ORDER NO. 8065

ZONING ORDINANCE AMENDMENT 1-12: SECTION 143 URBAN CENTER ZONES

AN ORDER RECOMMENDING THE CITY COUNCIL APPROVE LEGISLATIVE TEXT AMENDMENTS TO THE HILLSBORO ZONING ORDINANCE NO. 1945 AS AMENDED, ADDING A NEW 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 (SCRP) 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 takes effect immediately upon approval.

Approved this 25th day of April, 2012.

John Coulter, President

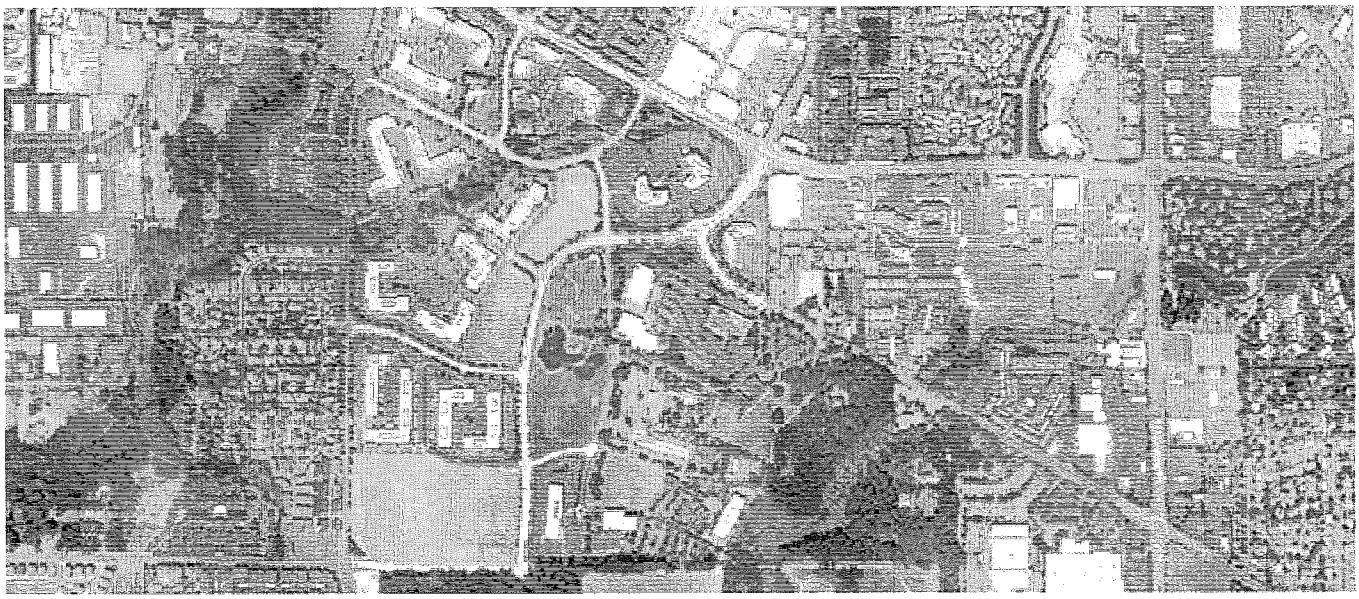
ATTEST:
Lisa Califf, Secretary

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 A

February 15, 2012 DRAFT

AmberGlen Zones and Development Regulations Hillsboro, Oregon



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Section 143: Urban Center Zones

I. PURPOSE AND APPLICABILITY

A. PURPOSE

The purpose of the Urban Center Zones is to support the implementation of the vision, goals, and policies outlined in the AmberGlen Community Plan and to be available for use in other areas of Hillsboro where plans call for similar forms of development in the future. More specifically, the zones and district standards are intended to:

- Allow for the gradual transition of existing uses in the AmberGlen plan area and other urban centers to higher intensity development over time;
- Support existing office development;
- Promote the implementation of urban center density targets;
- Provide the concentrations of residential and employment necessary to support high capacity transit;
- Increase the range of housing options available in the city's urban centers;
- Support the retention and expansion of institutional uses; and
- Promote innovative, high-quality, sustainable development.

B. APPLICABILITY[1]

1. The provisions of this Section 143 apply to all conforming and nonconforming properties within the UC districts as shown in Table 143-I-B-1. All expansions of uses or structures in Table 143-I-B-1 are measured from gross floor area existing on the Section 143 effective date.

2. Except as modified in this Section 143.I.B, all provisions of Section 133 apply to all construction, development, and redevelopment in the UC districts.

Table 143-I-B-1

Applicability of Section 143 Standards

	Conforming Uses and Structures	Nonconforming Uses, Structures, or Both
Expansion of existing structure or use by up to 10% of gross floor area	▪ Applicant may choose to comply with Section 143 Standards or Pre-existing Standards ▪ Section 133 Development Review **NOT** required	▪ Applicant may choose to comply with Section 143 Standards or Standards applicable to the property immediately prior to adoption of Section 143. ▪ Section 133 Development Review **NOT** required ▪ Section 99 showing of "practical difficulty or unnecessary hardship" **NOT** required for expansion of nonconforming use

[1] New section.

	Conforming Uses and Structures	Nonconforming Uses, Structures, or Both
Expansion of existing structure or use by more than 10% but not more than 20% of gross floor area	▪ Applicant may choose to comply with Section 143 Standards or Pre-existing Standards ▪ Section 133 Development Review **IS** required	▪ Applicant may choose to comply with Section 143 Standards or Standards applicable to the property immediately prior to adoption of Section 143. ▪ Section 133 Development Review **IS** required ▪ Showing of "practical difficulty or unnecessary hardship" **NOT** required for expansion of nonconforming use
Expansion of existing structure or use by more than 20% of gross floor area	Applicant must comply with Section 143 Standards	

3. References to Section 143 standards include all applicable standards, including but not limited to those in Sections 143.IV (Use Regulations), 143.V (Base Development Standards), 143.VI (Parking and Loading), 143.VII (Adjustments in Return for Public Benefits), 143.VIII (Site Planning Standards), and 143.IX (Building Design Standards). Where applicants are given an option to comply with Section 143 Standards or standards that applied to the property immediately prior to the adoption of Section 143 (the Pre-existing Standards), the applicant must comply with all of the Section 143 Standards or all of the Pre-existing Standards.

II. LAND USE ZONES

Each of the six land use zones proposed within the AmberGlen area is described below in terms of its corresponding Community Plan development type and purpose. 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.[2]

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; and

2. Provide a transition between higher intensity development desired at the core of the AmberGlen area and lower intensity residential development at the periphery of the AmberGlen area (both existing and planned).

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

The purpose of the proposed UC-MU zone is to:

[2] Descriptive language as to the intended location of each district has been deleted. Locations are shown on the proposed zoning map.

1. Provide opportunities for a range of medium to high density housing types (townhomes, apartments and condominiums) with an urban character that is unique in the City of Hillsboro;
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 the AmberGlen 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 form;
2. Provide concentrated opportunities for employment to complement residential, retail and commercial services within the AmberGlen 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:

1. Support a range of research, development and testing laboratory uses; educational uses; medical research and clinical uses; and high-tech and bio-tech research and applied technology uses;
2. Foster and support the development of industries resulting from or associated with the basic and applied research, development and testing laboratories and programs of the institutions and organizations located in the zone by encouraging and allowing incubator establishments within the zone, and by allowing compatible accessory industrial uses;

3. Support development in accordance with one or more approved Concept Development Plan(s) to encourage a transit-supportive, pedestrian-sensitive campus environment, and to prevent conflicts among the mix of uses and activities within the zone; and

4. Support the retention and ongoing expansion of the existing institutional users and address their unique requirements.

III. HOUSING TYPES

Table 143-III-A-1 lists housing types permitted, conditionally permitted, limited, or not permitted in the UC zone zones. Housing types are defined in Section 143. XI. Definitions.

A. AVAILABLE HOUSING TYPES

Table 143-III-A-1
Housing Types in the UC Districts

Housing Type	Districts						Notes
	UC-RM	UC-MU	UC-AC	UC-NC	UC-OR	UC-RP	
Detached single-family dwelling	L	N[3]	N	N	N	N	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[4]	P	L	L	L	P[5]	See §143.III.B.2
Live-work dwelling	P	P	P	P	N[6]	N	

(P) Permitted (C) Conditional (L) Limited (N) Not Permitted

B. HOUSING TYPE STANDARDS

1. Detached Single-family Dwelling

(a) In the UC-RM zone this use is limited to single-family detached dwellings on lots platted for that use prior to the effective date of this ordinance.

(b) In the UC-RP zones, single-family detached dwellings are only permitted for caretaker use and are not subject to minimum residential density requirements

2. Multiple-dwelling Structure

In the UC-AC, UC-NC, and UC-OR, multiple-dwelling units may not be located on the ground floor of any primary street frontage entirely or partly within a Retail Focus Frontage area identified in Figure 2 (AmberGlen Street Map) .[7]

[3] Single-family Detached units have been deleted for the UC-MU, UC-OR, and UC-RP districts because they were limited to caretaker use, which is now covered by secondary dwelling unit provisions.
[4] Changed to a P use because density and height limits for this district in Section 143.V (Development Standards) would accommodate multi-family residential building forms while still providing a transition area to surrounding residential areas
[5] Correction to match development standards table.
[6] Since ground floor non-residential use requirement was deleted, these become P uses in the UC-RM, and UC-AC zones. Since detached and attached structures are not permitted in the UC-OR zones, this becomes an N use in that zone.
[7] Revised to clarify that this applies if any portion of the property is located in the retail focus frontage area.

IV. USE REGULATIONS

A. AVAILABLE USES

Table 143-IV-A-1 lists uses permitted, conditionally permitted, limited, or not permitted in the UC zones. Use types are defined in Section 143. XI. Definitions.

Table 143-IV-A-1
Use Categories in the UC[8]

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	L	L	L	N	
Commercial Parking	N	C, L	C, L	C, L	C, L	N	See § 143.IV.C.1.(e)
Durable Goods Sales	N	C, L	L	L	C,	N	See § 143.IV.C.1.(f)
Eating and Drinking Establishments	N	P	L	L	P	N	See § 143.IV.C.1.(g)
Educational Services	N	P	L	L	P	P	
Office	L[9]	P	P	P	P	P	See § 143.IV.C.1(h)
Retail Products and Services	N	L	L	L	C	N	See § 143.IV.C.1.(i)
Self-Service Storage	N	L	N	L	L	N	See § 143.IV.C.1.(j)
Vehicle Service and Repair	N	N	N	L	L	N	See § 143.IV.C.1.(k)
Industrial Use Categories							
Industrial Services	N	P	N	I	I	P	
Manufacturing and Production	N	L	N	N	L[10]	N	See § 143.IV.C.1(l)
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.(k)
Detention Facilities	N	N	N	N	N	N	
Hospitals	N	C, L	N	N	C, L	N	See § 143.IV.C.1.(l)

[8] Use categories are as listed in the new Draft CDC.
[9] Use added to avoid making existing office uses in this zone non-conforming.
[10] Changed from N to L use to allow light manufacturing in facilities that look like office buildings and have minimal truck traffic.

Use	Zones						Clarifications
	UC-RM	UC-MU	UC-AC	UC-NC	UC-OR	UC-RP	
Major Assembly Facilities	N	L	L	L	L	C	See § 143.IV.C.1.(m)
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.(n)

(P) Permitted (C) Conditional (L) Limited (I) Interim (N) Not Permitted

B. ACCESSORY STRUCTURES AND USES

Accessory structures and uses, including but not limited to those listed as examples in individual Use Categories in Section 143.XI, are permitted, provided that they:

1. Comply with the definition of accessory structures or use in Section 143.XI Definitions: and

2. Comply with any Use Specific Standards for that accessory use in Section 143.IV.C below; and

3. Do not exist before the primary use on the property begins operation or after the primary use on the property stops operation.

C. USE SPECIFIC STANDARDS

1. Primary Uses

(a) Group Living

(1) In the UC-AC and UC-NC zones, no facility shall have a design capacity of more than 150 residents (including caretakers). Larger facilities may be approved as conditional uses through a Type III approval process (see Section 143.X).[11]

(b) Residential Services

(1) In the UC-AC and UC-NC zones, no facility shall have a design capacity of more than 150 residents (excluding required live-in staff). Larger facilities

[11] Approval of larger group living uses and residential service uses have been corrected to a Type III approval since the Task III for consistency with the draft CDC (all conditional uses are Type III approvals) and Table 133-X-C-I. Type II approval of larger facilities was added to parallel treatment of Residential Services use.

may be approved as conditional uses through a Type III approval process (see Section 143.X).

(c) Residential Business

(1) In the UC-AC and UC-NC zones, the residential use may not be located on the ground floor of the primary street frontage of the structure.

(d) Commercial Lodging

(1) In the UC-NC zone, no facility may contain more than 100 commercial lodging units.

(e) Commercial Parking

(1) All commercial parking facilities shall be in structures containing at least one level of parking spaces in a permanent structure constructed above or below grade level.[12]

(2) All commercial parking facilities shall comply with all applicable provisions of Section 143.VI (Parking and Loading).

(3) All commercial parking facilities within the Retail Frontage Focus area shown on Figure 2 (AmberGlen Streets Map) shall comply with all applicable provisions of Section 143.IV.D (Pedestrian-Active Use Requirement).

(f) Durable Goods Sales

(1) In the UC-AC and UC-NC zones, no facility shall contain more than 15,000 sq. ft. of gross floor area.

(2) In the UC-MU and UC-OR zones, no part of the facility shall be located within 800 ft. of an LTR or HCT station.

(g) Eating and Drinking Establishments

(1) In the UC-AC and UC-NC zones, no facility shall contain more than 15,000 sq. ft. of gross floor area.

(h) Office

(1) In the UC-RM zone this use is limited to structures occupied by office uses prior to the effective date of this ordinance.

(2) Structures containing office located on land that is indicated for inclusion in the Central Park as shown on the AmberGlen Land Use Concept Map, but not yet included in the park, may continue to be used for office uses until such time as the lands designated for inclusion in the Central Park are acquired or dedicated for that use.[13]

[12] New provision.
[13] Added to avoid making current office buildings non-conforming.

(i) Retail Products and Services

(1) In the UC-MU, UC-AC and UC-NC zones, this use shall not be located on any floor except the ground and second floors of the structure.

(j) Self-Service Storage

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

(2) In the UC-MU and UC-NC zones, no part of the facility shall be located within 800 ft. of an LTR or HCT station.

(3) The self-storage units shall not have individual entrances on any façade of the structure facing a public street, public park, or designated open space.[14]

(k) Vehicle Service and Repair

(1) In the UC-NC and UC-OR zones, no facility shall occupy a site larger than 25,000 sq. ft. including parking and circulation areas.

(l) Manufacturing and Production[15]

(1) This use is limited to operations with an expected employment level of at least one person per 500 sq. ft. of gross floor area in the primary structure.

(2) Truck shipments to or from the property by trucks with a gross vehicle weight of 25,000 lbs. are limited to one per day on average.

(3) Outdoor storage of materials, supplies, inventory, equipment, or other items is not permitted.

(4) Truck loading facilities shall not be located on any façade of the building facing a public street.

(m) Community Services

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

(n) Hospital

(1) In the UC-MU and UC-OR zones, no facility may contain more than 100 inpatient beds.

(o) Major Assembly Facilities

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

[14] New standard.
[15] New standards to allow light manufacturing uses that look and have operating characteristics like office/research.

(2) In the UC-MU and UC-OR zones, no facility may contain more than 50,000 sq. ft. of gross floor area.[16]

(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.

2. Accessory Uses

(a) Amateur or 'Ham' Radio Facilities

(1) All required federal, state and local permits must be obtained prior to operation and maintained in good standing while the accessory use continues.

(b) Horticultural Activities

(1) Shall not include commercial buildings or structures.

(c) On-Site Energy Production Facilities

(1) All required federal, state and local permits must be obtained prior to operation and maintained in good standing while the accessory use continues.

(d) Private Community Recreation Facilities

(1) Must be operated solely by residents of a specific development and approved as an amenity of that development during the development review process.

(e) Secondary Dwelling Unit[17]

(1) SDUs are subject to review and approval through a Type II procedure (See Section 143.X).

(2) An SDU cannot be occupied by more than three related or unrelated persons.

(3) An SDU must be located on the same lot as the primary detached or attached single family dwelling. Not more than one SDU is allowed per lot.

(4) One off-street parking space is required for a SDU. The parking space for the SDU must be independently accessible from the parking for the primary dwelling.

(5) SDUs shall be at least 250 square feet but not more 750 square feet in area.

(6) SDUs must comply with applicable building, fire, health and safety codes.

[16] Limit reduced from 100,000 changed from assembly area to gross floor area for consistency in measurement across zones.
[17] Standards are from draft CDC. Revised since November to reflect that SDUs are only available in the UC-MR district.

(7) Except as provided in subsection 9 below, an SDU must conform to the standards of the applicable zone regarding building height, lot coverage, and setbacks. If the applicable zone has standards for the placement of SDUs, such standards supersede this section.

(8) A detached SDU meeting the following standards may be located within 5 feet of a side or rear property line:

i. The SDU is 450 square feet or smaller in area;

ii. Outer edges of eaves are at least 2 feet from side and rear property lines;

iii. The SDU is separated from any other structure on the site by at least 6 feet;

iv. The SDU is not more than one story in height (maximum 10 feet measured mid-point between the roof peak and the roof eave; and

v. The SDU is placed behind the front building plane of the primary dwelling.

(9) On interior lots, detached SDUs and attached SDUs attached by a breezeway must be located behind the rear building plane of the primary dwelling. On corner lots SDUs must be located behind the front building plane on both streets.

(10) SDUs cannot be located over any public or private utility or access easement.

(11) A new attached SDU cannot have a ground floor front door entrance on the front elevation of the primary dwelling, unless the primary dwelling had more than one ground floor front door on that elevation before the SDU was created. An attached SDU may have a second floor, front elevation, entrance from a balcony or deck.

(12) Exterior finish materials must visually match, in type, size and placement, the exterior finish of the primary residence.

(13) Roof pitch shall be the same as the predominant roof pitch of the primary residence.

(14) Eaves shall project the same distance as eaves on the primary residence.

(15) Windows shall match those in the primary residence in proportion (relationship of width to height) and orientation (horizontal or vertical).

(16) Trim shall be proportionally the same in type, size and location as the trim used on the primary residence.

D. PEDESTRIAN-ACTIVE USE REQUIREMENTS[18]

1. Purpose

The purpose of these requirements is to ensure that key corridors and nodes within the UC zones that are intended to for more intense pedestrian activity are developed with structures that can accommodate pedestrian-active uses (such as retail and services) in ground floor street frontages.

2. Applicability

The provisions of this Section 143.IV.D shall apply to all primary street frontages within the Retail Focus Frontage areas shown on Figure 2 (AmberGlen Street Map).

3. Requirements

(a) All development shall comply with all other requirements of the Hillsboro Zoning Ordinance that are not inconsistent with the requirements of this Section 143.IV.D. In the event of inconsistency, the provisions of this Section 143.IV.D shall apply.

(b) Within each development parcel, at least 60 percent of each ground floor street frontage of each primary building shall be constructed:

(1) With a floor-to-ceiling height of at least 13 ft.;

(2) With a leasable area extending from the street façade of the building towards the interior of the building at least 30 ft.; and

(3) With at least one pedestrian access from the street to a main building entrance per 100[19] linear ft. of street frontage, or part thereof,[20] at a level no more than 3 ft. above or below sidewalk grade.

V. BASE DEVELOPMENT STANDARDS[21]

A. DEVELOPMENT STANDARD TABLES

1. Compliance Required

All development in the Urban Center Zones shall be subject to the development standards in Tables 143-V-A-1 through 143-V-A-6 below, as applicable to individual zones. These development standards may be further limited or modified by other applicable sections of these Urban Center zones or the City of Hillsboro Zoning Ordinance, as noted.

[18] Modified from MU-C standards.
[19] Revised from 50 feet to 100 feet based on public comment.
[20] Revised since November draft to clarify application of standard.
[21] The development standards in Tables 143-V-A-1 through 143-V-A-6 reflect parameters defined by the Community Plan as a starting point for discussion.

2. Application of Minimum Density and Intensity Requirements[22]

(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 or residential development with ground floor non-commercial uses. If ground floor support uses are included, the non-residential portion of the ground floor 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 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.

[22] Clauses (a) through (c) relocated and revised from Base Development Standards tables since November draft. Clause (d) added to clarify application to mixed use buildings and projects on a single parcel.

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

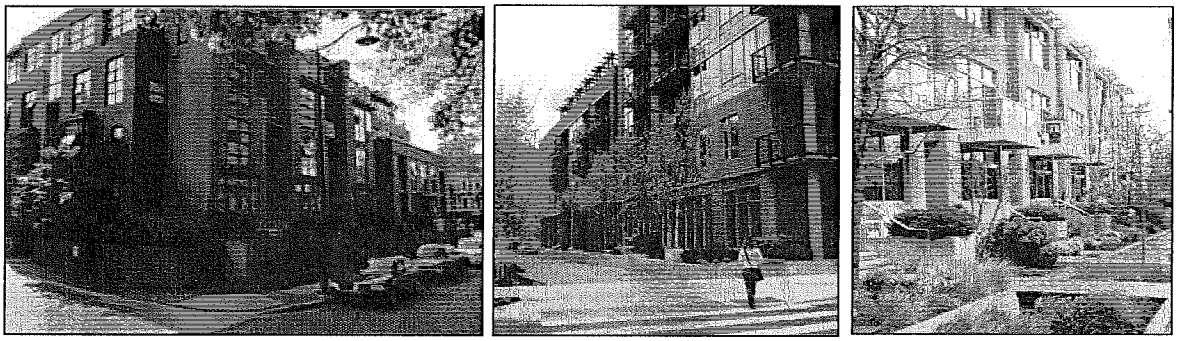
Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density[23] ▪ Minimum ▪ Maximum	 ▪ 24 du/na ▪ 43 du/na	
Floor Area Ratio[24] ▪ Minimum ▪ Maximum	▪ 0.65 ▪ None	
HEIGHT		
Minimum Building Height Maximum Building Height	2 stories or 25 feet, whichever is less[25] 55 feet	Subject to transitional standards in Section 143. IX. (Building Design Standards)
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII (Site Planning Standards)
Minimum Lot Dimensions Width ▪ Detached ▪ Attached Depth	 ▪ 25 feet ▪ 18 feet 50 feet	
Build to Zone	0 – 15 feet	Measured from back of sidewalk.
Front Property Line Coverage	75 percent of the primary street frontage must be occupied by the first two stories of the front façade[26]. This standard does not apply to 206th Ave. or 185th Ave. street frontage.	All areas within the Build to Zone not occupied by building must contain landscaping or outdoor gathering spaces. Subject to Section 143.VIII. (Site Planning Standards)
Minimum Setback (Side Yard)	5 feet (0 feet on common wall of attached units)	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Minimum Setback (Rear Yard)	Less than 5 feet or more than 18 feet	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII. (Site Planning Standards)	
Minimum Landscaping		

[23] Only target Residential Density is defined in Community Plan (34 du/ac). Maximum reflects minimum for adjacent UC-MU zone. Required FAR range in prior draft deleted, since only residential uses are permitted during redevelopment (although currently existing offices are a legal use until redeveloped).

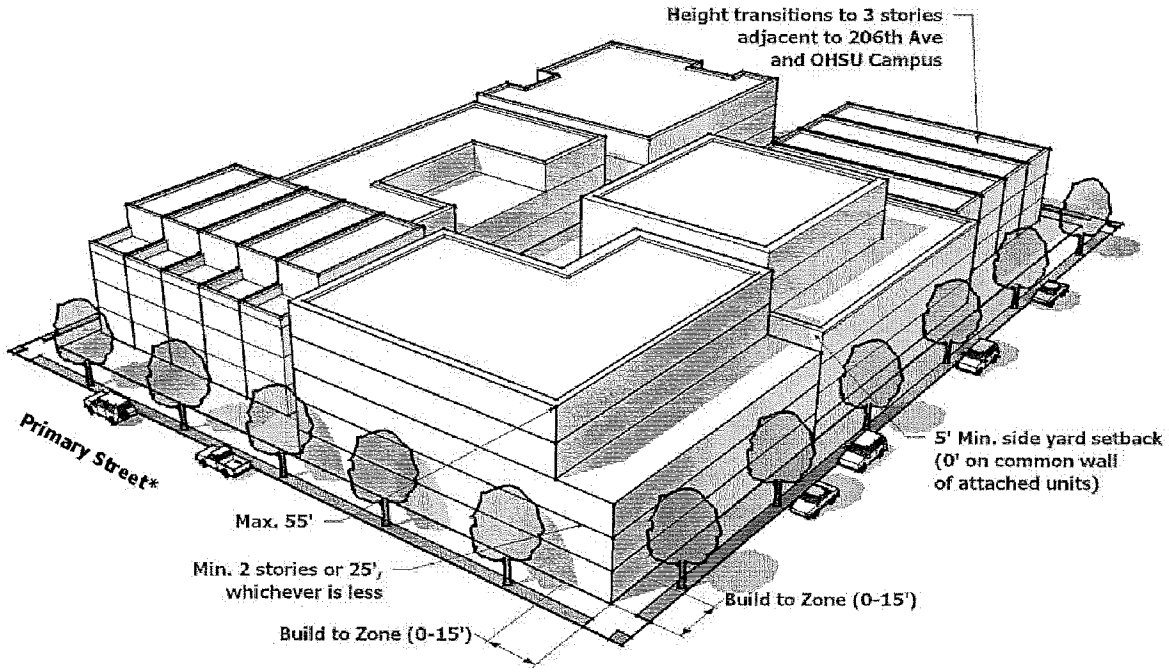
[25] Building heights converted to equivalent feet based on public comment for all zones.

[26] Modified for consistency with other zones and to allow for flexibility in building modulation on upper floors.

URBAN CENTER RESIDENTIAL MEDIUM DENSITY ZONE (UC-RM)



Examples: Urban Center Residential Medium Density Zone development types.



Front property line coverage:
*** 75% of the street frontage must be occupied by the first two stories of the front facade**

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

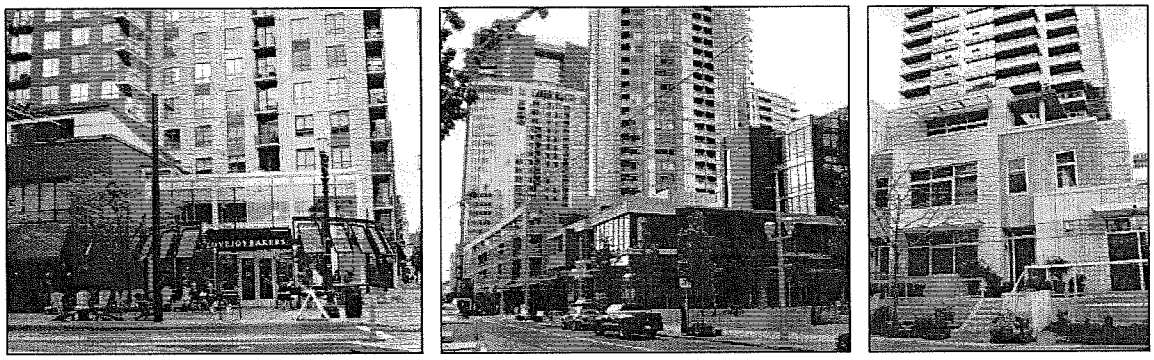
Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density[27] ▪ Minimum ▪ Maximum	 ▪ 43 du/na ▪ None	See Section 143.V.A.2.
Floor Area Ratio[28] ▪ Minimum ▪ Maximum	 ▪ 1.00 ▪ None	
HEIGHT		
Minimum Base Height Maximum Base Height Maximum Building Height	3 stories or 35 feet, whichever is less. 65 feet None	Subject to transitional standards in Section 143. IX. (Building Design Standards)
Minimum Ground Story Height[29] ▪ Streets in Retail Focus Frontage areas ▪ All other streets	 ▪ 13 feet ▪ 10 feet	Subject to Section 143.IV. (Use Regulations)
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII. (Site Planning Standards)
Minimum Lot Dimensions Width Depth	 None[30] 50 feet	
Build to Zone	0 – 15 feet	Measured from back of sidewalk.
Front Property Line Coverage	▪ *Streets in Retail Focus Frontage areas and Park Streets* 75 percent of the primary street frontage must be occupied by the first three stories of the front façade. [31] ▪ *All other streets:* 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) Minimum Setback (Rear Yard)	0(10 feet adjacent to an existing building)	Except as necessary to accommodate building code, public utility easements, or public open space requirements.

[27] Target Residential Density defined in Community Plan = 43 du/ac for Medium Density Urban and 73 du/ac for High Density Urban.
[28] Target FAR defined in Community Plan = 1.5 for Medium Density Urban and 3.0 for High Density Urban.
[29] Intended to preserve long-term opportunity for small-scale retail in targeted areas; while allowing ground floor to be used for live work/or residential units, or for multifamily lobbies or community rooms in short-term.
[30] Lot width standards were deleted because detached structures are not permitted and attached structures are not subject to width standards in any of the other (generally less intense) UC zones.
[31] Revised to include Park Streets.

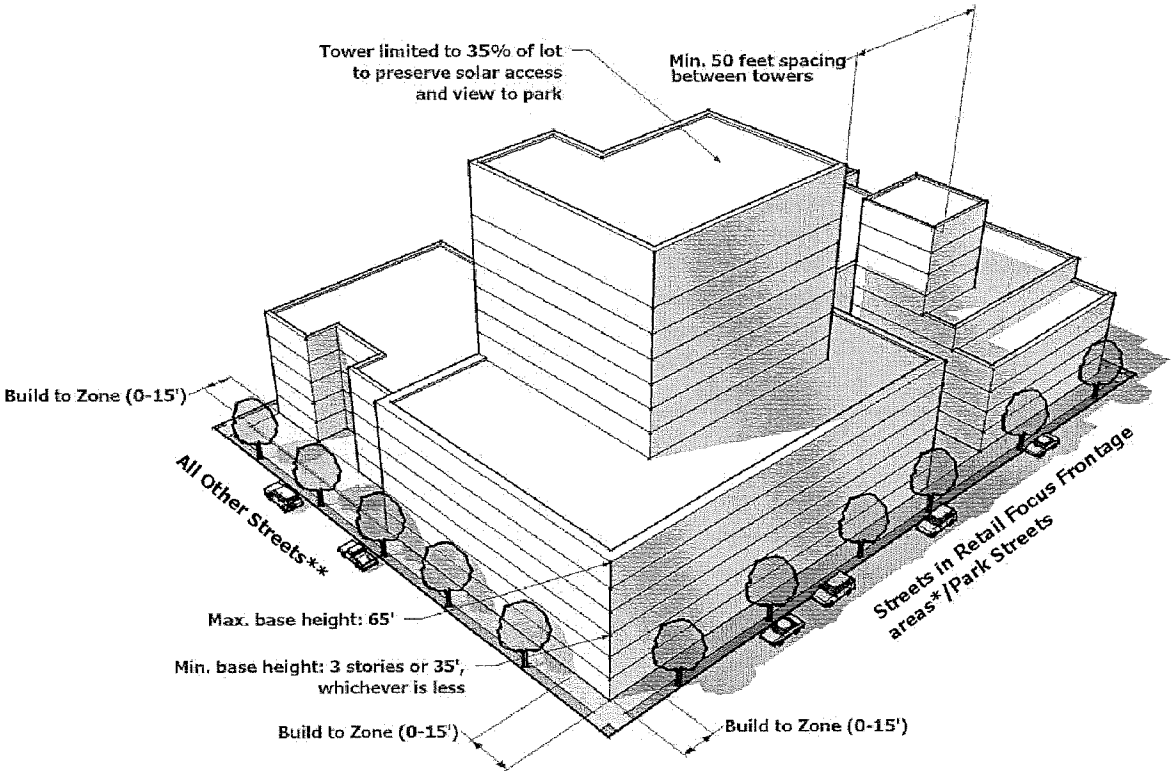
Table 143-V-A-2
Base Development Standards for Urban Center Mixed-Use Urban Density Zone (UC-MU)

Standard	Requirement	Clarifications
Maximum Lot Coverage ▪ First 90 feet ▪ 105 feet and above	None 35 percent	Subject to Section 143. IX. (Building Design Standards)
Minimum Useable Open Space	Subject to Section 143.VIII. (Site Planning Standards)	
Minimum Landscaping		

URBAN CENTER MIXED-USE URBAN DENSITY ZONE (UC-MU)



Examples: Urban Center Mixed-Use Urban Density Zone development types.



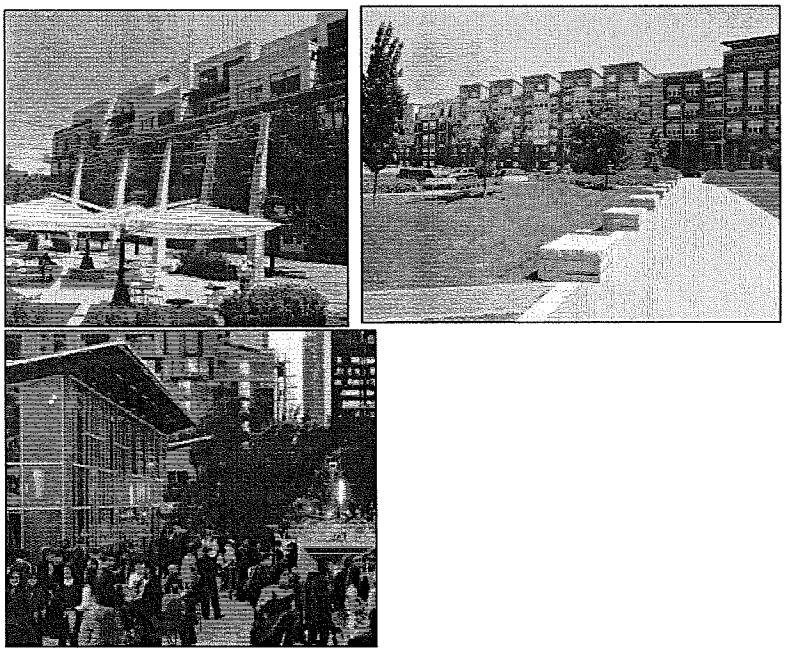
Front property line coverage:
*** 75% of the street frontage must be occupied by the first three stories of the front facade**
****60% of the street frontage must be occupied by the first three stores of the front facade**

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

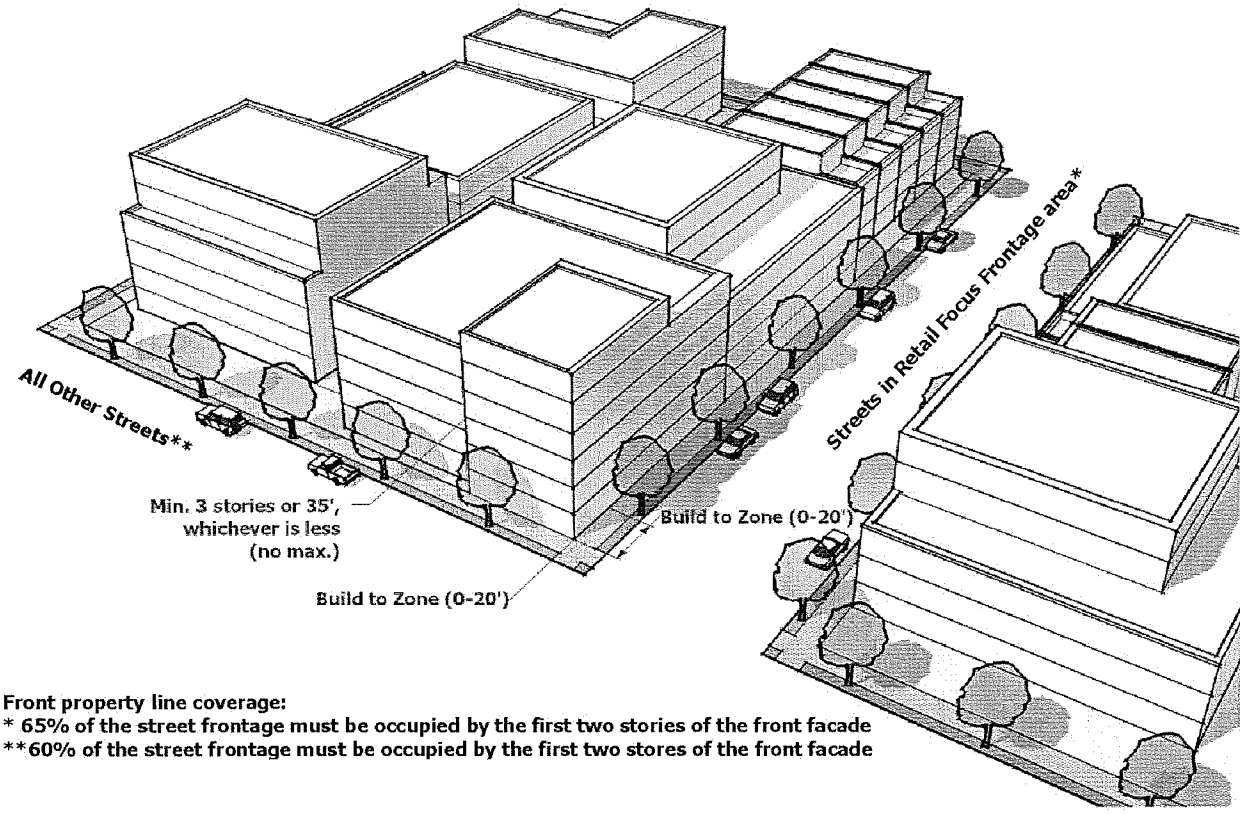
Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density[32] ▪ Minimum ▪ Maximum	 ▪ 43 du/na ▪ None	See Section 143.V.A.2.
Floor Area Ratio[33] ▪ Minimum ▪ Maximum	 ▪ 1.00 ▪ None	
HEIGHT		
Minimum Building Height Maximum Building Height	3 stories or 35 feet, whichever is less None	Subject to Section 143.IX. (Building Design Standards)
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII. (Site Planning Standards)
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Dimensions ▪ Width ▪ Depth	 ▪ None ▪ None	
Build to Zone	0 -20 feet	▪ Measured from back of sidewalk.
Front Property Line Coverage	▪ *Streets in Retail Focus Frontage areas:* 65 percent of the primary street frontage must be occupied by the first two stories of the front façade. ▪ *All other streets:* 60 percent of the street primary frontage must be occupied by the first two stories of the front façade.	All areas within the Build to Zone not occupied by building must contain landscaping or outdoor gathering spaces. Subject to Section 143.VIII. (Site Planning Standards)
Minimum Setback (Side Yard)	None	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Minimum Setback (Rear Yard)	None	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII. (Site Planning Standards)	
Minimum Landscaping		

[32] Target Residential Density defined in Community Plan = 74 du/ac.
[33] Target FAR defined in Community Plan = 3.0.

URBAN CENTER ACTIVITY CENTER ZONE (UC-AC)



Examples: Urban Center Activity Center Zone development types



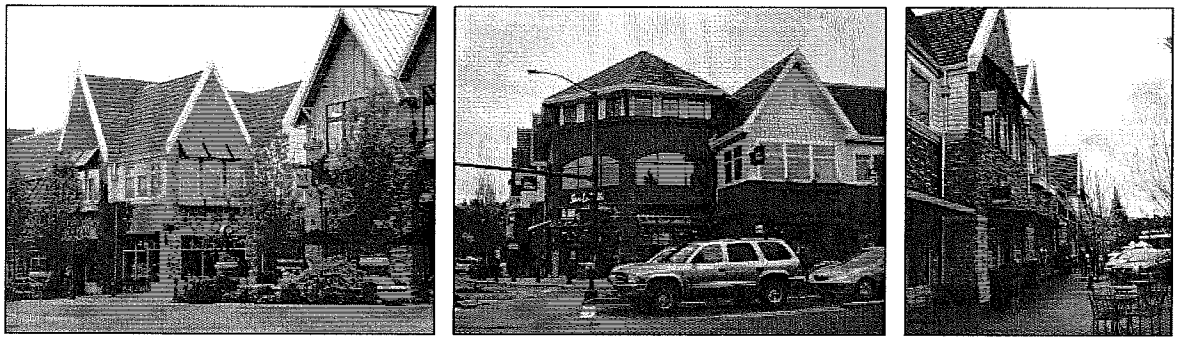
Front property line coverage:
*** 65% of the street frontage must be occupied by the first two stories of the front facade**
****60% of the street frontage must be occupied by the first two stores of the front facade**

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

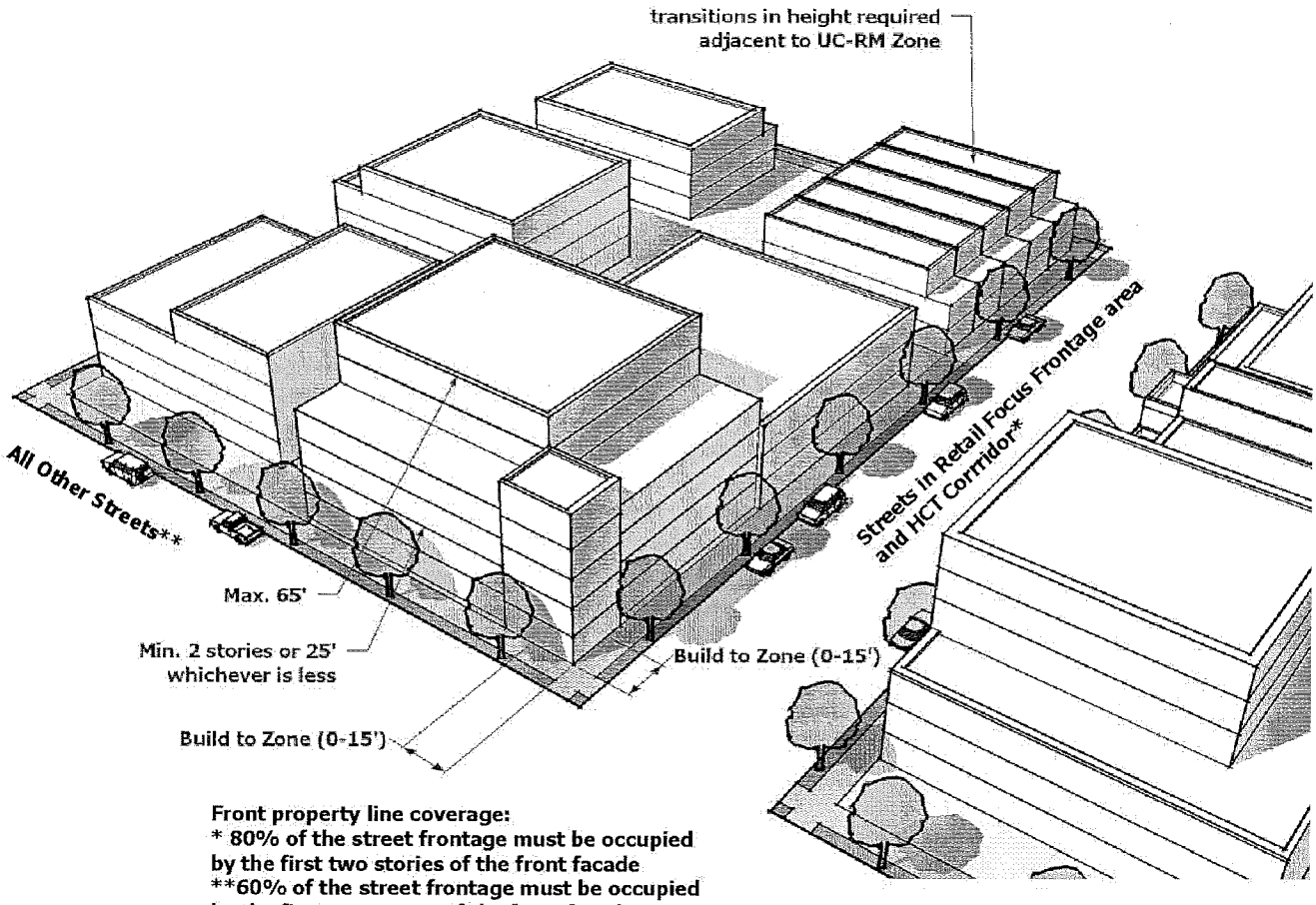
Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density[34] ▪ Minimum ▪ Maximum	 ▪ 30 du/na ▪ None	See Section 143.V.A.2.
Floor Area Ratio[35] ▪ Minimum ▪ Maximum	 ▪ 0.55 ▪ None	
HEIGHT		
Minimum Building Height Maximum Building Height	2 stories or 25 feet 65 feet (Subject to transitional standards)	Subject to Section 143.IX. (Building Design Standards)
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII. (Site Planning Standards)
Minimum Lot Dimensions ▪ Width ▪ Depth	 ▪ None ▪ None	
Build to Zone	0 – 15 feet	Measured from back of sidewalk.
Front Property Line Coverage	▪ Streets in Retail Focus Frontage areas, and HCT Corridor: 80 percent of the primary street frontage must be occupied by the first 2 stories of the front façade. ▪ All other streets: 60 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)
Minimum Setback (Side Yard)	0 (15 minimum along street frontage shared with UC-RM District)	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Minimum Setback (Rear Yard)		
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII. (Site Planning Standards)	
Minimum Landscaping		

[34] No minimum or target Residential Density defined in Community Plan for 185th or Quatama Neighborhood Center.
[35] Minimum FAR represents mid-point of minimum FARs defined in Community Plan for the two Neighborhood Centers—0.40 for 185th and 0.70 for Quatama. Target FAR defined in Community Plan = 0.65 for 185th and 1.0 for Quatama.

URBAN CENTER NEIGHBORHOOD CENTER ZONE (UC-NC)



Example: Urban Center Neighborhood Center Zone development types.



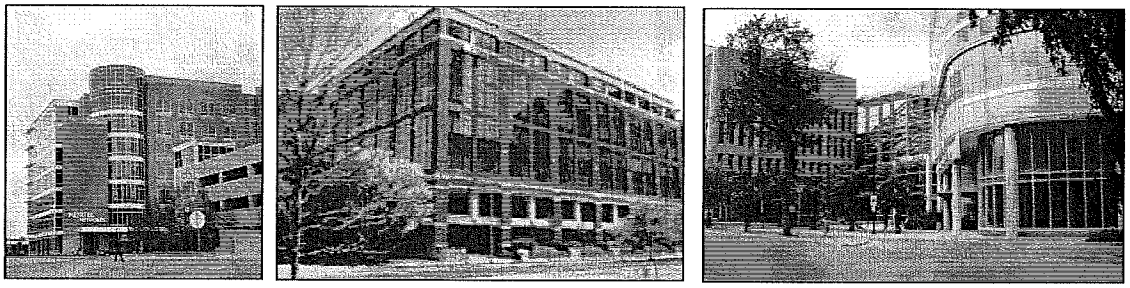
Front property line coverage:
*** 80% of the street frontage must be occupied by the first two stories of the front facade**
****60% of the street frontage must be occupied by the first two stores of the front facade**

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

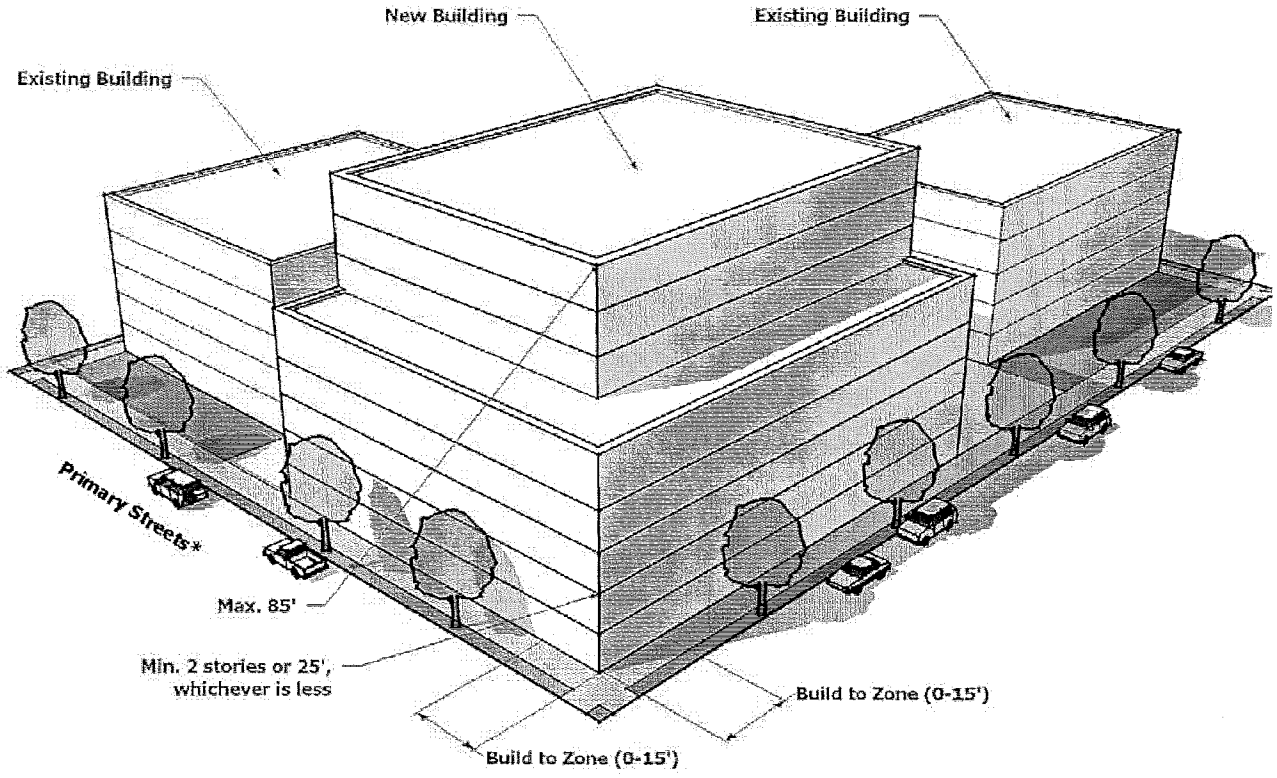
Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Residential Density[36] ▪ Minimum ▪ Maximum	 ▪ 30 du/na None	See Section 143.V.A.2.
Floor Area Ratio[37] ▪ Minimum Maximum	▪ 0.60 None	
HEIGHT		
Minimum Building Height Maximum Building Height	2 stories or 25 feet, whichever is less 85 feet	
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	Subject to Section 143.VIII. (Site Planning Standards)
Minimum Lot Dimensions ▪ Width ▪ Depth	 ▪ None ▪ None	
Build to Zone	0 – 15 feet	▪ Measured from back of sidewalk.
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)[38]
Minimum Setbacks ▪ Side Yard ▪ Rear Yard	 ▪ None ▪ None	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Maximum Lot Coverage	None	
Minimum Useable Open Space Minimum Landscaping	Subject to Section 143.VIII. (Site Planning Standards)	

[36] Minimum residential density added since the use table now allows residential uses in this zone.
[37] Target FAR defined by Community Plan = 1.00
[38] Added since November draft for consistency with all other districts except UC-RP.

URBAN CENTER OFFICE/RESEARCH ZONE (UC-OR)



Examples: Urban Center Office/Research Zone development types.



Front property line coverage:
*** 75% of the street frontage must be occupied by the first two stories of the front facade**

Table 143-V-A-6 [39]
Base Development Standards for Urban Center Research Park Zone (UC-RP)

Standard	Requirement	Clarifications
DENSITY/INTENSITY		
Minimum Residential Density[40]	▪ 18 du/na ▪ If dormitories or other single room occupancy facility: 36 rooms/na	See Section 143.V.A.2.
Maximum Residential Density	▪ 65 du per net acre [41]	
Minimum FAR ▪ Research laboratory and animal buildings; industrial flex space; and accessory industrial facilities ▪ Commercial, office, clinic, classroom uses, and mixed-use buildings ▪ Emergency service facilities ▪ Hospitals and related laboratory & outpatient facilities	▪ 0.35 ▪ 0.40/0.50 ▪ 0.50 ▪ 1.0	
HEIGHT		
Minimum Building Height Maximum Building Height	2 stories or 25 feet, whichever is less 55 feet	
BUILDABLE AREA/BUILDING SITING		
Minimum Lot Size Maximum Lot Size	None None	
Minimum Lot Dimensions ▪ Frontage (Width) ▪ Depth	▪ 30 feet ▪ None	
Minimum Setbacks from Streets and Alleys	None	Except as necessary to accommodate building code, public utility easements, or public open space requirements.
Maximum Setbacks from Streets and Alleys[42]	Front: Multiple-dwelling structure: 15 feet Front: Three-dwelling (or more) Attached Townhouse: 13 feet Front: Two-dwelling Attached Townhouses: 19 feet Side (all housing types): None All other uses: None	
Maximum Lot Coverage	None	
Minimum Useable Open Space	Subject to Section 143.VIII.F. (Usable Open Space)[43]	

[39] Development Standards below are carried forward from the SCRP District with minor modifications to eliminate the LRT distance parameters and refine uses.
[40] Existing SCRP district sets higher minimum densities for residential and dormitories near LRT stations, but those distance based density standards have been deleted consistent with the City's general approach in the new CDC.
[41] Existing SCRP district has no maximum density within 1300 feet of the LRT and 65 du/ac beyond that. The latter has been carried forward for simplicity since LRT distance parameters are being phased out in the new CDC.
[42] Residential setback requirements carried forward from SCR-V, since it is not clear that district will survive into the new CDC.
[43] Adjusted reference to eliminate reference to draft CDC, since the reference and standards may change.

Minimum Landscaping	Subject to Section VIII.G. (Landscaping and Stormwater Management)[44]	

B. EXCEPTIONS TO DEVELOPMENT STANDARDS

1. Exceptions to Required Setbacks and Height Limits

The features and structures listed in Table 143-V-B-1 are exceptions to those required minimum setbacks, maximum setbacks, and maximum heights listed in Section 143.V.A above subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code.

Table 143-V-B-1
Exceptions to Development Standards[45]

Structure or Feature	Conditions or Limits
Exceptions to Minimum Setbacks	
Ancillary structures and recreational facilities in public parks	Exempt from minimum setbacks
Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, porches, decks, pergolas, balconies, stoops, and other similar non-load-bearing architectural features	No more than 4 feet into a required yard or open space
On-site energy production equipment (including but not limited to solar, wind, and geothermal energy equipment)	Permitted in side or rear setback areas, but no closer than 5 ft. to any property line.
Exceptions to Maximum Setbacks	
Ancillary structures and recreational facilities in public parks	Exempt from maximum setbacks.
All structures and features	As necessary to accommodate Public Utility Easements, where the PUE is wider than the required maximum setback.
Exceptions to Building Height Limits	
Chimneys, elevated storage tanks, spires or belfries, domes, monuments and flagpoles, emergency services training towers, observation towers, masts, aerials, radio and television towers, cooling towers, elevator shafts, and electric transmission towers.	Exempt from height limit
On-site solar energy production equipment	Up to 36 in. beyond height limit
On-site wind energy production equipment in the UC-OR and UC-RP zones	Up to 30 ft. beyond height limit

[44] Adjusted reference to eliminate reference to draft CDC, since the reference and standards may change.
[45] Some standards are based on design standards in the draft CDC, while others (on-site energy) are new.

2. Exceptions to Minimum Intensity

(a) Parcels currently developed below minimum non-residential FAR required by Section 143.V.A (Development Standards Tables) where no part of the parcel is located within 800 ft. of an LRT or HCT stop may redevelop without reaching those minimum intensities if both of the following conditions apply:[46]

(1) The subject property is developed with non-residential uses at less than 50 percent of the required minimum non-residential FAR for that zone; and

(2) More than one-half of the adjacent developed parcels (ignoring intervening streets) with non-residential uses are developed below the required minimum non-residential FAR for the subject parcel

(b) If the conditions in subsection (a) above apply, then the subject parcel may be redeveloped with non-residential uses at a non-residential FAR of not less than (a) the current developed non-residential FAR on the subject parcel plus 50 percent of the existing FAR, or (b) the current developed non-residential FAR of the adjacent parcel with the highest non-residential FAR that is below the minimum FAR for the zone plus 50 percent of that FAR, whichever is greater.[47]

(c) If the result of the calculation in subsection (b) above exceeds the minimum FAR that would apply pursuant to Section 143.V.A, then the minimum FAR in Section 143.V.A shall apply.

(d) This provision is illustrated in the following drawing and example.

[46] Limitation on properties near HCT and LRT stations are new.

[47] Adjusted minimum densities changed to require 50% more than current density or highest adjacent use (rather than 25%) to respond to Metro concerns that the lower figure could significantly weaken minimum density standards throughout the AmberGlen area.

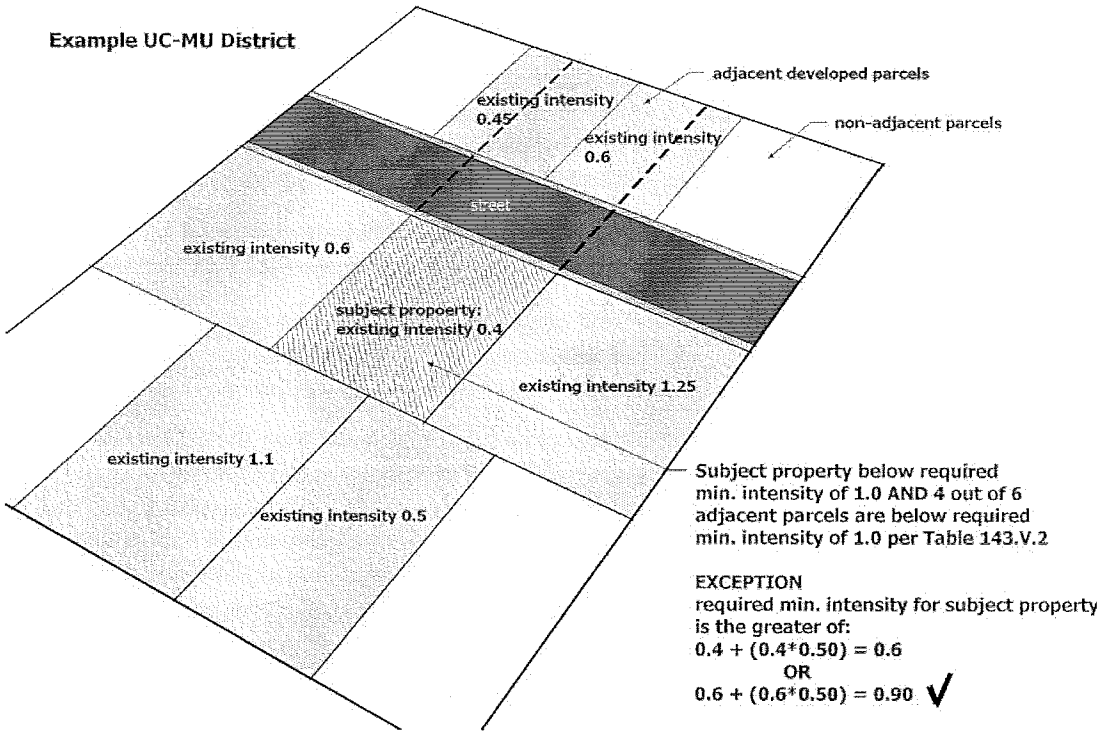


Figure 1—Calculating exceptions to minimum density.

VI. PARKING AND LOADING

A. GENERAL PROVISIONS

1. The provisions of this Section 143.VI shall apply to:

(a) All new construction in the Urban Center zones; and

(b) All redevelopment or expansions of existing structures in the Urban Center zones that increases the gross-floor area of the existing structure by more than 20 percent.

2. The provisions of Sections 84 through 86 (Off-street Parking and Loading) and Section 137.XI (Minimum and Maximum Off-street Parking Requirement) are hereby incorporated into this Section 143.VI unless inconsistent with the provisions of this section, in which case the provisions of this section shall apply. In the event of an inconsistency between Sections 84, 85, 86 and/or 137.XI on a topic not addressed by this Section 143.VI, the provisions of Section 137.XI shall apply.

3. When a new primary structure containing more than 75,000 square feet of gross floor area is constructed after the effective date of this ordinance, no more than 25 percent of the gross[48] area of the lot or parcel may be occupied by surface parking areas,

[48] Revised to clarify that 25% is to be measured with respect to gross acreage (not net).

including aisles necessary for circulation within the parking lot, but not including access driveways leading to or from the parking lot.[49]

4. Where more than 100 vehicle parking spaces are provided, at least one electric car charging point within a rated capacity of at least 240 volts shall be provided. At least one additional electric car charging point, with a rated capacity of at least 240 volts or more shall be provided for each 100[50] vehicle parking spaces or part thereof.

5. Surface parking is prohibited between the street-facing façade line and the street. Where provided, surface parking shall be located either:

   (a) behind the primary building (so that the primary building is located between the surface parking area and the street); or

   (b) beside the primary building, provided:

      (1) that the edge of any surface parking area or driving aisle closest to the street is located at least 50 feet from each street, as measured from back of the curb; and

      (2) access to the surface parking area is not provided from the primary street frontage unless no other access point is available.

6. Lot design (including structure design), lighting, and landscaping shall comply with the requirements of Section.143.VIII. Site Planning Standards.

B. PARKING REQUIREMENTS TABLE

All development and redevelopment subject to this Section 143.VI shall comply with the minimum parking, maximum parking, and minimum bicycle parking requirements in Table 143-VI-B-1. Maximum parking requirements include short-term and guest parking but do not include designed and restricted to share car, vanpool, handicapped or fleet vehicle parking. Where a land use is not listed in Table 143-VI-B-1, the Director shall determine the minimum, maximum, and bicycle parking requirements based the Director's determination of the most similar use listed in the Table 143-VI-B-1.

Table 143-VI-B-1
Minimum, Maximum, and Bicycle Parking Requirements in the UC Districts[51]

Use	Minimum Required	Maximum Permitted	Minimum Bicycle Parking Required
Residential Use Categories			
Detached single-family dwelling	0.75 per unit	2 per unit	None
Two-dwelling attached townhouses	0.75 per unit	2 per unit	1 per unit
Three-dwelling (or more) attached townhouses	0.75 per unit	2 per unit	1 per unit
Multiple-dwelling structure	0.75 per unit	2 per unit	1 per unit

[49] Revision to limit surface parking based on the size of the parcel rather than the size of the structure being constructed.
[50] Revised from 200 to 100.
[51] Residential parking requirements are based on the draft SC-DT zone. Other proposed standards are new.

Use	Minimum Required	Maximum Permitted	Minimum Bicycle Parking Required
Live-work dwelling	.5 per unit	2 per unit	1 per unit
Group Living	2 per facility	1 per bedroom	1 per unit
Residential Services	.25 per resident plus 1 per caregiver	.75 per resident	1 per unit
Residential Business	2 per unit	3 per unit	1 per unit
Commercial Use Categories			
Commercial Lodging	.5 space per guest room plus .3 per FTE employee	1 space per guest room plus .6 per FTE employee	.125 per 1,000 sq. ft. gfa
Commercial Recreation	NA	6.5 per 1,000 sq. ft. gfa	1.5 per 1,000 sq. ft. gfa
Commercial Parking	NA	NA	1 per 20 auto spaces
Durable Goods Sales		3.2 per 1,000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa, min 2 spaces
Eating and Drinking Establishments (see below)	--	--	--
Fast food	NA	7 per 1,000 sq. ft. gfa	2 per 1,000 sq. ft. gfa, min 2 spaces
Casual dining	NA	12 per 1,000 sq. ft. gfa	.25 per 1,000 sq. ft. gfa, min 2 spaces
Fine dining	NA	10 per 1000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa, min 2 spaces
Educational Services	.1.5 space per FTE student and employee	.3 space per FTE student and employee	Spaces equal to 5% of FTE student and employee
Office (see below)	--	--	--
General	NA	3.4 per 1,000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa, min 2 spaces
Medical, Dental, Veterinary	NA	4.9 per 1,000 sq. ft. gfa	.25 per 1,000 sq. ft. gfa, min 2 spaces
Retail Products and Services	NA	5 per 1,000 sq. ft. gfa	.25 per 1,000 sq. ft. gfa, min. 2 spaces
Self-Service Storage	NA	1 per 20 storage units	1 per 20 storage units
Vehicle Service and Repair	NA	2 per 1,000 sq. ft. gfa in primary building	1 per 1,000 sq. ft. gfa in primary building
Industrial Use Categories			
Industrial Services	NA	2 per 1,000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa, min 2 spaces[52]
Manufacturing and Production	NA	2 per 1,000 sq. ft. gfa[53]	.125 per 1,000 sq. ft. gfa, min 2 spaces[54]
Solid Waste Recycling	NA	NA	NA
Vehicle Storage	NA	NA	NA
Warehouse and Freight Movement	NA	NA	NA

[52] New standard.
[53] New standard.
[54] New standard.

Use	Minimum Required	Maximum Permitted	Minimum Bicycle Parking Required
Wholesale Sales	NA	NA	NA
Institutional Use Categories			
Colleges and Universities	1.5 per 1,000 sq. ft. gfa[55]	3.0 per 1,000 sq. ft. gfa	Spaces equal to 5% of FTE student and employee
Community Services	NA	6.5 per 1,000 sq. ft. gfa	1.5 per 1,000 sq. ft. gfa, min 2 spaces
Detention Facilities	1 per 1,000 sq. ft. gfa	1.5 per 1,000 sq. ft. gfa	
Hospitals	1.5 per 1,000 sq. ft. gfa	3.0 per 1,000 sq. ft. gfa	.125 per 1,000 sq. ft. gfa
Major Assembly Facilities	NA	.5 per seat	1 space per 20 seats
Schools	0.4 per FTE employee	0.8 per FTE employee	Spaces equal to 10% of FTE, non-bussed day students
Infrastructure and Utilities Use Categories			
Aviation Facilities	NA	NA	NA
Parks and Open Space	NA	NA	NA
Public Safety Facilities	NA	.8 per FTE employee	.25 per 1,000 sq. ft. gfa
Surface Alternative Transportation Facilities	NA	NA	NA
Telecommunication Facilities	NA	NA	NA
Utility Facilities	NA	NA	NA

C. ADJUSTMENTS TO PARKING REQUIREMENTS TABLE

The minimum and maximum parking requirements shown in Section 143.VI.B above shall be adjusted as set forth in this Section 143.VI.C. These adjustments may be approved in any combination through the Development Review (Type II) process (See Section 143.X), but their combined effect shall not result in a reduction of the minimum automobile parking requirements in Section 143.VI.B by more than 50 percent. Any adjustments to minimum parking requirements shall not reduce the maximum parking permitted. Notwithstanding any of the adjustments in this section, the City Engineer may require additional off-street parking that the City Engineer determines is necessary to avoid adverse impacts to traffic flow on surrounding streets.

1. Adjustment for Joint-use Parking

Where two land uses listed in separate use categories in Table 143-IV-A-1 share a parking lot or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 143-VI-C-1. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors for that combination of uses shown in Table 143-VI-C-1. If more than two uses share a parking lot or structure, the required parking shall be calculated by applying Table 143-

[55] Revised standards to avoid relying on FTE or student numbers, which vary over time.

VI-C-1 to the two uses with the largest parking requirements and then adding the required parking for the additional uses.

Table 143-VI-C-1
Joint-use Parking Reduction Factors

Property Use	Residential	Other Institutional	Commercial Lodging, Eating & Drinking, or Major Assembly	Retail Products and Services	Office
Residential					
Other Institutional	1.1				
Commercial Lodging, Eating and Drinking, or Major Assembly	1.1	1.2			
Retail Products and Services	1.2	1.3	1.3		
Office	1.3	1.5	1.7	1.2	

2. Other Adjustments

(a) On-Street Parking

The minimum parking requirement for a parcel shall be reduced for each on-street parking space located immediately in front of that parcel. On-street spaces for which credit is given include only those spaces on the side of the street nearest the front lot line where more than one-half the length of the parking space is located between the two side lot lines of the parcel extended outward into the street right-of-way. In the case of a corner lot, credit shall also be given for on-street spaces on the side of the street nearest the side lot line where more than one-half the length of the parking space is located between the front and rear lot lines of the parcel extended outward into the street right-of-way. Credit for on-street parking spaces apply to parking for the primary structure as a whole, and not to any specific use on the parcel.

(b) Age-Restricted Housing

The minimum parking required for residential multi-family or group living uses shall be reduced by 50 percent for each structure where at least 80 percent of the units are restricted to occupancy by those over 60 years of age or where at least 80 percent of the units are restricted to occupancy by those meeting the Federal Housing Administration's definition of "handicapped" individuals.

(c) Share Car and Van Pool Spaces

The minimum parking required for all uses shall be reduced by four spaces for each automobile parking space signed and reserved for use by share car services and by eight spaces for each automobile space signed and reserved for use by a vanpool services. If this credit is used, the property owner shall be responsible for ensuring that the share car and van pool spaces are not occupied by other vehicles.

(d) Transit Proximity

The minimum parking required for all uses shall be reduced by 25 percent for all properties located entirely or partly within 1,300 ft. of a light rail stop or a high capacity transit stop. [56]

(e) Shared Parking Structure

The minimum automobile parking permitted by Table 143-VI-B-1 may be reduced by 25 percent, or the maximum automobile parking permitted by Table 143-VI-B-1 may be increased by 25 percent, at the applicant's option, if at least 80 percent of the required automobile parking for two or more adjacent properties in separate ownership is provided in single parking structure (not surface parking). [57]

(f) Bicycle Parking

Except in the case of schools, if Table 143-VI-B-1 requires more than 50 bicycle parking spaces to be provided, the amount of bicycle parking required above 50 spaces shall be reduced by 75 percent.[58]

(g) Parking Impact Study

The automobile parking minimums and maximums and the bicycle parking minimums required by Table 143-VI-B-1 may be adjusted if the applicant submits a parking impact study supporting the request for adjustment and the Director determines that the study reflects the parking needs of the property more accurately than Table 143-VI-B-1. The applicant shall consult with the City prior to preparing a parking impact study, and the City may require that the applicant use specific assumptions or data sources in the preparation of that study. The Director need not accept the results of the parking impact study as a whole and need not approve the entire parking adjustment requested by the applicant as a result of the study.

D. ACCESSIBLE PARKING REQUIREMENTS

Parking spaces located and designed to be accessible to handicapped or disabled individuals shall be provided as required by Chapter 11 of the most current edition of the State of Oregon Structural Specialty Code, as adopted by the City of Hillsboro.

E. PARKING SPACE AND AISLE DIMENSIONS

1. All parking provided shall comply with the requirements for parking space dimensions, aisle dimensions, and parking area layout in Section 86 (11) (Parking Table and Diagram).

2. In surface parking lots, parking space dimensions may be reduced to 16 feet x 8.5[59] feet for 90-degree parking and isle widths may be reduced to 20 feet to reduce surface runoff and to accommodate Low Impact Development Approaches.

[56] Revised to clarify measurement of distance.
[57] Revised since November draft to encourage structured parking by allowing adjustments to both minimum and maximum parking requirements.
[58] Based on current code Section 137.

F. OFF-SITE PARKING[60]

As an alternative to on-site parking, required auto parking may be provided in a parking structure or surface parking facility located entirely or partly[61] within 600 feet of property, as measured by the most direct walking route between the nearest point on the parking structure or surface parking area and nearest pedestrian entrance to the structure for which the parking is being provided. The applicant shall demonstrate to the City that it has obtained the right to construct or use the required number of spaces in the off-site location for a period of at least 10 years, and that those spaces were not required to meet the minimum parking requirements of any other development.[62] The applicant shall execute an agreement with the City that, if parking in that location becomes unavailable for any reason during that 10 year period the applicant will arrange replacement parking no further from the property for the duration of the 10 year period. If this off-site parking option is used, the property owner shall require individuals employed on the premises to park in the off-site parking area in order to reserve as many on-site parking spaces as possible for patrons and residents.

G. BICYCLE PARKING TYPE AND INSTALLATION

1. The first two bicycle parking spaces required by Table 143-VI-B-1 and 10 percent of the remaining bicycle parking spaces required by that Table shall be covered or in lockers.

2. Installation of all bicycle parking structures shall comply with the dimensional requirements established by the bicycle rack or locker manufacturer and the installation and dimensional recommendations in the latest edition of the Association of Parking and Bicycle Professionals Bicycle Parking Guidelines.

3. In the case of an two-dwelling attached townhouses or three-dwelling (or more) attached townhouses, a bicycle parking areas located within an individual residential unit may be used to satisfy the bicycle parking requirement in Table 143-VI-B-1. Areas located inside individual residential units may not be used to satisfy those bicycle parking requirements.

H. LOADING SPACES

1. Applicability

The provisions of this Section 143.VI.H apply only to primary structures containing more than 25,000 sq. ft. of gross floor area where the permitted or approved conditional uses in that primary structure requires the regular or periodic receipt or distribution of materials or merchandise by vehicles with a gross weight over 25,000 pounds.

[59] Typo of 18.5 feet in previous draft corrected.
[60] Subsection on fees-in-lieu and parking districts has been deleted because they only indicated the city's future intention to move in these directions.
[61] Revised to clarify measurement of distance.
[62] Revised since November draft to provide that off-site spaces may not have been used to meet minimum parking requirements for any other development.

2. Minimum Number and Dimensions of Loading Spaces Required[63]

Table 143-VI-E-1
Loading Spaces Required

Size of Facility	No. of Spaces	Min. Dimensions
25,001-50,000 sq. ft. gross floor area	1 space	20 ft. x 12 ft. x 15 tall
50,001-100,000 sq. ft. gross floor area	2 spaces	1 space at: 20 ft. x. 12 ft. x 15 tall 1 space at: 40 ft. x. 12 ft. x 15 tall
100-001 sq. ft. or higher	3 spaces	1 space at: 20 ft. x. 12 ft. x 15 tall 2 spaces at: 40 ft. x. 12 ft. x 15 tall

VII. ADJUSTMENTS IN RETURN FOR PUBLIC BENEFIT

A. PURPOSE

In order to encourage development and redevelopment in the UC zones to achieve densities necessary to support efficient transit development, Section V allows relatively high densities, Section IV allows a wide range and mix of urban uses, and Section VI allows for waiver or reduction of minimum parking requirements. In some cases, however, proposed development may not be able to meet minimum density requirements or may need to exceed maximum parking limits because of the nature of the proposed use or its distance from transit facilities. This Section 143.VII provides for adjustments to the development and parking standards in Sections V and VI respectively in return for the applicant's provision of other benefits consistent with the goals and vision of the Community Plan for the plan area.

B. GENERAL PROVISIONS[64]

1. Table 143-VII-B-1 lists types of flexibility in development density, intensity and parking standards available in return for the provision of public benefits that will tend to offset any negative impacts created by allowing lower development densities or intensities or more automobile parking. The provision of vertical mixed use development, mixed income housing, green buildings, and public art pursuant to this Section 143.VII is hereby determined to be a public benefit. [65]

2. The adjustments in Table 143-VII-B-1 are available to both residential and non-residential development, but are not available for any portion of a property located with 800 ft. of an LRT or HCT stop. [66]The adjustments to minimum densities and intensities in Table 143-VII-B-1 are available as an alternative to the adjustments in minimum intensity stated in Section 143.V.B.2 (Exceptions to Minimum Intensity). If an applicant has used the flexibility in Section 143.V.B.2 to obtain a reduced minimum intensity for

[63] Dimensional standards are new. Current code does not contain standards.
[64] Retitled since November draft to better reflect content.
[65] Revised since November draft to clarify that the listed items are declared to be public benefits by legislative action. The degree of public benefit provided in individual cases is not a factor to be considered in the Type II approval process. If the listed items are provided, the adjustments are provided administratively. Revised since November draft to confirm that these adjustments are available to both residential and non-residential development.
[66] New standard.

redevelopment, Table 143-VII-B-1 may not be used to obtain a further reduction in minimum density or intensity. Similarly, an applicant that provides public benefits to obtain a reduction in minimum density or intensity pursuant to Table 143-VII-B-1 may not obtain a further reduction in minimum intensity by using the provisions in Section 143.V.B.2.

3. An applicant may receive two adjustments (one adjustment to maximum parking requirements, and one adjustment to minimum density requirements) provided that the applicant provides a different type of public benefit for each requested adjustment. For example, an applicant may request a 20% increase in maximum parking allowance in return for providing vertical mixed use pursuant to Section 143.VII.C and a 10% reduction in the minimum density requirement in return for constructing a LEED gold building pursuant to Section 143.VII.E. An applicant may not request more than a 20% adjustment in neither maximum parking nor minimum density or intensity regardless of how many of the listed public benefits are provided or the amount of those benefits provided.[67]

4. The adjustments in Table 143-VII-B-1 shall be approved through the Development Review (Type II) process (see Section 143.X).[68]

Table 143-VII-B-1
Adjustments and Public Benefits[69]

Public Benefit Required	Adjustment Proposed	
	Development Below Minimum Density or Intensity Requirement	**Parking Above Maximum Parking Limit**
Vertical Mixed Use	10% below minimum permitted for vertical mixed use including uses from 2 categories in Table 143-IV-A-1	10% above maximum permitted for vertical mixed use including uses from 2 categories in Table 143-IV-A-1. Increased parking spaces permitted need not be located in a parking structure.
	20% below minimum permitted for vertical mixed use including uses from 3 categories in Table 143-IV-A-1	20% above maximum permitted for vertical mixed use including uses from 3 categories in Table 143-IV-A-1. Increased parking spaces permitted need not be located in a parking structure.

[67] New standard added since November 2011 draft.
[68] Addition for clarification.
[69] This table has been reformatted from that shown in the Task 2 draft, and flexibility in return for public art has been added.

Public Benefit Required	Adjustment Proposed	
	Development Below Minimum Density or Intensity Requirement	**Parking Above Maximum Parking Limit**
Mixed Income Housing[70]	20% below residential minimum permitted for housing reserving 10% of units for purchase price affordable to households at 80% AMI or for rental affordable to households at 60% AMI, provided that affordability is assured for at least 30 years.	20% above residential maximum permitted for housing reserving 10% of units for purchase price affordable to households at 80% AMI or for rental affordable to households at 60% AMI, provided that affordability is assured for at least 30 years. , Increased parking spaces permitted need not be located in a parking structure.
Green Buildings	10% below minimum permitted for buildings achieving LEED Gold Certification or equivalent.	10% above maximum permitted for buildings achieving LEED Gold Certification or equivalent. Increased parking spaces permitted need not be located in a parking structure.
	20% below minimum permitted for buildings achieving LEED Platinum Certification or equivalent.	20% above maximum permitted for buildings achieving LEED Platinum Certification or equivalent. Increased parking spaces permitted need not be located in a parking structure.
Public Art	10% below minimum permitted for Installation of public art costing at least 1% of hard construction costs for the project	10% above maximum permitted for Installation of public art costing at least 1% of hard construction costs for the project. Increased parking spaces permitted need not be located in a parking structure.

C. VERTICAL MIXED USE

1. Rationale

Development or redevelopment below minimum density or intensity requirements reduces support for the new transit facility, which in turn delays the ability to achieve reduced VMT/ emissions and increased. Vertical mixed use can offset those impacts by allowing residents to live and work in the same facility, and by allowing more efficient joint use of parking spaces in return for a higher total amount of parking provided. [71]

2. Requirement

10 percent reductions in minimum density or intensity or 10 percent increases in maximum parking permitted in return for vertical mixed use including both a residential use and one use from the Commercial or Institutional Use Categories in Table 143-IV-A-1. 20 percent reductions in minimum density or intensity or 20 percent increases in maximum parking permitted in return for vertical mixed use including a residential use plus one use from the Commercial category and one use from the Institutional use category in Table 143-IV-A-1.

[70] Affordability standards have been revised to match those used by Washington County.
[71] Revised to delete reference to Community Plan, since the goal of implementing that plan was stated elsewhere.

D. MIXED INCOME HOUSING

1. Rationale

Development or redevelopment below minimum residential density requirements reduces support for the new transit facility, and delays the date on which lower income households will be able to purchase or rent housing near transit facilities that reduces their combined housing transportation costs. The inclusion of affordable housing can offset these impacts by making more affordable housing available even though the additional cost benefits of transit proximity have not been achieved. In addition, the provision of additional parking tends to consume land that could otherwise be used to accommodate additional housing that would increase the supply and reduce the cost of individual units. The inclusion of affordable housing can offset these impacts by making more affordable housing available even through potential housing land has been used for parking.

2. Requirement

20 percent reductions in minimum residential density requirements in return for setting aside 10 percent of units for purchase price affordable to households at 80 percent of AMI or for rental affordable to households at 60 percent of AMI, as determined by the Review Authority. Affordability at these levels must be assured for a period of at least 30[72] years through a development agreement with the applicant.[73]

E. GREEN BUILDINGS

1. Rationale

Development or redevelopment below minimum density threshold reduces support for the new transit facility, which in turn delays the ability to achieve reduced VMT/emissions. Development of parking above maximum parking limits accommodates more auto travel with associated VMT/emissions. More efficient "green" buildings can offset those impacts by reducing building energy consumption and emissions.

2. Requirement

10 percent reductions in minimum density or 10 percent increases in maximum parking permitted in return for a building receiving a LEED certification at the gold level 20 percent reductions in minimum density or 20 percent increases in maximum parking permitted in return for a building receiving a LEED certification at the platinum level. In lieu of LEED certification, the applicant may receive the same adjustment by receiving certification under another nationally-recognized or state-recognized program (including but not limited to Energy Star or Earth Advantage) that the City determines provides resource savings or sustainability benefits comparable to LEED gold or platinum certification, as applicable.[74] Applicants must execute a development agreement to pursue post-construction LEED certification and, if the building fails to

[72] Affordability term extended to 30 years to match the requirement of Washington County.
[73] Revised since November draft to match table and reflect Washington County income thresholds.
[74] Revised to allow the use of alternative rating systems that provide comparable benefits on a case-by-case basis.

meet the required level of certification, to make building alterations necessary to meet those thresholds.

F. PUBLIC ART

1. Rationale

Development or redevelopment below minimum density thresholds or development of parking above maximum parking limits reduces the dense, walkable urban character desired by the Community Plan. The provision of public art can encourage walking, as opposed to driving, within the Urban Center zones by increasing areas and destinations of pedestrian interest.

2. Requirement

10 percent reductions in minimum density or 10 percent increases in maximum parking permitted in return for the provision of public art costing at least 1 percent of the hard construction costs of the project, as shown on the building permit application. Public Art may be provided on the applicant's site or may be located on a public right-of-way within the AmberGlen Community Plan area.

VIII. SITE PLANNING STANDARDS

A. PURPOSE

1. Promote a compact, pedestrian and transit-oriented environment in the city's urban centers;
2. Establish a connected framework of streets, pathways, access lanes, parks, plazas, and natural areas to provide access to development, to enhance access to nature, recreation, and social opportunities, and to efficiently manage water;
3. Promote the use of innovative, sustainable, aesthetic, and distinctive approaches to standard site elements as a key character-defining feature of the AmberGlen area; and
4. Enable the use of area-wide approaches and collaborative approaches involving two or more contiguous property to meet site planning requirements.

B. APPLICABILITY

The provisions of this Section 143.VIII shall apply to all development and all redevelopment or expansions of existing structures that increase the gross floor area of the existing structure by more than 20 percent in the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones, unless otherwise specified by the provisions in this section. Expansions of gross floor area by less than 20 percent[75] shall comply with either (a) the provisions of this Section 143.IX, or (b) the development standards applicable to the structure prior to the adoption of this Section 143. [76]

[75] This figure has been changed from 25% in earlier drafts to align with the expansion leeway granted in Sections VI (Parking), IX (Building Design), and X.K (Non-conformities).
[76] Revised since November draft for consistency with Table 143-I-B-1.

C. CONNECTIVITY AND CIRCULATION

1. General[77]

(a) Streets and connectivity elements shall comply with the requirements of this Section 143.VIII and the City of Hillsboro Design and Construction Standards as amended.

(b) Determination of required street and off-site improvements shall be consistent with the requirements of Section 137.XVI.C.

(c) When a traffic impact report is required, the pedestrian circulation study identified in Section 137.XVI.C.1.b shall be required regardless of the distance of the development from an LRT station.

(d) In the case of a conflict between the standards of this Section 143.VIII and other sections of the Hillsboro Zoning Ordinance, the City of Hillsboro Design and Construction Standards, or the development standards of City of Hillsboro Subdivision Ordinance No. 2808, the requirements of this Section 143.VIII shall apply.

2. Street Location and Connectivity[78]

(a) The general location of streets shall be consistent with Figure 2 (AmberGlen Street Map). Flexibility in the alignment of all streets may be approved through a Type II approval process (See Section 143.X).[79]

(b) Streets identified in Figure 2 (AmberGlen Street Map) are not sufficient to meet maximum block size standards in Section 143.VIII.C.3 without providing additional bicycle and pedestrian connections. To provide flexibility for the location and design of local access while ensuring pedestrian and bicycle connectivity, local streets or Green Access Lanes in addition to those identified on Figure 2 (AmberGlen Street Map) shall be provided as necessary to meet the connectivity and circulation standards of this Section 143.VIII.C.3.[80]

[77] Revised since November for clarity, to confirm relationship to other standards, and to avoid repetition of text in other sections.
[78] Material on street location consolidated here since November draft rather than splitting it between subsections C.2 and D.
[79] Second sentence added to clarify process for flexibility. Map has been revised since Task 5 draft.
[80] Added since November draft to reflect discussions during Steering Committee meetings. Map has been revised since November draft.

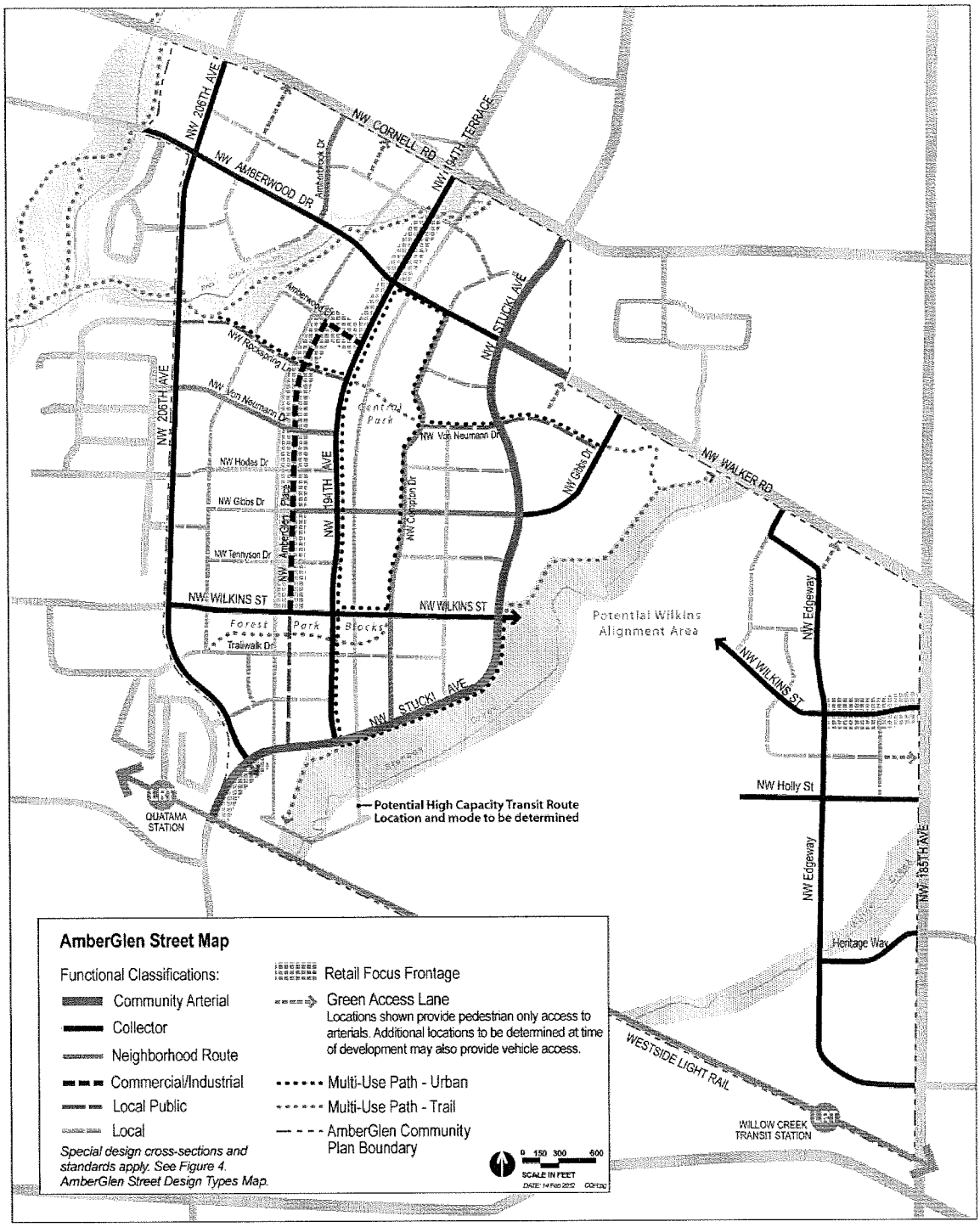


Figure 2—AmberGlen Street Map[81]

[81] Map slightly revised since November draft.

3. Lots and Blocks

(a) Block Configuration

(1) Blocks shall generally be square or rectangular, but may vary in shape to protect natural features or respond to site constraints.

(2) To the maximum extent feasible, streets and access lanes shall be oriented to create block and lot configurations with their longest dimension along an east-west axis to facilitate the use of passive solar principles.

(b) Maximum Block Size

(1) The following standards shall apply to all UC zones except the UC-RP zone.

i. Block length shall not exceed 300 feet except as specified below. [82]

ii. Blocks up to 400 feet in length are permitted between a street and an abutting (a) protected natural resource area, or (b) existing or planned greenway or nature park, or (c) barrier as determined by the Planning Director through a Type II approval process (See Section 143.X).[83]

iii. Blocks up to 600 feet in length are permitted if a Green Access Lane or comparable mid-block pedestrian connection is provided, as approved by the Review Authority. Green Access Lanes shall be designed in accordance with Section VIII.D.4 (Street Cross-Sections and Design Standards).

(2) For the purposes of this Section 143.VIII.C.3(b), blocks shall be measured from curb to curb, regardless of whether the street is public or private.

(c) Lot and Block Access

(1) Blocks may include drives, alleys, driveway entrances, or Green Access Lanes in one of the following configurations:

i. Mid-Block Access. This configuration includes an alley or Green Access Lane running through or near the center of the block;

ii. "H" Configuration. This configuration allows development to front on all four block faces; or

iii. "T" Configuration. This configuration includes two perpendicular alleys or Green Access Lanes within a block, allowing development to front on three block faces.

iv. Variations to these access configurations may be granted for locations where the number of block faces may be limited due to barriers sign as difficult topography, existing or planned natural resource protection areas, rail routes, greenways or nature parks.

[82] Revised from 400 feet to promote walkability.
[83] Revised since November draft to allow more flexibility in block length and clarify process for additional variations.

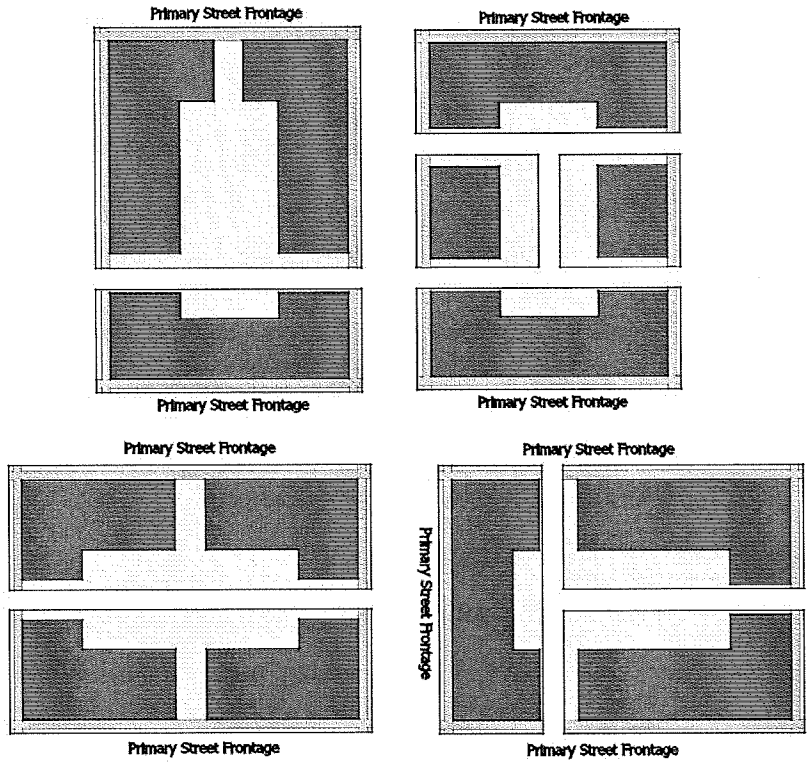


Figure 3—Block configuration alternatives. Top, Mid-Block access option and "H" Configuration. Bottom Alternate Mid-Block access option and "T" Configuration.

(2) Flag lots are prohibited.

4. Pedestrian and Bicycle Connectivity and Circulation

(a) An interconnected network of on-site pedestrian/bicycle access ways shall be provided to allow direct access to and between:

i. Primary building entrances;

ii. Sidewalks, walkways, and bicycle lanes on adjacent properties and streets that extend to the boundaries shared with the applicant's property;

iii. Adjacent or on-site bus or LRT stops;

iv. Adjacent or on-site parks, trail systems, community gardens, open space areas, greenways, or other public or civic uses;

v. Existing or planned Green Access Lanes; and

vi. Any existing or planned Greenway Trails.

(b) Wherever practicable, the entry points of required access ways shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.[84]

(c) Curb cuts or other features shall be provided to allow direct connections for pedestrian/bicycle movement at locations where curbs or other channelization have been used to control vehicle movements. Examples where curb cuts may be needed include driveway medians, curbs between individual parking areas and curbs/fences that prevent access to pedestrian/bicycle facilities directly from a parking lot.

(d) Where the city or another entity is implementing a program in support of, or funded by, the federal Safe Routes to School program, and that program includes a sidewalk, walkway, or trail adjacent to the boundaries of a development or redevelopment involving residential uses, the project design shall allow project residents to access the designated school route in a convenient and relatively direct manner.[85]

D. STREET DESIGN AND CHARACTER[86]

1. General Design and Improvements

(a) Street design element, including but not limited to lane widths, sidewalks, bike facilities, medians, pavement treatment, street trees, vegetated green street planters, and landscape areas shall be consistent with the standards in Sections 143.VIII.D.2 (Street Cross-Sections and Design Standards) and 143.VIII.D.3 (Streetscape Elements).[87]

(b) Variations to these standards to allow flexibility in accommodating unique site considerations (e.g. terrain, soil, established development, or other site constraints) or to increase street tree coverage, establish multi-function drainage systems, accommodate vegetated roundabouts, or mitigate the impact of stream crossings88 may be approved through a Type II approval process (See Section 143.X).89

(c) Public or Private Streets

(1) Any street or street segment designated on Figure 2 (AmberGlen Street Map) as an Arterial, Community Arterial, Collector, Neighborhood Route, Commercial/Industrial, or Local-Public shall be a public street under the jurisdiction of the City of Hillsboro.

[84] Added since November draft.
[85] New provision.
[86] Entire section revised significantly by City staff since November draft. Streetscape standards now appear after cross-sections. Numerous wording changes and clarifications of public-private street ownership and design requirements.
[87] Wording revised by staff to clarify requirements.
[88] From draft CDC.
[89] Added to clarify procedure for flexibility.

(2) Individual street segments or features for any street designated on Figure 2 (AmberGlen Street Map) as Local may be either publicly or privately owned, as determined during the land use review and approval process.

(3) Individual Green Access Lane segments or features shall be privately owned.

(d) Local street segments or Green Access Lane segments that are being provided to comply with the connectivity and circulation standards in Section 143.VIII.C may only be privately owned if they comply with the following standards:[90]

(1) In the case of a Local street segment, public access for automobiles, bicycles, and pedestrians shall be granted through a recorded easement;

(2) In the case of a Green Access Lane, public access for bicycles and pedestrians shall be granted through a recorded easement;

(3) Design of private Local streets shall comply with standards and cross-sections identified in this Section 143.VIII.D for Mixed Use Commercial Street-Private and Mixed Use Residential Street-Private, as applicable, and shall also comply with the City of Hillsboro Design and Construction Standards for public local streets as determined by the City Engineer.

(4) Design of private Green Access Lanes shall comply with standards and cross-sections in this Section 143.VIII.D.4.h, and shall also comply with the City of Hillsboro Design and Construction Standards for public streets as determined by the City Engineer.

(e) The design and specifications for public streets, street lighting, traffic signals, water lines, storm sewer lines and sanitary sewer lines, including construction materials, traffic control, regulatory signage, street trees, and other elements of constructing public improvements in the public-right-of-way not addressed by this Section 143.VIII.D shall be consistent with the City of Hillsboro Design and Construction Standards, as amended.

(f) Private street segments, Green Access Lane segments, and common driveways requiring fire access shall meet the construction standards for public streets in accordance with the City of Hillsboro Design and Construction Standards Related to fire access and meet the clearance requirements of the City of Hillsboro Fire Marshal.

(g) All public and private streets shall have a minimum 8 foot wide public utility easement adjoining and outside of each side of the public right-of-way or private access easement unless a different standard is applied through the development approval process.

(h) As new private streets and access lanes are constructed, or existing private streets are redeveloped, Low Impact Development Approaches (LIDA) may be constructed in accordance with Section 143.G.5 to provide sustainability benefits, LEED credits, or other development objectives. However, all water

[90] This section has been significantly revised since the November draft to clarify design standards applicable to private facilities.

quality treatment to meet City stormwater management requirements will be provided in regional water quality facilities identified in the AmberGlen Stormwater Management Plan, and individual LIDA improvements are not required.[91]

(i) Roundabouts shall be considered for any intersection that meets signal warrants. Final intersection design requirements shall be determined by the City Engineer.

2. Street Cross-Sections and Design Standards

Street cross-sections and design standards in this Section 143.VIII.D.2 shall apply as shown on Figure 4 (AmberGlen Street Design Types Map). When the alignment of the High Capacity Transit Route is finalized, one or more of these cross-sections will be revised to accommodate the High Capacity Transit right-of-way. The street cross-sections and design standards apply only to streets and street segments designated with the design types identified in this Section 143.VIII.D.2, or listed in the applicability section for each design type in this Section 143.VIII.D.2. Otherwise, the City of Hillsboro Design and Construction Standards shall apply based on the functional classifications identified on Figure 3 (AmberGlen Street Map).Variations to the street cross-sections and other requirements of Section 143.VIII.D may be required by the City Engineer at the approach to an intersection or for fire apparatus access. Cross-sections may also be adjusted to be consistent with any approved Safe Routes to Schools plan applicable to that street segment.[92]

(a) Mixed Use Commercial Street

(1) Intent

Mixed Use Commercial Streets are intended to promote an active, pedestrian-friendly environment at the street level. They are typically enclosed by building facades, wide sidewalks, and outdoor seating and dining areas. Landscaped curb extensions soften the street's appearance and allow for additional.

(2) Applicability[93]

Mixed Use Commercial Street Standards apply as shown on Figure 4 (AmberGlen Street Design Types Map):[94]

[91] Significantly revised since November based on discussions among the City and Clean Water Services. This paragraph reflects collaboration between various City departments and CWS regarding LIDA and green street element, and consolidates several statements previously appearing in other paragraphs to avoid repetition.
[92] Text revised since November draft to reflect new Design Types map and clarify applicability of that Map.
[93] New provision. Separate cross-sections for public and private streets replace the single cross-section in the Task 5 draft.
[94] For all cross-sections, narrative lists of street sections have been deleted in favor of references to the revised map, and to avoid inconsistencies between the two.

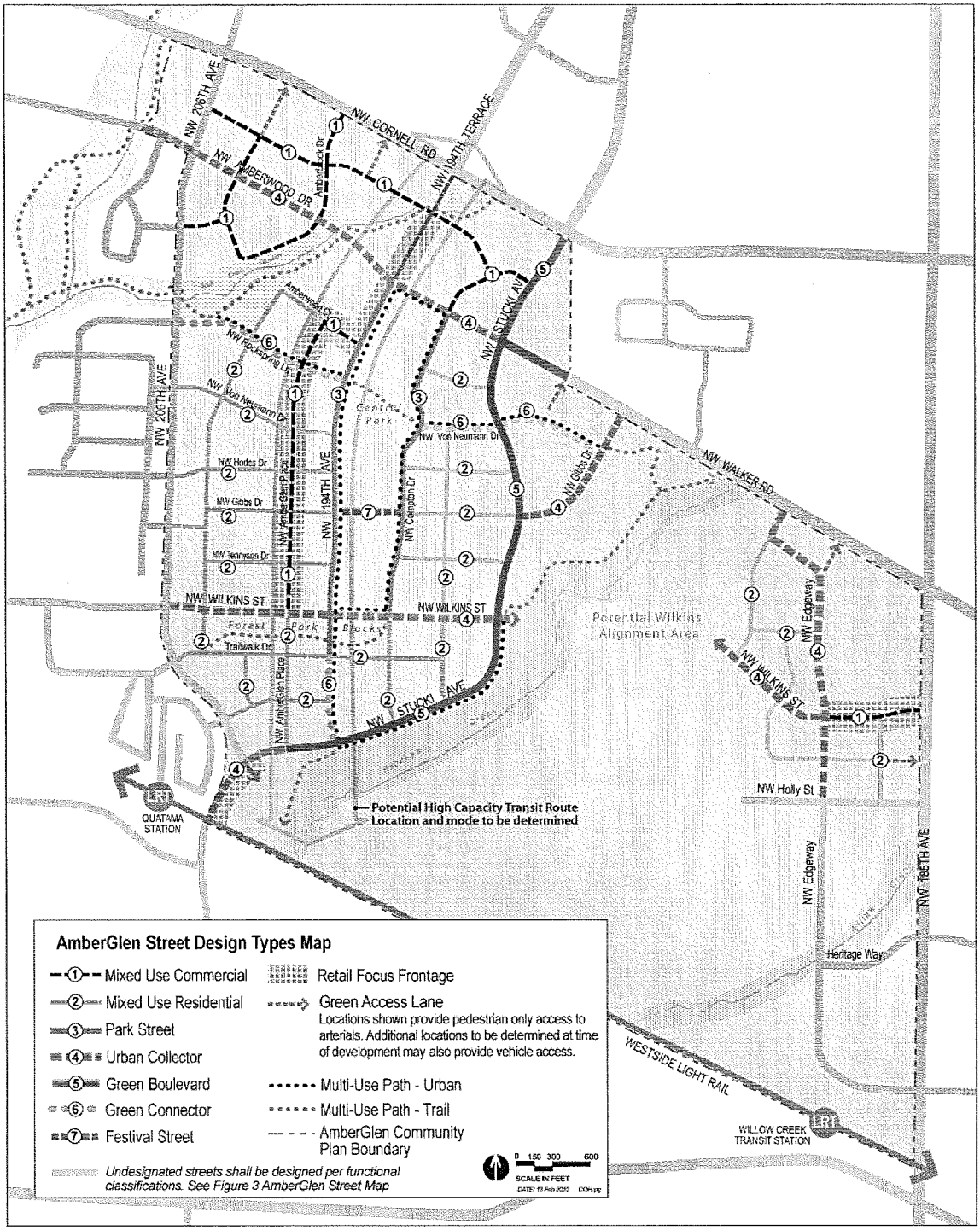


Figure 4: AmberGlen Street Design Types Map

(3) Standards

Design of public streets shall comply with Figure 5 (Typical Mixed Use Commercial Street Cross-Section: Public Street) and design of private streets shall comply with Figure 6 (Typical Mixed Use Commercial Street Cross-Section: Private Street).[95]

(4) Operating Speed[96]

Operating speed is estimated at 20 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane.

(5) Streetscape Standards

The streetscape standards in Figure 17 (Streetscape Plan Detail – Commercial Focus) shall apply unless varied through a Type II approval process (See Section 143.X).

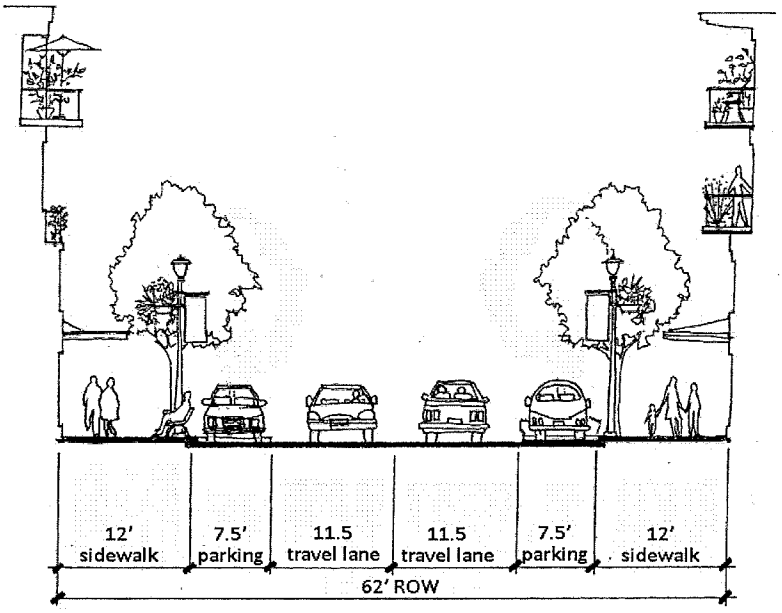


Figure 5—Typical Mixed Use Commercial Street Cross-Section: Public Street

[95] Added to each cross –section for clarification
[96] New provision.

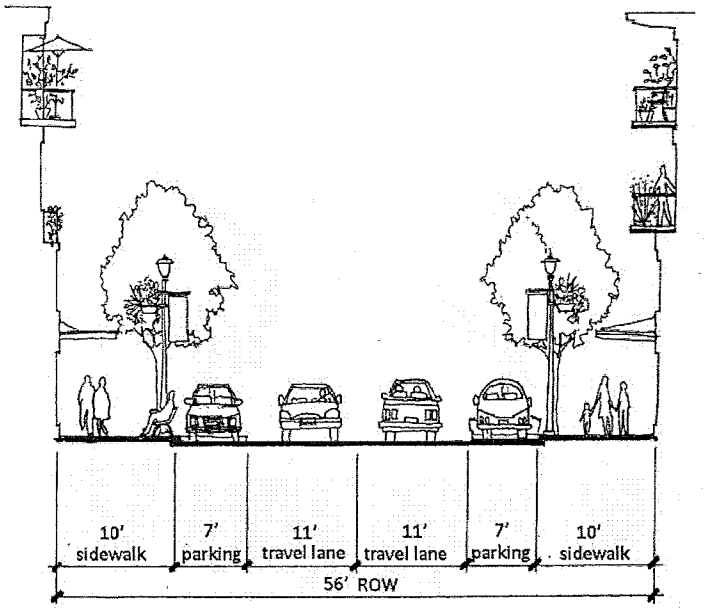


Figure 6—Typical Mixed Use Commercial Street Cross-Section: Private Street

(b) Mixed Use Residential Street

(1) Intent

Mixed Use Residential Streets are intended to promote a quiet and inviting street environment for residents. Raised stoops and outdoor porches and patios provide a more gradual transition between the sidewalk and the building façade, create a more visually open and relaxed character, and provide an area for landscaping within the private realm.

(2) Applicability[97]

Mixed Use Residential Street Standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Design of public streets shall comply with Figure 7 (Typical Mixed Use Residential Street Cross-Section: Public Street) and design of private streets shall comply with Figure 8 (Typical Mixed Use Residential Street Cross-Section: Private Street).

(4) Operating Speed[98]

Operating speed is estimated at 20 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane.

[97] New provision. Separate cross-sections for public and private streets replace the single cross-section in the Task 5 draft.
[98] New provision.

(5) Streetscape Standards

The streetscape standards in Figure 18 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 17 (Streetscape Plan – Commercial Focus) shall apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X), [99]

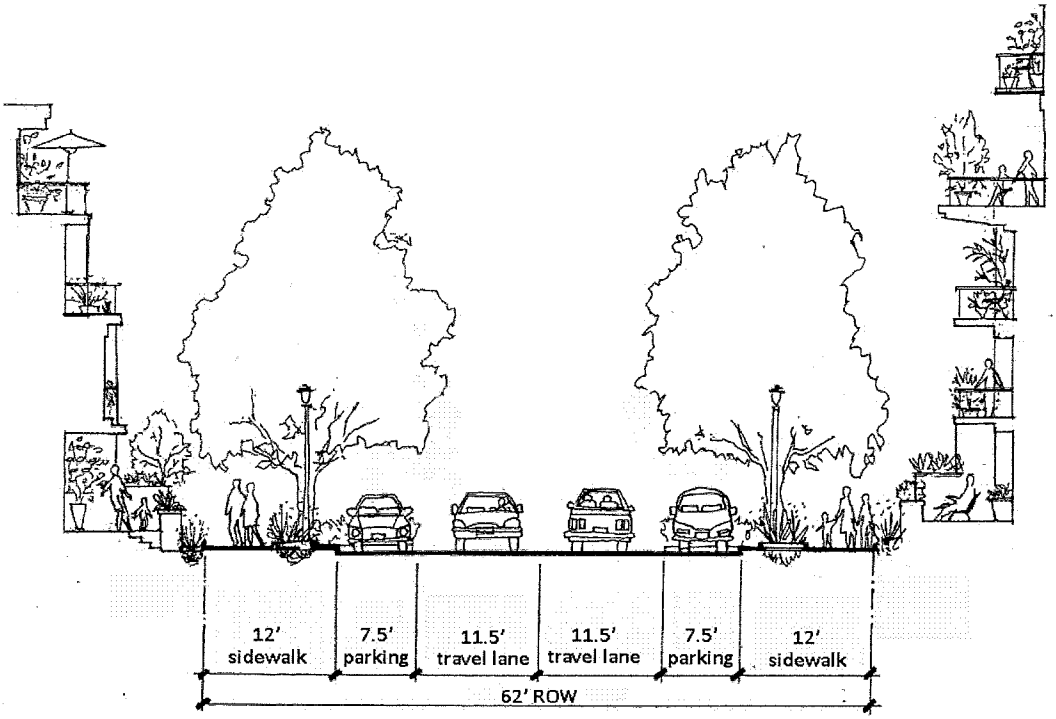


Figure 7—Typical Mixed Use Residential Street Cross-Section: Public Street

[99] This final clause was deleted from each cross-section, and now appears once in Section D.3 addressing streetscapes.

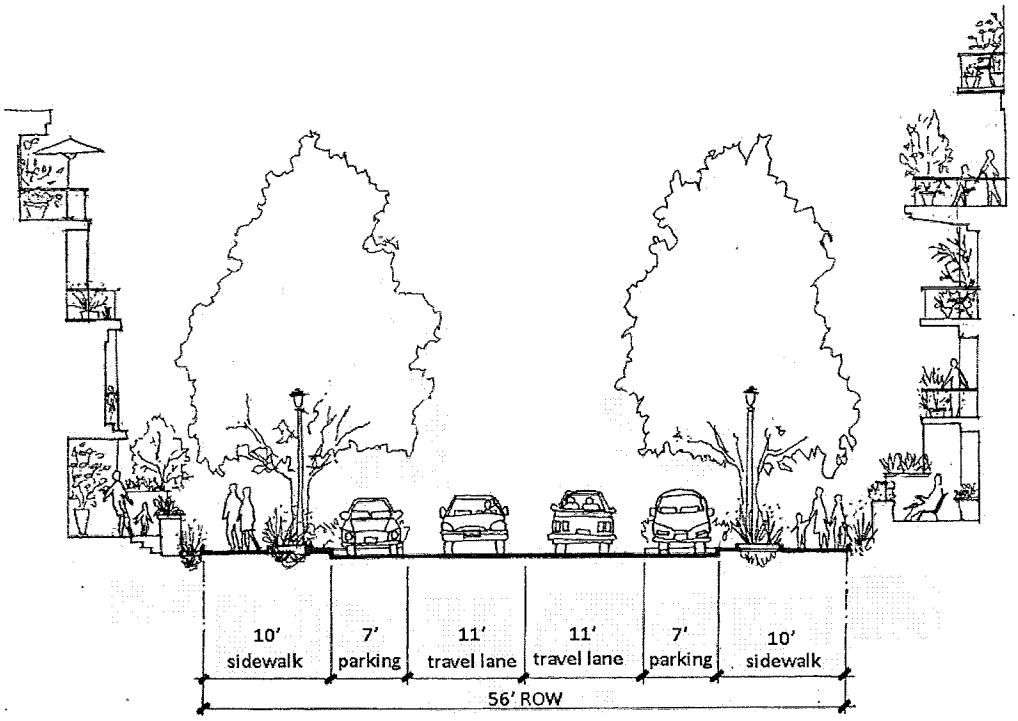


Figure 8—Typical Mixed Use Residential Street Cross-Section: Private Street

(c) Park Street

(1) Intent

Park streets are intended as a transition between the more intense mixed-use development that will line the central park and the park itself. While the development edge incorporates aspects of both Mixed Use Retail and Residential streets, the park edge incorporates a multi-use path for bicycles and pedestrians. A high-capacity transit route may also be incorporated in some locations.

(2) Applicability[100]

Park Street standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Street design shall comply with Figure 9 (Typical Park Street Cross-Section: Public Street).

(4) Operating Speed[101]

Operating speed is estimated at 20-25 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane.

[100] New provisions.
[101] New provision.

(5) Streetscape Standards

The streetscape standards in Figure 18 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 17 (Streetscape Plan Detail – Commercial Focus) shall apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X).

(6) Multi-Use Urban Path

Multi-use path requirements apply at NW Amberwood Dr. and NW Wilkins St. Design requirements for multi-use urban path improvements and adjacent landscaping shall be reviewed and approved by the Parks Director.

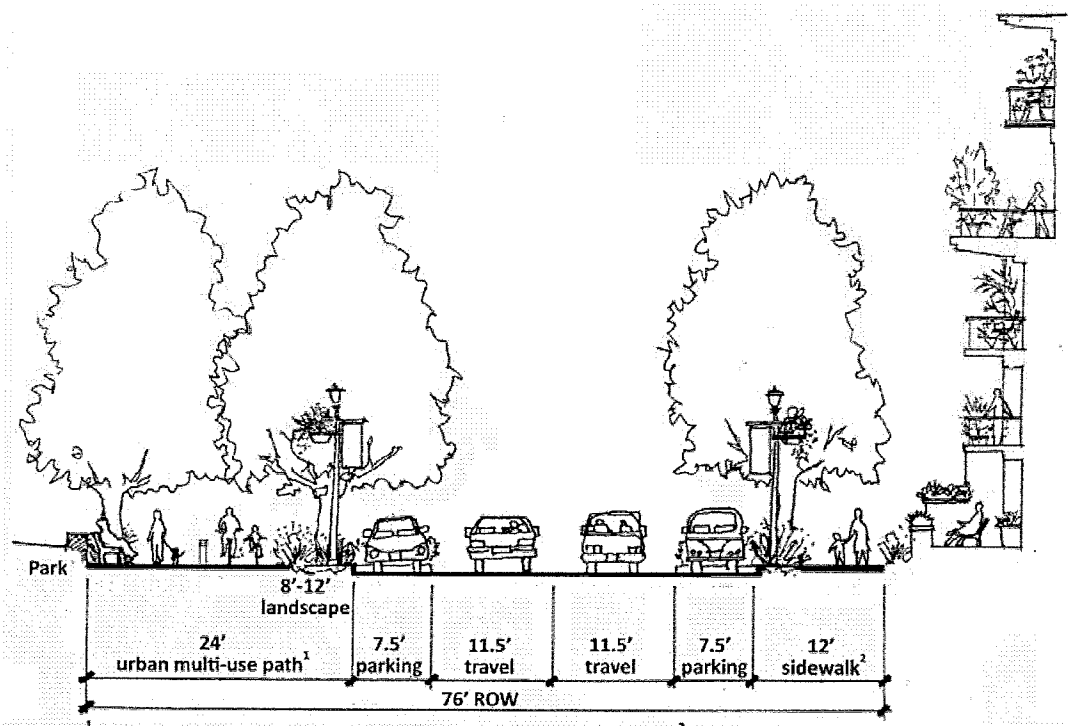


Figure 9—Typical Park Street Cross-Section: Public Street

(d) Urban Collector[102]

(1) Intent

Urban Collectors are intended to provide a safe and inviting environment for walking and biking while accommodating higher volumes of traffic. Landscaped medians, protected bike lanes, and detached sidewalks contribute to the overall character of the street.

(2) Applicability

Urban Collector Standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Street design shall comply with Figure 10 (Typical Urban Collector Cross-Section: Public Street).

(4) Operating Speed

Operating speed is estimated at 25-30 miles per hour. Bicycle access is provided in raised cycle track lanes to provide grade separation from vehicles.

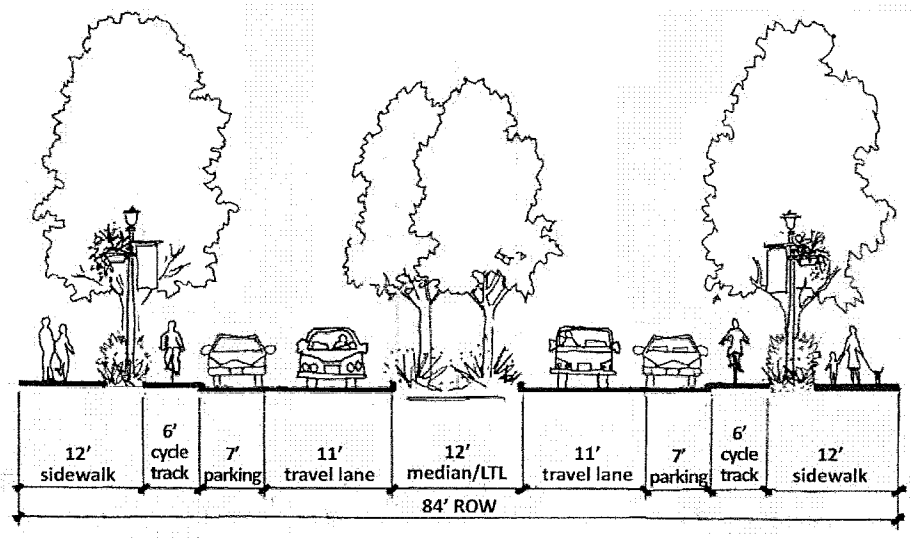
(5) Streetscape Standards

The streetscape standards in Figure 17 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 18 (Streetscape Plan Detail – Commercial Focus) apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X).

(6) Multi-Use Urban Path

A multi-use urban path shall be provided as shown in Figure 2 (AmberGlen Street Map) at two locations: NW Amberwood Dr. between NW 194th Ave and NW Compton Dr.; and NW Wilkins St. between NW 194th Ave and NW Compton Dr. Design requirements for multi-use urban path improvements and adjacent landscaping shall be reviewed and approved by the Parks Director.

[102] New street type added since Task 5 draft.



Note: Design requirements for multi-use path improvements and adjacent landscape plantings apply at NW Amberwood Dr. adjacent to the Central Park, and at NW Wilkins between NW 194th and NW Compton Dr.

Figure 10—Typical Urban Collector Cross-Section: Public Street

(e) Green Boulevard[103]

(1) Intent

The Green Boulevard is intended to provide the primary vehicular route through the district. Landscaped medians, protected bike lanes, and detached sidewalks contribute to the overall character, width, and grand scale of the street while providing a safe and inviting environment for walking and biking. Double rows of London Plane trees relate to the signature streetscape at AmberGlen Parkway, and provide a unified character for the AmberGlen/Tanasbourne Regional Center.

(2) Applicability

Green Boulevard Standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Street design shall comply with Figure 11 (Typical Green Boulevard Cross-Section, NW Stucki Ave. North of NW Wilkins St., and South of NW 194th Ave. to LRT: Public Street) or Figure 12 (Typical Green Boulevard Cross-Section, NW Stucki Ave. Between NW Wilkins St. and NW 194th Ave.: Public Street) as applicable.

[103] New section. Text from Task 5 draft has been completely replaced.

(4) Operating Speed

Operating speed is estimated at 30-35 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane. Bicycle access is provided in raised cycle track lanes to provide grade separation from vehicles.

(5) Streetscape Standards

The streetscape standards in Figure 18 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 17- (Streetscape Plan Detail – Commercial Focus) shall apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X).

(6) Multi-Use Urban Path

A multi-use urban path shall be provided south of NW Wilkins St. to 194th Ave. Design requirements for multi-use urban path improvements and adjacent landscaping shall be reviewed and approved by the Parks Director.

(7) Adjustments for Water Quality Facilities

Cross-section may be adjusted to provide water quality facilities adjacent to Bronson Creek, pending completion of AmberGlen District Stormwater Management Plan.

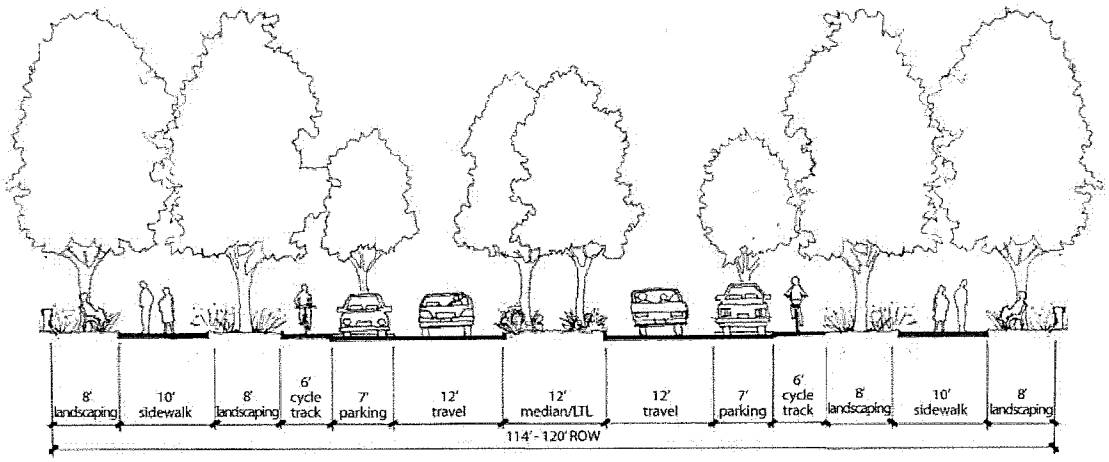


Figure 11—Typical Green Boulevard Cross-Section,
NW Stucki Ave. North of NW Wilkins St., and South of NW 194th Ave. to LRT: Public Street

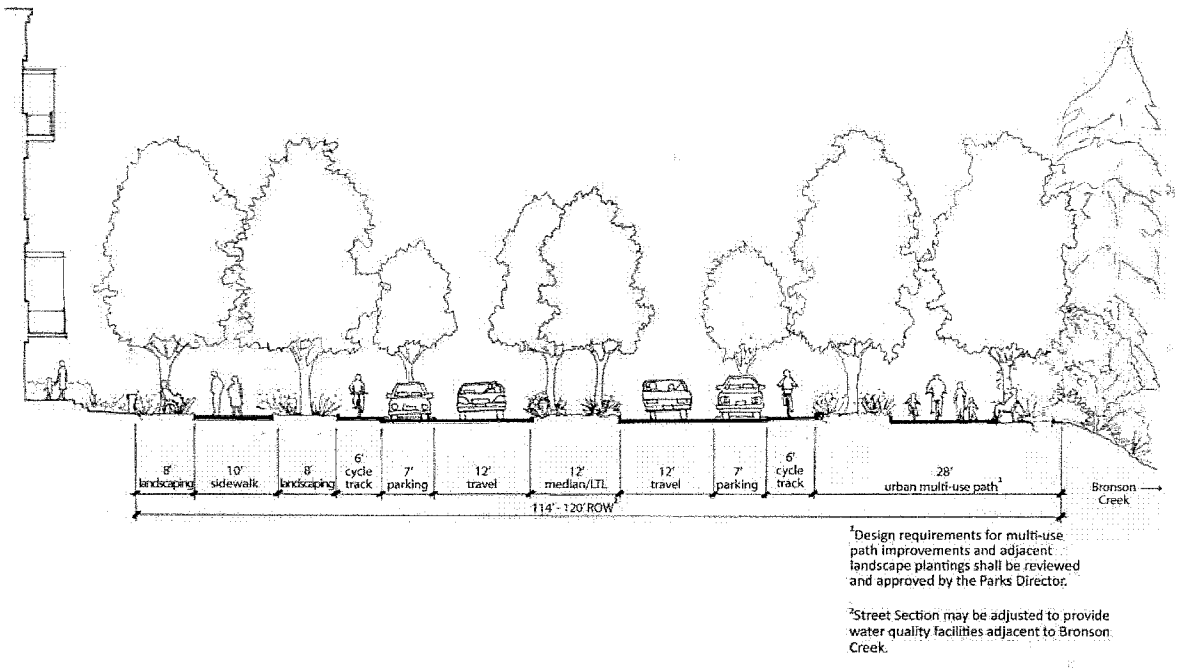


Figure 12—Typical Green Boulevard Cross-Section, NW Stucki Ave. Between NW Wilkins St. and NW 194th Ave.: Public Street

(f) Green Connector Street[104]

(1) Intent

Green connector streets are intended to provide clear linkages between multi-use pathways, greenway trails and the central park. A broad parkway provides an opportunity to integrate native vegetation and signature trees as an extension of adjacent greenways both for visual interest and for conveyance of stormwater through swales to regional water quality facilities. The urban multi-use paths connect the central park pathway loop to the future Bronson Creek regional trail to the east, and the Rock Creek Regional Trail to the west.

(2) Applicability

Green Connector Street standards apply as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Street design shall comply with Figure 13 (Typical Green Connector Street Cross-Section: Public Street).

(4) Operating Speed

[104] Section significantly revised since Task 5 draft. Subsections (2) through (5) are new. Revised since November draft to balance road design and stormwater design needs.

Operating speed is estimated at 20 miles per hour. At this rate of travel, bicycles and vehicles share the travel lane.

(5) Streetscape Standards

The streetscape standards in Figure 18 (Streetscape Plan Detail – Residential Focus) shall apply outside of Retail Focus Frontage areas, and the streetscape standards in Figure 17 (Streetscape Plan Detail – Commercial Focus) shall apply in Retail Focus Frontage areas, unless those standards are varied through a Type II approval process (See Section 143.X).

(6) Multi-Use Urban Path[105]

A multi-use urban path shall be provided within a parkway. Parkway landscaping shall be primarily native trees and shrubs and shall feature signature conifers to distinguish the parkway routes and assist in wayfinding. Design requirements for parkway landscaping and multi-use urban path improvements shall be reviewed and approved by the Parks Director.

(7) Stormwater Facilities

Where grades allow, stormwater in the parkway areas may be conveyed through landscape swales to regional water quality facilities identified in the AmberGlen Stormwater Management Plan.

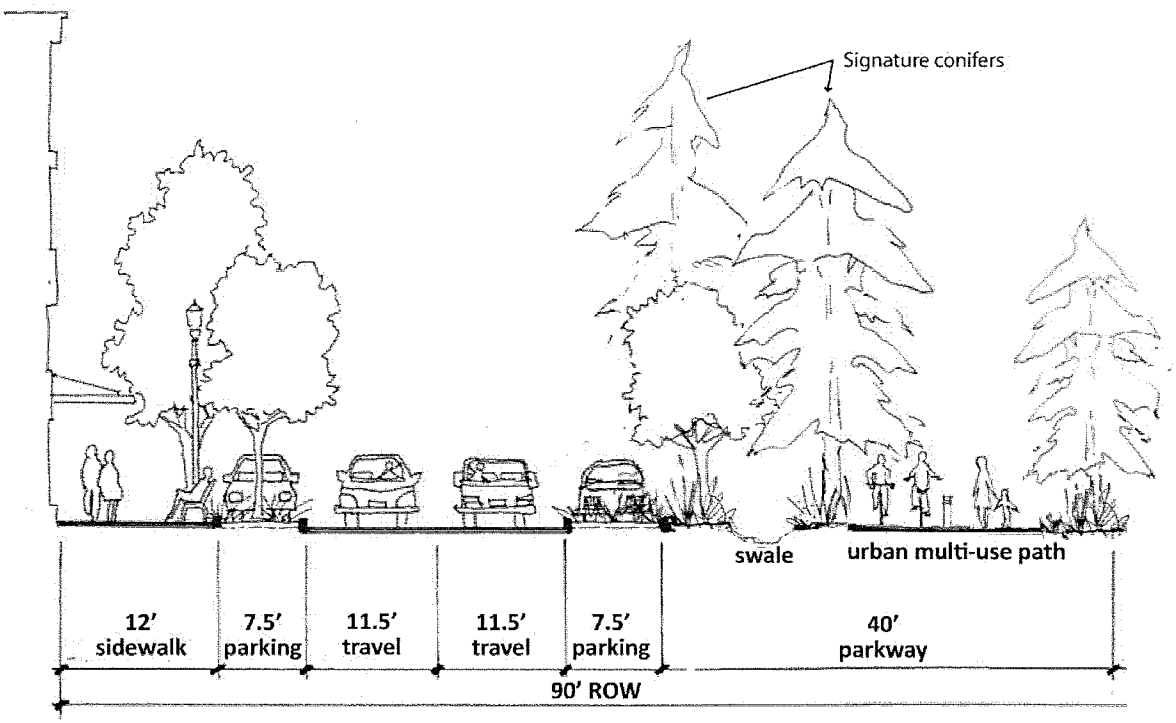


Figure 13—Typical Green Connector Street Cross-Section: Public Street

[105] Revised since November draft to clarify intent.

(g) Festival Street[106]

(1) Intent

The Festival Street is a unique street intended to provide a plaza area at the south end of the Central Park that also accommodates an east/west street connection with limited auto volumes. Traffic may be restricted for special events, allowing the Festival Street to serve as an extension of the Central Park.

(2) Applicability

The Festival Street standard applies as shown on Figure 4 (AmberGlen Street Design Types Map).

(3) Standards

Street design shall comply with Figure 14 (Typical Festival Street Cross-Section: Public Street).

(4) Operating Speed

Operating speed is estimated at 15 to 20 miles per hour. At this speed, vehicles and bicycles share the travel lane.

(5) Design Elements and Requirements

i. Street lights, street trees, and seating shall be provided.

ii. Curbless travel lanes shall be separated from pedestrian areas by bollards (may be removable), street lights, or other vertical elements.

iii. Scored concrete paving shall extend in a continuous pattern across pedestrian plaza areas and travel lanes.

iv. In addition to those elements listed in subsections i through iii above, elements such as a water feature, landscaped areas, and Green Street planters may be integrated with the plaza area design as determined by the Parks Director.

v. Final location of the travel lanes, and plaza design requirements and specifications shall be determined by the Parks Director.

[106] New section. Text from Task 5 draft has been completely replaced.

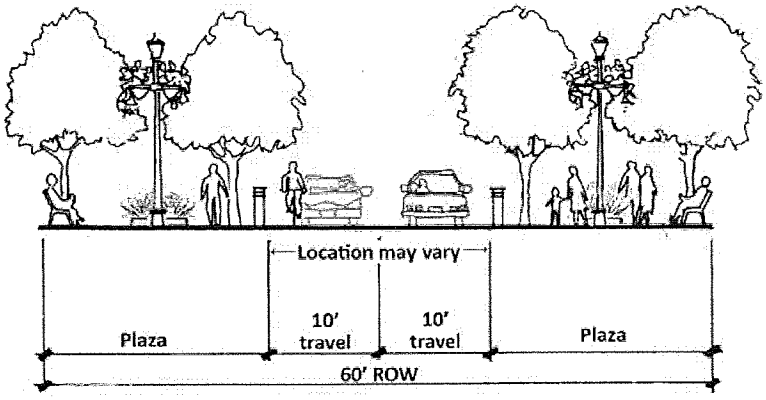


Figure 14—Typical Festival Street Cross-Section: Public Street

(h) Green Access Lane[107]

(1) Intent

Green Access Lanes are intended to provide pedestrian and bicycle connectivity through longer blocks and development sites. They may also accommodate emergency access and vehicle access to adjacent development. Green Access Lanes increase access to sunlight, and may serve as a transition area to private residential patios and entries. Enhanced landscaping and seating gives these spaces a park-like feel. Stormwater quality treatment through bio swales or LIDA facilities is not required; however, there may be opportunities to work these elements into the streetscape should the applicant choose to incorporate these elements to meet LEED requirements or other sustainability and design objectives.

(2) Applicability

i. Green Access Lanes designed in accordance with the standards below may be proposed to satisfy connectivity and circulation requirements of Section 143.VIII.C. The connectivity and circulation requirements shall be satisfied by whether or not vehicle access is provided.

ii. Green Access Lanes are not mapped on Figure 1 (AmberGlen Street Map), except for locations adjacent to arterials under the jurisdiction of Washington County where bike and pedestrian access is required and vehicle access is prohibited.

(3) Standards

Street design shall comply with Figure 15 (Typical Green Access Lane Cross-Section: Private).

[107] New section. Text from Task 5 draft has been completely replaced.

(4) Pedestrian and Vehicle Access

i. Green Access Lanes shall provide pedestrian access. Green Access Lanes may provide shared bicycle access, secondary vehicle access to parking facilities associated with adjacent development, and fire access.

ii. Where vehicle access is provided, operating speed is estimated at 15 miles per hour. At this speed, vehicles, pedestrians and bicycles share the road.

iii. Green Access Lanes that do not provide vehicle access and are designed in accordance with Usable Open Space Standards may also satisfy the requirement for usable open space (See Section 143.F.3).

(5) Streetscape Design Standards

Green Access Lane streetscape design requirements shall be approved on a case by case basis. At a minimum, the following design elements are required:

i. Street lights, street trees, and seating shall be provided in accordance with the requirements of this Section 143. Alternative designs of similar quality may be proposed subject to the approval of the Review Authority.

ii. Based on projected pedestrian, bicycle, and automobile traffic volumes and speeds, the Review Authority may require curbless travel lanes to be separated from pedestrian areas by bollards, street lights, or other vertical elements.

iii. Scored concrete paving or unit pavers shall be provided, and shall extend continuously across pedestrian areas and if provided, travel lanes.

iv. Where fire access is provided, the design of the pavements section shall meet the requirements of the City of Hillsboro Design and Construction Standards for driveways that provide fire access.

v. Landscaped areas, trees, and planters shall be provided. Pedestrian access to adjacent development may be incorporated.

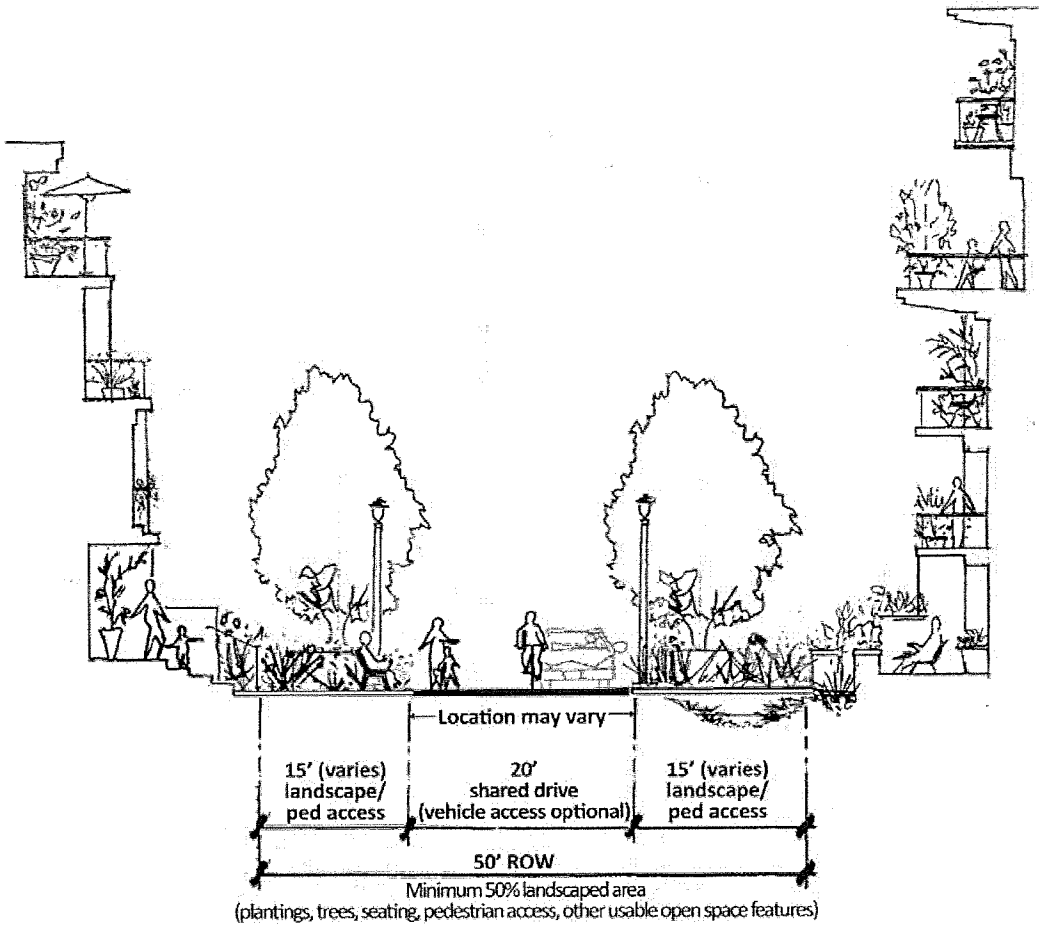


Figure 15—Typical Green Access Lane Cross-Section: Private

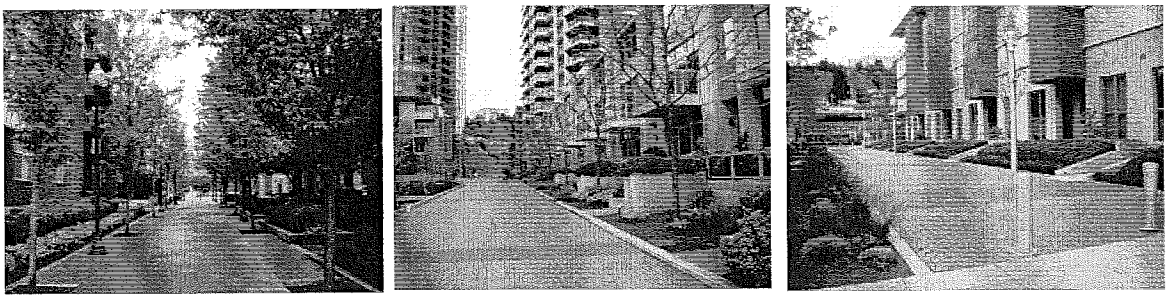


Figure 16—Example Green Access Lanes

3. Streetscape Standards[108]

(a) Commercial Focus Streetscape Standards

(1) Streetscape requirements illustrated in Figure 17 (Streetscape Plan Detail – Commercial Focus) apply to the following streets:

i. Streets designated as Retail Focus Frontage areas on Figure 3 (AmberGlen Street Map).

ii. Mixed Use Commercial Streets identified in Figure 43 (AmberGlen Street Design Types Map).

(2) Commercial Focus Streetscape Standards may also be applied at other locations in conjunction with retail development through a Type 2 process (See Section 143.X and Section VIII.D.3.(d)(3) below.

(3) Sidewalk dimensions may be reduced to 10 feet for private streets based on the following minimum widths:

i. Building frontage zones shall be a minimum of 1 foot 6 inches in width;

ii. Through pedestrian zones shall be a minimum of 4 feet in width;

iii. Furnishing zones shall be a minimum of 4 feet in width; and

iv. The curb shall be a minimum of 6 inches in width.

[108] This section has had major revisions since the November Draft. Applicability of streetscape standards to different types of streets has been revised significantly.

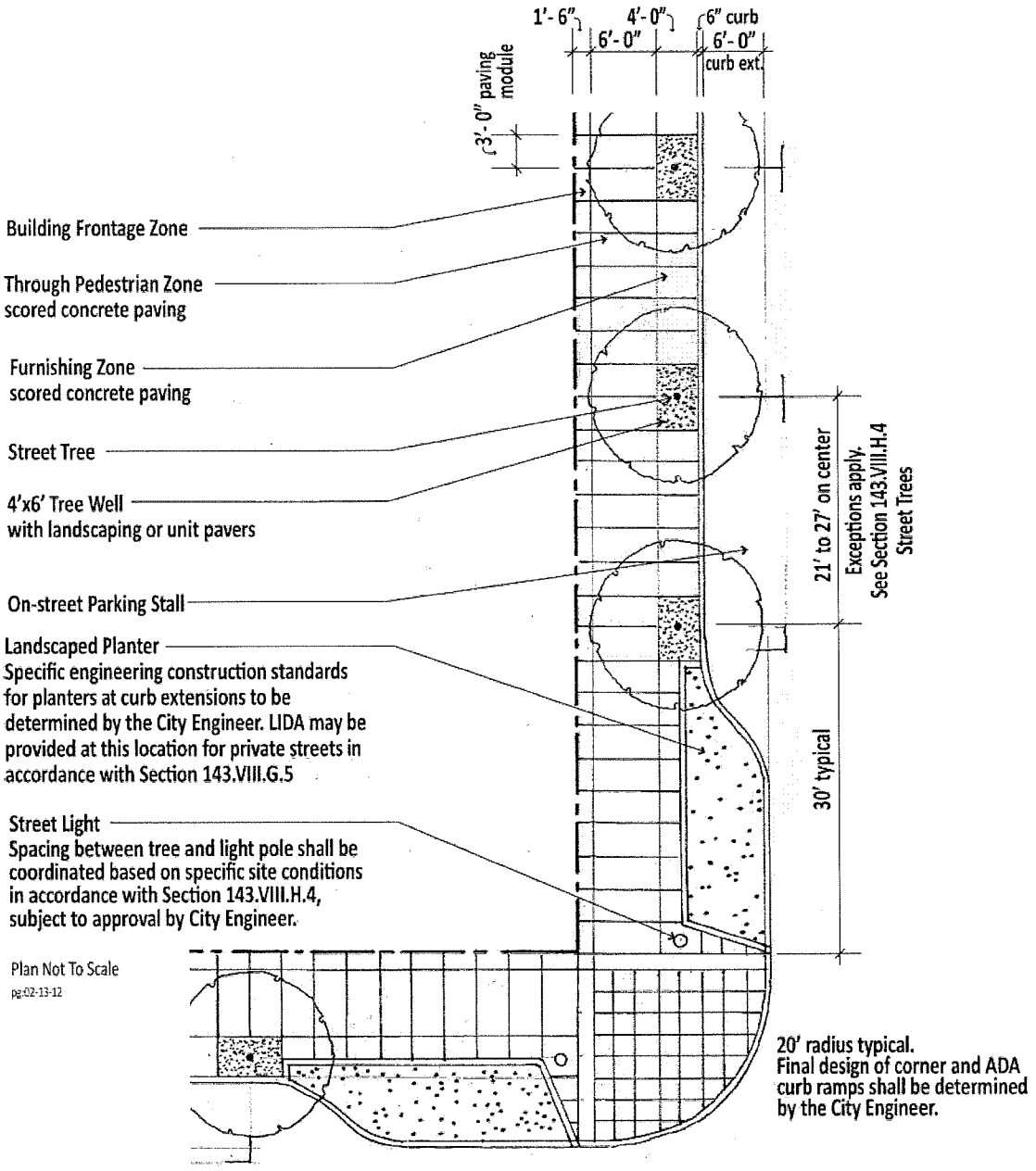


Figure 17: Streetscape Plan Detail -- Commercial Focus

(b) Residential Focus Streetscape Standards

(1) Streetscape requirements illustrated in Figure 18 (Streetscape Plan Detail – Residential Focus) apply to all streets shown on Figure 4 (AmberGlen Street Design Types Map) except:

i. Streets designated as Retail Focus Frontage areas on Figure 3 (AmberGlen Street Map).

ii. Mixed Use Commercial Streets identified in Figure 43 (AmberGlen Street Design Types Map).[109]

(2) Sidewalk dimensions may be reduced to 10 feet for private streets based on the following minimum widths:

i. Building frontage zones shall be a minimum of 1 foot 6 inches in width;

ii. Through pedestrian zones shall be a minimum of 4 feet in width;

iii. Furnishing zones shall be a minimum of 4 feet in width; and

iv. The curb shall be a minimum of 6 inches in width.

(3) Where Residential Focus Streetscape Standards apply and retail uses and services are proposed at the adjacent street frontage, Commercial Focus Streetscape Standard may be applied through a Type II approval process (See Section 143.X).

(c) Sidewalks shall be paved in 3-foot modules and shall define a pedestrian through zone and a sidewalk furnishing zone (located between the curb and pedestrian through zone, except at curb extensions). A building frontage zone shall be defined for all Mixed Use Commercial Streets identified on Figure 4 (AmberGlen Street Design Type Map).

[109] Revised since November draft to avoid inconsistency with commercial streetscape applicability section.

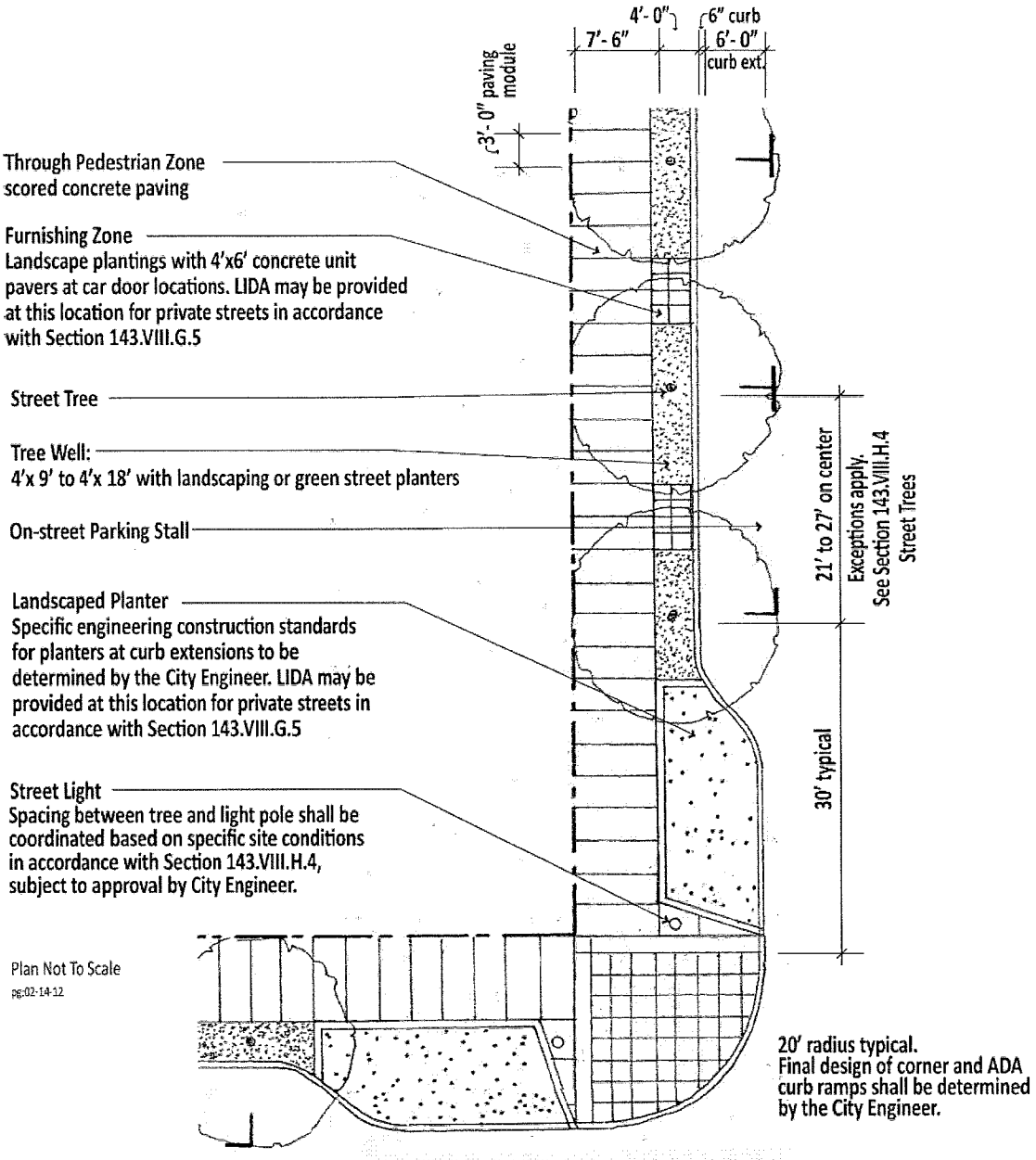


Figure 18: Streetscape Plan Detail – Residential Focus

(d) Street trees, street lights, regulatory signs, bike racks, street furnishings, and landscape plantings shall be located in the sidewalk furnishing zone.

(e) Vegetated stormwater planters may be featured on private streets and Green Access Lanes.[110]

(f) Bulb-outs or curb extensions are required at all full street intersections.[111]

(g) Street Tree Location

(1) The intent of this standard is to maximize the number of street trees per block.

(2) Street tree spacing shall be consistent with the growth and spread of actual species and based on a 3-foot module.

(3) Street tree spacing shall be based on the street lighting layout and no tree shall be planted closer than 20 feet from a street light.

(4) Street trees shall not be planted within the vision clearance triangle of any street intersection.

(5) See Section 143.VIII.H.5 for additional street tree requirements.

(h) Dimensions for tree well openings shall be as follows:

(1) 4 feet by 6 feet at retail and commercial frontages where Commercial Focus Streetscape Standards apply.

(2) For other locations, tree well openings may range in size from 4 feet by 9 feet to 4 feet by 15 feet with landscape plantings. 4 foot by 6 foot concrete unit pavers shall be provided at car door locations.

(i) Ornamental street lights shall be required when public or private street improvements are required as part of a development. Light poles and luminaries shall be from Pacific Gas and Electric's approved list of materials for Option B as follows:[112]

i. Luminaire shall be Hadco Utility Westbrooke, flared, black.

ii. Pole shall be Hadco Techtra Pole, Black, with Shepherd's Hook Style Mast Arm.

(j) Benches, trash receptacles, drinking fountains, bollards and other street furniture items shall be of the same general design and quality as those used at the Hillsboro Civic Center. As an alternative, street furniture items of a complementary design may be provided as identified on an adopted streetscape

[110] Revised since November draft.
[111] Similar to requirement in Volume I and draft CDC for MUN/MUC districts.
[112] Street light specifications are pending approval by PG & E. Confirmation of PG & E approval is required prior to adoption of this standard. Cross sections will be updated to illustrate PG&E approved post and luminaire.

plan approved by the Planning Director and the City Council Street Committee.[113]

4. Multi-use Urban Path

(a) In some cases, the street cross-sections in Section 143.VIII.D.4 include a multi-use urban path primarily intended for use by pedestrians and cyclists as an off-street recreational facility. However, the multi-use urban path also serves pedestrians and cyclists on the park side of the street and replaces sidewalks and bicycle lanes that would otherwise be required.

(b) Design specifications for multi-use path improvements and adjacent landscape plantings required as part of a development shall be reviewed and approved by the Parks Director to ensure consistency of standards throughout the Urban Center Zones.

5. Cul-de-Sacs

Cul-de-sacs or dead end streets are not permitted, except where topography, pre-existing development, or other site constraints limit connectivity or where regulations implementing Title 3 of the adopted Metro Urban Growth Management Functional Plan or City Goal 5 Resource Protection requirements limit connectivity.[114]If a street connection cannot be reasonably provided as a result of one or more of the site constraints outlined above, a Green Access Lane shall be provided.

6. Maintenance of Landscaping and Irrigation in Rights-of-Way[115]

Maintenance of all plantings, landscape materials, green street facilities, and irrigation in the right-of-way on public and private streets, including medians, shall be performed by the master tenant association through a maintenance agreement between the City and the owner or owner's tenant association , with the exception of any parkway landscaping and irrigation the Parks Department agrees to maintain.

E. TREE PRESERVATION[116]

1. General Standards for Mature Trees

(a) The standards in this Section 143.VIII.E.1 apply to deciduous trees 8 inches or greater in diameter measured 4 feet above grade, or conifer trees 20 feet in height or taller.

(b) To the maximum extent practicable, development shall be planned, sited, and constructed to avoid the destruction of mature trees. The burden of proof is on the applicant to demonstrate the necessity of tree removal.

(c) Applications for development of sites with stands of trees shall include a tree preservation plan prepared by a certified arborist. The plan shall identify trees

[113] New text since November draft.
[114] Reference to Metro and Goal 5 adapted from 17.51.420 (Connectivity Standards) in draft CDC.
[115] Revised since November draft to clarify responsibilities.
[116] Based on Draft CDC.

which can be retained and which must be removed to accommodate the development or promote public safety. The plan shall also identify areas where potential wind throw may occur as a result of partially removing a stand of trees and recommend measures to prevent wind throw.

(d) The Review Authority may condition approval to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include the retention of a qualified consulting arborist or horticulturist both during and after site preparation, and a special tree maintenance and management program to provide protection to the trees as recommended by the arborist or horticulturist.

(e) Trees to be protected and preserved shall be marked and protected by a construction fence placed at least 5 feet outside the drip line(s). No soil compaction, material, or spoils storage shall be allowed within the drip line(s). This provision shall be enforced as a requirement of any Building and Engineering Permits for the project.

(f) Where the Review Authority determines it is impracticable or unsafe to preserve such trees, trees may be removed and shall be replaced in accordance with an approved landscape plan that includes new trees of a similar character at least 2 ½" in caliper at breast height.

2. Standards for Specimen Trees[117]

(a) In addition the standards of Section 143.IX.E.1, the standards in this Section 143.IX.E.2 shall apply to the following specimen trees whose diameter (measured at 4 feet above grade) exceeds:

(1) Douglas Fir: 24 inches

(2) Grand Fir, Ponderosa Pine, Western Hemlock, or Western Red Cedar: 12 inches;

(3) Any other conifer: 20 inches

(4) Red Alder, Bigleaf Maple, or Oregon White Oak: 12 inches; or

(5) Any other deciduous tree: 20 inches.

(b) No specimen tree shall be removed or damaged during construction unless one or more of the following criteria are met:

(1) A Certified Arborist determines that the tree:

i. Is a safety hazard to persons or property due to its location; or

ii. Is a dangerous tree (see Section 143.XI); or

[117] In the draft CDC, all trees above 8 inches are referred to as "mature", but then additional standards are applied to the trees called out in #2, above. The latter have been defined as "specimen" trees to more clearly distinguish between the two sets of standards.

iii. Was diseased, weakened, or dying prior to the commencement of construction and no practicable means is available to preserve it.

(2) A Registered Engineer determines that the removal of the tree is necessary:

i. For construction equipment access and there is no practicable alternative route;

ii. To accommodate grading to implement either required stormwater management or structural building integrity, and there is no practicable grading alternative to meet the requirements; or

iii. To site proposed buildings or other permanent improvements, and there is no practicable alternative location or design option for the improvements at the same scale within the lot.

(3) The Review Authority may authorize a reduction in setbacks or the number of required parking spaces to avoid the removal of specimen trees, provided measures are also taken to preserve the health of the trees. If approved, reduced setbacks or parking spaces must be compliant with Building Department requirements.

F. USABLE OPEN SPACE[118]

The standards in this Section 143.VIII.F are intended to ensure that all development in the Urban Center zones provides for on-site open space, and that the shape, size, and design of that open space provides spaces usable by the occupants, residents, or visitors to the property.[119]

1. Usable Open Space Required

Usable open space required for UC zones varies based on gross site acreage and development type as specified in Table 143-VIII-F-1.

(a) Developments with a gross site acreage of more than four acres[120] may aggregate usable open space requirements into one or more designated usable open space sites, common areas, or pocket parks.

(b) A minimum of 50 percent of required usable open space in the following locations shall have public access: [121]

(1) Properties in Retail Focus Frontage areas; and

(2) Within the UC-NC and UC-AC zones.

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[118] Section 17.55.110 of the draft CDC consolidates open space requirements from Volume I, Volume II, and Subdivisions. Minimum requirements reflect the urban character desired in the plan area, with an emphasis on creating active, pedestrian gathering spaces or "third places" along major street frontages. Because of the extensive work done on this topic as part of the CDC update, the general structure and requirements have been carried forward as proposed with some exceptions and supplemental standards to address the nuances of the RC zones.

[119] New introductory text.

[120] Roughly 2 blocks based on the Community Plan street concept.

[121] Although this is not required in the Draft CDC, a certain amount of open space with public access is required in key locations such as along Retail Focus Frontage areas to address the desire for "third places" while providing additional flexibility on how private open space is credited towards minimum requirements.

(c) In the UC-MU, UC-AC, UC-NC, and UC-OR zones, where outdoor seating for eating and drinking establishments are a permitted or conditional use, up to 65 percent of the area designated for seating may be credited towards the usable open space requirements.

(d) Usable open space areas may be either publicly or privately owned, as determined during the review and approval process.

Table 143-VIII-F-1
Minimum Usable Open Space Requirements[122]

Gross Project Acreage	Type of Development	
	Residential or Mixed Use with Residential Component	Non-Residential
<.25	100 sq. ft./du	None
.25 to 1.0	100 sq. ft./du	5% of gross lot area
1.01 to 99	100 sq. ft./du or 5% of gross lot area, whichever is greater	5% of gross lot area[123]
100 –149		
150 or more		
Required usable open space may be either common/shared or private		

2. Usable Open Space in Phased Developments[124]

(a) At the developer's discretion, developments constructed in multiple phases may aggregate the usable open space requirements into one or more usable open space areas, provided the following criteria are met:

(1) The location and required acreage of usable open space for the entire development is shown in the preliminary development application; and

(2) The percentage of total usable open space developed prior to, or concurrent with, occupancy in the first phase is at least proportional to the percentage of total acreage in the first phase.

(b) If an approved phasing plan allocates the majority of usable open space to a particular lot, a prorated share of the usable open space may be used to calculate FAR and/or residential density on other lots in the development. This provision shall apply whether the usable open space is retained in private ownership or dedicated to the City for park purposes.

[122] Table based on draft CDC
[123] Non-residential standard added since November draft.
[124] From draft CDC, no adjustments.

3. Usable Open Space Standards[125]

(a) Types of Spaces

(1) The following types of public and private outdoor spaces may be counted towards minimum open space requirements include:

i. Plazas, patios, pocket parks, and other community gathering spaces that provide opportunities for outdoor seating, dining, and social interaction;

ii. Courtyards, balconies and yards intended for individual units;

iii. Community gardens or similar spaces designated for Urban Agriculture uses;

iv. Playgrounds;

v. Recreational facilities;

vi. Habitable, landscaped roofs (may include "green roof" treatments);

vii. Green Access Lanes that do not provide vehicle access, that comply with the standards of Section 143.VIIID.2(h); or

viii. Extra sidewalk width (beyond that the through pedestrian passage widths required by Section 143.VIII.D (Street Design and Character) created between the building façade and the required through pedestrian passage area and furnished for outdoor dining or seating;[126]

ix. Similar gathering space as approved by the Review Authority.

(2) To meet social objectives served by usable open space, interior, multi-purpose community space provided for private or public use may be counted towards usable open space requirement.

(b) Exclusions and Exceptions

To qualify as usable open space, an area must be planned for that purpose and of a sufficient size to provide a legitimate active or passive recreational opportunity. The following features shall not be counted towards minimum usable open space requirements:

(1) Parking strips;

(2) Foundation landscaping around buildings;

(3) Required sidewalk and streetscape elements;[127]

(4) Parking areas;

(5) Small, oddly-shaped and/or otherwise unusable remnant parcels;

[125] Some of these provisions were located in Section 143.V. of the earlier draft document. Section 17.55.110.D.1 provides guidance on the types of improvements that should be integrated as part of usable open space areas

[126] New text since November draft.

[127] Revised since November to limit exclusion to required (not optional) sidewalk areas.

(6) Areas along the property boundaries with a minimum width of less than 6 feet;[128] and

(7) Land areas without structures, site improvements, or landscaping, unless it is located within a publicly accessible natural or wildlife viewing area.[129]

(c) Pedestrian-Oriented Features

In order to create "third places" attractive to and usable by the public, usable open space areas shall incorporate a minimum of three pedestrian-oriented features, such as, but not limited to:

(1) Benches or low walls with seating areas;

(2) Trees identified in the Street Tree List of the City of Hillsboro Design and Construction Standards;[130]

(3) Free standing planters and/or raised planting beds designed to treat stormwater and allow infiltration into the underlying soil;[131]

(4) Public art or sculpture;

(5) Water features and/or drinking fountains;

(6) Outdoor dining areas;

(7) Play structures;

(8) Weather canopies or sunshades; or

(9) Other pedestrian-oriented features as approved by the Review Authority.

(d) Dimensions

Where provided, usable open space shall meet the following standards:

Table 143-VIII-F-2
Minimum Usable Open Space Dimensions

Type of Usable Open Space	Minimum Size
Balconies or porches	Minimum average depth and width of 6 feet
At grade patios	Minimum depth of 6 feet and width of 10 feet
Private Yards	Minimum depth and width of 10 feet
Courtyards/plazas or other spaces that provide opportunities for outdoor seating, dining, and social interaction	Minimum depth of 10 feet and width of 20 feet and a minimum total area of 1,000 square feet

[128] New standard.
[129] Revised for clarity.
[130] Street trees have been added to this list since the Task 5 draft. Revised since November draft to specify tree list.
[131] Revised to include infiltration requirement.

(e) Location[132]

(1) Usable open space shall be sited and improved to provide opportunities for physical activity and social interaction. The entirety of the required usable open space shall be improved for such purposes except where Significant Natural Resources Level 1, 2, or 3, 100-year floodplain, or delineated wetlands are present.

(2) Preference in the placement of usable open space shall be given to sites that:

i. Enhance opportunities for recreation (active or passive) and access to nature;

ii. Enhance opportunities for interaction between residents, tenants, and/or the public;

iii. Enhance park sites adjacent to converging pedestrian routes;

iv. Preserve otherwise unprotected natural resources and wildlife habitat on the site;

v. Can be combined with adjacent sites to create opportunities for larger contiguous tracts of usable open space; or

vi. Protect lands where more intense development than open space may otherwise have an adverse impact on Significant Natural Resources, wetlands, or floodplains on adjacent properties.

G. STORMWATER MANAGEMENT[133]

1. Intent[134]

Protect the water quality of creeks and wetlands associated with watershed basins in a comprehensive manner by:

(a) Accomplishing stormwater treatment at the district level in consolidated regional water quality facilities.

(b) Integrating stormwater conveyance and regional facilities into the public parkways and open space framework; and

(c) Designing stormwater system facilities to consider potential aesthetic functions to contribute to the character of the district.

[132] Based on Draft CDC with some modifications and streamlining.
[133] Based on draft CDC, with some streamlining and organizational adjustments to make it easier to follow and more relevant to the UC Districts, and with significant changes since the November draft based on collaboration between various City departments and Clean Water Services. The landscaping and stormwater management content has now been separated in to different sections labeled G and H.
[134] Based on draft CDC, with some streamlining and organizational adjustments to make it easier to follow and more relevant to the UC Districts.

2. General

(a) Stormwater management and drainage shall be provided in accordance with the higher of (a) City drainage master plan requirements/design standards, or (b) Clean Water Services Design and Construction Standards as amended ("CWS Design Standards"), whichever is higher. The City Engineer may impose conditions to ensure that waters are drained from the development site so as to limit degradation of water quality consistent with:

(1) The Clean Water Service's Resolution and Order No. 07-20, as amended and as applicable within Hillsboro's City limits; and

(2) Any other drainage standards as may be subsequently adopted by the City Council.

(3) Drainage plans shall be reviewed and approved by the City Engineer for conformance with the adopted City drainage standards prior to construction.

(b) Any project that meets the definition of "development" as contained in the CWS Design Standards shall comply with the applicable provisions contained in that document, as amended.

3. Consolidated Facilities

(a) Regional stormwater treatment facilities are identified in the AmberGlen Stormwater Management Plan to consolidate the number of facilities and minimize gross acreage devoted to such use.

(b) Developers shall work with adjacent property owners to achieve consolidation of the water quality facilities into regional usage.

(c) Consolidated facilities shall be integrated into the site design as a component of the landscaping, open space, or water features so that:

(1) It accommodates all ranges of flows as required by the CWS Design Standards in effect at the time of development, including any overflow requirements; and

(2) At maximum anticipated volume, water depth will not create public safety risks.

(d) Where construction of consolidated regional water quality facilities is not practicable due to topography or other site conditions, a private water quality facility may be approved by the City Engineer.

4. Grading Plans

(a) Final construction drawings shall include grading plans confirming that site grading will not impede or impound existing storm drainage from surrounding properties.

(b) If deemed necessary by the City Engineer, plans and construction drawings shall include drainage tiles, private storm lines or catch basins, or other alternative means to adequately convey the storm runoff away from adjacent properties to the new storm drainage lines in the development. Any drainage tiles, private storm drainage lines, catch basins, or other alternative improvements considered necessary by the City Engineer shall be included in project construction.

5. Low Impact Development Approaches

(a) Low Impact Development Approaches (LIDAs) May be constructed to provide sustainability benefits, LEED credits, or other development objectives.

(b) Construction of LIDA facilities will not reduce the size or need to use consolidated regional water quality facilities as set forth in Section 143.VIII.G.3. Where construction of such public facilities is not practicable, LIDA may be incorporated into the design of a private water quality facility approved by the City Engineer.

(c) When provided, LIDAs should be designed in accordance with the techniques and specifications provided in the Clean Water Services Low Impact Development Approaches Handbook, as amended. Specific approaches should be selected based on their suitability to the soil and drainage characteristics of individual development sites.

H. LANDSCAPING[135]

1. Intent[136]

Landscaping for each development shall be provided and designed to:

(a) Enhance the character of the public and private realm;

(b) Create an inviting, year-round environment for pedestrians;

(c) Reduce urban heat island effects, intercept rainwater, and support urban wildlife; and

(d) Enhance ecological functions and provide access to nature.

2. General[137]

(a) Any portion of a site not occupied by buildings, parking, improvements, or protected natural resources shall be landscaped according to the requirements of this Section 143.VIII.H.

(b) Crime Prevention Through Environmental Design (CPTED) guidelines located in the City of Hillsboro Subdivision Design Standards and Guidelines Manual shall

[135] Basic landscape provisions in the draft CDC was used as a starting point with supplemental standards added to reinforce the objectives of the AmberGlen Plan.
[136] Intent statement is new since November draft.
[137] Subsections (c) and (d) are new since the November draft.

be considered in the design of landscaped areas to preserve site lines from sidewalks and parking areas to building entryways. Consideration shall include review for the following factors:

(1) Clear distinction between the public and semi-private realms;

(2) Clear sight lines along public pathways and in public spaces;

(3) Clear views from streets to pathways, open space and car parking areas;

(4) Opportunities for natural surveillance of lanes, sidewalks, streets, and other public spaces; and

(5) Adequate security lighting of pedestrian and cycling routes, car parking areas, and other public spaces.[138]

(c) All landscaped areas in the public right-of-way, and all landscaped areas associated with any consolidated regional water quality facility, shall be designed by a registered Landscape Architect and installed in accordance with the City of Hillsboro Design and Construction Standards, or in accordance with Parks and Recreation Department specifications for parkways and any area maintained by the Parks and Recreation Department.

(d) All landscaping and planting plans associated with private water quality facilities featuring Low Impact Development Approaches (LIDA) shall be designed in accordance with the requirements of Section 143.VIII.G.5.

3. Landscape Materials[139]

(a) Landscaping shall be designed to feature plant materials that evoke the natural character of the Pacific Northwest and that are adaptable to the climatic, topographic, and hydrologic characteristics and urban constraints of the site.

(b) At least 75 percent of the plant materials shall be selected from plant lists in Appendix A of the CWS Design and Construction Design Standards, as amended. The remaining 25 percent of plant materials shall be selected from naturalized and non-invasive species. Invasive non-native plants listed on Metro's Nuisance Plant List, as amended, are prohibited. The following exceptions are permitted:

(1) Non-native, non-naturalized, ornamental plants featured as design accents are permitted as plantings in pots and containers.

(2) Lawns are permitted in areas designated for active recreation.

(3) Edible vegetables and fruits are permitted in community gardens where Park and Open Space uses are permitted or approved.

(4) Tree species listed for selection as street trees in the City of Hillsboro Design and Construction Manual.

[138] List added to provide more detail about CPTED.
[139] Subsections (a) and (b) are new, and other sections are revised, since the November draft,

(c) Landscaped areas shall include a mixture of planted areas and hardscape elements as an overall landscape framework including, but not limited to:

(1) Walls;

(2) Seating;

(3) Raised planters;

(4) Pervious paving, rain gardens and other stormwater facilities that comply with Section 143.VIII.G.5 that can serve multiple purposes, and

(5) Other features as approved by the Review Authority.

(d) Installation and maintenance of plant materials shall be in accordance with the American Nursery Landscaping Association standards.[140]

(1) Plant materials shall be nursery stock or the equivalent quality and installed to industry standards or better.

(2) Plant materials shall be staked to current industry standards or better. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

(3) Planting plans associated with private water quality facilities featuring Low Impact Development Approaches (LIDA) shall be designed in accordance with the requirements of Section 143.VIII.G.5.

(4) Required Street Trees are subject to the standards of Section 143.VIII.H.4

(5) Minimum Sizes at Installation.

i. Two-inch caliper deciduous trees other than required street trees;

ii. Eight feet minimum height multi-stemmed trees (e.g., Vine Maple);

iii. Six feet minimum height coniferous trees;

iv. Eighteen to twenty-four inches height for large and medium shrubs (over six feet at maturity); and

v. Twelve to eighteen inches minimum height for small shrubs (three to six feet at maturity);

(6) Maximum spacing:

i. Deciduous trees shall be spaced appropriate to their spread at maturity.

ii. Coniferous trees shall be spaced fifteen feet apart, unless they are within a screening buffer, where the maximum spacing shall be ten feet on center.

iii. Large shrubs shall be spaced five feet on center.

iv. Medium shrubs shall be spaced four feet on center.

[140] New installation standards replace reference to CWS Appendix A in November draft.

v. Small shrubs shall be spaced three feet on center.

(7) Ground covers are required in all planting areas, unless the entire bed is planted with shrubs that branch out so that they cover the surface of the ground. Bark and mulch shall not be considered as ground cover. Spacing shall be as follows:

i. One-gallon pots, twenty-four inches on center;

ii. Four-inch pots, eighteen inches on center; and

iii. Two-and-one-quarter-inch pots, twelve inches on center.

4. Credits

(a) Natural existing vegetation may be counted toward required landscaping, provided that the natural vegetation is maintained continuously to remove nuisance plants and to keep natural vegetation alive.

(b) Usable open space, and Low Impact Development Approaches used to manage stormwater in accordance with Section 143.G.3(d) may be credited towards required landscaping provided they are integrated into the overall landscape space concept for the site.

5. Street Trees[141]

(a) Applicability

Requirements apply to all development which includes or will be required to provide street trees on public street frontages, private street frontages, and Green Access Lanes.

(b) General

(1) Requirements for street trees and irrigation of street trees not addressed in this Section 143.VIII.H.5 shall be consistent with the City of Hillsboro Design and Construction Standards. The Design and Construction Standards requirements shall apply to public streets, and also to private streets and green access lanes provided to meet the connectivity standards in Section 143.VII.C.

(2) Tree species shall be selected from the City of Hillsboro Approved Street Tree Species list, except where a tree species is identified for a specific location as required by this section, or as approved by the City Engineer.

(3) Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. At a minimum, the planting area shall contain 24 square feet, typically in a 4 foot by 6 foot area. Trees shall be spaced at approximately 20 feet on center, and at a maximum of 27 feet on center.[142]

[141] Based on draft CDC with some additions related to plant list to support the sustainability objectives of the UC zones. There have been significant changes to this section since the Task 5 draft.
[142] Minimum spacing reduced from 21 to 20 feet, and maximum from 24 to 27 feet since the November draft.

The selection of tree species based on tree spread shall be consistent with this spacing. Exceptions to this street tree spacing standard may be approved by the Review Authority:

i. In cases where planting a tree would conflict with street lights, existing trees, retaining walls, utilities and similar physical barriers; or

ii. In locations where an alternate street tree spacing is required as specified in this section 143.VIII.H.4.

(4) Special street tree requirements apply for NW Stucki Avenue as illustrated in the street Green Boulevard cross-section. (See Section 143.VIII.D.4.e.) The intent is to create a boulevard related in character to NW Evergreen Parkway between NW Stucki Avenue and NW 194th Terrace.

i. Street trees species for Stucki Boulevard between Cornell Road and NW 206th Avenue shall be similar in character to the existing London Plane Sycamore trees located on NW Evergreen Parkway between NW Stucki Avenue and NW 194th Terrace.

ii. Street trees shall be planted at a maximum of 21 feet on center.

(5) Columnar trees and shrubs shall be planted in the median.

(6) Establishment standards identified in the City of Hillsboro Design and Construction Standards apply.

(c) Assurances[143]

The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

6. Vehicle Parking Lot Screening and Landscaping[144]

(a) Perimeter Landscape Screening[145]

(1) Surface parking areas shall provide perimeter parking lot landscaping meeting one of the following standards:

i. Planting strips at the width specified in Table 143-VIII-G-1, planted with large-scale, high canopy, horizontally-branching street tree species and/or an evergreen hedge. Hedges shall be between 30 inches and 42 inches in height. All landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot.

[143] Fee payment option has been deleted since the November draft.
[144] Parking lot landscaping standards contained in Section 138.VIII (Location and Design of Off-Street Parking) have been simplified in the draft CDC. The draft standards will be carried forward in the UC zones with the exceptions noted above under General Landscaping Standards, subject to further staff review
[145] From draft CDC with some editing for clarification.

Table 143-VIII-G-1
Parking Area Perimeter Planter Strip Minimum Widths

Location	Minimum Width
Along an arterial street right-of-way	10 feet
Along any other street rights-of-way	5 feet
Any other location on the perimeter of the parking area	4 feet

ii. A decorative wall or fence between 30 inches and 42 inches in height parallel to and not nearer than 2 feet from the right-of-way line, with landscaping in the area between the wall or fence and the back of the sidewalk.

iii. An alternative planting strip at the widths specified in Table 143-VIII-G-1 that incorporates Low Impact Development Approaches that comply with Section 143.VIII.G.3(d), as approved by the Review Authority.

(2) The required landscape strip or wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.

(3) Where parking lots share common driveways and/or common circulation aisles or other traffic area, perimeter landscaping shall not be required between the parking lots. Perimeter landscaping may also be reduced or eliminated adjacent to landscaped open space in order to transition the open space landscaping into the parking area and afford better access between the parking and the open space.[146]

(b) Interior Parking Area Landscaping

(1) Surface parking areas shall provide interior landscaping which meets the following standards:

i. A minimum of one 2½ inch caliper street tree planted in protected islands at the end of each parking row, and at intervals not exceeding 100 feet within the parking rows.

ii. Planting islands shall have a minimum width of 5 feet and minimum areas of 190 sq. ft. for double loaded parking and 95 sq. ft. for single loaded parking. The remainder of each island shall be landscaped in a manner consistent with the provisions of subsection 5.(c) below.

(2) In addition to the islands required in subsection 5.(b)(1) above, interior landscaping shall be installed in any other area where parking spaces, access

[146] The following draft CDC provision was not included because it would promote a more suburban character in an urban area: "Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five nor more than six feet in height except where vision clearance is required."

aisles, driveways, or pedestrian movements would not be precluded by the landscaping. If the total area of the interior landscaping would exceed 10 percent of the vehicle parking area under this standard, the amount of required landscaping shall be limited to 10 percent except where requested by the applicant.

(3) All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.

(4) Where practicable, planting islands shall incorporate Low Impact Development Approaches to manage parking lot runoff within landscaped areas that comply with Section 143.VIII.G.5.

(c) General Parking Lot Landscaping Standards[147]

(1) A minimum of 70 percent of all required landscaped areas, including required planting strips and planting bays, shall be covered with trees or shrubs and continuous ground cover consisting low growing evergreen shrubs or evergreen ground cover.

(2) The minimum planting size for all required trees shall be 2½ inch caliper as measured by American Association of Nurserymen standards. Trees shall be deciduous shade trees capable of at least 35 feet at both mature height and canopy spread.

(3) Evergreen shrubs shall be at least 2 feet higher than finished grade when planted. Evergreen shrubs shall be species capable of at least 36 inches mature height.

(4) Lawn is prohibited as a ground cover in parking lot islands.

(d) Vehicle Parking Surface Lot Improvements

(1) All required parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement, or other approved materials.

(2) All parking areas shall be graded toward the site interior, to prevent stormwater drainage across over public sidewalks or onto any abutting public or private property.

(3) Porous paving techniques that comply with Section 143.VIII.G.5 may be incorporated into the design of surface parking spaces, surface access aisles, and surface drives and loading areas.

7. Maintenance

(a) Maintenance shall be provided for all required landscaped areas.

[147] From draft CDC with exception of (4).

(b) Sustainable maintenance practices shall be used to care for required landscaping, such as, but not limited to drip (rather than spray) irrigation as appropriate, integrated pest management and organic natural controls.

(c) All landscape plantings and man-made features shall be maintained in good condition, or otherwise replaced by the owner.

(d) Dead plantings shall be replaced by the property owner with an equivalent type (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.).

I. FENCING AND WALLS

1. Maximum Height

(a) Fences within the front, side, or rear yard shall not exceed the following maximum heights unless approved by the Review Authority:

Table 143-VIII-I-1
Maximum Heights for Front, Side, and Rear Yard Fences

	Maximum Height (ft.)		
UC District	Front Yard	Side Yard	Rear Yard
UC-RM	31/2	6	6
UC-MU	4	6	6
UC-AC	4	6	6
UC-NC	4	6	6
UC-OR	4	6	6
UC-RP	6	6	6

2. Materials

(a) Fences and walls shall be constructed of durable materials that are compatible with the primary materials used on the associated building façade, and may include but are not limited to.

(1) Masonry or brick;

(2) Solid wood fence with masonry or brick columns;

(3) Wrought iron fence with masonry or brick columns; or

(4) Alternative material(s) as approved by the Review Authority.

(b) Chain link, industrial materials, and unprocessed waste materials are prohibited as fencing or wall materials.

(c) All fences and walls shall be treated with anti-graffiti sealant.

J. EXTERIOR LIGHTING[148]

1. Applicability

(a) The provisions of this Section 143.VIII.J shall apply to all multi-family, mixed use, commercial, institutional, and industrial uses in the UC zones unless exempted in subsection (b) below:

(b) The following types of lighting are not subject to the requirements of this Section 143.VIII.J:

(1) Public street and right-of-way lighting;

(2) Temporary decorative seasonal lighting;

(3) Temporary lighting for emergency or nighttime work and construction;

(4) Temporary lighting for theatrical, television and performance areas, or for special public events;

(5) Lighting for a special district, street or building that, according to an adopted city plan or ordinance, is determined to require special lighting aesthetics as part of its physical character;

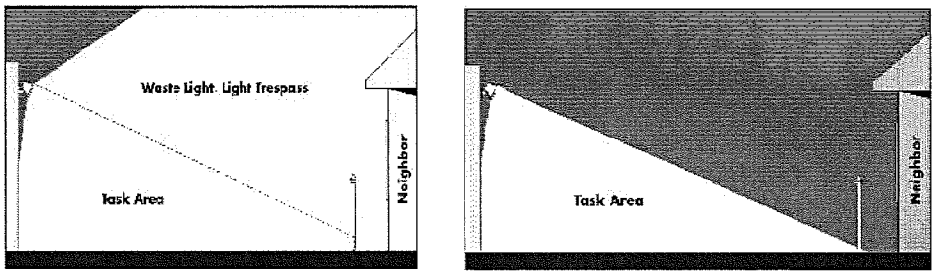
(6) Lighting required and regulated by the FAA;

(7) Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that (a) light poles are not more than 80 ft. tall, (b) maximum illumination at the property line is not brighter than two footcandles, and exterior lighting is extinguished no later than 11:00 pm.

2. Design Standards

(a) Light Trespass

Maximum lighting levels at property lines – generally shall not increase lighting level more than 1 footcandle 10 feet beyond property line.



Does not comply -- Light trespass

Complies -- No light trespass

Figure 19: Examples of light trespass

[148] New provisions. Text has been replaced since the Task 5 draft.

(b) Shielding

Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.

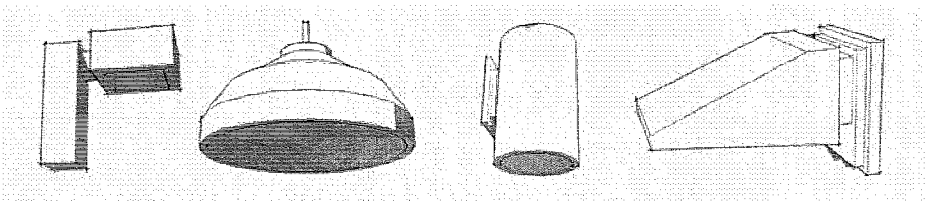


Figure 20: Examples of shielded light fixtures

(c) Pole and Fixture Heights

Maximum pole height is 20 feet for properties containing residential uses and 35 feet for properties containing no residential uses.

(d) Walkways

On-site walkways shall be illuminated to a minimum of level 2 footcandles.

(e) Uplighting

General up-lighting of facades or features is prohibited.

3. Efficiency Standards

All exterior lighting fixtures shall meet the efficiency standards in Table 143-VIII-J-1 below.

Table 143-VIII-J-1
Minimum Lighting Efficiency Standards

	UC-MD	All Other UC Districts
Maximum permitted initial lamp lumens per sq. ft.	9.7 lumens/sq. ft.	13.9 lumens/sq. ft.
Maximum lamp allowance	44,000 lumens	60,000 lumens
Minimum lumens per watt of energy consumed (as documented by manufacturers specifications or results of an independent testing laboratory)	80 lumens/watt	80 lumens/watt

K. RECYCLING ENCLOSURE[149]

In all UC zones, an area for collection of recyclable materials meeting the following requirements shall be provided:

1. Each required recycling 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.
2. If a required recycling 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.[150]
3. 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.
4. 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.
5. The access route for vehicles servicing recycling enclosures have a minimum vertical clear distance of 10 feet free from encroachments by building features or landscaping.

L. DRIVE-THROUGH FACILITIES

1. The provisions in Section 138.IX.C (Drive-Through Uses) shall apply to all drive-through facilities.
2. Drive-through facilities are not permitted at eating and drinking establishments or retail products and services within 400 feet of an HCT station; single-lane drive-through facilities are permitted beyond 400 feet from an HCT station. [151]
3. Drive-through uses shall be limited to sites adjacent to Cornell Road, Walker Road, 185th Avenue, and 205th Avenue.

M. OUTDOOR DISPLAY AND STORAGE[152]

1. In all UC zones except the UC-RP zone, permanent outdoor display or storage of materials or equipment by commercial uses is prohibited.
2. Within the UC-RP zone, outdoor storage of inventory or equipment is permitted.
3. The term "equipment" as used in this subsection does not apply to motor vehicles licensed for street use and regularly used in the conduct of business.

[149] New standards.
[150] New standard since November draft.
[151] Based on current SCC-SC.
[152] Based on draft CDC.

N. OUTDOOR DINING AND SALES AREAS

In all UC zones except the UC-RM zone, outdoor seating and outdoor sales may be located between the back of curb and the back of the sidewalk, provided that they:

1. Have a Street Vendors License;
2. Are only present when the related business is open for business (unless otherwise permitted by a Street Vendor License); and
3. Maintain a 5 foot "clear zone" on the sidewalk for pedestrian movement.

IX. BUILDING DESIGN STANDARDS

A. PURPOSE

The purpose of this section is to establish a distinctive character and quality of development that is unique to the City's urban centers; to promote the use of sustainable building materials and development practices; and to promote compatibility in the scale of development between Urban Center zones.

B. APPLICABILITY

The provisions of this Section 143.IX. shall apply to all development in the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones , and to all redevelopment or expansions of existing structures that increase the gross floor area of the existing structure by more than 20 percent in the UC-RM, UC-MU, UC-AC, UC-NC, and UC-OR zones, unless otherwise specified by the provisions in this section. Expansions of gross floor area by less than 20 percent shall comply with either (a) the provisions of this Section 143.IX, or (b) the development standards applicable to the structure prior to the adoption of this Section 143.[153]

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.

[153] This figure has been changed from 25% in earlier drafts to align with the expansion leeway granted in Sections VI (Parking), VIII (Site Design) and X.K (Non-conformities). Revised since November draft for consistency with Table 143-I-B-1.

(3) No portion of a building located within 50 feet of 206th Avenue, Stucki Avenue, or the UC-RP zone may exceed 35 feet in height.

(b) For the purposes of the above requirements, transitions in height shall be provided through gradual changes in building mass and height that complement the overall design and function of the building, rather than abrupt "step-downs" in height.

2. Bulk Plane Requirements

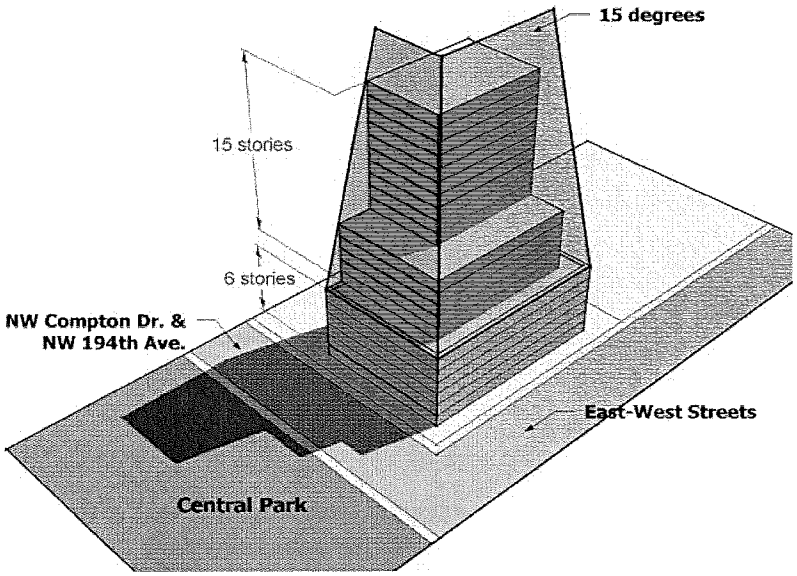


Figure 21—Example of bulk plane requirements.

(a) In the UC-MU zone a bulk plane shall be established over the properties that abut all east/west streets, and all north/south streets that abut the central park to preserve views to the central park and to preserve solar access at the street level and for upper units. The bulk plane shall begin at a height of 65 feet 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 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 in height.

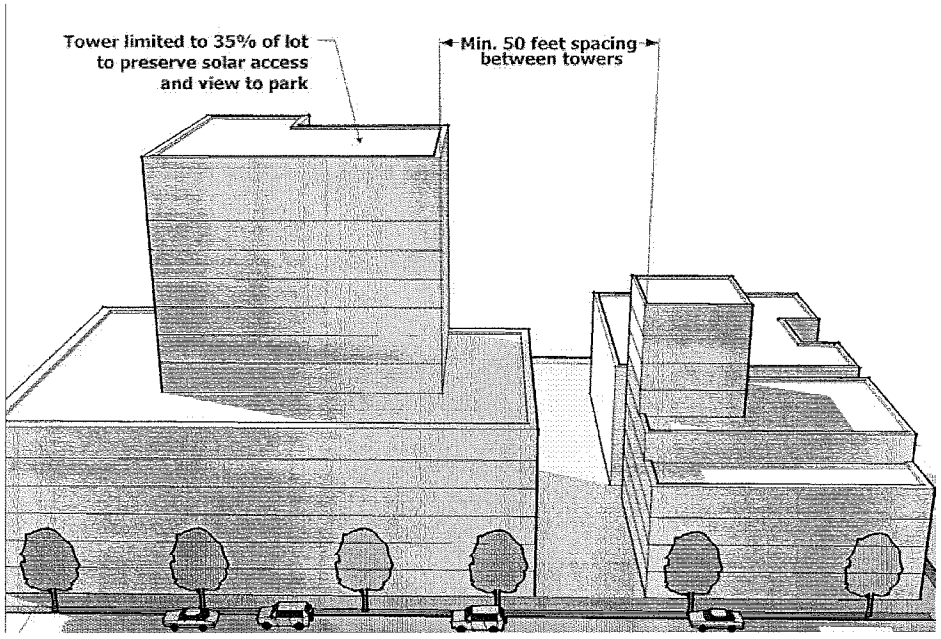


Figure 19—Example tower lot coverage and separation distance

D. DESIGN AND CHARACTER

1. Building Entries

(a) All ground floor tenant spaces with at least 25 feet of frontage shall have at least one building entrance (that opens directly to the outside) oriented towards the adjacent street.

(b) If a building has frontage on more than one street, a main building entrance shall be provided oriented towards one of the streets or a single corner entrance provided where the two streets intersect.

(c) If a single tenant has 200 feet or more of frontage on a public or private street, one additional entrance shall be provided for each 200 feet of frontage on one of the public or private streets.

2. Building Orientation

(a) All buildings are subject to Front Property Line Coverage requirements in Section 143.V. (Base Development Standards).

(b) In the UC-NC and UC-AC zones, buildings shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by using building walls to frame or enclose:

(1) Major intersections;

(2) "Retail Focus Frontage areas.

(3) Surface parking areas;

(4) Plazas, squares, and other public and private open space; and

(5) Other site features.

(c) To the maximum extent feasible, all buildings except those located along north-south streets in Retail Focus Frontage areas or other north-south street frontages shall have a front lot line that is oriented within 30 degrees of a true east-west axis for solar access.

3. Ground Story Windows

(a) Minimum Transparency by Location

A minimum percentage of the total length and area of each ground-level building façade shall be comprised of transparent window openings to allow views of interior spaces and merchandise, to enhance the safety of public spaces by providing direct visibility to the street, and to create a more inviting environment for pedestrians. Minimum percentages vary by location as follows:

(1) Retail Focus Frontage area street frontage: 75 percent of the length and 60 percent of the area of the ground level wall.

(2) All other locations including Green Access Lanes: 60 percent of the length and 35-percent of the area of the ground level wall.

(b) Minimum Transparency—Measurement

For the purposes of the above standard:

(1) All percentages shall be measured using elevation views of the building facade.

(2) Ground level wall area shall mean the area up to the finished ceiling height of the fronting space or fifteen feet above finished grade, whichever is less.

(3) Non-Residential Uses: Glazing on all ground floor windows shall be transparent.

(4) Residential-Uses: Glazing on all ground floor windows shall be transparent to allow views into common hallways, foyers, or entryways, but may be translucent or opaque when necessary to protect the privacy of ground-floor spaces used for dwelling purposes.

(5) Black or mirrored glass is prohibited.

4. Façade Articulation and Design

(a) Blank facades devoid of architectural detail are not permitted. The perceived mass and scale of building facades shall be reduced by incorporating design elements such as, but not be limited to:

(1) Variations in roof form or parapet height;

(2) Variations in building height;

(3) Projected or recessed building mass;

(4) Wall plane off-sets;

(5) Window openings;

(6) Balconies;

(7) Distinct changes in texture and color of wall surfaces;

(8) Recessed entries; or

(9) An alternative design element as approved by the Planning Director.

(b) A minimum of three of the above design elements listed above shall be incorporated along all street-facing facades.

5. Visitability

In buildings containing more than 50 dwelling units, at least 10 percent of the dwelling units shall provide the following visitability features:

(a) An entrance without a step or threshold (zero-step) that provides an accessible path of travel from the street, sidewalk, or driveway. An accessible path of travel has no steps, is at minimum of 36-inches wide and is not steeper than 1:20 (5-percent grade) for walkways or 1:12 for ramps;

(b) 32-inch clear doorway openings and hallways that have a minimum clear width of 36-inches throughout the ground floor of the unit; and

(c) A half bath on the ground floor of the unit that is of sufficient width and depth to allow a person in a wheelchair to enter and close the door.

E. MATERIALS

1. Primary building materials shall be used on at least 80 percent of the façade and may include, but are not limited to:

(a) Brick, stone, or other natural masonry products;

(b) Cast concrete;

(c) Articulated architectural concrete masonry units (CMU);

(d) Traditional hard coat Stucco;

(e) Steel;

(f) Glass; or

(g) Comparable material approved by the Review Authority.

2. Glass may be used as a primary building material on portions of buildings that exceed six stories in the UC-MU zone.

3. The remaining 20 percent of the façade may be non-primary materials.

4. The following materials are prohibited:

(a) T-111 siding;

(b) Synthetic stucco (EIFS);[154]

(c) Untreated wood products;

(d) Cinder block;

(e) Smooth surface concrete panels that do not meet the standards in Section 143.IX.D.4; and

(f) Fiber cement panels that do not meet the articulation standards in Section 143:IX.D.4.

F. STRUCTURED PARKING

1. Structured parking constructed within or adjacent to a primary structure shall be integrated with the overall design of the primary structure t is intended to serve through the use of visually similar architectural features and façade materials.

2. Free-standing parking structures shall be designed to complement surrounding buildings in terms of their scale, design elements, building materials, and orientation on the site.

3. Ground level parking structures with direct access from driving aisles to parking areas for individual residential units shall include garage doors on the side where vehicles enter and exit, and the outer side and rear walls of the structure shall be enclosed by walls or screens meeting the requirements of this Chapter 143. Open sided and open-ended carports are not permitted.[155]

4. Vehicle access to parking structures from streets frontages in Retail Focus Frontage areas is prohibited; access to the structure shall be from other frontages.

5. Ground floor facades of parking structures that front arterial, collector streets, or streets in Retail Focus Frontage areas shall comply with Pedestrian-Active Use Requirements in Section 143.IV. (Use Regulations).

6. Pedestrian-oriented design elements, including, but not limited to the following, shall be incorporated into parking structures to screen cars and provide visual interest:

(a) Decorative panels for window openings and/or garage entrance gates;

(b) Integrated planting systems;

(c) Public art;

(d) Green roofs(for underground parking decks); and

(e) Other features.

[154] Synthetic stucco has been added to this list since the Task 5 draft.
[155] New standard since November draft.

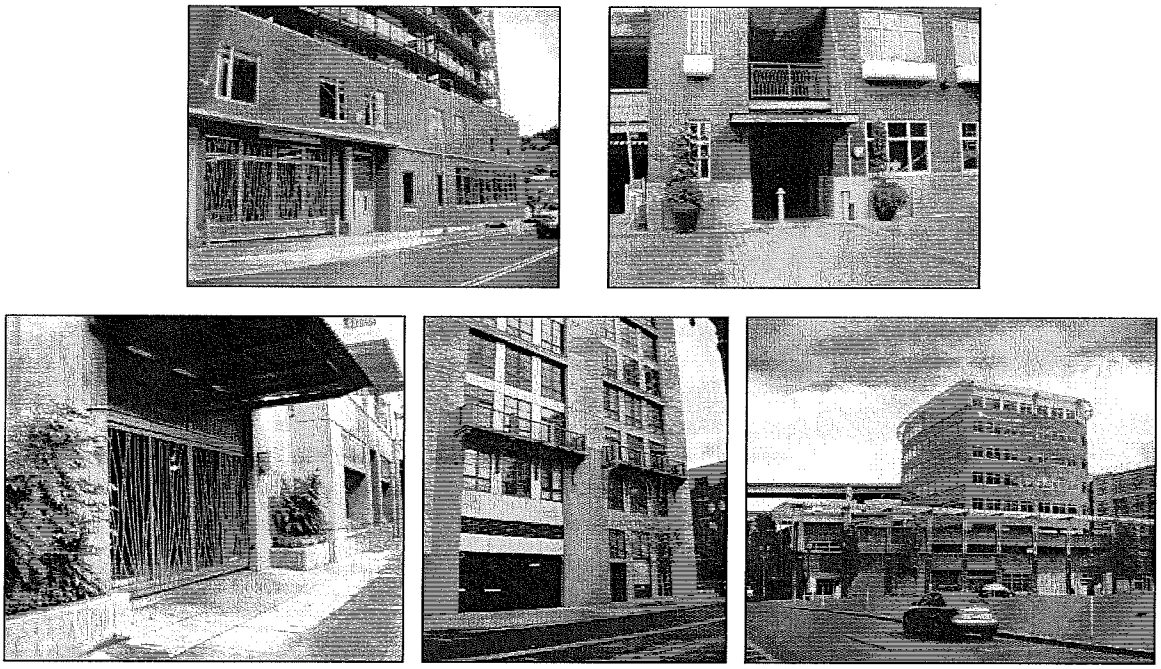


Figure20—Example of structured parking design elements

G. GREEN BUILDING 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.

2. 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.[156]

(b) At least 75[157] percent of construction debris shall be recycled in a facility located entirely or partly within 100 miles of the project site. [158]

[156] Requirements for a specific amount of recycled content in each input were deleted.
[157] Requirements raised from 25 percent to 75 percent to line up with LEED credit standards.
[158] Revised to clarify measurement of distance.

X. APPLICATION AND REVIEW PROCEDURES[159]

A. PURPOSE AND ORGANIZATION

1. Purpose

This Section 143.X establishes standard decision-making procedures for review and processing of land use applications and permits. These provisions are intended to make the review process clear and understandable for applicants, enable the public to effectively participate in the local decision-making process, and facilitate the timely review of land use applications by the City.

2. Organization

Details of procedure Types I through IV are included in Sections 143.X.D through G below. Provisions that are common to multiple procedure types are included in Sections 143.X.H through J below. Treatment of pre-existing development that does not meet the standards of this Section 143 is addressed in Section 143.X.K.

B. SUMMARY OF REVIEW PROCEDURES

1. General

All land use and permit applications, except building permits, shall be decided by using one of the following procedure types. The procedure type assigned to each application governs the decision-making process for that particular application.

2. Description of Procedure Types

There are four types of decision-making procedures, as follows:

(a) Type I Procedure. Type I procedures apply to "ministerial" permits and applications. Decisions on ministerial permits are made by City staff, based on clear and objective approval criteria, involve little discretion, and require exercise of professional 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.

(b) Type II Procedure. Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by City staff, based on reasonably objective approval criteria that require only limited discretion. A decision to approve or deny an administrative application must be made unless the application is withdrawn. Type II procedures require public notification and an opportunity for appeal, but do not require a public hearing.

(c) Type III Procedure. Type III procedures apply to "quasi-judicial" applications. Decisions on quasi-judicial applications are made by an elected or appointed Review Authority, requiring substantial exercise of discretion and judgment in

[159] From CDC "Procedures Second Draft: 12/09" with the exception of subsection L (Non-conformities), which is based on current Section 136

applying approval criteria. A decision to approve or deny a quasi-judicial application must be made unless the application is withdrawn. Type III procedures require public notice and a public hearing.

(d) Type IV Procedure. Type IV procedures apply to "legislative" matters. Legislative decisions are made by an elected or appointed Review Authority and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties. No final decision to approve or deny a legislative matter is required. Type IV procedures require general public notice and a public hearing.

3. Determination of Proper Procedure Type

Unless already specified in Table 143-X-C-1, the Director shall determine whether a permit or application is processed as Type I, II, III or IV based on the descriptions set forth above. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the widest notice and opportunity to participate.

4. Consolidated Reviews

(a) At the request of the applicant, multiple Type II or III applications for a single proposal may be consolidated and processed concurrently under the highest numbered procedure required for any part of the application, or processed individually under the procedures identified by the code. For example, a proposal that requires Development Review (Type II) and Planned Unit Development (Type III) applications would be processed under Type III procedures if consolidated at the request of the applicant.

(b) If the individual applications are typically assigned to different review authorities, the consolidated applications will be assigned to the highest review authority using the following hierarchy from lowest to highest:

(1) Planning Director or designee

(2) Historic Landmarks Advisory Committee

(3) Planning and Zoning Hearings Board

(4) Planning Commission

(c) When proceedings are consolidated at the applicant's request:

(1) Separate responses to the applicable criteria shall be submitted for each application;

(2) The public notice shall identify each application to be decided; and

(3) Separate findings and decisions shall be made on each application.

(d) If a proposal includes an application for a Comprehensive Plan Land Use Map amendment, the final decision on the Plan Map amendment shall precede any decision on a proposed Zone Change and other decisions on a proposed

development. Similarly, the final decision on a Zone Change shall precede a decision on a proposed Development Review or other action.

(e) Notwithstanding Table 143-X-C-1 or the Director's determination, an applicant may choose to elevate a Type I or II application to a higher numbered procedure type, provided the applicant pays the appropriate fee for the selected procedure type and the Director determines that statutory timelines for reaching a final decision can be met.

C. SUMMARY TABLE

Table 143-X-C-1[160]
Land Use Applications, Procedures, and Review Authorities

Permit/Application	Procedure Type	Neigh. Meeting Required?	Review Authority	
			Decision	Appeal
Annexation	III		CC (D)	LUBA
Section 143 Text Amendment	IV		PC (R), CC (D)	LUBA
Conditional Use	III	✓	PZHB	CC
Cultural Resources				
Nomination to or removal from inventory	III		HLAC (R), PC (R), CC (D)	LUBA
Alteration, demolition, or relocation	III		HLAC (R), PC (D)	CC
Development Review (including but not limited to Exceptions to Minimum Intensity, Adjustments in Return for Public Benefit, and Adjustments to Parking Requirements Table, and LIDA Alternatives)	II		PD	PC
Director's Interpretation				
Site specific	II		PD	CC
Not site specific	I		PD	CC
Extension of Approval				
First extension	I		PD	PC
Additional extensions	II		PD	PC
Extensions for multi-phase projects	III		PC	CC
Fence Permits	I		PD	PC
Flexibility in Street Alignment, Street Elements, Streetscape, Block Length, or Block Configuration	II		PD	PC
Floodplain Alterations or Special Uses	III	✓	PC	CC
Home Occupation	I		PD	PC
Modification of Type II/III Approvals				
Minor	I/II		PD	PC
Major	II/III	✓	PD/PC	PC/CC
Pre-existing Structure or Use Expansion[161]		✓	PZHB	CC
< 10% of existing gfa	I		PD	PC
> 10% but ≤20% of existing gfa	II		PD	PC

[160] Revised since November for consistency with text.
[161] Revised since November for consistency with Applicability section in 143.II.

Permit/Application	Procedure Type	Neigh. Meeting Required?	Review Authority	
			Decision	Appeal
> 20% of existing gfa	III	✓	PZHB	CC
Partition				
Preliminary Plat	II		PD	PC
Final Plat	I		PD	PC
Planned Unit Development	III	✓	PC	CC
Property Line Adjustment	I		PD	PC
SDU Approval	II		PD	PC
Significant Natural Resource Permit				
Minor	II		PD	PC
Major	III	✓	PC	CC
Subdivision				
Minor, Preliminary Plat	II	✓	PD	PC
Minor, Final Plat	I		PD	PC
Major, Preliminary Plat	III	✓	PC	CC
Major, Final Plat	II		PD	CC
Variance	III	✓	PC	CC
Zone Change				
Owner initiated	III		PZHB (R), CC (D)	LUBA
City initiated	III		PC (R), CC (D)	LUBA

Type I=Ministerial, Type II=Administrative, Type III=Quasi-Judicial, Type IV=Legislative, (R)=Recommendation, (D)=Decision, PD=Planning Director, HLAC= Historic Landmarks Advisory Committee, PZHB=Planning & Zoning Hearings Board, PC=Planning Commission, CC= City Council , LUBA=Oregon Land Use Board of Appeals.

D. TYPE I PROCEDURE

1. General Description

Type I procedures apply to "ministerial" permits. Decisions on ministerial permits are made by City staff, based on clear and objective approval criteria, involve little discretion, and require exercise of professional 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.

2. When Applicable

Table 143-X-C-1 identifies Type I applications. Applications not listed on Table 143-X-C-1 may be identified as Type I by the Director based on the General Description in this Section

3. Pre-application Conference

A pre-application conference is not required for Type I applications.

4. Neighborhood Meeting

A neighborhood meeting is not required for Type I applications.

5. Application Requirements

(a) Type I applications shall be submitted on application forms provided by the Director. The application forms shall list applicable submittal requirements as required by Section 143:X.H.5(c).

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

(c) Type I applications shall be accompanied by the required fee.

(d) Type I applications are subject to the completeness review procedures set forth in Section 143.X.H.5(d).

6. Public Notice

Type I applications do not require public notice or an opportunity for comment.

7. Decision Authority

The decision authority for Type I applications shall be the Planning Director. The Planning Director shall approve, approve with conditions or deny a Type I application within 15 business days after the application was determined to be complete.

8. Notice of Decision

Written Notice of the Decision for Type I applications shall consist of a copy of the Application Form with the Decision Section completed by the Planning Director or the Director's designee. The completed Decision Section shall be provided to the applicant by mail or hand-delivery within five business days after the application is approved or denied. Together with the Application Form, the Decision Section shall:

(a) Include a brief summary of the proposal, the application, and the site; and the approval or denial of the application;

(b) State the facts upon which the Director relied to determine whether the application satisfied or failed to satisfy each applicable approval criterion and/or standard; and

(c) State that the decision is the final local decision unless an appeal is filed as provided in Section 143.X.J. The notice of decision shall state in boldface type the date and time by which an appeal must be filed.

9. Appeal

(a) Only an applicant may appeal a Type I decision 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 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).

E. TYPE II PROCEDURE

1. General Description.

Type II procedures apply to "administrative" permits and applications. Decisions on administrative applications are made by City staff, based on reasonably objective approval criteria that require only limited discretion. A decision to approve or deny an administrative application must be made unless the application is withdrawn. Type II procedures require public notification and an opportunity for appeal, but do not require a public hearing.

2. When Applicable

Table 143-X-C-1 identifies Type II applications. Applications not listed on Table 143-X-C-1 may be identified as Type II by the Planning Director based on the General Description in this Section.

3. Pre-application Conference

Pre-application conferences are not required for Type II applications, but are strongly encouraged. Guidelines for pre-applications conferences are set forth in Section 143.X.H.3.

4. Neighborhood Meeting

Neighborhood meetings are not required for Type II applications, but are strongly encouraged. Section 143.X.H.4 sets forth requirements and procedures for neighborhood meetings. These procedures should be considered guidelines for voluntary neighborhood meetings for a Type II application.

5. Application Requirements

(a) Type II applications shall be submitted on application forms provided by the Planning Director. The application forms shall list applicable submittal requirements as required by Section 143.X.H.5(c).

(b) Type II applications shall be accompanied by the required fee.

(c) Type II applications are subject to the completeness review procedures set forth in Section 143.X.H.5(d).

6. Public Notice and Comment Period

Public notice is required for all Type II applications. This notice invites affected parties to participate by providing area property owners and other interested parties with an opportunity to submit written comments on the application before a Decision is issued. Public notices for Type II applications shall include a minimum period of 14 business days from the date the notice was mailed for the submission of written comments before a Decision is issued.

(a) After the Type II application has been accepted as complete under Section 143.X.H.5(d), the Planning Director shall mail a written notice to the following parties:

(1) The applicant(s) and/or authorized representative(s);

(2) The owner(s) or contract purchaser(s) of record of the subject property;

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

(4) Property owners of record 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;

(5) 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) Written notice of the pending application shall include the following information:

(1) The case file number for the application, the name of the applicant and a concise description of the nature of the request;

(2) A vicinity map and description of the subject site reasonably sufficient to inform the reader of its location, including map and tax lot number and site address, if available;

(3) A list of the relevant approval criteria applicable to the decision by Code section number;

(4) A statement that the application and all documents and evidence submitted by the applicant are available for review, and copies can be obtained at reasonable cost;

(5) A brief summary of the decision-making process for the application;

(6) The place, date, and time that written comments on the application are due, and the name and telephone number of the city representative to contact about the application;

(7) A statement that comments received after the close of the public comment period will not be considered by the Planning Director;

(8) A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals (LUBA) must be raised in writing prior to the expiration of the comment period with sufficient specificity to enable the applicant and review authority to respond to the issue;

(9) A statement that a decision shall be issued after the comment period closes, and that decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice of the decision; and

(10) A notice reading as follows: "Notice to mortgagee, lien holder, or seller: The Hillsboro Community Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

(c) An affidavit of mailing of the public notice, including the notice, the mailing date and a list of parties to whom the notice was mailed, shall be prepared and made a part of the case file.

7. Decision Authority

The review authority shall be the Planning Director. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions or deny the requested application. The Planning Director's Decision shall address all of the relevant approval criteria and consider written comments submitted before the close of the comment period.

8. Notice of Decision

(a) Within five business days after the Planning Director has issued it, a Notice of Decision shall be sent by mail to the following parties:

(1) The applicant and/or authorized representative;

(2) The owner(s) of record of the subject property;

(3) Any person or group who submitted written comments during the comment period, or who submitted a written request to receive notice of the decision;

(4) Property owners of record within 200 feet of any property line that is the subject of the application; and

(5) Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.

(b) The Notice of Decision shall include the following information:

(1) A brief summary of the proposal, the Decision, and any conditions of approval;

(2) A description of the site reasonably sufficient to inform the reader of its location, including map and tax lot number and site address, if available;

(3) A statement of the facts upon which the Planning Director relied to determine whether the application satisfied or failed to satisfy the applicable approval criteria;

(4) A statement that the decision is final, unless appealed as provided in Section 143.X.J;

(5) The requirements for filing an appeal of the decision, including a statement in boldface type of the date and time by which an appeal must be filed; and

(6) A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review; the location and hours at which the case file is available and the name and telephone number of the city representative to contact about reviewing the case file.

9. Appeal

(a) The Planning Director's decision may be appealed by the applicant, any person who provided comments during the public comment period, or any person entitled to notice of the decision.

(b) The decision shall become final unless an appeal is filed within 15 days of the date the Notice of Decision was mailed.

(c) The review authority for an appeal of a Type II application is identified in Table 143-X-C-1.

(d) The appeal shall follow the requirements and procedures of Section 143.X.J.

(e) The decision of the review authority on the appeal shall be the final decision of the City. Any further appeal shall be made to the Land Use Board of Appeals (LUBA).

F. TYPE III PROCEDURE

1. General Description

Type III procedures apply to "quasi-judicial" applications. Decisions on quasi-judicial applications are made by an elected or appointed Review Authority, requiring substantial exercise of discretion and judgment in applying approval criteria. A decision to approve or deny a quasi-judicial application must be made unless the application is withdrawn. Type III procedures require public notice and a public hearing.

2. When Applicable

Table 143-X-C-1 identifies Type III applications. Applications not listed on Table 143-X-C-1 may be identified as Type III by the Planning Director based on the General Description in this Section.

3. Pre-application Conference

Pre-application conferences are not required for Type III applications, but are strongly encouraged. Guidelines for pre-application conferences are set forth in Section 143.X.H.3.

4. Neighborhood Meeting

Neighborhood meetings are mandatory for most Type III applications, as specified in Table 143-XI-C-1. When required, neighborhood meetings shall follow the requirements and procedures in Section 143.X.H.4.

5. Application Requirements

(a) Applications shall be submitted on forms provided by the Planning Director. The applications forms shall list applicable submittal requirements as required by Section 143.X.H.5(c).

(b) Applications shall be accompanied by the required fee.

(c) Type III applications are subject to the completeness review procedures set forth in Section 143.X.H.5(d).

6. Mailed Notice of Public Hearing

Public notice is required for all Type III applications. This notice invites affected parties to participate by providing area property owners and other interested parties with an opportunity to submit written and oral comments on the application before and during the public hearing. Public notices for Type III applications shall be mailed a minimum of 20 days prior to the hearing.

(a) After the application has been deemed complete under Section 143.X.H.5(d), the Planning Department shall mail a written notice of the public hearing to the following parties:

(1) The applicant(s) and/or authorized representative;

(2) The owner(s) or contract purchaser(s) of record of the subject property;

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

(4) 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;

(5) 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) For a proposed zone change, 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) 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.

(4) 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 45 days prior to the public hearing unless the Planning Director finds that emergency circumstances require a shorter notice period.

(c) The written notice of the public hearing on the pending application shall include the following information:

(1) The review authority for the application and the date, time, and place of the hearing;

(2) The case file number for the application, and the name and address of the applicant or the applicant's representative;

(3) A concise description of the nature of the proposed use or development and the specific approvals requested;

(4) A vicinity map and description of the subject site reasonably sufficient to inform the reader of its location, including Tax Assessor's Map, Tax Lot number, and site address if available;

(5) A list of the applicable approval criteria by Code section number;

(6) The location and hours where copies of the application and all evidence and documents submitted by or on behalf of the applicant are available for review, and a statement that copies thereof can be obtained at reasonable cost;

(7) A statement that the staff report will be available for inspection at no cost at least seven days prior to the hearing, and that copies will be provided at reasonable cost;

(8) The name and telephone number of the city representative to contact about the application;

(9) A brief summary of the decision-making process for the application;

(10) A general explanation of the requirements to submit testimony and the procedure for conducting public hearings;

(11) A statement that all interested persons may appear and provide testimony at the public hearing, and that only those participating at the hearing, or in writing, are entitled to appeal;

(12) A statement that failure to raise an issue at the hearing, in person or by letter, or failure to provide sufficient specificity to enable the review authority to respond to the issue, precludes an appeal based on that issue; and

(13) A notice reading as follows: "Notice to mortgagee, lien holder, or seller: The Hillsboro Community Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

(d) An affidavit of mailing of the public notice, including the notice, the mailing date and a list of parties to whom the notice was mailed, shall be prepared and made a part of the case file.

7. Published Notice of Public Hearing

Notice of the public hearing shall be published one time in a newspaper of general circulation in the City, at least 14 days before the public hearing. The newspaper's affidavit of publication of the notice shall be made a part of the case file.

8. Decision Authority

Table 143-X-C-1 identifies the decision authority for each Type III application.

9. Public Hearing Procedure

The public hearing shall be conducted in accordance with the requirements and procedures in Section 143.X.I.

10. Notice of Decision

(a) Following adoption of the Decision 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.

(b) The Notice of Decision shall be mailed to the applicant and to all parties of record. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith effort was made to mail the notice.

(c) The Notice of Decision shall contain the following information:

(1) A summary of the Decision and list of any conditions of approval,

(2) A description of the subject site reasonably sufficient to inform the reader of its location, including Tax Assessor's Map, Tax Lot number, and site address if available;

(3) A statement that the decision of the review authority is final unless appealed within 15 days of the date the Notice of Decision was mailed;

(4) The requirements for filing an appeal of the Decision, including a statement in boldface type of the date and time by which an appeal must be filed; and

(5) A statement noting that only those persons who made an appearance of record are entitled to appeal the decision.

(d) Notices of Decision on zone changes and Planned Unit Developments shall state that the Planning and Zoning Hearings Board or Planning Commission Decision is a recommendation to the City Council and is not subject to appeal. Parties of record before the Hearings Board or Planning Commission may request that the City Council hold a public hearing on the zone change or Planned Unit Development. If the City Council chooses to hold a public hearing upon the request of a party of record, the City Council public hearing shall follow the requirements and procedures in Section143.X.I.

11. Appeal

(a) The decision of the review authority may be appealed to the City Council. Only the applicant or persons who made an appearance of record at the public hearing before the review authority have standing to appeal.

(b) The appeal shall follow the requirements and procedures in Section 143.X.J.

(c) The City Council decision shall be the final local decision on all appeals. Any further appeal shall be made to the Land Use Board of Appeals.

G. TYPE IV PROCEDURE

1. General Description

Type IV procedures apply to "legislative" matters. Legislative decisions are made by an elected or appointed Review Authority and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties. No final decision to approve or deny a legislative matter is required. Type IV procedures require general public notice and a public hearing.

2. When Applicable

Table 143-X-C-1 identifies Type IV applications. Applications not listed on Table 143-X-C-1 may be identified as Type IV by the Planning Director based on the General Description in this Section.

3. Pre-application Conference

Pre-application conferences are not required for Type IV applications, but are strongly encouraged. Guidelines for pre-application conferences are set forth in Section 143.X.H.3.

4. Neighborhood Meeting

Neighborhood meetings are not required for Type IV applications, but are strongly encouraged. Neighborhood meetings shall be conducted pursuant to Section 143.X.H.4. The City may schedule general neighborhood or public meetings to provide information on a Type IV application in advance of the formal notice and public hearing process.

5. Application Requirements

Type IV applications may be initiated only by Planning Commission Resolution or City Council Resolution. Unlike Type I, II or III applications, Type IV applications cannot be initiated by a private party. Type IV applications are not subject to payment of a fee or to the completeness review procedures in Section 143.X.H.5(c).

6. Mailed Notice of Public Hearing

(a) DLCD. Notice of the public hearing on a proposed Community Development Code (CDC) amendment shall be mailed to the Department of Land Conservation and Development (DLCD) on the forms provided by that Department. The notice to DLCD of a proposed CDC amendment shall be mailed not less than 45 days prior to the public hearing unless the Planning Director finds that emergency circumstances require a shorter notice period. The notice to DLCD is not required if the Planning Director determines that the statewide goals do not apply to a particular proposed amendment.

(b) Measure 56. Notice of the public hearing on a proposed CDC amendment shall be mailed to owners of record of properties within the City for which the proposed amendment if adopted, may in the Planning Director's opinion affect the permissible uses of such properties. Such notice shall be mailed at least 20 but no more than 40 days before the public hearing. To send this notice, the Planning Department shall use the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation to determine the property owner(s) of record.

(c) The notice of the public hearing on a proposed CDC amendment shall include the following information:

(1) The date, time, and location of the hearing;

(2) The case file number or title of the proposed CDC amendment, and the name and telephone number of a city representative to contact about the amendment;

(3) A concise summary of the nature of the proposed amendment, including changes to existing standards or requirements, and the location or character of any affected properties;

(4) A listing of the applicable approval criteria by Code section numbers;

(5) The location and hours where copies of the proposed amendment are available for review, and a statement that copies thereof can be obtained at reasonable cost;

(6) A statement that the staff report will be available for inspection at no cost at least seven days prior to the hearing, and that copies will be provided at reasonable cost;

(7) A brief summary of the decision-making process for the application;

(8) The address where written comments on the proposed amendment can be submitted;

(9) A general explanation of the requirements for submission of testimony and the procedure for conduct of legislative hearings;

(10) A statement that all interested persons may appear and provide testimony at the public hearing, and that only those participating at the hearing, or in writing, are entitled to appeal;

(11) 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) 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) If applicable, a statement that the proposed amendment is a result of an order of the Land Conservation and Development Commission (LCDC) or the Metropolitan Service District (Metro).

(d) A copy of the DLCD notice and an affidavit of mailing of the mailed notice, including the notice, the mailing date, and a list of parties to whom the notice was mailed, shall be prepared and made a part of the case file.

7. Published Notice of Public Hearing

Notice of the public hearing shall be published two times in a newspaper of general circulation in the City, at least 10 days but not more than 30 days before the public

hearing. The newspaper's affidavit of publication of the notice shall be made a part of the case file.

8. Electronic Notice

Notice of the public hearing shall be posted on the City of Hillsboro web site at least 10 days but no more than 30 days before the public hearing.

9. Public Hearing Procedure

The Planning Commission shall conduct the public hearing on a proposed CDC amendment pursuant to the public hearing requirements and procedures in Section 143.X.I.

10. Recommendation Authority

(a) Following receipt of testimony and deliberation at the public hearing, the Planning Commission shall provide a recommendation to the City Council for all proposed CDC amendments. The Planning Commission may recommend that the City Council reject or adopt the amendments with or without certain changes. The Planning Commission's recommendation shall be issued as an Order, and shall include findings supporting the Planning Commission's recommendation, based on public testimony and the amendment's satisfaction or failure to satisfy the applicable criteria.

(b) Following the adoption of the Planning Commission Order of recommendation, the Planning Department shall mail a Notice of Recommendation to persons of record who appeared orally or in writing before the Planning Commission prior to the closing of the public record. The notice shall contain at least the following information:

(1) The case file number of the proposed amendment and the Order number of the Planning Commission recommendation;

(2) A summary of the Planning Commission recommendation for approval, denial, or modification;

(3) The date, time, and location of the City Council's consideration of the proposed amendment. The notice shall be mailed not less than seven days prior to the date of the Council's consideration;

(4) A statement that a copy of the proposed CDC amendment and the staff report are available for inspection at no cost, and a copy will be provided at reasonable cost;

(5) The telephone number of a city representative to contact about the ordinance; and

(6) A statement that the Planning Commission's decision is a recommendation which cannot be appealed, but that interested parties may request that the City Council hold its own evidentiary hearing on the proposed CDC amendment.

11. Decision Authority

(a) Upon receiving the Planning Commission's recommendation, the City Council may choose to hold its own evidentiary public hearing on the proposed CDC amendment. If the Council chooses to hold a public hearing, the hearing shall be conducted pursuant to the public hearing requirements and procedures in Section 143.X.I.

(b) Following the conclusion of the Council public hearing, or upon receiving the Planning Commission's recommendation if no Council hearing is held, the Council shall take one of the following actions:

(1) Continue Council consideration to a date, time, and location certain;

(2) Remand the proposed amendment to the Planning Commission for additional deliberation;

(3) Approve the proposed amendment, with or without certain changes;

(4) Reject the proposed amendment; or

(5) Table the proposed amendment indefinitely.

(c) If the City Council chooses to approve the proposed amendment, the City Attorney shall prepare an ordinance with written findings demonstrating that the amendment complies with applicable criteria, including the Statewide Goals as applicable.

(d) If the City Council chooses to reject the proposed amendment, the Planning Department shall prepare a Notice of Decision that includes findings demonstrating how the proposed amendment failed to satisfy the applicable criteria, or was found to be outside the public interest.

12. Notice of Decision

(a) Not more than five days after the date of the City Council adoption or rejection of a proposed CDC amendment, the Planning Director shall mail a Notice to the Department of Land Conservation and Development (DLCD) on the forms provided by that Department.

(b) Not more than seven days after the date of the City Council's adoption or rejection of a proposed CDC amendment, the Director shall mail a Notice of Decision to persons of record who appeared orally or in writing before either the Planning Commission or the City Council. The Notice shall include the following information:

(1) The date and nature of the City Council decision;

(2) A brief summary of the decision, and whether it confirmed, modified or overturned the Planning Commission's recommendation;

(3) The location and hours where the Decision and related findings may be reviewed; and

(4) A summary of the deadline for appealing the City Council decision to the Land Use Board of Appeals (LUBA).

13. Appeal

(a) The final decision of the City Council to approve or deny a Type IV ordinance may be appealed to the Land Use Board of Appeals (LUBA).

H. GENERAL PROCEDURES

1. Initiation of Application

(a) A Type I, II or III application may be initiated by either the owner or the contract purchaser of the subject property, or any person authorized in writing to act as agent of the owner or contract purchaser. However, a Type III zone change application may be initiated by the Planning Commission or the City Council.

(b) A Type IV Community Development Code amendment can be initiated only by Planning Commission or City Council resolution.

2. Withdrawal of Application

(a) An applicant may withdraw an application at any time prior to adoption of a final city decision if the Planning Director determines that:

(1) The property owners or contract purchasers consent in writing to withdraw the application; and

(2) The application is not intended to correct an identified Community Development Code violation on the subject property which would remain unresolved were the application withdrawn.

(b) The Planning Director may withdraw a City initiated zone change application at any time.

(c) If a Type II or Type III application is withdrawn after the required public notice has been mailed, the Planning Director shall send a written notice of the application's withdrawal to all parties who were sent the original public notice.

(1) If a Type III application is withdrawn within five days of the scheduled public hearing, no written notice shall be mailed. Instead, the withdrawal shall be posted on the City's website and at the public hearing venue, and the Review Authority shall announce at the beginning of the meeting that the application has been withdrawn.

(d) If an applicant requests a refund of application fees following withdrawal of the application, the amount of the refund shall be determined by the Planning Department based on a calculation of the unexpended portion of the fee. Reasonable costs incurred to notify affected parties of the withdrawal shall be included in the calculation as expended.

3. Pre-Application

(a) The purposes of pre-application conferences are:

(1) to acquaint the applicant or representative with the requirements of this Code, including relevant approval criteria, standards and procedures;

(2) to advise the applicant or representative of previous land use applications or earlier issues associated with the site; and

(3) to provide opportunity for the applicant and City staff to identify and resolve potential concerns at the earliest opportunity in the development process.

(b) Pre-application conferences are optional, but are strongly advised for all applications.

(c) Pre-application conferences are intended to be advisory only, and are specifically not intended as an exhaustive review of all potential issues. Participation in a pre-application conference does not absolve an applicant of any responsibility for legal or technical due diligence investigation.

(d) Participation in a pre-application does not bind the City to provision of any level of service or approval, nor does it preclude the city from enforcing all applicable regulations or from applying regulations differently than may have been indicated at the pre-application conference.

(e) Pre-application conference guidelines.

(1) Applicants should provide any available plans for the proposed development, including but not limited to: site plans; building elevations; site circulation plans; intended uses; preliminary infrastructure plans; and phasing plans if applicable. Any plans left with the City at the end of the pre-application conference will be considered public information unless the applicant specifies to the contrary.

(2) The Planning Director should coordinate attendance by City staff responsible for development review, infrastructure and building construction requirements, and natural or cultural resource protection as applicable. Pre-application conferences are not open to the general public.

(3) Either the City or the applicant may provide a checklist or brief written summary of the pre-application conference. The purpose of the written summary is to provide a preliminary assessment of a proposal and shall not to be construed as a final recommendation by the City or by any other outside agency or service provider on the merits of the proposal.

(4) The applicant or the City may request additional pre-application conferences to identify and address issues arising from preparation of more detailed development plans, or to discuss concerns arising since the earlier conference.

(f) Pre-application conference validity period.

(1) If an application for a proposed development action is not submitted within 12 months of a pre-application conference on that development, or if the applicant chooses to modify a proposed development in such a way that additional Code sections may be applicable, the applicant should schedule a new pre-application conference.

(2) Participation in a pre-application conference does not vest an application for Community Development Code amendments made after the pre-application conference but prior to the submittal of the application under Section 143.X.H.5.

4. Neighborhood Meetings

(a) Purpose

Neighborhood meetings encourage citizen involvement and participation, and identification of issues, early in the development process. The purpose of neighborhood meetings is to provide an opportunity for the applicant, surrounding neighbors and interested parties to meet, to review a development proposal, and to identify issues regarding the proposal. These issues can then be addressed prior to application submittal in a manner consistent with the City's requirements. A neighborhood meeting is intended to facilitate submittal of an application that is more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by reducing continuances and appeals.

(b) Applicability

Neighborhood meetings are encouraged for all Type II and Type III applications, but are required only for those Type III applications so specified in Table 143-X-C-1.

(c) Neighborhood meeting procedures.

(1) Neighborhood meetings shall be held at a location accessible to the participants in the closest practicable proximity to the subject site. The meeting shall be held on a weekday evening after 6:00 p.m. or on weekends at any reasonable time and shall not occur on a national holiday. Mailed notice of the meeting shall be provided by the applicant to the surrounding neighborhood at least seven and no more than 30 days prior to the meeting, at the same notification radius required by the City for that type of application. The applicant shall also post notice of the neighborhood meeting on the site within clear view of a public street at least seven days before the meeting. If no one arrives within 30 minutes of the scheduled starting time for the neighborhood meeting, the applicant may close the meeting and consider this requirement met.

(2) At the neighborhood meeting, the applicant shall provide preliminary details of the major elements of the development, including number and type of dwellings if applicable, proposed uses, street, lotting, and parking layouts, approximate building locations and heights, and approximate locations for open space and natural resource preservation as applicable. The applicant

shall also note if the development proposal includes multiple or consolidated applications. Opportunity shall be provided for attendees to ask questions regarding the proposal. The applicant shall prepare meeting notes of major points, issues, and responses concerning the development proposal that were discussed at the meeting. Only one neighborhood meeting per development proposal is required, but the applicant may hold more meetings if desired.

(3) The Planning Commission may establish by Resolution specific requirements for notification, posting, and conduct of neighborhood meetings, and may vary the requirements among applications. Once established, requirements may be amended by Planning Commission Resolution.

(d) Neighborhood meetings and application submittal

(1) The neighborhood meeting notes, list of parties notified, affidavits of mailing and posting notices, copies of all materials provided by the applicant at the meeting, and a signature sheet of attendees shall be included with the development application upon submittal. If the development proposal is revised after the neighborhood meeting, with the addition of one or more tax lots or the substantial revision of major elements as cited in Section 143.X.H.4.(c)(2), a second neighborhood meeting with a new notice shall be required before the revised application is submitted.

(2) Applications shall be submitted to the City within 180 days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

(e) Non-compliance with requirements

Compliance with the provisions of Section 143.X.H.4 is a requirement of this Code. Applications shall not be submitted without this documentation, or submitted prior to the neighborhood meeting. If submitted, such application shall be deemed incomplete under Section 143.X.H.5(e).

5. Application Submittal and Completeness Review

(a) Application forms and checklists

(1) Forms for the submittal of all land use applications shall be available in the Planning Department. The City shall assure that these forms comply with applicable standards in state law and this Code.

(2) Land use applications shall include checklists or information sheets detailing specific information and plans to be contained in that application, including document formats and number of copies.

(b) Fees

A fee schedule for land use applications and other Planning Department services provided by the City shall be set by resolution of the City Council. Required fees shall be paid at the time of application submittal or at the time of request for a

particular service. Payment of the appropriate application fee is a jurisdictional requirement of this Code. For applications or services requiring payment of a deposit, the amount of the deposit shall be credited against the final calculated costs. If applicable, any unused portion of the deposit shall be refunded after all incurred costs are paid.

(c) Application submittal

Land use applications or permits required under this Code shall be submitted on the appropriate forms from the Planning Department. Submittal of a land use application on the appropriate form and payment of the appropriate fee are jurisdictional requirements of this Code. All of the following items must be submitted to initiate the 30 day completeness review of the application. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.

(1) Completed application form, including the original signature of the property owner;

(2) Payment in full of the appropriate land use application or permit fee(s), based on the fee schedule in effect on the date of application submittal;

(3) Documentation of compliance with neighborhood meeting procedures, if required by Section 143.X.H.4 for that application;

(4) A written narrative listing the criteria and development standards applicable and relevant to the application and stating the evidence demonstrating the application's compliance with the each criterion and standard. If compliance with a criterion or standard is stated to be demonstrated in a plan, drawing, or technical study in the application, the citation in the narrative to the demonstration must be sufficiently specific to allow convenient reference;

(5) Plans and drawings as required for the particular type of application as noted on the application checklist. Such plans generally include, but are not limited to, the following:

- **i.** Existing site conditions plan
- **ii.** Site development plan, showing building footprints and on-site circulation
- **iii.** Building elevations and floor plan(s)
- **iv.** Landscaping plan
- **v.** Fencing and lighting plan
- **vi.** Grading and erosion control plan
- **vii.** On site and adjacent infrastructure plan

(6) Technical reports as required for the particular type of application as noted on the application checklist (e.g., traffic study, floodplain or wetland

delineation, significant natural resource report, geotechnical report, tree survey, noise study, etc.). The Planning Department shall make every effort to advise the applicant of required technical reports at a pre-application conference.

(7) Within 14 days after the submittal of an application, the Planning Director may require an applicant to submit additional technical reports upon a determination by the Director that:

i. The scale of the development would likely require traffic safety and other public facility or development site improvements;

ii. The proposal could have significant adverse impacts on Goal 5 resources identified by the Comprehensive Plan;

iii. The proposal would be located on, or could have significant adverse impacts upon natural hazard areas identified by the Comprehensive Plan; or

iv. The proposal would likely result in significant adverse impacts with respect to noise, toxic or noxious matter, vibrations, odors, heat, glare, air pollution, wastes or other objectionable effects within the development site or immediate surrounding areas.

(8) Upon written request by the applicant prior to application submittal, the Planning Director may waive application submittal requirements that in the Director's opinion are not necessary to document the application's compliance with applicable and relevant criteria and development standards. The Director may also modify application requirements based on the nature of the proposed application, development, site, or other factors. Any such waiver must be specifically approved by the Planning Director in writing prior to submittal.

(d) Determination of Completeness and Commencement of Review

(1) To be deemed complete, an application must include all information and fees listed in Section 143.X.H.5(c)(1)-(7), unless a specific waiver has been granted by the Planning Director under Section 143.X.H.5(c)(8).

(2) The Planning Department shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 30 calendar days after the city receives the submittal. To comply with this requirement, the completeness notice must be postmarked by the thirtieth day. If the application is deemed complete, the completeness notice shall advise the applicant of the commencement of application review and the date of the public hearing if required by the particular application. Determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date the application is determined to be or deemed complete unless the applicant agrees to extend the 120 day time line or unless State law provides otherwise.

(4) Pursuant to ORS 227.178, the 120 day calendar timeline may be extended at the written request of the applicant. The total of all extensions may not exceed 245 calendar days from the date the application was deemed complete.

(5) If an application was complete when first submitted, approval or denial of the application shall be based on the Code standards and criteria that were in effect at the time the application was first submitted.

(e) Determination of Incompleteness.

(1) A determination of incompleteness shall be based solely on failure to pay required fees, failure of the applicant's narrative to address the relevant criteria or development standards, or failure to supply the required information listed in the checklist. A determination of incompleteness shall not be based on differences of opinion as to the quality or accuracy of the application.

(2) If an application is deemed incomplete, the completeness notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, designed to be returned to the Director by the applicant, indicating whether or not the applicant intends to amend or supplement the application.

(3) If an application is deemed incomplete upon initial submittal, it shall be deemed complete for purposes of this section upon receipt by the City of:

i. All of the missing information listed in the completeness notice; or

ii. Some of the missing information and written notice from the applicant that no other information will be provided; and a request to proceed with review of the application; or

iii. Written notice from the applicant that none of the missing information will be provided, and a request to proceed with review of the application.

(4) If the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based on the Code standards and criteria that were in effect at the time the application was first submitted.

(5) The application will be deemed withdrawn if the application has been on file with the City for more than 180 calendar days and the applicant has not met the obligations of subsection 144.X.H.5(e)(3) above.

6. Conditions of Approval

(a) Imposition of conditions

The review authority may impose conditions on any Type I, II or III approval to ensure that the proposal complies with the relevant approval criteria and the relevant standards of this code, including standards set out in City overlay zones, master plans, and adopted design standards, and to mitigate the 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 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) 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) 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) 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.

7. Effective Date of Decision

(a) Each land use action or permit shall specify the approval granted or development authorized and shall be subject to the standards and conditions set forth in this Code, together with any conditions imposed by the review authority, excepting only those variances or exceptions authorized by the review authority.

(b) Land use action and permit decisions shall become effective the day after the appeal period expires if no appeal is filed.

(c) If an appeal is filed on a decision, the decision shall become final and effective upon the date of the decision of the final appeal body.

8. Expiration of Decision

(a) Unless a different period of time is established within the decision, land use actions and permits granted pursuant to this Section 143.X shall expire and become void automatically as provided under Table 143-X-H-1 unless one of the following has occurred:

(1) Substantial construction, as defined in Section 143.XI (Definitions) has commenced in compliance with the land use action or permit approval; or

(2) An application for the subsequent land use action has been submitted to the Planning Department as provided under Table 143-X-H-1; or

(3) An extension is granted pursuant to Section 143.X.H.9.

(b) If multiple applications are processed concurrently, the decision(s) shall specify a uniform expiration period for the concurrent applications.

(c) If a final local decision is on appeal, the expiration period shall begin when the final decision is issued on the appeal.

Table 143-X-H-1
Expiration and Extension of Decisions

Procedure Type	Expiration Period	Extension Allowed*	Maximum Duration of Expiration Period with Extension(s)*
Type I	No expiration period	N/A	N/A
Type II	2 years	Yes	3 years (one 1-year extension)
Type III	2 years	Yes	4 years (one 2-year extension)
Type IV	No expiration period	N/A	N/A

* See options for additional extensions of Type II and III approvals in Section. 143.X.H.9.

9. Extension of a Decision

(a) Application required

A written request to extend the expiration date of a decision made pursuant to this Code may be filed by the applicant only before the decision expires.

(b) First extension

The first extension may be granted for the applicable period of time as specified in Table 143-X-H-1, and the extension is vested against any Code changes adopted since the original decision. The first extension is subject to the following approval criteria:

(1) It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

(2) The previously approved land use decision is not being modified in design, use, or conditions of approval.

(c) Second or longer extension

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 second or longer extension is subject to the following approval criteria:

(1) It is not practicable to commence development within the time allowed for reasons beyond the reasonable control of the applicant.

(2) The previously approved land use decision is not being modified in design, use, or conditions of approval.

(3) There has been no change in circumstances or the applicable regulations or statutes likely to necessitate modification of the decision or conditions of approval since the effective date of the decision for which the extension is sought.

(d) Extensions for multi-phase projects

Phasing schedules are required as part of the initial decision for multi-phase projects. Longer approval periods may be authorized if approved by the Planning and Zoning Hearing Board or the Planning Commission.

(1) Completion of a phase automatically extends approvals of the remaining phases.

(2) Phasing extensions shall be approved by the Planning and Zoning Hearing Board or the Planning Commission through the Type III procedure.

(3) At the discretion of the review authority, phasing extensions may be vested against Code changes adopted since approval of the original decision.

10. Resubmittal Following Denial

(a) If an application is denied, such denial shall bar submittal of the same or substantially similar application for a period of 1 year from the date of the final decision on the application.

(b) An exception to the 1 year bar on submitting a new application may be granted by the Planning Director if, upon showing of good cause, the application has been so amended that:

(1) The substantive basis for denial no longer exists;

(2) The proposal has been so mitigated that a new application should be given consideration; or

(3) There has been a substantial change in the facts or a change in City policy which could change the outcome.

I. PUBLIC HEARINGS

1. Purpose

The provisions of this section shall apply to all proceedings on land use applications requiring public hearings under the procedures of this Section 143.X. The purposes of this section are to:

(a) Describe rules of conduct, order of proceedings, and action required for legislative and quasi-judicial hearings; and

(b) Provide clear and consistent rules to ensure the legal rights of individual property owners and the general public are protected.

2. Responsibilities of Planning Director

For all land use applications requiring public hearings, the Planning Director shall:

(a) Schedule the land use application for review and public hearing before the appropriate review authority as required for the particular application procedure by Table 143-X-C-1.

(b) Provide public notice of the public hearing or appeal hearing.

(c) Prepare and make available to the public a staff report summarizing the proposal, the relevant criteria and issues, and any comments received prior to the public hearing.

(d) Mail notice of the decision to those entitled to such notice as specified for the particular application procedure type.

(e) Maintain a record of the proceedings.

(f) Prepare minutes of the proceedings, including the decision on the matter heard and the reasons for the decision.

3. General Public Notice Requirements

Notice of public hearings issued by mail, by site posting, and/or publication in a newspaper of general circulation in the city, shall be provided for Type I – IV applications or appeals as follows:

(a) Type I

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.

(b) Type II

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).

(c) Type III

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.

(d) Type IV

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

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) 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.

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.

(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) 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.

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 the decision to present 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 reasonable opportunity for rebuttal of new material.

(d) 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.

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 at the commencement of the public hearing on the matter. 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 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 interests shall be disclosed at the meeting of the Review Authority where the action is being taken.

(c) Disqualification of a Review Authority member due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote.

(d) 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.

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 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 issues without reopening the public hearing. Objections alleging that counsel is discussing or testifying as to factual matters shall be heard at the discretion of the Review Authority.

(d) Staff may confer with the Review Authority after the close of the record on technical review or procedural matters, but may not engage in argument or present additional evidence.

(e) The presiding officer shall preserve order at all public hearings and shall decide questions of order subject to a majority vote of the Review Authority. Persons who become disruptive or abusive may be removed from the hearing.

9. Continuance 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 time limitations of ORS 215.428.

(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) 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.

11. Burden of Proof

Except for Type IV legislative proceedings, the applicant shall bear the burden of proof in providing justification for the proposal. 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.

12. 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 M 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.

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) 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.

14. 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 may be taken. Such minutes shall substitute for a verbatim record in the event of mechanical failure or inadvertent error.

15. 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 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.

J. APPEALS

1. General

A decision on a Type I permit may be appealed by the applicant. A decision on a Type II or III application may be appealed by an affected party by filing a Notice of Appeal with the Director within 15 days of the mailing date of the written Notice of Decision. Table 143-X-C-1 identifies the decision authority and appeal authority for each application type.

2. Notice of Appeal

(a) A notice of appeal shall contain at a minimum the following information:

(1) Identification of the decision sought to be reviewed, including the date of the decision;

(2) Statement of the appellant documenting that they were a party to the initial proceedings; and

(3) Detailed statement regarding the basis of the appeal, including what approval criteria were allegedly improperly evaluated or applied to the decision.

(b) The notice of appeal shall be filed with the Director, together with the appropriate fee.

(c) Failure to file a notice of appeal by 5:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect. Failure to amend a notice of appeal to correct any other identified deficiency within 14 calendar days of notice thereof shall be a jurisdictional defect.

3. Request for Transcript

(a) The appellant may request a verbatim transcript of the recorded proceedings before the Planning Commission or the Planning and Zoning Hearings Board on the matter.

(b) Requests for transcripts shall be accompanied by a deposit separate from the appeal fee, as specified in the adopted fee schedule. The City shall maintain an accurate record of the costs of the transcript preparation, and any unexpended portion of the deposit or additional amount due shall be refunded to or payable by the appellant.

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.

(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. Notice of the date, time, and location certain of the continued hearing is not required to be mailed or published, unless the hearing is continued without announcing a date, time and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing. Provisions for holding a record open or continuing a hearing set forth in Section 143.X.I.9 or in ORS 197.763 shall apply under this Code in a manner consistent with state law; or

(2) Reverse or affirm the decision under appeal, with or without conditions or changes.

(d) Written decision of appeal body

After the public record on the appeal closes, a written decision regarding the appeal shall be prepared and contain the following:

(1) A statement of the facts that the appeal body has relied on which demonstrate the decision under appeal is reversed or affirmed based on the criteria relevant to the appeal;

(2) A statement of conclusions based on the findings; and

(3) If the appeal body changes conditions of approval, changes denial to approval, changes denial to approval subject to conditions, or changes approval to denial, the written decision shall explain the basis for such change.

(4) Following the adoption of a decision by the appeal authority, the Planning Director shall cause the decision to be signed, dated, and mailed to the appellant, the applicant, and other persons who appeared orally or in writing in the record of the appeal.

5. Specific Provisions for Appeals of Type I Decisions

(a) A Type I decision may only be appealed by the applicant.

(b) The Director shall mail written notice of the appeal hearing to the applicant/appellant not less than 20 days prior to the appeal hearing.

(c) The appeal hearing shall be de novo, which means new evidence and argument can be introduced in writing, orally, or both.

(d) The scope of the appeal hearing shall be focused 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.

(e) The decision of the designated appeal body for the appeal of a Type I decision shall be the final local decision.

6. Specific Provisions for Appeals of Type II Decisions

(a) A Type II decision may be appealed by the applicant, any person who submitted written comments prior to the decision by the Director, or any person entitled to public notice of the application pursuant to Section 143.X.E.6.

(b) The Director shall mail written notice of the appeal hearing to the parties listed in Section 143.X.E.6 not less than 20 days prior to the appeal hearing.

(c) The appeal hearing shall be de novo, allowing introduction of new evidence and argument in writing, orally, or both.

(d) The scope of the appeal hearing of a Type II decision shall be limited to the approval criteria, written comments provided under Section 143.X.E.6, or the conditions of approval, and reasons why a finding, condition, or both are or are not in error as a matter of fact, law or both. The intent of this provision is to

limit the scope of Type II appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period.

(e) The decision of the designated appeal body for the appeal of a Type II decision shall be the final local decision.

7. Specific Provisions for Appeals of Type III Decisions

(a) A Type III decision may be appealed by the applicant or any person who participated by providing either oral or written evidence on the record leading to the decision by the review authority. All appeals of Type III decisions shall be heard by the City Council.

(b) Unless a de novo hearing is requested and accepted under subsection 4 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 transcript 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. Any other party must make such a request no more than seven calendar days after the deadline for filing a notice of appeal has expired. When practicable, the requesting party shall advise the other parties and attempt to gain their consent. The request shall indicate the reasons for the request for a de novo hearing without addressing the merits of the land use action.

(d) The request for a de novo hearing shall be decided by the City Council as a non-public hearing item. The City Council shall grant the request upon findings that:

(1) A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;

(2) The substantial rights of the parties will not be significantly prejudiced; and

(3) The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the initial Type III public hearing.

(e) The Director shall mail written notice of the appeal hearing to the parties listed in Section 143.X.F.6 not less than 20 days prior to the appeal hearing. The written notice shall include the date, time and place of the public hearing, and shall specify whether the hearing on appeal will be on the record or de novo.

(f) The decision of the City Council on the appeal of a Type III decision shall be the final local decision.

8. Withdrawal of an Appeal

(a) Before the close of an appeal hearing held by any review authority, any appellant may withdraw his/her appeal.

(b) Withdrawal of an appeal is subject to the following:

(1) If requested before the hearing, the withdrawal must be submitted in writing;

(2) Any unexpended portion of the appeal fee will be refunded only if the withdrawal is received before the public notice of the hearing has been sent;

(3) No one may re-file a withdrawn appeal; and

(4) Where multiple people or parties sign and file a single appeal document, all must consent to the withdrawal of the appeal.

(c) If all appeals in a matter are withdrawn, no decision by the review authority is necessary, and the original decision becomes effective upon the withdrawal of the appeals.

K. PRE-EXISTING DEVELOPMENT[162]

As used in this Section X.K, the terms "Pre-existing" as applied to a use, structure, lot, sign, or site improvement refers to a use, structure, lot, sign, or site improvement that was legally created but that no longer complies with the provisions of this Section 143 for the zoning district (and overlay districts, if applicable) within which the use, structure, lot, sign, or site improvement is located. It does not refer to a use, structure, lot, sign, or site improvement that was legally created and complies with the requirements of the Section 143, regardless of when the use, structure, lot, sign, or site improvement was created.

1. Pre-existing Uses [163]

(a) Except for surface Commercial Parking uses, a pre-existing land use shall be allowed to increase its size through contiguous expansion up to a maximum of 20 percent of the gross floor area existing as of the effective date of this Section 143, provided that the expansion complies with the development standards applicable to the use prior to the adoption of this Section 143.

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[162] 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.

[163] From Volume 2 text, but without the condition reading "provided the requirements of Section 99, Enlargement or Expansion of Non-Conforming Uses, the requirements Section 133, Development Review/Approval of Plans, and the standards of Sections 137 through142 are met."

(b) Expansion of existing accessory surface parking lots and facilities is only permitted as it relates to the expansion of affiliated uses and only at or below the ratios shown in Table 143-VI-B-1.

(c) Pre-existing surface commercial parking lots may not be expanded.

2. Pre-existing Structures

(a) A pre-existing structure shall be allowed to increase its size through contiguous expansion on the same lot or parcel up to a maximum of 20 percent of the gross floor area existing as of the effective date of this Section 143, provided that the expansion complies with the development standards applicable to the structure prior to the adoption of this chapter.

(b) Additions to pre-existing structures may be approved notwithstanding the maximum front setbacks shown in Section 143.VI (Base Development Standards).[164] 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 front setback in that zone, even if that expansion would result in the structure exceeding the gross floor area of the structure as of the effective date of this chapter by more than 20 percent.

(c) Expansion of pre-existing structures by addition to or reconstruction of the existing structure or facility on the same lot or parcel, or by constructing new unattached structures on the same lot or parcel shall be allowed without regard to the minimum FAR standards in Section 143.VI (Base Development Standards), provided the resulting FAR of all occupied structures on the lot or parcel is greater than the original FAR of all occupied structures on the lot or parcel and does not expand the gross floor area of the structure by more than 20 percent.[165]

(d) In the event of an expansion of a pre-existing structure pursuant to subsections (a) through (c) above, the uses existing in the structure prior to the expansion may be expanded within the expanded structure, even if that expansion would result in the use exceeding the gross floor it occupied on the effective date of this Section 143 by more than 20 percent.

3. Reconstruction Following Destruction

Notwithstanding any other provisions of this Code, a structure lawfully in existence as of the effective date of this Section 143 that does not meet the requirements for that use under this Section 143, and that is subsequently damaged by fire or other natural causes, may be reconstructed to occupy the same portions of the site that it occupied prior to the damage, or to occupy portions of the site that create fewer non-

[164] Simplified version of standard in current Section 136.V.
[165] Simplified version of standard in current Section 136.V.

conformities with the provisions of this Section 143r, regardless of the degree of damage to the structure.

XI. DEFINITIONS

A. USE CATEGORIES[166]

1. General Principles

(a) Purpose

Land uses in this Code are classified into use categories on the basis of common functional, product or physical characteristics. These characteristics include the type and intensity of activity, type(s) of customers or residents, typical off-site impacts and building type. The basis for allowing or prohibiting the use categories in the various zones is the goals and policies of the Comprehensive Plan.

(b) Organization and Guidelines

Each use category is organized into the following sections:

(1) Characteristics. A description of the functional, product or physical characteristics which most closely describe the nature of the primary use.

(2) Examples of uses. An illustrative, not exhaustive, list of examples of uses included in that category. The lists are intended to demonstrate the intent of this Code in determining the appropriate classification for unlisted or new uses not specifically addressed when these regulations were adopted.

(3) Examples of accessory uses. Accessory uses allowed in conjunction with the primary use and subject to the same regulations as the primary use unless stated otherwise in this Code.

(4) Exceptions. Uses that may appear to be included in the use category but are classified in another use category, and to which a reference is provided.

(c) Multiple Primary Uses

When all primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for all applicable categories.

(d) Uses Not Specifically Addressed in this Code.

Uses not specially addressed in this Code may be classified into a use category by the director based on similarity of characteristics and land use impacts.[167]

[166] From "Use Categories Third Draft June 2010".
[167] The new CDC may contain a Director's Interpretation procedure that would apply to these cases.

2. Residential Use Categories

(a) Household Living

(1) Characteristics. Household Living is characterized by the residential occupancy of an owner-occupied or rented dwelling unit by a family or household as defined in Section 143.XI, Definitions. Dwelling units in this category must be self-contained, with cooking, sleeping and bathroom facilities.

(2) Examples of uses

- Detached and attached single-family dwellings
- Multi-family residential buildings
- Manufactured homes
- Licensed residential home (5 or fewer persons receiving care)
- Licensed adult or child foster care (5 or fewer persons receiving care)

(3) Examples of accessory uses

- Secondary dwelling units
- Accessory structures
- Home occupations
- Licensed in-home child day care (16 or fewer children receiving care)
- Private community recreation areas and/or facilities within a development
- On-site energy production facilities, with energy produced and used mainly on-site
- Amateur or "ham" radio facilities
- Horticultural activities, excluding commercial structures and commercial processing

(4) Exceptions

i. Bed and breakfast establishments are classified as Commercial Lodging.

ii. Residential business that exceed the standards for Home Occupations are classified as a Residential Business.

(b) Group Living

(1) Characteristics. Group Living is characterized by the residential occupancy of a structure in a residential, mixed use or commercial setting by six or more persons who are not a family or household as defined in Section 143.XI and who may, or may not, receive care, treatment or training that is not licensed or permitted by the State; such as medical, rehabilitative, palliative, acute or respite care. Group Living uses may have common facilities for dining, socializing, recreation, laundry or treatment and may provide accessory services such as room and board and assistance with activities associated with daily life. Where applicable, density for Group

Living is calculated at the equivalent of four persons equaling one dwelling unit. Live-in caretakers are included in this density calculation. Group Living may be subject to approval as conditional uses through a Type III approval process (see Section 143.X)

(2) Examples of uses

- Dormitories, fraternities and sororities
- Monasteries and convents
- Uncertified programs for treatment of substance abuse and other addictions

(3) Examples of accessory uses

- Facilities for shared eating, social, recreational, laundry or treatment
- Institutional kitchens and laundry facilities
- Offices
- Parking for residents, visitors and employees

(4) Exceptions

i. Lodging where tenancy may be arranged for less than one month is classified as Commercial Lodging

ii. Facilities for persons under judicial detainment with 24-hour supervision are classified as Detention Facilities; this includes court-ordered post-incarceration transitional housing

iii. Residential homes that are licensed and/or permitted by the State are classified as Household Living

iv. Residential facilities that are licensed and/or permitted by the State are classified as Residential Services

v. Facilities that are licensed and/or permitted by the State which provide care, treatment, training or foster care for six or more persons are classified as Residential Services

(c) Residential Services

(1) Characteristics. Residential Services is characterized by the residential occupancy of a structure in a residential, mixed use or commercial setting by six or more persons who are not a family or household as defined in Section 143.XI and who receive State licensed and/or permitted provision of care, treatment or training; such as medical, rehabilitative, palliative, acute or respite care. Residential Services uses may have common facilities for dining, socializing, recreation and laundry and may provide accessory services such as room and board and assistance with activities associated with daily life. Where applicable, density for Residential Services is calculated at the equivalent of four persons equaling one dwelling unit. For residential facilities, the staff persons required to meet licensing requirements are not counted in the number of facility residents.

Residential Services may be subject to approval as conditional uses through a Type III approval process (see Section 143.X)

(2) Examples of uses

- Certified residential facility (6 to 15 persons receiving care)
- Certified programs for treatment of substance abuse and other addictions
- Licensed adult or child foster care (6 or more persons receiving care)
- Licensed senior, nursing, or convalescent care, including assisted living facilities
- Licensed hospice facilities

(3) Examples of accessory uses

- Facilities for shared eating, social, recreational, laundry or treatment
- Institutional kitchens and laundry facilities
- Offices
- Parking for residents, visitors and employees

(4) Exceptions

i. Lodging where tenancy may be arranged for less than one month is classified as Commercial Lodging

ii. Facilities for persons under judicial detainment with 24-hour supervision are classified as Detention Facilities; this includes court-ordered post-incarceration transitional housing

iii. Residential homes that are licensed and/or permitted by the State are classified as Household Living

iv. Facilities that are unlicensed and/or unpermitted by the State which provide care, treatment, training or foster care for six or more persons are classified as Group Living

(d) Residential Business

(1) Characteristics. Residential Business is characterized by the residential occupancy of a structure in a residential or mixed use setting in conjunction with a commercial or light manufacturing use and which exceeds the standards for a Home Occupation as specified in Section 143.XI. The non-residential activity may vary in size and intensity with the intensity of the underlying residential zone. The residential occupancy of the structure is not limited to the business owner or operator. Residential Business may be subject to additional standards as specified in Section 143.IV (Use Regulations) and to approval as conditional uses through a Type III approval process (see Section 143.X).

(2) Examples of uses

- Commercial use, such as bakery or funeral home, with attached dwelling unit

- Dwelling unit with interior commercial use, such as physician's office or dance school
- Dwelling unit with attached or interior light manufacturing use, such as glass, pottery or textile fabrication

(3) Example of accessory uses

- Parking for residents, customers and employees
- Accessory uses to permitted uses in the zone

(4) Exceptions

i. Home occupations as specified in Section 143.XI are classified as Household Living

ii. In-home child day care that is licensed by the State is classified as Household Living

iii. Residential homes as defined by the State of Oregon are classified as Household Living

iv. Residential facilities as defined by the State of Oregon are classified as Residential Services

v. Licensed and/or certified facilities which provide care, treatment, training or foster care for six or more persons, who are not related to the care provider by blood or marriage, are classified as Residential Services

3. Commercial Use Categories

(a) Commercial Lodging

(1) Characteristics. Commercial Lodging includes commercially-owned and –operated overnight accommodations where tenancy is typically arranged on a daily, weekly, or monthly basis.

(2) Examples of uses

- Bed and breakfast inns
- Hotels and motels
- Extended stay hotels or suites

(3) Examples of accessory uses

- Banquet, ballroom and conference center facilities
- Lobbies
- Offices
- Parking for customers and employees
- Restaurant and bars
- Support retail activities
- Indoor or outdoor recreation facilities for use by customers only

(4) Exceptions. None.

(b) Commercial Recreation

(1) Characteristics. Commercial Recreation uses are sports-oriented facilities used for a variety of health, recreational, or social activities. Activities are primarily by and for participants: spectators are incidental and present on a non-recurring basis. Activities may be conducted within an enclosed building or in open facilities.

(2) Examples of Outdoor Commercial Recreation uses

- Golf courses and driving ranges
- Miniature golf facilities
- Disk parks
- Outdoor swimming pools or tracks
- Outdoor sport courts
- Batting cages

(3) Examples of Indoor Commercial Recreation uses

- Sports courts
- Bowling alleys
- Skating rinks
- Game arcades, pool halls, and billiards halls
- Indoor firing ranges
- Clubs and gymnasiums with weight rooms, indoor pools or tracks, and similar facilities

(4) Examples of Accessory Uses

- Caretaker's quarters
- Concessions or incidental retail sales
- Restaurants and banquet facilities
- Conference rooms
- Child care facilities
- Maintenance facilities
- Parking for customers and employees

(5) Exceptions

i. Uses which draw large numbers of people to periodic events are classified as Major Event Facilities

(c) Commercial Parking

(1) Characteristics. Commercial Parking facilities, in structures or on surface lots, provide public, customer, or employee accessory parking not associated with a particular use. A facility providing both accessory and

general parking is also classified as a Commercial Parking facility. A fee may or may not be charged.

(2) Examples of uses

- Short- and long-term fee parking garages and surface parking lots
- Commercial district shared parking lots
- Commercial shuttle parking

(3) Examples of accessory uses

- Ground floor or second floor commercial or institutional uses
- Alternative transportation facilities such as secured bicycle parking

(4) Exceptions

i. Surface lots or parking garages accessory to a particular use, used by the public for a fee during occasional nearby events are not classified as Commercial Parking

ii. Public transit park-and-ride facilities are classified as Surface Alternative Transportation Facilities

(d) Durable Goods Sales

(1) Characteristics. Durable Goods Sales involve the sale, rental or leasing of new and used large goods having extended utility and generally requiring extensive indoor and/or outdoor display areas.

(2) Examples of uses

- Furniture, large appliance and home improvement stores
- Lumber yards
- New and used vehicle sales including those for automobiles, trucks, motorcycles, boats and other personal transportation vehicles
- Nurseries

(3) Examples of accessory uses

- Indoor or outdoor display and storage areas
- Offices
- On-site receiving, warehousing and shipping facilities
- Parking for customers and employees

(4) Exceptions

i. Sales of building and landscaping materials primarily sold to contractors are classified as Wholesale Sales

ii. Sales, leasing or rental of industrial, farm, or construction equipment sales are classified as Wholesale Sales

(e) Eating and Drinking Establishments

(1) Characteristics. Eating and Drinking Establishments sell food and/or beverages to the general public as the primary use, for on-site consumption and/or take-away service.

(2) Examples of uses

- Cafes, coffee shops and delicatessens
- Dine-in restaurants with or without take-out facilities
- Drive-up or drive–through restaurants with or without seating
- Taverns, brew pubs, bars and night clubs

(3) Examples of accessory uses

- Offices
- Parking for customers and employees
- Storage
- Outdoor seating or banquet facilities
- On-site breweries or wineries, with tasting rooms
- Catering facilities
- Incidental retail sales

(4) Exceptions

i. Food service that is accessory to another use, e.g., hotel, major entertainment venue, is regulated as part of the primary use

ii. Catering or food preparation without on-site consumption is classified as Retail Products and Services

(f) Educational Services

(1) Characteristics. Educational Services provide specialized training or instruction not regulated by the State of Oregon Board of Higher Education. These services may be provided to children or adults. Training or instruction may be provided for fine arts, recreational or athletic activities, professional or vocational skills, or academic tutorial instruction.

(2) Examples of uses

- Business and trade schools
- Martial arts or gymnastics instruction
- Music or dance instruction
- Arts and crafts schools
- Culinary schools
- Vocational training for disabled persons
- Tutoring services

(3) Examples of accessory uses

- Offices

- Parking for students, customers and employees
- Storage

(4) Exceptions

- Institutions regulated by the State of Oregon Board of Higher Education are classified as Colleges and Universities
- Trade schools where industrial vehicles and equipment are operated are classified as Industrial Services

(g) Office

(1) Characteristics. Office uses provide professional services in an office setting.

(2) Examples of uses

- Computer system design and programming
- Data processing
- Engineering, architectural, planning, and similar services
- Graphic and industrial design
- Medical, dental and allied health clinics and offices, and blood collection facilities
- Medical and dental laboratories
- Movie production facilities and recording studios
- Financial, insurance, and real estate services
- Scientific and technical services
- Software and internet content development and publishing
- Telecommunication service providers
- Telemarketing or custom support center
- Television, video, radio, and internet studios and broadcasters

(3) Examples of accessory uses

- Cafeterias
- Parking for customers and employees
- Recreation facilities, and other amenities primarily for the use of employees in the firm or building

(4) Exceptions

i. If equipment and materials are stored on site, contracting firms are classified as Industrial Services.

(h) Retail Products and Services

(1) Characteristics. Retail Products and Services firms sell, lease, rent and/or repair new or used products and provide personal services. These services typically are provided directly to consumers, as opposed to wholesale

products and services provided to industrial, institutional, or commercial users.

(2) Examples of uses

- Sales, leasing or rental of products and equipment including art and crafts supplies, bicycles, dry goods, electronic equipment, entertainment media, groceries, hardware, home improvements, jewelry, pets, pet food, pharmaceuticals, plants and garden supplies, office supplies, and printed media
- Repair or servicing of products or equipment generally performed on-site including communication and electronic devices, bicycles, clocks, watches, shoes, firearms, appliances and office equipment, locksmithing, and upholstery
- Processing of products or equipment, including photo processing, dry cleaning and alterations, and photocopy and blueprint services
- Personal services including adult or child day care, day treatment facilities for substance abuse and other addictions, branch banks, urgent care medical clinics, Laundromats, photographic studios, personal care services, soup kitchens and surplus food distribution centers, taxidermists, mortuaries and crematoria, and animal–related services including animal day care, grooming and overnight boarding and veterinary clinics
- A minor assembly facility, such as a theater, church, or fraternal club, with a maximum Building Code occupancy within the primary assembly area that is less than 250 persons is classified as Retail Products and Services
- Catering or food preparation without on-site consumption

(3) Examples of accessory uses

- Manufacturing or repackaging of goods for on-site sale
- Offices
- Parking for customers and employees
- Storage

(4) Exceptions

i. Sales, leasing and/or rental of automobiles, motorcycles, boats and trucks are classified as Durable Goods Sales

ii. Sales, leasing and/or rental of industrial, farm or construction equipment is classified as Wholesale Sales

iii. Repair and service of automobiles, motorcycles and boats is classified as Vehicle Service and Repair

iv. Service of industrial, construction, and farm vehicles and equipment is classified as Industrial Services

v. Trade schools where industrial construction, and farm vehicles and equipment are operated are classified as Industrial Services

vi. In home child day care that is licensed by the State is classified as Household Living

vii. Residential homes that are licensed and/or permitted by the State are classified as Household Living

viii. Facilities that are licensed and/or permitted by the State which provide care, treatment, training or foster care for six or more persons are classified as Residential Services

ix. Medical clinics or medical office buildings providing outpatient care and not located in a Hospital are classified as Office

(i) Self-Service Storage

(1) Characteristics. Self-Service Storage uses provide free-standing indoor storage facilities for rent to individuals and businesses. These uses are designed to allow private access at all hours by the tenant for storing or removing personal or business property.

(2) Examples of uses

- Mini-storages or mini-warehouses that are single-story or multi-story buildings with outside access to each unit or inside access from a common internal hallway

(3) Examples of accessory uses

- Caretaker's residence
- Offices for security and/or leasing functions.
- Moving truck or trailer rental
- Portable storage container rental
- Covered or uncovered storage of vehicles
- Parking for customers and employees

(4) Exceptions

i. A transfer and storage business where there are no individual storage units or where business employees are the primary movers of the stored or transferred goods is classified as Warehouse and Freight Movement

(j) Vehicle Service and Repair

(1) Characteristics. Vehicle Service and Repair include those related to service or repair of automobiles, trucks, motorcycles, boats, recreational vehicles and other personal transportation vehicles.

(2) Examples of uses

- Vehicle servicing and repair

- Vehicle body and/or paint shops
- Vehicle washes
- Department of Environmental Quality vehicle emission test sites
- Gas stations and unattended card-lock fueling stations
- Quick lubrication services
- Tire sales and installation shops
- Vehicle engine, transmission and muffler repair and maintenance shops
- Vehicle upholstery and detailing shops

(3) Examples of accessory uses

- Offices
- Indoor vehicle parts and sales
- Indoor storage of vehicle parts and tires
- On-site associated convenience store
- On-site fleet refueling and maintenance facilities
- Parking for customers and employees

(4) Exceptions

i. Truck stops are classified as Industrial Services

ii. Refueling facilities for business fleets or bus barns located where such vehicles are stored are accessory uses to the primary use of the site

iii. Sales, leasing and rental of construction and farm trucks and equipment is classified as Wholesale Sales

iv. Repair and service of heavy trucks, industrial vehicles and equipment is classified as Industrial Service

v. Towing and vehicle storage is classified as Vehicle Storage

vi. Vehicle wrecking and salvage is classified as Solid Waste Treatment and Recycling

4. Industrial Use Categories

(a) Industrial Services

(1) Characteristics. Industrial Services uses are engaged in repair and/or servicing of industrial, business or consumer machinery, equipment, products or by-products or in training or instruction of such repair or servicing. Contractors and building maintenance firms and similar uses perform services on- or off-site.

(2) Examples of uses

- Building, heating, plumbing and electrical contractors
- Laundry, dry-cleaning and carpet cleaning plants (not self-service)
- Extermination services

- Fuel oil distribution and solid fuel yards
- Heavy truck servicing and repair
- Janitorial and building maintenance services
- Printing, publishing and lithography shops
- Research and development laboratories
- Bulk sales of building materials and landscaping materials
- Repair and servicing of heavy construction or farm equipment (not automobiles)
- Tire retreading or recapping
- Tool, electric motor and scientific or professional instrument repair
- Trade schools where industrial vehicles and equipment are operated
- Truck stops
- Welding and machine shops
- Contracting firms with on-site storage of equipment and materials

(3) Examples of accessory uses

- Interior and exterior storage of equipment and materials
- Offices
- Parking for customers, employees and fleet vehicles

(4) Exceptions

i. If equipment and materials are stored off site, and work is not undertaken on-site, contracting firms are classified as Industrial Services

ii. Hotels, restaurants and other services which are part of a truck stop are considered accessory to the truck stop

(b) Manufacturing and Production

(1) Characteristics. Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging and/or assembly of products on-site, using natural, man-made, raw, secondary or partially-completed materials. Products are generally not displayed or sold on site, but if so, sales and display are accessory to the primary use.

(2) Examples of uses

- Breweries, distilleries and wineries
- Catering establishments and commissaries
- Concrete batching and asphalt mixing plants
- Manufacture of solar, wind-power or other energy production devices
- Food, beverage, and related product processing
- Manufacture or assembly of machinery, equipment and instruments
- Manufacture of micro-processors and computer components
- Production of artwork and toys

- Production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products
- Production of prefabricated structures, including manufactured dwellings
- Production or fabrication of metals or metal products including enameling and galvanizing
- Sign making
- Weaving or production of textiles or apparel
- Woodworking, including cabinet makers
- Printing, publishing, and lithography shops

(3) Examples of accessory uses

- Cafeterias
- Employee recreational facilities
- Interior and exterior storage
- Offices
- Parking for employees and fleet vehicles
- Research and development specific to the primary use
- On-site caretaker residence
- Food and beverage production, on-site tasting rooms, with or without food service

(4) Exceptions

i. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Products and Services

ii. Compost production and rendering plants are classified as Solid Waste Treatment and Recycling

(c) Solid Waste Treatment and Recycling

(1) Characteristics. Waste Treatment and Recycling are characterized by uses that receive, process and/or recycle solid waste materials.

(2) Examples of uses

- Vehicle and heavy machinery salvage and wrecking
- Energy recovery plants
- Hazardous-waste collection sites
- Portable toilet collection, storage and pumping
- Commercial recycling collection
- Landfills
- Commercial waste composting
- Vehicle wrecking and salvage
- Rendering plants
- Compost production

(3) Examples of accessory uses

- Loading docks
- Material recycling facilities
- Offices
- Parking for employees and fleet vehicles
- Re-packaging, sales and shipment of by-products and salvaged goods

(4) Exceptions

i. Disposal of clean fill material, as defined in OAR 340-093-0030, is not regulated as a land use

ii. Community recycling or composting facilities at a community garden are classified as Community Services

(d) Vehicle Storage

(1) Characteristics. Vehicle storage yards provide covered or uncovered storage facilities for vehicles including automobiles, trucks, trailers, boats and recreational vehicles.

(2) Examples of uses

- Vehicle impoundment yards
- Vehicle fleet storage and maintenance facilities
- Towing and vehicle storage operations
- School bus yards
- Recreational vehicle storage

(3) Examples of accessory uses

- Caretaker's residence
- Offices for security and/or leasing functions
- Waste disposal facilities for tenants' use
- Mini-warehouse units accessory to the vehicle storage
- Fleet maintenance, refueling and storage
- Parking for customers and employees

(4) Exceptions. None

(e) Warehouse and Freight Movement

(1) Characteristics. Warehouse and Freight Movement firms are involved in the storage, repackaging, delivery and movement of products.

(2) Examples of uses

- Centralized warehouses
- Cold storage plants, including frozen food lockers
- General freight storage
- Household and business moving operations

- Major post offices
- Major wholesale distribution centers
- Parcel or postal distribution facilities
- Storage and stockpiling of sand, gravel, or other aggregate or raw materials
- Freight terminals and yards
- Mail-order merchandise warehouses
- Heavy rail facilities
- Transfer and storage facilities without individual units

(3) Examples of accessory uses

- Loading docks
- Maintenance areas
- Offices
- Parking for customers, employees and fleet vehicles
- Customer support centers

(4) Exceptions

- Uses that involve the transfer or storage of solid or liquid wastes are classified as Solid Waste Treatment and Recycling
- Mini-warehouses are classified as Self-Service Storage

(f) Wholesale Sales

(1) Characteristics. Wholesale Sales firms are involved in the sale, lease and/or rental of products primarily to businesses. On-site sales to the general public are limited.

(2) Examples of uses

- Mail order houses
- Sale and/or rental of construction and farm machinery, equipment, and vehicles, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures
- Wholesalers of food, clothing, auto parts, building hardware and office supplies

(3) Examples of accessory uses

- Offices
- Product repair facilities
- Parking for customers, employees and fleet vehicles
- Warehouses

(4) Exceptions

i. Firms that engage primarily in sales to the general public are classified as Retail Products and Services

ii. Firms that engage in sales on a membership basis are classified as either Retail and Products Services or Wholesale Sales, based on the characteristics of the use

iii. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement

5. Institutional Use Categories

(a) Colleges and Universities

(1) Characteristics. This category includes public or private colleges, universities and institutions which offer courses of study leading to an associate, bachelors and/or advanced degrees or trades certification. Such institutions are certified by the State Board of Higher Education or by a recognized accrediting agency.

(2) Examples of uses

- Community colleges
- Liberal arts colleges
- Religious colleges
- Universities
- Medical or nursing schools

(3) Examples of accessory uses

- Auditoriums and conference facilities
- Faculty and administrative offices
- Food service and dining facilities
- Health facilities
- Indoor or outdoor research animal housing
- Indoor and outdoor recreation facilities including gymnasiums, playing fields and stadiums
- Libraries, classrooms, laboratories and related instructional facilities
- Student, faculty/staff and visitor parking
- Student housing
- Support retail services
- Parking for students, visitors, employees and fleet vehicles
- Utility plants and facilities
- Security offices

(4) Exceptions

i. Business and trade schools are classified as Educational Services

(b) Community Services

(1) Characteristics. Community Services are uses of a public or non-profit nature providing a range of continuous on-site social, cultural and recreational services to residents of the community.

(2) Examples of uses

- Community centers, youth or senior centers, open to the general public
- Community aquatic centers, open to the general public
- Libraries, museums and related cultural facilities
- Post offices
- Animal shelters

(3) Examples of accessory uses

- Indoor athletic facilities
- Classrooms and conference rooms
- Day care facilities
- Food service and dining areas
- Health and therapy facilities
- Offices
- Parking for customers, employees and fleet vehicles

(4) Exceptions

i. Private lodges, clubs and private or commercial athletic or health clubs are classified as Retail Products and Services.

(c) Detention Facilities

(1) Characteristics. Detention Facilities includes facilities for the court-ordered detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers or other designated personnel, except when on an approved leave.

(2) Examples of uses

- Jails and prisons
- Juvenile detention facilities
- Post-incarceration transitional facilities and restitution centers

(3) Examples of accessory uses

- Food service and dining facilities
- Housing for residents and supervisory staff
- Administrative and facility offices
- Parking for visitors, employees and fleet vehicles
- Recreational, health and therapy facilities
- Vocational and manufacturing facilities

(4) Exceptions. None

(d) Hospitals

(1) Characteristics. Hospitals provide comprehensive inpatient, outpatient and emergency services and are accredited by state and national accreditation agencies. Such institutions tend be located on multi-block sites in campus-like settings. Hospitals may or may not include on-campus medical office buildings associated with the hospital organization.

(2) Examples of uses

- Free-standing inpatient hospitals
- Inpatient hospitals including on-campus medical office buildings

(3) Examples of accessory uses

- Administrative and physician offices
- Auditoriums and conference facilities
- Food service and dining facilities
- Chapels or meditation centers
- Housekeeping and maintenance facilities
- Inpatient, emergency and outpatient diagnostic and treatment facilities
- Physical therapy and rehabilitation facilities
- Overnight housing for patients, their families, and health care providers
- Parking for patients, employees, visitors and fleet vehicles (including temporary recreational vehicle visitor parking)
- Teaching facilities for health care professionals including nursing and medical schools
- Central utility plants
- Security offices

(4) Exceptions

i. Residential homes that are licensed and/or permitted by the State are classified as Household Living

ii. Residential facilities that are licensed and/or permitted by the State are classified as Residential Services

iii. Facilities that are licensed and/or permitted by the State which provide care, treatment, training or foster care for six or more persons are classified as Residential Services

iv. Free-standing medical clinics or medical office buildings providing outpatient care and not located in a hospital campus are classified as Office

v. Free-standing urgent medical care clinics are classified as Retail Products and Services

(e) Major Assembly Facilities

(1) Characteristics. Major Assembly Facilities are characterized as a use that attracts a large number of people who participate as a group in a specific activity or event that may be religious, cultural, educational, social or recreational. An assembly facility is a Major Assembly Facilities use when the maximum Building Code occupancy within the primary assembly area is equal to or greater than 250 persons.

(2) Examples of uses

- Churches, synagogues, mosques or temples
- Auditoriums
- Coliseums, stadiums and sports arenas
- Convention and conference centers
- Fairgrounds
- Race tracks
- Outdoor amphitheaters

(3) Examples of accessory uses

- Locker rooms and related Indoor and outdoor recreational facilities
- Social halls and kitchens
- Restaurants, bars and concessions
- Offices
- Maintenance facilities
- Child or senior day care
- Religious school classrooms
- Parking for attendees, customers and employees
- Temporary recreational vehicle camping facilities associated with intermittent major events
- Caretaker residence

(4) Exceptions

i. A minor assembly facility, such as a theater, church, or fraternal club, with a maximum Building Code occupancy within the primary assembly area that is less than 250 persons is classified as Retail Products and Services

ii. Day care/nursery schools and schools for students from grades K-12 that are located in a religious institution are subject to regulations for Day Care and Schools, respectively

iii. An assembly area that is accessory to the primary use, such as a conference facility in a hotel or industrial campus or an auditorium in a school, is considered accessory to the primary use

(f) Schools

(1) Characteristics. School uses are public and private educational facilities providing state-mandated basic education. Schools may serve any ages of students from kindergarten through 12th grade.

(2) Examples of uses

- Public and private elementary, middle and high schools, with or without kindergartens
- Boarding schools and military academies that have residential facilities for students

(3) Examples of accessory uses

- Auditoriums
- Classrooms, laboratories, libraries and related educational facilities
- Daycare facilities for students and staff
- Kitchens and cafeterias
- Indoor and outdoor recreational facilities including
- Offices
- Parking for visitors, students (high school only) and employees
- Student housing

(4) Exceptions

i. Pre-schools which are standalone schools not associated with the grade levels of state-mandated basic education are classified as day care under Retail Products and Services

ii. Pre-schools which are incorporated into the education continuum of state-mandated basic education within a public or private educational facility are classified as Schools but are subject to the Special Uses standards as specified in Section 83(5)(Child Care Facilities and Schools).

iii. Business and trade schools are classified as Educational Services

6. Infrastructure and Utilities Categories

(a) Aviation Uses

(1) Characteristics. Aviation Uses include landing, take-off, servicing and storage of aircraft including airplanes, jets, helicopters and gliders, and activities related to or using aircraft or aviation services.

(2) Examples of uses

- Aviation-related activities, including taxiing, take-offs and landings
- Air passenger and air freight services and facilities
- Emergency medical flight services
- Law enforcement and firefighting activities
- Search and rescue operations

- Flight instruction
- Aircraft service, maintenance and training
- Aircraft rental and supporting facilities
- Aircraft and aeronautic equipment and supplies sales
- Indoor or outdoor storage of aircraft (hangars or tie-downs)
- Crop dusting activities
- Agricultural activities as authorized by the airport authority
- Manufacturing, processing, or distribution of aircraft or aircraft related products
- Commercial supporting uses and at terminal buildings
- Aeronautic educational, recreational and sporting activities
- Flights carrying parachutists and parachute drops

(3) Examples of accessory uses

- Aircraft sales and storage
- Air traffic control towers
- Freight-handling areas
- Landside aviation navigation facilities
- Offices
- Maintenance and fueling facilities
- Parking for pilots, visitors, employees and fleet vehicles
- Restaurants, concessions and shops

(4) Exceptions

i. Private helicopter landing facilities on the same site as another use, such as a hospital, are considered accessory uses. However, such facilities remain subject to all federal and state regulations governing helicopter landing facilities.

(b) Parks and Open Areas

(1) Characteristics. Parks and Open Areas are primarily publicly-owned or non-profit facilities featuring natural or cultivated landscaping; active and passive outdoor recreation including playing fields, basketball and tennis courts, swimming pools and trails; community gardens and public squares.

(2) Examples of uses

- Botanical gardens
- Cemeteries
- Community gardens
- Nature preserves
- Parks
- Public squares and plazas
- Recreational trails

(3) Examples of accessory uses

- Caretaker's residence
- Educational centers
- Columbaria and mausoleums
- Incidental retail and concessions
- Maintenance facilities
- Playing fields, tennis courts swimming pools and trails
- Parking for visitors and employees
- Picnic shelters and pedestrian amenities
- Ponds and water features

(4) Exceptions

i. Golf courses are classified as Commercial Recreation.

(c) Public Safety Facilities

(1) Characteristics. Public Safety Facilities provide police, fire, ambulance and emergency services to the community. With the exception of ambulance services, these facilities are typically publicly owned and operated.

(2) Examples of uses

- Emergency communications centers
- Police and fire stations
- Publicly- and privately-operated ambulance facilities
- Public agency or private utility operations centers

(3) Examples of accessory uses

- Communication equipment and towers
- Kitchens and dining facilities
- Overnight accommodations for employees
- Parking for visitors, employees, fleet vehicles and equipment
- Training facilities
- Recreational facilities for employees

(4) Exceptions. None.

(d) Surface Alternative Transportation Facilities

(1) Characteristics. Surface Alternative Transportation Facilities support mass transit transportation, including bus, light rail, commuter rail, and bicycle transportation. Surface Transportation Facilities do not include road rights-of-way and the associated improvements such as bicycle paths, lanes or sidewalks.

(2) Examples of uses

- Bicycle parking centers

- Bus stops and shelters
- Light rail or commuter stations and transit centers
- Transit park-and-ride facilities, both surface and structured
- Transit vehicle storage and maintenance yards

(3) Examples of accessory uses

- Maintenance facilities
- Ticketing equipment or booths
- Vehicle service, maintenance, and storage
- Incidental retail uses
- Public safety facilities
- Public open space

(4) Exceptions

i. Heavy rail facilities are classified as Warehouse and Freight Movement

ii. School bus yards are classified as Vehicle Storage

(e) Telecommunication Facilities

(1) Characteristics. Telecommunication Facilities include all devices, equipment, machinery, structures and supporting structures necessary to produce or transfer a signal or message. Only free-standing towers are classified as Telecommunication Facilities.

(2) Examples of uses

- AM and FM radio and television towers, including "low power FM" facilities
- Wireless transmission towers
- Point-to-point microwave towers
- Two-way radio towers
- Receive only antennas

(3) Examples of accessory uses

- Broadcast facilities
- Offices
- Parking for visitors and employees
- Transmitter facilities
- Utility cabinets
- Generators and other incidental improvements

(4) Exceptions

i. Free-standing radio and television studios are classified as Offices

ii. Telecommunication Facilities at a Public Safety Facilities use are accessory to that use

iii. Amateur "Ham" radio facilities on residential property are accessory to the Household Living use

iv. Stealth telecommunication facilities mounted on or within buildings or structures are not regulated as separate from the primary use

(f) Utility Facilities

(1) Characteristics. Utility Facilities are local and regional infrastructure facilities which must be located in or near the area to which the infrastructure is provided. Utilities may be publicly or privately owned and operated. Most facilities have few or no on-site employees, although treatment plants may be staffed continuously.

(2) Examples of uses

- Electrical substations
- High tension electrical power lines
- Sewage disposal and conveyance systems
- Telephone exchange equipment
- Water or sewage pump stations
- Water towers and reservoirs
- Water quality and flow control facilities
- Water or sewage treatment plants

(3) Examples of accessory uses

- Control, monitoring, data and/or transmission equipment within or outside structures
- Offices
- Parking for visitors, employees and fleet vehicles
- Security fencing

(4) Exceptions

i. Utility offices where employees or customers are generally present are classified as Offices.

ii. Public agency or private utility operations centers are classified as Public Safety Facilities.

B. OTHER DEFINITIONS[168]

As used in this title, the following words, terms and phrases are defined as follows:

1. **Abutting.** To be contiguous to; having a property line, zoning boundary, or wall in common.

[168] From "17.04 Definitions fifth draft" dated 12/6/11. Partial list containing only definitions used in this Chapter 143. In several cases, cross-references to other sections of the new CDC explaining how different dimensions are measured, or identifying criteria for specific decisions, were not carried over, because until the new CDC is adopted the city needs to use its existing rules of calculation/measurement and criteria for decisions.

2. **Access.** The place, means or way by which pedestrians, bicyclists and/or vehicles have ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement.

3. **Accessory Structure or Use.** A structure or use incidental and subordinate to the main use of the property, located on the same lot as the main structure or use.

4. **Acreage, Gross.** The total area of a lot, tract or parcel of land, measured to the property lines.

5. **Acreage, Net.** The area on a site which is eligible for development. Net acreage is calculated by subtracting undevelopable land from gross acreage. Undevelopable land is limited to the following:
   - Required dedications of public street rights-of-way or private street tracts, required utility or access easements, and required internal fire access;
   - Maneuvering area for truck loading docks;
   - Electrical transformer platforms, industrial chemical and/or gas storage areas, or other hazardous area where occupancy is prohibited for safety reasons;
   - Required stormwater treatment and detention facilities;
   - Any land dedicated to the City for parks or greenways;
   - Required usable open space; either on-site or as a portion of off-site aggregated areas available to the subject site;
   - Optional open space areas within inventoried Significant Natural Resource Areas or in proximity to inventoried Cultural Resources;
   - Delineated wetlands and vegetated corridors as required by Clean Water Services or other regulatory authorities;
   - Areas with 25 percent or greater slopes, or within the 100-year floodplain, unless such areas are used for building or parking.

6. **Adjacent.** *Buildings* or uses are adjacent to each other if they are sited on abutting parcels or lots, and are not separated from each other by existing or planned intervening buildings. Location of a street or alley between the buildings or uses does not interrupt adjacency.

7. **Alley.** A right-of-way through or partially through a block, intended for secondary vehicular access to the rear or side of properties. However, where vehicle access from the street is not permitted or not possible, an alley may provide primary vehicle access.

8. **Alteration.** Any change, addition or modification of an existing *structure*.

9. **Alteration (of a *Cultural Resource*).** Any addition to, removal from, and/or change in the external appearance of any portion of a *cultural resource*. Alterations include changes in site landscaping if the landscaping is comparable in age to the resource structure, but exclude changes in newer landscaping or the addition of landscaping if there was none originally. This definition also excludes ordinary maintenance or repair of an exterior feature which does not affect the feature's appearance, if such repair has been certified by the City Building Official as necessary for safe occupancy.

10. **Americans with Disabilities Act (ADA).** The Federal Americans with Disabilities Act of 1990 (P.L. 101-336) as amended.

11. **Animal Service Facility.** A commercial establishment primarily engaged in performing veterinary, boarding, grooming, training, and other services for domestic pets, primarily dogs and cats. Outdoor facilities such as runs and exercise yards may or may not be included in the use. Examples of animal service facilities include veterinary clinics, dog and cat day care facilities, dog training facilities, and overnight pet boarding. Pet stores are not considered an animal services facility.

12. **Bed and Breakfast Inn.** A residential building or group of residential buildings with not more than five separate bedroom units for travelers' temporary accommodation, which units do not contain individual cooking facilities, with the lodging price including the price of a morning meal available only to guests of the inn. Additional rooms or structures may be added onto the original building or site provided the total number of bedroom units does not exceed five. If located in a residential zone, owners or innkeepers will reside on the premises, and the bed and breakfast inn will be considered a home occupation permitted as a conditional use.

13. **Biorention.** Use of shallow, vegetated depressions and engineered soils to collect, filter, and store stormwater runoff while it percolates into the ground.

14. **Build-to Zone.** The maximum horizontal distance, or a range of maximum horizontal distances, between a front lot line and a building or structure required by this Section 143.

15. **Building.** A *structure* having a roof supported by columns or walls, which is built for the support, shelter or enclosure of persons, animals, or property of any kind. Building Plane, front or rear. An imaginary vertical plane across the farthest front or rear elevation of a structure, most commonly used in determining lot widths or setbacks.

16. **Bus Rapid Transit.** See *Transit.*

17. **Child Care Facility.** Any facility that provides child care to children, including a child care center, certified family child care home, and registered family child care home. The term applies to the total child care operation and includes the physical setting, administration, staff, equipment, program, and care of children. This definition includes facilities such as nursery schools, preschools, kindergartens, child play school facilities, before or after school care, or child development centers, except those excluded under ORS 657A.250.

18. **City.** The City of Hillsboro, Oregon.

19. **City Council.** The elected City Council of Hillsboro, Oregon.

20. **Commuter Rail.** See *Transit.*

21. **Condominium or unit ownership.** Land, all building, improvements and structures thereon, and all easements, rights and appurtenances belonging thereto, which are submitted pursuant to the provisions of ORS 91.500 to 91.671 to 91.990.

22. **Construction.** Shall have that meaning defined in Section 133.III.[169]

23. **Contiguous.** Having a property line, zoning boundary or wall in common; see also *abutting.*

24. **County.** Washington County, Oregon.

25. **Cul-de-sac.** See *street, cul-de-sac.*

26. **Cultural Resource.** Any building, structure, site, or object included on the *Cultural Resource Inventory,* and therefore subject to the provisions of Section 132.

27. **Cultural Resource Inventory.** The list of buildings, structures, sites and objects within the city which are recognized by City Council resolution as being culturally significant.

28. **Dangerous Tree.** Any tree which, in the professional assessment of an expert certified by the City (such as, but not limited to an arborist, professional forester or landscape architect) has a strong likelihood of causing a hazard to life or property.

29. **Delineation.** A determination of the boundary of a natural resource, wetland, riparian or wildlife habitat area by a qualified natural resource professional. Wetland delineations are prepared following methods described in the 1987 US Army Corps of Engineers Wetlands Delineation Manual or those currently accepted by the Oregon Division of State Lands and US Army Corps of Engineers. Riparian and wildlife habitat delineations are based on an assessment of the tree canopy and plant communities described for the resource in the adopted *List of Significant Goal 5 Natural Resource Sites in Hillsboro* and the *City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report.*

30. **Demolition.** Any intentional defacement, destruction, and/or other action which would cause partial or total destruction of the structural elements of a structure.

31. **Density.** A measurement of the intensity of development on a *net acre* of developable land. Residential density is measured in number of dwelling units per net acre. Non-residential density or intensity may be measured by floor area ratio.

32. **Development (inside a *Significant Natural Resource Area*).** Inside a Significant Natural Resource Area, development includes the following human-induced changes to real property:

    - Construction of new structures increasing building footprint areas;
    - Redevelopment;
    - Change to existing lot boundaries (*subdivisions*, *partitions* and *property line adjustments*);
    - Topographic alterations (*grading*, filling, construction of earthen berms or retaining walls; excavating, dredging, or surface mining)
    - Paving; and
    - Vegetation removal.

[169] Added for clarity. Unlike the other definitions, this uses a definition from the current code.

In a Significant Natural Resource Area, development does not include farming activities conducted in accordance with accepted farming practices as defined in ORS 30.930, ORS 568.900; and construction on lots in subdivisions meeting the criteria of ORS 92.040(2).

33. **Development (outside a *Significant Natural Resource Area*).** Any man-made change to real property in the City, including but not limited to construction or installation of a building or other structure; major site alterations such as grading or paving; or improvements for use as parking. Vegetation removal outside the boundaries of a *Significant Natural Resource Area* is not development.

34. **Drive In or Drive-Through Facilities.** Sites and building features such as driveway approaches, internal circulation, and exterior vending facilities that allow motor vehicle drivers to complete transactions for retail goods or services without leaving their vehicle. Vehicle service and repair facilities are not considered drive in facilities even if the service or repair can be conducted without the driver leaving the vehicle.

35. **Dwelling unit.** One or more rooms designed for occupancy by a *family* or *household*, including sleeping areas, sanitation facilities, and a single cooking area. For types of dwelling units, see *Housing Types.* For purposes of measuring residential *density*, four residents in a group living structure or residential service facility is the equivalent of one dwelling unit.

36. **Easement.** A right to the use of certain real property for specified purposes, granted by the property owner to specific persons, firms, corporations or the public.

37. **Fair Housing Act (FHA).** The Federal Fair Housing Act of 1968, (P.L. 90-284), Title VIII, as amended.

38. **Family.** An individual, or two or more persons related to one or more persons in the household by blood, marriage, domestic partnership, legal adoption, or guardianship, living together in a dwelling unit in which board and lodging may also be provided for not more than three additional persons, excluding servants. *See also Household.*

39. **Fill.** Any deposit of earth or mineral material by human action. The term fill may also be used to describe the deposited material.

40. **Final Plat.** See Plat, Final.

41. **Floor Area.** The sum of the horizontal areas of all above-ground floors of a building. Floor area is measured from the exterior faces of a building or structure or in the case of common wall buildings, from the centerline of the common wall. Floor area includes structured parking area above finished grade level, but does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of-way;
- Roof area, including roof top parking;
- Roof top mechanical equipment;
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42-inches in height, for 50 percent or more of their perimeter.

42. **Floor Area, Gross (GFA).** The total *floor area* of a building intended for occupancy or storage, including interior parking or loading spaces. GFA includes basements, attics, closets, restrooms, lobbies, hallways, stairwells and elevators, utility and mechanical spaces and loading docks, but excludes vent shafts, uncovered steps and exterior balconies. GFA is also referred to as gross square feet or GSF.[170]

43. **Floor Area, Net.** The gross floor area of a building, excluding lobbies, restrooms, hallways, stairwells and elevators, mechanical spaces and loading docks. Also called "Gross Leasable Area."

44. **Floor Area Ratio (FAR).** The ratio (typically expressed as a decimal) of the total amount of enclosed gross floor area (GFA) within a building or structure to the amount of net lot area.

45. **Frontage.** The length of the *front lot line* of a *lot*, *parcel* or *tract* which abuts a public street or alley, or platted private street or alley, usually measured in feet. Lot frontage may be approximately equal to lot width on a *regular lot*, but may differ on other shapes of lots.

46. **Garage.** A structure or portion thereof designed and intended for use for parking or temporary storage of vehicles.

47. **Garage, front loaded or rear loaded.** See *loading*.

48. **Grade.** Ground elevation, measured in height in feet above mean sea level. Grade elevation is used in measurement of building height and for application of floodplain regulations.

49. **Grade, Finished.** The average of the ground elevations at the center of all walls of a building, following completion of site *grading.* If a wall is parallel to and within five feet of a sidewalk, finished grade is measured at the sidewalk.

50. **Grade, Native.** The ground elevation existing before human alteration such as grading, filling or excavation.

51. **Grading.** Cutting and/or filling of the ground surface to a desired slope or elevation.

52. **Green Streets.** Public or private streets designed to reduce or redirect stormwater runoff quantity and/or to improve stormwater runoff quality within the right-of-way or street tract. Green street design generally involves using vegetated swales, *bioretention* and/or pervious pavement as an alternative to conventional catch basins, pipes, curbs and detention facilities.

53. **Gross Acreage.** See *Acreage, Gross*.

54. **Gross Floor Area.** See *Floor Area, Gross*.

55. **Group Living Structure.** A structure intended for residential occupancy by six or more unrelated persons. Group living structures have common facilities for dining, social or recreational activity and laundry, sleeping areas and at least one cooking facility and one sanitary facility. Group living structure does not include *residential homes* or *residential facilities*.

[170] Revised since Task 3 to include parking areas. This change will apply throughout the city in the new CDC.

56. **Height, Building.** The vertical distance from *finished grade* to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.

57. **High Capacity Transit.** See *Transit, High Capacity*.

58. **Historic Landmarks Advisory Committee (HLAC).** The Historic Landmarks Advisory Committee of the City of Hillsboro.

59. **Home Occupation.** A lawful business conducted on a residential property only by the principal residents and not more than two closely related persons, where the business operation is secondary to the use of the dwelling.

60. **Horticultural Activities.** Activities including, but not limited to, orchard keeping and vegetable or flower gardening, which may be conducted for either household consumption and enjoyment or in connection with a home occupation or residential business. Horticultural activities do not include keeping of livestock as defined in Hillsboro Municipal Code (HMC) Chapter 6.20.

61. **Hospital.** An institution which provides clinical, diagnostic and treatment services to patients on an inpatient, outpatient and emergency basis, and which has received a Certificate of Need from the State of Oregon.

62. **Household.** A group of not more than five persons not related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit. Residents of residential homes with eight or fewer persons with disabilities residing in a dwelling unit are also considered *households*. See also *Family*.

63. **Housing Types**

(a) **Detached Single Family Dwelling.** A detached dwelling unit built and intended for occupancy by one family or household, constructed on-site or elsewhere.

(b) **Duplex.** A residential structure on a single lot or parcel containing two dwelling units attached on a common wall, floor or ceiling.

(c) **Two-dwelling Attached Townhouses.** Two dwelling units attached on a common wall, separated by a property line on the common wall.

(d) **Three-Dwelling (or more) Attached Townhouses.** Three or more dwelling units attached on a common wall or walls, separated by property lines on the common wall(s).

(e) **Multiple Dwelling Structure.** A residential structure on a single lot or parcel containing three or more dwellings units sharing common walls or floors and ceilings. Multiple-dwelling structures include apartments and condominiums without regard to ownership status.

(f) **Manufactured Dwelling.** A detached single family dwelling, constructed to allow movement on public highways, that has sleeping, cooking, and plumbing facilities, which is intended and used as a residence and is constructed consistent with applicable state law. Also referenced as a mobile home.

(g) **Manufactured Dwelling Park.** A lot or parcel on which four or more manufactured dwellings are placed, either owned in common by the dwelling owners or rented or leased to them by another party.

(h) **Secondary Dwelling Unit.** An additional dwelling unit located on the same lot as a detached single family dwelling or a duplex. Also called an accessory or ancillary dwelling unit.

(i) **Live-Work Dwelling. A *dwelling unit* occupied by both residential and non-residential** (commercial or light-industrial) uses, in which the non-residential use is subordinate to the residential use. The non-residential use may vary in size and intensity, and may be subject to additional standards to assure compatibility with the permitted uses of the base zone.[171]

64. **Joint-Use Parking.** Surface or structured parking shared by two or more uses.

65. **Loading, Front, Side or Rear.** A descriptive term used to identify the location of a vehicular garage entrance or driveway in relation to the *main building entrance*. A front-loaded garage or driveway faces or accesses the same *street* as the main building entrance. A side-loaded garage or driveway faces a side street or alley or a *side lot line*. A rear-loaded garage faces the street or alley opposite the main pedestrian entry.

66. **Local Wetlands Inventory.** A systematic survey of an area to identify, classify and map the approximate boundaries of wetlands in accordance with the requirements of OAR Chapter 141, Division 086, used in place of the National Wetlands Inventory and incorporated into the Statewide Wetlands Inventory after approval by the Oregon Department of State Lands.

67. **Lot.** A unit of land created by a *subdivision*. The term lot may also be used generically to refer to units of land created through *partitions* or to *lots of record.* See also *Parcel* and *Tract.* Lots occur in a variety of shapes and configurations including the following:

(a) **Lot, Corner.** A lot abutting two streets intersecting at an angle not greater than 135 degrees. Exception: lots with *frontage* on both a street and an alley are not considered corner lots.

(b) **Lot, Double Frontage.** A lot having street frontage on two streets that do not intersect. Also called a reverse frontage lot or a through lot.

(c) **Lot, Flag.** A lot so shaped that the buildable area (the "flag") is not adjacent to the street or alley on which the lot fronts, and which includes a private access strip (the "pole") connecting the buildable area to the street or alley.

(d) **Lot, Interior.** A lot abutting a single street.

(e) **Lot, Regular.** A *lot* having four property lines and typically square or rectangular in shape, where opposite *property lines* (front and rear; two opposite sides) are parallel or roughly parallel.

[171] In the draft CDC definitions, this is a freestanding term, not grouped under housing type, but it has been grouped with other terms used in the housing type table of this chapter.

(f) **Lot, Irregular.** A *lot* having four or more property lines, where opposite *property lines* are not parallel or are curved.

(g) **Lot, Multiple Frontage.** A *lot abutting* three or more *streets*.

(h) **Lot of Record.** A *lot*, *parcel*, or *tract* of land described on the Washington County Tax Maps as of the effective date of this Code.

(i) **Lot, Parent / Lot, Child.** Parent *lot* refers to a *lot of record* or a *lot* in a *subdivision* which is proposed to be developed with one or more multiple-unit residential structure(s), and which may be further divided to allow individual ownership of each *dwelling unit*. Child *lot* refers to the unit(s) of land created from a *parent lot*.

68. **Lot Dimensions. Physical lot dimensions include the following:**

(a) **Lot Area.** The total horizontal area inside the property lines of a lot, parcel, or tract. Lot area is generally measured in square feet or acres. For the purposes of this Code, lot area excludes any portion of a lot, parcel or tract located within public right-of-way regardless of the inclusion of that portion on in a meets and bounds description or other legal instrument.

(b) **Lot Coverage.** That portion of the lot area which is covered by structures taller than 24 inches above *native grade*. Lot coverage is expressed as a percentage of lot area.

(c) **Lot Depth.** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. Lot depth on corner lots is the horizontal distance between one of the front lot lines and the opposite interior lot line.

(d) **Lot Width.** The horizontal distance between the midpoints of the side lot lines. Lot width on corner lots is the horizontal distance between one of the front lot lines and the opposite interior lot line.

69. **Lot Line.** The property line bounding a lot, parcel, tract or lot of record. Types of lot lines include the following:

(a) **Lot Line, Front.** The property line(s) separating a lot, parcel, tract or lot of record from a street or access tract. Interior lots have one front lot line; corner lots have two front lot lines; multiple frontage lots have three or more front lot lines.

(b) **Lot Line, Rear.** The lot line of a regular, interior lot which is opposite and most distant from the front lot line. Corner lots, double frontage lots and multiple frontage lots do not have a rear lot line, but may have multiple side lot lines.

70. **Lot Line, Side.** Any lot line abutting another lot, parcel, tract or lot of record, which is not considered a front or rear lot line.

71. **Main Building Entrance.** A primary pedestrian entrance to a building.

72. **Major Transit Stop.** See Transit Stop, Major.

73. **Metro.** The Portland area metropolitan service district, which is the regional government established by Charter and providing defined regional services including planning and policy making.

74. **Minimum Residential Density.** The minimum number of dwelling units required per *net acre* of developable land.

75. **Mixed-Use Building or Development.** Buildings or developments which combine two or more types of uses, either vertically or horizontally. A mixed use building is designed to accommodate uses such as residential with commercial or light industrial, retail with office, or commercial with light industrial. A mixed use development typically consists of multiple buildings designed to accommodate diverse but compatible land uses.

76. **Mobile Home.** See Manufactured Dwelling in Housing Types.

77. **Multi-use path.** A path physically separated from motor vehicle traffic, located either within a street right-of-way or a separate right-of-way or easement, and intended for use by bicyclists, pedestrians and non-motor vehicle traffic.

78. **Native Vegetation.** Plants which occur naturally or historically within the City limits. Native vegetation species are identified and listed on Metro's Native Plant List.

79. **Net Acre.** See *Acreage, Net.*

80. **Nuisance Plants.** Plants which are both invasive and non-native. Nuisance plants are identified and listed on Metro's Nuisance Plant List.

81. **On-site Circulation.** The pattern internal to a development site that accommodates the movement of motor vehicles, bicycles and pedestrians.

82. **Palliative.** Medical service rendered to reduce or moderate temporarily the intensity of an otherwise stable medical condition, but not including those medical services rendered to diagnose, heal or permanently alleviate or eliminate a medical condition.

83. **Parcel.** A unit of land created by partitioning. When referencing lot configurations or lot dimensions, the term parcel may be used interchangeably with the term *lot.* See also *tract* and *lot of record.*

84. **Parking Space.** A permanently maintained space improved and used for the parking of one motor vehicle or one bicycle.

85. **Parking Structure.** A building above and/or below grade, constructed and used for parking motor vehicles, which may also include bicycle parking. Also referred to as structured parking.

86. **Partition.** Either the act of partitioning land or a unit of land partitioned.

87. **Pedestrian/bicycle accessway, or Accessway.** Any off-street path or walkway designed and constructed for use by pedestrians and/or bicyclists where such routes are not otherwise provided by the street system.

88. **Pedestrian Connection.** A route between two points intended and suitable for pedestrian use. Pedestrian connections include but are not limited to, pedestrian/bicycle accessways, sidewalks, walkways, stairways and pedestrian bridges.

89. **Pedestrian-Friendly Features.** Features in the built environment designed and used to enhance pedestrian comfort, safety and interest. Pedestrian-friendly features may include sidewalks, public art, awnings or other weather protection, fountains or water features, kiosks, landscaping, pedestrian-oriented signs and lighting, seating areas, street trees, transit stops and shelters, or *pedestrian scale* buildings with high levels of transparency and articulation.

90. **Pedestrian Scale.** The proportional relationship between the dimensions of a building or building element, outdoor space, street or streetscape element and the average dimensions of the human body, emphasizing features and characteristics which can be observed in close proximity at an average pedestrian's walking speed.

91. **Pedestrian-Sensitive.** An adjective used to describe development in which primary emphasis is given to pedestrian access and use of the site and buildings, rather than to motor vehicle access and parking areas. A "pedestrian-sensitive environment" is designed with *pedestrian friendly features* and is conducive to walking between destination.

92. **Person.** An individual, firm, partnership, association, or corporation.

93. **Planning Commission.** The Planning Commission of the City of Hillsboro.

94. **Planning Director.** The Planning Director of the City of Hillsboro or the Planning Director's designee.

95. **Planning and Zoning Hearings Board.** The Planning and Zoning Hearings Board of the City of Hillsboro.

96. **Plat.** A map or diagram and other writing(s) containing all the required descriptions, locations, specifications, dedications, provisions and information required by state law and prepared for the purpose of dividing property through subdivision or partition.

97. **Plat, Final.** A *plat* of a subdivision or partition, prepared by a licensed surveyor or engineer for submittal to the City for review pursuant to the requirements of Section 143.X (Application and Review Procedures), which demonstrates compliance with earlier conditions of approval and is intended to be recorded with the Washington County Surveyor in accordance with applicable State law.

98. **Plat, Preliminary.** A *plat* of a subdivision or partition prepared for submittal to the City for review and approval pursuant to the requirements of Section 143.X (Application and Review Procedures).

99. **Plaza.** An outdoor area designed to encourage social interaction and accommodate recreational activities, events and relaxation. Plazas are typically provided with pedestrian amenities, art and/or landscaping.

100. **Practicable.** Feasible; capable of being put into practice, done or accomplished given consideration of available technology and project economics. When applied in Significant Natural Resource Areas, the term is used relative to potential adverse impacts on the functions and values of the SNR.

101. **Primary Street Frontage.** Street frontage to which the primary building on the site is oriented, generally the street containing the primary pedestrian entrance to the building and/or the numbered street address of the building.

102. **Property Line.** The division line between two units of land.

103. **Property Line Adjustment.** The relocation or elimination of all or a portion of the common property line between abutting properties, which does not create an additional lot or parcel.

104. **Qualified Natural Resources Professional.** An individual having credentials which verify proven expertise and vocational experience in a given natural resource field.

105. **Reasonably Direct.** A term used to signify that a route minimizes out-of-direction travel.

106. **Redevelopment.** Construction of new structures, expansion or change of existing structures or building footprints, reconfiguration of existing driveways or parking, and site grading related to such additions, changes, or reconfiguration. Redevelopment does not include the following, when undertaken consistent with City regulations:

- maintenance, repair or removal of existing structures, driveways or other site improvements;
- interior structural improvements or vertical additions that do not affect existing building footprints or impervious areas on a site,
- replacement of structures due to a catastrophic event such as fire.

When used in conjunction with activity in a *Significant Natural Resource Area*, redevelopment also does not include activity which does not increase encroachment into the SNR area.

107. **Repair and Maintenance.** Activities intended to preserve and care for a structure, landscaping, or other improvements (including the continued maintenance of *adjacent* native vegetation for prevention of fire hazard) to such an extent that they remain safe, presentable and carry out the purpose for which they were initiated, installed, constructed or required, without expanding the existing development or activity.

108. **Residential Facility.** "Residential facility" as defined by state law (currently ORS 197.660), including a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443, licensed or registered under ORS 443 or licensed under ORS 418, by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements are not counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

109. **Residential Home.** "Residential home" as defined by state law (currently ORS 197.660), including a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Services, as defined in ORS 443, a residential facility registered under ORS 443, or an adult foster home licensed under ORS 443 that provides residential care alone or in conjunction with treatment or

training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements are not counted in the number of home residents, and need not be related to each other or to any resident of the residential home.

110. Review Authority. The person or body responsible for making a decision regarding a land use application or appeal. Review Authority in this Code may refer to the *Planning Director*, the *Planning and Zoning Hearings Board*, the *Historic Landmarks Advisory Committee*, the *Planning Commission* or the *City Council*. The person responsible for decisions related to public infrastructure and public rights-of-way is the City Engineer.

111. Right-of-Way. An area of land dedicated, deeded or granted to the public to accommodate public uses such as a portion of a transportation system or public utility system. Examples of rights-of-way include transportation routes for motor vehicles, transit, bicycles and pedestrians and public utility corridors for water, sewer, and stormwater lines, power lines and gas lines.

112. Setback. The distance between a structure and the *property lines* of the *lot, parcel*, or *tract* on which it is located. See also *Yard*.

113. Significant Natural Resource Area (SNR). A significant wetland, riparian corridor and/or wildlife habitat as identified in the adopted List of Significant Goal 5 Natural Resource Sites in Hillsboro and the City of Hillsboro Goal 5 Natural Resource Inventory and Assessment Report.

114. Significant Natural Resources Permit (SNRP). An approval granted by the *Review Authority* after a review process is completed that allows certain activities or uses to occur in the Significant Natural Resources Overlay District. The review process and approval criteria for a Significant Natural Resource Permit are specified in Sections 131A and 131B (Significant Natural Resources Overlay) and 143.X (Application and Review Procedures).

115. Significant Natural Resource (SNR) Site. The physical location of a *Significant Natural Resource*.

116. Site Alterations, Major. Non-structural site alterations disturbing more than 500 sq. ft. of ground area due to grading or paving, for which approval is not required through a Type I, II or III process, and which affect site access, topography, mature trees, natural resources, required landscaping, or which alter the on-site drainage pattern at a property line.

117. Site Alterations, Minor. Non-structural site alterations disturbing up to or less than 500 sq. ft. of ground area due to grading or paving, which do not affect site access, topography, mature trees, natural resources, required landscaping, or which do not alter the on-site drainage pattern at a property line.

118. Shared Parking. Public or private parking shared by two or more uses.

119. Stabilization. Construction methods intended to either: a) prevent erosion or failure of a soil slope following *grading* or vegetation removal; or b) structural reinforcement or arresting of material deterioration of a building to prevent failure.

120. **Story.** That portion of a building between the upper surface of any floor and the upper surface of the floor next above, with the exception that the top story is that portion of a building between the upper surface of the top floor and the ceiling above or the roof rafters if there is no ceiling. A basement is considered a story if the finished floor level directly above the basement is more than six feet above finished grade. Story or stories are an internal measurement of the vertical dimension of a building, as opposed to *building height* which is an external measurement.

121. **Street.** A right-of-way or tract intended for motor vehicle, pedestrian or bicycle travel and/or access to abutting property. For purposes of this Code, facilities with other terms meeting this definition (such as road, avenue, or highway) are also considered streets. "Street" does not include alleys, railroad rights-of-way, or the Sunset Highway (U.S. Highway 26). The Transportation System Plan categorizes streets into the classifications listed below: dimensions and construction standards for each street classification are found in Chapter 9.04 of the Hillsboro Municipal Code (HMC).

(a) **Street, Cul-de-Sac.** A street having only one open end and permanently terminated by a vehicular turn around. The term may also refer to the turnaround area itself.

(b) **Street, Local Residential.**[172] A street intended to serve only abutting land and designed to carry less than 1500 cars per day.

(c) **Street, Neighborhood Route.** A street providing connectivity between *local residential streets* and *collector streets* or *arterial streets,* used by residents in an area to enter or exit a neighborhood but not serving as city-wide area circulation.

(d) **Street, Collector.** A street providing both access and circulation within residential and commercial/industrial areas. Collector streets may penetrate residential neighborhoods distributing trips for the local and neighborhood route systems.

(e) **Street, Arterial.** A street intended to serve as a primary route for travel between the city and other parts of the region or between major areas of urban activity.

122. **Street, Commercial or Industrial.** A *street* intended to serve primarily *abutting* commercial and/or industrial uses. Streetcar. See *Transit*

123. **Streetscape.** The design elements that constitute the physical makeup of a street and that as a group define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, signs and lighting.

124. **Structure.** That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or which is attached to something having a location on the ground.

125. **Subdivision.** Either the act of subdividing a unit of land or the unit of land subdivided.

[172] This is the draft CDC definition for a "local residential street"

126. **Third Place.** A location which is neither "home" nor "work", which functions as a gathering place for social interaction. Third places can be either indoors or outdoors, and either publicly or privately owned.

127. **Tract.** A unit of land created by *partition* or *subdivision*, created for and limited by deed restriction or dedication to a specific use, including but not limited to *access*, utility placement, vehicle storage, open space, or *significant natural resource* areas. In phased developments, the term may also be used to describe units of land intended for future development. See also *Lot* and *Parcel*.

128. **Transit.** Scheduled passenger transportation services provided by public, private, or non-profit entities. Examples of transit include bus service and the following:

(a) **Bus Rapid Transit.** A transit system using buses, serving major transit routes with limited stops on routes where the bus route is physically separated from other modes. Bus Rapid Transit is intended to emulate *light rail transit* in speed, frequency and comfort.

(b) **Commuter Rail.** Transit service on existing freight ("heavy") rail tracks, either exclusively or shared with freight use. Commuter rail service typically focuses on peak periods but can be offered at other times when demand exists and where rail capacity is available. Commuter rail stations are typically located one or more miles apart.

(c) **High Capacity Transit.** A form of public transit distinguished from local service transit such as bus lines by higher speeds, fewer stops, more passengers, and more frequent service. High capacity transit includes light rail, commuter rail, bus rapid transit and rapid streetcar transit.

(d) **Light Rail Transit.** A high-capacity transit system operating on fixed tracks, which may or may not be located in a street right-of-way.

(e) **Streetcar.** A relatively lightweight passenger railcar operated either singly or in a short train, on fixed rails in right-of-way which may or may not be separated from motor vehicle traffic. Streetcars operate among neighborhoods within cities, as opposed to among cities.

129. **Transit Center.** A hub location where transit lines or routes for multiple transit modes meet to facilitate transfers.

130. **Transit Park and Ride.** Any surface parking lot or parking structure located at a transit stop which provides automobile and bicycle parking.

131. **Transit Route.** Any public or private *right-of-way* where *transit* service is currently provided or a location planned for future *transit* service as identified on the Transit Master Plan in the *Transportation System Plan.*

132. **Transit Route, Major.** A transit route which serves areas planned and zoned for higher population and employment densities such as Metro 2040-designated regional centers, town centers, employments centers, main streets, station communities, and corridors. As used in this definition, "major transit routes" are limited to the following streets:

- 1st Avenue / Glencoe Road
- Main Street

- 185th Avenue
- Baseline Street / Road
- 194th Avenue / Terrace
- Cornelius Pass Road
- Cornell Road
- Evergreen Parkway
- Oak Street
- Washington Street
- 205th / 206th Avenues / John Olsen Avenue
- 229th / 231st Avenue/Century Boulevard
- Tualatin Valley Highway
- Existing and planned HCT Rights-of-Way shown in adopted City plans.

133. **Transit Stop.** Any area posted as a transit stop where transit passengers board or exit.

134. **Transit Stop, Major.** An existing transit stop, or one shown in an adopted city plan, located on a *major transit route*.

135. **Transit Station.** Land owned or held through permanent easement by a transit provider, on which facilities are related to a *high capacity transit* stop are located, such as a station platform, park and ride lots, larger shelters, bike station, information kiosks, public art, and other similar facilities. Land intended for future use as a transit station is called a "transit station site".

136. **Transportation System Plan.** The adopted transportation system plan of the City of Hillsboro, cited in Hillsboro Comprehensive Plan Section 13.

137. **Usable Open Space.** Planned and improved open areas providing opportunities for active recreation; passive relaxation; or community interaction. Usable open space does not include: foundation landscaping; enlarged or enhanced parking strips or sidewalks; or unimproved or vacant areas.

138. **Use.** The activity or operation for which land or a structure is designed or constructed, or for which it is occupied or maintained.

139. **Vegetation Removal.** Removal of site vegetation through cutting, clearing, grubbing, or similar activities. Vegetation removal does not include routine maintenance of landscaped areas or removal of individual diseased or dead plants, shrubs or trees.

140. **Vision Clearance Area.** An area *adjacent* to a street or a railroad, in which sight obstructing plantings or structures may be restricted to improve traffic safety.

141. **Visitability.** A term used to describe building design features which allow persons with mobility impairments to visit, but not necessarily to live, in a dwelling.

142. **Walkway.** A transportation facility built for use by pedestrians, usually located outside a *street right-or-way* or *tract*. Examples of walkways include pedestrian paths and nature trails.

143. **Wetland.** An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions.

(a) **Wetland, Significant.** A wetland that both meets the Department of State Lands definition of a Locally Significant Wetland and is listed on the Local Wetlands Inventory. Significant wetlands may be either associated with a stream or hydrologically isolated.

(b) Wetland, Non-Significant. A wetland that does not meet the Department of State Lands definition of a Locally Significant Wetland and does not appear on the Local Wetlands Inventory. Development in non-significant wetlands is not regulated by this Code, but does require DSL notification under ORS 227.350.

144. Wildlife Habitat. An area upon which wildlife depends in order to meet their requirements for food, water, shelter, and reproduction as defined in OAR 660-023-0110.

145. Yard. The area between a structure and a property line. See also *Setback*.

146. Yard, Front (Interior lot). The yard between the side lot lines from the front lot line to the nearest point of the structure.

147. Yard, Front (Corner Lot). Any yard abutting a front lot line.

148. Yard, Interior (Corner Lot). Any *yard* other than a *front yard*

149. Yard, Rear. The yard between side lot lines from the rear lot line to the nearest point of the main structure.

150. Yard, Side. The yard between the front and rear yard from the side lot line to the nearest point of the structure. The term "street side yard" may be used to indicate a front yard on a corner lot.

C. ACRONYMS AND ABBREVIATIONS

As used in this title, the following acronyms and abbreviations reference the statute, agency, organization or item indicated:

ADA	The Federal Americans with Disabilities Act of 1990 (P.L. 101-336)
ASCO	Airport Safety and Compatibility Overlay (zone)
Corps	U.S. Army Corps of Engineers
County	Washington County
CDC	Community Development Code
CCRs	Covenants, Conditions and Restrictions
COH	City of Hillsboro
CWS	Clean Water Services District
DLCD	Oregon State Department of Land Conservation and Development
DLUT	Washington County Department of Land Use and Transportation
DSL	Oregon Department of State Lands
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency

FIRM	Flood Insurance Rate Map
Ft.	feet or foot
FHA	The Federal Fair Housing Act of 1968 (PL 90-284) Title VIII
GFA	gross floor area
HLAC	Historic Landmarks Advisory Committee
HOA	Homeowners Association
HCP	Hillsboro Comprehensive Plan
HCT	High Capacity Transit
HMC	Hillsboro Municipal Code
LCDC	Oregon State Land Conservation and Development Commission
LOS	Level of Service
LUBA	Oregon State Land Use Board of Appeals
LRT	Light Rail Transit
Metro	Portland Area Metropolitan Service District
ODA	Oregon Department of Aviation
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statute.
OAR	Oregon Administrative Rule
PUD	Planned Unit Development
PUE	Public Utility Easement
ROW	Right-of-Way
SCPA	Station Community Planning Area
SNRA	Significant Natural Resource Area
SNRP	Significant Natural Resource Permit
Sq. ft.	Square feet or square foot
Tri-Met	Tri-County Metropolitan Transit Service District
TPR	Statewide Transportation Planning Rule OAR 660-12-0060
THPRD	Tualatin Hills Park and Recreation District
TSP	Transportation System Plan

TVWD	Tualatin Valley Water District
US	United States
V/C	Volume to Capacity (ratio)

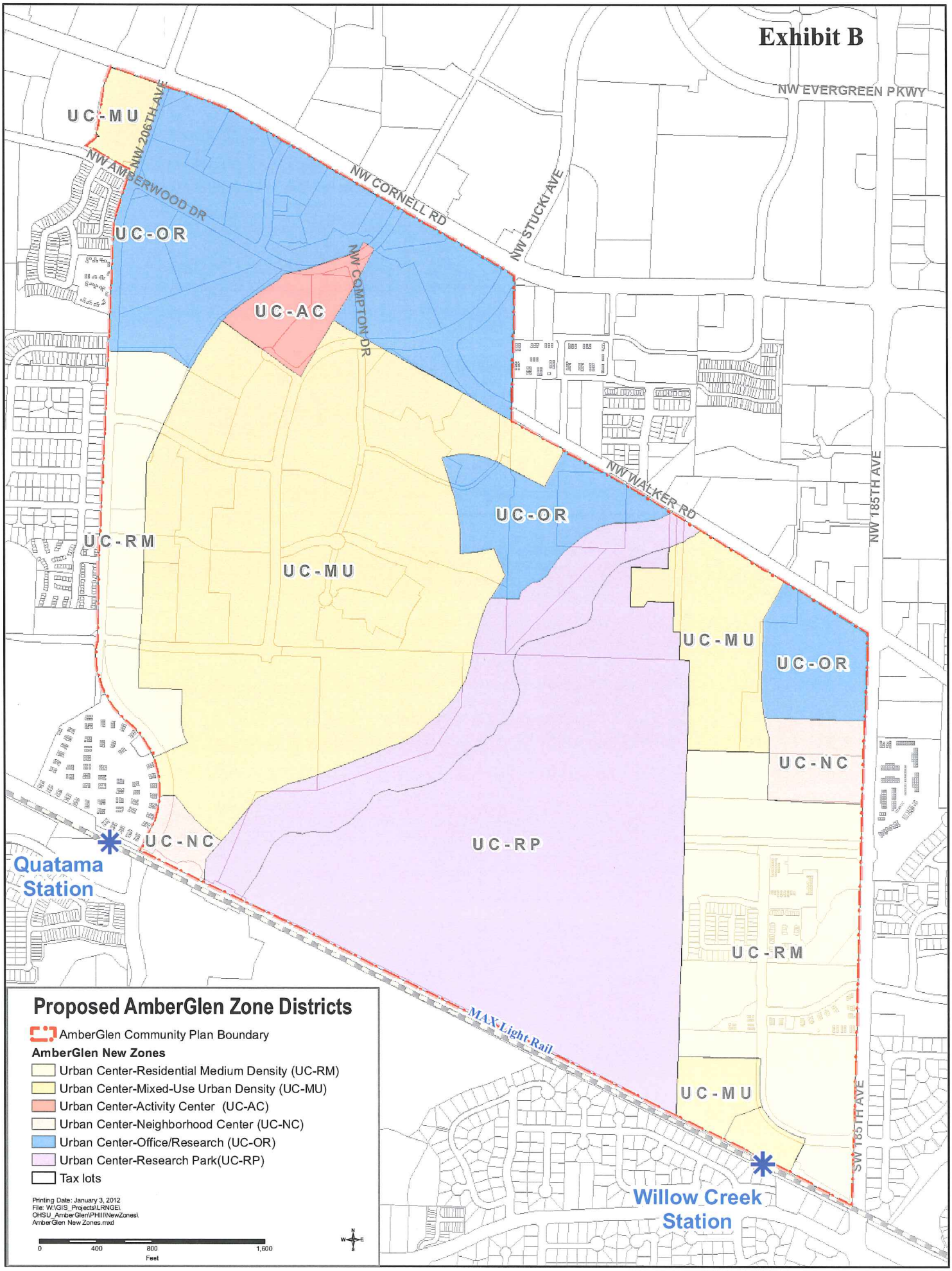
Exhibit B
NW EVERGREEN PKWY
NW 206TH AVE
NW AMBERWOOD DR
NW CORNELL RD
NW STUCKI AVE
NW COMPTON DR
NW WALKER RD
NW 185TH AVE
SW 185TH AVE
UC-MU
UC-OR
UC-AC
UC-RM
UC-NC
UC-RP
Quatama Station
Willow Creek Station
MAX Light Rail
Proposed AmberGlen Zone Districts
AmberGlen Community Plan Boundary
AmberGlen New Zones
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)
Urban Center-Research Park(UC-RP)
Tax lots
Printing Date: January 3, 2012
File: W:\GIS_Projects\LRNGE\OHSU_AmberGlen\PHII\NewZones\AmberGlen New Zones.mxd
0 400 800 1,600
Feet

AmberGlen Community Plan Area
Tax Lots to which new Urban Center Zones will be applied

1N226DD01600	1N236BC00100	1N236DD84482
1N225CC01500	1N236BC00200	1N236DD84473
1N225CC01200	1N236BC00500	1N236DD84472
1N225CC01300	1N236BC00500	1N236DD84463
1N225CC01300	1N236BD00500	1N236DD84462
1N225CC01600	1N236BD01600	1N236DD84481
1N225CC01400	1N236BC00600	1N236DD84453
1N225CC01400	1N236BD00700	1N236DD84452
1N225CC01000	1N236AC00500	1N236DD84461
1N226DD01700	1N236AC00300	1N236DD84443
1N226DD01700	1N236AC00200	1N236DD84442
1N225CD00500	1N236AC00100	1N236DD84441
1N225CC01700	1N2360004000	1N236DD84433
1N225CC00801	1N2360004000	1N236DD84432
1N225CC02000	1N2360004000	1N236DD84421
1N225CC01800	1N236BD01100	1N236DD84423
1N225CC02300	1N236BD01200	1N236DD84422
1N225CD00400	1N236BC00700	1N236DD84413
1N225CC02200	1N236BC00900	1N236DD84412
1N225CC01900	1N236BD00900	1N236DD84821
1N225CD00800	1N236BD00800	1N236DD84812
1N225CC02100	1N236BD00800	1N236DD84822
1N225CD00600	1N236BD01300	1N236DD84813
1N225CD00700	1N236BC01000	1N236DD84823
1N225CC02400	1N236BC00800	1N236DD84832
1N236BA00100	1N236BD01400	1N236DD84842
1N236BB00300	1N2360004100	1N236DD84841
1N225CD00300	1N2360004100	1N236DD84833
1N236BB00500	1N236BD01500	1N236DD84843
1N236BB01000	1N236BD01500	1N236DD84852
1N236BA00200	1N2360003403	1N236DD84862
1N236BB00600	1N2360003403	1N236DD84861
1N236BA00300	1N2360003405	1N236DD84853
1N236BB00900	1N2360003405	1N236DD84863
1N236BA00900	1N2360003404	1N236DD01100
1N236BA00600	1N236DA00100	1N236DD84973
1N236BA01000	1N236DA00200	1N236DD84872
1N236BB00700	1N236DA00200	1N236DD84972
1N236BB00800	1N236DD00300	1N236DD84882
1N236BA00800	1N236DD00700	1N236DD84953
1N236BA00700	1N236DD80000	1N236DD84952
1N236BA00700	1N236DD00200	1N236DD84933
1N236AC00400	1N236DD84483	1N236DD84932

AmberGlen Community Plan Area
Tax Lots to which new Urban Center Zones will be applied

1N236DD84913	1N236DD75141	1N236DD03400
1N236DD84912	1N236DD75151	1N236DD75931
1N236DD84983	1N236DD00900	1N236DD75921
1N236DD84982	1N236DD01400	1N236DD06600
1N236DD84963	1N236DD06800	1N236DD05500
1N236DD84881	1N236DD03800	1N236DD02000
1N236DD84962	1N236DD06100	1N236DD05400
1N236DD84873	1N236DD06000	1N236DD75911
1N236DD84883	1N236DD01500	1N236DD03300
1N236DD84943	1N236DD04900	1N236DD75671
1N236DD84942	1N236DD03700	1N236DD75661
1N236DD84923	1N236DD06200	1N236DD75651
1N236DD84922	1N236DD05900	1N236DD75641
1N236DD84981	1N236DD01600	1N236DD75631
1N236DD84961	1N236DD75841	1N236DD75621
1N236DD84941	1N236DD05000	1N236DD75611
1N236DD84921	1N236DD75711	1N236DD06700
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1N236DD00400	1N236DD75811	1N236DD02200
1N236DD70000	1N236DD75731	1N236DD02100
1N236DD07000	1N236DD75521	1N236DD76021
1N236DD01300	1N236DD06400	1N236DD03100
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1N236DD75011	1N236DD01800	1N236DD00550
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1N236DD75031	1N236DD75741	1N236DD90111
1N236DD75041	1N236DD75511	1N236DD90122
1N236DD75111	1N236DD75941	1N236DD90121
1N236DD75051	1N236DD06500	1N236DD90112
1N236DD75121	1N236DD05600	1N236DD90142
1N236DD75161	1N236DD01900	1N236DD90132
1N236DD75131	1N236DD05300	1N236DD90051

AmberGlen Community Plan Area
Tax Lots to which new Urban Center Zones will be applied

1N236DD90721
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1N236DD91311
1N236DD91321
1N236DD91111
1N236DD91042
1N236DD92821
1N236DD92812
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1S201AA03450
1S201AA03451

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 (SCRP) and Station Community Business Park (SCBP) zones designated west of Bronson Creek do not permit primary residential uses. Existing zones to 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 (1)(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.