



April 18, 2012

SUPPLEMENTAL STAFF REPORT

TO: Planning Commission

FROM: Planning Department

RE: Case File No. ZOA 1-12: Section 143 Urban Center Zones
Proposed Zoning Ordinance text and map amendments to adopt and apply new urban center zones to the AmberGlen Community Plan area

REQUEST AND BACKGROUND

Planning staff requests that the Planning Commission recommend City Council approval to amend the Hillsboro Zoning Ordinance (HZO) to add a new Section 143, Urban Center Zones, and to amend the Zoning Map to replace existing Station Community zones within the AmberGlen Community Plan area with the proposed Urban Center zones. Proposed HZO amendments would establish a new Section 143 Urban Center Zones and six Urban Center (UC) zone districts:

- Urban Center Residential Medium Density (UC-RM);
- Urban Center Mixed Use Urban Density (UC-MU);
- Urban Center Activity Center (UC-AC);
- Urban Center Neighborhood Center (UC-NC);
- Urban Center Office Research (UC-OR); and
- Urban Center Research Park (UC-RP).

The Planning Commission was scheduled to open the first evidentiary hearing on February 22, 2012. The Vice President opened the regular meeting on February 22, 2012. Due to lack of a quorum, the public hearing on Case File ZOA 1-12 was postponed to a date certain of March 14, 2012. The Planning Commission opened the first evidentiary hearing on March 14, 2012 and received the staff report and supplemental staff report and testimony from the public.

Following testimony and discussion, the Commission continued the hearing to April 11, 2012 in order to allow for additional new testimony and to allow staff time to address concerns and questions raised, as directed by the Planning Commission. The hearing was resumed on April 11, 2012 and was immediately recessed and continued to April 25, 2012 without receiving new testimony or supplemental staff reports to allow staff additional time to continue to work with stakeholders to address concerns raised earlier on March 14, 2012, as directed by the Planning Commission.

Proposed Zoning Ordinance amendments were provided to the Planning Commission with the February 15, 2012 staff report as follows:

- Exhibit A: Text of proposed Zoning Ordinance amendments to add a new Section 143 Urban Center Zones (February 15, 2012 Draft);
- Exhibit B: Map showing AmberGlen Community Plan area locations to be rezoned to the new Urban Center zones; and
- Exhibit C: List of tax lots to be rezoned to the proposed Urban Center zones.

As documented in the list below, additional materials including recommended revisions to the proposed text amendments have been provided as attachments with this supplemental staff report. All previous attachments provided in the February 15, 2012 staff report and March 7, 2012 supplemental staff report are included herein by reference and remain unchanged, with the possible exception of the recommended text revisions.

- Attachment 1. Memorandum from Peter Brandom, Sustainability Coordinator dated March 28, 2012.
- Attachment 2. List of potential changes to the text of proposed Zoning Ordinance amendments (Proposed Zoning Ordinance text amendments were provided with the February 15, 2012 staff report as Exhibit "A")
- Attachment 3. Draft Order 8065 recommending City Council Approval (Exhibits "A", "B" and "C" remain unchanged from initiation with the possible exception of text revisions noted herein in Attachment 2.)
- Attachment 4. Draft Findings (Exhibit "E" to draft Order 8065)
- Attachment 5. Transportation Planning Rule Compliance Letter, Scott Harmon, PE, PTOE, Senior Traffic Engineer, David Evans and Associates, Inc. dated March 15, 2012.

SUMMARY OF REVISIONS TO PROPOSED AMENDMENTS

Revisions to the proposed text amendments provided with the February 15, 2012 staff report (Exhibit "A") have been anticipated upon completion of the City Attorney's legal review and internal review by staff for consistency and coordination with the Volumes I and II of the current Hillsboro Zoning Ordinance (HZO) and the ongoing Community Development Code (CDC) reorganization effort. In addition, staff was informed just prior to the March 11, 2011 public hearing about conflicts between draft green building standards and State statues intended to apply the state building code uniformly throughout the state, necessitating revisions to draft provisions that are more stringent than State requirements. Also, the Sustainability Coordinator has provided information that allows fine-tuning of standards related to recycling and trash enclosures and access.

A detailed list documenting all suggested changes is provided in Attachment 2. These revisions are discussed in general terms below with page numbers referencing specific text revisions provided in Attachment 2. Testimony received and related potential revisions are addressed in this staff report on page 7.

Revisions Based on Staff Review for HZO/CDC Coordination and Consistency

Section 143.I.B Applicability (p.1):

- Clarification that in the case of conflicts with Section 133 Development Review, the provisions of Section 143 Urban Center zones shall apply.

Section 143.II Land Use Zones (pp.1-2):

- Removes specific references to “AmberGlen area” as the term is vague and the UC zones may be applied at future urban centers located elsewhere in the City.
- Removes “proposed” from description of zones and relates introduction to the purpose statements identified for each zone.
- Replaces vague language regarding “unique” character.

Section 143.III Housing Types (p. 3):

- Correction to table allows single-family detached dwellings in UC-RP zone (OHSU West Campus) when limited to caretaker use. This secondary use is not subject to minimum residential density requirements.

Section 143.IV Use Regulations (pp. 3-5):

- References and clarifications provided for limited uses where none had previously been provided.
- Outdated reference to “Interim” uses for Industrial Services deleted.
- Limitation placed on ‘Commercial Recreation’ and ‘Durable Goods’ uses for consistency with reference.

Section 143.V Standards (pp. 5-9)

- Revisions to Section 143.V.B Application of Minimum Density and Intensity Requirements clarify that density measured by dwelling units/per net acre applies to residential uses and to vertical mixed use development that includes non-residential uses at the ground floor and residential uses at upper floors. Standards revised to clarify that in these cases, FAR standards do not apply.
- FAR standards removed from the UC-RM zone because non-residential uses are not permitted in this transition zone. Two minimum FAR standards for UC-RP zone are related to Station Community standards distance from transit standards which will be replaced in the CDC. Therefore, the UC-RP standards have been reduced to a single standard.
- Heights expressed as stories are translated to numerical standards. The maximum height in the UC-RP (OHSU West Campus) zone is increased for consistency with current height standards.

- In all zones except UC-RP, revision clarifies that the Build to Zone standard is measured from the “front lot line” (as defined in Section 143.XI Definitions) rather than from “back of sidewalk” which is vague and not defined.
- “Primary” removed from Street Frontage standard in all zones except UC-RP to avoid confusion because definition “frontage” and “front property line” (“front lot line”) clearly states that multiple frontage lots have three or more front lot lines.
- Note provided to explain that there are no illustrations or photo examples for unique institutional development in the UC-RP zone.

Section 143.VIII.D.2.(h) Figure 15. Green Access Lane (p.10)

- Annotation revised to remove “ROW” because Green Access Lanes are expected to be primarily privately-owned facilities with public access easements rather than ROW.

Section 143.IX.C Massing and Form (pg.11)

- Revisions remove transition standards regulating maximum height from applying in proximity to Stucki Avenue north of NW Gibb Drive because the transition is intended to protect impacts to the UC-RP zone and Bronson Creek which are not located near Stucki Avenue north of NW Gibb Drive.
- Revision clarifies that the bulk plane shall begin at a height of 65 feet measured at the property line at the street frontage. Revisions also apply to diagram showing bulk plane beginning at the face of the building facing the street rather than at the street frontage.

Revisions Based on Sustainability Issues

Section 143.VIII.H Landscaping (pp. 10-11)

- Revisions allow additional flexibility and to clarify that edible vegetables and fruits are permitted on site integrated into the landscaping as well as in community gardens.

Section 143.VIII.K Recycling and Trash Enclosure (p. 10)

- Revisions refine standards based on information received from six franchised waste haulers. A memo from the City Sustainability Coordinator summarizing information received provided the basis for revisions to this section (see Attachment 1).
- Revisions require the recycling collection area and trash collection area to be adjacent to one another.
- Clearance and access standards are refined and apply to trash enclosures and containers and well as for recycling.

Section 143.IX.G Green Building Requirements (p. 13)

As discussed at the March 14, 2012 public hearing, staff was notified of a conflict between proposed Green Building Requirements (Section 143.IX.G) and State statutes intended to apply the statewide building code uniformly throughout the state. The issue was reviewed by the City Attorney’s office, Sustainability Coordinator and senior staff from the Building and Planning Departments. Melanie Adams, Assistant Building Director and Colin Cooper, Assistant Community Development Director met in Salem with staff from the State Building Codes Division. The purpose was to learn if the draft green building provisions may be a candidate for special approval of local ordinances by the Director of the Department of Consumer and Business Services via the State Building Codes Division Administrator. Staff learned that a

compelling written argument must be submitted to demonstrate that the the current uniform code cannot meet the City's needs and that other paths, such as incentivizing LEED or equivalent construction are unavailable. Ms. Adams noted that there is a lack of precedent for adoption of more restrictive (rather than more lenient) regulations, and that the City would need to demonstrate why the voluntary REACH CODE is not a viable alternative. Ms. Adams concluded that while a local amendment to the state code is not completely out of the question, the State Building Codes Division has made it clear that they will be using the "beyond a reasonable doubt" standard in assessing Hillsboro's potential application forward

Given this information, staff recommends the following with regard to the proposed Zoning Ordinance amendments to *Section 143.IX.G Green Building Requirements* (p. 13):

- Remove the two conflicting standards requiring LEED certification at the Silver Level or equivalent, and the requirement for 50 percent construction material to be recycled content.
- Retain the requirement for at least 75% of construction debris to be recycled within 100 miles of the project site.
- Staff will continue to gather information and determine whether the local amendment to the State code is worth pursuing.
- Planning staff will analyze Section 143 requirements in terms of LEED certification points. Based on findings, a brochure outlining to what extent development in the UC zones meets LEED Silver certification with information on areas where the requirements may be met to obtain the certification. The brochure would be used as a tool for discussion at pre-application meetings and would be posted on the City's website.

Revisions Based on Legal Review

Section 143.X. Procedures (pp.12 -34)

The section was reviewed by the City Attorney's office. The recommended revisions largely reflect the following three categories:

- Modifications to match existing practice;
- Modification to conform to most current applicable law; and
- Modification to remove unnecessary and potentially harmful language regarding "rough proportionality".

Section X. Procedures continues to be review as it will be adopted with the CDC. Senior Project Planner Deborah Raber and a representative from the City Attorney's office will be present at the meeting on April 25th should the Commission have questions regarding the proposed revisions as they would apply in the near-term to development in the UC zones.

OUTSTANDING ISSUES RAISED AT PUBLIC HEARING

Testimony was received at the March 14, 2012 public hearing from Steve Abel representing Principal Financial Group, a key AmberGlen Property Owner. The testimony focused on the economic viability of development subject to the proposed zoning amendments. The area of primary concern is the parking standard (Section 143.VI.A.3) that requires new buildings exceeding 75,000 gross square feet of floor area to limit surface parking area to no more than 25% of the lot or parcel area. Other concerns were related to the practicality of the grid imposed by the street and connectivity standards (Section 143.VIII.C), location-specific requirements for 60 percent of the ground floor street frontage of a building to be constructed to accommodate pedestrian-active retail and service uses (Section 143.IV.D), and concerns with upzoning in the face of uncertainty regarding infrastructure necessary to support envisioned densities. Ty Barker representing another AmberGlen property owner testified that he shared similar concerns and noted that the change in zoning creates uncertainty about the future that may adversely affect property values.

Staff has continued in discussion with representatives from Principal Financial to address these concerns. Steve Abel on behalf of Principal Financial requested that the following amendment be advanced before the Planning Commission:

Proposed Modification of Paragraph VI.A.3

VI.A.3 *When a new primary structure containing more than ~~75,000~~ 200,000 square feet of gross floor area is constructed after the effective date of this ordinance, no more than 25 percent of the lot or parcel area 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.*

Rationale

As originally stated, this regulation would require that no more than 25 percent of the area of a lot or parcel would be allowed to be in surface parking if the FAR of a building on the site is in excess of 75,000 square feet. Principal believes that this provision is a significant obstacle to development. Further, because of the restrictive elements of the provision, the motivation for developers will be to build building FARs with less than 75,000 square feet. The provision will result in small buildings which are simply not consistent with the vision of the AmberGlen Plan.

The proposed modification increases the amount of building allowable on a site to 200,000 square feet of FAR without the parking structure mandate.

Staff will address the concerns raised, including the proposed modification to Section 143.VI.3 regarding the limitation on surface parking area, at the public hearing on April 25th. Supplemental findings on these issues and any recommended revisions to proposed amendments will be provided in a supplemental staff report and presented by staff.

RECOMMENDATION

Planning staff recommend that the Planning Commission reopen the continued public hearing on April 25th and receive the supplemental staff report and any additional testimony on the issues addressed by staff, or on any other matter related to the proposed Zoning Ordinance amendments. If the Commissioners believe concerns have been adequately addressed, the public hearing could be closed.

Should the Commission choose to recommend approval of the proposed Zoning Ordinance Amendments (as further amended by Attachment “2”), staff has prepared a draft Order 8065 to that effect (Attachment “3” to this staff report). Exhibits “A” “B” and “C” to draft Order 8065 remain unchanged from initiation except as noted herein in Attachment “2” to this staff report. Exhibit “D” is reserved for any text amendments needed to conform the Zoning Ordinance to the changes adopted as new Section 143, and to delete references to the Station Community Research Park (SCRCP) Land Use District because the designation currently applies to the Oregon Health Sciences University West Campus and per the proposed amendments, will no longer apply to land in the City. Draft Findings documenting compliance with applicable criteria are provided in Exhibit “E” to the draft Order (Attachment “4” to this staff report). Detailed compliance with the Transportation Planning Rule is documented in the letter from Scott Harmon of David Evans and Associates, dated March 15, 2012. This letter is referenced in the draft Findings and provided in Attachment “5” to this staff report.

Respectfully submitted,

CITY OF HILLSBORO PLANNING DEPARTMENT



Paige Gogonian, AICP, AIA
Urban Design Planner

Attachments:

1. Memorandum from Peter Brandom, Sustainability Coordinator dated March 28, 2012
2. List of potential changes to the text of proposed Zoning Ordinance amendments (Proposed Zoning Ordinance text amendments were provided with the February 15, 2012 staff report as Exhibit “A”)
3. Draft Order 8065 recommending City Council Approval (Exhibits “A”, “B” and “C” remain unchanged from initiation except as noted herein in Attachment “2”.)
4. Draft Findings (Exhibit “E” to draft Order 8065)
5. Transportation Planning Rule Compliance Letter, Scott Harmon, PE, PTOE, Senior Traffic Engineer, David Evans and Associates, Inc. dated March 15, 2012.



MEMORANDUM

DATE: March 28, 2012

TO: Paige Goganian, Urban Design Planner
Colin Cooper, Assistant Plannign Director

FROM: Peter Brandom, Project Manager II - Sustainability

SUBJECT: Considerations for Regulatory Stipulations for Collection of Solid Waste & Recyclables Materials in Amberglen

Summary:

The six franchised waste haulers in the City of Hillsboro were consulted during the Amberglen community planning process. As the zones and regulations for Amberglen are nearing completion, this memo summarizes feedback pertaining to provisions for the haulers to provide waste and recycling services to both residential and commercial properties within Amberglen. Anticipated to be a high density community, foresight now may benefit the logisitics of waste/recycling storage and collection in Amberglen.

Background:

Storing and collecting waste, including garbage and recyclables, in high or very high density communities and neighborhoods can present a challenge that with foresight and planning can easily be overcome. The waste collection vehicles and frequency of service can be very different in high density developments as opposed to lower density residential or commercial developments. The City of Hillsboro franchised waste haulers were invited to provide some specific feedback to inform the development of the Amberglen regulations. In particular, they were asked to suggest recommended vertical height clearance requirements for collection vehicles (trucks) as well as considerations for amount and accessibility of waste/recyclables storage areas.

Hauler Recommendations:

General:

The franchised haulers operate various truck makes and sizes. Some conservative (i.e., on the large side) truck specifications are provided here for context.

- Most trucks are 8 feet in width, so a 12 ft access road is tight but doable. A minimum of 15 feet would be ideal.
- For roll cart service (existing residential and small commercial service in Hillsboro) the side load trucks require more width for servicing the roll carts. Any placement of roll carts for service would require a minimum width of 15 feet to accommodate the truck and the grabber arm; a 20 feet minimum would give an optimal, safe operating area.

Height Clearance:

A minimum of 14 feet height clearance is standard for safely operating any large trucks over the road. Garbage trucks require much more because many of the operations occur above the truck (e.g., tipping):

- Side load garbage truck for roll cart collection, minimum 18 feet height clearance with the grabber closed with a roll cart. (Typical for single family, duplex and other residential, and small commercial service).
- Front load truck for container (non-roll cart) collection, minimum 24 feet height clearance with forks extended with a container. (Typical for multi-family, apartments/condos, small commercial service).
- Drop Box truck for compactors, minimum 30 feet height clearance with boom extended with compactor. (Typical for larger multi-family residential, larger commercial service).

Overhangs are problematic in narrow alleys; there is barely enough room to drive through the alley. Roll carts are placed under the eaves against the building limiting vertical clearance. For example, the Redspire and Lockheart developments are not open to thru traffic, they are gated at NE 15th; haulers must open the fire gates when we service here (photos can be provided).

Length Clearance:

Truck length is critical for access and turning maneuverability. Most of garbage trucks range between 26 to 34 feet but there are a couple of key factors for specific scenarios.

- A Front Load truck may be 34 feet in length with the forks stowed but is 42 feet in length with the forks extended to pick up a container.
- A Drop Box truck is 34 feet in length but requires a minimum of 60 feet to position the truck and to roll the box or compactor on and off the truck.
- These measurements assume perfect conditions (i.e., no landscape, no parked cars, no road signs, no basketball hoops, etc.).

Other Considerations:

- Private drives vs. public streets – parking issues: Private drives are very problematic when it comes to enforcing the no parking signs. Police have no authority over the private drives in terms of parking code enforcement. It has been suggested to make these no parking zones Fire Lanes in which the Fire Marshal has the authority to enforce the no parking zones (photos can be provided).
- Viability: It is critical in tight, narrow alleys to have good visibility at the corners and cross streets. It is impossible to safely back a garbage truck out of a dead end safely in these situations. Minor accidents are common in these developments. The houses are built right to the road's edge and trees and other landscape is added making for poor visibility and dangerous situations.
- High density neighborhoods such as the Arbor Roses and Orenco developments have a mix of small single family dwellings, attached multifamily dwellings, and multifamily apartments. In these developments there are a mix of street front and alley access to the house for services. With houses that have both street and alley service points it should be required to visibly post street addresses in both locations.
- Assuming that the Amberglen Development resemble the Orenco area, enclosures are placed in the parking areas with containers for service. If there are delivery docks they could utilize container and/or Drop Box compactors which is an efficient service.

Attachment 2. Suggested Changes to Proposed Text Amendments

(Note: Proposed text amendments were provided with the February 15, 2012 staff report as “Exhibit A”)

Suggested changes to draft Section 143 Urban Center Zones provided with the February 15, 2012 staff report are indicated with tracking notation as follows: **Underline** indicates insertion of new text; ~~strikethrough~~ indicates deletion of text. The intent is to provide a record tracking all proposed changes. The basis or rationale for the changes is discussed in the April 18, 2012 staff report. This attachment presents changes as excerpts and is best understood when reviewed in conjunction with the complete draft Section 143 Urban Center Zones provided as Exhibit “A” with the February 15, 2012 staff report.

SECTION 143. I PURPOSE AND APPLICABILITY

B APPLICABILITY

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.

(No further revisions to Section 143.I.B Applicability)

SECTION 143.II LAND USE ZONES

Each of the six Urban Center (UC) land use zones ~~proposed within the AmberGlen area~~ is described below in terms of its purpose. The UC zones are based on corresponding Community Plan development type and purpose ~~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 ~~proposed~~ UC-RM zone is to:

1. Provide opportunities for a mix of townhomes, condominiums and apartments, and other multi-family dwellings within the ~~AmberGlen area~~ UC zones; and
2. Provide a transition between higher intensity development desired at the core of the ~~AmberGlen area~~ urban center and lower intensity residential development at the periphery of ~~the AmberGlen area and adjacent to the UC zones~~ (both existing and planned).

B. URBAN CENTER-MIXED USE URBAN DENSITY (UC-MU)

The purpose of the ~~proposed~~ 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 ~~that is unique in the City of Hillsboro~~ 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 ~~proposed~~ 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 ~~proposed~~ 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 throughout in the AmberGlen urban center area.

E. URBAN CENTER – OFFICE/RESEARCH (UC-OR)

The purpose of the ~~proposed~~ 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 AmberGlen 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 ~~proposed~~ UC-RP zone is to:

(No further revisions to Section 143.II Land Use Zones)

SECTION 143.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	N <u>L</u>	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

(No further revisions to Section 143.III Housing Types)

SECTION 143.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 UC¹**

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	P <u>L</u>	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.(e <u>f</u>)
Durable Goods Sales	N	C, L	L	L	C, <u>L</u>	N	See § 143.IV.C.1.(fg)

¹ Use categories are as listed in the new Draft CDC.

Use	Zones						Clarifications
	UC-RM	UC-MU	UC-AC	UC-NC	UC-OR	UC-RP	
Eating and Drinking Establishments	N	P	L	L	P	N	See § 143.IV.C.1.(gh)
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.(hj)
Retail Products and Services	N	L	L	L	C	N	See § 143.IV.C.1.(hk)
Self-Service Storage	N	L	N	L	L	N	See § 143.IV.C.1.(jl)
Vehicle Service and Repair	N	N	N	L	L	N	See § 143.IV.C.1.(km)
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.(op)
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.(kp)
Detention Facilities	N	N	N	N	N	N	
Hospitals	N	C, L	N	N	C, L	N	See § 143.IV.C.1.(lq)
Major Assembly Facilities	N	L	L	L	L	C	See § 143.IV.C.1.(mr)
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.(rs)

(P) Permitted (C) Conditional (L) Limited ~~(+) Interim~~ (N) Not Permitted

(No further revisions to Section 143.IV.A Available Uses)

C. USE SPECIFIC STANDARDS

1. Primary Uses

(e) Commercial Recreation

- (1) In the UC-MU, UC-AC, UC-NC and UC-OR zones, outdoor commercial recreation uses are not permitted.

(a) 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.

(n) Industrial Services

- (1) In the UC-NC zone, no facility shall contain more than 25,000 sq. ft. of gross floor area.

~~(b)(o)~~ Community Services

- (1) In the UC-AC and UC-NC ~~and UC-OR~~ zones, no facility shall contain more than 25,000 sq. ft. of gross floor area.

~~(c)(p)~~ 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.

- ~~(1)(2)~~ Outdoor storage of materials, supplies, equipment or other items is not permitted.

(No further revisions to Section 143.IV.C Use Specific Standards)

SECTION 143.V BASE DEVELOPMENT STANDARDS

A. DEVELOPMENT STANDARDS TABLES

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 ~~or residential development with ground floor non-commercial uses. If ground floor support uses are included~~ In vertical mixed use projects, ground floor, ~~the non-residential portion of the ground floorspace~~ 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 ~~non-residential portion of the project is not limited to ground floor non-residential support for upper floor residential uses,~~ 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.

(No further revisions to Section 143.V.A.2 Application of Minimum Density and Intensity Requirements))

Table 143-V-A-1 Base Development Standards for Urban Center Residential Medium Density Zone (UC-RM)

Density/Intensity		
Residential Density		
<ul style="list-style-type: none"> ▪ Minimum ▪ Maximum 	<ul style="list-style-type: none"> ▪ 24 du/na ▪ 43 du/na 	
Floor Area Ratio	0.65	
<ul style="list-style-type: none"> ▪ Minimum ▪ Maximum 	<ul style="list-style-type: none"> ▪ None 	
HEIGHT		
Minimum Building Height	2 stories or 25 feet, whichever is less	Subject to transitional standards in Section 143. IX. (Building Design Standards)
Maximum Building Height	55 feet	
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size	None	Subject to Section 143.VIII (Site Planning Standards)
Maximum Lot Size	None	
Minimum Lot Dimensions		
Width		
<ul style="list-style-type: none"> ▪ Detached ▪ Attached 	<ul style="list-style-type: none"> ▪ 25 feet ▪ 18 feet 	
Depth	50 feet	
Build to Zone	0 – 15 feet	Measured from back of sidewalk <u>front lot line</u>

Revision to note on illustration:

Height transitions to ~~3 stories~~35' adjacent to 206th Ave and ~~OHSU Campus~~UC-RP Zone

(No further revisions to Table 143-V-A-1 Base Development Standards for UC-RM zone)

Table 143-V-A-2 Base Development Standards for Urban Center Residential Mixed-Use Urban Density Zone (UC-MU)

BUILDABLE AREA/BUILDING SITING		
Build to Zone	0 – 15 feet	Measured from back of sidewalk <u>front lot line</u>
Front Property Line Coverage	<ul style="list-style-type: none"> ▪ <i>Streets in Retail Focus Frontage areas and Park Streets</i> 75 percent of the primary street frontage must be occupied by the first three stories of the front façade. ▪ <i>All other streets:</i> 60 percent of the primary 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)	0 (10 feet adjacent to an existing building)	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Minimum Setback (Rear Yard)		
Maximum Lot Coverage	<ul style="list-style-type: none"> ▪ None ▪ 35 percent 	Subject to Section 143.IX. (Building Design Standards)
<ul style="list-style-type: none"> ▪ First 90-65 feet ▪ 105<u>Above -65</u> feet and above 		

(No further revisions to Table 143-V-A-2 Base Development Standards for UC-MU zone)

Table 143-V-A-3 Base Development Standards for Urban Center Activity Center Zone (UC-AC)

BUILDABLE AREA/BUILDING SITING		
Build to Zone	0 - 20 feet	Measured from back of sidewalk <u>front lot line</u>
Front Property Line Coverage	<ul style="list-style-type: none"> ▪ <i>Streets in Retail Focus Frontage areas</i> 65 percent of the primary street frontage must be occupied by the first three stories of the front façade. ▪ <i>All other streets:</i> 60 percent of the primary 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)

(No further revisions to Table 143-V-A-3 Base Development Standards for UC-AC zone)

Table 143-V-A-4 Base Development Standards for Urban Center Neighborhood Center Zone (UC-NC)

BUILDABLE AREA/BUILDING SITING		
Build to Zone	0 – 15 feet	Measured from back of sidewalk , <u>front lot line</u>
Front Property Line Coverage	<ul style="list-style-type: none"> ▪ <i>Streets in Retail Focus Frontage areas</i> 80 percent of the primary street frontage must be occupied by the first three stories of the front façade. ▪ <i>All other streets:</i> 60 percent of the primary 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)

(No further revisions to Table 143-V-A-4 Base Development Standards for UC-NC zone)

Table 143-V-A-5 Base Development Standards for Urban Center Office/Research Zone (UC-OR)

BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size	None	Subject to Section 143.VIII. (Site Planning Standards)
Maximum Lot Size	None	
Minimum Lot Dimensions		
<ul style="list-style-type: none"> ▪ Width ▪ Depth 	<ul style="list-style-type: none"> ▪ None ▪ None 	
Build to Zone	0 – 15 feet	Measured from back of sidewalk <u>front lot line</u> .
Front Property Line Coverage	75 percent of the primary 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)

(No further revisions to Table 143-V-A-5 Base Development Standards for UC-OR zone)

Table 143-V-A-6 Base Development Standards for Urban Center Research Park Zone (UC-RP)

DENSITY/INTENSITY		
Minimum FAR		
<ul style="list-style-type: none"> ▪ 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 & 	<ul style="list-style-type: none"> ▪ 0.35 ▪ 0.40 /0.50 ▪ 0.50 ▪ 1.0 	

outpatient facilities		
HEIGHT		
Minimum Building Height	2 stories or 25 feet, whichever is less	
Maximum Building Height	55-75' feet	
BUILDABLE AREA/BUILDING SITING		
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	<ul style="list-style-type: none"> ▪ Front: Multiple dwelling structure: 15 feet ▪ Front: Three dwelling (or more) Attached Townhouse: 13 feet ▪ Front: Two dwelling Attached Townhouses: 19 feet ▪ Side: <u>None</u> ▪ Rear: None (all housing types): None ▪ All other uses: <u>None</u> 	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII.F. (Usable Open Space)	
Minimum Landscaping	Subject to Section VIII.G. (Landscaping and Stormwater Management. (Site Planning Standards))	

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.

(No further revisions to Table 143-V-A-6 Base Development Standards for UC-RP zone)

SECTION 143.VIII SITE PLANNING STANDARDS

D. STREET DESIGN AND CHARACTER

2. Street Cross-Sections and Design Standards

(h) Green Access Lane

Figure 15 – Typical Green Access Lane Cross-Section: Private

*Revision to note on illustration: 50' **ROW***

(No further revisions to Section 143VIII.D Street Design and Character)

H. LANDSCAPING

3. Landscape Materials

(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 ~~pots~~-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.

(No further revisions to Section 143.H Landscaping)

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.
- ~~3.2.~~ 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.
- 4.3.** 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.²

² New standard since November draft.

- 4.** ~~The access route for vehicles servicing a recycling and trash enclosures area have shall~~ provide minimum clearances free from encroachments by building features or landscaping as follows:
- (a)** ~~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 10-30 feet; and free from encroachments by building features or landscaping
 - (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.

(No further revisions to Section 143.VIII.H Street Design and Character)

SECTION 143.IX BUILDING DESIGN STANDARDS

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

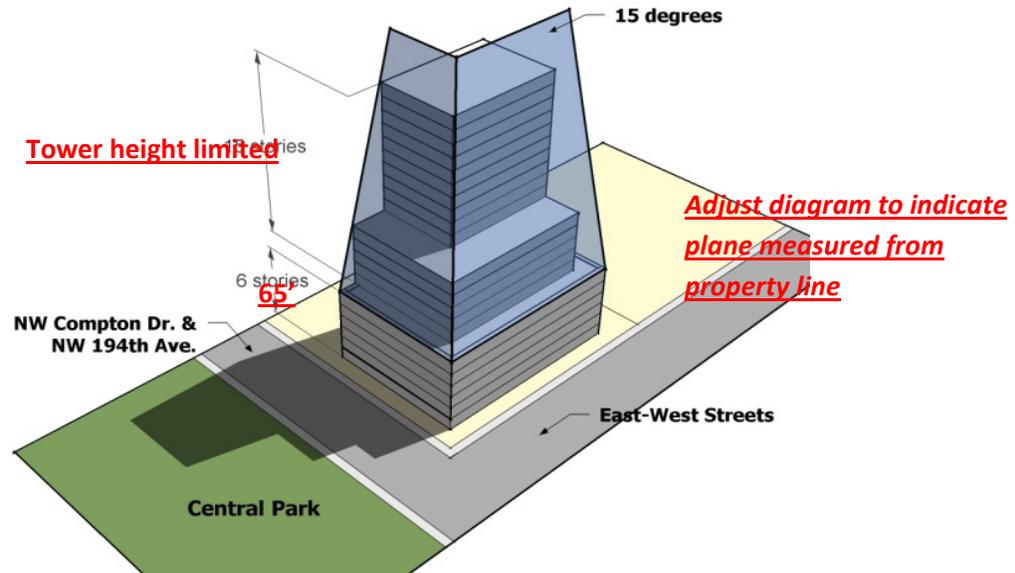


Figure 21—Example of bulk plane

- (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 further from the park.

- (a) In the UC-MU zone, portions of buildings that exceed ~~6 stories~~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 ~~six stories~~65 feet in height.

(No further revisions to Section 143.IX.C Massing and Form)

G. GREEN ~~BUILDING CONSTRUCTION~~ REQUIREMENTS

- ~~1. All new development or redevelopment shall meet one of the following standards:~~
 - ~~(a) Each primary structure shall obtain LEED certification at the Silver Level; or~~
 - ~~(b) Each primary structure shall receive certification under another nationally-recognized or state-recognized program (including but not limited to Energy Star, Earth Advantage, or the Oregon Reach electrical code) that the city determines provides resource savings or sustainability benefits comparable to LEED silver certification.~~
- ~~3.~~ In all new construction projects valued at over \$250,000 in hard construction costs, as shown on the building permit application:
 - ~~(a) At least 50 percent of the construction material shall include recycled content.³~~
- ~~4.~~ A, at least 75 percent of construction debris shall be recycled in a facility located entirely or partly within 100 miles of the project site.

(No further revisions to Section 143.IX.G Green Building Requirements)

X. APPLICATION AND REVIEW PROCEDURES⁴

B. SUMMARY OF REVIEW PROCEDURES

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, ~~involve little discretion,~~ and do not require interpretation or the exercise of professional policy or legal judgment ~~only on technical issues~~. 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.

(No further revisions to Section 143.X.B Summary of Review Procedures)

³ ~~Requirements for a specific amount of recycled content in each input were deleted.~~

⁴ Section X revisions are based on legal review. Section X from CDC “Procedures Second Draft: 12/09” with the exception of subsection L (Non-conformities), which is based on current Section 136

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 ~~involve little discretion,~~ and do not require interpretation or the exercise of professional policy or legal judgment. ~~only on technical issues.~~ 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.

(No further revisions to Section 143.X.D.1 General Description)

5. Application Requirements

- (b) Type I application forms shall include a Decision Section in which the Planning Director or the Director’s designee will note the ~~Decision~~decision, supporting findings, and appeal provisions.

(No further revisions to Section 143.X.D.5 Application Requirements)

9. Appeal

- (a) Only an applicant may appeal a Type I decision. ~~by filing a Notice of Appeal to the Planning Commission within 15 days of the date the notice of decision was mailed.~~ 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 ~~15 days~~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. ~~Any further appeal shall be made to the Land Use Board of Appeals (LUBA).~~

(No further revisions to Section 143.X.D.9 Appeal)

E. TYPE II PROCEDURE

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~~decision is issued. Public notices for Type II applications shall include a minimum period of 14 ~~business~~ days from the date the notice was mailed for the submission of written comments before a ~~Decision~~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) Any neighborhood or community organization recognized by the City Council whose boundaries include the subject property;~~
- ~~(4)~~(3) Property 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
- ~~(5)~~(4) Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City; and
- ~~(6)~~(5) Any other potentially affected parties or agencies designated by the Planning Director.

(No further revisions to Section 143.X.E.6 Public Notice and Comment Period)

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 decision shall address all of the relevant approval criteria and consider written comments submitted before the close of the comment period.

(No further revisions to Section 143.X.E.7 Decision Authority)

9. Appeal

- (b) The decision shall become final unless an appeal is filed within 15 days of the date the Notice of Decision was mailed as provided in Section 143.X.J.

(No further revisions to Section 143.X.E.9 Appeal)

F. TYPE III PROCEDURE

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) Any neighborhood or community organization recognized by the City Council whose boundaries include the subject property;~~

~~(4)~~(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

~~(5)~~(4) _____ Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City; and.

~~(6) Any other potentially affected parties or agencies designated by the Planning Director.~~

(b) Notice of public hearings for specific applications shall be mailed to the following parties:

~~(1) To the road authority or the rail authority and the rail owner if the proposed development abuts or affects a road or rail facility. Such authorities may review, comment on, and suggest conditions of approval for the application;~~

~~(2)~~(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; and

~~(3)~~(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.

~~(4)~~(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 ~~43~~5 days prior to the public hearing unless the Planning Director finds that emergency circumstances require a shorter notice period.

(No further revisions to Section 143.X.E.6 Mailed Notice of Public Hearing)

10. Notice of Decision

- (c) Following ~~adoption of the Decision~~ [a decision on the application](#) by the Review Authority, a written decision in the form of an Order shall be prepared ~~by the Planning Department~~. 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.
- (d) 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.
- (e) The Notice of Decision shall contain the following information:**
- (1) A summary of the ~~Decision~~ [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 ~~within 15 days of the date the Notice of Decision was mailed as provided in Section 143.X.J;~~ [within 15 days of the date the Notice of Decision was mailed as provided in Section 143.X.J;](#)
 - (4) The requirements for filing an appeal of the ~~Decision~~ [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.
- (f) Notices of Decision on zone changes and Planned Unit Developments shall state that the Planning and Zoning Hearings Board or Planning Commission ~~Decision~~

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 Section 143.X.I.

(No further revisions to Section 143.X.F.10 Notice of Decision)

G. TYPE IV PROCEDURE

6. Mailed Notice of Public Hearing

- (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) A statement that failure to raise an issue in a public hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;~~

~~(12)~~(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

~~(13)~~(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).

(No further revisions to Section 143.X.G.6 Mailed Notice of Public Hearing)

7. Published Notice of Public Hearing

Notice of the public hearing shall be published ~~two~~three times in a newspaper of general circulation in the City, ~~at least 10 days but~~the first -not more than 30 days ~~and the last not more than 10 days~~ before the public hearing. The newspaper’s affidavit of publication of the notice shall be made a part of the case file.

(No further revisions to Section 143.X.G.7 Published Notice of Public Hearing)

11. Decision Authority

(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, ~~or was found to be outside the public interest.~~

(No further revisions to Section 143.X.G.11 Decision Authority)

12. Notice of Decision

(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~~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).

(No further revisions to Section 143.X.G.12 Notice of Decision)

13. Appeal

- (a) The final decision of the City Council to approve ~~or deny~~ 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.

(No further revisions to Section 143.X.G.13 Appeal)

H. GENERAL PROCEDURES

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 ~~roughly proportional~~ 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 ~~significantly~~ 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 reasonably related to the impacts created by 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) Proportionality of conditions~~

~~Conditions imposed by the review authority must have a clear nexus with, and be proportional to the development's impacts if they require off-site improvements to be made by the project developer or property owner, as applicable.~~

~~(d) Proportionality challenge to condition(s).~~

~~(1) If an applicant asserts that it cannot legally be required, as a condition of land use approval, to provide property interests or improvements at the level required by this Code, the applicant shall provide a "rough proportionality" report, prepared by a qualified civil or traffic engineer, as appropriate, showing:~~

~~i. The estimated extent to which the improvements will be used by persons served by the building or development, whether the use is for safety or for convenience;~~

~~ii. The estimated level of improvements needed to meet the estimated extent of use by persons served by the building or development;~~

~~iii. The estimated impact of the building or development on the public infrastructure system of which the improvements will be a part; and~~

~~iv. The estimated level of improvements needed to mitigate the estimated impact on the public infrastructure system.~~

~~(2) The “rough proportionality” report shall be considered by the review authority in making a determination whether the condition(s) and required improvements are reasonably related and roughly proportional to the impacts of the proposed development.~~

~~(e)~~**(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.

~~(f)~~**(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.

~~(g)~~**(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 ~~after a hearing by the City Council~~. Abandonment of a development project or expiration of the approval shall not be deemed to be a violation of the conditions.

(No further revisions to Section 143.X.H.6 Conditions of Approval)

7. Effective Date of Decision

(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.

(No further revisions to Section 143.X.H.7 Effective Date of Decision)

8. Expiration of Decision

- (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.

(No further revisions to Section 143.X.H.8 Expiration of Decision)

9. Extension of a Decision

(c) Second or longer extension

~~A written request for a second extension of a Type II or Type III decision, or an extension longer than one year, is not vested against Code changes adopted since the original decision. The~~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.

(No further revisions to Section 143.X.H.9 Extension of a Decision)

I. PUBLIC HEARINGS

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. follows:

5. Type I

6. Notice of public hearing on an appeal of a Type I decision shall be provided to the applicant not less than seven days before the date of the appeal hearing.

7. Type II

8. Notice of public hearing on an appeal of a Type II decision shall be provided not less than 20 days before the date of the appeal hearing to parties listed in Section 143.X.E.6(a).

9. Type III

10. Notice of public hearing on a Type III application shall be provided at least 20 days before the date of the public hearing as provided in Section 143.X.F.6 and 7. Notice of public hearing on an appeal of a Type III decision shall be provided to the applicant or persons who made an appearance of record at the initial public hearing prior to the decision.

11. Type IV

~~12.4.~~ Notice of public hearing on Type IV applications shall be provided pursuant to Section 143.X.G.6 and 7.

(No further revisions to Section 143.X.I.3 General Notice Requirements)

4. Compliance with Notice Requirements

~~The requirements for notice shall be deemed satisfied for any person who, prior to the public hearing, obtains actual knowledge of the date, time, place, and subject matter of the hearing.~~

(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.

~~(c)(b) The appearance or provision of testimony or comments on an application by any person subsequent to the initiation of the application or at or prior to the public hearing shall be deemed a waiver of such person to any claim of defect in the provision of notice.~~

(No further revisions to Section 143.X.I.4 Compliance with Notice Requirements)

5. Rules of Procedure ~~and Statements of Conduct~~

~~(a)~~ 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.

~~(b)~~ At the beginning of the public hearing, a statement shall be made to those in attendance:

~~(1)~~ Listing the substantive approval criteria;

~~(2)~~ Stating that testimony and evidence shall be directed toward the approval criteria, or other code or comprehensive plan criteria that the person testifying believes is applicable to the decision; and

~~(3)~~(1) Stating that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

(No further revisions to Section 143.X.I.5 Rules of Procedure)

6. 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:

~~(a)~~ A reasonable opportunity for those persons entitled to notice or who may be adversely affected or aggrieved by participating in the decision to present and rebut evidence.

~~(b)~~ A reasonable opportunity to ask questions of any participating party, including staff, provided that such questions are asked at the first reasonable opportunity. Staff similarly shall be entitled to reasonable opportunity to ask questions of any participating party. The decision to allow opportunity to question participating parties shall be at the discretion of the Review Authority.

~~(c)~~(a) A reasonable opportunity for rebuttal of new material.

~~(d)~~(b) An impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible, with the recognition that the public has a countervailing right of free access to public officials.

(No further revisions to Section 143.X.I.6 Procedural Rights)

7. 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 at the commencement of 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 of the following has a direct or substantial financial interest: The member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential conflicts of interests shall be disclosed at the meeting of the Review Authority where the action is being taken.
- ~~(c)~~ Disqualification of a Review Authority ~~member~~ member may be disqualified due to ~~contacts or~~ actual conflict of interest or actual bias based on a motion if a majority of the Review Authority may be ordered by a majority of the members present and voting approve such motion. The person who is the subject of the motion may not vote.
- ~~(d)~~ (c) If all members abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be requalified to act.

(No further revisions to Section 143.X.I.7 Review Authority Disclosures)

8. 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 if the Review Authority determines that a reasonable opportunity for oral presentations has been provided.
- (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 solely 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.

(No further revisions to Section 143.X.I.8 Presentations)

9. Continuation of Public Hearing

- ~~(a) If additional documents or evidence are provided by any party during the public hearing, the Review Authority may allow a continuance or leave the record open for at least seven days to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the any applicable time limitations of ORS 215.428 state law.~~
- ~~(b) Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Review Authority shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony pursuant to subsections 143.X.I.9(c) and (d) below.~~
- ~~(c) If the Review Authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.~~
- ~~(d) If the Review Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the Review Authority for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Review Authority shall reopen the record and any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.~~
- ~~(e) A continuance or extension granted pursuant to this Section shall be subject to the limitations of ORS 215.428 unless the continuance or extension is requested or agreed to by the applicant.~~
- ~~(f) Unless waived by the applicant, the Review Authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.~~

10. Evidence and Judgment

For the purposes of this Section:

- ~~(a) "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.~~
- ~~(b) "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts.~~
- ~~(c) The Review Authority may place any person submitting testimony under oath or affirmation. Once sworn or affirmed, all testimony subsequently given by the person during the hearing or a continuation thereof shall be deemed to be under oath.~~
- ~~(d) Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. Evidence may be received subject to a later ruling regarding its admissibility. Erroneous admission or evidence shall not invalidate or preclude action unless shown to have prejudiced the substantial rights of a party.~~
- ~~(e) Members of the Review Authority may take official notice of general, technical or scientific facts within their specialized knowledge. Such notice shall be stated and may be rebutted.~~
- ~~(f) Exhibits shall be marked to provide identification upon review. Unless required for an appeal, all exhibits shall be retained by the City for a period of not less than 30 calendar days after expiration of all appeals. Exhibits may be disposed of as provided by the Director.~~
- ~~(g)(d) _____ Any member of the Review Authority may visit the subject property and may use information gained to reach a decision, provided the information relied upon is disclosed and an opportunity to rebut provided.~~

(Section 143.X.I.9 Continuance of Public Hearing and Section 143.X.I.10 Evidence and Judgement have been entirely deleted)

11-9. Burden of Proof

Except for Type IV legislative proceedings, the applicant shall bear the burden of proving that in providing justification for the proposal complies with all applicable review standards. ~~All proposals must be supported by evidence in the record that they are in conformance with the applicable provisions of the Hillsboro Comprehensive Plan, the Hillsboro Municipal Code, and all applicable land use standards imposed by State law or administrative regulation.~~

(No further revisions to Section 143.X.I.11 Burden of Proof)

12-10. 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 ~~in accordance with Subsection M13 below,~~ and shall be in the record of proceedings prior to any final action by the hearing authority to approve, approve with conditions, or deny a request.

(No further revisions to Section 143.X.I.12 Action by Review Authority)

~~13. Findings of Fact~~

~~Findings shall include:~~

- ~~(a) A preamble summarizing basic facts regarding the property and action taken prior to the public hearing by the review authority. The preamble should include, but not be limited to statements regarding:

 - ~~(1) Size and location of the property in question including tax lot and map number(s);~~
 - ~~(2) Purpose of application;~~
 - ~~(3) Date of original application;~~
 - ~~(4) Statement of applicant's legal interest in the property;~~
 - ~~(5) Whether or not the applicant represents self or another person;~~
 - ~~(6) Citation of any concurrent or related land use applications and the final decisions on those applications;~~
 - ~~(7) Date of all public hearings (if any) and actions taken at those hearings; and~~
 - ~~(8) Other relevant background facts, as appropriate.~~~~
- ~~(b) Identification of applicable legal criteria for decision making. These may include the Hillsboro Comprehensive Plan, Community Development Code, applicable Statewide Planning Goals, and applicable State statutes.~~
- ~~(c) Individually numbered findings and conclusions. Such findings must relate relevant facts to the legal criteria identified previously. The findings must include clear and objective explanation of how the application meets or fails to meet each application criterion. The findings may require an explanation of possible conflict between provisions of identified legal criteria and an explanation of how any such conflicts were resolved.~~

~~(d)(c) All applicants shall prepare and submit draft written findings to staff for development of formal findings to be used for the consideration of the review authority in the event the review authority's decision supports the applicant's proposal on appeal or a modified version thereof. The review authority may direct staff to prepare or modify the draft written findings.~~

(Section 143.X.I.13 Findings of Fact has been entirely deleted)

14.11. Record

Absent mechanical failure or inadvertent error, a ~~verbatim written or~~ mechanical record of the hearing shall be made. In addition, written minutes accurately ~~citing the statements of the participants reflecting the meeting~~ may shall be taken. Such minutes shall substitute for a verbatim record in the event of mechanical failure or inadvertent error.

(No further revisions to Section 143.X.I.14 Record)

15.12. 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 hearing 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 ~~the~~ any public hearing to address the remand.
- (d)** ~~City of Hillsboro decisions remanded by the Land Use Board of Appeals (LUBA) shall be heard and decided within 90 calendar days from the date of the remand.~~

(No further revisions to Section 143.X.I.15 Public Hearing on Remand from LUBA)

J. APPEALS

3. Request for Transcript

- (a) ~~The appellant~~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.

(No further revisions to Section 143.X.J.3 Request for Transcript)

4. 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 Chair~~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.

(No further revisions to Section 143.X.J.4 General Provisions Applicable to All Appeals)

5. Specific Provisions for Appeals of Type I Decisions

- (d) The scope of the appeal hearing shall be ~~focused~~limited to ~~on~~ 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.

(No further revisions to Section 143.X.J.5 Specific Provisions for Appeals of Type I Decisions)

6. 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 ~~r~~Rreview ~~a~~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 4(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 petition~~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.

(No further revisions to Section 143.X.J.6 Special Provisions for Appeals of Type III Decisions)

7. Withdrawal of an Appeal

- (a) At any time ~~B~~before the close of an appeal hearing held by any ~~r~~Rreview ~~a~~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 ~~becomes effective upon the withdrawal of the appeal(s) stands.~~

(No further revisions to Section 143.X.J.7 Withdrawal of an Appeal)

K. PRE-EXISTING DEVELOPMENT⁵

2. Pre-existing Structures

- (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).⁶ In addition, if the front façade of a pre-existing structure is located further from the front lot line than the maximum permitted ~~front setback~~ 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.

(No further revisions to Section 143.X.K. Pre-Existing Development)

II. DEFINITIONS

A. USE CATEGORIES

1. General Principles

(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.

⁵ Because the intent of the Community Plan is to allow existing structures, uses, and investments to continue in operation as the area transforms into a high density Regional Center, this section includes specific UC standards for non-conforming uses and structures. This section has been significantly revised to be based on current Section 136.V rather than the non-conformities section of the new CDC.

⁶ Simplified version of standard in current Section 136.V.

- (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-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.

(No further revisions to Section 143.XI Definitions)

ORDER NO. 8065

ZOA 1-12: SECTION 143 “URBAN CENTER ZONES”

AN ORDER OF THE CITY OF HILLSBORO PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF LEGISLATIVE TEXT AMENDMENTS TO HILLSBORO ZONING ORDINANCE NO. 1945 TO ADD SECTION 143 “URBAN CENTER ZONES” AND LEGISLATIVE MAP AMENDMENTS TO APPLY THE URBAN CENTER ZONES TO PROPERTIES LOCATED WITHIN THE AMBERGLEN COMMUNITY PLAN AREA

WHEREAS, the City amended the Comprehensive Plan to incorporate the AmberGlen Community Plan and establish goals, policies and action measures to implement the community’s vision for a vibrant, mixed-use regional activity center with a widely recognizable identity to serve as a model of sustainable development and leverage proximity to high value jobs, housing, and transit; and

WHEREAS, an area of approximately 582 acres situated generally west of SW 185th Avenue, east of SW 204th Avenue and Rock Creek, north of the West Side Light Rail (MAX) right-of-way, and south of SW Cornell Road is designated with AmberGlen Community Plan Comprehensive Map designations indicating a mix of uses at urban densities and intensities; and

WHEREAS, per the City’s request, the Metro Regional Government amended the 2040 Growth Concept Map to change the designation of the Tanasbourne Town Center to Regional Center and to include the adjacent AmberGlen area in the boundary; and

WHEREAS, the City initiated a planning process with local and regional partners to develop zoning and development regulations to implement the vision, goals, and policies contained in the AmberGlen Community Plan; and

WHEREAS, the Planning Commission subsequently initiated the proposed Zoning Ordinance amendments on January 25, 2012; and

WHEREAS, the process to develop the proposed zones and development regulations and apply them to the AmberGlen Community Plan area has involved the public through open house events, formation of a Steering Committee consisting of property owners within and near the plan area, work sessions with the Planning Commission, a meeting with Citizen Participation Organization 7, and a public web site; and

WHEREAS, the Planning Commission opened the meeting on February 22, 2012 and due to a lack of a quorum, postponed the public hearing on ZOA 1-12 to a date certain on March 14, 2012; and

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Ordinance amendments on March 14th and subsequently continued the hearing two times to April 11, 2012 and April 25, 2012 and received public testimony concerning the proposed amendments; and

WHEREAS, the Planning Commission incorporates testimony received and staff reports dated February 15, March 7, April 4, April 18, and April 25, 2012 into the Record; and

WHEREAS, the Planning Commission hereby adopts the findings attached hereto as Exhibit "E" in support of the proposed amendments; and

WHEREAS, the Planning Commission concludes based on the adopted findings that the proposed Zoning Ordinance amendments to create six new Urban Center Zones support adopted land use Goals, Policies, and Action Measures as demonstrated in staff reports, economic memoranda, development analysis, and other supporting documentation in the Planning Commission record.

THE CITY OF HILLSBORO PLANNING COMMISSION ORDERS AS FOLLOWS:

Section 1. The Planning Commission recommends that City Council approve amendments to the Zoning Ordinance No. 1945 to add a new Section 143 Urban Center Zones, establishing the following six urban center zone districts: Urban Center Residential Medium Density (UC-RM), Urban Center Mixed Use Urban Density (UC-MU), Urban Center Activity Center (UC-AC), Urban Center Neighborhood Center (UC-NC), Urban Center Office Research (UC-OR), and Urban Center Research Park (UC-RP) as cited in Exhibit "A" attached to this order.

Section 2. The Planning Commission recommends that City Council approve any needed amendments to the Zoning Ordinance No. 1945 to delete references to the Station Community Research Park (SCRCP) Land Use District and to otherwise conform the Zoning Ordinance No. 1945 to the changes adopted as new Section 143 Urban Center Zones.

Section 3. The Planning Commission recommends City Council approve an amendment to the Zoning Map, a portion of Zoning Ordinance No. 1945, to apply the Urban Center zones to the locations as shown on the map in Exhibit "B" and to the tax lots listed in Exhibit "C" attached to this order.

Section 4. This order shall take effect immediately upon approval.

Introduced and approved this 25th day of April, 2012.

President

ATTEST: _____
Secretary

Attachments: Exhibit A: Text of proposed Zoning Ordinance amendments to add new Section 143 Urban Center Zones.
Exhibit B: Map showing AmberGlen Community Plan area properties to be rezoned to the Urban Center zones.
Exhibit C: List of tax lots to be rezoned to the Urban Center zones.
Exhibit D: [Reserved]
Exhibit E: Findings

EXHIBIT “E”

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF HILLSBORO**

A REQUEST FOR LEGISLATIVE
TEXT AMENDMENTS TO ZONING
ORDINANCE 1945 TO ADD SECTION
143 URBAN CENTER ZONES
ESTABLISHING SIX URBAN
CENTER ZONES, AND LEGISLATIVE
ZONING MAP AMENDMENTS TO
APPLY URBAN CENTER ZONES TO
PROPERTIES LOCATED WITHIN
THE AMBERGLEN COMMUNITY
PLAN AREA

CITY OF HILLSBORO CASE FILE NO.
ZOA 1-12
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

NATURE OF APPLICATION

A legislative amendment to the Hillsboro Zoning Ordinance No. 1945 to add Section 143 “Urban Center Zones” establishing six Urban Center zones and related text and map amendments was initiated by the Planning Commission through adoption of Order No. 8061. The proposed amendments are legislative in nature, therefore the 120 day rule does not apply.

The purpose of the amendments is to support the implementation of the vision, goals, and policies outlined in the AmberGlen Community Plan adopted by Ordinance No. 5933, January 19, 2010. Furthermore, the proposed Urban Center zones are intended to be available for use in other areas of Hillsboro where plans call for similar forms of development in the future. The AmberGlen Community Plan established coordinated goals, policies and implementing actions to guide future development and implement the community’s vision:

“Create a vibrant regional activity center enlivened with high-quality pedestrian and environmental amenities, taking advantage of the region’s light rail system.”

More specifically, the Urban Center 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.

HEARINGS

The Planning Commission adopted Order No. 8061 to initiate the zoning ordinance amendments on January 25, 2012. The staff report dated February 15, 2012 lists the public meetings and open houses that were held prior to the Planning Commission's commencement of the public hearings on the zoning ordinance amendments (page 7). The Planning Commission held a public hearing and considered this application at its meetings on March 14, April 11, and April 25, 2012.

INCORPORATION OF ADDITIONAL DOCUMENTS

The Planning Commission incorporates the staff report dated February 15, 2012 with all exhibits attached thereto, including Exhibit A: Text of proposed Zoning Ordinance amendments to add new Section 143 "Urban Center Zones" dated February 15, 2012. The Planning Commission also incorporates supplemental staff reports with all exhibits attached thereto dated March 7, 2012 and April 4, 2012 as support for its decision, supplemented by the further findings and conclusions set forth herein. In the event of any inconsistency between the supplemental materials herein and the staff report, this Order controls. To the extent they are consistent with the approval granted herein, the Commission adopts by reference its oral deliberations on this matter.

FINDINGS AND CONCLUSIONS

The purpose of these Findings and Conclusions is to address key issues and demonstrate compliance of ZOA 1-12 with applicable criteria as the basis for the Planning Commission's recommendation to the City Council.

ZOA 1-12 Section 143 "Urban Center Zones" Approval Criteria and Findings

Preparation and adoption by the City of ZOA 1-12 (Urban Center Zones) must comply with applicable provisions of the following laws:

1. Hillsboro Zoning Ordinance, Amendments to the Zoning Ordinance Procedural Requirements: Section 112 through Section 116
2. Hillsboro Comprehensive Plan: Sections 1, 2, 3, 6, 7, 9, 10, 11, 13, 28 (AmberGlen Community Plan) and 29 (City of Hillsboro, AmberGlen Community Plan)
3. Metro Regional Functional Plan: Titles 1, 2, 3, and 6
4. Oregon Statewide Planning Goals (Goals 1, 2, 5, 9, 10, 11, 12, 13, and 14); and State of Oregon Transportation Planning Rule

1. Compliance with Hillsboro Zoning Ordinance Amendment Procedures

Proposed amendments to add Section 143 “Urban Center Zones” and related map amendments to apply the zones within the AmberGlen Community Plan area (Urban Center Zones) comply with the Hillsboro Zoning Ordinance No. 1945 standards and procedures governing the zoning of land, which comply with the powers to zone land granted to the City of Hillsboro in Oregon Revised Statutes Chapters 197 (Comprehensive Land Use Planning Coordination) and 227 (City Planning and Zoning) as follows:

***Section 112. Authorization to Initiate Amendments.** Section 112 of the Hillsboro Municipal Code provides that amendment to the text of the Hillsboro Zoning Ordinance may be initiated by the City Council or Planning Commission and shall be considered by the Planning Commission. A Zoning map amendment may be initiated by the Planning Commission, City Council, or by application of the property owner or an authorized agent. Public hearings on owner-initiated Zoning map amendments shall be held before the Planning and Zoning Hearings Board. Public hearings on city-initiated Zoning Map amendments shall be held before the Planning Commission.*

Finding: On January 25, 2012, the Planning Commission initiated text and map amendments to the Zoning Ordinance and scheduled the first evidentiary hearing for February 22, 2012. While the proposed text amendments to the Zoning Ordinance require an amendment to the zoning map to reflect the proposed change from four existing Hillsboro Station Community Plan Area zones and one Mixed Use – Commercial zone to six new Urban Center zones, the need to amend the map arises entirely from the proposed text amendments and is a legislative rather than a quasi-judicial decision. The map amendment is therefore being considered jointly with the text amendments.

***Section 113. Application and Fee.** Section 113 requires the payment of an application fee established in Section 129.*

Finding: This application is being filed by City as authorized by the Planning Commission and therefore, the fee is not applicable.

***Section 114. Authorization for Conditional Amendment and Standards for Zone Change Consideration.** While Section 114 permits the City to attach conditions to a zone map approval, the proposed map was created to implement the proposed text amendment, and no additional conditions are required. Section 114 requires demonstration that the amendments conform to the Hillsboro Comprehensive Plan and that where more than one designation is available to implement the Comprehensive Plan designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon specific policies of the Hillsboro Comprehensive Plan.*

Finding: Conformance with the Hillsboro Comprehensive Plan and justification for proposed zoning based on specific policies of the Hillsboro Comprehensive plan are addressed in Section 2.

Section 116. Public Hearing on an Amendment. Section 116 of the Hillsboro Municipal Code requires public notice and a public hearing on the proposed zoning amendment.

Finding: The Vice President opened the regular meeting on February 22, 2012. Due to lack of a quorum, the public hearing on Case File ZOA 1-12 was postponed to a date certain of March 14, 2012. A hearing by the Planning Commission on the proposed amendments was held on March 14, 2012. The hearing was recessed in accordance with Section 116 (2) in order to allow for additional new testimony, and to allow staff time to address concerns and questions raised as directed by the Planning Commission. The hearing was resumed on April 11, 2012 and was immediately recessed in accordance with Section 116 (2) without receiving new testimony or staff reports to allow staff additional time to address concerns and questions raised on March 14, 2012 as directed by the Planning Commission. The hearing was resumed on April 25, 2012.

Public notice for the public hearing scheduled for February 22, 2012 complied with all applicable requirements. Notice of the hearing was published in the February 3, 2012, February 10, 2012 and February 17, 2012 issues of the Argus newspaper in accordance with Section 116 (1). As required by State statute, individual notice was sent to all property owners within the proposed AmberGlen Zones notifying them of the date of the public hearing. To meet the requirements of Section 116 for a Zoning Map amendment, the City also sent notice to property owners within 500 feet of the proposed AmberGlen Zones boundary. In accordance with case law interpreting statutory and local code notice requirements, postponement to a date certain does not require new notice of the hearing.

Prior to the public hearing, a series of four public open houses were conducted to present and discuss the proposed amendments on April 26, 2011, June 21, 2011, October 24, 2011 and January 31, 2012. Public reaction was generally favorable, with some concerns raised concerning the potential heights of buildings near the Central Park area. Those permitted maximum heights are, however, consistent with the AmberGlen Community Plan framework, so no revisions to permitted heights were made.

2. Compliance with the Hillsboro Comprehensive Plan

The AmberGlen Zones are consistent with the Hillsboro Comprehensive Plan, as amended by the Hillsboro Transportation Systems Plan and Parks Plan as follows:

Section 1. Citizen Involvement. With the advice and assistance of the Citizen Involvement Advisory Committee (CIAC), the goals of Section 1. Citizen Involvement include:

Goal 1.A “Design, and implement citizen involvement programs, which facilitate public involvement in major Comprehensive Plan and implementing land use ordinance revisions and assures that such actions are based on factual and complete available information. At a minimum, such public involvement programs will provide for adequate notice on citizen involvement activities; advanced information on matters under consideration; and opportunities for citizen participation as determined by the CIAC.”

Goal 1.B “Inform the citizens of the Hillsboro planning area of the opportunity to participate in all phases of planning through the citizen involvement program.”

Goal 1.C “Encourage and actively solicit citizen participation through a diverse and wide-ranging communication program”.

Finding: The City Council appointed the Planning Commission as the interim CIAC on January 19, 2010 through Resolution No. 2307. At its meeting on April 27, 2011, the CIAC endorsed a public involvement program and public meeting schedule for the development of zones and standards for the AmberGlen Community Plan area. The zones and map were developed through a transparent public process involving periodic review by a Technical Advisory Committee involving representatives from City Departments, public agencies, public utilities and community non-profit organizations, and by a Steering Committee involving selected property owners and representatives from adjacent developments. Draft materials were posted on the city’s web site for public review, and with public input through four open houses held on April 26, 2011, June 21, 2011, October 24, 2011 and January 31, 2012.

Section 2. Urbanization, Goal 2.1 “To provide for an orderly and efficient transition of land from rural to urban use through the identification and establishment of areas designed to accommodate the full range of urban uses within the Hillsboro Planning Area,” and Policy (A) “Urbanization within the planning area shall be consistent with the goals and policies of this Plan. Development shall occur according to the availability of urban services and within the context of the Urban Planning Area Agreement...”

Finding: The proposed Urban Center text and map zoning ordinance amendments for the AmberGlen Community Plan area (Urban Center Zones) are consistent with the relevant goals and policies under Section 2 of the Comprehensive Plan. The proposed amendments encourage urban levels of development and redevelopment in a newly designated Regional Center area, an area that is already surrounded by urbanized areas and that is served by existing and planned infrastructure and services.

Section 2. Urbanization, Implementation Measure (IV), (A)(1) through (A)(5) “Urban development shall occur only where urban services exist or are available. It is the intent of this Plan to encourage development in those areas where such services are currently available or can be readily provided in a logical manner.

(1) Urban services necessary for development include adequate water, sewer, and fire protection. The documentation of the availability of these needed services must be current.

(2) Whenever feasible, the installation of sewage trunk lines shall occur prior to the development of the affected urban area.

(3) Public streets, new or existing, which are proposed for access to a particular site proposed for development, shall be developed in accordance with the transportation element of the Comprehensive Plan.

(4) Other essential services, including school districts, Police or Sheriff's Department, water districts, and transit agency, must be proven to be available to a proposed development within five years of a development approval.

(5) The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.”

Finding: The area covered by the Urban Centers Zones as shown on the Proposed AmberGlen Zone Districts Map is served by existing and planned water, sewer, fire protection, sewage trunk lines, police and sheriff services, and public streets. Development proposals within the new Urban Center zones will still be required to obtain service provider letters verifying the availability of adequate capacity to serve the proposed development. Future street development will be consistent with the transportation element of the Comprehensive Plan, as amended. Public transit already serves the northern and eastern edges of the property, and future extension of a High Capacity Transit line proximate to the property has been identified on the Regional High Capacity Transit System Plan adopted by Metro Council Resolution No. 09-4052. While the entire area is not vacant, the AmberGlen Community Plan area identified for rezoning with the Urban Center zones is underdeveloped compared to areas to the north, south, east, and west of the Plan area. The Urban Center Zones are designed to promote dense, mixed use redevelopment of these underutilized lands by increasing the range, density, intensity, and height of uses and structures permitted and by reducing parking requirements.

Section 2. Urbanization, Implementation Measure (IV)(I) *“Use of services available in the Hillsboro Planning Area will be maximized through the encouragement of new development at maximum densities prescribed by the applicable Comprehensive Plan/land use ordinance, and through the infilling of partially developed areas. The social and aesthetic impact of poorly designed development increases with density. Consequently, development proposals above the minimum prescribed density of the applicable zone must demonstrate outstanding compliance with any applicable objective development standards and design guidelines adopted by the City Council or the Planning Commission.”*

Finding: As noted previously, the proposed map and text amendments would promote dense, mixed use redevelopment of underutilized lands by increasing the range, density, intensity, and height of uses and structures permitted and by reducing parking requirements. Proposed zones and standards include height transitions, graduated densities, and other measure to ensure compatible development adjacent to existing residential neighborhoods and institutional uses. Design standards to promote pedestrian-oriented design include requirements for ground floor windows, street-oriented entries, and architectural treatments to provide articulation, and restrictions on the locations and size of surface area parking. Administration of the standards would ensure that new development at higher densities and intensities would not have negative social and aesthetic impact on existing development.

Section 2. Urbanization, Implementation Measure (IV)(J) “Land uses identified by the Comprehensive Plan Land Use Map have been determined to be the most suitable needed by the City. To meet the burden of proof for a proposed zone change, it is both necessary and sufficient to show that the proposed zone is consistent with and represents the highest use allowed by the Comprehensive Plan Land Use Map...”

Finding: Adoption of the AmberGlen Community Comprehensive Plan Map establishes the boundary of the AmberGlen Community Plan Area and designates general mixed use land uses recommended by the AmberGlen Community Plan: Mixed-Use Urban Residential (MU-UR), Mixed-Use (MU), Mixed-Use Urban Commercial (MU-UC), and Mixed-Use Urban Employment (MU-UE). Current Station Community zones for the Plan area are Station Community Business Park (SCBP), Station Community Research Park (SC-RP), Station Community Commercial Multi Modal (SCC-MM), Station Community Station Commercial (SCC-SC) and Mixed Use Commercial (MU-C). Existing Station Community Research Park (SCRCP) and Station Community Business Park (SCBP) zones designated west of Bronson Creek do not permit primary residential uses. Existing zones do not represent the highest use allowed by the Comprehensive Land Use Map because they do not provide for the mix of residential and commercial land uses, increased densities, and compact, vertical development required to implement comprehensive plan policies identified in the AmberGlen Community Plan and Mixed Use Comprehensive Plan Map designations. Proposed amendments to apply Urban Center Residential Medium Density (UC-RM), Urban Center Mixed Use Urban Density (UC-MU), Urban Center Activity Center (UC-AC), Urban Center Neighborhood Center (UC-NC), Urban Center Office/Research (UC-OR), and Urban Center Research Park (UC-RP) zones to the AmberGlen Community Plan Area as shown on the Proposed AmberGlen Zone Districts Map are consistent with and represent the highest use allowed by the Comprehensive Plan Land Use Map and Mixed Use designations because they increase the range, density, intensity, and height of uses and structures permitted.

Section 2. Urbanization, Implementation Measures (IV)(M) “The land use map shall designate property in the Hillsboro Planning Area as Low, Medium, High, or Mid-Rise Residential, Mixed-Use, Mixed-Use Urban Residential, Mixed-Use Urban Commercial, Mixed-Use Urban Employment, Mixed-Use Institutional, Commercial, Industrial, Open Space, Floodplain, Public Facility or Station Community Planning

Area. The land use map may also designate the boundaries of Hillsboro “community plan” areas...” “As used in this subsection, “Mixed-Use” means a mix of residential and commercial uses either vertically or horizontally. Appropriate Mixed Use zoning districts shall be applied to implement the Mixed-Use (MU) Plan designation on all properties designated Mixed-Use on the Comprehensive Plan Land Use Map, or on any properties identified for Mixed-Use on a Community Plan Area Map...”

Finding: See response to Section 2, Implementation Measures (IV) (J) above.

Section 3. Housing, Goal *“To provide for the housing needs of the citizens of Hillsboro and surrounding community by encouraging the construction, maintenance, development and availability of a variety of housing types, in sufficient number and at price ranges and rent levels which are commensurate with the financial capabilities of the community's residents” and*

Section 3. Housing, Policy (B) *“A variety of housing units shall be encouraged throughout the planning area for households of all incomes, ages and living patterns. Such housing should include, but not be limited to, single-family residences, accessory dwellings, duplexes, apartments, attached single-family residences, co-op housing, condominiums, townhouses and manufactured housing. Specific locations for each type of housing shall be consistent with the comprehensive plan map and zoning map. Each type of housing should be available at various prices and rents in order to maximize housing choices of the public.”*

Finding: The Urban Center Zones would allow for increased housing development within the AmberGlen Community Plan area. Proposed amendments would also provide opportunities for an increased range of housing types, from attached townhomes and live-work units to high-density multifamily apartments, to meet a range of housing needs. Allowing residential uses at higher densities would allow developers to provide lower-cost housing by spreading land and development costs over more housing units, thus enhancing opportunities for affordable housing development.

Section 3. Housing, Policy (K) *“The development of housing designed to meet the needs of senior citizens shall be encouraged, particularly in areas close to downtown, shopping, public transportation, medical and other similar facilities.*

Finding: The Urban Center Zones are located close to major shopping facilities (north at Tanasbourne, at Walker Road, and at 185th Avenue), the MAX Westside Light Rail public transit facilities, and medical facilities including the Kaiser Permanente Westside Medical Center currently under construction and targeted for opening in 2013. The provision of housing to meet the needs of senior citizens is encouraged by minimum parking requirement reductions for age-restricted housing.

Section 3. Housing, Goal (L) *“New residential areas shall have water, sewers, storm drainage, street lights and underground utilities. In addition, new residential areas shall have paved streets, curbs, and pedestrian ways; and where site conditions are favorable to stormwater infiltration, the use of vegetated stormwater management*

facilities, pervious pavement and similar “green streets” elements is encouraged where technically feasible and appropriate. The provision of such services in older residential areas shall be encouraged.”

Finding: The Urban Center Zones implement requirements for public infrastructure, street lights and utilities to support residential densities allowed by the development standards. Additionally, the Urban Center Zones include new streetscape and access lane cross-sections that provide stormwater conveyance and that allow for the integration of Low Impact Development Approaches to manage stormwater as new private streets and access lanes are constructed or existing private streets are redeveloped. Additionally, the text of the zones allows the use of pervious pavement where feasible.

Section 3. Housing, Goal (M) “The development of housing shall allow for the retention of lands for open space and recreation within the planning area, encourage the preservation of trees within developments where possible, and be consistent with goals and policies of this Plan.”

Finding: The Urban Center Zones include requirements for usable open space and include the City’s revised regulations for the preservation of mature trees as reflected in the draft citywide Community Development Code.

Section 3. Housing, Policy (N) “Housing shall be developed to a density sufficient to allow for commercial, industrial, recreation and other land uses within the planning area in sufficient quantity to meet other citizens' needs and goal requirements.”

Finding: The Urban Center Zones allow a variety of housing types at densities high enough to support the Metro target densities for a Regional Center (60 persons per acre) and to support a wide variety of commercial uses.

Section 3. Housing, Goal (S) “The City may use the following or similar implementation measures to encourage achievement of the housing goal: tax incentives and disincentives, zoning and land use controls, subsidies and loans, fee and less-than-fee acquisition techniques, enforcement of local health and safety codes, coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.”

Finding: The Urban Center Zones represent the use of zoning as an implementation measure to achieve the housing goal through the increase in allowable density and in modifications to standards to ensure compatibility with existing neighborhoods.

Section 3. Housing, Goal (V) “Minimum and maximum densities shall be established for all areas designated for residential use or mixed-use on the Comprehensive Plan Land Use Map. Minimum residential density zoning standards shall be prescribed for all residential areas. Minimum density standards shall result in the building of at least 80 percent of the maximum number of dwelling units per net residential acre permitted by the applicable residential zone. The minimum densities are intended to ensure the

Hillsboro Comprehensive Plan achieves the residential density objectives identified in the Region 2040 Growth Concept and Regional Framework Plan, while retaining flexibility for residential development patterns and projects tailored to local conditions. No land use regulation provision or process may be applied, nor shall any condition of approval be imposed that would have the effect of reducing the density permitted under the minimum density standard of an applicable residential zone, or which would cause the City's comprehensive plan to be in noncompliance with the adopted Metro Urban Growth Management Functional Plan."

Finding: The Urban Center Zones establish residential density ranges based on density thresholds and targets adopted in the AmberGlen Community Plan. The Urban Center Zones are mixed use zones and therefore Metro's Regional Functional Plan Requirements for housing capacity do not strictly apply. However, relatively high minimum densities are established in four of the six Urban Center zones which collectively cover all of the land closest to the proposed High Capacity Transit alignment in the AmberGlen Community Plan area. These densities are greater than those traditionally in existence in western Washington County and support Metro target densities for a Regional Center (60 persons per acre). Maximum density in those zones is regulated by standards addressing building height and height transitions, bulk plane requirements, and maximum tower coverage so it is not possible to compare maximum and minimum densities on a percentage basis.

Section 6. Natural Resources, Open Space, Scenic and Historical Sites,

Goal (I)(A) "Preserve, protect and maintain for present and future residents of Hillsboro and surrounding community open space, historic sites and structures,"

(B) "Provide a livable and attractive environment,"

(C) "Promote and encourage development in character with the natural features of the land,"

(D) "Identify and provide appropriate protection for "significant" Goal 5 natural resource sites including wetlands, riparian corridors and wildlife habitat areas, including Habitat Benefit Areas not within the Significant Natural Resource Overlay District throughout the City," and

Policy (A) (III)(3) "The City shall promote and encourage development patterns and other techniques which preserve open space within the planning area."

Finding: The Significant Natural Resource Areas located along Rock Creek Tributary, Bronson Creek, and Beaverton Creek Tributary are already protected by Significant Natural Resource Overlay (SNRO) zoning, and that overlay zoning will apply to the new Urban Center Zones. In addition, a Goal 5 woodlands resource near the southern boundary of the AmberGlen Zones will continue to be protected. The proposed amendments do not alter existing protections for natural resources codified in Sections 131, 131A, 131B, or any other section of the Hillsboro Zoning Ordinance, and do not change any land within the 100-year floodplain, as shown on the City of Hillsboro Significant Natural Resources Overlay District maps. When the new Hillsboro Community Development Code is finalized and adopted, it will include an Open Space zone designation, and that designation will be used to protect the significant new Central

Park amenity identified in the AmberGlen Community Plan, which will increase the acreage of parkland available to residents and occupants of lands within the Urban Center Zones as well as surrounding areas.

Section 7. Air, Water and Land Resource Quality,

Goal “To maintain and improve the quality of the air, water and land resources, the total waste and process discharges from all developments and activities in the planning area shall not degrade resources or threaten resource availability” and

Policy (III)(A) “The City shall discourage total dependence on auto transportation by promoting and encouraging less polluting transportation including, but not limited to, local transit, bicycling and walking, and by providing for convenience commercial and service centers in or near residential areas.”

Finding: The Urban Center Zones were drafted to implement area-wide transit oriented development arranged to support the existing Westside Light Rail and proposed High Capacity Transit line, and eight new street cross-sections were prepared to incorporate a wide variety of pedestrian and bicycling features. Connectivity standards implement a basic 300 foot block length (or require Green Access Ways) to allow circulation, and parking controls limit the amount of automobile parking available to residents and occupants to further promote use of non-auto transportation modes.

Section 9, Recreation, Goal “To design a parks and recreation facilities plan and provide a recreation program that:

(A) Provides a variety of open spaces, parks, recreation facilities and recreation programs.

(B) Links open spaces, parks, recreation facilities, and school, via a pedestrian and bicycle trail system.

(C) Promotes and encourages a physically fit and healthy community.”

Finding: The Urban Center Zones are designed to complement an expanded Central Park area that will provide additional recreation acreage for the AmberGlen area and surrounding areas. Street cross-sections have been designed to allow easy pedestrian and bicycle access east and west from the park to trail corridors such as the Rock Creek Tributary.

Section 10. Economy, Goals (A) “Expand, improve and diversify the economy of the planning area,

(B) Provide local employment opportunities for area residents,

(C) Conserve energy by lowering commuting distance,

(D) Increase and expand the economic base, tax base and economic independence of the area,” and

Policy (III)(A) “. . . Land for future commercial development should be designated in a manner which concentrates commercial activities, prevents expansion of strip commercial development, and provides land for commercial growth,” and

Policy (III)(8) “Convenient commercial service centers may be located close to, or within, neighborhoods and residential areas. The centers shall be located and

designed to provide safe and convenient access for pedestrians, bicycles and autos. To minimize any adverse impacts which might occur on surrounding residential properties, design of such centers shall be reviewed by the appropriate government body.”

Finding: The Urban Center Zones are designed to concentrate employment and commercial activities in the AmberGlen area, which will provide significant additional land for commercial growth, complement the existing large scale employers and retail activities in the adjacent Tanasbourne Town Center, and reduce pressures for strip commercial development in the area. In addition, one location designated Urban Center Activity Center zone (UC-AC) and two locations designated Urban Center Neighborhood Center zone (UC-NC) will provide safe and accessible convenience commercial shopping in close proximity to existing and planned residential areas, further reducing pressure for strip commercial development.

Section 1. Energy, Goal *“To conserve energy by using energy conservation as a determinant in:*

(A) The location of various land use activities (residential, commercial, industrial),

(B) The design of developments,

(C) The design and development of a transportation system,

(D) The design and construction of housing and other structures,” and

Policy (III)(A) *“The City shall promote and encourage the construction of energy-efficient, residential, commercial and industrial structures,” and*

Policy (III)(C) *“Minor commercial activities which are compatible with residential uses shall be dispersed throughout the planning area to serve the public and conserve energy resources.*

Finding: The AmberGlen Zones would contribute to energy conservation goals by encouraging additional residential and commercial development and a walkable development pattern within an urbanized area served by transit. Minor commercial activities that are compatible with residential uses are dispersed throughout the AmberGlen area in one Activity Center and two Neighborhood Centers, as well as defined Retail Focus Frontage areas. The AmberGlen Zones provide optional adjustments for development flexibility to those developments that achieve Gold or Platinum LEED certification, or an equivalent rating from another state or federally recognized sustainability rating system.

Section 13. Transportation, Goals

(A) Safety. *“Develop and maintain a safe City transportation system.”*

(B) Multi-modal Travel. *“Provide a balanced City transportation system.”*

(C) Trip Reduction. *“Develop a transportation system that helps to reduce the number of motor vehicle trips and contributes to regional goals to reduce per capita vehicle miles of travel,” and*

Policy (III)(A)(1) *“Build, maintain and/or support a well-defined and safe transportation system within the City for pedestrian, bicycle, transit, motor vehicles, air and rail travel.”*

Finding: The Urban Center Zones include connectivity standards and a Streets Map, eight street cross-sections, and streetscape standards designed to allow use of transportation routes by automobiles, bicycles, and pedestrians while protecting their safety through the use of enhanced sidewalks, separated bike facilities and multi-use paths, and landscaped buffers and curb extensions to reduce pedestrian visibility and crossing distances. The AmberGlen Zones also include provisions for incorporating Safe Routes to School facilities on a case-by-case basis as needed.

Section 13. Transportation, Policy (III)(B)(1) “Design transportation facilities within Hillsboro that accommodate multiple modes of travel within transportation corridors where appropriate and encourage their use to move people, goods and services within these corridors. Encourage and coordinate efforts to provide convenient linkages between various modes of travel,” and

Policy (III)(B)(2) “Construct bikeways and pedestrian facilities on major, new or reconstructed arterial and collector streets within Hillsboro (with roadway construction or reconstruction projects). Coordinate (or require where appropriate) convenient access to existing or planned bike and pedestrian facilities from nearby schools, parks, transit, public facilities and retail areas,” and

Policy (III)(C)(2) “Ensure that nearby commercial, community service and high employment industrial land uses are developed in a manner that provides convenient access to pedestrians, bicyclists and transit riders.”

Finding: The Urban Center Zones connectivity and street design standards provide for a network of bikeways and pedestrian facilities throughout the AmberGlen area which connect to or intersect with major employment areas, the existing transit and the proposed High Capacity Transit Line, existing and planned open space and the Central Park, and the concentration of retail shopping at the Tanasbourne Town Center.

Section 11. Transportation, Policy (III)(C)(3) “Support compact, mixed-use development including infill and redevelopment in appropriate areas of the City,”

Policy (III)(C)(4) “Limit the provision of parking to meet regional and state standards,” and

Policy (III)(C)(5) “On- and off-street parking requirements may be reduced in areas where light rail transit or bus transit service is available or where other non-auto travel modes (such as walking or bicycle facilities) are conveniently accessible.”

Finding: Four of the six Urban Center Zones are designed to promote compact, mixed use development. Of the remaining two districts, one (UC-RM) is designed as an edge buffer zone to transition development density, intensity, and height to protect adjacent lower density areas of Hillsboro, and the second (UC-RP) is designed to accommodate the existing and anticipated activities of the OHSU West Campus. Parking requirements are reduced in the area as a whole, and further reduced in proximity to existing and planned High Capacity Transit stations.

Section 28. AmberGlen Community Plan

(I) Purpose *“The AmberGlen Community Plan establishes coordinated goals, policies, and implementing actions to guide development and implement the community’s vision. Adoption of the AmberGlen Community Plan establishes the policy framework required to amend land use regulations for higher intensities and densities, establish capital improvement projects, and pursue funding mechanisms...”*

Section 29. Hillsboro, AmberGlen Community Plan *“Pursuant to Sections 1(II) (B) and (G) of this Comprehensive Plan, the “AmberGlen Community Plan, January, 2010” document is incorporated into the Comprehensive Plan in its entirety. Except for the AmberGlen Community Comprehensive Plan Map, all other planning maps and other graphic exhibits contained in the document serve only to illustrate the land use, urban design or transportation system improvement policy concepts prescribed in the Community Plan and do not have the force and effect of the adopted Hillsboro Comprehensive Plan Land Use, Transportation System or Public Facility System Maps.”*

Finding: Section 143. Urban Center Zones text and map amendments (Urban Center Zones) are consistent with the AmberGlen Community Plan because proposed building types, land uses, development intensities and densities, parking approaches, and integration of High Capacity Transit features from the AmberGlen Concept Plan served as the basis for the AmberGlen Zones, and closely reflect the intent of the Plan while using clear and objective standards to guide new development and redevelopment and to simplify administration of the AmberGlen zones by the City of Hillsboro. Specifically, this implements AmberGlen Community Plan Action 13, which reads *“Develop and recommend amendments to zoning and development standards to implement the development program identified in the AmberGlen Community Plan Land Use Concept.”*

In addition, the AmberGlen Zones implement the “key concepts” guiding the Community Plan and identified on page 12, as outlined below.

A Mix of Uses. Mix housing, retail, open space, and employment throughout the site and often within individual blocks, with the intention of creating lively, varied, and walkable urban environments.

Finding: Section III (Housing Types) of Section 143 “Urban Center Zones” identifies a wide range of medium and high density housing types, as well as live-work units, and Section IV (Use Regulations) includes a very broad range of group living, residential business, residential service, commercial, industrial, and institutional land uses available in the six Urban Center zones. In most cases these uses are available by right subject to use-specific standards without the need for a discretionary approval, and the various uses can generally be mixed within developments and individual buildings. Additional development flexibility is available in return for the provision of attainable housing meeting Washington County standards for affordability. A market study by Johnson Reid LLC analyzing economic and financial feasibility factors for planned AmberGlen Community Plan development confirms that the types and ranges of housing permitted

and the residential densities required by the Urban Center Zones either are or will soon be supported by market rents and sales prices.

***Urban Green Landmark.** Organize high-density residential and mixed-use blocks around the “central park” and natural resource areas.*

Finding: The Urban Center Zones organize the highest residential densities and highest intensity non-residential zones around the central park feature.

***Housing Density and Variety.** Provide housing that is significantly denser than the average Washington County product. Taper height and density to provide a transition to adjacent established townhouses and multi-family residences.*

Finding: Section V (Base Development Standards) of Section 143 “Urban Center Zones” permits residential densities significantly higher than the average for Washington County. The UC-MU zone (which is the largest single zoning designation) and the small UC-AC zone establish a residential minimum density of 43 dwelling units per net acre and no maximum residential density cap. The large UC-OR zone and the two small UC-NC zones have a residential minimum of 30 dwelling units per net acre and no maximum. The UC-RP zone designed to accommodate the OHSU campus allows residential development in the range of 18-36 dwelling units per net acre. Along the eastern and western edges of the AmberGlen Community Plan area, the UC-RM zones allow residential densities of 24-43 dwelling units per net acre but limit maximum heights to 55 feet in order to transition to established townhouses and multi-family residences. Section IX(C)(1) (Height Transition) standards limit maximum heights to 35 feet within 50 feet of established residential development at 206th Avenue. Because almost all of the housing types are available without the need for a discretionary hearing, and are subject to only objective use, site, and building design standards, they qualify as “clear and objective” standards as required by ORS 197.307(6).

***Urban Shopping and a “Community Activity Center”.** Establish a shopping and community focus that will create a lively urban environment containing shops, restaurants, cultural and civil facilities, and other amenities.*

Finding: The Urban Center Zones establish the UC-AC (Activity Center) zone and standards to act as a focal point for community activity at the point where the intense UC-MU and UC-OR districts meet, and where they can generate the levels of occupancy and activity necessary to create the envisioned lively urban environment.

***A Range of Different Districts.** Design a community plan with a strong overall identity comprised of distinct neighborhoods and districts, each with their own unique places and character.*

Finding: The Urban Center Zones refine the various land use areas shown on the Community Plan into six different zones that retain the intended character of each “place” while avoiding multiplication of fine-grained zoned districts that inhibit the

flexibility needed for development to succeed and that complicate zoning administration costs.

Strong Urban Form. *Require high-quality design consistent with a distinctive design theme to strengthen community identity and sense of place.*

Finding: The Urban Center Zones establish a coherent design theme focusing on the proposed Central Park Amenity, the High Capacity Transit Corridor anticipated to the west of the park, protection of the Sensitive Natural Resource areas along the Rock Creek Tributary, Bronson Creek, and Beaverton Creek Tributary, and protection of the Goal 5 woodland area located south and parallel to NW Wilkins Street. At the development scale, the AmberGlen Zones implement high quality design standards addressing connectivity and circulation, street design and character, usable open space, tree preservation, landscaping, lighting, building massing and form, building design and character, and building materials, including clear design standards for parking structures.

Integrate Existing Development. *Coordinate plan features with existing development to allow flexibility in development phasing without jeopardizing the vision.*

Finding: The AmberGlen Zones have been designed to allow for the legal continued use and expansion of existing commercial, industrial, and institutional uses as the area matures, in order to allow each owner an opportunity to take advantage of the useful lives of existing buildings. Existing structures may be expanded up to 20% above the existing gross floor area while complying with the previous zoning controls applicable to the property; larger expansions must meet the new code. The UC-OR zone was designed to accommodate existing office development at the north of the site; the UC-RM zone was designed to allow continued use of office buildings along the western edge of the site, and the UC-RP zone was designed to allow continued flexible use of Oregon Health Science University's west campus.

The Urban Center Zones implement the following Actions to achieve the Vision, Goals and Policies identified in the AmberGlen Community Plan:

Action 3: *Develop and adopt public area design standards consistent with the urban and sustainable design concepts established in Action 2. Elements addressed include gateways, treatments for landmark locations, plazas, transit stops, and streetscape elements.*

The Urban Center Zones include detailed streetscape standards and elements, standards for the design of a Festival Street and plaza at the south end of the planned Central Park, as well as design standards for Retail Focus Frontage areas.

Action 5: *Investigate the feasibility for local food distribution and community gardens in the plan area focusing on food quality, creation of gathering places and a*

shared civic identity, support for the local economy, and marketing to local restaurants.

Finding: The Urban Center Zones identify urban agriculture areas as among those that can satisfy minimum usable open space standards, and includes community gardens as a form of park and open space allowed as a conditional use in all six AmberGlen Zones.

Action 7: Based on the Stormwater Master Plan identified in Infrastructure Actions 32 and 33, identify opportunities to coordinate with Clean Water Services, private development and others to improve stormwater system efficiencies, water quality and to identify design features for public open space and rights-of-way.

Finding: Urban Center Zones Section 143.VIII.G (Stormwater Management) provides standards to accomplish stormwater treatment at the district level in consolidated regional water quality facilities designed as an integrated component of the landscaping for planned parks and greenways in accordance with standards that meet or exceed Clean Water Services Design and Construction Standards. Urban Center Zones Section VIII.D (Connectivity and Circulation) include several street cross-sections which incorporate designs for stormwater conveyance that reflect Clean Water Services standards and approaches.

Action 9: Encourage the use of native and drought tolerant landscape material in public and private parks to reduce irrigation requirements, intercept rainfall, improve wildlife habitat and to enhance aesthetics and connections to nature.

Finding: Urban Center Zones Section 143.VIII.H (Landscaping) includes plant material requirements for the use of naturalized, non-invasive, and native species, and requires 75% of installed landscaping on private lands to be selected from CWS plant lists, which reflect drought-tolerance goals.

Action 14: Develop and adopt design standards and guidelines for Districts and Neighborhoods identified in the AmberGlen Community Plan Land Use Concept. Coordinate with public area design standards project identified in Parks and Open Space Action 3.

Finding: The Urban Center Zones adopt objective design standards to implement the intent of each development area within the Community Plan area, and those standards have been integrated with design standards applicable to streetscape elements, street cross-sections, and usable open space areas. Key features include identification of Retail Focus Frontage areas where primary buildings must be constructed to accommodate pedestrian-oriented uses, requirements for building orientation to streets, ground floor windows, pedestrian entrances, and higher standards for construction to the setback line in pedestrian-oriented areas, requirements to break up large building façades with architectural features.

***Action 15:** Develop sustainability standards, guidelines and incentives for public and private development. In the interim, require development to exceed the state’s minimum energy conservation requirements.*

Finding: The Urban Center Zones include numerous sustainability standards and initiatives, including (a) additional development flexibility in return for achievement of LEED Gold or Platinum certification or equivalent rating under the Oregon Reach Code or nationally recognized sustainability index, (b) exceptions to minimum building setbacks and maximum building heights for on-site solar, wind, and geothermal energy production equipment, and (c) minimum energy efficiency standards for outdoor lighting.

***Action 22:** Develop a detailed street plan, design criteria and standard details for adoption in the Hillsboro Zoning Ordinance. Coordinate for consistency with the urban and sustainable design concepts established by Parks and Open Space Actions 2 and 3.*

Finding: The Urban Center Zones include eight tailored street and access lane cross-sections and detailed commercial and mixed use streetscape standards, as well as street mapping illustrating the application of those standards to each street segment within the AmberGlen Concept Plan area.

***Action 23:** Fully assess opportunities, constraints, costs and benefits associated with incorporating green street features in the design of streets, greenways, and green access lanes as part of the development of the comprehensive stormwater strategy identified in Infrastructure Actions 32 and 33.*

Finding: The Urban Center Zones provide stormwater management standards, street cross-sections and streetscape design element requirements that reflect significant collaboration between the Hillsboro Planning and Public Works Departments and Clean Water Services to establish consolidated regional water quality facilities, green street conveyance features at Green Connector streets, and complementary integration of on-site low impact development approaches (LIDA) in accordance with design templates for private streets and Green Access Lanes.

***Action 24:** Based on Action 23 green streets feasibility findings, develop design standards for “green streets” and determine maintenance programs, and adopt “green street” standards into the City’s Transportation System Plan.*

Finding: The Urban Center Zones street standards, street cross-sections and streetscape elements reflect significant collaboration between various City departments and Clean Water Services regarding maintenance responsibilities for green street features.

***Action 26:** Work closely with Tri-Met to develop new regional transit options and to enhance existing transit options within and adjacent to the plan area.*

Finding: The Urban Center Zones have been designed to concentrate population and employment in support of the existing Westside MAX Light Rail Transit, and the High Capacity Transit corridor identified by the AmberGlen Community Plan while allowing flexibility to determine the most advantageous route through that corridor through detailed discussions with Tri-Met. In addition, the proposed Activity Center and one of the two Neighborhood Centers are located in general proximity to support High Capacity Transit planned for the AmberGlen area.

Action 30: Develop a district parking strategy including parking requirements to foster non-auto trips. These may include development of a paid parking district, and standards that establish maximum parking rations and limits on surface parking spaces or area.

Finding: The Urban Center Zones provide maximum parking space requirements for all uses and require surface parking area to be limited when a base development threshold is exceeded. Additional tools to manage parking and encourage a walkable urban center include no minimum parking requirements for some uses and reductions in minimum parking requirements for joint use parking, on-street parking, age-restricted housing, share car/vanpool parking, and transit proximity.

Action 44: Provide incentives for developers to provide targeted public and private amenities and services that add substantial value within the plan area.

Finding: The Urban Center Zones include Adjustments for Public Benefit (Section 143.VII) that provide additional development flexibility in return for provision of vertical mixed use, attainable housing, green buildings (at a higher level of certification than the baseline LEED Silver certification or equivalent) and public art.

3. Compliance with Metro 1997 Regional Framework Plan (Titles 1, 2, 3, 6) and the METRO Urban Growth Management Functional Plan.

Finding: The Urban Center Zones amendments support all of the applicable Titles within the Regional Framework Plan because they increase both residential and employment density, reduce surface parking lots, limit total automobile parking allowed, and increase multi-modal transportation options by accommodating High Capacity Transit and organizing development density and intensity to support the viability of High Capacity Transit. Metro staff participated in the AmberGlen Technical Advisory Committee and indicated their support for the document as achieving an appropriate balance between the need to achieve minimum development densities and intensities of 60 persons per acre (as required by Title 6, Section 3.07.640 of the Regional Framework Plan) while providing flexibility for property owners to redevelop their properties towards those densities over time.

4. Compliance with Applicable Statewide Planning Goals

Oregon Statewide Planning Goals (Goals 1, 2, 5, 9, 10, 11, 12, 13, and 14)

Finding: Urban Center Zones' compliance with HCP Sections 28 and 29 AmberGlen Community Plan is demonstrated in Section 2. Therefore, the Urban Center Zones maintain applicable Statewide Planning Goal compliance achieved by the AmberGlen Community Plan upon adoption as an amendment to the Hillsboro Comprehensive Plan in January 2010 (Ordinance No. 5933), and the Statewide Goals do not apply directly to these amendments since they implement the acknowledged Comprehensive Plan.

State of Oregon Transportation Planning Rule (OAR 660-0012-0060)

Finding: The permitted uses under each Urban Center zone classification and the potential for traffic generation with the proposed zone changes are consistent with the adopted functional classification of the surrounding roadway system and meet the State of Oregon Transportation Planning Rule (TPR) 0060 requirements by not significantly impacting the transportation system in the long term. The proposed Urban Center zones maintain the requirement of TPR compliance granted to the AmberGlen Community Plan in January 2010. Detailed compliance with the Transportation Planning Rule is documented in the letter from Scott Harmon of David Evans and Associates, dated March 15, 2012 and included in the Planning Commission hearing record for these amendments.

CONCLUSION

For the reasons set forth above, the Planning Commission finds that the proposed amendment to the Hillsboro Zoning Ordinance No. 1945 to add Section 143 Urban Center Zones establishing six Urban Center zones and related text and map amendments are consistent with applicable provisions of the Hillsboro Zoning Ordinance procedural requirements, the Hillsboro Comprehensive Plan and the AmberGlen Community Plan, Metro Regional Functional Plan, Oregon Statewide Planning Goals and the State of Oregon Transportation Planning Rule. The Planning Commission hereby recommends approval of ZOA 1-12 as supported by these findings.



DAVID EVANS
AND ASSOCIATES INC.

March 15, 2012

Paige Goganian
Urban Design Planner
City of Hillsboro
150 E. Main Street
Hillsboro, Oregon 97123

**SUBJECT: TRANSPORTATION PLANNING RULE COMPLIANCE FOR
AMBERGLEN ZONES AND DEVELOPMENT REGULATIONS**

Dear Ms. Goganian:

A review of the AmberGlen Zones and Development Regulations dated February 15, 2012, indicates that the permitted uses under each Urban Center zone classification and the potential for traffic generation with the proposed zone changes are consistent with the adopted functional classification of the surrounding roadway system and meet the State of Oregon Transportation Planning Rule (TPR) 0060 requirements by not significantly impacting the transportation system in the long term. I verify that the proposed Urban Center zones maintain the requirement of TPR compliance granted to the AmberGlen Community Plan in January 2010.

Proposed Zoning Ordinance

AmberGlen Zones and Development Regulations propose to amend the Hillsboro Zoning Ordinance (HZO) to add a new Section 143, Urban Center Zones, and to amend the Zoning Map to replace existing Station Community zones within the AmberGlen Community Plan area with the proposed Urban Center zones. The proposed Section 143 Urban Center zones establish six Urban Center (UC) zone districts:

- Urban Center Residential Medium Density (UC-RM);
- Urban Center Mixed Use Urban Density (UC-MU);
- Urban Center Activity Center (UC-AC);
- Urban Center Neighborhood Center (UC-NC);
- Urban Center Office Research (UC-OR); and
- Urban Center Research Park (UC-RP).

The permitted uses under each Urban Center zone classification and the potential for traffic generation with the proposed zone changes are similar to the land uses and densities evaluated for the AmberGlen Community Plan (January 2010), are consistent with the adopted functional classification of the surrounding roadway system, and meet the State of Oregon TPR 0060 requirements by not significantly impacting the transportation system in the long term.

TPR Compliance Findings

Based on an extensive traffic analysis, the AmberGlen Community Plan was granted TPR compliance in January 2010. As discussed below, the AmberGlen Community Plan analysis completed in 2010 showed that the adopted Comprehensive Plan amendments will not have a significant effect (as defined in OAR 660-012-0060) on the transportation networks. Two important findings from the transportation modeling that was performed are:

- The volume-to-capacity ratio (v/c) for the three State Highway intersections (185th @ Bronson, 185th @ US-26 westbound, and 185th @ US-26 eastbound) would experience no further degradation with the adopted land use designations (see Table 1); and
- No intersection within the study area would experience an increase in traffic volume (measured by total intersection entering volume) of more than 8 percent (10 percent is considered a reasonable threshold for volume impact) when comparing buildout under the adopted Comprehensive Plan amendment to buildout under the old Station Community (SC) planning area designation.

Table 1 – State Facility Performance Comparison: Planned Roadway Network

Location	Old SC Comprehensive Plan V/C	Adopted AmberGlen Community Plan V/C
185th @ Bronson	1.12	1.12
185th @ US-26 WB	1.05	1.04
185th @ US-26 EB	0.72	0.81

Source: David Evans and Associates Inc., November 16, 2009 Memorandum –
Summary of AmberGlen Traffic Analysis (Draft).

With respect to the modeling and compliance with the TPR, it is important to note that the improvements relied upon for determining “significant effect,” as permitted by OAR 660-012-0060(4)(b), are either existing transportation facilities or planned transportation facilities in the adopted 2007 Metro Federal Financially Constrained Regional Transportation Plan (RTP) projects (OAR 660-012-0060(4)(b)(C)) or adopted 2004 City of Hillsboro Transportation System Plan (TSP) projects (OAR 660-012-0060(4)(b)(B)).¹

The finding of no significant effect is based, in part, on the fact that the increase in traffic volume at the intersections studied is less than 10%, or, with respect to the State facilities, there is no further degradation of performance standards. Regardless, most study area county intersections were found to require capacity improvements (called “Base Mitigation”) simply to accommodate buildout capacity under the old SC Comprehensive Plan designations. Two of the State facilities (185th Avenue @ Bronson and 185th Avenue @ US-26 westbound) likewise require capacity improvements to accommodate buildout under the old SC Comprehensive Plan designations.

¹ One local north-south street was included in the travel model within the AmberGlen Community Plan area, and a network of future streets were included within the future South Hillsboro Plan area, because they were necessary to accurately distribute traffic from these plan areas into the surrounding Collector and Arterial transportation network in order to evaluate effects on capacity at the adjacent transportation facilities. These are the only road segments modeled that are not in the adopted RTP or TSP. These segments were agreed upon by the Oregon Department of Transportation (ODOT), and the difference plots were made with no measurable difference in the impact on ODOT Intersections.

The Base Mitigation includes improvements needed to meet performance standards to accommodate full buildout under the old SC Comprehensive Plan designation. These deficiencies that require Base Mitigation are not unexpected, because the Planned Roadway Network is currently based upon capacity improvement projects previously identified through the City of Hillsboro (City) and Washington County TSPs to meet population and employment projections through the 2020 planning year. Because the modeling for AmberGlen utilizes a 2035 planning year forecast with full buildout population and employment in the study area, the growth in traffic demand over the subsequent 15-year forecast period would, reasonably, need to be mitigated. The City intends to use the same buildout population and employment numbers from the AmberGlen study in their upcoming TSP updates,

The Hillsboro City Council's Transportation Committee's list of projects that are "reasonable to assume" includes a local funding supplement assumption of up to \$100 million in transportation infrastructure funding through Urban Renewal funding for the AmberGlen/Tanasbourne area. Additionally, the City has completed a Washington County Transportation Development Tax (TDT) analysis that demonstrates that the City would garner \$19 million more in TDT revenue under the adopted AmberGlen Community Plan Comprehensive Plan amendments than under the old Station Community Comprehensive Plan designations due to increased densities, thus expanding revenue.²

The analysis of traffic operations in the study area found the need for two additional mitigation improvements to supplement the Base Mitigation improvements in order to meet the 99% of capacity threshold with the added traffic projected to result from the adopted Comprehensive Plan amendments:

- NW Walker Road at NW 173rd Avenue – Add a second northbound through lane on NW 173rd Avenue and add a southbound right-turn lane on NW 173rd Avenue; and
- NW 185th Avenue at NW Evergreen Parkway – Add either the third eastbound left-turn lane on NW Evergreen Parkway or convert the existing northbound right-turn lane into a through-right lane on NW 185th Avenue.

The cost for these additional improvements (estimated at less than \$2 million) has been determined to be "reasonably likely" to be covered by the City Council through TDT collections from within the AmberGlen plan area, and/or from Tax Increment Financing that was deemed "reasonably likely to assume" in the City Council Transportation Subcommittee action in July 2009.

Connectivity, Circulation, and Street Design

The draft code provisions in the AmberGlen Zones and Development Regulations for connectivity, circulation, and street design are consistent with the adopted AmberGlen Community Plan Transportation Concept. Specifically, the adopted Community Plan calls for developing a detailed street plan, design criteria, and standard details for adoption in the Hillsboro Zoning Ordinance (Action 22). Adopted Figures 3-3 (AmberGlen Streetscape Concept Map), and 3-4 (AmberGlen Street Design Types) and related street cross sections and design standards within the AmberGlen Community Plan are consistent with the draft

² While the facilities requiring improvements are county facilities, Washington County (the County) acknowledged that proposed mitigation improvements are consistent with the County TSP so long as they don't trigger changes to lane numbers on the County Map. The County further acknowledged the established history of the City and County working together to fund county transportation facilities in Hillsboro (December 15, 2009 email from Andy Back to Don Odermott and Marah Danielson).

provisions, including Section 143.VIII.C. Connectivity and Circulation, and Section D.³ Street Design and Character (i.e., Maximum Block Size [Section 143.VIII.C.3.b]) of the AmberGlen Zones and Development Regulations.

Conclusions

Based on the analysis of land uses and peak trip generation characteristics for the TPR-compliant AmberGlen Community Plan and proposed Urban Center zoning change, it appears that a reasonable worst case for the proposed Urban Center zone classification would have it generating a similar number of trips as the existing zones used for the AmberGlen Community Plan. Because the potential for trip generation is similar, the proposed zoning changes should not have a significant effect (as defined in OAR 660-012-0060) on the transportation networks. The two significant findings for this determination from the transportation modeling that was performed for the AmberGlen Community Plan are:

- The volume-to-capacity ratio for the three State Highway intersections (185th @ Bronson, 185th @ US-26 westbound and 185th @ US-26 eastbound) will experience no further degradation with the adopted land use designations; and
- No intersection within the study area would experience an increase in traffic volume (measured by total intersection entering volume) of more than 8 percent (10 percent is considered a reasonable threshold for volume impact) when comparing buildout under the adopted Comprehensive Plan amendment to buildout under the old Station Community (SC) planning area designation.

In addition to the Base Mitigation capacity improvements that have been identified for maintaining level of service performance standards with buildout of the old Station Community designation, two intersections will require additional mitigation under the AmberGlen Community Plan and adopted Comprehensive Plan amendments. Because the mitigation required for these two intersections is within 500 feet of the intersections and requires the simple addition turn lanes (allowed under both the City TSP and County TSP), no TSP amendments are required. The cost for these improvements (estimated at less than \$2 million) have been determined to be “reasonably likely” to be available from the City Council through Transportation Development Tax (TDT) collections from within the AmberGlen plan area, and/or from Tax Increment Financing that was deemed “reasonably likely to assume” in the City Council Transportation Subcommittee action in July 2009.

No additional measures are needed to maintain the function, capacity, and performance of the nearby transportation facilities, and the requirements of the TPR are met.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Scott Harmon, PE, PTOE
Senior Traffic Engineer



³ Potential light rail transit route and street design cross sections are to be determined by Tri-Met and regional partners.