant association , with the exception of any parkway landscaping and irrigation the Parks Department agrees to maintain.

E. Tree Preservation

1. General Standards for Mature Trees

(a) The standards in this Section 143.VIII.E.1 apply to deciduous trees 8 inches or greater in diameter measured 4 feet above grade, or conifer trees 20 feet in height or taller.

(b) To the maximum extent practicable, development shall be planned, sited, and constructed to avoid the destruction of mature trees. The burden of proof is on the applicant to demonstrate the necessity of tree removal.

(c) Applications for development of sites with stands of trees shall include a tree preservation plan prepared by a certified arborist. The plan shall identify trees which can be retained and which must be removed to accommodate the development or promote public safety. The plan shall also identify areas where potential wind throw may occur as a result of partially removing a stand of trees and recommend measures to prevent wind throw.

(d) The Review Authority may condition approval to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include the retention of a qualified consulting arborist or horticulturist both during and after site preparation, and a special tree maintenance and management program to provide protection to the trees as recommended by the arborist or horticulturist.

(e) Trees to be protected and preserved shall be marked and protected by a construction fence placed at least 5 feet outside the drip line(s). No soil

compaction, material, or spoils storage shall be allowed within the drip line(s). This provision shall be enforced as a requirement of any Building and Engineering Permits for the project.

(f) Where the Review Authority determines it is impracticable or unsafe to preserve such trees, trees may be removed and shall be replaced in accordance with an approved landscape plan that includes new trees of a similar character at least 2 ½" in caliper at breast height.

2. Standards for Specimen Trees

(a) In addition the standards of Section 143.IX.E.1, the standards in this Section 143.IX.E.2 shall apply to the following specimen trees whose diameter (measured at 4 feet above grade) exceeds:

(1) Douglas Fir: 24 inches

(2) Grand Fir, Ponderosa Pine, Western Hemlock, or Western Red Cedar: 12 inches;

(3) Any other conifer: 20 inches

(4) Red Alder, Bigleaf Maple, or Oregon White Oak: 12 inches; or

(5) Any other deciduous tree: 20 inches.

(b) No specimen tree shall be removed or damaged during construction unless one or more of the following criteria are met:

(1) A Certified Arborist determines that the tree:

i. Is a safety hazard to persons or property due to its location; or

ii. Is a dangerous tree (see Section 143.XI); or

iii. Was diseased, weakened, or dying prior to the commencement of construction and no practicable means is available to preserve it.

(2) A Registered Engineer determines that the removal of the tree is necessary:

i. For construction equipment access and there is no practicable alternative route;

ii. To accommodate grading to implement either required stormwater management or structural building integrity, and there is no practicable grading alternative to meet the requirements; or

iii. To site proposed buildings or other permanent improvements, and there is no practicable alternative location or design option for the improvements at the same scale within the lot.

(3) The Review Authority may authorize a reduction in setbacks or the number of required parking spaces to avoid the removal of specimen trees, provided measures are also taken to preserve the health of the trees. If approved, reduced setbacks or parking spaces must be compliant with Building Department requirements.

F. Usable Open Space

The standards in this Section 143.VIII.F are intended to ensure that all development in the Urban Center zones provides for on-site open space, and that the shape, size, and design of that open space provides spaces usable by the occupants, residents, or visitors to the property.

1. Usable Open Space Required

Usable open space required for UC zones varies based on gross site acreage and development type as specified in Table 143-VIII-F-1.

(a) Developments with a gross site acreage of more than four acres may aggregate usable open space requirements into one or more designated usable open space sites, common areas, or pocket parks.

(b) A minimum of 50 percent of required usable open space in the following locations shall have public access:

(1) Properties in Retail Focus Frontage areas; and

(2) Within the UC-NC and UC-AC zones.

(c) In the UC-MU, UC-AC, UC-NC, and UC-OR zones, where outdoor seating for eating and drinking establishments are a permitted or conditional use, up to 65 percent of the area designated for seating may be credited towards the usable open space requirements.

(d) Usable open space areas may be either publicly or privately owned, as determined during the review and approval process.

Table 143-VIII-F-1
Minimum Usable Open Space Requirements

Gross Project Acreage	Type of Development	
	Residential or Mixed Use with Residential Component	Non-Residential
<.25	100 sq. ft./du	None
.25 to 1.0	100 sq. ft./du	5% of gross lot area
1.01 to 99	100 sq. ft./du or 5% of gross lot area, whichever is greater	5% of gross lot area
100 –149		
150 or more		
Required usable open space may be either common/shared or private		

2. Usable Open Space in Phased Developments

(a) At the developer's discretion, developments constructed in multiple phases may aggregate the usable open space requirements into one or more usable open space areas, provided the following criteria are met:

(1) The location and required acreage of usable open space for the entire development is shown in the preliminary development application; and

(2) The percentage of total usable open space developed prior to, or concurrent with, occupancy in the first phase is at least proportional to the percentage of total acreage in the first phase.

(b) If an approved phasing plan allocates the majority of usable open space to a particular lot, a prorated share of the usable open space may be used to calculate FAR and/or residential density on other lots in the development. This provision shall apply whether the usable open space is retained in private ownership or dedicated to the City for park purposes.

3. Usable Open Space Standards

(a) Types of Spaces

(1) The following types of public and private outdoor spaces may be counted towards minimum open space requirements include:

i. Plazas, patios, pocket parks, and other community gathering spaces that provide opportunities for outdoor seating, dining, and social interaction;

ii. Courtyards, balconies and yards intended for individual units;

iii. Community gardens or similar spaces designated for Urban Agriculture uses;

iv. Playgrounds;

v. Recreational facilities;

vi. Habitable, landscaped roofs (may include "green roof" treatments);

vii. Green Access Lanes that do not provide vehicle access, that comply with the standards of Section 143.VIIID.2(h); or

viii. Extra sidewalk width (beyond that the through pedestrian passage widths required by Section 143.VIII.D (Street Design and Character) created between the building façade and the required through pedestrian passage area and furnished for outdoor dining or seating;

ix. Similar gathering space as approved by the Review Authority.

(2) To meet social objectives served by usable open space, interior, multi-purpose community space provided for private or public use may be counted towards usable open space requirement.

(b) Exclusions and Exceptions

To qualify as usable open space, an area must be planned for that purpose and of a sufficient size to provide a legitimate active or passive recreational opportunity. The following features shall not be counted towards minimum usable open space requirements:

(1) Parking strips;

(2) Foundation landscaping around buildings;

(3) Required sidewalk and streetscape elements;

(4) Parking areas;

(5) Small, oddly-shaped and/or otherwise unusable remnant parcels;

(6) Areas along the property boundaries with a minimum width of less than 6 feet; and

(7) Land areas without structures, site improvements, or landscaping, unless it is located within a publicly accessible natural or wildlife viewing area.

(c) Pedestrian-Oriented Features

In order to create "third places" attractive to and usable by the public, usable open space areas shall incorporate a minimum of three pedestrian-oriented features, such as, but not limited to:

(1) Benches or low walls with seating areas;

(2) Trees identified in the Street Tree List of the City of Hillsboro Design and Construction Standards;

(3) Free standing planters and/or raised planting beds designed to treat stormwater and allow infiltration into the underlying soil;

(4) Public art or sculpture;

(5) Water features and/or drinking fountains;

(6) Outdoor dining areas;

(7) Play structures;

(8) Weather canopies or sunshades; or

(9) Other pedestrian-oriented features as approved by the Review Authority.

(d) Dimensions

Where provided, usable open space shall meet the following standards:

Table 143-VIII-F-2
Minimum Usable Open Space Dimensions

Type of Usable Open Space	Minimum Size
Balconies or porches	Minimum average depth and width of 6 feet
At grade patios	Minimum depth of 6 feet and width of 10 feet
Private Yards	Minimum depth and width of 10 feet
Courtyards/plazas or other spaces that provide opportunities for outdoor seating, dining, and social interaction	Minimum depth of 10 feet and width of 20 feet and a minimum total area of 1,000 square feet

(e) Location

(1) Usable open space shall be sited and improved to provide opportunities for physical activity and social interaction. The entirety of the required usable open space shall be improved for such purposes except where Significant Natural Resources Level 1, 2, or 3, 100-year floodplain, or delineated wetlands are present.

(2) Preference in the placement of usable open space shall be given to sites that:

i. Enhance opportunities for recreation (active or passive) and access to nature;

ii. Enhance opportunities for interaction between residents, tenants, and/or the public;

iii. Enhance park sites adjacent to converging pedestrian routes;

iv. Preserve otherwise unprotected natural resources and wildlife habitat on the site;

v. Can be combined with adjacent sites to create opportunities for larger contiguous tracts of usable open space; or

vi. Protect lands where more intense development than open space may otherwise have an adverse impact on Significant Natural Resources, wetlands, or floodplains on adjacent properties.

G. Stormwater Management

1. Intent

Protect the water quality of creeks and wetlands associated with watershed basins in a comprehensive manner by:

(a) Accomplishing stormwater treatment at the district level in consolidated regional water quality facilities.

(b) Integrating stormwater conveyance and regional facilities into the public parkways and open space framework; and

(c) Designing stormwater system facilities to consider potential aesthetic functions to contribute to the character of the district.

2. General

(a) Stormwater management and drainage shall be provided in accordance with the higher of (a) City drainage master plan requirements/design standards, or (b) Clean Water Services Design and Construction Standards as amended ("CWS Design Standards"), whichever is higher. The City Engineer may impose conditions to ensure that waters are drained from the development site so as to limit degradation of water quality consistent with:

(1) The Clean Water Service's Resolution and Order No. 07-20, as amended and as applicable within Hillsboro's City limits; and

(2) Any other drainage standards as may be subsequently adopted by the City Council.

(3) Drainage plans shall be reviewed and approved by the City Engineer for conformance with the adopted City drainage standards prior to construction.

(b) Any project that meets the definition of "development" as contained in the CWS Design Standards shall comply with the applicable provisions contained in that document, as amended.

3. Consolidated Facilities

(a) Regional stormwater treatment facilities are identified in the AmberGlen Stormwater Management Plan to consolidate the number of facilities and minimize gross acreage devoted to such use.

(b) Developers shall work with adjacent property owners to achieve consolidation of the water quality facilities into regional usage.

(c) Consolidated facilities shall be integrated into the site design as a component of the landscaping, open space, or water features so that:

(1) It accommodates all ranges of flows as required by the CWS Design Standards in effect at the time of development, including any overflow requirements; and

(2) At maximum anticipated volume, water depth will not create public safety risks.

(d) Where construction of consolidated regional water quality facilities is not practicable due to topography or other site conditions, a private water quality facility may be approved by the City Engineer.

4. Grading Plans

(a) Final construction drawings shall include grading plans confirming that site grading will not impede or impound existing storm drainage from surrounding properties.

(b) If deemed necessary by the City Engineer, plans and construction drawings shall include drainage tiles, private storm lines or catch basins, or other alternative means to adequately convey the storm runoff away from adjacent properties to the new storm drainage lines in the development. Any drainage tiles, private storm drainage lines, catch basins, or other alternative improvements considered necessary by the City Engineer shall be included in project construction.

5. Low Impact Development Approaches

(a) Low Impact Development Approaches (LIDAs) May be constructed to provide sustainability benefits, LEED credits, or other development objectives.

(b) Construction of LIDA facilities will not reduce the size or need to use consolidated regional water quality facilities as set forth in Section 143.VIII.G.3. Where construction of such public facilities is not practicable, LIDA may be incorporated into the design of a private water quality facility approved by the City Engineer.

(c) When provided, LIDAs should be designed in accordance with the techniques and specifications provided in the Clean Water Services Low Impact Development Approaches Handbook, as amended. Specific approaches should be selected based on their suitability to the soil and drainage characteristics of individual development sites.

H. Landscaping

1. Intent

Landscaping for each development shall be provided and designed to:

(a) Enhance the character of the public and private realm;

(b) Create an inviting, year-round environment for pedestrians;

(c) Reduce urban heat island effects, intercept rainwater, and support urban wildlife; and

(d) Enhance ecological functions and provide access to nature.

2. General

(a) Any portion of a site not occupied by buildings, parking, improvements, or protected natural resources shall be landscaped according to the requirements of this Section 143.VIII.H.

(b) Crime Prevention Through Environmental Design (CPTED) guidelines located in the City of Hillsboro Subdivision Design Standards and Guidelines Manual shall be considered in the design of landscaped areas to preserve site lines from sidewalks and parking areas to building entryways. Consideration shall include review for the following factors:

(1) Clear distinction between the public and semi-private realms;

(2) Clear sight lines along public pathways and in public spaces;

(3) Clear views from streets to pathways, open space and car parking areas;

(4) Opportunities for natural surveillance of lanes, sidewalks, streets, and other public spaces; and

(5) Adequate security lighting of pedestrian and cycling routes, car parking areas, and other public spaces.

(c) All landscaped areas in the public right-of-way, and all landscaped areas associated with any consolidated regional water quality facility, shall be designed by a registered Landscape Architect and installed in accordance with the City of Hillsboro Design and Construction Standards, or in accordance with Parks and Recreation Department specifications for parkways and any area maintained by the Parks and Recreation Department.

(d) All landscaping and planting plans associated with private water quality facilities featuring Low Impact Development Approaches (LIDA) shall be designed in accordance with the requirements of Section 143.VIII.G.5.

3. Landscape Materials

(a) Landscaping shall be designed to feature plant materials that evoke the natural character of the Pacific Northwest and that are adaptable to the climatic, topographic, and hydrologic characteristics and urban constraints of the site.

(b) At least 75 percent of the plant materials shall be selected from plant lists in Appendix A of the CWS Design and Construction Design Standards, as amended. The remaining 25 percent of plant materials shall be selected from naturalized and non-invasive species. Invasive non-native plants listed on Metro's Nuisance Plant List, as amended, are prohibited. The following exceptions are permitted:

(1) Non-native, non-naturalized, ornamental plants featured as design accents are permitted as plantings in planters and containers.

(2) Lawns are permitted in areas designated for active recreation.

(3) Edible vegetables and fruits are permitted on site and in community gardens where Park and Open Space uses are permitted or approved.

(4) Tree species listed for selection as street trees in the City of Hillsboro Design and Construction Manual.

(c) Landscaped areas shall include a mixture of planted areas and hardscape elements as an overall landscape framework including, but not limited to:

(1) Walls;

(2) Seating;

(3) Raised planters;

(4) Pervious paving, rain gardens and other stormwater facilities that comply with Section 143.VIII.G.5 that can serve multiple purposes, and

(5) Other features as approved by the Review Authority.

(d) Installation and maintenance of plant materials shall be in accordance with the American Nursery Landscaping Association standards.

(1) Plant materials shall be nursery stock or the equivalent quality and installed to industry standards or better.

(2) Plant materials shall be staked to current industry standards or better. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

(3) Planting plans associated with private water quality facilities featuring Low Impact Development Approaches (LIDA) shall be designed in accordance with the requirements of Section 143.VIII.G.5.

(4) Required Street Trees are subject to the standards of Section 143.VIII.H.4

(5) Minimum Sizes at Installation.

i. Two-inch caliper deciduous trees other than required street trees;

ii. Eight feet minimum height multi-stemmed trees (e.g., Vine Maple);

iii. Six feet minimum height coniferous trees;

iv. Eighteen to twenty-four inches height for large and medium shrubs (over six feet at maturity); and

v. Twelve to eighteen inches minimum height for small shrubs (three to six feet at maturity);

(6) Maximum spacing:

i. Deciduous trees shall be spaced appropriate to their spread at maturity.

ii. Coniferous trees shall be spaced fifteen feet apart, unless they are within a screening buffer, where the maximum spacing shall be ten feet on center.

iii. Large shrubs shall be spaced five feet on center.

iv. Medium shrubs shall be spaced four feet on center.

v. Small shrubs shall be spaced three feet on center.

(7) Ground covers are required in all planting areas, unless the entire bed is planted with shrubs that branch out so that they cover the surface of the ground. Bark and mulch shall not be considered as ground cover. Spacing shall be as follows:

i. One-gallon pots, twenty-four inches on center;

ii. Four-inch pots, eighteen inches on center; and

iii. Two-and-one-quarter-inch pots, twelve inches on center.

4. Credits

(a) Natural existing vegetation may be counted toward required landscaping, provided that the natural vegetation is maintained continuously to remove nuisance plants and to keep natural vegetation alive.

(b) Usable open space, and Low Impact Development Approaches used to manage stormwater in accordance with Section 143.G.3(d) may be credited towards required landscaping provided they are integrated into the overall landscape space concept for the site.

5. Street Trees

(a) Applicability

Requirements apply to all development which includes or will be required to provide street trees on public street frontages, private street frontages, and Green Access Lanes.

(b) General

(1) Requirements for street trees and irrigation of street trees not addressed in this Section 143.VIII.H.5 shall be consistent with the City of Hillsboro Design and Construction Standards. The Design and Construction Standards requirements shall apply to public streets, and also to private streets and green access lanes provided to meet the connectivity standards in Section 143.VII.C.

(2) Tree species shall be selected from the City of Hillsboro Approved Street Tree Species list, except where a tree species is identified for a

specific location as required by this section, or as approved by the City Engineer.

(3) Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. At a minimum, the planting area shall contain 24 square feet, typically in a 4 foot by 6 foot area. Trees shall be spaced at approximately 20 feet on center, and at a maximum of 27 feet on center. The selection of tree species based on tree spread shall be consistent with this spacing. Exceptions to this street tree spacing standard may be approved by the Review Authority:

i. In cases where planting a tree would conflict with street lights, existing trees, retaining walls, utilities and similar physical barriers; or

ii. In locations where an alternate street tree spacing is required as specified in this section 143.VIII.H.4.

(4) Special street tree requirements apply for NW Stucki Avenue as illustrated in the street Green Boulevard cross-section. (See Section 143.VIII.D.4.e.) The intent is to create a boulevard related in character to NW Evergreen Parkway between NW Stucki Avenue and NW 194th Terrace.

i. Street trees species for Stucki Boulevard between Cornell Road and NW 206th Avenue shall be similar in character to the existing London Plane Sycamore trees located on NW Evergreen Parkway between NW Stucki Avenue and NW 194th Terrace.

ii. Street trees shall be planted at a maximum of 21 feet on center.

(5) Columnar trees and shrubs shall be planted in the median.

(6) Establishment standards identified in the City of Hillsboro Design and Construction Standards apply.

(c) Assurances

The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

6. Vehicle Parking Lot Screening and Landscaping

(a) Perimeter Landscape Screening

(1) Surface parking areas shall provide perimeter parking lot landscaping meeting one of the following standards:

i. Planting strips at the width specified in Table 143-VIII-G-1, planted with large-scale, high canopy, horizontally-branching street tree species and/or an evergreen hedge. Hedges shall be between 30 inches and 42 inches in height. All landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot.

Table 143-VIII-G-1
Parking Area Perimeter Planter Strip Minimum Widths

Location	Minimum Width
Along an arterial street right-of-way	10 feet
Along any other street rights-of-way	5 feet
Any other location on the perimeter of the parking area	4 feet

ii. A decorative wall or fence between 30 inches and 42 inches in height parallel to and not nearer than 2 feet from the right-of-way line, with landscaping in the area between the wall or fence and the back of the sidewalk.

iii. An alternative planting strip at the widths specified in Table 143-VIII-G-1 that incorporates Low Impact Development Approaches that comply with Section 143.VIII.G.3(d), as approved by the Review Authority.

(2) The required landscape strip or wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.

(3) Where parking lots share common driveways and/or common circulation aisles or other traffic area, perimeter landscaping shall not be required between the parking lots. Perimeter landscaping may also be reduced or eliminated adjacent to landscaped open space in order to transition the open space landscaping into the parking area and afford better access between the parking and the open space.

(b) Interior Parking Area Landscaping

(1) Surface parking areas shall provide interior landscaping which meets the following standards:

i. A minimum of one 2½ inch caliper street tree planted in protected islands at the end of each parking row, and at intervals not exceeding 100 feet within the parking rows.

ii. Planting islands shall have a minimum width of 5 feet and minimum areas of 190 sq. ft. for double loaded parking and 95 sq. ft. for single loaded parking. The remainder of each island shall be landscaped in a manner consistent with the provisions of subsection 5.(c) below.

(2) In addition to the islands required in subsection 5.(b)(1) above, interior landscaping shall be installed in any other area where parking spaces, access aisles, driveways, or pedestrian movements would not be precluded by the landscaping. If the total area of the interior landscaping would exceed 10 percent of the vehicle parking area under this standard, the amount of required landscaping shall be limited to 10 percent except where requested by the applicant.

(3) All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.

(4) Where practicable, planting islands shall incorporate Low Impact Development Approaches to manage parking lot runoff within landscaped areas that comply with Section 143.VIII.G.5.

(c) General Parking Lot Landscaping Standards

(1) A minimum of 70 percent of all required landscaped areas, including required planting strips and planting bays, shall be covered with trees or shrubs and continuous ground cover consisting low growing evergreen shrubs or evergreen ground cover.

(2) The minimum planting size for all required trees shall be 2½ inch caliper as measured by American Association of Nurserymen standards. Trees shall be deciduous shade trees capable of at least 35 feet at both mature height and canopy spread.

(3) Evergreen shrubs shall be at least 2 feet higher than finished grade when planted. Evergreen shrubs shall be species capable of at least 36 inches mature height.

(4) Lawn is prohibited as a ground cover in parking lot islands.

(d) Vehicle Parking Surface Lot Improvements

(1) All required parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement, or other approved materials.

(2) All parking areas shall be graded toward the site interior, to prevent stormwater drainage across over public sidewalks or onto any abutting public or private property.

(3) Porous paving techniques that comply with Section 143.VIII.G.5 may be incorporated into the design of surface parking spaces, surface access aisles, and surface drives and loading areas.

7. Maintenance

(a) Maintenance shall be provided for all required landscaped areas.

(b) Sustainable maintenance practices shall be used to care for required landscaping, such as, but not limited to drip (rather than spray) irrigation as appropriate, integrated pest management and organic natural controls.

(c) All landscape plantings and man-made features shall be maintained in good condition, or otherwise replaced by the owner.

(d) Dead plantings shall be replaced by the property owner with an equivalent type (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.).

I. Fencing and Walls

1. Maximum Height

(a) Fences within the front, side, or rear yard shall not exceed the following maximum heights unless approved by the Review Authority:

Table 143-VIII-I-1
Maximum Heights for Front, Side, and Rear Yard Fences

	Maximum Height (ft.)		
UC District	Front Yard	Side Yard	Rear Yard
UC-RM	31/2	6	6
UC-MU	4	6	6
UC-AC	4	6	6
UC-NC	4	6	6
UC-OR	4	6	6
UC-RP	6	6	6

2. Materials

(a) Fences and walls shall be constructed of durable materials that are compatible with the primary materials used on the associated building façade, and may include but are not limited to.

(1) Masonry or brick;

(2) Solid wood fence with masonry or brick columns;

(3) Wrought iron fence with masonry or brick columns; or

(4) Alternative material(s) as approved by the Review Authority.

(b) Chain link, industrial materials, and unprocessed waste materials are prohibited as fencing or wall materials.

(c) All fences and walls shall be treated with anti-graffiti sealant.

J. Exterior Lighting

1. Applicability

(a) The provisions of this Section 143.VIII.J shall apply to all multi-family, mixed use, commercial, institutional, and industrial uses in the UC zones unless exempted in subsection (b) below:

(b) The following types of lighting are not subject to the requirements of this Section 143.VIII.J:

(1) Public street and right-of-way lighting;

(2) Temporary decorative seasonal lighting;

(3) Temporary lighting for emergency or nighttime work and construction;

(4) Temporary lighting for theatrical, television and performance areas, or for special public events;

(5) Lighting for a special district, street or building that, according to an adopted city plan or ordinance, is determined to require special lighting aesthetics as part of its physical character;

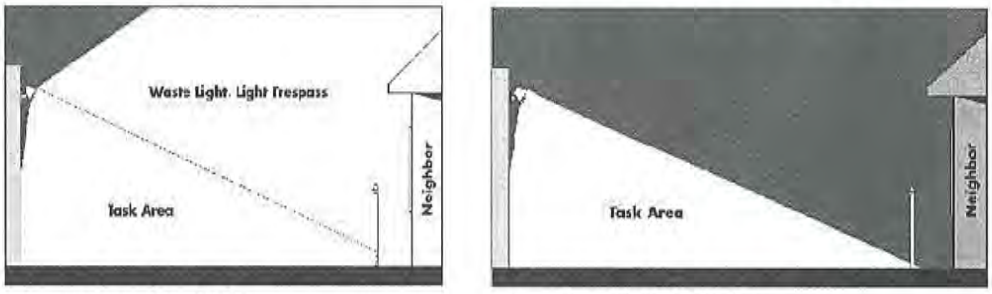
(6) Lighting required and regulated by the FAA;

(7) Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that (a) light poles are not more than 80 ft. tall, (b) maximum illumination at the property line is not brighter than two footcandles, and exterior lighting is extinguished no later than 11:00 pm.

2. Design Standards

(a) Light Trespass

Maximum lighting levels at property lines – generally shall not increase lighting level more than 1 footcandle 10 feet beyond property line.



Does not comply -- Light trespass

Complies -- No light trespass

Figure 19: Examples of light trespass

(b) Shielding

Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.

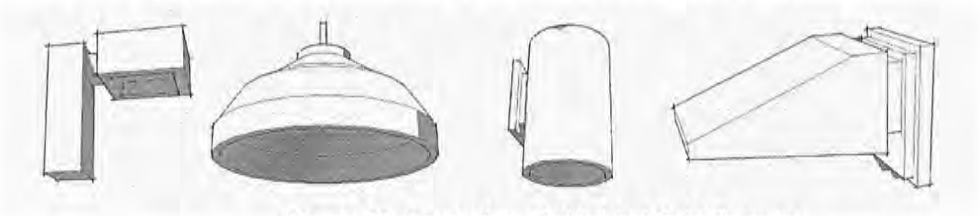


Figure 20: Examples of shielded light fixtures

(c) Pole and Fixture Heights

Maximum pole height is 20 feet for properties containing residential uses and 35 feet for properties containing no residential uses.

(d) Walkways

On-site walkways shall be illuminated to a minimum of level 2 footcandles.

(e) Uplighting

General up-lighting of facades or features is prohibited.

3. Efficiency Standards

All exterior lighting fixtures shall meet the efficiency standards in Table 143-VIII-J-1 below.

Table 143-VIII-J-1
Minimum Lighting Efficiency Standards

	UC-MD	All Other UC Districts
Maximum permitted initial lamp lumens per sq. ft.	9.7 lumens/sq. ft.	13.9 lumens/sq. ft.
Maximum lamp allowance	44,000 lumens	60,000 lumens
Minimum lumens per watt of energy consumed (as documented by manufacturers specifications or results of an independent testing laboratory)	80 lumens/watt	80 lumens/watt

K. Recycling and trash enclosure

In all UC zones, an enclosed area for collection of recyclable materials and solid waste meeting the following requirements shall be provided:

1. The recycling collection area and trash collection area shall be adjacent to one another.
2. Each required recycling and trash enclosure shall be located inside the primary or accessory structure or in an outdoor area screened from view from public streets and surrounding properties by an opaque fence or wall between six and seven feet in height constructed of wood or of one of the primary materials used on the primary structure façade.
3. If a required recycling and trash enclosure is located outside the primary structure, it shall be located within 100 feet of a primary structure entrance so as to be conveniently accessible to occupants or residents of the primary structure.
4. The access route for vehicles servicing a recycling and trash enclosure area shall provide minimum clearances free from encroachments by building features or landscaping as follows:
   - **(a)** A minimum horizontal clear distance of 12 feet and as required to accommodate access and turning maneuverability for a truck length of 34 feet;
   - **(b)** A minimum vertical clear distance of 30 feet; and
   - **(c)** Clear distances as required to accommodate operation of loading apparatus.
5. Recycling volume shall be provided and maintained as specified below for the use or uses to which the property is devoted.
   - **(a)** For residential development, the recycling enclosure shall contain 7.5 square feet of area for each of the first 50 units, and an additional 4 square feet of are for each unit above 50.

(b) For non-residential development, the recycling enclosure shall contain 3.5 square feet of area for each 1,000 square feet of the first 50,000 square feet of gross floor area, plus 2.25 square feet for each 1,000 square feet of gross floor area above 50,000.

L. Drive-Through Facilities

1. The provisions in Section 138.IX.C (Drive-Through Uses) shall apply to all drive-through facilities.
2. Drive-through facilities are not permitted at eating and drinking establishments or retail products and services within 400 feet of an HCT station; single-lane drive-through facilities are permitted beyond 400 feet from an HCT station.
3. Drive-through uses shall be limited to sites adjacent to Cornell Road, Walker Road, 185th Avenue, and 205th Avenue.

M. Outdoor Display and Storage

1. In all UC zones except the UC-RP zone, permanent outdoor display or storage of materials or equipment by commercial uses is prohibited.
2. Within the UC-RP zone, outdoor storage of inventory or equipment is permitted.
3. The term "equipment" as used in this subsection does not apply to motor vehicles licensed for street use and regularly used in the conduct of business.

N. Outdoor Dining and Sales Areas

In all UC zones except the UC-RM zone, outdoor seating and outdoor sales may be located between the back of curb and the back of the sidewalk, provided that they:

1. Have a Street Vendors License;
2. Are only present when the related business is open for business (unless otherwise permitted by a Street Vendor License); and
3. Maintain a 5 foot "clear zone" on the sidewalk for pedestrian movement.

IX. BUILDING DESIGN STANDARDS

A. Purpose

The purpose of this section is to establish a distinctive character and quality of development that is unique to the City's urban centers; to promote the use of sustainable building materials and development practices; and to promote compatibility in the scale of development between Urban Center zones.

B. Applicability

The provisions of this Section 143.IX. shall apply to all development in the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones , and to all redevelopment or expansions of existing structures that increase the gross floor area of the existing structure by more than 20 percent in the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones, unless otherwise specified by the provisions in this section. Expansions of gross floor area by less than 20 percent shall comply with either (a) the provisions of this Section 143.IX, or (b) the development standards applicable to the structure prior to the adoption of this Section 143.

C. Massing and Form

1. Height Transitions

(a) In addition to the maximum building heights established in Section 143.V. (Development Standards), transitions in height between zones of varying intensity and adjacent to established lower-intensity uses shall be provided as follows:

(1) No portion of a building located within 100 feet of the zone (s) below may exceed the following heights:

i. UC-RM and UC-RP: 55 feet

ii. UC-NC: 65 feet

(2) No portion of a building located within 200 feet of Central Park may exceed 105 feet in height.

(3) No portion of a building located within 50 feet of 206th Avenue, Stucki Avenue south of NW Gibbs Drive, or the UC-RP zone may exceed 35 feet in height.

(b) For the purposes of the above requirements, transitions in height shall be provided through gradual changes in building mass and height that complement the overall design and function of the building, rather than abrupt "step-downs" in height.

2. Bulk Plane Requirements

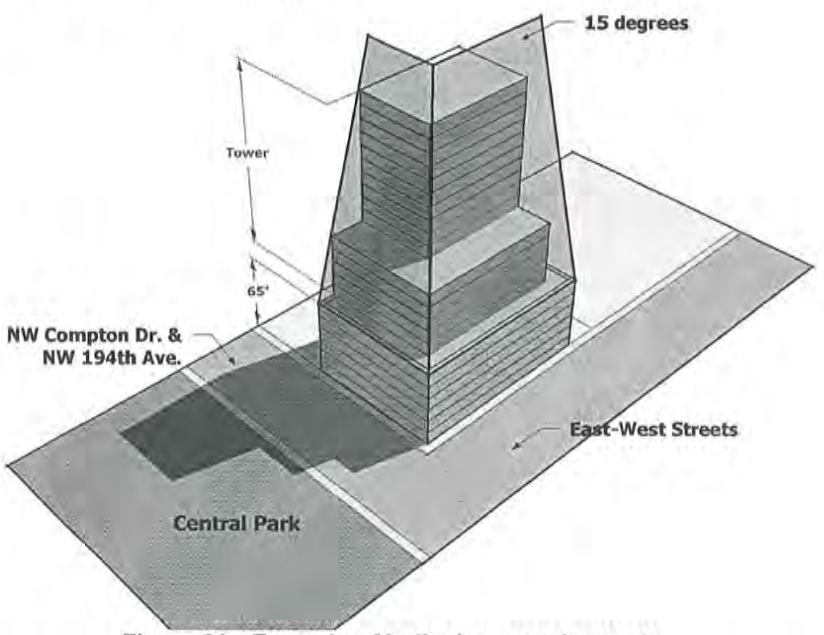


Figure 21—Example of bulk plane requirements.

(a) In the UC-MU zone a bulk plane shall be established over the properties that abut all east/west streets, and all north/south streets that abut the central park to preserve views to the central park and to preserve solar access at the

street level and for upper units. The bulk plane shall begin at a height of 65 feet measured at the property line at the street frontage and shall extend upward at a 15-degree angle.

3. Maximum Tower Lot Coverage

The following standards are intended to preserve generalized solar access to surrounding properties and to protect views into the Central Park area for properties located farther from the park.

(a) In the UC-MU zone, portions of buildings that exceed 65 feet in height:

(1) Shall not exceed 35 percent of the lot area; and

(2) Must maintain a minimum of 50 feet in spacing from portion(s) of the adjacent building(s) that exceed 65 feet in height.

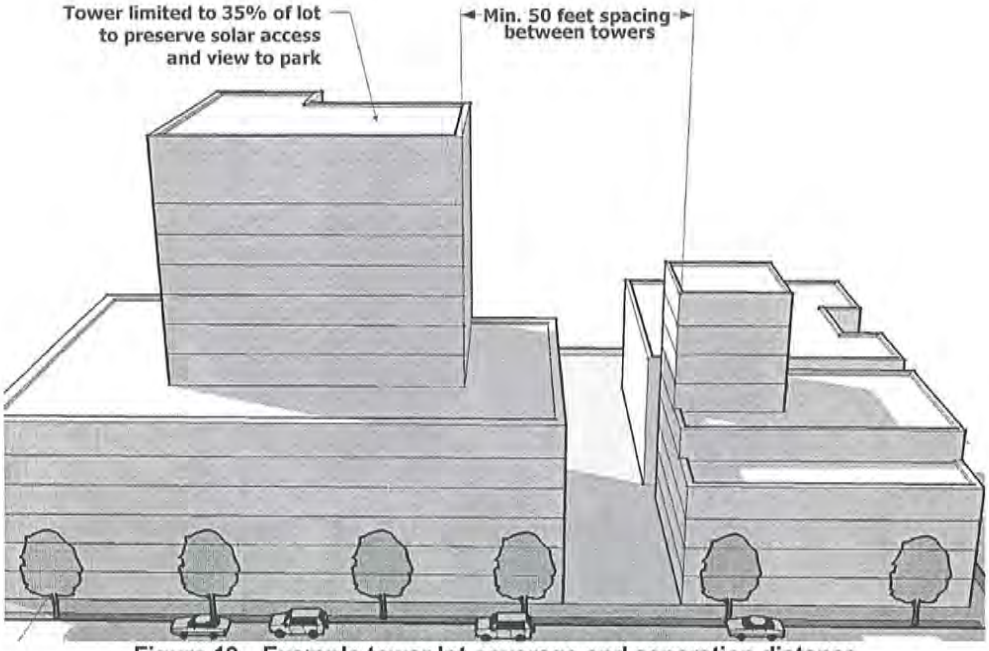


Figure 19—Example tower lot coverage and separation distance

D. Design and Character

1. Building Entries

(a) All ground floor tenant spaces with at least 25 feet of frontage shall have at least one building entrance (that opens directly to the outside) oriented towards the adjacent street.

(b) If a building has frontage on more than one street, a main building entrance shall be provided oriented towards one of the streets or a single corner entrance provided where the two streets intersect.

(c) If a single tenant has 200 feet or more of frontage on a public or private street, one additional entrance shall be provided for each 200 feet of frontage on one of the public or private streets.

2. Building Orientation

(a) All buildings are subject to Front Property Line Coverage requirements in Section 143.V. (Base Development Standards).

(b) In the UC-NC and UC-AC zones, buildings shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by using building walls to frame or enclose:

(1) Major intersections;

(2) "Retail Focus Frontage areas.

(3) Surface parking areas;

(4) Plazas, squares, and other public and private open space; and

(5) Other site features.

(c) To the maximum extent feasible, all buildings except those located along north-south streets in Retail Focus Frontage areas or other north-south street frontages shall have a front lot line that is oriented within 30 degrees of a true east-west axis for solar access.

3. Ground Story Windows

(a) Minimum Transparency by Location
A minimum percentage of the total length and area of each ground-level building façade shall be comprised of transparent window openings to allow views of interior spaces and merchandise, to enhance the safety of public spaces by providing direct visibility to the street, and to create a more inviting environment for pedestrians. Minimum percentages vary by location as follows:

(1) Retail Focus Frontage area street frontage: 75 percent of the length and 60 percent of the area of the ground level wall.

(2) All other locations including Green Access Lanes: 60 percent of the length and 35-percent of the area of the ground level wall.

(b) Minimum Transparency—Measurement
For the purposes of the above standard:

(1) All percentages shall be measured using elevation views of the building facade.

(2) Ground level wall area shall mean the area up to the finished ceiling height of the fronting space or fifteen feet above finished grade, whichever is less.

(3) Non-Residential Uses: Glazing on all ground floor windows shall be transparent.

(4) Residential-Uses: Glazing on all ground floor windows shall be transparent to allow views into common hallways, foyers, or entryways,

but may be translucent or opaque when necessary to protect the privacy of ground-floor spaces used for dwelling purposes.

(5) Black or mirrored glass is prohibited.

4. Façade Articulation and Design

(a) Blank facades devoid of architectural detail are not permitted. The perceived mass and scale of building facades shall be reduced by incorporating design elements such as, but not be limited to:

(1) Variations in roof form or parapet height;

(2) Variations in building height;

(3) Projected or recessed building mass;

(4) Wall plane off-sets;

(5) Window openings;

(6) Balconies;

(7) Distinct changes in texture and color of wall surfaces;

(8) Recessed entries; or

(9) An alternative design element as approved by the Planning Director.

(b) A minimum of three of the above design elements listed above shall be incorporated along all street-facing facades.

5. Visitability

In buildings containing more than 50 dwelling units, at least 10 percent of the dwelling units shall provide the following visitability features:

(a) An entrance without a step or threshold (zero-step) that provides an accessible path of travel from the street, sidewalk, or driveway. An accessible path of travel has no steps, is at minimum of 36-inches wide and is not steeper than 1:20 (5-percent grade) for walkways or 1:12 for ramps;

(b) 32-inch clear doorway openings and hallways that have a minimum clear width of 36-inches throughout the ground floor of the unit; and

(c) A half bath on the ground floor of the unit that is of sufficient width and depth to allow a person in a wheelchair to enter and close the door.

E. Materials

1. Primary building materials shall be used on at least 80 percent of the façade and may include, but are not limited to:

(a) Brick, stone, or other natural masonry products;

(b) Cast concrete;

(c) Articulated architectural concrete masonry units (CMU);

(d) Traditional hard coat Stucco;

(e) Steel;

(f) Glass; or

(g) Comparable material approved by the Review Authority.

2. Glass may be used as a primary building material on portions of buildings that exceed six stories in the UC-MU zone.

3. The remaining 20 percent of the façade may be non-primary materials.

4. The following materials are prohibited:

(a) T-111 siding;

(b) Synthetic stucco (EIFS);

(c) Untreated wood products;

(d) Cinder block;

(e) Smooth surface concrete panels that do not meet the standards in Section 143.IX.D.4; and

(f) Fiber cement panels that do not meet the articulation standards in Section 143:IX.D.4.

F. Structured Parking

1. Structured parking constructed within or adjacent to a primary structure shall be integrated with the overall design of the primary structure t is intended to serve through the use of visually similar architectural features and façade materials.

2. Free-standing parking structures shall be designed to complement surrounding buildings in terms of their scale, design elements, building materials, and orientation on the site.

3. Ground level parking structures with direct access from driving aisles to parking areas for residential units shall include garage doors on the side where vehicles enter and exit, and the outer side and rear walls of the structure shall be enclosed by walls or screens meeting the requirements of this Chapter 143. Open sided and open-ended carports are not permitted.

4. Vehicle access to parking structures from streets frontages in Retail Focus Frontage areas is prohibited; access to the structure shall be from other frontages.

5. Ground floor facades of parking structures that front arterial, collector streets, or streets in Retail Focus Frontage areas shall comply with Pedestrian-Active Use Requirements in Section 143.IV. (Use Regulations).

6. Pedestrian-oriented design elements, including, but not limited to the following, shall be incorporated into parking structures to screen cars and provide visual interest:

(a) Decorative panels for window openings and/or garage entrance gates;

(b) Integrated planting systems;

(c) Public art;

(d) Green roofs(for underground parking decks); and

(e) Other features.

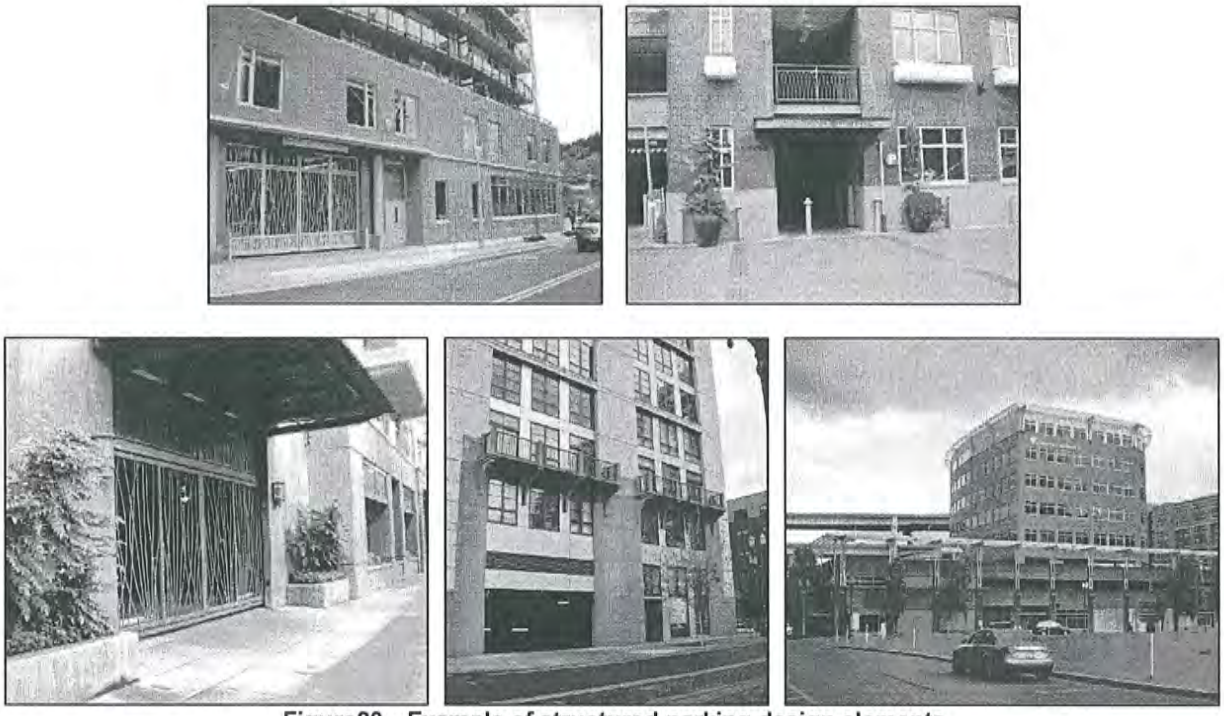


Figure20—Example of structured parking design elements

G. Green Construction Requirements

1. In all new construction projects valued at over $250,000 in hard construction costs, as shown on the building permit application, at least 75 percent of construction debris shall be recycled in a facility located entirely or partly within 100 miles of the project site.

X. APPLICATION AND REVIEW PROCEDURES

A. Purpose and Organization

1. Purpose

This Section 143.X establishes standard decision-making procedures for review and processing of land use applications and permits. These provisions are intended to make the review process clear and understandable for applicants, enable the public to effectively participate in the local decision-making process, and facilitate the timely review of land use applications by the City.

2. Organization

Details of procedure Types I through IV are included in Sections 143.X.D through G below. Provisions that are common to multiple procedure types are included in Sections 143.X.H through J below. Treatment of pre-existing development that does not meet the standards of this Section 143 is addressed in Section 143.X.K.

B. Summary of Review Procedures

1. General

All land use and permit applications, except building permits, shall be decided by using one of the following procedure types. The procedure type assigned to each application governs the decision-making process for that particular application.

2. Description of Procedure Types

There are four types of decision-making procedures, as follows:

(a) Type I Procedure

Type I procedures apply to "ministerial" permits and applications. Decisions on ministerial permits are made by City staff, based on clear and objective approval criteria, and do not require interpretation or the exercise of policy or legal judgment. A decision to approve or deny a ministerial permit must be made unless the application is withdrawn. Type I procedures require notification and right to appeal only to the applicant.

(b) Type II Procedure

Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by City staff, based on reasonably objective approval criteria that require only limited discretion. A decision to approve or deny an administrative application must be made unless the application is withdrawn. Type II procedures require public notification and an opportunity for appeal, but do not require a public hearing.

(c) Type III Procedure

Type III procedures apply to "quasi-judicial" applications. Decisions on quasi-judicial applications are made by an elected or appointed Review Authority, requiring substantial exercise of discretion and judgment in applying approval criteria. A decision to approve or deny a quasi-judicial application must be made unless the application is withdrawn. Type III procedures require public notice and a public hearing.

(d) Type IV Procedure

Type IV procedures apply to "legislative" matters. Legislative decisions are made by an elected or appointed Review Authority and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties. No final decision to approve or deny a legislative matter is required. Type IV procedures require general public notice and a public hearing.

3. Determination of Proper Procedure Type

Unless already specified in Table 143-X-C-1, the Director shall determine whether a permit or application is processed as Type I, II, III or IV based on the descriptions set forth above. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the widest notice and opportunity to participate.

4. Consolidated Reviews

(a) At the request of the applicant, multiple Type II or III applications for a single proposal may be consolidated and processed concurrently under the highest numbered procedure required for any part of the application, or processed individually under the procedures identified by the code. For example, a proposal that requires Development Review (Type II) and Planned Unit Development (Type III) applications would be processed under Type III procedures if consolidated at the request of the applicant.

(b) If the individual applications are typically assigned to different review authorities, the consolidated applications will be assigned to the highest review authority using the following hierarchy from lowest to highest:

(1) Planning Director or designee

(2) Historic Landmarks Advisory Committee

(3) Planning and Zoning Hearings Board

(4) Planning Commission

(c) When proceedings are consolidated at the applicant's request:

(1) Separate responses to the applicable criteria shall be submitted for each application;

(2) The public notice shall identify each application to be decided; and

(3) Separate findings and decisions shall be made on each application.

(d) If a proposal includes an application for a Comprehensive Plan Land Use Map amendment, the final decision on the Plan Map amendment shall precede any decision on a proposed Zone Change and other decisions on a proposed development. Similarly, the final decision on a Zone Change shall precede a decision on a proposed Development Review or other action.

(e) Notwithstanding Table 143-X-C-1 or the Director's determination, an applicant may choose to elevate a Type I or II application to a higher numbered procedure type, provided the applicant pays the appropriate fee for the selected procedure type and the Director determines that statutory timelines for reaching a final decision can be met.

C. Summary Table

Table 143-X-C-1
Land Use Applications, Procedures, and Review Authorities

Permit/Application	Procedure Type	Neigh. Meeting Required?	Review Authority	
			Decision	Appeal
Annexation	III		CC (D)	LUBA
Section 143 Text Amendment	IV		PC (R), CC (D)	LUBA
Conditional Use	III	✓	PZHB	CC
Cultural Resources				
Nomination to or removal from inventory	III		HLAC (R), PC (R), CC (D)	LUBA
Alteration, demolition, or relocation	III		HLAC (R), PC (D)	CC
Development Review (including but not	II		PD	PC

Permit/Application	Procedure Type	Neigh. Meeting Required?	Review Authority	
			Decision	Appeal
limited to Exceptions to Minimum Intensity, Adjustments in Return for Public Benefit, and Adjustments to Parking Requirements Table, and LIDA Alternatives)				
Director's Interpretation				
Site specific	II		PD	CC
Not site specific	I		PD	CC
Extension of Approval				
First extension	I		PD	PC
Additional extensions	II		PD	PC
Extensions for multi-phase projects	III		PC	CC
Fence Permits	I		PD	PC
Flexibility in Street Alignment, Street Elements, Streetscape, Block Length, or Block Configuration	II		PD	PC
Floodplain Alterations or Special Uses	III	✓	PC	CC
Home Occupation	I		PD	PC
Modification of Type II/III Approvals				
Minor	I/II		PD	PC
Major	II/III	✓	PD/PC	PC/CC
Pre-existing Structure or Use Expansion		✓	PZHB	CC
< 10% of existing gfa	I		PD	PC
> 10% but ≤20% of existing gfa	II		PD	PC
> 20% of existing gfa	III	✓	PZHB	CC
Partition				
Preliminary Plat	II		PD	PC
Final Plat	I		PD	PC
Planned Unit Development	III	✓	PC	CC
Property Line Adjustment	I		PD	PC
SDU Approval	II		PD	PC
Significant Natural Resource Permit				
Minor	II		PD	PC
Major	III	✓	PC	CC
Subdivision				
Minor, Preliminary Plat	II	✓	PD	PC
Minor, Final Plat	I		PD	PC
Major, Preliminary Plat	III	✓	PC	CC
Major, Final Plat	II		PD	CC
Variance	III	✓	PC	CC
Zone Change				
Owner initiated	III		PZHB (R), CC (D)	LUBA
City initiated	III		PC (R), CC (D)	LUBA

Type I=Ministerial, Type II=Administrative, Type III=Quasi-Judicial, Type IV=Legislative, (R)=Recommendation, (D)=Decision, PD=Planning Director, HLAC= Historic Landmarks Advisory Committee, PZHB=Planning & Zoning Hearings Board, PC=Planning Commission, CC= City Council , LUBA=Oregon Land Use Board of Appeals.

D. Type I Procedure

1. General Description

Type I procedures apply to "ministerial" permits. Decisions on ministerial permits are made by City staff, based on clear and objective approval criteria, and do not require interpretation or the exercise of policy or legal judgment. A decision to approve or deny a ministerial permit must be made unless the application is

withdrawn. Type I procedures require notification and right to appeal only to the applicant.

2. When Applicable

Table 143-X-C-1 identifies Type I applications. Applications not listed on Table 143-X-C-1 may be identified as Type I by the Director based on the General Description in this Section.

3. Pre-application Conference

A pre-application conference is not required for Type I applications.

4. Neighborhood Meeting

A neighborhood meeting is not required for Type I applications.

5. Application Requirements

(a) Type I applications shall be submitted on application forms provided by the Director. The application forms shall list applicable submittal requirements as required by Section 143:X.H.5(c).

(b) Type I application forms shall include a Decision Section in which the Planning Director or the Director's designee will note the decision, supporting findings, and appeal provisions.

(c) Type I applications shall be accompanied by the required fee.

(d) Type I applications are subject to the completeness review procedures set forth in Section 143.X.H.5(d).

6. Public Notice

Type I applications do not require public notice or an opportunity for comment.

7. Decision Authority

The decision authority for Type I applications shall be the Planning Director. The Planning Director shall approve, approve with conditions or deny a Type I application within 15 business days after the application was determined to be complete.

8. Notice of Decision

Written Notice of the Decision for Type I applications shall consist of a copy of the Application Form with the Decision Section completed by the Planning Director or the Director's designee. The completed Decision Section shall be provided to the applicant by mail or hand-delivery within five business days after the application is approved or denied. Together with the Application Form, the Decision Section shall:

(a) Include a brief summary of the proposal, the application, and the site; and the approval or denial of the application;

(b) State the facts upon which the Director relied to determine whether the application satisfied or failed to satisfy each applicable approval criterion and/or standard; and

(c) State that the decision is the final local decision unless an appeal is filed as provided in Section 143.X.J. The notice of decision shall state in boldface type the date and time by which an appeal must be filed.

9. Appeal

(a) Only an applicant may appeal a Type I decision. Appeal authorities are identified in Table 143-X-C-1 and appeal requirements and procedures are set forth in Section 143.X.J. If the applicant does not file an appeal within the time specified in Section 143.X.J, the decision is final.

(b) If the applicant appeals the Planning Director's decision, the appeal authority's decision is the final local decision on the application.

E. Type II Procedure

1. General Description

Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by City staff, based on reasonably objective approval criteria that require only limited discretion. A decision to approve or deny an administrative application must be made unless the application is withdrawn. Type II procedures require public notification and an opportunity for appeal, but do not require a public hearing.

2. When Applicable

Table 143-X-C-1 identifies Type II applications. Applications not listed on Table 143-X-C-1 may be identified as Type II by the Planning Director based on the General Description in this Section.

3. Pre-application Conference

Pre-application conferences are not required for Type II applications, but are strongly encouraged. Guidelines for pre-applications conferences are set forth in Section 143.X.H.3.

4. Neighborhood Meeting

Neighborhood meetings are not required for Type II applications, but are strongly encouraged. Section 143.X.H.4 sets forth requirements and procedures for neighborhood meetings. These procedures should be considered guidelines for voluntary neighborhood meetings for a Type II application.

5. Application Requirements

(a) Type II applications shall be submitted on application forms provided by the Planning Director. The application forms shall list applicable submittal requirements as required by Section 143.X.H.5(c).

(b) Type II applications shall be accompanied by the required fee.

(c) Type II applications are subject to the completeness review procedures set forth in Section 143.X.H.5(d).

6. Public Notice and Comment Period

Public notice is required for all Type II applications. This notice invites affected parties to participate by providing area property owners and other interested parties with an opportunity to submit written comments on the application before a decision is issued. Public notices for Type II applications shall include a minimum period of 14 days from the date the notice was mailed for the submission of written comments before a decision is issued.

(a) After the Type II application has been accepted as complete under Section 143.X.H.5(d), the Planning Director shall mail a written notice to the following parties:

(1) The applicant(s) and/or authorized representative(s);

(2) The owner(s) or contract purchaser(s) of record of the subject property;

(3) Owners of record of property within 200 feet of the perimeter property line of the property or properties subject to the application, using the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation to determine the property owner(s) of record; and

(4) Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

(b) Written notice of the pending application shall include the following information:

(1) The case file number for the application, the name of the applicant and a concise description of the nature of the request;

(2) A vicinity map and description of the subject site reasonably sufficient to inform the reader of its location, including map and tax lot number and site address, if available;

(3) A list of the relevant approval criteria applicable to the decision by Code section number;

(4) A statement that the application and all documents and evidence submitted by the applicant are available for review, and copies can be obtained at reasonable cost;

(5) A brief summary of the decision-making process for the application;

(6) The place, date, and time that written comments on the application are due, and the name and telephone number of the city representative to contact about the application;

(7) A statement that comments received after the close of the public comment period will not be considered by the Planning Director;

(8) A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals (LUBA) must be raised in writing prior to the expiration of the comment period with sufficient specificity to enable the applicant and review authority to respond to the issue;

(9) A statement that a decision shall be issued after the comment period closes, and that decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice of the decision; and

(10) A notice reading as follows: "Notice to mortgagee, lien holder, or seller: The Hillsboro Community Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

(c) An affidavit of mailing of the public notice, including the notice, the mailing date and a list of parties to whom the notice was mailed, shall be prepared and made a part of the case file.

7. Decision Authority

The review authority shall be the Planning Director. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions or deny the requested application. The Planning Director's decision shall address all of the relevant approval criteria and consider written comments submitted before the close of the comment period.

8. Notice of Decision

(a) Within five business days after the Planning Director has issued it, a Notice of Decision shall be sent by mail to the following parties:

(1) The applicant and/or authorized representative;

(2) The owner(s) of record of the subject property;

(3) Any person or group who submitted written comments during the comment period, or who submitted a written request to receive notice of the decision;

(4) Property owners of record within 200 feet of any property line that is the subject of the application; and

(5) Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.

(b) The Notice of Decision shall include the following information:

(1) A brief summary of the proposal, the decision, and any conditions of approval;

(2) A description of the site reasonably sufficient to inform the reader of its location, including map and tax lot number and site address, if available;

(3) A statement of the facts upon which the Planning Director relied to determine whether the application satisfied or failed to satisfy the applicable approval criteria;

(4) A statement that the decision is final, unless appealed as provided in Section 143.X.J;

(5) The requirements for filing an appeal of the decision, including a statement in boldface type of the date and time by which an appeal must be filed; and

(6) A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review; the location and hours at which the case file is available and the name and telephone number of the city representative to contact about reviewing the case file.

9. Appeal

(a) The Planning Director's decision may be appealed by the applicant, any person who provided comments during the public comment period, or any person entitled to notice of the decision.

(b) The decision shall become final unless an appeal is filed as provided in Section 143.X.J.

(c) The review authority for an appeal of a Type II application is identified in Table 143-X-C-1.

(d) The appeal shall follow the requirements and procedures of Section 143.X.J.

(e) The decision of the review authority on the appeal shall be the final decision of the City. Any further appeal shall be made to the Land Use Board of Appeals (LUBA).

F. Type III Procedure

1. General Description

Type III procedures apply to "quasi-judicial" applications. Decisions on quasi-judicial applications are made by an elected or appointed Review Authority, requiring substantial exercise of discretion and judgment in applying approval criteria. A decision to approve or deny a quasi-judicial application must be made unless the application is withdrawn. Type III procedures require public notice and a public hearing.

2. When Applicable

Table 143-X-C-1 identifies Type III applications. Applications not listed on Table 143-X-C-1 may be identified as Type III by the Planning Director based on the General Description in this Section.

3. Pre-application Conference

Pre-application conferences are not required for Type III applications, but are strongly encouraged. Guidelines for pre-application conferences are set forth in Section 143.X.H.3.

4. Neighborhood Meeting

Neighborhood meetings are mandatory for most Type III applications, as specified in Table 143-XI-C-1. When required, neighborhood meetings shall follow the requirements and procedures in Section 143.X.H.4.

5. Application Requirements

(a) Applications shall be submitted on forms provided by the Planning Director. The application forms shall list applicable submittal requirements as required by Section 143.X.H.5(c).

(b) Applications shall be accompanied by the required fee.

(c) Type III applications are subject to the completeness review procedures set forth in Section 143.X.H.5(d).

6. Mailed Notice of Public Hearing

Public notice is required for all Type III applications. This notice invites affected parties to participate by providing area property owners and other interested parties with an opportunity to submit written and oral comments on the application before and during the public hearing. Public notices for Type III applications shall be mailed a minimum of 20 days prior to the hearing.

(a) After the application has been deemed complete under Section 143.X.H.5(d), the Planning Department shall mail a written notice of the public hearing to the following parties:

(1) The applicant(s) and/or authorized representative;

(2) The owner(s) or contract purchaser(s) of record of the subject property;

(3) Owners of record of properties within 500 feet of the perimeter property line of the property or properties subject to the application, using the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation to determine the property owner(s) of record; and

(4) Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

(b) Notice of public hearings for specific applications shall be mailed to the following parties:

(1) For a proposed zone change (Zoning Map amendment), to the owners of the airport if the subject property is in the vicinity of the airport, in accordance with ORS 227.175;

(2) For a proposed zone change affecting a manufactured home or mobile home park, to all mailing addresses within the park in accordance with ORS 227.175; and

(3) For a proposed zone change (Zoning Map amendment), to the Department of Land Conservation and Development (DLCD) on the forms provided by that Department. The notice to DLCD of a proposed zone change shall be mailed not less than 35 days prior to the public hearing unless the Planning Director finds that emergency circumstances require a shorter notice period.

(c) The written notice of the public hearing on the pending application shall include the following information:

(1) The review authority for the application and the date, time, and place of the hearing;

(2) The case file number for the application, and the name and address of the applicant or the applicant's representative;

(3) A concise description of the nature of the proposed use or development and the specific approvals requested;

(4) A vicinity map and description of the subject site reasonably sufficient to inform the reader of its location, including Tax Assessor's Map, Tax Lot number, and site address if available;

(5) A list of the applicable approval criteria by Code section number;

(6) The location and hours where copies of the application and all evidence and documents submitted by or on behalf of the applicant are available for review, and a statement that copies thereof can be obtained at reasonable cost;

(7) A statement that the staff report will be available for inspection at no cost at least seven days prior to the hearing, and that copies will be provided at reasonable cost;

(8) The name and telephone number of the city representative to contact about the application;

(9) A brief summary of the decision-making process for the application;

(10) A general explanation of the requirements to submit testimony and the procedure for conducting public hearings;

(11) A statement that all interested persons may appear and provide testimony at the public hearing, and that only those participating at the hearing, or in writing, are entitled to appeal;

(12) A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to enable the review authority to respond to the issue, precludes an appeal based on that issue; and

(13) A notice reading as follows: "Notice to mortgagee, lien holder, or seller: The Hillsboro Community Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

(d) An affidavit of mailing of the public notice, including the notice, the mailing date and a list of parties to whom the notice was mailed, shall be prepared and made a part of the case file.

7. Published Notice of Public Hearing

(a) Notice of the public hearing shall be published one time in a newspaper of general circulation in the City as follows:

(1) Notice for a Planned Unit Development application or a Zone Change application shall be published not more than 10 days and not less than 4 days before a public hearing.

(2) Notice for a Floodplain Alteration or Special Use application, Significant Natural Resource Permit (major) application, or a Conditional Use application shall be published not more than 18 days and not less than 4 days before the public hearing.

(b) The newspaper's affidavit of publication of the notice shall be made a part of the case file.

8. Decision Authority

Table 143-X-C-1 identifies the decision authority for each Type III application.

9. Public Hearing Procedure

The public hearing shall be conducted in accordance with the requirements and procedures in Section 143.X.I.

10. Notice of Decision

(a) Following a decision on the application by the Review Authority, a written decision in the form of an Order shall be prepared. The Order shall include the following information:

(1) The decision to deny or to approve the application and if approved, any conditions of approval necessary to ensure compliance with applicable criteria;

(2) A list of the applicable approval criteria by Code section number;

(3) A statement or summary of the facts upon which the review authority relied to determine whether the application satisfied or failed to satisfy the applicable approval criteria; and to justify any conditions of approval. The review authority may adopt or incorporate by reference a staff report or written findings prepared by any party to the proceeding into the Order to satisfy this requirement; and

(4) A statement of conclusions based on the facts and findings.

(b) The Order will be accompanied by a Notice of Decision and shall be mailed to the applicant and to all parties of record. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith effort was made to mail the notice.

(c) The Notice of Decision shall contain the following information:

(1) A summary of the decision and list of any conditions of approval,

(2) A description of the subject site reasonably sufficient to inform the reader of its location, including Tax Assessor's Map, Tax Lot number, and site address if available;

(3) A statement that the decision of the review authority is final unless appealed as provided in Section 143.X.J;

(4) The requirements for filing an appeal of the decision, including a statement in boldface type of the date and time by which an appeal must be filed; and

(5) A statement noting that only those persons who made an appearance of record are entitled to appeal the decision.

(d) Notices of Decision on zone changes and Planned Unit Developments shall state that the Planning and Zoning Hearings Board or Planning Commission decision is a recommendation to the City Council and is not subject to appeal. Parties of record before the Hearings Board or Planning Commission may request that the City Council hold a public hearing on the zone change or Planned Unit Development. If the City Council chooses to hold a public hearing upon the request of a party of record, the City Council public hearing shall follow the requirements and procedures in Section143.X.I.

11. Appeal

(a) The decision of the review authority may be appealed to the City Council. Only the applicant or persons who made an appearance of record at the public hearing before the review authority have standing to appeal.

(b) The appeal shall follow the requirements and procedures in Section 143.X.J.

(c) The City Council decision shall be the final local decision on all appeals. Any further appeal shall be made to the Land Use Board of Appeals.

G. Type IV Procedure

1. General Description

Type IV procedures apply to "legislative" matters. Legislative decisions are made by an elected or appointed Review Authority and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties. No final decision to approve or deny a legislative matter is required. Type IV procedures require general public notice and a public hearing.

2. When Applicable

Table 143-X-C-1 identifies Type IV applications. Applications not listed on Table 143-X-C-1 may be identified as Type IV by the Planning Director based on the General Description in this Section.

3. Pre-application Conference

Pre-application conferences are not required for Type IV applications, but are strongly encouraged. Guidelines for pre-application conferences are set forth in Section 143.X.H.3.

4. Neighborhood Meeting

Neighborhood meetings are not required for Type IV applications, but are strongly encouraged. Neighborhood meetings shall be conducted pursuant to Section 143.X.H.4. The City may schedule general neighborhood or public meetings to provide information on a Type IV application in advance of the formal notice and public hearing process.

5. Application Requirements

Type IV applications may be initiated only by Planning Commission Resolution or City Council Resolution. Unlike Type I, II or III applications, Type IV applications cannot be initiated by a private party. Type IV applications are not subject to payment of a fee or to the completeness review procedures in Section 143.X.H.5(c).

6. Mailed Notice of Public Hearing

(a) DLCD

Notice of the public hearing on a proposed Community Development Code (CDC) amendment shall be mailed to the Department of Land Conservation and Development (DLCD) on the forms provided by that Department. The notice to DLCD of a proposed CDC amendment shall be mailed not less than 35 days prior to the public hearing unless the Planning Director finds that emergency circumstances require a shorter notice period. The notice to DLCD is not required if the Planning Director determines that the statewide goals do not apply to a particular proposed amendment.

(b) Measure 56

Notice of the public hearing on a proposed CDC amendment shall be mailed to owners of record of properties within the City for which the proposed amendment if adopted, may in the Planning Director's opinion affect the permissible uses of such properties. Such notice shall be mailed at least 20 but no more than 40 days before the public hearing. To send this notice, the Planning Department shall use the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation to determine the property owner(s) of record.

(c) The notice of the public hearing on a proposed CDC amendment shall include the following information:

(1) The date, time, and location of the hearing;

(2) The case file number or title of the proposed CDC amendment, and the name and telephone number of a city representative to contact about the amendment;

(3) A concise summary of the nature of the proposed amendment, including changes to existing standards or requirements, and the location or character of any affected properties;

(4) A listing of the applicable approval criteria by Code section numbers;

(5) The location and hours where copies of the proposed amendment are available for review, and a statement that copies thereof can be obtained at reasonable cost;

(6) A statement that the staff report will be available for inspection at no cost at least seven days prior to the hearing, and that copies will be provided at reasonable cost;

(7) A brief summary of the decision-making process for the application;

(8) The address where written comments on the proposed amendment can be submitted;

(9) A general explanation of the requirements for submission of testimony and the procedure for conduct of legislative hearings;

(10) A statement that all interested persons may appear and provide testimony at the public hearing, and that only those participating at the hearing, or in writing, are entitled to appeal;

(11) If required by ORS 227.186, a statement in bold type across the top of the first page of the notice that reads as follows: "This is to notify you that the City shall consider a proposed land use regulation that may affect the permissible uses of your land"; and

(12) If applicable, a statement that the proposed amendment is a result of an order of the Land Conservation and Development Commission (LCDC) or the Metropolitan Service District (Metro).

(d) A copy of the DLCD notice and an affidavit of mailing of the mailed notice, including the notice, the mailing date, and a list of parties to whom the notice was mailed, shall be prepared and made a part of the case file.

7. Published Notice of Public Hearing

Notice of the public hearing shall be published three times in a newspaper of general circulation in the City, the first not more than 30 days and the last not more that 10 days before the public hearing. The newspaper's affidavit of publication of the notice shall be made a part of the case file.

8. Electronic Notice

Notice of the public hearing shall be posted on the City of Hillsboro web site at least 10 days but no more than 30 days before the public hearing.

9. Public Hearing Procedure

The Planning Commission shall conduct the public hearing on a proposed CDC amendment pursuant to the public hearing requirements and procedures in Section 143.X.I.

10. Recommendation Authority

(a) Following receipt of testimony and deliberation at the public hearing, the Planning Commission shall provide a recommendation to the City Council for all proposed CDC amendments. The Planning Commission may recommend that the City Council reject or adopt the amendments with or without certain changes. The Planning Commission's recommendation shall be issued as an Order, and shall include findings supporting the Planning Commission's recommendation, based on public testimony and the amendment's satisfaction or failure to satisfy the applicable criteria.

(b) Following the adoption of the Planning Commission Order of recommendation, the Planning Department shall mail a Notice of Recommendation to persons of record who appeared orally or in writing

before the Planning Commission prior to the closing of the public record. The notice shall contain at least the following information:

(1) The case file number of the proposed amendment and the Order number of the Planning Commission recommendation;

(2) A summary of the Planning Commission recommendation for approval, denial, or modification;

(3) The date, time, and location of the City Council's consideration of the proposed amendment. The notice shall be mailed not less than seven days prior to the date of the Council's consideration;

(4) A statement that a copy of the proposed CDC amendment and the staff report are available for inspection at no cost, and a copy will be provided at reasonable cost;

(5) The telephone number of a city representative to contact about the ordinance; and

(6) A statement that the Planning Commission's decision is a recommendation which cannot be appealed, but that interested parties may request that the City Council hold its own evidentiary hearing on the proposed CDC amendment.

11. Decision Authority

(a) Upon receiving the Planning Commission's recommendation, the City Council may choose to hold its own evidentiary public hearing on the proposed CDC amendment. If the Council chooses to hold a public hearing, the hearing shall be conducted pursuant to the public hearing requirements and procedures in Section 143.X.I.

(b) Following the conclusion of the Council public hearing, or upon receiving the Planning Commission's recommendation if no Council hearing is held, the Council shall take one of the following actions:

(1) Continue Council consideration to a date, time, and location certain;

(2) Remand the proposed amendment to the Planning Commission for additional deliberation;

(3) Approve the proposed amendment, with or without certain changes;

(4) Reject the proposed amendment; or

(5) Table the proposed amendment indefinitely.

(c) If the City Council chooses to approve the proposed amendment, the City Attorney shall prepare an ordinance with written findings demonstrating that the amendment complies with applicable criteria, including the Statewide Goals as applicable.

(d) If the City Council chooses to reject the proposed amendment, the Planning Department shall prepare a Notice of Decision that includes findings demonstrating how the proposed amendment failed to satisfy the applicable criteria.

12. Notice of Decision

(a) Not more than five days after the date of the City Council adoption or rejection of a proposed CDC amendment, the Planning Director shall mail a Notice to the Department of Land Conservation and Development (DLCD) on the forms provided by that Department.

(b) Not more than seven days after the date of the City Council's adoption or rejection of a proposed CDC amendment, the Director shall mail a Notice of Decision to persons of record who appeared orally or in writing before either the Planning Commission or the City Council. The Notice shall include the following information:

(1) The date and nature of the City Council decision;

(2) A brief summary of the decision, and whether it confirmed, modified or overturned the Planning Commission's recommendation;

(3) The location and hours where the decision and related findings may be reviewed; and

(4) A summary of the deadline for appealing the City Council decision to the Land Use Board of Appeals (LUBA).

13. Appeal

(a) The final decision of the City Council to approve a Type IV ordinance may be appealed to the Land Use Board of Appeals (LUBA) only when such appeal is authorized under applicable state law.

H. General Procedures

1. Initiation of Application

(a) A Type I, II or III application may be initiated by either the owner or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser. However, a Type III zone change application may be initiated by the Planning Commission or the City Council.

(b) A Type IV Community Development Code amendment can be initiated only by Planning Commission or City Council resolution.

2. Withdrawal of Application

(a) An applicant may withdraw an application at any time prior to adoption of a final city decision if the Planning Director determines that:

(1) The property owners or contract purchasers consent in writing to withdraw the application; and

(2) The application is not intended to correct an identified Community Development Code violation on the subject property which would remain unresolved were the application withdrawn.

(b) The Planning Director may withdraw a City initiated zone change application at any time.

(c) If a Type II or Type III application is withdrawn after the required public notice has been mailed, the Planning Director shall send a written notice of the application's withdrawal to all parties who were sent the original public notice.

(1) If a Type III application is withdrawn within five days of the scheduled public hearing, no written notice shall be mailed. Instead, the withdrawal shall be posted on the City's website and at the public hearing venue, and the Review Authority shall announce at the beginning of the meeting that the application has been withdrawn.

(d) If an applicant requests a refund of application fees following withdrawal of the application, the amount of the refund shall be determined by the Planning Department based on a calculation of the unexpended portion of the fee. Reasonable costs incurred to notify affected parties of the withdrawal shall be included in the calculation as expended.

3. Pre-Application

(a) The purposes of pre-application conferences are:

(1) to acquaint the applicant or representative with the requirements of this Code, including relevant approval criteria, standards and procedures;

(2) to advise the applicant or representative of previous land use applications or earlier issues associated with the site; and

(3) to provide opportunity for the applicant and City staff to identify and resolve potential concerns at the earliest opportunity in the development process.

(b) Pre-application conferences are optional, but are strongly advised for all applications.

(c) Pre-application conferences are intended to be advisory only, and are specifically not intended as an exhaustive review of all potential issues. Participation in a pre-application conference does not absolve an applicant of any responsibility for legal or technical due diligence investigation.

(d) Participation in a pre-application does not bind the City to provision of any level of service or approval, nor does it preclude the city from enforcing all applicable regulations or from applying regulations differently than may have been indicated at the pre-application conference.

(e) Pre-application conference guidelines.

(1) Applicants should provide any available plans for the proposed development, including but not limited to: site plans; building elevations; site circulation plans; intended uses; preliminary infrastructure plans; and phasing plans if applicable. Any plans left with the City at the end of the pre-application conference will be considered public information unless the applicant specifies to the contrary.

(2) The Planning Director should coordinate attendance by City staff responsible for development review, infrastructure and building construction requirements, and natural or cultural resource protection as

applicable. Pre-application conferences are not open to the general public.

(3) Either the City or the applicant may provide a checklist or brief written summary of the pre-application conference. The purpose of the written summary is to provide a preliminary assessment of a proposal and shall not to be construed as a final recommendation by the City or by any other outside agency or service provider on the merits of the proposal.

(4) The applicant or the City may request additional pre-application conferences to identify and address issues arising from preparation of more detailed development plans, or to discuss concerns arising since the earlier conference.

(f) Pre-application conference validity period.

(1) If an application for a proposed development action is not submitted within 12 months of a pre-application conference on that development, or if the applicant chooses to modify a proposed development in such a way that additional Code sections may be applicable, the applicant should schedule a new pre-application conference.

(2) Participation in a pre-application conference does not vest an application for Community Development Code amendments made after the pre-application conference but prior to the submittal of the application under Section 143.X.H.5.

4. Neighborhood Meetings

(a) Purpose

Neighborhood meetings encourage citizen involvement and participation, and identification of issues, early in the development process. The purpose of neighborhood meetings is to provide an opportunity for the applicant, surrounding neighbors and interested parties to meet, to review a development proposal, and to identify issues regarding the proposal. These issues can then be addressed prior to application submittal in a manner consistent with the City's requirements. A neighborhood meeting is intended to facilitate submittal of an application that is more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by reducing continuances and appeals.

(b) Applicability

Neighborhood meetings are encouraged for all Type II and Type III applications, but are required only for those Type III applications so specified in Table 143-X-C-1.

(c) Neighborhood meeting procedures.

(1) Neighborhood meetings shall be held at a location accessible to the participants in the closest practicable proximity to the subject site. The meeting shall be held on a weekday evening after 6:00 p.m. or on weekends at any reasonable time and shall not occur on a national holiday. Mailed notice of the meeting shall be provided by the applicant

to the surrounding neighborhood at least seven and no more than 30 days prior to the meeting, at the same notification radius required by the City for that type of application. The applicant shall also post notice of the neighborhood meeting on the site within clear view of a public street at least seven days before the meeting. If no one arrives within 30 minutes of the scheduled starting time for the neighborhood meeting, the applicant may close the meeting and consider this requirement met.

(2) At the neighborhood meeting, the applicant shall provide preliminary details of the major elements of the development, including number and type of dwellings if applicable, proposed uses, street, lotting, and parking layouts, approximate building locations and heights, and approximate locations for open space and natural resource preservation as applicable. The applicant shall also note if the development proposal includes multiple or consolidated applications. Opportunity shall be provided for attendees to ask questions regarding the proposal. The applicant shall prepare meeting notes of major points, issues, and responses concerning the development proposal that were discussed at the meeting. Only one neighborhood meeting per development proposal is required, but the applicant may hold more meetings if desired.

(3) The Planning Commission may establish by Resolution specific requirements for notification, posting, and conduct of neighborhood meetings, and may vary the requirements among applications. Once established, requirements may be amended by Planning Commission Resolution.

(d) Neighborhood meetings and application submittal

(1) The neighborhood meeting notes, list of parties notified, affidavits of mailing and posting notices, copies of all materials provided by the applicant at the meeting, and a signature sheet of attendees shall be included with the development application upon submittal. If the development proposal is revised after the neighborhood meeting, with the addition of one or more tax lots or the substantial revision of major elements as cited in Section 143.X.H.4.(c)(2), a second neighborhood meeting with a new notice shall be required before the revised application is submitted.

(2) Applications shall be submitted to the City within 180 days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

(e) Non-compliance with requirements

Compliance with the provisions of Section 143.X.H.4 is a requirement of this Code. Applications shall not be submitted without this documentation, or submitted prior to the neighborhood meeting. If submitted, such application shall be deemed incomplete under Section 143.X.H.5(e).

5. Application Submittal and Completeness Review

(a) Application forms and checklists

(1) Forms for the submittal of all land use applications shall be available in the Planning Department. The City shall assure that these forms comply with applicable standards in state law and this Code.

(2) Land use applications shall include checklists or information sheets detailing specific information and plans to be contained in that application, including document formats and number of copies.

(b) Fees

A fee schedule for land use applications and other Planning Department services provided by the City shall be set by resolution of the City Council. Required fees shall be paid at the time of application submittal or at the time of request for a particular service. Payment of the appropriate application fee is a jurisdictional requirement of this Code. For applications or services requiring payment of a deposit, the amount of the deposit shall be credited against the final calculated costs. If applicable, any unused portion of the deposit shall be refunded after all incurred costs are paid.

(c) Application submittal

Land use applications or permits required under this Code shall be submitted on the appropriate forms from the Planning Department. Submittal of a land use application on the appropriate form and payment of the appropriate fee are jurisdictional requirements of this Code. All of the following items must be submitted to initiate the 30 day completeness review of the application. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.

(1) Completed application form, including the original signature of the property owner;

(2) Payment in full of the appropriate land use application or permit fee(s), based on the fee schedule in effect on the date of application submittal;

(3) Documentation of compliance with neighborhood meeting procedures, if required by Section 143.X.H.4 for that application;

(4) A written narrative listing the criteria and development standards applicable and relevant to the application and stating the evidence demonstrating the application's compliance with the each criterion and standard. If compliance with a criterion or standard is stated to be demonstrated in a plan, drawing, or technical study in the application, the citation in the narrative to the demonstration must be sufficiently specific to allow convenient reference;

(5) Plans and drawings as required for the particular type of application as noted on the application checklist. Such plans generally include, but are not limited to, the following:

i. Existing site conditions plan

ii. Site development plan, showing building footprints and on-site circulation

iii. Building elevations and floor plan(s)

iv. Landscaping plan

v. Fencing and lighting plan

vi. Grading and erosion control plan

vii. On site and adjacent infrastructure plan

(6) Technical reports as required for the particular type of application as noted on the application checklist (e.g., traffic study, floodplain or wetland delineation, significant natural resource report, geotechnical report, tree survey, noise study, etc.). The Planning Department shall make every effort to advise the applicant of required technical reports at a pre-application conference.

(7) Within 14 days after the submittal of an application, the Planning Director may require an applicant to submit additional technical reports upon a determination by the Director that:

i. The scale of the development would likely require traffic safety and other public facility or development site improvements;

ii. The proposal could have significant adverse impacts on Goal 5 resources identified by the Comprehensive Plan;

iii. The proposal would be located on, or could have significant adverse impacts upon natural hazard areas identified by the Comprehensive Plan; or

iv. The proposal would likely result in significant adverse impacts with respect to noise, toxic or noxious matter, vibrations, odors, heat, glare, air pollution, wastes or other objectionable effects within the development site or immediate surrounding areas.

(8) Upon written request by the applicant prior to application submittal, the Planning Director may waive application submittal requirements that in the Director's opinion are not necessary to document the application's compliance with applicable and relevant criteria and development standards. The Director may also modify application requirements based on the nature of the proposed application, development, site, or other factors. Any such waiver must be specifically approved by the Planning Director in writing prior to submittal.

(d) Determination of Completeness and Commencement of Review

(1) To be deemed complete, an application must include all information and fees listed in Section 143.X.H.5(c)(1)-(7), unless a specific waiver has been granted by the Planning Director under Section 143.X.H.5(c)(8).

(2) The Planning Department shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the submittal. To comply with this requirement, the completeness notice must be

postmarked by the thirtieth day. If the application is deemed complete, the completeness notice shall advise the applicant of the commencement of application review and the date of the public hearing if required by the particular application. Determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date the application is determined to be or deemed complete unless the applicant agrees to extend the 120 day time line or unless State law provides otherwise.

(4) Pursuant to ORS 227.178, the 120 day calendar timeline may be extended at the written request of the applicant. The total of all extensions may not exceed 245 calendar days from the date the application was deemed complete.

(5) If an application was complete when first submitted, approval or denial of the application shall be based on the Code standards and criteria that were in effect at the time the application was first submitted.

(e) Determination of Incompleteness

(1) A determination of incompleteness shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant criteria or development standards, or failure to supply the required information listed in the checklist. A determination of incompleteness shall not be based on differences of opinion as to the quality or accuracy of the application.

(2) If an application is deemed incomplete, the completeness notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, designed to be returned to the Director by the applicant, indicating whether or not the applicant intends to amend or supplement the application.

(3) If an application is deemed incomplete upon initial submittal, it shall be deemed complete for purposes of this section upon receipt by the City of:

i. All of the missing information listed in the completeness notice; or

ii. Some of the missing information and written notice from the applicant that no other information will be provided; and a request to proceed with review of the application; or

iii. Written notice from the applicant that none of the missing information will be provided, and a request to proceed with review of the application.

(4) If the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the

application shall be based on the Code standards and criteria that were in effect at the time the application was first submitted.

(5) The application will be deemed withdrawn if the application has been on file with the City for more than 180 calendar days and the applicant has not met the obligations of subsection 144.X.H.5(e)(3) above.

6. Conditions of Approval

(a) Imposition of conditions

The review authority may impose conditions on any Type I, II or III approval to ensure that the proposal complies with the relevant approval criteria and the relevant standards of this code, including standards set out in City overlay zones, master plans, and adopted design standards, and to mitigate the impacts of the development. Such conditions may include, but are not limited to, the following:

(1) Street improvements abutting/within the development area;

(2) Street dedication abutting/within the development area;

(3) Joint use/access agreement;

(4) Improvement agreements for the installation of necessary on-site public facilities;

(5) Utility easements;

(6) Landscaping;

(7) Off-street parking;

(8) Storm drainage improvements;

(9) Off-site public improvements when the rezoning and subsequent development will contribute to the need for such off-site public improvements;

(10) Development Review approval by the Planning Commission; for projects in zones or locations for which development requirements and design standards are specified in this Code;

(11) Screening or fencing;

(12) Access limitations;

(13) Financial assurances;

(14) Waiver of remonstrance against the formation of a local improvement district, where the review authority deems such a waiver necessary to provide needed improvements to serve the proposed development.

(b) Request for conditions by applicant

In addition to the conditions imposed pursuant to subsection (a) above, an applicant may request conditions of approval from the review authority. Conditions requested by the applicant are valid and enforceable when the applicant accepts the condition by:

(1) Requesting the condition in writing or orally before the review authority;

(2) Consenting to the condition in writing or on the record;

(3) Submitting plans or other application materials reflecting compliance with the condition that were reviewed and approved by the Review Authority; or

(4) Allowing the decision to become final without appealing the requested condition.

(c) Assurance of compliance with conditions
A bond, cash deposit, or other security in an amount sufficient to ensure compliance with a condition of approval and accepted by the City may be required from the applicant. Such security shall be posted prior to the issuance of the appropriate construction permit. The City may also require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.

(d) Modification of conditions
Modification of conditions of approval may be sought on appeal or as a new development application. A new development application shall be processed through the same procedure as was used to impose the original conditions. Alternatively, an applicant may apply for a modification of the conditions of approval as provided in this Code.

(e) Violation of conditions of approval
Failure to fulfill any conditions of approval within any time limits provided shall constitute a violation of this Code and the subject approval will be subject to code enforcement proceedings. Enforcement proceedings may include revocation of the approval. Abandonment of a development project or expiration of the approval shall not be deemed to be a violation of the conditions.

7. Effective Date of Decision

(a) Each land use action or permit shall specify the approval granted or development authorized and shall be subject to the standards and conditions set forth in this Code, together with any conditions imposed by the review authority, excepting only those variances or exceptions authorized by the review authority.

(b) Land use action and permit decisions shall become effective the day after the appeal period expires if no appeal is filed.

(c) If an appeal is filed on a decision, the decision shall become final and effective upon the date of the written decision of the final appeal body.

8. Expiration of Decision

(a) Unless a different period of time is established within the decision, land use actions and permits granted pursuant to this Section 143.X shall expire and become void automatically as provided under Table 143-X-H-1 unless one of the following has occurred:

(1) Substantial construction, as defined in Section 143.XI (Definitions) has commenced in compliance with the land use action or permit approval; or

(2) An application for the subsequent land use action has been submitted to the Planning Department as provided under Table 143-X-H-1; or

(3) An extension is granted pursuant to Section 143.X.H.9.

(b) If multiple applications are processed concurrently, the decision(s) shall specify a uniform expiration period for the concurrent applications.

(c) If a final local decision is on appeal, the effective date of the decision and corresponding expiration period shall begin when the final decision is issued on the appeal.

Table 143-X-H-1
Expiration and Extension of Decisions

Procedure Type	Expiration Period	Extension Allowed*	Maximum Duration of Expiration Period with Extension(s)*
Type I	No expiration period	N/A	N/A
Type II	2 years	Yes	3 years (one 1-year extension)
Type III	2 years	Yes	4 years (one 2-year extension)
Type IV	No expiration period	N/A	N/A

* See options for additional extensions of Type II and III approvals in Section. 143.X.H.9.

9. Extension of a Decision

(a) Application required
A written request to extend the expiration date of a decision made pursuant to this Code may be filed by the applicant only before the decision expires.

(b) First extension
The first extension may be granted for the applicable period of time as specified in Table 143-X-H-1, and the extension is vested against any Code changes adopted since the original decision. The first extension is subject to the following approval criteria:

(1) It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

(2) The previously approved land use decision is not being modified in design, use, or conditions of approval.

(c) Second or longer extension
Any second or longer extension is subject to the following approval criteria:

(1) It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

(2) The previously approved land use decision is not being modified in design, use, or conditions of approval.

(3) There has been no change in circumstances or the applicable regulations or statutes likely to necessitate modification of the decision or conditions of approval since the effective date of the decision for which the extension is sought.

(d) Extensions for multi-phase projects

Phasing schedules are required as part of the initial decision for multi-phase projects. Longer approval periods may be authorized if approved by the Planning and Zoning Hearing Board or the Planning Commission.

(1) Completion of a phase automatically extends approvals of the remaining phases.

(2) Phasing extensions shall be approved by the Planning and Zoning Hearing Board or the Planning Commission through the Type III procedure.

(3) At the discretion of the review authority, phasing extensions may be vested against Code changes adopted since approval of the original decision.

10. Resubmittal Following Denial

(a) If an application is denied, such denial shall bar submittal of the same or substantially similar application for a period of 1 year from the date of the final decision on the application.

(b) An exception to the 1 year bar on submitting a new application may be granted by the Planning Director if, upon showing of good cause, the application has been so amended that:

(1) The substantive basis for denial no longer exists;

(2) The proposal has been so mitigated that a new application should be given consideration; or

(3) There has been a substantial change in the facts or a change in City policy which could change the outcome.

I. Public Hearings

1. Purpose

The provisions of this section shall apply to all proceedings on land use applications requiring public hearings under the procedures of this Section 143.X. The purposes of this section are to:

(a) Describe rules of conduct, order of proceedings, and action required for legislative and quasi-judicial hearings; and

(b) Provide clear and consistent rules to ensure the legal rights of individual property owners and the general public are protected.

2. Responsibilities of Planning Director

For all land use applications requiring public hearings, the Planning Director shall:

(a) Schedule the land use application for review and public hearing before the appropriate review authority as required for the particular application procedure by Table 143-X-C-1.

(b) Provide public notice of the public hearing or appeal hearing.

(c) Prepare and make available to the public a staff report summarizing the proposal, the relevant criteria and issues, and any comments received prior to the public hearing.

(d) Mail notice of the decision to those entitled to such notice as specified for the particular application procedure type.

(e) Maintain a record of the proceedings.

(f) Prepare minutes of the proceedings, including the decision on the matter heard and the reasons for the decision.

3. General Public Notice Requirements

Notice of public hearings issued by mail, by site posting, and/or publication in a newspaper of general circulation in the city, shall be provided for Type I – IV applications or appeals as specified in the applicable section of this Code based on the procedure type.

4. Compliance with Notice Requirements

(a) Mailed notice shall be deemed to have been provided upon the date the notice is deposited in the mail or personally delivered, whichever occurs first. Failure of the addressee to receive such notice shall not invalidate the proceedings if it can be demonstrated by affidavit that such notice was given.

(b) Published notice shall be deemed to have been provided upon the date when the notice appears within a newspaper of general circulation within the City of Hillsboro.

5. Rules of Procedure

Public hearings shall be conducted in accordance with the rules of procedure adopted by the applicable review authority, if any, and with applicable state law.

(a) Procedural Rights

Subject to the specific standards and limitations set forth in this code, the following procedural rights shall be provided at the public hearing:

(b) A reasonable opportunity for those persons participating in the decision to present and rebut evidence.

(c) An impartial review authority.

6. Review Authority Disclosures

Prior to the beginning of a public hearing, the review authority members shall disclose any ex parte contacts, biases or conflicts of interest.

(a) Review Authority members shall disclose the substance of any significant pre-hearing ex-parte contacts with regard to the matter as early as reasonably possible during the public hearing on the matter, so that persons

wishing to participate in the hearing have an opportunity to respond. The member shall state whether the contact has impaired the impartiality or ability of the member to vote on the matter and shall participate or abstain accordingly.

(b) A member of the Review Authority shall not participate in any proceeding or action in which the member has an actual conflict of interest as defined in state law. Any actual or potential conflicts of interest shall be disclosed at the meeting of the Review Authority where the action is being taken.

(c) A Review Authority member may be disqualified due to actual conflict of interest or actual bias based on a motion if a majority of the Review Authority members present and voting approve such motion. The person who is the subject of the motion may not vote.

7. Presentations

(a) The Review Authority may set reasonable time limits for oral presentations. The Review Authority may choose not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral testimony.

(b) No testimony shall be accepted after the close of the public hearing unless the Review Authority sets a deadline for receipt of such testimony and provides an opportunity for review and rebuttal prior to making a decision.

(c) Counsel for the Review Authority may be consulted on legal or procedural issues without reopening the public hearing. Objections alleging that counsel is discussing or testifying as to factual matters shall be heard at the discretion of the Review Authority.

(d) Staff may confer with the Review Authority after the close of the record on technical review or procedural matters, but may not engage in argument or present additional evidence.

(e) The presiding officer shall preserve order at all public hearings and shall decide questions of order subject to a majority vote of the Review Authority. Persons who become disruptive or abusive may be removed from the hearing.

(f) Burden of Proof

Except for Type IV legislative proceedings, the applicant shall bear the burden of proving that the proposal complies with all applicable review standards.

8. Action by Review Authority

(a) Action of the review authority may be to:

(1) Approve the application or appeal as submitted;

(2) Approve the application or appeal with conditions;

(3) Modify the conditions of the original approval on appeal; or

(4) Deny the application or appeal.

(b) Findings in support of any decision shall be required.

9. Record

Absent mechanical failure or inadvertent error, a mechanical record of the hearing shall be made. In addition, written minutes accurately reflecting the meeting shall be taken. Such minutes shall substitute for a verbatim record in the event of mechanical failure or inadvertent error.

10. Public Hearings on Remand from LUBA

Procedures for hearings involving both voluntary and involuntary remands from the Land Use Board of Appeals (LUBA) shall be as follows:

(a) The Director shall present the remand directly to the City Council so that it can decide how to proceed. The Director shall inform the City Council of the nature of the remand, and the Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:

(1) Send the matter to another authorized decision-making body (e.g., Planning and Zoning Hearings Board or Planning Commission);

(2) Set a date to decide the matter without re-opening the public hearing on the case; or

(3) Set a hearing date and re-open the public hearing for consideration.

(b) When considering a remand, the hearing authority may consider the case in whole or in part.

(c) Procedures for public notice and order of proceedings for remands shall be in accordance with Section 143.X.I.3. In all cases, required notices shall be mailed a minimum of 20 days in advance of any public hearing to address the remand.

(d) Appeals

11. General

A decision on a Type I permit may be appealed by the applicant. A decision on a Type II or III application may be appealed by an affected party by filing a Notice of Appeal with the Director within 15 days of the mailing date of the written Notice of Decision. Table 143-X-C-1 identifies the decision authority and appeal authority for each application type.

12. Notice of Appeal

(a) A notice of appeal shall contain at a minimum the following information:

(1) Identification of the decision sought to be reviewed, including the date of the decision;

(2) Statement of the appellant documenting that they were a party to the initial proceedings; and

(3) Detailed statement regarding the basis of the appeal, including what approval criteria were allegedly improperly evaluated or applied to the decision.

(b) The notice of appeal shall be filed with the Director, together with the appropriate fee.

(c) Failure to file a notice of appeal by 5:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect. Failure to amend a notice of appeal to correct any other identified deficiency within 14 calendar days of notice thereof shall be a jurisdictional defect.

13. Request for Transcript

(a) Any interested party may request a verbatim transcript of the recorded proceedings before the Planning Commission or the Planning and Zoning Hearings Board on the matter.

(b) Requests for transcripts shall be accompanied by a deposit separate from the appeal fee, as specified in the adopted fee schedule. The City shall maintain an accurate record of the costs of the transcript preparation, and any unexpended portion of the deposit or additional amount due shall be refunded to or payable by the appellant.

14. General Provisions Applicable to All Appeals

(a) Public hearing
Appeal hearings before the appropriate review body as specified in Table 143-X-C-1 shall be conducted in accordance with the public hearing provisions in Section 143.X.I of this Code and applicable state law.

(b) Staff report
Not less than seven days before the date of the appeal hearing, the Director shall prepare and make available to the public a copy of the staff report regarding the appeal. A copy of the staff report and recommendation shall be provided to the appeal body, the applicant and to the appellant. The Director shall provide a copy of the staff report to the public at reasonable cost upon request.

(c) Action of appeal body
At the conclusion of the hearing on the appeal, the appeal body shall take one of the following actions:

(1) Continue the hearing to a date, time, and location certain, which shall be announced by the presiding officer. Notice of the date, time, and location certain of the continued hearing is not required to be mailed or published, unless the hearing is continued without announcing a date, time and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing. Provisions for holding a record open or continuing a hearing set forth in Section 143.X.I.9 or in ORS 197.763 shall apply under this Code in a manner consistent with state law; or

(2) Reverse or affirm the decision under appeal, with or without conditions or changes.

(d) Written decision of appeal body

After the public record on the appeal closes, a written decision regarding the appeal shall be prepared and contain the following:

(1) A statement of the facts that the appeal body has relied on which demonstrate the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal;

(2) A statement of conclusions based on the findings; and

(3) If the appeal body changes conditions of approval, changes denial to approval, changes denial to approval subject to conditions, or changes approval to denial, the written decision shall explain the basis for such change.

(4) Following the adoption of a decision by the appeal authority, the Planning Director shall cause the decision to be signed, dated, and mailed to the appellant, the applicant, and other persons who appeared orally or in writing in the record of the appeal.

15. Specific Provisions for Appeals of Type I Decisions

(a) A Type I decision may only be appealed by the applicant.

(b) The Director shall mail written notice of the appeal hearing to the applicant/appellant not less than 20 days prior to the appeal hearing.

(c) The appeal hearing shall be de novo, which means new evidence and argument can be introduced in writing, orally, or both.

(d) The scope of the appeal hearing shall be limited to the approval criteria, conditions, or both, and reasons why a finding, condition, or both are or are not in error as a matter of fact, law or both.

(e) The decision of the designated appeal body for the appeal of a Type I decision shall be the final local decision.

16. Specific Provisions for Appeals of Type II Decisions

(a) A Type II decision may be appealed by the applicant, any person who submitted written comments prior to the decision by the Director, or any person entitled to public notice of the application pursuant to Section 143.X.E.6.

(b) The Director shall mail written notice of the appeal hearing to the parties listed in Section 143.X.E.6 not less than 20 days prior to the appeal hearing.

(c) The appeal hearing shall be de novo, allowing introduction of new evidence and argument in writing, orally, or both.

(d) The scope of the appeal hearing of a Type II decision shall be limited to the approval criteria, written comments provided under Section 143.X.E.6, or the conditions of approval, and reasons why a finding, condition, or both are or are not in error as a matter of fact, law or both. The intent of this provision is to limit the scope of Type II appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period.

(e) The decision of the designated appeal body for the appeal of a Type II decision shall be the final local decision.

17. Specific Provisions for Appeals of Type III Decisions

(a) A Type III decision may be appealed by the applicant or any person who participated by providing either oral or written evidence on the record leading to the decision by the Review Authority. All appeals of Type III decisions shall be heard by the City Council.

(b) Unless a de novo hearing is requested and accepted under subsections (c) and (d) below, the scope of review for an appeal of a Type III decision shall be a review of the record with the right of argument. The record shall include the following information:

(1) A factual report prepared by the Director;

(2) All exhibits, materials, pleadings, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the decision under review; and

(3) The minutes and/or transcript (if any) of the hearing below and a detailed summary of the evidence.

(c) A party, or the Director, may request that the City Council conduct a de novo hearing. The party filing the notice of appeal must make such a request as part of the appeal. Any other party must make such a request no more than seven calendar days after the deadline for filing a notice of appeal has expired. When practicable, the requesting party shall advise the other parties and attempt to gain their consent. The request shall indicate the reasons for the request for a de novo hearing without addressing the merits of the land use action.

(d) The request for a de novo hearing shall be decided by the City Council as a non-public hearing item. The City Council shall grant the request upon findings that:

(1) A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;

(2) The substantial rights of the parties will not be significantly prejudiced; and

(3) The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the initial Type III public hearing.

(e) The Director shall mail written notice of the appeal hearing to the parties listed in Section 143.X.F.6 not less than 20 days prior to the appeal hearing. The written notice shall include the date, time and place of the public hearing, and shall specify whether the hearing on appeal will be on the record or de novo.

(f) The decision of the City Council on the appeal of a Type III decision shall be the final local decision.

18. Withdrawal of an Appeal

(a) At any time before the close of an appeal hearing held by any Review Authority, any appellant may withdraw his/her appeal.

(b) Withdrawal of an appeal is subject to the following:

(1) If requested before the hearing, the withdrawal must be submitted in writing;

(2) Any unexpended portion of the appeal fee will be refunded only if the withdrawal is received before the public notice of the hearing has been sent;

(3) No one may re-file a withdrawn appeal; and

(4) Where multiple people or parties sign and file a single appeal document, all must consent to the withdrawal of the appeal.

(c) If all appeals in a matter are withdrawn, no decision by the Review Authority is necessary, and the original decision stands.

J. Pre-existing Development

As used in this Section X.K, the terms "Pre-existing" as applied to a use, structure, lot, sign, or site improvement refers to a use, structure, lot, sign, or site improvement that was legally created but that no longer complies with the provisions of this Section 143 for the zoning district (and overlay districts, if applicable) within which the use, structure, lot, sign, or site improvement is located. It does not refer to a use, structure, lot, sign, or site improvement that was legally created and complies with the requirements of the Section 143, regardless of when the use, structure, lot, sign, or site improvement was created.

1. Pre-existing Uses

(a) Except for surface Commercial Parking uses, a pre-existing land use shall be allowed to increase its size through contiguous expansion up to a maximum of 20 percent of the gross floor area existing as of the effective date of this Section 143, provided that the expansion complies with the development standards applicable to the use prior to the adoption of this Section 143.

(b) Expansion of existing accessory surface parking lots and facilities is only permitted as it relates to the expansion of affiliated uses and only at or below the ratios shown in Table 143-VI-B-1.

(c) Pre-existing surface commercial parking lots may not be expanded.

2. Pre-existing Structures

(a) A pre-existing structure shall be allowed to increase its size through contiguous expansion on the same lot or parcel up to a maximum of 20 percent of the gross floor area existing as of the effective date of this Section 143, provided that the expansion complies with the development standards applicable to the structure prior to the adoption of this chapter.

(b) Additions to pre-existing structures may be approved notwithstanding the maximum build to zones or front setbacks shown in Section 143.VI (Base Development Standards). In addition, if the front façade of a pre-existing

structure is located farther from the front lot line than the maximum permitted in the development standards for the zone in which it is located, the structure may be expanded to bring the structure into compliance with the maximum build to zone or front setback in that zone, even if that expansion would result in the structure exceeding the gross floor area of the structure as of the effective date of this chapter by more than 20 percent.

(c) Expansion of pre-existing structures by addition to or reconstruction of the existing structure or facility on the same lot or parcel, or by constructing new unattached structures on the same lot or parcel shall be allowed without regard to the minimum FAR standards in Section 143.VI (Base Development Standards), provided the resulting FAR of all occupied structures on the lot or parcel is greater than the original FAR of all occupied structures on the lot or parcel and does not expand the gross floor area of the structure by more than 20 percent.

(d) In the event of an expansion of a pre-existing structure pursuant to subsections (a) through (c) above, the uses existing in the structure prior to the expansion may be expanded within the expanded structure, even if that expansion would result in the use exceeding the gross floor it occupied on the effective date of this Section 143 by more than 20 percent.

3. Reconstruction Following Destruction

Notwithstanding any other provisions of this Code, a structure lawfully in existence as of the effective date of this Section 143 that does not meet the requirements for that use under this Section 143, and that is subsequently damaged by fire or other natural causes, may be reconstructed to occupy the same portions of the site that it occupied prior to the damage, or to occupy portions of the site that create fewer non-conformities with the provisions of this Section 143, regardless of the degree of damage to the structure.

XI. DEFINITIONS

A. Use Categories

1. General Principles

(a) Purpose

Land uses in this Code are classified into use categories on the basis of common functional, product or physical characteristics. These characteristics include the type and intensity of activity, type(s) of customers or residents, typical off-site impacts and building type. The basis for allowing or prohibiting the use categories in the various zones is the goals and policies of the Comprehensive Plan.

(b) Organization and Guidelines

Each use category is organized into the following sections:

(1) Characteristics. A description of the functional, product or physical characteristics which most closely describe the nature of the primary use.

(2) Examples of uses. An illustrative, not exhaustive, list of examples of uses included in that category. The lists are intended to demonstrate the intent of this Code in determining the appropriate classification for unlisted or new uses not specifically addressed when these regulations were adopted.

(3) Examples of accessory uses. An illustrative, not exhaustive, list of examples of accessory uses allowed in conjunction with the primary use and subject to the same regulations as the primary use unless stated otherwise in this Code.

(4) Exceptions. Uses that may appear to be included in the use category but are classified in another use category, and to which a reference is provided.

(c) Multiple Primary Uses

When all primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for all applicable categories.

(d) Uses Not Specifically Addressed in this Code

Uses not specially addressed in this Code may be classified into a use category by the director based on similarity of characteristics and land use impacts.

2. Residential Use Categories

(a) Household Living

(1) Characteristics. Household Living is characterized by the residential occupancy of an owner-occupied or rented dwelling unit by a family or household as defined in Section 143.XI. Definitions. Dwelling units in this category must be self-contained, with cooking, sleeping and bathroom facilities.

(2) Examples of uses

- Detached and attached single-family dwellings
- Multi-family residential buildings
- Manufactured homes
- Licensed residential home (5 or fewer persons receiving care)
- Licensed adult or child foster care (5 or fewer persons receiving care)

(3) Examples of accessory uses

- Secondary dwelling units
- Accessory structures
- Home occupations
- Licensed in-home child day care (16 or fewer children receiving care)

- Private community recreation areas and/or facilities within a development
- On-site energy production facilities, with energy produced and used mainly on-site
- Amateur or "ham" radio facilities
- Horticultural activities, excluding commercial structures and commercial processing

(4) Exceptions

i. Bed and breakfast establishments are classified as Commercial Lodging.

ii. Residential business that exceed the standards for Home Occupations are classified as a Residential Business.

(b) Group Living

(1) Characteristics. Group Living is characterized by the residential occupancy of a structure in a residential, mixed use or commercial setting by six or more persons who are not a family or household as defined in Section 143.XI and who may, or may not, receive care, treatment or training that is not licensed or permitted by the State; such as medical, rehabilitative, palliative, acute or respite care. Group Living uses may have common facilities for dining, socializing, recreation, laundry or treatment and may provide accessory services such as room and board and assistance with activities associated with daily life. Where applicable, density for Group Living is calculated at the equivalent of four persons equaling one dwelling unit. Live-in caretakers are included in this density calculation. Group Living may be subject to approval as conditional uses through a Type III approval process (see Section 143.X)

(2) Examples of uses

- Dormitories, fraternities and sororities
- Monasteries and convents
- Uncertified programs for treatment of substance abuse and other addictions

(3) Examples of accessory uses

- Facilities for shared eating, social, recreational, laundry or treatment
- Institutional kitchens and laundry facilities
- Offices
- Parking for residents, visitors and employees

(4) Exceptions

i. Lodging where tenancy may be arranged for less than one month is classified as Commercial Lodging

ii. Facilities for persons under judicial detainment with 24-hour supervision are classified as Detention Facilities; this includes court-ordered post-incarceration transitional housing

iii. Residential homes that are licensed and/or permitted by the State are classified as Household Living

iv. Residential facilities that are licensed and/or permitted by the State are classified as Residential Services

v. Facilities that are licensed and/or permitted by the State which provide care, treatment, training or foster care for six or more persons are classified as Residential Services

(c) Residential Services

(1) Characteristics. Residential Services is characterized by the residential occupancy of a structure in a residential, mixed use or commercial setting by six or more persons who are not a family or household as defined in Section 143.XI and who receive State licensed and/or permitted provision of care, treatment or training; such as medical, rehabilitative, palliative, acute or respite care. Residential Services uses may have common facilities for dining, socializing, recreation and laundry and may provide accessory services such as room and board and assistance with activities associated with daily life. Where applicable, density for Residential Services is calculated at the equivalent of four persons equaling one dwelling unit. For residential facilities, the staff persons required to meet licensing requirements are not counted in the number of facility residents. Residential Services may be subject to approval as conditional uses through a Type III approval process (see Section 143.X)

(2) Examples of uses

- Certified residential facility (6 to 15 persons receiving care)
- Certified programs for treatment of substance abuse and other addictions
- Licensed adult or child foster care (6 or more persons receiving care)
- Licensed senior, nursing, or convalescent care, including assisted living facilities
- Licensed hospice facilities

(3) Examples of accessory uses

- Facilities for shared eating, social, recreational, laundry or treatment
- Institutional kitchens and laundry facilities
- Offices
- Parking for residents, visitors and employees

(4) Exceptions

i. Lodging where tenancy may be arranged for less than one month is classified as Commercial Lodging

ii. Facilities for persons under judicial detainment with 24-hour supervision are classified as Detention Facilities; this includes court-ordered post-incarceration transitional housing

iii. Residential homes that are licensed and/or permitted by the State are classified as Household Living

iv. Facilities that are unlicensed and/or unpermitted by the State which provide care, treatment, training or foster care for six or more persons are classified as Group Living

(d) Residential Business

(1) Characteristics. Residential Business is characterized by the residential occupancy of a structure in a residential or mixed use setting in conjunction with a commercial or light manufacturing use and which exceeds the standards for a Home Occupation as specified in Section 143.XI. The non-residential activity may vary in size and intensity with the intensity of the underlying residential zone. The residential occupancy of the structure is not limited to the business owner or operator. Residential Business may be subject to additional standards as specified in Section 143.IV (Use Regulations) and to approval as conditional uses through a Type III approval process (see Section 143.X).

(2) Examples of uses

- Commercial use, such as bakery or funeral home, with attached dwelling unit
- Dwelling unit with interior commercial use, such as physician's office or dance school
- Dwelling unit with attached or interior light manufacturing use, such as glass, pottery or textile fabrication

(3) Example of accessory uses

- Parking for residents, customers and employees
- Accessory uses to permitted uses in the zone

(4) Exceptions

i. Home occupations as specified in Section 143.XI are classified as Household Living

ii. In-home child day care that is licensed by the State is classified as Household Living

iii. Residential homes as defined by the State of Oregon are classified as Household Living

iv. Residential facilities as defined by the State of Oregon are classified as Residential Services

v. Licensed and/or certified facilities which provide care, treatment, training or foster care for six or more persons, who are not related to the care provider by blood or marriage, are classified as Residential Services

3. Commercial Use Categories

(a) Commercial Lodging

(1) Characteristics. Commercial Lodging includes commercially-owned and –operated overnight accommodations where tenancy is typically arranged on a daily, weekly, or monthly basis.

(2) Examples of uses
- Bed and breakfast inns
- Hotels and motels
- Extended stay hotels or suites

(3) Examples of accessory uses
- Banquet, ballroom and conference center facilities
- Lobbies
- Offices
- Parking for customers and employees
- Restaurant and bars
- Support retail activities
- Indoor or outdoor recreation facilities for use by customers only

(4) Exceptions. None.

(b) Commercial Recreation

(1) Characteristics. Commercial Recreation uses are sports-oriented facilities used for a variety of health, recreational, or social activities. Activities are primarily by and for participants: spectators are incidental and present on a non-recurring basis. Activities may be conducted within an enclosed building or in open facilities.

(2) Examples of Outdoor Commercial Recreation uses
- Golf courses and driving ranges
- Miniature golf facilities
- Disk parks
- Outdoor swimming pools or tracks
- Outdoor sport courts
- Batting cages

(3) Examples of Indoor Commercial Recreation uses
- Sports courts
- Bowling alleys
- Skating rinks
- Game arcades, pool halls, and billiards halls
- Indoor firing ranges
- Clubs and gymnasiums with weight rooms, indoor pools or tracks, and similar facilities

(4) Examples of Accessory Uses

- Caretaker's quarters
- Concessions or incidental retail sales
- Restaurants and banquet facilities
- Conference rooms
- Child care facilities
- Maintenance facilities
- Parking for customers and employees

(5) Exceptions

i. Uses which draw large numbers of people to periodic events are classified as Major Event Facilities

(c) Commercial Parking

(1) Characteristics. Commercial Parking facilities, in structures or on surface lots, provide public, customer, or employee accessory parking not associated with a particular use. A facility providing both accessory and general parking is also classified as a Commercial Parking facility. A fee may or may not be charged.

(2) Examples of uses

- Short- and long-term fee parking garages and surface parking lots
- Commercial district shared parking lots
- Commercial shuttle parking

(3) Examples of accessory uses

- Ground floor or second floor commercial or institutional uses
- Alternative transportation facilities such as secured bicycle parking

(4) Exceptions

i. Surface lots or parking garages accessory to a particular use, used by the public for a fee during occasional nearby events are not classified as Commercial Parking

ii. Public transit park-and-ride facilities are classified as Surface Alternative Transportation Facilities

(d) Durable Goods Sales

(1) Characteristics. Durable Goods Sales involve the sale, rental or leasing of new and used large goods having extended utility and generally requiring extensive indoor and/or outdoor display areas.

(2) Examples of uses

- Furniture, large appliance and home improvement stores
- Lumber yards
- New and used vehicle sales including those for automobiles, trucks, motorcycles, boats and other personal transportation vehicles
- Nurseries

(3) Examples of accessory uses

- Indoor or outdoor display and storage areas
- Offices
- On-site receiving, warehousing and shipping facilities
- Parking for customers and employees

(4) Exceptions

i. Sales of building and landscaping materials primarily sold to contractors are classified as Wholesale Sales

ii. Sales, leasing or rental of industrial, farm, or construction equipment sales are classified as Wholesale Sales

(e) Eating and Drinking Establishments

(1) Characteristics. 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.

(2) Examples of uses

- Cafes, coffee shops and delicatessens
- Dine-in restaurants with or without take-out facilities
- Drive-up or drive–through restaurants with or without seating
- Taverns, brew pubs, bars and night clubs

(3) Examples of accessory uses

- Offices
- Parking for customers and employees
- Storage
- Outdoor seating or banquet facilities
- On-site breweries or wineries, with tasting rooms
- Catering facilities
- Incidental retail sales

(4) Exceptions

i. Food service that is accessory to another use, e.g., hotel, major entertainment venue, is regulated as part of the primary use

ii. Catering or food preparation without on-site consumption is classified as Retail Products and Services

(f) Educational Services

(1) Characteristics. Educational Services provide specialized training or instruction not regulated by the State of Oregon Board of Higher Education. These services may be provided to children or adults. Training or instruction may be provided for fine arts, recreational or athletic activities, professional or vocational skills, or academic tutorial instruction.

(2) Examples of uses

- Business and trade schools

- Martial arts or gymnastics instruction
- Music or dance instruction
- Arts and crafts schools
- Culinary schools
- Vocational training for disabled persons
- Tutoring services

(3) Examples of accessory uses
- Offices
- Parking for students, customers and employees
- Storage

(4) Exceptions

i. Institutions regulated by the State of Oregon Board of Higher Education are classified as Colleges and Universities

ii. Trade schools where industrial vehicles and equipment are operated are classified as Industrial Services

(g) Office

(1) Characteristics. Office uses provide professional services in an office setting.

(2) Examples of uses
- 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, and blood collection facilities
- Medical and dental laboratories
- Movie production facilities and recording studios
- Financial, insurance, and real estate services
- Scientific and technical services
- Software and internet content development and publishing
- Telecommunication service providers
- Telemarketing or custom support center
- Television, video, radio, and internet studios and broadcasters

(3) Examples of accessory uses
- Cafeterias
- Parking for customers and employees
- Recreation facilities, and other amenities primarily for the use of employees in the firm or building

(4) Exceptions

i. If equipment and materials are stored on site, contracting firms are classified as Industrial Services.

(h) Retail Products and Services

(1) Characteristics. Retail Products and Services firms 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.

(2) Examples of uses

- Sales, leasing or rental of products and equipment including art and crafts supplies, bicycles, dry goods, electronic equipment, entertainment media, groceries, hardware, home improvements, jewelry, pets, pet food, pharmaceuticals, plants and garden supplies, office supplies, and printed media
- Repair or servicing of products or equipment generally performed on-site including communication and electronic devices, bicycles, clocks, watches, shoes, firearms, appliances and office equipment, locksmithing, and upholstery
- Processing of products or equipment, including photo processing, dry cleaning and alterations, and photocopy and blueprint services
- Personal services including adult or child day care, day treatment facilities for substance abuse and other addictions, branch banks, urgent care medical clinics, Laundromats, photographic studios, personal care services, soup kitchens and surplus food distribution centers, taxidermists, mortuaries and crematoria, and animal–related services including animal day care, grooming and overnight boarding and veterinary clinics
- A minor assembly facility, such as a theater, church, or fraternal club, with a maximum Building Code occupancy within the primary assembly area that is less than 250 persons is classified as Retail Products and Services
- Catering or food preparation without on-site consumption

(3) Examples of accessory uses

- Manufacturing or repackaging of goods for on-site sale
- Offices
- Parking for customers and employees
- Storage

(4) Exceptions

i. Sales, leasing and/or rental of automobiles, motorcycles, boats and trucks are classified as Durable Goods Sales

ii. Sales, leasing and/or rental of industrial, farm or construction equipment is classified as Wholesale Sales

iii. Repair and service of automobiles, motorcycles and boats is classified as Vehicle Service and Repair

iv. Service of industrial, construction, and farm vehicles and equipment is classified as Industrial Services

v. Trade schools where industrial construction, and farm vehicles and equipment are operated are classified as Industrial Services

vi. In home child day care that is licensed by the State is classified as Household Living

vii. Residential homes that are licensed and/or permitted by the State are classified as Household Living

viii. Facilities that are licensed and/or permitted by the State which provide care, treatment, training or foster care for six or more persons are classified as Residential Services

ix. Medical clinics or medical office buildings providing outpatient care and not located in a Hospital are classified as Office

(i) Self-Service Storage

(1) Characteristics. Self-Service Storage uses provide free-standing indoor storage facilities for rent to individuals and businesses. These uses are designed to allow private access at all hours by the tenant for storing or removing personal or business property.

(2) Examples of uses

- Mini-storages or mini-warehouses that are single-story or multi-story buildings with outside access to each unit or inside access from a common internal hallway

(3) Examples of accessory uses

- Caretaker's residence
- Offices for security and/or leasing functions.
- Moving truck or trailer rental
- Portable storage container rental
- Covered or uncovered storage of vehicles
- Parking for customers and employees

(4) Exceptions

i. A transfer and storage business where there are no individual storage units or where business employees are the primary movers of the stored or transferred goods is classified as Warehouse and Freight Movement

(j) Vehicle Service and Repair

(1) Characteristics. Vehicle Service and Repair include those related to service or repair of automobiles, trucks, motorcycles, boats, recreational vehicles and other personal transportation vehicles.

(2) Examples of uses

- Vehicle servicing and repair
- Vehicle body and/or paint shops
- Vehicle washes
- Department of Environmental Quality vehicle emission test sites

- Gas stations and unattended card-lock fueling stations
- Quick lubrication services
- Tire sales and installation shops
- Vehicle engine, transmission and muffler repair and maintenance shops
- Vehicle upholstery and detailing shops

(3) Examples of accessory uses

- Offices
- Indoor vehicle parts and sales
- Indoor storage of vehicle parts and tires
- On-site associated convenience store
- On-site fleet refueling and maintenance facilities
- Parking for customers and employees

(4) Exceptions

i. Truck stops are classified as Industrial Services

ii. Refueling facilities for business fleets or bus barns located where such vehicles are stored are accessory uses to the primary use of the site

iii. Sales, leasing and rental of construction and farm trucks and equipment is classified as Wholesale Sales

iv. Repair and service of heavy trucks, industrial vehicles and equipment is classified as Industrial Service

v. Towing and vehicle storage is classified as Vehicle Storage

vi. Vehicle wrecking and salvage is classified as Solid Waste Treatment and Recycling

4. Industrial Use Categories

(a) Industrial Services

(1) Characteristics. 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.

(2) Examples of uses

- Building, heating, plumbing and electrical contractors
- Laundry, dry-cleaning and carpet cleaning plants (not self-service)
- 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 laboratories

- Bulk sales of building materials and landscaping materials
- Repair and servicing of heavy construction or farm equipment (not automobiles)
- Tire retreading or recapping
- Tool, electric motor and scientific or professional instrument repair
- Trade schools where industrial vehicles and equipment are operated
- Truck stops
- Welding and machine shops
- Contracting firms with on-site storage of equipment and materials

(3) Examples of accessory uses

- Interior and exterior storage of equipment and materials
- Offices
- Parking for customers, employees and fleet vehicles

(4) Exceptions

i. If equipment and materials are stored off site, and work is not undertaken on-site, contracting firms are classified as Industrial Services

ii. Hotels, restaurants and other services which are part of a truck stop are considered accessory to the truck stop

(b) Manufacturing and Production

(1) Characteristics. Manufacturing and Production firms are involved in 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 display are accessory to the primary use.

(2) Examples of uses

- Breweries, distilleries and wineries
- Catering establishments and commissaries
- 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
- Printing, publishing, and lithography shops

(3) Examples of accessory uses
- Cafeterias
- Employee recreational facilities
- Interior and exterior storage
- Offices
- Parking for employees and fleet vehicles
- Research and development specific to the primary use
- On-site caretaker residence
- Food and beverage production, on-site tasting rooms, with or without food service

(4) Exceptions

i. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Products and Services

ii. Compost production and rendering plants are classified as Solid Waste Treatment and Recycling

(c) Solid Waste Treatment and Recycling

(1) Characteristics. Waste Treatment and Recycling are characterized by uses that receive, process and/or recycle solid waste materials.

(2) Examples of uses
- Vehicle and heavy machinery salvage and wrecking
- Energy recovery plants
- Hazardous-waste collection sites
- Portable toilet collection, storage and pumping
- Commercial recycling collection
- Landfills
- Commercial waste composting
- Vehicle wrecking and salvage
- Rendering plants
- Compost production

(3) Examples of accessory uses
- Loading docks
- Material recycling facilities
- Offices
- Parking for employees and fleet vehicles
- Re-packaging, sales and shipment of by-products and salvaged goods

(4) Exceptions

i. Disposal of clean fill material, as defined in OAR 340-093-0030, is not regulated as a land use

ii. Community recycling or composting facilities at a community garden are classified as Community Services

(d) Vehicle Storage

(1) Characteristics. Vehicle storage yards provide covered or uncovered storage facilities for vehicles including automobiles, trucks, trailers, boats and recreational vehicles.

(2) Examples of uses
- Vehicle impoundment yards
- Vehicle fleet storage and maintenance facilities
- Towing and vehicle storage operations
- School bus yards
- Recreational vehicle storage

(3) Examples of accessory uses
- Caretaker's residence
- Offices for security and/or leasing functions
- Waste disposal facilities for tenants' use
- Mini-warehouse units accessory to the vehicle storage
- Fleet maintenance, refueling and storage
- Parking for customers and employees

(4) Exceptions. None

(e) Warehouse and Freight Movement

(1) Characteristics. Warehouse and Freight Movement firms are involved in the storage, repackaging, delivery and movement of products.

(2) Examples of uses
- Centralized warehouses
- Cold storage plants, including frozen food lockers
- General freight storage
- Household and business moving operations
- Major post offices
- 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
- Heavy rail facilities
- Transfer and storage facilities without individual units

(3) Examples of accessory uses
- Loading docks
- Maintenance areas
- Offices

- Parking for customers, employees and fleet vehicles
- Customer support centers

(4) Exceptions

i. Uses that involve the transfer or storage of solid or liquid wastes are classified as Solid Waste Treatment and Recycling

ii. Mini-warehouses are classified as Self-Service Storage

(f) Wholesale Sales

(1) Characteristics. Wholesale Sales firms are involved in the sale, lease and/or rental of products primarily to businesses. On-site sales to the general public are limited.

(2) Examples of uses

- 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

(3) Examples of accessory uses

- Offices
- Product repair facilities
- Parking for customers, employees and fleet vehicles
- Warehouses

(4) Exceptions

i. Firms that engage primarily in sales to the general public are classified as Retail Products and Services

ii. Firms that engage in sales on a membership basis are classified as either Retail and Products Services or Wholesale Sales, based on the characteristics of the use

iii. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement

5. Institutional Use Categories

(a) Colleges and Universities

(1) Characteristics. This category includes public or private colleges, universities and institutions which offer courses of study leading to an associate, bachelors and/or advanced degrees or trades certification. Such institutions are certified by the State Board of Higher Education or by a recognized accrediting agency.

(2) Examples of uses

- Community colleges

- Liberal arts colleges
- Religious colleges
- Universities
- Medical or nursing schools

(3) Examples of accessory uses

- Auditoriums and conference facilities
- Faculty and administrative offices
- Food service and dining facilities
- Health facilities
- Indoor or outdoor research animal housing
- Indoor and outdoor recreation facilities including gymnasiums, playing fields and stadiums
- Libraries, classrooms, laboratories and related instructional facilities
- Student, faculty/staff and visitor parking
- Student housing
- Support retail services
- Parking for students, visitors, employees and fleet vehicles
- Utility plants and facilities
- Security offices

(4) Exceptions

i. Business and trade schools are classified as Educational Services

(b) Community Services

(1) Characteristics. Community Services are uses of a public or non-profit nature providing a range of continuous on-site social, cultural and recreational services to residents of the community.

(2) Examples of uses

- Community centers, youth or senior centers, open to the general public
- Community aquatic centers, open to the general public
- Libraries, museums and related cultural facilities
- Post offices
- Animal shelters

(3) Examples of accessory uses

- Indoor athletic facilities
- Classrooms and conference rooms
- Day care facilities
- Food service and dining areas
- Health and therapy facilities
- Offices
- Parking for customers, employees and fleet vehicles

(4) Exceptions

i. Private lodges, clubs and private or commercial athletic or health clubs are classified as Retail Products and Services.

(c) Detention Facilities

(1) Characteristics. Detention Facilities includes facilities for the court-ordered detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers or other designated personnel, except when on an approved leave.

(2) Examples of uses
- Jails and prisons
- Juvenile detention facilities
- Post-incarceration transitional facilities and restitution centers

(3) Examples of accessory uses
- Food service and dining facilities
- Housing for residents and supervisory staff
- Administrative and facility offices
- Parking for visitors, employees and fleet vehicles
- Recreational, health and therapy facilities
- Vocational and manufacturing facilities

(4) Exceptions. None

(d) Hospitals

(1) Characteristics. Hospitals provide comprehensive inpatient, outpatient and emergency services and are accredited by state and national accreditation agencies. Such institutions tend be located on multi-block sites in campus-like settings. Hospitals may or may not include on-campus medical office buildings associated with the hospital organization.

(2) Examples of uses
- Free-standing inpatient hospitals
- Inpatient hospitals including on-campus medical office buildings

(3) Examples of accessory uses
- Administrative and physician offices
- Auditoriums and conference facilities
- Food service and dining facilities
- Chapels or meditation centers
- Housekeeping and maintenance facilities
- Inpatient, emergency and outpatient diagnostic and treatment facilities
- Physical therapy and rehabilitation facilities
- Overnight housing for patients, their families, and health care providers
- Parking for patients, employees, visitors and fleet vehicles (including temporary recreational vehicle visitor parking)

- Teaching facilities for health care professionals including nursing and medical schools
- Central utility plants
- Security offices

(4) Exceptions

i. Residential homes that are licensed and/or permitted by the State are classified as Household Living

ii. Residential facilities that are licensed and/or permitted by the State are classified as Residential Services

iii. Facilities that are licensed and/or permitted by the State which provide care, treatment, training or foster care for six or more persons are classified as Residential Services

iv. Free-standing medical clinics or medical office buildings providing outpatient care and not located in a hospital campus are classified as Office

v. Free-standing urgent medical care clinics are classified as Retail Products and Services

(e) Major Assembly Facilities

(1) Characteristics. Major Assembly Facilities are characterized as a use that attracts 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 Facilities use when the maximum Building Code occupancy within the primary assembly area is equal to or greater than 250 persons.

(2) Examples of uses

- Churches, synagogues, mosques or temples
- Auditoriums
- Coliseums, stadiums and sports arenas
- Convention and conference centers
- Fairgrounds
- Race tracks
- Outdoor amphitheaters

(3) Examples of accessory uses

- Locker rooms and related Indoor and outdoor recreational facilities
- Social halls and kitchens
- Restaurants, bars and concessions
- Offices
- Maintenance facilities
- Child or senior day care
- Religious school classrooms
- Parking for attendees, customers and employees

- Temporary recreational vehicle camping facilities associated with intermittent major events
- Caretaker residence

(4) Exceptions

i. A minor assembly facility, such as a theater, church, or fraternal club, with a maximum Building Code occupancy within the primary assembly area that is less than 250 persons is classified as Retail Products and Services

ii. Day care/nursery schools and schools for students from grades K-12 that are located in a religious institution are subject to regulations for Day Care and Schools, respectively

iii. An assembly area that is accessory to the primary use, such as a conference facility in a hotel or industrial campus or an auditorium in a school, is considered accessory to the primary use

(f) Schools

(1) Characteristics. School uses are public and private educational facilities providing state-mandated basic education. Schools may serve any ages of students from kindergarten through 12th grade.

(2) Examples of uses

- Public and private elementary, middle and high schools, with or without kindergartens
- Boarding schools and military academies that have residential facilities for students

(3) Examples of accessory uses

- Auditoriums
- Classrooms, laboratories, libraries and related educational facilities
- Daycare facilities for students and staff
- Kitchens and cafeterias
- Indoor and outdoor recreational facilities including
- Offices
- Parking for visitors, students (high school only) and employees
- Student housing

(4) Exceptions

i. Pre-schools which are standalone schools not associated with the grade levels of state-mandated basic education are classified as day care under Retail Products and Services

ii. Pre-schools which are incorporated into the education continuum of state-mandated basic education within a public or private educational facility are classified as Schools but are subject to the Special Uses standards as specified in Section 83(5)(Child Care Facilities and Schools).

iii. Business and trade schools are classified as Educational Services

6. Infrastructure and Utilities Categories

(a) Aviation Uses

(1) Characteristics. 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.

(2) Examples of uses

- Aviation-related activities, including taxiing, take-offs and landings
- Air passenger and air freight services and facilities
- Emergency medical flight services
- Law enforcement and firefighting activities
- Search and rescue operations
- 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 (hangars or tie-downs)
- Crop dusting activities
- Agricultural activities as authorized by the airport authority
- Manufacturing, processing, or distribution of aircraft or aircraft related products
- Commercial supporting uses and at terminal buildings
- Aeronautic educational, recreational and sporting activities
- Flights carrying parachutists and parachute drops

(3) Examples of accessory uses

- Aircraft sales and storage
- Air traffic control towers
- Freight-handling areas
- Landside aviation navigation facilities
- Offices
- Maintenance and fueling facilities
- Parking for pilots, visitors, employees and fleet vehicles
- Restaurants, concessions and shops

(4) Exceptions

i. Private helicopter landing facilities on the same site as another use, such as a hospital, are considered accessory uses. However, such facilities remain subject to all federal and state regulations governing helicopter landing facilities.

(b) Parks and Open Areas

(1) Characteristics. 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.

(2) Examples of uses
- Botanical gardens
- Cemeteries
- Community gardens
- Nature preserves
- Parks
- Public squares and plazas
- Recreational trails

(3) Examples of accessory uses
- Caretaker's residence
- Educational centers
- Columbaria and mausoleums
- Incidental retail and concessions
- Maintenance facilities
- Playing fields, tennis courts swimming pools and trails
- Parking for visitors and employees
- Picnic shelters and pedestrian amenities
- Ponds and water features

(4) Exceptions

i. Golf courses are classified as Commercial Recreation.

(c) Public Safety Facilities

(1) Characteristics. 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.

(2) Examples of uses
- Emergency communications centers
- Police and fire stations
- Publicly- and privately-operated ambulance facilities
- Public agency or private utility operations centers

(3) Examples of accessory uses
- Communication equipment and towers
- Kitchens and dining facilities
- Overnight accommodations for employees
- Parking for visitors, employees, fleet vehicles and equipment
- Training facilities
- Recreational facilities for employees

(4) Exceptions. None.

(d) Surface Alternative Transportation Facilities

(1) Characteristics. Surface Alternative Transportation Facilities support mass transit transportation, including bus, light rail, commuter rail, and bicycle transportation. Surface Transportation Facilities do not include road rights-of-way and the associated improvements such as bicycle paths, lanes or sidewalks.

(2) Examples of uses

- Bicycle parking centers
- Bus stops and shelters
- Light rail or commuter stations and transit centers
- Transit park-and-ride facilities, both surface and structured
- Transit vehicle storage and maintenance yards

(3) Examples of accessory uses

- Maintenance facilities
- Ticketing equipment or booths
- Vehicle service, maintenance, and storage
- Incidental retail uses
- Public safety facilities
- Public open space

(4) Exceptions

i. Heavy rail facilities are classified as Warehouse and Freight Movement

ii. School bus yards are classified as Vehicle Storage

(e) Telecommunication Facilities

(1) Characteristics. 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.

(2) Examples of uses

- AM and FM radio and television towers, including "low power FM" facilities
- Wireless transmission towers
- Point-to-point microwave towers
- Two-way radio towers
- Receive only antennas

(3) Examples of accessory uses

- Broadcast facilities
- Offices
- Parking for visitors and employees
- Transmitter facilities
- Utility cabinets

- Generators and other incidental improvements

(4) Exceptions

i. Free-standing radio and television studios are classified as Offices

ii. Telecommunication Facilities at a Public Safety Facilities use are accessory to that use

iii. Amateur "Ham" radio facilities on residential property are accessory to the Household Living use

iv. Stealth telecommunication facilities mounted on or within buildings or structures are not regulated as separate from the primary use

(f) Utility Facilities

(1) Characteristics. 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.

(2) Examples of uses

- 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
- Water or sewage treatment plants

(3) Examples of accessory uses

- Control, monitoring, data and/or transmission equipment within or outside structures
- Offices
- Parking for visitors, employees and fleet vehicles
- Security fencing

(4) Exceptions

i. Utility offices where employees or customers are generally present are classified as Offices.

ii. Public agency or private utility operations centers are classified as Public Safety Facilities.

B. Other Definitions

As used in this title, the following words, terms and phrases are defined as follows:

1. Abutting. To be contiguous to; having a property line, zoning boundary, or wall in common.

2. **Access**. The place, means or way by which pedestrians, bicyclists and/or vehicles have ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement.

3. **Accessory Structure or Use**. A structure or use incidental and subordinate to the main use of the property, located on the same lot as the main structure or use.

4. **Acreage, Gross**. The total area of a lot, tract or parcel of land, measured to the property lines.

5. **Acreage, Net**. The area on a site which is eligible for development. Net acreage is calculated by subtracting undevelopable land from gross acreage. Undevelopable land is limited to the following:
   - Required dedications of public street rights-of-way or private street tracts, required utility or access easements, and required internal fire access;
   - Maneuvering area for truck loading docks;
   - Electrical transformer platforms, industrial chemical and/or gas storage areas, or other hazardous area where occupancy is prohibited for safety reasons;
   - Required stormwater treatment and detention facilities;
   - Any land dedicated to the City for parks or greenways;
   - Required usable open space; either on-site or as a portion of off-site aggregated areas available to the subject site;
   - Optional open space areas within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resources;
   - Delineated wetlands and vegetated corridors as required by Clean Water Services or other regulatory authorities;
   - Areas with 25 percent or greater slopes, or within the 100-year floodplain, unless such areas are used for building or parking.

6. **Adjacent**. *Buildings* or uses are adjacent to each other if they are sited on abutting parcels or lots, and are not separated from each other by existing or planned intervening buildings. Location of a street or alley between the buildings or uses does not interrupt adjacency.

7. **Alley**. A right-of-way through or partially through a block, intended for secondary vehicular access to the rear or side of properties. However, where vehicle access from the street is not permitted or not possible, an alley may provide primary vehicle access.

8. **Alteration**. Any change, addition or modification of an existing *structure*.

9. **Alteration (of a *Cultural Resource*)**. Any addition to, removal from, and/or change in the external appearance of any portion of a *cultural resource*. Alterations include changes in site landscaping if the landscaping is comparable in age to the resource structure, but exclude changes in newer landscaping or the addition of landscaping if there was none originally. This definition also excludes ordinary maintenance or repair of an exterior feature which does not affect the feature's appearance, if such repair has been certified by the City Building Official as necessary for safe occupancy.

10. **Americans with Disabilities Act (ADA).** The Federal Americans with Disabilities Act of 1990 (P.L. 101-336) as amended.
11. **Animal Service Facility**. A commercial establishment primarily engaged in performing veterinary, boarding, grooming, training, and other services for domestic pets, primarily dogs and cats. Outdoor facilities such as runs and exercise yards may or may not be included in the use. Examples of animal service facilities include veterinary clinics, dog and cat day care facilities, dog training facilities, and overnight pet boarding. Pet stores are not considered an animal services facility.
12. **Bed and Breakfast Inn**. A residential building or group of residential buildings with not more than five separate bedroom units for travelers' temporary accommodation, which units do not contain individual cooking facilities, with the lodging price including the price of a morning meal available only to guests of the inn. Additional rooms or structures may be added onto the original building or site provided the total number of bedroom units does not exceed five. If located in a residential zone, owners or innkeepers will reside on the premises, and the bed and breakfast inn will be considered a home occupation permitted as a conditional use.
13. **Biorention**. Use of shallow, vegetated depressions and engineered soils to collect, filter, and store stormwater runoff while it percolates into the ground.
14. **Build-to Zone**. The maximum horizontal distance, or a range of maximum horizontal distances, between a front lot line and a building or structure required by this Section 143.
15. **Building**. A *structure* having a roof supported by columns or walls, which is built for the support, shelter or enclosure of persons, animals, or property of any kind. Building Plane, front or rear. An imaginary vertical plane across the farthest front or rear elevation of a structure, most commonly used in determining lot widths or setbacks.
16. **Bus Rapid Transit**. See *Transit.*
17. **Child Care Facility**. Any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. The term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children. This definition includes facilities such as nursery schools, preschools, kindergartens, child play school facilities, before or after school care, or child development centers, except those excluded under ORS 657A.250.
18. **City**. The City of Hillsboro, Oregon.
19. **City Council**. The elected City Council of Hillsboro, Oregon.
20. **Commuter Rail**. See *Transit.*
21. **Condominium or unit ownership**. Land, all building, improvements and structures thereon, and all easements, rights and appurtenances belonging thereto, which are submitted pursuant to the provisions of ORS 91.500 to 91.671 to 91.990.
22. **Construction**. Shall have that meaning defined in Section 133.III.
23. **Contiguous**. Having a property line, zoning boundary or wall in common; see also *abutting.*

24. **County**. Washington County, Oregon.

25. **Cul-de-sac**. See *street, cul-de-sac.*

26. **Cultural Resource**. Any building, structure, site, or object included on the *Cultural Resource Inventory,* and therefore subject to the provisions of Section 132.

27. **Cultural Resource Inventory**. The list of buildings, structures, sites and objects within the city which are recognized by City Council resolution as being culturally significant.

28. **Dangerous Tree**. Any tree which, in the professional assessment of an expert certified by the City (such as, but not limited to an arborist, professional forester or landscape architect) has a strong likelihood of causing a hazard to life or property.

29. **Delineation**. A determination of the boundary of a natural resource, wetland, riparian or wildlife habitat area by a qualified natural resource professional. Wetland delineations are prepared following methods described in the 1987 US Army Corps of Engineers Wetlands Delineation Manual or those currently accepted by the Oregon Division of State Lands and US Army Corps of Engineers. Riparian and wildlife habitat delineations are based on an assessment of the tree canopy and plant communities described for the resource in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report.*

30. **Demolition**. Any intentional defacement, destruction, and/or other action which would cause partial or total destruction of the structural elements of a structure.

31. **Density**. A measurement of the intensity of development on a *net acre* of developable land. Residential density is measured in number of dwelling units per net acre. Non-residential density or intensity may be measured by floor area ratio.

32. **Development (inside a *Significant Natural Resource Area*)**. Inside a Significant Natural Resource Area, development includes the following human-induced changes to real property:

    - Construction of new structures increasing building footprint areas;
    - Redevelopment;
    - Change to existing lot boundaries (*subdivisions*, *partitions* and *property line adjustments*);
    - Topographic alterations (*grading*, filling, construction of earthen berms or retaining walls; excavating, dredging, or surface mining)
    - Paving; and
    - Vegetation removal.

    In a Significant Natural Resource Area, development does not include farming activities conducted in accordance with accepted farming practices as defined in ORS 30.930, ORS 568.900; and construction on lots in subdivisions meeting the criteria of ORS 92.040(2).

33. **Development (outside a *Significant Natural Resource Area*)**. Any man-made change to real property in the City, including but not limited to construction or installation of a building or other structure; major site alterations such as grading

or paving; or improvements for use as parking. Vegetation removal outside the boundaries of a *Significant Natural Resource Area* is not development.

34. **Drive In or Drive-Through Facilities**. Sites and building features such as driveway approaches, internal circulation, and exterior vending facilities that allow motor vehicle drivers to complete transactions for retail goods or services without leaving their vehicle. Vehicle service and repair facilities are not considered drive in facilities even if the service or repair can be conducted without the driver leaving the vehicle.

35. **Dwelling unit**. One or more rooms designed for occupancy by a *family* or *household*, including sleeping areas, sanitation facilities, and a single cooking area. For types of dwelling units, see *Housing Types*. For purposes of measuring residential *density*, four residents in a group living structure or residential service facility is the equivalent of one dwelling unit.

36. **Easement**. A right to the use of certain real property for specified purposes, granted by the property owner to specific persons, firms, corporations or the public.

37. **Fair Housing Act (FHA).** The Federal Fair Housing Act of 1968, (P.L. 90-284), Title VIII, as amended.

38. **Family**. An individual, or two or more persons related to one or more persons in the household by blood, marriage, domestic partnership, legal adoption, or guardianship, living together in a dwelling unit in which board and lodging may also be provided for not more than three additional persons, excluding servants. *See also Household.*

39. **Fill**. Any deposit of earth or mineral material by human action. The term fill may also be used to describe the deposited material.

40. **Final Plat**. See Plat, Final.

41. **Floor Area**. The sum of the horizontal areas of all above-ground floors of a building. Floor area is measured from the exterior faces of a building or structure or in the case of common wall buildings, from the centerline of the common wall. Floor area includes structured parking area above finished grade level, but does not include the following:
    - Areas where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of-way;
    - Roof area, including roof top parking;
    - Roof top mechanical equipment;
    - Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42-inches in height, for 50 percent or more of their perimeter.

42. **Floor Area, Gross (GFA).** The total *floor area* of a building intended for occupancy or storage, including interior parking or loading spaces. GFA includes basements, attics, closets, restrooms, lobbies, hallways, stairwells and elevators, utility and mechanical spaces and loading docks, but excludes vent shafts, uncovered steps and exterior balconies. GFA is also referred to as gross square feet or GSF.

43. **Floor Area, Net**. The gross floor area of a building, excluding lobbies, restrooms, hallways, stairwells and elevators, mechanical spaces and loading docks. Also called "Gross Leasable Area."

44. **Floor Area Ratio (FAR).** The ratio (typically expressed as a decimal) of the total amount of enclosed gross floor area (GFA) within a building or structure to the amount of net lot area.

45. **Frontage**. The length of the *front lot line* of a *lot, parcel* or *tract* which abuts a public street or alley, or platted private street or alley, usually measured in feet. Lot frontage may be approximately equal to lot width on a *regular lot*, but may differ on other shapes of lots.

46. **Garage**. A structure or portion thereof designed and intended for use for parking or temporary storage of vehicles.

47. **Garage, front loaded or rear loaded**. See *loading*.

48. **Grade**. Ground elevation, measured in height in feet above mean sea level. Grade elevation is used in measurement of building height and for application of floodplain regulations.

49. **Grade, Finished**. The average of the ground elevations at the center of all walls of a building, following completion of site *grading*. If a wall is parallel to and within five feet of a sidewalk, finished grade is measured at the sidewalk.

50. **Grade, Native**. The ground elevation existing before human alteration such as grading, filling or excavation.

51. **Grading**. Cutting and/or filling of the ground surface to a desired slope or elevation.

52. **Green Streets**. Public or private streets designed to reduce or redirect stormwater runoff quantity and/or to improve stormwater runoff quality within the right-of-way or street tract. Green street design generally involves using vegetated swales, *bioretention* and/or pervious pavement as an alternative to conventional catch basins, pipes, curbs and detention facilities.

53. **Gross Acreage**. See *Acreage, Gross*.

54. **Gross Floor Area**. See *Floor Area, Gross*.

55. **Group Living Structure**. A structure intended for residential occupancy by six or more unrelated persons. Group living structures have common facilities for dining, social or recreational activity and laundry, sleeping areas and at least one cooking facility and one sanitary facility. Group living structure does not include *residential homes* or *residential facilities*.

56. **Height, Building**. The vertical distance from *finished grade* to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.

57. **High Capacity Transit**. See *Transit, High Capacity*.

58. **Historic Landmarks Advisory Committee (HLAC).** The Historic Landmarks Advisory Committee of the City of Hillsboro.

59. **Home Occupation**. A lawful business conducted on a residential property only by the principal residents and not more than two closely related persons, where the business operation is secondary to the use of the dwelling.

60. **Horticultural Activities**. Activities including, but not limited to, orchard keeping and vegetable or flower gardening, which may be conducted for either household consumption and enjoyment or in connection with a home occupation or residential business. Horticultural activities do not include keeping of livestock as defined in Hillsboro Municipal Code (HMC) Chapter 6.20.

61. **Hospital**. An institution which provides clinical, diagnostic and treatment services to patients on an inpatient, outpatient and emergency basis, and which has received a Certificate of Need from the State of Oregon.

62. **Household**. A group of not more than five persons not related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit. Residents of residential homes with eight or fewer persons with disabilities residing in a dwelling unit are also considered *households*. See also *Family*.

63. **Housing Types**

    (a) **Detached Single Family Dwelling.** A detached dwelling unit built and intended for occupancy by one family or household, constructed on-site or elsewhere.

    (b) **Duplex.** A residential structure on a single lot or parcel containing two dwelling units attached on a common wall, floor or ceiling.

    (c) **Two-dwelling Attached Townhouses.** Two dwelling units attached on a common wall, separated by a property line on the common wall.

    (d) **Three-Dwelling (or more) Attached Townhouses.** Three or more dwelling units attached on a common wall or walls, separated by property lines on the common wall(s).

    (e) **Multiple Dwelling Structure.** A residential structure on a single lot or parcel containing three or more dwellings units sharing common walls or floors and ceilings. Multiple-dwelling structures include apartments and condominiums without regard to ownership status.

    (f) **Manufactured Dwelling.** A detached single family dwelling, constructed to allow movement on public highways, that has sleeping, cooking, and plumbing facilities, which is intended and used as a residence and is constructed consistent with applicable state law. Also referenced as a mobile home.

    (g) **Manufactured Dwelling Park.** A lot or parcel on which four or more manufactured dwellings are placed, either owned in common by the dwelling owners or rented or leased to them by another party.

    (h) **Secondary Dwelling Unit.** An additional dwelling unit located on the same lot as a detached single family dwelling or a duplex. Also called an accessory or ancillary dwelling unit.

    (i) **Live-Work Dwelling. A** dwelling unit **occupied by both residential and non-residential** (commercial or light-industrial) uses, in which the non-residential use is subordinate to the residential use. The non-residential use may vary in size and intensity, and may be subject to additional standards to assure compatibility with the permitted uses of the base zone.

64. **Joint-Use Parking**. Surface or structured parking shared by two or more uses.

65. **Loading, Front, Side or Rear**. A descriptive term used to identify the location of a vehicular garage entrance or driveway in relation to the *main building entrance*. A front-loaded garage or driveway faces or accesses the same *street* as the main building entrance. A side-loaded garage or driveway faces a side street or alley or a *side lot line*. A rear-loaded garage faces the street or alley opposite the main pedestrian entry.

66. **Local Wetlands Inventory**. A systematic survey of an area to identify, classify and map the approximate boundaries of wetlands in accordance with the requirements of OAR Chapter 141, Division 086, used in place of the National Wetlands Inventory and incorporated into the Statewide Wetlands Inventory after approval by the Oregon Department of State Lands.

67. **Lot**. A unit of land created by a *subdivision*. The term lot may also be used generically to refer to units of land created through *partitions* or to *lots of record*. See also *Parcel* and *Tract*. Lots occur in a variety of shapes and configurations including the following:

    (a) **Lot, Corner.** A lot abutting two streets intersecting at an angle not greater than 135 degrees. Exception: lots with *frontage* on both a street and an alley are not considered corner lots.

    (b) **Lot, Double Frontage.** A lot having street frontage on two streets that do not intersect. Also called a reverse frontage lot or a through lot.

    (c) **Lot, Flag.** A lot so shaped that the buildable area (the "flag") is not adjacent to the street or alley on which the lot fronts, and which includes a private access strip (the "pole") connecting the buildable area to the street or alley.

    (d) **Lot, Interior.** A lot abutting a single street.

    (e) **Lot, Regular.** A *lot* having four property lines and typically square or rectangular in shape, where opposite *property lines* (front and rear; two opposite sides) are parallel or roughly parallel.

    (f) **Lot, Irregular.** A *lot* having four or more property lines, where opposite *property lines* are not parallel or are curved.

    (g) **Lot, Multiple Frontage.** A *lot abutting* three or more *streets*.

    (h) **Lot of Record.** A *lot*, *parcel*, or *tract* of land described on the Washington County Tax Maps as of the effective date of this Code.

    (i) **Lot, Parent / Lot, Child.** Parent *lot* refers to a *lot of record* or a *lot* in a *subdivision* which is proposed to be developed with one or more multiple-unit residential structure(s), and which may be further divided to allow individual ownership of each *dwelling unit*. Child *lot* refers to the unit(s) of land created from a *parent lot*.

68. **Lot Dimensions**. Physical lot dimensions include the following:

    (a) **Lot Area.** The total horizontal area inside the property lines of a lot, parcel, or tract. Lot area is generally measured in square feet or acres. For the purposes of this Code, lot area excludes any portion of a lot, parcel or tract located within public right-of-way regardless of the inclusion of that portion on in a meets and bounds description or other legal instrument.

(b) **Lot Coverage.** That portion of the lot area which is covered by structures taller than 24 inches above *native grade*. Lot coverage is expressed as a percentage of lot area.

(c) **Lot Depth.** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. Lot depth on corner lots is the horizontal distance between one of the front lot lines and the opposite interior lot line.

(d) **Lot Width.** The horizontal distance between the midpoints of the side lot lines. Lot width on corner lots is the horizontal distance between one of the front lot lines and the opposite interior lot line.

69. **Lot Line**. The property line bounding a lot, parcel, tract or lot of record. Types of lot lines include the following:

(a) **Lot Line, Front.** The property line(s) separating a lot, parcel, tract or lot of record from a street or access tract. Interior lots have one front lot line; corner lots have two front lot lines; multiple frontage lots have three or more front lot lines.

(b) **Lot Line, Rear.** The lot line of a regular, interior lot which is opposite and most distant from the front lot line. Corner lots, double frontage lots and multiple frontage lots do not have a rear lot line, but may have multiple side lot lines.

70. **Lot Line, Side**. Any lot line abutting another lot, parcel, tract or lot of record, which is not considered a front or rear lot line.

71. **Main Building Entrance**. A primary pedestrian entrance to a building.

72. **Major Transit Stop**. See Transit Stop, Major.

73. **Metro**. The Portland area metropolitan service district, which is the regional government established by Charter and providing defined regional services including planning and policy making.

74. **Minimum Residential Density**. The minimum number of dwelling units required per *net acre* of developable land.

75. **Mixed-Use Building or Development**. Buildings or developments which combine two or more types of uses, either vertically or horizontally. A mixed use building is designed to accommodate uses such as residential with commercial or light industrial, retail with office, or commercial with light industrial. A mixed use development typically consists of multiple buildings designed to accommodate diverse but compatible land uses.

76. **Mobile Home**. See Manufactured Dwelling in Housing Types.

77. **Multi-use path**. A path physically separated from motor vehicle traffic, located either within a street right-of-way or a separate right-of-way or easement, and intended for use by bicyclists, pedestrians and non-motor vehicle traffic.

78. **Native Vegetation**. Plants which occur naturally or historically within the City limits. Native vegetation species are identified and listed on Metro's Native Plant List.

79. **Net Acre**. See *Acreage, Net.*

80. **Nuisance Plants**. Plants which are both invasive and non-native. Nuisance plants are identified and listed on Metro's Nuisance Plant List.

81. **On-site Circulation**. The pattern internal to a development site that accommodates the movement of motor vehicles, bicycles and pedestrians.

82. **Palliative**. Medical service rendered to reduce or moderate temporarily the intensity of an otherwise stable medical condition, but not including those medical services rendered to diagnose, heal or permanently alleviate or eliminate a medical condition.

83. **Parcel**. A unit of land created by partitioning. When referencing lot configurations or lot dimensions, the term parcel may be used interchangeably with the term *lot*. See also *tract* and *lot of record*.

84. **Parking Space**. A permanently maintained space improved and used for the parking of one motor vehicle or one bicycle.

85. **Parking Structure**. A building above and/or below grade, constructed and used for parking motor vehicles, which may also include bicycle parking. Also referred to as structured parking.

86. **Partition**. Either the act of partitioning land or a unit of land partitioned.

87. **Pedestrian/bicycle accessway, or Accessway**. Any off-street path or walkway designed and constructed for use by pedestrians and/or bicyclists where such routes are not otherwise provided by the street system.

88. **Pedestrian Connection**. A route between two points intended and suitable for pedestrian use. Pedestrian connections include but are not limited to, pedestrian/bicycle accessways, sidewalks, walkways, stairways and pedestrian bridges.

89. **Pedestrian-Friendly Features**. Features in the built environment designed and used to enhance pedestrian comfort, safety and interest. Pedestrian-friendly features may include sidewalks, public art, awnings or other weather protection, fountains or water features, kiosks, landscaping, pedestrian-oriented signs and lighting, seating areas, street trees, transit stops and shelters, or *pedestrian scale* buildings with high levels of transparency and articulation.

90. **Pedestrian Scale**. The proportional relationship between the dimensions of a building or building element, outdoor space, street or streetscape element and the average dimensions of the human body, emphasizing features and characteristics which can be observed in close proximity at an average pedestrian's walking speed.

91. **Pedestrian-Sensitive**. An adjective used to describe development in which primary emphasis is given to pedestrian access and use of the site and buildings, rather than to motor vehicle access and parking areas. A "pedestrian-sensitive environment" is designed with *pedestrian friendly features* and is conducive to walking between destination.

92. **Person**. An individual, firm, partnership, association, or corporation.

93. **Planning Commission**. The Planning Commission of the City of Hillsboro.

94. **Planning Director**. The Planning Director of the City of Hillsboro or the Planning Director's designee.

95. **Planning and Zoning Hearings Board**. The Planning and Zoning Hearings Board of the City of Hillsboro.

96. **Plat**. A map or diagram and other writing(s) containing all the required descriptions, locations, specifications, dedications, provisions and information required by state law and prepared for the purpose of dividing property through subdivision or partition.

97. **Plat, Final.** A *plat* of a subdivision or partition, prepared by a licensed surveyor or engineer for submittal to the City for review pursuant to the requirements of Section 143.X (Application and Review Procedures), which demonstrates compliance with earlier conditions of approval and is intended to be recorded with the Washington County Surveyor in accordance with applicable State law.

98. **Plat, Preliminary**. A *plat* of a subdivision or partition prepared for submittal to the City for review and approval pursuant to the requirements of Section 143.X (Application and Review Procedures).

99. **Plaza**. An outdoor area designed to encourage social interaction and accommodate recreational activities, events and relaxation. Plazas are typically provided with pedestrian amenities, art and/or landscaping.

100. **Practicable**. Feasible; capable of being put into practice, done or accomplished given consideration of available technology and project economics. When applied in Significant Natural Resource Areas, the term is used relative to potential adverse impacts on the functions and values of the SNR.

101. **Primary Street Frontage**. Street frontage to which the primary building on the site is oriented, generally the street containing the primary pedestrian entrance to the building and/or the numbered street address of the building.

102. **Property Line**. The division line between two units of land.

103. **Property Line Adjustment**. The relocation or elimination of all or a portion of the common property line between abutting properties, which does not create an additional lot or parcel.

104. **Qualified Natural Resources Professional**. An individual having credentials which verify proven expertise and vocational experience in a given natural resource field.

105. **Reasonably Direct**. A term used to signify that a route minimizes out-of-direction travel.

106. **Redevelopment**. Construction of new structures, expansion or change of existing structures or building footprints, reconfiguration of existing driveways or parking, and site grading related to such additions, changes, or reconfiguration. Redevelopment does not include the following, when undertaken consistent with City regulations:

    - maintenance, repair or removal of existing structures, driveways or other site improvements;
    - interior structural improvements or vertical additions that do not affect existing building footprints or impervious areas on a site,
    - replacement of structures due to a catastrophic event such as fire.

    When used in conjunction with activity in a *Significant Natural Resource Area*, redevelopment also does not include activity which does not increase encroachment into the SNR area.

107. **Repair and Maintenance**. Activities intended to preserve and care for a structure, landscaping, or other improvements (including the continued maintenance of *adjacent* native vegetation for prevention of fire hazard) to such an extent that they remain safe, presentable and carry out the purpose for which they were initiated, installed, constructed or required, without expanding the existing development or activity.

108. **Residential Facility**. "Residential facility" as defined by state law (currently ORS 197.660), including a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443, licensed or registered under ORS 443 or licensed under ORS 418, by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements are not counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

109. **Residential Home**. "Residential home" as defined by state law (currently ORS 197.660), including a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Services, as defined in ORS 443, a residential facility registered under ORS 443, or an adult foster home licensed under ORS 443 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements are not counted in the number of home residents, and need not be related to each other or to any resident of the residential home.

110. **Review Authority**. The person or body responsible for making a decision regarding a land use application or appeal. Review Authority in this Code may refer to the *Planning Director*, the *Planning and Zoning Hearings Board*, the *Historic Landmarks Advisory Committee*, the *Planning Commission* or the *City Council*. The person responsible for decisions related to public infrastructure and public rights-of-way is the City Engineer.

111. **Right-of-Way**. An area of land dedicated, deeded or granted to the public to accommodate public uses such as a portion of a transportation system or public utility system. Examples of rights-of-way include transportation routes for motor vehicles, transit, bicycles and pedestrians and public utility corridors for water, sewer, and stormwater lines, power lines and gas lines.

112. **Setback**. The distance between a structure and the *property lines* of the *lot, parcel*, or *tract* on which it is located. See also *Yard*.

113. **Significant Natural Resource Area (SNR).** A significant wetland, riparian corridor and/or wildlife habitat as identified in the adopted List of Significant Goal 5 Natural Resource Sites in Hillsboro and the City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report.

114. **Significant Natural Resources Permit (SNRP).** An approval granted by the *Review Authority* after a review process is completed that allows certain activities or uses to occur in the Significant Natural Resources Overlay District. The review process and approval criteria for a Significant Natural Resource Permit are specified in Sections 131A and 131B (Significant Natural Resources Overlay) and 143.X (Application and Review Procedures).

115. **Significant Natural Resource (SNR) Site**. The physical location of a *Significant Natural Resource*.

116. **Site Alterations, Major**. Non-structural site alterations disturbing more than 500 sq. ft. of ground area due to grading or paving, for which approval is not required through a Type I, II or III process, and which affect site access, topography, mature trees, natural resources, required landscaping, or which alter the on-site drainage pattern at a property line.

117. **Site Alterations, Minor**. Non-structural site alterations disturbing up to or less than 500 sq. ft. of ground area due to grading or paving, which do not affect site access, topography, mature trees, natural resources, required landscaping, or which do not alter the on-site drainage pattern at a property line.

118. **Shared Parking**. Public or private parking shared by two or more uses.

119. **Stabilization**. Construction methods intended to either: a) prevent erosion or failure of a soil slope following *grading* or vegetation removal; or b) structural reinforcement or arresting of material deterioration of a building to prevent failure.

120. **Story**. That portion of a building between the upper surface of any floor and the upper surface of the floor next above, with the exception that the top story is that portion of a building between the upper surface of the top floor and the ceiling above or the roof rafters if there is no ceiling. A basement is considered a story if the finished floor level directly above the basement is more than six feet above finished grade. Story or stories are an internal measurement of the vertical dimension of a building, as opposed to *building height* which is an external measurement.

121. **Street**. A right-of-way or tract intended for motor vehicle, pedestrian or bicycle travel and/or access to abutting property. For purposes of this Code, facilities with other terms meeting this definition (such as road, avenue, or highway) are also considered streets. "Street" does not include alleys, railroad rights-of-way, or the Sunset Highway (U.S. Highway 26). The Transportation System Plan categorizes streets into the classifications listed below: dimensions and construction standards for each street classification are found in Chapter 9.04 of the Hillsboro Municipal Code (HMC).

    (a) **Street, Cul-de-Sac.** A street having only one open end and permanently terminated by a vehicular turn around. The term may also refer to the turnaround area itself.

    (b) **Street, Local Residential**. A street intended to serve only abutting land and designed to carry less than 1500 cars per day.

    (c) **Street, Neighborhood Route.** A street providing connectivity between *local residential streets* and *collector streets* or *arterial streets,* used by residents in an area to enter or exit a neighborhood but not serving as city-wide area circulation.

    (d) **Street, Collector.** A street providing both access and circulation within residential and commercial/industrial areas. Collector streets may penetrate residential neighborhoods distributing trips for the local and neighborhood route systems.

(e) **Street, Arterial.** A street intended to serve as a primary route for travel between the city and other parts of the region or between major areas of urban activity.

122. **Street, Commercial or Industrial**. A *street* intended to serve primarily *abutting* commercial and/or industrial uses. Streetcar. See *Transit*

123. **Streetscape**. The design elements that constitute the physical makeup of a street and that as a group define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, signs and lighting.

124. **Structure**. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or which is attached to something having a location on the ground.

125. **Subdivision**. Either the act of subdividing a unit of land or the unit of land subdivided.

126. **Third Place**. A location which is neither "home" nor "work", which functions as a gathering place for social interaction. Third places can be either indoors or outdoors, and either publicly or privately owned.

127. **Tract**. A unit of land created by *partition* or *subdivision*, created for and limited by deed restriction or dedication to a specific use, including but not limited to *access*, utility placement, vehicle storage, open space, or *significant natural resource* areas. In phased developments, the term may also be used to describe units of land intended for future development. See also *Lot* and *Parcel*.

128. **Transit**. Scheduled passenger transportation services provided by public, private, or non-profit entities. Examples of transit include bus service and the following:

(a) **Bus Rapid Transit.** A transit system using buses, serving major transit routes with limited stops on routes where the bus route is physically separated from other modes. Bus Rapid Transit is intended to emulate *light rail transit* in speed, frequency and comfort.

(b) **Commuter Rail.** Transit service on existing freight ("heavy") rail tracks, either exclusively or shared with freight use. Commuter rail service typically focuses on peak periods but can be offered at other times when demand exists and where rail capacity is available. Commuter rail stations are typically located one or more miles apart.

(c) **High Capacity Transit.** A form of public transit distinguished from local service transit such as bus lines by higher speeds, fewer stops, more passengers, and more frequent service. High capacity transit includes light rail, commuter rail, bus rapid transit and rapid streetcar transit.

(d) **Light Rail Transit.** A high-capacity transit system operating on fixed tracks, which may or may not be located in a street right-of-way.

(e) **Streetcar.** A relatively lightweight passenger railcar operated either singly or in a short train, on fixed rails in right-of-way which may or may not be separated from motor vehicle traffic. Streetcars operate among neighborhoods within cities, as opposed to among cities.

129. **Transit Center**. A hub location where transit lines or routes for multiple transit modes meet to facilitate transfers.

130. **Transit Park and Ride**. Any surface parking lot or parking structure located at a transit stop which provides automobile and bicycle parking.

131. **Transit Route**. Any public or private *right-of-way* where *transit* service is currently provided or a location planned for future *transit* service as identified on the Transit Master Plan in the *Transportation System Plan*.

132. **Transit Route, Major**. A transit route which serves areas planned and zoned for higher population and employment densities such as Metro 2040-designated regional centers, town centers, employments centers, main streets, station communities, and corridors. As used in this definition, "major transit routes" are limited to the following streets:

- 1st Avenue / Glencoe Road
- 185th Avenue
- Baseline Street / Road
- 194th Avenue / Terrace
- Cornelius Pass Road
- Cornell Road
- Evergreen Parkway
- Oak Street
- Main Street
- Washington Street
- 205th / 206th Avenues / John Olsen Avenue
- 229th / 231st Avenue/Century Boulevard
- Tualatin Valley Highway
- Existing and planned HCT Rights-of-Way shown in adopted City plans.

133. **Transit Stop**. Any area posted as a transit stop where transit passengers board or exit.

134. **Transit Stop, Major**. An existing transit stop, or one shown in an adopted city plan, located on a *major transit route*.

135. **Transit Station**. Land owned or held through permanent easement by a transit provider, on which facilities are related to a *high capacity transit* stop are located, such as a station platform, park and ride lots, larger shelters, bike station, information kiosks, public art, and other similar facilities. Land intended for future use as a transit station is called a "transit station site".

136. **Transportation System Plan**. The adopted transportation system plan of the City of Hillsboro, cited in Hillsboro Comprehensive Plan Section 13.

137. **Usable Open Space**. Planned and improved open areas providing opportunities for active recreation; passive relaxation; or community interaction. Usable open space does not include: foundation landscaping; enlarged or enhanced parking strips or sidewalks; or unimproved or vacant areas.

138. **Use**. The activity or operation for which land or a structure is designed or constructed, or for which it is occupied or maintained.

139. **Vegetation Removal.** Removal of site vegetation through cutting, clearing, grubbing, or similar activities. Vegetation removal does not include routine maintenance of landscaped areas or removal of individual diseased or dead plants, shrubs or trees.

140. **Vision Clearance Area**. An area *adjacent* to a street or a railroad, in which sight obstructing plantings or structures may be restricted to improve traffic safety.

141. **Visitability**. A term used to describe building design features which allow persons with mobility impairments to visit, but not necessarily to live, in a dwelling.

142. **Walkway**. A transportation facility built for use by pedestrians, usually located outside a *street right-or-way* or *tract*. Examples of walkways include pedestrian paths and nature trails.

143. **Wetland**. An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions.

    (a) **Wetland, Significant.** A wetland that both meets the Department of State Lands definition of a Locally Significant Wetland and is listed on the Local Wetlands Inventory. Significant wetlands may be either associated with a stream or hydrologically isolated.

    (b) **Wetland, Non-Significant.** A wetland that does not meet the Department of State Lands definition of a Locally Significant Wetland and does not appear on the Local Wetlands Inventory. Development in non-significant wetlands is not regulated by this Code, but does require DSL notification under ORS 227.350.

144. **Wildlife Habitat**. An area upon which wildlife depends in order to meet their requirements for food, water, shelter, and reproduction as defined in OAR 660-023-0110.

145. **Yard**. The area between a structure and a property line. See also *Setback*.

146. **Yard, Front (Interior lot).** The yard between the side lot lines from the front lot line to the nearest point of the structure.

147. **Yard, Front (Corner Lot).** Any yard abutting a front lot line.

148. **Yard, Interior (Corner Lot).** Any *yard* other than a *front yard*

149. **Yard, Rear**. The yard between side lot lines from the rear lot line to the nearest point of the main structure.

150. **Yard, Side**. The yard between the front and rear yard from the side lot line to the nearest point of the structure. The term "street side yard" may be used to indicate a front yard on a corner lot.

C. Acronyms and Abbreviations

As used in this title, the following acronyms and abbreviations reference the statute, agency, organization or item indicated:

ADA	The Federal Americans with Disabilities Act of 1990 (P.L. 101-336)
ASCO	Airport Safety and Compatibility Overlay (zone)
Corps	U.S. Army Corps of Engineers
County	Washington County
CDC	Community Development Code
CCRs	Covenants, Conditions and Restrictions

COH	City of Hillsboro
CWS	Clean Water Services District
DLCD	Oregon State Department of Land Conservation and Development
DLUT	Washington County Department of Land Use and Transportation
DSL	Oregon Department of State Lands
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
Ft.	feet or foot
FHA	The Federal Fair Housing Act of 1968 (PL 90-284) Title VIII
GFA	gross floor area
HLAC	Historic Landmarks Advisory Committee
HOA	Homeowners Association
HCP	Hillsboro Comprehensive Plan
HCT	High Capacity Transit
HMC	Hillsboro Municipal Code
LCDC	Oregon State Land Conservation and Development Commission
LOS	Level of Service
LUBA	Oregon State Land Use Board of Appeals
LRT	Light Rail Transit
Metro	Portland Area Metropolitan Service District
ODA	Oregon Department of Aviation
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statute.
OAR	Oregon Administrative Rule
PUD	Planned Unit Development
PUE	Public Utility Easement
ROW	Right-of-Way
SCPA	Station Community Planning Area
SNRA	Significant Natural Resource Area
SNRP	Significant Natural Resource Permit
Sq. ft.	Square feet or square foot
Tri-Met	Tri-County Metropolitan Transit Service District
TPR	Statewide Transportation Planning Rule OAR 660-12-0060

THPRD	Tualatin Hills Park and Recreation District
TSP	Transportation System Plan
TVWD	Tualatin Valley Water District
US	United States
V/C	Volume to Capacity (ratio)